NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:29 a.m.

REGULAR SESSION

SENATOR THOMAS F. O'MARA, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

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

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

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

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

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

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

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT O'MARA: Substitutions ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

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

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

ACTING PRESIDENT O'MARA: The

Resolution Calendar is adopted.

Senator Libous.

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT O'MARA: Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

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

SENATOR LaVALLE: Thank you.

Strength, stamina, and determination were on display on the Cooper River in Camden, New Jersey, over the Memorial Day weekend. That's when Erik Divan and Daniel O'Neill won the 2012 Scholastic National -- National -- Rowing Championship in their lightweight double sculls.

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

I talked about endurance, and that

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

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

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

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

distinguished universities soliciting them.

Good luck to both of you.

(Applause.)

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

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

ACTING PRESIDENT O'MARA: The resolution is adopted.

Congratulations, Daniel and Erik. It's an honor to have you here today. We're proud to host you. Welcome to the Senate chamber, and please enjoy your stay with us today.

Senator Libous.

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

will be put on the resolution.

ACTING PRESIDENT O'MARA: So ordered.

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

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

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

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

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

The Senate will stand at ease.

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

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

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

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

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

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

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

Corporation Law;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

All bills reported direct to third reading.

ACTING PRESIDENT O'MARA: Senator Libous.

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

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

(Response of "Aye.")
ACTING PRESIDENT O'MARA: Opposed, nay.
(No response.)
ACTING PRESIDENT O'MARA: The Rules report is accepted.
SENATOR LIBOUS: Thank you, Mr. President.
Can we now go back to motions and resolutions, please.
ACTING PRESIDENT O'MARA: Motions and resolutions.
SENATOR LIBOUS: Mr. President, there is a --
ACTING PRESIDENT O'MARA: {Gaveling.} Can we have quiet in the chamber, please.
SENATOR LIBOUS: There's a resolution at the desk by Senator McDonald, Number 5213. Could we have the title read and call on Senator McDonald.
ACTING PRESIDENT O'MARA: The Secretary will read.
THE SECRETARY: Legislative Resolution Number 5213, by Senator McDonald,

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

ACTING PRESIDENT O'MARA: Senator McDonald.

SENATOR McDONALD: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Applause.)

SENATOR McDONALD: Thank you, Mr. President.

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

Senator Little on the resolution.

SENATOR LITTLE: Thank you, Mr. President.

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

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

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

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

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

Thank you.

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

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

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

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

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

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

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

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

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

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

Senator DeFrancisco on the resolution.

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

(Laughter.)

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

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

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

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

things about him, because he's my favorite.

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

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

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

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

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

Senator Breslin on the resolution.

SENATOR BRESLIN: Thank you, Mr. President.

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

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

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

Thank you very much, Mr. President.

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

Senator Stavisky on the resolution.

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

For many years my husband and I

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

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

ACTING PRESIDENT O'MARA: Thank you.

Senator Alesi on the resolution.

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

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

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

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

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

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

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

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

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

Thank you, my colleagues.

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

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

ACTING PRESIDENT O'MARA: The resolution is adopted.

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

(Laughter.)

ACTING PRESIDENT O'MARA: So we're

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

Senator Libous.

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

ACTING PRESIDENT O'MARA: So ordered.

Senator Libous.

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

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

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

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

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

exchange for the hostages; and

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

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

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

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

ACTING PRESIDENT O'MARA: Senator

Storobin on the resolution.

SENATOR STOROBIN: Thank you.

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

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

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

Thank you.

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

Senator Carlucci on the resolution.

SENATOR CARLUCCI: Thank you,

Mr. President.

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

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

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

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

1972.

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

Thank you.

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

Senator Stavisky on the resolution.

SENATOR STAVISKY: Thank you, Mr. President.

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

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

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

To observe a moment of silence and

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

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

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

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

Thank you, Mr. President.

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed,

nay.

(No response.)

ACTING PRESIDENT O'MARA: The resolution is adopted.

Senator Libous.

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

ACTING PRESIDENT O'MARA: So ordered.

Senator Libous.

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

ACTING PRESIDENT O'MARA: Senator Ball.

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

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

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

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

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

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

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

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

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

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

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

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

(Applause.)

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

ACTING PRESIDENT O'MARA: Senator Peralta.

SENATOR PERALTA: Thank you, Mr. President.

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

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

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

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

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

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

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

Thank you, Mr. President.

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

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

ACTING PRESIDENT O'MARA: The resolution is adopted.

Senator LaValle.

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

ACTING PRESIDENT O'MARA: So ordered.

Senator LaValle.

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

ACTING PRESIDENT O'MARA: Motions and resolutions.

SENATOR LaVALLE: Mr. President,

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

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

ACTING PRESIDENT O'MARA: The amendments are received.

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

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

ACTING PRESIDENT O'MARA: The amendments are received.

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

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

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

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

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

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

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

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

ACTING PRESIDENT O'MARA: So ordered.

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

bill retain its place on the Third Reading Calendar.

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

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

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

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

ACTING PRESIDENT O'MARA: Senator Carlucci.

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

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

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

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

Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

SENATOR BRESLIN: Lay it aside.

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

THE SECRETARY: Calendar Number

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

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

Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill

is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

SENATOR BRESLIN: Lay it aside.

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

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

SENATOR DUANE: Thank you, Mr. President.

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

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

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

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

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill

is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Fuschillo recorded in the negative.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT O'MARA: Announce the results.

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

Ayes, 48. Nays, 10.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the

last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

act to amend the Insurance Law.

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill

is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the

roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the

last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

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

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

I vote yes. Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

THE SECRETARY: Calendar Number

1050, by Senator Little --

SENATOR LIBOUS: Lay the bill aside for the day.

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

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

SENATOR SQUADRON: Lay it aside.

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

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

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

Ayes, 54. Nays, 4.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 90th day.

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the

last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

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

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

ACTING PRESIDENT O'MARA: Read the

last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

act to amend the Highway Law.

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

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

The Secretary will read Calendar Number 355.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

SENATOR LIBOUS: You rang the bell, right?

ACTING PRESIDENT O'MARA: Yes.

SENATOR LIBOUS: Yeah, we're

waiting for members.

(Pause.)

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

ACTING PRESIDENT O'MARA: Without objection.

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

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

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays,

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Motions and resolutions.

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

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

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

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

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

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

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

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

"WHEREAS, Today, at the remarkable

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

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

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

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

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

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

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

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

SENATOR LARKIN: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

(Extended applause.)

ACTING PRESIDENT O'MARA: The

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

ACTING PRESIDENT O'MARA: The resolution is adopted.

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

Senator Libous.

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

(Laughter.)

ACTING PRESIDENT O'MARA: No.

(Laughter.)

SENATOR LIBOUS: Mr. President, at

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

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

Senator Libous.

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

ACTING PRESIDENT O'MARA: So ordered.

The Secretary will read.

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

SENATOR SQUADRON: Explanation.

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

SENATOR YOUNG: Certainly. Thank

you, Mr. President.

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

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

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

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

things. They do a lot of farm work also.

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

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

Seeing none, the debate is closed.

The Secretary will ring the bell.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT O'MARA: Senator Libous.

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

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

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

Absent from voting: Senator Storobin.

Ayes, 47. Nays, 11.

ACTING PRESIDENT O'MARA: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT O'MARA: The

Secretary will read.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

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

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

recorded in the negative.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

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

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

Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the

last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

Ayes, 52. Nays, 7.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

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

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

Ayes, 53. Nays, 6.

ACTING PRESIDENT O'MARA: The bill is passed.

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

Ayes, 52. Nays, 7.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

Ayes, 54. Nays, 5.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll role.

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

SENATOR SALAND: Yes, Mr. President.

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

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

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

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

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

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

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

I vote in the affirmative.

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

Senator Ranzenhofer to explain your vote.

SENATOR RANZENHOFER: Thank you, Mr. President.

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

Senator Squadron to explain your vote.

SENATOR SQUADRON: Thank you, Mr. President.

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

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

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

The underlying bill that Senator

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT O'MARA: Senator

Squadron to be recorded in the affirmative.

Senator Kennedy to explain your vote.

SENATOR KENNEDY: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

Mr. President, I vote aye. Thank you.

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

Senator Hassell-Thompson to explain your vote.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

Senator Klein to explain your vote.

SENATOR KLEIN: Thank you, Mr. President.

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

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

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

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

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

I of course vote yes, Mr. President.

ACTING PRESIDENT O'MARA: Senator

Klein to be recorded in the affirmative.

Senator Adams to explain your vote.

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

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

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

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

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

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

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

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

family environment. I will be voting in the affirmative.

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

Senator DeFrancisco to briefly explain his vote.

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

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

Thank you, Mr. President.

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

Senator Golden to explain your

vote.

SENATOR GOLDEN: Thank you, Mr. President.

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

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

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

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

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

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

Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

Senator Libous.

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

ACTING PRESIDENT O'MARA: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank

you, Mr. President.

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

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

Senator Libous.

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

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

SENATOR LIBOUS: The Senate will stand at ease.

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

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

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

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

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

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

The Senate remains at ease.

SENATOR LIBOUS: Thank you.

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

ACTING PRESIDENT SEWARD: Senator LaValle.

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

ACTING PRESIDENT SEWARD: Senator Hassell-Thompson.

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

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

ACTING PRESIDENT SEWARD: There

will be an immediate Democrat conference in Room 315.

The Senate continues to stand at ease.

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

SENATOR FLANAGAN: Senator Libous.

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

So we need members immediately in the Rules Committee meeting.

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

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

The Senate will stand at ease.

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

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

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

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

The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Libous.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Rules Committee report is accepted.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time could we take up the noncontroversial reading of Senate Supplemental Calendar 55B, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1162, by Senator Krueger, Senate Print 438A, an act to amend the Civil Practice Law and Rules.

SENATOR BRESLIN: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1163, by Senator Seward, Senate Print 2378A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1164, by Senator Ranzenhofer, Senate Print 2538A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1166, by Senator Libous, Senate Print 3758A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect 18 months after it shall have become law.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 3. Senators DeFrancisco, Gallivan and Ranzenhofer recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1167, by Senator Johnson, Senate Print 5031A, an act to provide.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1168, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 397A and substitute it for the identical Senate Bill Number 5850A, Third Reading Calendar 1168.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1168, by Member of the Assembly Gunther, Assembly Print 397A, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1169, by Senator Bonacic, Senate Print 6115, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1170, by Senator Grisanti, Senate Print 6134, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Kennedy to explain his vote.

SENATOR KENNEDY: Yes, thank you, Mr. President.

First of all, I want to thank the sponsor for carrying this legislation. I rise in support of this bill that will have a tremendously positive impact on development projects in the City of Buffalo and across New York State.

The preservation and reuse of historic structures is taking place throughout the older cities of America. The result has been job creation and economic development. We're taking advantage of our history to strengthen our economic future.

The Historic Preservation Tax Credit program has made a substantial impact in the City of Buffalo and throughout New York State. Passing this today, we're encouraging investments in aging historic structures and empowering developers to grow our economy, create jobs, and preserve our history. And those are three critical components to the future of

Buffalo and Western New York.

We need to keep this historic preservation program strong and help our communities grow stronger by further empowering successful development. We can do that by lifting the cap on historic preservation tax credits, as this bill does. We're voting for legislation that will allow developers to take on larger projects by connecting them with increased incentives.

This bill will give community-minded developers access to up to $12 million in historic preservation tax credits when they make similarly substantial investments in the prominent structures of our past. This will help developers convert vacant, deteriorating properties into innovative reuse projects that will eventually regain their status as proud historic landmarks that will generate revenues for our City of Buffalo and all of New York State.

Mr. President, I vote aye. Thank you.

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

Senator Grisanti to explain his vote.

SENATOR GRISANTI: Thank you, Mr. President.

You know, I am proud to not only sponsor but push this legislation that raises the cap on state historic tax credits. Not only does this breathe new life into important dilapidated buildings in Western New York and across the state, it provides additional tax for municipalities in the future once these projects are completed, and it provides construction jobs and permanent jobs at the end.

There has been tens of millions of dollars invested in these types of investments in Western New York, and these credits work and these credits must go forward. Without them, these historic buildings would be a shell of no hope.

These credits incentivize private investment. These projects are economic development and job growth. And in particular in my area, this bill will help projects across the and in my area of Western New York. The Central Train Terminal, the AM&A's building, the

Richardson Complex, and the Statler Hotel. These projects will give life not only to the structures but to the community as a whole.

I vote aye, Mr. President. I thank my colleagues in the Senate for supporting this piece of legislation. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1171, by Senator Oppenheimer, Senate Print 6231A, an act to amend the Highway Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1172, by Senator Hassell-Thompson, Senate Print 6458, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson to explain her vote.

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

I just rise to thank my colleagues for their support of this piece of legislation that I think will be very important to adoptive parents and would go a long way toward encouraging many more to become adoptive and foster parents into the adoptive and foster parenting class.

This is an opportunity, again, to provide some tax relief for people who take on the responsibility of adopting children. So, Mr. President, I thank you for the opportunity.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1173, by Senator Ritchie, Senate Print 6615, an act to amend the Soil and Water Conservation District Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1174, Senator Bonacic moves to discharge, from the Committee on Racing, Gaming and Wagering, Bill Number 9294 and substitute it

for the identical Senate Bill Number 6950, Third Reading Calendar 1174.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1174, by Member of the Assembly Pretlow, Assembly Print Number 9294, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1175, by Senator Larkin, Senate Print 7405, an act to authorize.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1200, by Senator DeFrancisco, Senate Print 7342, an act to amend the State Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the reading of the Senate Supplemental Calendar Number 55B.

SENATOR LIBOUS: Mr. President,

thank you kindly.

If we can go to motions and resolutions, and I would ask you to first call on Senator Breslin.

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Parker, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. Senate Number 1052B.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR BRESLIN: On behalf of Senator Krueger, on Supplemental Calendar 55B, I offer the following amendments to Calendar 1162, Senate Print Number 438A, and ask that the bill retain its place on the Third Reading Calendar.

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

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Seward, on page 33 I offer the following amendments to Calendar Number 827, Senate Print 6578A, and I ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: Mr. President, could you at this time call on Senator Hassell-Thompson, please.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

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

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

ACTING PRESIDENT GRIFFO: There's an immediate meeting of the Democratic Conference in Room 315.

Senator Libous.

SENATOR LIBOUS: Mr. President, as the Democratic conference convenes and then

immediately exits their conference, which would be at about five after 4:00, there would be an immediate Rules Committee meeting in 332. Then we will come back here and finish up for the day.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

Upon completion of the Democratic conference at approximately 4:05, all members of the Rules Committee should convene in Room 332 for a meeting of the Rules Committee.

Until such time, the Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:35 p.m.)

(Whereupon, the Senate reconvened at 4:43 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

SENATOR LIBOUS: Mr. President, may we return to reports of standing committees. I believe there's a report of the Rules Committee at the desk.

ACTING PRESIDENT GRIFFO: We will return to reports of standing committees. There is a Committee on Rules report.

The Secretary will read.

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

Senate Print 470, by Senator Nozzolio, an act to amend the Correction Law;

923, by Senator Marcellino, an act to amend the Vehicle and Traffic Law;

932, by Senator Marcellino, an act to amend the Penal Law;

1209A, by Senator Martins, an act to amend the Executive Law;

1966A, by Senator Marcellino, an act to amend the Executive Law;

2405B, by Senator Marcellino, an act to amend the Executive Law;

2466B, by Senator Libous, an act to amend the Highway Law;

2497, by Senator McDonald, an act requiring;

2629A, by Senator Marcellino, an act to amend the Public Lands Law;

2732C, by Senator Golden, an act to amend the Tax Law;

3059A, by Senator Libous, an act to

amend the Education Law;

3222, by Senator Ranzenhofer, an act to amend the Real Property Tax Law;

3747, by Senator Nozzolio, an act to amend the Correction Law;

4254, by Senator Marcellino, an act to authorize;

4625, by Senator Nozzolio, an act to amend the General Municipal Law;

4713, by Senator Nozzolio, an act to amend the General Municipal Law;

4736A, by Senator Golden, an act to amend the Tax Law;

5235, by Senator Martins, an act relating;

5240B, by Senator Maziarz, an act to amend Alcoholic Beverage Control Law;

7214, by Senator Marcellino, an act in relation;

7436, by Senator O'Mara, an act to amend the Penal Law;

7476, by Senator McDonald, an act to amend the Executive Law;

7485A, by Senator O'Mara, an act to amend the Public Officers Law;

And 7506, by Senator Maziarz, an act to amend the General Municipal Law.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Libous.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The Rules Committee report is accepted.

Senator Libous.

SENATOR LIBOUS: Mr. President, before we go to the calendar, could we go back to motions and resolutions, please.

ACTING PRESIDENT GRIFFO: We'll return to motions and resolutions.

SENATOR LIBOUS: Would you please call on Senator Breslin.

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Dilan, I wish to call up Senate Print Number 1345, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 617, by Senator Dilan, Senate Print 1345, an act to amend the Social Services Law.

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

ACTING PRESIDENT GRIFFO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

SENATOR BRESLIN: Mr. President, I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Zeldin, I wish to call up his bill, Senate Print 4442A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 215, by Senator Zeldin, Senate Print 4442A, an act to authorize.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

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

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR LIBOUS: On behalf of Senator Saland, Mr. President, on page 14 I offer the following amendments to Calendar Number 343,

Senate Print 6548, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: And on behalf of Senator Little, on page 23 I offer the following amendments to Calendar Number 599, Senate Print Number 6826, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe we have before us Senate Supplemental Number 55C. At this time could we commence with the noncontroversial reading of that supplemental calendar.

ACTING PRESIDENT GRIFFO: The Secretary will begin to read Senate Supplemental Calendar Number 55C.

THE SECRETARY: Calendar Number 1176, by Senator Nozzolio, Senate Print 470, an act to amend the Correction Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2 --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1177, by Senator Marcellino, Senate Print 923, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1178, by Senator Marcellino, Senate Print 932, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Duane to explain his vote?

SENATOR DUANE: I'm sorry, I --

ACTING PRESIDENT GRIFFO: Senator Duane, one minute, please.

{Gaveling.} Can I have some order in the chamber, please.

Senator Duane.

SENATOR DUANE: If I could have a point of information, what number are we on right now?

ACTING PRESIDENT GRIFFO: We're on Calendar Number 1178, sponsored by Senator Marcellino, Bill Number 932.

SENATOR DUANE: And, Mr. President, we're on the roll call now?

ACTING PRESIDENT GRIFFO: We are on the roll call.

THE SECRETARY: In relation to Calendar Number 1178, those recorded in the negative are Senators Duane, Hassell-Thompson,

Montgomery and Perkins.

Ayes, 55. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1179, by Senator Martins, Senate Print 1209A, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 1179, those recorded in the negative are Senators Adams, Avella, Diaz, Dilan, Duane, Hassell-Thompson, Montgomery, Peralta, Perkins, Rivera, Serrano, Squadron, Stavisky and Stewart-Cousins. Also Senator Parker.

Ayes, 44. Nays, 15.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1180, by Senator Marcellino, Senate Print 1966A, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1181, by Senator Marcellino, Senate Print 2405B, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on April 1, 2013.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1182, by Senator Libous, Senate Print 2466B, an act to amend the Highway Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1183, by Senator McDonald, Senate Print 2497, an act requiring.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1184, by Senator Marcellino, Senate Print 2629A, an act to amend the Public Lands Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1185, by Senator Golden, Senate Print 2732C, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Montgomery to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President, to explain my vote.

I just would want to make sure that we understand that this bill represents a reduction of $250 million in education funds that should go to public education but that will theoretically, through this program of the Tax Incentive Act, will be allowed to be spent on private education as well as parochial schools in the state. Which this is a back-door way of funding parochial and private education with public education dollars.

So I'm voting no, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 1185, those recorded in the negative are Senators Montgomery, Parker, Perkins and Rivera.

Ayes, 55. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1186, by Senator Libous, Senate Print 3059A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1186, those recorded in the negative are Senators Avella, Ball, Bonacic, DeFrancisco, Gallivan, Hannon, Hassell-Thompson, Martins, Montgomery, Oppenheimer, Parker, Perkins, Ranzenhofer, Rivera, Saland and Serrano.

Ayes, 43. Nays, 16.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1187, by Senator Ranzenhofer, Senate Print 3222, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1188, by Senator Nozzolio, Senate Print 3747, an act to amend the Correction Law.

SENATOR RIVERA: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1189, by Senator Marcellino, Senate Print 4254, an act to authorize.

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1190, by Senator Nozzolio, Senate Print 4625, an act to amend the General Municipal Law.

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Hassell-Thompson recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 1191, by Senator Nozzolio, Senate Print 4713, an act to amend the General Municipal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1192, by Senator Golden --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1193, by Senator Martins, Senate Print 5235, an act relating.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson to explain her vote.

SENATOR HASSELL-THOMPSON: No, not to explain my vote. For a point of order. But I'll wait until you finish the roll call.

ACTING PRESIDENT GRIFFO: Complete the roll call.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Hassell-Thompson, why do you rise?

SENATOR HASSELL-THOMPSON: Mr. President, I think that I voted incorrectly on one of the bills. And for some reason, the speed with which I think we need to go may be important, but it's deleterious to us that are really trying to follow.

So I would just like to ask permission without prejudice be allowed to change my vote.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson, what bill are you asking for consideration on?

SENATOR HASSELL-THOMPSON: My intent was to have voted no on Bill Number 2645 and vote yes on Number 4713.

ACTING PRESIDENT GRIFFO: We're going to review the roll call.

Senator Libous.

SENATOR LIBOUS: She's withdrawn her point of order.

ACTING PRESIDENT GRIFFO: The point of order is withdrawn.

SENATOR HASSELL-THOMPSON: Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Hassell-Thompson.

The Secretary will continue.

THE SECRETARY: In relation to Calendar Number 1194, Senator Maziarz moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number

7622B and substitute it for the identical Senate Bill Number 5240B, Third Reading Calendar 1194.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1194, by Member of the Assembly Magee, Assembly Print 7622B, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1194: Ayes, 58. Nays, 1. Senator Diaz recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1195, by Senator Marcellino, Senate Print 7214, an act in relation.

ACTING PRESIDENT GRIFFO: There is

a home-rule message at the desk.

The Secretary will read the last question.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1196, Senator O'Mara moves to discharge, from the Committee on Codes, Assembly Bill Number 10204 and substitute it for the identical Senate Bill Number 7436, Third Reading Calendar 1196.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1196, by Member of the Assembly Lifton, Assembly Print 10204, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1197, Senator McDonald moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 2102A and substitute it for the identical Senate Bill Number 7476, Third Reading Calendar 1197.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1197, by Member of the Assembly Lavine, Assembly Print 2102A, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1198, by Senator O'Mara, Senate Print 7485A, an act to amend the Public Officers Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1199, by Senator Maziarz, Senate Print 7506, an act to amend the General Municipal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR LIBOUS: Mr. President, at this time could we have the controversial reading of Supplemental Calendar 55C, please.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1176, by Senator Nozzolio, Senate Print 470, an act to amend the Correction Law.

ACTING PRESIDENT GRIFFO: Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President. If the sponsor would yield for a few questions.

ACTING PRESIDENT GRIFFO: Senator

Nozzolio, do you yield?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President.

Through you Mr. President, could you tell me, Senator Nozzolio, first of all, how much tax revenue would this measure give the state?

SENATOR NOZZOLIO: There are approximately, Mr. President, $25 million of sales at the correctional facility commissaries throughout our state.

The legislation before us requires that the State of New York collect tax on those commodities that otherwise would be taxable in the private sector at any drug or convenience store. That those items sold at commissaries, if they are so similarly taxed at those stores in this state, they should also be taxed at the commissaries of our correctional facilities.

There are over approximately $25 million of sales at the commissaries each and

every year. And I'm sure my colleague could do the math in terms of the potential sales tax revenue lost because those transactions are not taxed under current law.

ACTING PRESIDENT GRIFFO: Senator Rivera.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Can we have some order in the chamber, please, so the members can hear the exchange.

Thank you.

Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President.

Through you, Mr. President, if the sponsor could tell us what are some of the items that are available at commissaries that incarcerated individuals would purchase at commissaries.

SENATOR NOZZOLIO: Mr. President, it's my understanding that depending on the individual commissary, the individual prison, there are items that you would normally see at your local pharmacy in terms of non-medicine or non-medicated-type products at your typical convenience store; those products that would normally be sold, whether they be something as mundane as ChapStick or something as serious as tobacco products. I'm not certain what the commissary policy is at this moment on tobacco products. But that is akin to a product that would be subjected to tax, sales tax under this situation.

I also should add, Mr. President, that it's not unusual for the State of New York to -- as a matter of fact, there's significant precedent, when the State of New York sells a good directly, that that good is in fact taxed.

Just recently, when Governor Cuomo engaged in the sale of surplus state property and that the Office of General Services administered the sale to the public of those products, the state did in fact charge a sales tax.

So that I think that this bill

certainly is well within the framework of precedent.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR RIVERA: Thank you so much, Mr. President.

Items that are available in the commissaries are things like shampoo, toothpaste, socks, deodorant, laundry soap, all the things just like you mentioned. Through you, Mr. President, would you consider these items discretionary?

SENATOR NOZZOLIO: Mr. President, that products such as those are already provided in certain quantities to prison inmates.

And that I believe every item that's sold at a convenience store, otherwise known as a commissary in our prison system, is in fact a discretionary item. That there are no necessities that are being withheld from our

prisoners in this state. That they are fed, they are clothed, they are housed, they are provided certain elementary hygiene items, and that that is what the taxpayers now provide.

At the commissaries there are, Mr. President, there are more discretionary items that are sold. And when those items are sold, this bill says they should be taxed, just as they should be taxed -- or just as they are taxed for any of Mr. Rivera's or any of the constituents that we represent in this chamber.

Any of our constituents who went to a store and purchased those items, they would be taxed. Yet we have a system that has over $25 million of sales annually that serves individuals who are not subject to that tax.

So this legislation tries to remedy that inconsistency. And that's certainly our intention in proffering it, Mr. President.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR NOZZOLIO: Yes,

Mr. President.

SENATOR RIVERA: Thank you, Mr. President. Through you, Mr. President.

When these items are purchased by the Department of Corrections, does the State of New York pay taxes on them?

SENATOR NOZZOLIO: I'm advised by counsel that they do not.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR RIVERA: Thank you, Mr. President.

Now, these taxes, let's hypothetically say that this bill passes, it becomes law, these taxes are -- every purchase includes these taxes. Where is that tax revenue going to go? Through you, Mr. President.

SENATOR NOZZOLIO: Mr. President, the items taxed and the taxes taken by the sale of these items in our state commissaries would go into the General Fund and be used by the taxpayers of this state in a general way. Just

as every tax revenue goes into that stream.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR RIVERA: Thank you, Mr. President. Through you.

Where do incarcerated individuals get income? How do they actually get -- I mean, how do they pay for their items at the commissaries? Where does that money come from, and how is it spent? Let's talk about where it comes from first.

SENATOR NOZZOLIO: Mr. President, Senator Rivera raises a very interesting point. That the inmates who are purchasing these items have revenue sufficient to buy those items.

The question is certainly saying if they had the income sufficient to purchase those items in the first place, then just like every constituent in this state, if they have the wherewithal to pay for the item, to purchase it,

they also should have the responsibility of paying the tax that's on that item.

And inmates come into this system through a variety of ways. Some are people of means, some are people of no means. Some people work within our correctional facilities; some do not, as their choice.

So I think it depends, Mr. President, in response to Senator Rivera's question, it depends on the individual inmate.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR RIVERA: Thank you, Mr. President. I obviously was not clear enough in my question.

First of all, I did not mean to suggest that, as you said, they have the ability to purchase these items. If I'm not mistaken, please correct me if I'm wrong, but we pay inmates about 10 to 20 cents per hour if they

work in the prison system. Is that correct? Through you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, I'm not sure what the hourly wage is for those inmates who are working, but I do know this. That the products that are purchased by the inmates are similar products that are purchased by non-inmates. The non-inmates we represent are paying the tax. What the non-inmates, the citizens of this state, the taxpayers of this state are saying is: Why should we pay the tax when prison inmates are buying the same product I'm buying, and they're not paying one cent of taxation on that same product?

So I don't think it's a question, Mr. President, of income; it's a question of equity and who in fact is paying the type of product necessary. And that's determined by the purchaser. That purchaser should have to pay the same amount of tax whether they're behind prison bars as they do if they're out on the street and paying as productive members of society.

SENATOR RIVERA: Through you,

Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR RIVERA: So if an incarcerated person can't purchase something from the commissary because either they have nothing in their commissary budget allocation or it's more than what they have in the commissary allocation, then what happens with that purchase?

SENATOR NOZZOLIO: Mr. President, I believe that Senator Rivera is asking a question about the individual choice of an inmate. The inmate is choosing to purchase the product.

We're simply saying it's the inmate's choice. There's no requirement that the inmate purchase a product from the state commissary. If the inmate makes that decision, then the inmate should have to pay the same type of tax that a law-abiding citizen has to pay in this state when they make the same decision to

purchase a product.

Let me reiterate, Mr. President. This is a way that New York State can ensure that there's at least, at the very least, equity between those who break the law and those who don't. In a sense, we're giving those who break the law a tax-free opportunity to purchase products. Those who do not break the law, those who abide by the law, buying the same product are subjected to tax.

Now, the equity is what this legislation is designed to establish. I know that anyone who votes against this legislation is going to have to answer that question: How can you allow someone who is behind bars, who has broken the law, to buy something from a state-run commissary when someone outside the wall who has obeyed the law, who is trying to make ends meet, who is paying their taxes, in effect as a taxable event, they have to pay the sales tax. They didn't break the law. Those who break the law do not have to pay the sales tax.

That incongruity, that inequity is what this legislation is all about. It's not about how much a prison inmate makes while

they're working, if they are working. Working is not mandatory, Mr. President. It's about the equity of the system as it exists today.

SENATOR RIVERA: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR RIVERA: Thank you, Mr. President.

First of all, I guarantee you that I fully intend to answer that question when I speak on the bill, but I have just a few more before I do that.

If the incarcerated individual either does not work, cannot work, for whatever physical reason, or works but does not have enough in the commissary account to be able to purchase what he or she may feel they need to purchase, is there any other way that the commissary account is refilled? Is there some way that that happens?

SENATOR NOZZOLIO: Mr. President, those accounts can be filled or contributed to by an inmate's family, an inmate's friends. There

can be money deposited in an inmate's account not simply from an inmate himself.

ACTING PRESIDENT GRIFFO: Senator Rivera.

SENATOR RIVERA: Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator Rivera on the bill.

SENATOR RIVERA: Thank you, Mr. President.

First of all, thank you, Senator Nozzolio. I know we've debated this on the floor twice, we've debated it in committee many times, and I'm sure we will do so for many years to come.

I probably will not be surprising anyone by saying that I'm going to be voting in the negative on this bill very strongly. But Senator Nozzolio raised some important questions, so I want to make sure that I answer them.

First of all, the Department of Corrections does not provide an unlimited amount of items that people that are incarcerated need every single day. Whether we're talking about socks or soap or toothpaste or shampoo or

deodorant, these are not discretionary purchases. Tobacco certainly is. But these are not discretionary purchases.

I know that I can only use a pair of socks for a few months before I have to get a new pair. Now, if you have only one pair, imagine what that will do. You probably have to get a couple of new pairs of that.

So if we're talking about the products that these individuals are purchasing, it's products that they require every single day to be able to do the things that -- to be able to keep socks on their feet or be able to wash their teeth, wash their clothing, et cetera. These are not discretionary products and not discretionary purchases. That's the first thing.

Second, Senator Nozzolio goes at length to talk about how we tax those -- how this is meant to create a certain level of equality, in that you will be taxing people that are incarcerated in the same way that non-incarcerated people are taxed. There are many, many problems with this position.

Number one, somebody that is outside of prison does have the choice to change

employment. They don't have the choice when they are incarcerated. They might be able to get another job to be able to have more money to make the purchases that they might want to make. Somebody that's incarcerated cannot make that choice.

Furthermore, because the accounts are replenished, as Senator Nozzolio admitted, by family members -- so through your own logic, we are ultimately making their family members, who are not the ones who broke the law, right? The individuals inside the prison are the ones that broke the law. And yet we are giving it right back to their families, because their families are the ones that are replenishing the funding that is in these accounts.

Again, these are not discretionary purchases. These are purchases that these folks require.

Also, the amount of revenue that we're talking about is really an insignificant amount. It is not a significant amount of revenue.

We're going to be talking today about another bill -- and I'm sure that we will

have another fun conversation regarding family reunification -- and that is another bill that is meant in the same vein as this one. And I believe it's not only bad policy, but it is ultimately overly punitive and ultimately vindictive.

These individuals, we've taken away their freedom because they've committed a crime. As well as we've determined, both in this chamber and the other one, that certain people that commit certain crimes should be incarcerated. I certainly agree with that. Their freedom has already been taken away.

On top of that, as what I see ultimately not as good policy but as a vindictive and punitive act, we want to then take some folks that make 10 to 20 cents an hour on any type of employment that they have -- Mr. President, I believe that I might have a question.

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

SENATOR BALL: Mr. President, if the speaker would just briefly yield.

ACTING PRESIDENT GRIFFO: Senator Rivera, do you yield?

SENATOR RIVERA: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Ball.

SENATOR BALL: Mr. President, through you. So it was just the other day that the Senator suggested that libraries should pay the MTA payroll tax?

SENATOR RIVERA: Through you, Mr. President, I believe the bill that you're referring to was one -- the point that I was making on the floor --

SENATOR BALL: Just a yes or no.

ACTING PRESIDENT GRIFFO: Senator Ball.

Senator Rivera, you may complete your answer.

SENATOR RIVERA: If I am not mistaken, the bill that Senator Ball is referring to was a bill in which there was funding that would go to the MTA because of a particular payroll tax that would -- the point that I was making was that we needed to make sure that we had thoughtful conversations about how to fund the MTA and how to fund transit.

I believe that that was the bill that you're referring to, and the point that I was making on the floor then was that we need to be thoughtful as it relates certainly to the people that use mass transit, the hundreds of thousand of people in my district and across the entire state, that we should be thoughtful about the funding that we put towards MTA and making sure that we secure that they have a fair amount of funding so that they can operate effectively and efficiently.

ACTING PRESIDENT GRIFFO: Senator Ball.

SENATOR BALL: So, Mr. President, if the speaker would continue to yield. Just following through on the logic, so the suggestion is that the libraries should pay the MTA payroll tax but criminals, convicted felons should not pay sales tax?

ACTING PRESIDENT GRIFFO: Senator Rivera.

SENATOR RIVERA: Through you, Mr. President, I was just informed by my staff that I actually voted for that bill to cut the tax for the libraries.

And the point that I was making on the floor was that even though I was voting in favor of this bill to take away that -- I believe it was $1.6 million, maybe? It was an amount that was maybe higher. And the point that I made on the floor, and I would certainly refer to the record, was that it would have a larger impact if we took it away from the libraries than it would have on the MTA.

So I voted for the bill, and I voted to cut the taxes for the libraries so that they would not be impacted, at the same time making the argument that -- and you can go back on record, Senator Ball, and look at my vote on that and my comments, that even though there was -- I was saying that we should cut the taxes for the libraries on that point, that we needed to have a longer conversation about thoughtfully funding the MTA fully.

ACTING PRESIDENT GRIFFO: Senator Ball.

SENATOR BALL: Mr. President, I very specifically remember the Senator talking about the fact that the MTA was going to be in dire straits because this revenue, which is also

known as a tax increase, was not going to -- no longer be pulled from our local libraries. And I just wanted to make sure that the logic doesn't stand up, which in my opinion it doesn't.

I see that you're very upset that convicted felons are going to have to pay a sales tax, but at the end of the day you believe that these local libraries should have to continue to pay the MTA payroll tax, regardless of how you voted. And that was clear on the record.

So I just want to make sure that the logic doesn't stand up, because I was -- I just wasn't following it. But that's okay, that's why you're on that side and I'm over here.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Ball.

Senator Rivera, I believe you were concluding on the bill.

SENATOR RIVERA: Oh, I wasn't going -- now I'm not going to conclude. I have a couple more things, just for clarification purposes.

First of all, Senator Ball, I would

point you to the record. I voted for that bill and I voted for the tax cut for the libraries. I made the point on the floor that it would have a positive impact on the libraries, while at the same time arguing that we need to have a thoughtful conversation about how fully to fund the MTA.

So I would -- unfortunately, you are mistaken. I made that argument on the floor. I'm very certain that it is consistent.

On this particular bill, to speak again about this, I do not believe that there is a good policy reason to pursue this particular piece of legislation unless we are thinking strictly in a vindictive and punitive way. To say that the -- to equate what happens inside prison to the life that the rest of us have out here -- and I have to be honest, Senator Nozzolio. You make it seem like a very pleasant place inside of prison by saying that they are tax-free, that they live in there as though they didn't have their liberty completely taken away from them.

And as we have discussed in the past, I certainly agree that there are

individuals that should remain in prison because they have yet to pay their debt to society and in a lot of ways sometimes they are a danger if they are among the general population.

But to argue in this particular case for purchasing items that a lot of them need every single day to be able to wash themselves and not be stinky, things that we take for granted out here, to say that we should impose a tax on them that many of them will not be able to pay because of what we pay them -- 10 to 20 cents an hour for the work that they do -- I believe ultimately it is a punitive and vindictive piece of legislation that doesn't really address any real policy concern.

So again, I believe that ultimately what we're doing is we're denying them the ability to purchase many of these items which are for daily use and are not discretionary. Tobacco is certainly a discretionary item, and we would agree on that. But I do not think that socks or deodorant or laundry soap are things that people don't need. They need them.

And to impose this tax, we would already take a population who we've taken liberty

away from them -- and in many instances it is absolutely warranted. But to then take the extra step seems overly vindictive, overly punitive, and ultimately not good policy.

So, Mr. President, again, I will shock you; I will be voting in the negative on this piece of legislation. Thank you.

ACTING PRESIDENT GRIFFO: Senator Ruth Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. I just have one question, if Senator Nozzolio will yield.

ACTING PRESIDENT GRIFFO: Senator Nozzolio, do you yield?

SENATOR NOZZOLIO: I'd be happy to yield, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you.

Senator Nozzolio, I want to be very clear. I heard you talk about how people who had not committed any crimes were expected to pay taxes as part of being law-abiding citizens. But is it not true that those persons who are not

incarcerated pay taxes on things that are called taxable items, whereas those who are in prisons, the items that you're asking them to pay tax on are not taxables to the prison itself?

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, I thank Senator Hassell-Thompson for that question. That it is the intention of this legislation to require taxation only on those taxable items that are in fact required to be taxed outside the prison wall.

So if they were taxed outside the prison, they were qualified for the tax, the tax was in fact on the transaction of the acquisition of that product, then the similar tax for the similar acquisition should be required in prison. Not something different, the same.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: I did say one question.

(Laughter.)

SENATOR HASSELL-THOMPSON: I would like to ask Senator Nozzolio to continue to be

available to answer a question, because I'm not clear --

ACTING PRESIDENT GRIFFO: Are you asking him to yield for an additional question?

SENATOR HASSELL-THOMPSON: Yes.

ACTING PRESIDENT GRIFFO: A follow-up question, Senator Nozzolio.

SENATOR NOZZOLIO: Of course, Mr. President. Certainly.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Senator Nozzolio. I'm not sure -- through you, Mr. President -- that I'm clear about how you answered. The answer I heard -- I never say what you said, I say what I heard. What I heard was that those items that would be taxable outside would be those same items that you would request that they be taxed inside. But I don't think that was my question.

When items go into a store, whether it's Walmart, Stop 'N Shop, whatever, and those items are given a certain value and considered to be taxable by the state, is that same expectation of those items that are given to prisons? That's

the question. Because -- is there an expectation that those are taxable items within the prison as we now know it?

SENATOR NOZZOLIO: Mr. President, I'd be glad to address that issue. And I understand what Senator Hassell-Thompson is -- what the line of her inquiry is.

She's asking, in effect, does the state as a wholesaler, by buying product and placing it in the commissaries, is in fact being taxed. Versus a for-profit enterprise.

And the difference, if I may try to clarify, is between a for-profit enterprise, whether it be a regional pharmacy, whether it be a regional or an individual convenience store -- those are for-profit enterprises. They are acquiring product in a for-profit way for redistribution and sale.

That the difference is the state is in fact a nonprofit enterprise, a not-for-profit enterprise, just as every unit of government and just as many not-for-profits like a church, for example. If a church, the Salvation Army, the Boy Scouts, other not-for-profit enterprises acquired product and then sold those products,

they would in fact be subject to the sales tax at the transaction level in terms of the sale of those items.

But -- so the distinction Senator Hassell-Thompson is asking about, Mr. President, gets to the nonprofit versus profit organization. And the state is in fact a nonprofit organization. Just as when the state bought a police car. And did it pay tax for that police car? No.

But when the state, under Governor Cuomo's new policy of trying to maximize revenue for the state, when the state sold that surplus police car that had gone through its useful life and they sold that police car, the purchase of that former police car was in fact a taxable transaction. And when the state recently sold that police car, it collected a sales tax as a result of the acquisition.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. Through you, if Senator Nozzolio would continue to yield.

ACTING PRESIDENT GRIFFO: Senator

Nozzolio, do you continue to yield?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Senator Nozzolio, I'm sure that you're getting good advice from counsel that the statement that you just made is correct. But I think you're wrong.

But my question, Senator Nozzolio --

ACTING PRESIDENT GRIFFO: You may proceed, Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you. But my question, then, if the state as a not-for-profit then sells items in the commissary to the inmate, you're saying that it then can tax itself? Because it's the entity within the prison that -- the commissary. So you're asking the state to tax itself.

And then the question becomes -- and I think I heard Senator Rivera trying to figure out where does that money go in terms of the request that you're making. Because you're asking the state to tax itself. That's what

you're really asking.

SENATOR NOZZOLIO: Mr. President, if I may observe that Senator Hassell-Thompson's characterization of the transaction being paid for by the seller is an inaccurate perception. The transaction is in fact paid for by the purchaser of that product. And the tax on the transaction is a tax basically on those who are buying the product, not those who are selling the product.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. If Senator Nozzolio -- please, if you'd continue to --

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson, are you asking Senator Nozzolio to yield?

SENATOR HASSELL-THOMPSON: Yes.

ACTING PRESIDENT GRIFFO: Senator Nozzolio, do you continue to yield?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you.

Okay, you're correct in defining how I characterized the question. But that still doesn't mean that you answered the question. The point is that the entity of the commissary belongs to the State of New York. So the State of New York, as a not-for-profit, provides goods to the commissary. Am I correct so far?

SENATOR NOZZOLIO: The -- yes, it's my understanding that's how the commissary receives its goods. The state acquires those and places them in the commissary for sale.

SENATOR HASSELL-THOMPSON: Through you, Mr. President. And at the time that those items are placed in the commissary, is there a sales tax that is in fact imposed?

SENATOR NOZZOLIO: I apologize, Mr. President. Would Senator Hassell-Thompson repeat that question?

ACTING PRESIDENT GRIFFO: Would you please repeat the question, Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Yes. Through you, Mr. President.

Senator Nozzolio, the question was so at the time that the items are placed in the commissary, there is an assumption at this moment that those products, when purchased by inmates, would or would not be taxable?

SENATOR NOZZOLIO: Under the current law, Mr. President, that the items sold to prison inmates are not taxable --

SENATOR HASSELL-THOMPSON: They're tax-free.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson, please allow the question to be answered.

Senator Nozzolio.

SENATOR NOZZOLIO: Let me reiterate that under the current law, the items sold in our state prison commissaries are not subjected to taxation by the purchasers of those products.

This law changes that. So that the transaction under state law would be altered so that any product acquired in the commissary that would otherwise be taxed outside the commissary, outside the prison, would in fact be treated in the same way inside the prison.

SENATOR HASSELL-THOMPSON: A final question, Mr. President, if Senator Nozzolio will yield.

ACTING PRESIDENT GRIFFO: Does the Senator yield to a final question?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

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

Where would be the tax dollars go, then, Senator Nozzolio, according to the bill, if it were to pass?

SENATOR NOZZOLIO: Again, Mr. President, I'm sorry, I did not hear the end of that question.

ACTING PRESIDENT GRIFFO: She had asked where the tax dollars would go.

SENATOR NOZZOLIO: As I indicated to Senator Rivera, Mr. President, that the tax dollars acquired by the transaction sold at prison commissaries would be going into the General Fund.

SENATOR HASSELL-THOMPSON: Thank

you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Hassell-Thompson.

Senator Storobin.

SENATOR STOROBIN: I just want to say that if you ask almost any of our constituents, they will tell you that these monies are much better spent helping our small businesses and helping our working families than helping our felons.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Storobin.

Seeing and hearing no other Senators wishing to be heard, debate is closed.

The Secretary will ring the bell.

Can I have some order in the chamber, please {gaveling}.

We are ringing the bells, Senator Libous, to bring members to the chamber to take a vote on Senate Bill 470 by Senator Nozzolio.

SENATOR LIBOUS: Thank you.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Robach to explain his vote.

SENATOR ROBACH: Yes, Mr. President, very quickly.

You know, I listened to the debate and it was very interesting. But you know what is amazing to me, we see the same facts but come to a different conclusion.

I find it ironic that if a family of an inmate were to go to the store on the way to the prison, they would have to pay the sales tax for the very inmate. But under existing law, it's actually more beneficial, when it comes from a taxation standpoint, to be incarcerated.

And the idea that these people got plucked off the street arbitrarily, post-conviction, and they're somehow the victim is ridiculous.

As far as where the money would go, doesn't it make sense to treat them equitably so we have more resources to go to programs which

New York has, like education and other things, to try and keep people out of prison instead of worrying about violating the rights of people who have already violated other law-abiding citizens on the outside?

So I applaud Senator Nozzolio for bringing this very good bill to the floor and am very happy, on logic and merit, to vote yes for this bill.

Thank you, Mr. President.

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

Again, we're on explanation of votes. You have a two-minute explanation.

Senator Montgomery to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President, within two minutes.

Certainly we've had this debate for so many times, so many sessions. And we all know, one, Senator Nozzolio admits that it does not really raise any money. So whoever thinks that we're raising taxes to be spent elsewhere, it's not even significant. So it's not about that.

And we know that it is legislation which is meant as a punitive measure, has nothing to do with the economy of our state. And certainly it's taxation on the least able in our state, the most vulnerable, the lowest possible -- people who earn less than slave wages. That's who we're trying to tax. Shame on Senator Nozzolio. I vote no.

ACTING PRESIDENT GRIFFO: Senator Montgomery, please refrain from those type of comments in the chamber.

Senator Diaz, please have a seat for a minute.

Senator Montgomery, I'm going to admonish you, from now on -- Senator Libous? Senator Montgomery, you will be recorded in the affirmative. Please keep your points germane.

SENATOR MONTGOMERY: I am voting no on the bill, Mr. President.

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

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, I ask permission to explain my vote.

ACTING PRESIDENT GRIFFO: Senator

Nozzolio to explain his vote.

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

The only thing worse than taxation is taxation that's administered unfairly, unevenly. And that that is exactly what this measure is trying to remedy.

Crime victims pay for sales tax items that they buy at a convenience store. Those who have been raped, robbed, murdered -- not murdered -- raped, robbed or been victimized by in fact a murderer and their family pay the sales tax. Those who commit the crime, who commit those felonies that require incarceration in the first place, are in fact exempt from the sales tax.

Mr. President, tell me how that makes sense, how it is logical, how it is fair. I defy anyone in this chamber to indicate that crime victims should be paying this tax and, by the same token, those who perpetrated the crime should be exempt.

Mr. President, that's why I put this legislation before us. I'm honored to have the opportunity to debate and explain it in this

great house. And I ask my colleagues to think about the crime victim -- and particularly those who may not support this legislation to say how can you justify charging the crime victim the tax while the perpetrator of the crime is exempt from that same transaction and taxation. I vote aye, Mr. President.

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

Senator Diaz to explain his vote.

SENATOR DIAZ: Thank you, Mr. President.

I'm just -- I just had to agree that the prisoners that are already behind bars, they deserve to be there sometimes. I'm worried about their families. The mothers, the parents. Because the one that we are putting the burden with those taxes is not the inmate. It is not -- they don't make the money. The inmates depend on their relatives to send them some money so they could buy what they need sometimes.

And what we're doing, what we're doing here with this piece of legislation, we're putting a burden on their families, not on them. They deserve to be there. They committed a

crime, they deserve to be there. They're not the most vulnerable like Senator Montgomery said. No, they deserve to be there.

I'm worried about the burden, again, that we are placing on their relatives. They are the ones that are going to be in charge of sending money and covering all the expenses.

So therefore that's why I'm voting no. And I think that we should be more careful and we should be more concerned with the relatives and not trying to take so much -- put so much pressure on the inmate to punish the relatives. The relatives, sometimes they are -- you know, it's not their fault that they're there.

So, ladies and gentlemen, be a little more humane with the relatives of the inmates. So I'm voting no.

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

Senator Parker to explain his vote.

SENATOR PARKER: Yes, Mr. President, to explain my vote.

I want to thank Senator Nozzolio for bringing up this bill. And I appreciate

where he's coming from. And the notion of trying to equalize things out both for the state and for crime victims I think is the right intent.

I'm not clear that this is the right bill, so I'm going to be voting no. I think that we're trying in this particular case to get blood from a stone. But I think we also need to rethink how we deal with criminal justice.

If in fact we want to honor victims of crimes and help crime victims, then let's build a better society. And I know we're all dedicated to that here. But instead of trying to add heaping punishment on top of punishment, we ought to do more to expand education and access to education. We need to be doing more to expand economic opportunity. We need to be doing more to provide social service for those who are falling through the cracks. We need to provide more for people who have problems with drugs and alcohol. We need to do more for people who have developmental disabilities and for people who have mental illness.

By doing those things, we in fact create an environment in which less crime

happens, where less crime victims are created, and where we can all live in the world that we'd like to see the Empire State become.

ACTING PRESIDENT GRIFFO: Senator Parker to be recorded in the negative?

SENATOR PARKER: Yes.

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 1176, those recorded in the negative are Senators Diaz, Dilan, Duane, Gianaris, Hassell-Thompson, Montgomery, Oppenheimer, Parker, Peralta, Perkins, Rivera, Serrano, Smith, Squadron, Stavisky, and Stewart-Cousins.

Ayes, 43. Nays, 16.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe Calendar Number 1188 is next up. Could we lay that aside for the day.

ACTING PRESIDENT GRIFFO: Calendar Number 1188 will be laid aside for the day.

SENATOR LIBOUS: And then we could

then finish up this calendar and do 1192, by Senator Golden, at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1192, by Senator Golden, Senate Print 4736A, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes, I vote no. I don't believe in price fixing of any type, shape or form, and that's what this does. So I vote no.

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

Senator Golden to explain his vote.

SENATOR GOLDEN: Thank you, Mr. President.

We had this debate last year on this bill, and I'm glad to see that the bill has moved. If you think about it, what we're doing here is moving handling fees from 12 to 14 cents a pack of cigarettes. What it does do in this great state, manage to keep companies here, real jobs that are staying here in this great city and state, to make sure these Teamsters have these jobs going forward and being able to have the products that they service and get dollars that they have not gotten since 1999.

So this is an increase of 14 cents on a pack of cigarettes to allow these companies to stay here. They're bonding agents that collect $2 billion in taxes for our state. Each one of these 10 companies that are left here hire about 2,000 people. And if you take a look at last week's Post, there was a story there that stated that 40 percent of the stores that they visited --

ACTING PRESIDENT GRIFFO: Can I get some order, please, in the chamber to allow the member to explain his vote.

SENATOR GOLDEN: -- those stores had cigarettes that were either untaxed or with

bad tax stamps.

Take that into consideration of the jobs that we've lost, the over 50 companies that were here, and now down to 10.

And a company in Kentucky came to this state to try to steal a company out of Farmingdale, Long Island, that has 500 jobs. This bill will help to keep these 500 jobs in Farmingdale and help to keep the rest of the jobs across this state. I vote aye.

Thank you, Mr. President.

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

Senator Klein to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

I want to thank Senator Golden for sponsoring this bill. This is an issue that I've done a lot of work on in the past.

You know, as we know, one of the problems that still exist is the proliferation of tax-free cigarettes. Whether you smoke or not, there's a tremendous amount of revenue that the State of New York generates through dollars from taxing tobacco.

And the wholesalers which this bill will assist are the official tax collectors in the State of New York. So if they're not collecting taxes, they're out of business and we're losing the revenue that's attached to the very high tax on cigarettes.

There's certainly a correlation between less people smoking and raising taxes. But if we're not taxing cigarettes and we're not collecting the revenue on the taxes and there's still this black market out there of untaxed cigarettes, we're neither collecting the revenue that we're supposed to be collecting in the State of New York and we're certainly not reducing the number of people who smoke in New York State.

So I think Senator Golden talked about the fact that businesses which employ an awful lot of people, these official tax collectors, the wholesalers in the State of New York are losing jobs each and every day. One of the largest, out on Long Island, is threatening to move or is being forced to move to neighboring Pennsylvania, losing about 600 jobs.

So this is not only a way that we can ensure the legal taxation of cigarettes and

the tax revenue that we collect, but also we are able to save jobs here in New York State.

So I vote yes, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 1192, those recorded in the negative are Senators Ball, DeFrancisco, Gallivan, Grisanti, Hassell-Thompson, Maziarz, Montgomery, Parker, Perkins, and Saland. Also Senator LaValle.

Ayes, 48. Nays, 11.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time we have Supplemental Active List 1. Could we have the noncontroversial reading.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 348, by Senator Golden, Senate Print 4313B, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Squadron to explain his vote.

SENATOR SQUADRON: Thank you, Mr. President.

This bill will for the first time ever in New York State create a bus permitting system in the City of New York, which will do a whole lot to crack down on a Wild West atmosphere that we have in my district in Chinatown and across other parts of the city, where the new low-cost bus operators are able to stop anywhere they want. It's been an enormous quality-of-life burden on communities.

In addition, the stories of safety concerns with the new low-cost operators have been in the news, both through the tragedy in the Bronx a little over a year ago and also tragedies up and down the Eastern Seaboard.

For the first time the city will

have the information on who these bus companies are, how many buses they have, what their addresses are, where they're going, when they're going there. That information will be made public, and that will be of enormous importance to regulators at the city, state and federal level.

So it's great news for those of us who like the low-cost inter-city carriers, getting to D.C. or Boston -- I don't know why you would ever want to go, but if you did, for $20 or less is great. And do it in a way that lets New York City take care of quality of life in neighborhoods like Chinatown and increase safety.

So it's a very important piece of legislation. I want to thank Speaker Silver, New York City, and Senator Duane, who's worked on this a lot, and Senator Golden, who's sponsoring it today. I am very pleased that we're seeing passage. It's going to be very important in my community and across the city and for anyone who rides these buses.

I vote aye, Mr. President.

ACTING PRESIDENT GRIFFO: Senator

Squadron to be recorded in the affirmative.

Senator Stavisky to explain her vote.

SENATOR STAVISKY: Yes, very important in my district too, with the streets in downtown Flushing so clogged with these buses.

And I thank Senator Golden, Senator Squadron, Senator Duane, et cetera. Hopefully this will alleviate some of the traffic congestion that has plagued downtown Flushing for so many years.

I vote aye.

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

Senator Golden to explain his vote.

SENATOR GOLDEN: I want to thank you, Mr. President. I want to thank my colleagues, working with Senator Squadron and the entire Senate in getting this bill accomplished. There was a lot of areas that were intricate and took a lot of work to get done, working with members across the state to make sure that we did what was right, not just for the busing industry but for the safety of its passengers and the safety of the people that live inside the City of

New York.

So to my colleagues I say thank you, and I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 865, by Senator Young, Senate Print 5184C, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the

reading of the noncontroversial supplemental active list.

SENATOR LIBOUS: Mr. President, could we return to motions and resolutions and could you call on Senator Breslin.

ACTING PRESIDENT GRIFFO: We will return to motions and resolutions.

Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Stewart-Cousins, on page number 20 I offer the following amendments to Calendar Number 504, Senate Print Number 6490, and ask that the bill retain its place on the Third Reading Calendar.

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

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Zeldin, I would like to call up his bill, Senate Print 4722A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 217, by Senator Zeldin, Senate Print 4722A, an act authorizing.

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

Mr. President, members are leaving. We're going to do a whole other calendar. I don't know where they're going.

(Laughter.)

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

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

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR LIBOUS: Mr. President, could we have the noncontroversial reading -- no, I'm only kidding.

(Laughter.)

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

ACTING PRESIDENT GRIFFO: There is none unless you'd like some.

SENATOR LIBOUS: If there's no further business at the desk, I would say that the Senate will adjourn until Wednesday, June 13th, at 11:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Wednesday, June 13th, at 11:00 a.m.

Senate adjourned.

(Whereupon, at 6:04 p.m., the Senate adjourned.)