

1 NEW YORK STATE SENATE

2  
3  
4 THE STENOGRAPHIC RECORD

5  
6  
7  
8  
9 ALBANY, NEW YORK

10 June 13, 2012

11 11:24 a.m.

12  
13  
14 REGULAR SESSION

15  
16  
17  
18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

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

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

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

17 THE SECRETARY: In Senate,  
18 Tuesday, June 12th, the Senate met pursuant to  
19 adjournment. The Journal of Monday,  
20 June 11th, was read and approved. On motion,  
21 Senate adjourned.

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

25 Presentation of petitions.

1 Messages from the Assembly.

2 The Secretary will read.

3 THE SECRETARY: On page 25,  
4 Senator Ball moves to discharge, from the  
5 Committee on Agriculture, Assembly Bill Number  
6 697D and substitute it for the identical  
7 Senate Bill Number 7268A, Third Reading  
8 Calendar 752.

9 On page 42, Senator Klein moves  
10 to discharge, from the Committee on  
11 Agriculture, Assembly Bill Number 7502B and  
12 substitute it for the identical Senate Bill  
13 Number 5702A, Third Reading Calendar 1059.

14 On page 48, Senator DeFrancisco  
15 moves to discharge, from the Committee on  
16 Local Government, Assembly Bill Number 9945  
17 and substitute it for the identical Senate  
18 Bill Number 7037, Third Reading Calendar 1127.

19 And on page 49, Senator Saland  
20 moves to discharge, from the Committee on  
21 Local Government, Assembly Bill Number 10335  
22 and substitute it for the identical Senate  
23 Bill Number 7453, Third Reading Calendar 1133.

24 ACTING PRESIDENT GRIFFO: The  
25 substitutions are so ordered.

1 Messages from the Governor.  
2 Reports of standing committees.  
3 Reports of select committees.  
4 Communications and reports from  
5 state officers.

6 Motions and resolutions.

7 Senator Libous.

8 SENATOR LIBOUS: Mr. President,  
9 at this time I am going to call an immediate  
10 meeting of the Rules Committee in Room 332.  
11 There will be an immediate meeting of the  
12 Rules Committee, but the Senate will remain  
13 convened and we'll take up some motions and  
14 resolutions that are before the house.

15 And the goal is to do several  
16 Rules Committee reports today, keep the Senate  
17 moving and flowing as we did yesterday.

18 And at this time there will be an  
19 immediate meeting of the Rules Committee, and  
20 I'll ask Senator DeFrancisco to keep the  
21 Senate convened.

22 ACTING PRESIDENT GRIFFO: There  
23 is an immediate meeting for all members of the  
24 Rules Committee in Room 332.

25 The Senate will remain in session

1 and turn to motions and resolutions.

2 Senator DeFrancisco.

3 SENATOR DeFRANCISCO: On behalf of  
4 Senator Fuschillo, Mr. President, on page 16 I  
5 offer the following amendments to Calendar  
6 Number 513, Senate Print Number 595, and I ask  
7 that the bill retain its place on the  
8 Third Reading Calendar.

9 ACTING PRESIDENT GRIFFO: The  
10 amendments are received, and the bill will retain  
11 its place on the Third Reading Calendar.

12 SENATOR DeFRANCISCO: Also on  
13 behalf of Senator Fuschillo, Mr. President, I  
14 wish to call up his bill, Print Number 4610,  
15 recalled from the Assembly, which is now at the  
16 desk.

17 ACTING PRESIDENT GRIFFO: The  
18 Secretary will read.

19 THE SECRETARY: Calendar Number  
20 644, by Senator Fuschillo, Senate Print 4610, an  
21 act to amend the Penal Law.

22 SENATOR DeFRANCISCO: I now move  
23 to reconsider the vote by which the bill was  
24 passed.

25 ACTING PRESIDENT GRIFFO: Call the

1 roll on reconsideration.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 45.

4 SENATOR DeFRANCISCO: I now offer  
5 the following amendments.

6 ACTING PRESIDENT GRIFFO: The  
7 amendments are received.

8 SENATOR DeFRANCISCO: I also wish  
9 to call up -- on behalf of Senator Griffo,  
10 Mr. President -- Print Number 4927, recalled from  
11 the Assembly, which is now at the desk.

12 ACTING PRESIDENT GRIFFO: The  
13 Secretary will read.

14 THE SECRETARY: Calendar Number  
15 798, by Senator Griffo, Senate Print 4927, an act  
16 to amend the Banking Law.

17 SENATOR DeFRANCISCO: I now move  
18 to reconsider the vote by which the bill was  
19 passed.

20 ACTING PRESIDENT GRIFFO: Call the  
21 roll on reconsideration.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 45.

24 SENATOR DeFRANCISCO: I now offer  
25 the following amendments.

1           ACTING PRESIDENT GRIFFO:    The  
2 amendments are received.

3           SENATOR DeFRANCISCO:    I also would  
4 like to call up Print Number 4359, by Senator  
5 Young, recalled from the Assembly, which is now  
6 at the desk.

7           ACTING PRESIDENT GRIFFO:    The  
8 Secretary will read.

9           THE SECRETARY:    Calendar Number  
10 444, by Senator Young, Senate Print 4359, an act  
11 to amend the General Municipal Law.

12          SENATOR DeFRANCISCO:    I move to  
13 reconsider the vote by which this bill was  
14 passed.

15          ACTING PRESIDENT GRIFFO:    Call the  
16 roll on reconsideration.

17                 (The Secretary called the roll.)

18          THE SECRETARY:    Ayes, 45.

19          SENATOR DeFRANCISCO:    I now offer  
20 the following amendments.

21          ACTING PRESIDENT GRIFFO:    The  
22 amendments are received.

23                 I'm going to ask for some order in  
24 the house, please.

25                 Senator DeFrancisco.

1                   SENATOR DeFRANCISCO:    Mr.  
2   President, there's a resolution at the desk by  
3   Senator Ritchie, 4939. It was previously adopted  
4   by the house. May we have the title read and  
5   call on Senator Ritchie.

6                   ACTING PRESIDENT GRIFFO:   The  
7   Secretary will read.

8                   THE SECRETARY:   Legislative  
9   Resolution Number 4939, by Senator Ritchie,  
10  congratulating Drake D. Becksted as a  
11  distinguished student of Oswego County, New York.

12                  ACTING PRESIDENT GRIFFO:   Senator  
13  Ritchie.

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

16                  It's my pleasure today to recognize  
17  Drake Becksted, of Oswego County, for his  
18  accomplishments both in and out of the  
19  classroom.

20                  Drake has achieved both academic  
21  and athletic excellence. Drake is one of the  
22  academic Top 25 students in his senior class and  
23  has won a number of awards for his talents,  
24  including the Oneida Jazz Fest Gold Award.

25                  Drake was named a scholar-athlete



1 throughout his four years of high school. He  
2 served as team co-captain and five year Most  
3 Valuable Player on the Oswego High School Boys  
4 Swimming and Diving Team. He has also earned  
5 numerous state swimming and diving awards.

6 Drake will go on to use his  
7 academic and athletic talents at Virginia  
8 Polytechnic Institute.

9 Please join me in congratulating  
10 Drake Becksted for his wondrous career both  
11 academically and athletically.

12 (Applause.)

13 ACTING PRESIDENT GRIFFO: Thank  
14 you, Senator Ritchie.

15 Congratulations, and we extend the  
16 courtesies of the house to you, Drake.

17 Senator DeFrancisco.

18 SENATOR DeFRANCISCO: Yes, there's  
19 a resolution of mine at the desk, Senate  
20 Resolution 2855. It was previously adopted by  
21 the house on January 10th. May we have the title  
22 read and call on me to speak on that resolution.

23 ACTING PRESIDENT GRIFFO: The  
24 Secretary will read.

25 THE SECRETARY: Legislative

1 Resolution Number 2855, by Senator DeFrancisco,  
2 congratulating Christopher Collins upon the  
3 occasion of winning a Gold Medal at the 2011  
4 World Karate Championships in the Traditional  
5 Forms division.

6 ACTING PRESIDENT GRIFFO: Senator  
7 DeFrancisco.

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

10 Chris Collins is in the chambers  
11 today, and he's truly a remarkable young man. He  
12 actually won the 2011 World Karate  
13 Championships -- "World," I said. You hear  
14 that? World. World -- at age 17. At age 17.

15 He's a native of Syracuse. Started  
16 studying karate at the age of 8, mastering tips  
17 from both his father, Terrence Collins, a  
18 six-degree black belt -- so don't monkey around  
19 with Mr. Collins -- and Carlos Tearney, a martial  
20 arts champion and instructor in Syracuse.

21 Christopher Collins grew to be a  
22 fierce competitor in karate, winning numerous  
23 local championships before entering the Northeast  
24 regional competition in April of 2011. He  
25 obviously won that on his way to the world

1 championships.

2           Along with four other athletes, he  
3 traveled to Spain to compete on the USA Karate  
4 Team at the World Kickboxing Council World Karate  
5 Championships from October 31st to November 4th.  
6 Christopher Collins defeated three other  
7 competitors during the finals, placing first and  
8 earning a Gold Medal in the Traditional Forms  
9 division.

10           Besides becoming a world karate  
11 champion at the young age of 17, Christopher  
12 Collins is also a dedicated community volunteer  
13 and a biology major at Le Moyne College now.

14           So we stand to commend Christopher,  
15 and his father for his obviously wonderful  
16 guidance.

17           And we've been honoring people,  
18 young people all year long, and I think one of  
19 the most things about these great young champions  
20 is they're excellent students as well. They're  
21 also community volunteers. There's a common  
22 thread there. They're responsible, hardworking  
23 young people that will be our leaders tomorrow.

24           So I want to congratulate  
25 Christopher and his father and happily note that

1 this particular resolution has been previously  
2 unanimously adopted by this body.

3 Thank you, Mr. President.

4 ACTING PRESIDENT GRIFFO: Thank  
5 you, Senator DeFrancisco.

6 We want to congratulate Christopher  
7 and welcome him and his dad here to the chamber  
8 today. Congratulations.

9 (Applause.)

10 ACTING PRESIDENT GRIFFO: Senator  
11 DeFrancisco.

12 SENATOR DeFRANCISCO: Yes,  
13 Mr. President, would you turn to the  
14 noncontroversial calendar and read that calendar,  
15 please.

16 ACTING PRESIDENT GRIFFO: The  
17 Secretary will read.

18 THE SECRETARY: Calendar Number  
19 537, by Senator Young, Senate Print 6202, an act  
20 to amend the Public Officers Law.

21 ACTING PRESIDENT GRIFFO: Read the  
22 last section.

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

25 SENATOR DeFRANCISCO: Excuse me.

1 Can I interrupt?

2                   Some of the members may want to  
3 speak on the bills, explain their votes and so  
4 forth. And I would request that we stand at ease  
5 until the Rules Committee is over.

6                   ACTING PRESIDENT GRIFFO:    Okay,  
7 Senator DeFrancisco, we will withdraw the  
8 calendar, without objection, and we will stand at  
9 ease.

10                   SENATOR DeFRANCISCO:    Thank you.

11                   (Whereupon, the Senate stood at ease  
12 at 11:35 a.m.)

13                   (Whereupon, the Senate reconvened at  
14 11:49 a.m.)

15                   ACTING PRESIDENT GRIFFO:    The  
16 Senate will come to order.

17                   Senator DeFrancisco.

18                   SENATOR DeFRANCISCO:  
19 Mr. President, can we go to motions and  
20 resolutions.

21                   ACTING PRESIDENT GRIFFO:    We will  
22 return to motions and resolutions.

23                   SENATOR DeFRANCISCO:    I have a  
24 motion. On behalf of Senator LaValle, on page 48  
25 I offer the following amendments to Calendar

1 Number 1122, Senate Print 6917, and ask that said  
2 bill retain its place on the Third Reading  
3 Calendar.

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

7 SENATOR DeFRANCISCO: Also,  
8 Mr. President, can you recognize Senator Klein,  
9 who has a guest.

10 ACTING PRESIDENT GRIFFO: Senator  
11 Klein.

12 SENATOR KLEIN: Thank you very,  
13 very much, Mr. President.

14 We have a very special guest here  
15 today, someone who I've had the privilege of  
16 working with over the last year on the important  
17 issue of cyberbullying, and her name is Kaitlin  
18 Monte, who is presently Miss New York State.

19 Kaitlin is originally from  
20 Rochester. She now lives in Astoria, Queens.  
21 She's someone who has dedicated her life to  
22 mentoring young people. She has her own  
23 foundation now which helps young people get ready  
24 for a new career in business in the private  
25 sector.

1                   But the work she did for me over  
2 the last year on cyberbullying was tremendously  
3 helpful. Today we released the results of the  
4 first ever New York cyberbullying census, where  
5 we had over 10,000 young people from throughout  
6 the state answer a survey which will help us  
7 gauge how serious this problem is in New York.

8                   This really couldn't have been  
9 possible without the work of Kaitlin Monte.  
10 Kaitlin traveled all over the state, I know she  
11 was in schools in many of our districts, talking  
12 to young people. You know, because she has a  
13 story to tell as well.

14                  Besides being Miss New York State,  
15 Kaitlin was second runner-up in the Miss America  
16 Pageant. I think she was robbed; I think we need  
17 to look into that. Because to me, she'll not  
18 only always be Miss New York, but also our  
19 Miss America.

20                  So I hope we can extend the  
21 courtesies of the house today and recognize and  
22 give Kaitlin Monte, Miss New York State, a  
23 tremendous round of applause for all her fine  
24 work.

25                   (Standing ovation.)

1                   ACTING PRESIDENT GRIFFO:     We  
2 welcome Kaitlin and appreciate you being here and  
3 appreciate your efforts. And I know it's the  
4 consensus of the Senate that you should be  
5 Miss America.

6                   (Laughter.)

7                   ACTING PRESIDENT GRIFFO:     Senator  
8 Gianaris.

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

11                   I would like to add my words of  
12 welcome as well to a constituent, Kaitlin Monte,  
13 for the tremendous work she has done not only in  
14 her personal achievement but also the work she's  
15 done with Senator Klein and his colleagues on the  
16 cyberbullying issue.

17                   We take a great pride in the  
18 residents of Western Queens who achieve such  
19 great heights. And we know that as her tenure as  
20 Miss New York is coming to an end, it's just the  
21 beginning of the great things she's going to  
22 accomplish in her life.

23                   So for my part as well, I'd like to  
24 welcome Ms. Monte to the Senate chamber and ask  
25 again that you extend all courtesies to her.



1 Thank you.

2 ACTING PRESIDENT GRIFFO: Thank  
3 you, Senator Gianaris.

4 Senator DeFrancisco.

5 SENATOR DeFRANCISCO: Thank you,  
6 Mr. President.

7 Can we now return to the reading of  
8 the noncontroversial calendar, please.

9 ACTING PRESIDENT GRIFFO: We will  
10 go to the noncontroversial calendar. The  
11 Secretary will read.

12 THE SECRETARY: Calendar Number  
13 537, by Senator Young, Senate Print 6202, an act  
14 to amend the Public Officers Law.

15 ACTING PRESIDENT GRIFFO: Read the  
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Announce  
23 the results.

24 THE SECRETARY: Ayes, 54. Nays,  
25 3. Senators Montgomery, Perkins and Rivera

1 recorded in the negative.

2                   ACTING PRESIDENT GRIFFO:    The bill  
3 is passed.

4                   THE SECRETARY:    Calendar Number  
5 568, by Senator Robach, Senate Print 6740B, an  
6 act to amend the Insurance Law.

7                   ACTING PRESIDENT GRIFFO:    Read the  
8 last section.

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

11                   ACTING PRESIDENT GRIFFO:    Call the  
12 roll.

13                   (The Secretary called the roll.)

14                   THE SECRETARY:    Ayes, 57.

15                   ACTING PRESIDENT GRIFFO:    The bill  
16 is passed.

17                   THE SECRETARY:    Calendar Number  
18 646, by Senator Nozzolio, Senate Print 6171A, an  
19 act to amend the Criminal Procedure Law.

20                   ACTING PRESIDENT GRIFFO:    Read the  
21 last section.

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

24                   ACTING PRESIDENT GRIFFO:    Call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 54. Nays,  
3 3. Senators Montgomery, Perkins and Rivera  
4 recorded in the negative.

5 ACTING PRESIDENT GRIFFO: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 712, by Senator Kennedy, Senate Print 6508, an  
9 act to amend the Penal Law.

10 ACTING PRESIDENT GRIFFO: Read the  
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the  
15 roll.

16 (The Secretary called the roll.)

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

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

21 First of all, let me start by  
22 thanking my colleagues on both sides of the aisle  
23 for bringing this legislation to the floor of the  
24 Senate for a vote today.

25 As an infant, JJ Bolvin suffered

1 severe physical abuse at the hands of his own  
2 father. During the violent attacks, 11 of JJ's  
3 bones were fractured. When we first heard the  
4 little boy's story last summer, he wasn't even  
5 2 years old yet, but he had already lived through  
6 so much pain. JJ is now forced to endure the  
7 traumatic consequences of the abuse. Every day  
8 he fights to overcome a severe seizure disorder  
9 and developmental delays which are the result of  
10 his father's brutal beatings.

11               Matters were made even worse when  
12 the state law served JJ an injustice. In 2007,  
13 JJ's father was convicted of beating another one  
14 of his sons and breaking his arm. But despite  
15 his history of violence against children and the  
16 severity of the attacks against JJ, his father  
17 was handed a light sentence of one and a third to  
18 four years in prison -- a light sentence for this  
19 violent offender while his innocent victim, his  
20 own son, fights through a life sentence of health  
21 challenges.

22               This injustice was entirely the  
23 fault of a gap in state law. By passing this  
24 bill into law today, we will help to close that  
25 gap. Under current law, stiffer penalties for

1 repeat abusers can only be given if a previous  
2 conviction happened within the preceding three  
3 years. Four years had passed between the  
4 convictions of JJ's father. We introduced JJ's  
5 Law to fix this gap in the law and put repeat  
6 child abusers behind bars for far longer.

7 JJ's Law extends the previous  
8 conviction lookback period, and it strengthens  
9 penalties for aggravated assault upon a child.  
10 Also, in extremely severe cases of repeat abuse,  
11 similar to the one JJ endured, this legislation  
12 will allow law enforcement to charge the abuser  
13 with first-degree assault, which comes with a  
14 maximum sentence of 25 years in prison.

15 Fortunately, JJ survived the abuse  
16 he suffered, but many children, sadly, do not  
17 survive. Between 2001 and 2008, child abuse and  
18 neglect took the lives of 630 children in  
19 New York State alone. JJ's Law will send the  
20 message that New York State won't tolerate child  
21 abuse. This legislation is named for little JJ,  
22 but it will help protect children all across New  
23 York State.

24 I want to thank the Western  
25 New York delegation for their strong support for

1 this measure, and I want to thank all of my  
2 colleagues who cosponsored JJ's Law and helped JJ  
3 and his family pass this bill through the  
4 Senate.

5 Also, the Retzer family, JJ's  
6 guardians, deserve a tremendous amount of credit  
7 and gratitude for their advocacy and  
8 determination to get this passed today.

9 I urge our colleagues in the  
10 Assembly to move this bill through expeditiously  
11 and finally bring justice to JJ.

12 Thank you, Mr. President. I vote  
13 aye.

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

16 I know there's a lot that we have  
17 to do before the house today, and there's a lot  
18 of activity in the house. So I would ask that  
19 you please try to be as quiet as possible so that  
20 we can hear the members discuss the legislation  
21 and undertake the business of the day.

22 Senator Grisanti to explain his  
23 vote.

24 SENATOR GRISANTI: Yes, thank you,  
25 Mr. President.

1                   I rise in support of this  
2 legislation, and I want to thank Senator Tim  
3 Kennedy for being the sponsor and for bringing  
4 this forward. And I want to also thank the  
5 Western New York delegation.

6                   In particular, I want to thank  
7 Leader Dean Skelos for not only meeting with the  
8 family, the guardian, the aunt and uncle of this  
9 young boy, but for getting this on the floor and  
10 getting this pushed.

11                  And I too strongly urge the  
12 Assembly to get this done. Because what happened  
13 to poor JJ should never happen to any child,  
14 especially, especially when there was abuse of  
15 another child that had occurred.

16                  So when you have somebody that does  
17 something like this to children, that person to  
18 me is a heinous person, that person deserves the  
19 strictest-most penalty that could possibly be  
20 given. This will ensure that somebody like that  
21 will not do it again.

22                  And again, I just urge the  
23 Assembly -- and everybody in this conference, if  
24 you could tell Assemblymembers to get this  
25 pushed, it's important to make sure that it

1 doesn't happen to another child.

2 I vote aye. Thank you,  
3 Mr. President.

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

6 Announce the results.

7 THE SECRETARY: Ayes, 57.

8 ACTING PRESIDENT GRIFFO: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 752, substituted earlier by Member of the  
12 Assembly Paulin, Assembly Print Number 697D, an  
13 act to amend the Agriculture and Markets Law.

14 ACTING PRESIDENT GRIFFO: Read the  
15 last section.

16 THE SECRETARY: Section 7. This  
17 act shall take effect on the 120th day.

18 ACTING PRESIDENT GRIFFO: call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT GRIFFO: Senator  
22 Ball to explain his vote.

23 SENATOR BALL: Thank you,  
24 Mr. President. Just briefly on this piece of  
25 legislation.



1                   You know, we have certainly a  
2 number of issues to deal with in this chamber.  
3 Today is Animal Advocacy Day. We've had great  
4 turnout from animal advocates and folks who are  
5 animal lovers, like myself, all throughout this  
6 state. There are several pieces of legislation  
7 that are moving forward.

8                   And as we all know, one of the  
9 problems that we're dealing with and that we see  
10 amongst the community of animal advocates is a  
11 plague of puppy mills. And I'm actually joined  
12 here today by Deb and Lori Pagano. I met them  
13 several years back. The piece of legislation  
14 that's passing today is known as Charlemagne's  
15 Law. It's the newest version of a law that's now  
16 taken about four or five years to get done.

17                   And unfortunately, Lori had a dog  
18 named Charlemagne who had a bunch of problems  
19 associated with being raised in that puppy mill.  
20 And the animals are that are raised in these pet  
21 mills are raised in absolutely horrific  
22 conditions that would break the hearts of  
23 everybody in this chamber and beyond.

24                   So I want to thank everybody for  
25 their support today. This is one solid step

1 forward to regulate the industry and to really  
2 begin to move away from impulse buying and a  
3 pet-shop mentality and begin to use the largest  
4 consumer economy in this country, New York State,  
5 to move this entire industry in the right  
6 direction, humane to all of our four-legged  
7 friends.

8                   So I'll be voting yes, and I want  
9 to thank you for your time today.

10                   ACTING PRESIDENT GRIFFO:    Senator  
11 Ball will be recorded in the affirmative.

12                   Announce the results.

13                   THE SECRETARY:    Ayes, 58.

14                   ACTING PRESIDENT GRIFFO:    The bill  
15 is passed.

16                   THE SECRETARY:    Calendar Number  
17 826, by Senator Young, Senate Print 6503A, an act  
18 to authorize.

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

21                   Read the last section.

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

24                   ACTING PRESIDENT GRIFFO:    Call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 872, by Senator LaValle, Senate Print 6418, an  
7 act to amend the Criminal Procedure Law.

8 ACTING PRESIDENT GRIFFO: Read the  
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT GRIFFO: Announce  
16 the results.

17 THE SECRETARY: In relation to  
18 Calendar 872, those recorded in the negative are  
19 Senators Dilan, Duane, Montgomery, Perkins, and  
20 Rivera.

21 Ayes, 53. Nays, 5.

22 ACTING PRESIDENT GRIFFO: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 873, by Senator Farley, Senate Print 6916, an act

1 to amend the Criminal Procedure Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: In relation to  
10 Calendar Number 873, those recorded in the  
11 negative are Senators Dilan, Duane, Montgomery,  
12 Perkins and Rivera.

13 Ayes, 53. Nays, 5.

14 ACTING PRESIDENT GRIFFO: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 877, by Senator Maziarz, Senate Print 6713, an  
18 act to amend the Public Authorities Law.

19 ACTING PRESIDENT GRIFFO: Read the  
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the  
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT GRIFFO: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 932, by Senator Ritchie, Senate Print 3825, an  
6 act to amend the Criminal Procedure Law.

7 ACTING PRESIDENT GRIFFO: Read the  
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: In relation to  
15 Calendar Number 932, those recorded in the  
16 negative are Senators Dilan, Duane, Montgomery,  
17 Perkins and Rivera.

18 Ayes, 53. Nays, 5.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 993, by Senator Lanza, Senate Print 4443B, an act  
23 to amend the Criminal Procedure Law.

24 ACTING PRESIDENT GRIFFO: Read the  
25 last section.

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

3                   ACTING PRESIDENT GRIFFO:   Call the  
4 roll.

5                   (The Secretary called the roll.)

6                   THE SECRETARY:    In relation to  
7 Calendar 933, those recorded in the negative are  
8 Senators Dilan, Duane, Hassell-Thompson,  
9 Montgomery, Perkins, Rivera and Squadron.

10                  Ayes, 51.  Nays, 7.

11                  ACTING PRESIDENT GRIFFO:   The bill  
12 is passed.

13                  THE SECRETARY:    Calendar Number  
14 934, by Senator Larkin, Senate Print 4757, an act  
15 to amend the Criminal Procedure Law.

16                  ACTING PRESIDENT GRIFFO:   Read the  
17 last section.

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

20                  ACTING PRESIDENT GRIFFO:   Call the  
21 roll.

22                  (The Secretary called the roll.)

23                  THE SECRETARY:    In relation to  
24 Calendar Number 934, those recorded in the  
25 negative are Senators Dilan, Duane, Montgomery,

1 Perkins and Rivera.

2 Ayes, 53. Nays, 5.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 935, by Senator Larkin, Senate Print 6319, an act  
7 to amend the Criminal Procedure Law.

8 ACTING PRESIDENT GRIFFO: Read the  
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: In relation to  
16 Calendar 935, those recorded in the negative are  
17 Senators Dilan, Montgomery, Perkins, and Rivera.

18 Ayes, 54. Nays, 4.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 936, by Senator Larkin, Senate Print 6320, an act  
23 to amend the Criminal Procedure Law.

24 ACTING PRESIDENT GRIFFO: Read the  
25 last section.

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

3                   ACTING PRESIDENT GRIFFO:   Call the  
4 roll.

5                   (The Secretary called the roll.)

6                   THE SECRETARY:    In relation to  
7 Calendar Number 936, those recorded in the  
8 negative are Senators Dilan, Montgomery, Perkins  
9 and Rivera.

10                  Ayes, 54.  Nays, 4.

11                  ACTING PRESIDENT GRIFFO:   The bill  
12 is passed.

13                  THE SECRETARY:    Calendar Number  
14 937, by Senator Johnson, Senate Print 6390A, an  
15 act to amend the Criminal Procedure Law.

16                  ACTING PRESIDENT GRIFFO:   Read the  
17 last section.

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

20                  ACTING PRESIDENT GRIFFO:   Call the  
21 roll.

22                  (The Secretary called the roll.)

23                  THE SECRETARY:    In relation to  
24 Calendar Number 937, those recorded in the  
25 negative are Senators Dilan, Duane, Montgomery,



1 Perkins and Rivera. Also Senator Squadron.

2 Ayes, 52. Nays, 6.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1046, by Senator Grisanti, Senate Print 7078A, an  
7 act to amend the Environmental Conservation Law.

8 ACTING PRESIDENT GRIFFO: Read the  
9 last section.

10 THE SECRETARY: Section 4. This  
11 act shall take effect --

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

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

16 THE SECRETARY: Calendar Number  
17 1059, substituted earlier by Member of the  
18 Assembly Paulin, Assembly Print Number 7502B, an  
19 act to amend the Agriculture and Markets Law.

20 ACTING PRESIDENT GRIFFO: Read the  
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the  
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT GRIFFO: Senator  
3 Klein to explain his vote.

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

6 This bill amends the Agriculture  
7 and Markets Law to prohibit the use of pet-cage  
8 and box dryers with the heating element turned on  
9 to dry a companion animal. It does not ban the  
10 use of this product at home, but only in places  
11 of business that groom animals.

12 One of the problems we've been  
13 seeing time and time again is when these cages  
14 are left unattended where the automatic unit  
15 fails to turn off at a certain time, it not only  
16 injured animals but caused many deaths with cats  
17 and dogs around the State of New York.

18 So this legislation I think is a  
19 common-sense approach. The bill is supported by  
20 the Humane Society of the United States, the  
21 Humane Society of New York State, the ASPCA, as  
22 well as the New York City Bar Association.

23 And I think, more importantly, it  
24 will go a long way towards keeping our pets safe  
25 and secure when they're brought to a grooming

1 establishment.

2 I vote yes, Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator  
4 Klein to be recorded in the affirmative.

5 Announce the results.

6 THE SECRETARY: Ayes, 58.

7 ACTING PRESIDENT GRIFFO: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 1090, by Senator Alesi, Senate Print 6249A, an  
11 act to amend the Criminal Procedure Law.

12 ACTING PRESIDENT GRIFFO: Read the  
13 last section.

14 SENATOR DeFRANCISCO: Lay the bill  
15 aside for the day.

16 ACTING PRESIDENT GRIFFO: Lay it  
17 aside for the day.

18 THE SECRETARY: Calendar Number  
19 1118, by Senator Libous, Senate Print 6542, an  
20 act to amend the Town Law.

21 ACTING PRESIDENT GRIFFO: Read the  
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 57. Nays,

4 1. Senator Duane recorded in the negative.

5 ACTING PRESIDENT GRIFFO: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 1120, by Senator Little, Senate Print 6871, an  
9 act to authorize the Town of Salem.

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

12 The Secretary will read the last  
13 section.

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

16 ACTING PRESIDENT GRIFFO: Call the  
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 57. Nays,

20 1. Senator Ball recorded in the negative.

21 ACTING PRESIDENT GRIFFO: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 1124, by Senator Skelos, Senate Print 7007A, an  
25 act to authorize the assessor.

1           ACTING PRESIDENT GRIFFO:    Read the  
2 last section.

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

5           ACTING PRESIDENT GRIFFO:    Call the  
6 roll.

7                           (The Secretary called the roll.)

8           ACTING PRESIDENT GRIFFO:    Announce  
9 the results.

10          THE SECRETARY:    In relation to  
11 Calendar 1124, those recorded in the negative are  
12 Senators Bonacic, Larkin and O'Mara.

13                           Ayes, 55.  Nays, 3.

14          ACTING PRESIDENT GRIFFO:    The bill  
15 is passed.

16          THE SECRETARY:    Calendar Number  
17 1125, by Senator Skelos, Senate Print 7008A, an  
18 act to authorize the assessor.

19          ACTING PRESIDENT GRIFFO:    Read the  
20 last section.

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

23          ACTING PRESIDENT GRIFFO:    Call the  
24 roll.

25                           (The Secretary called the roll.)

1                   THE SECRETARY:   In relation to  
2 Calendar 1125, those recorded in the negative are  
3 Senators Bonacic, Larkin and O'Mara.

4                   Ayes, 55.   Nays, 3.

5                   ACTING PRESIDENT GRIFFO:   The bill  
6 is passed.

7                   THE SECRETARY:   Calendar Number  
8 1127, substituted earlier by Member of the  
9 Assembly Magnarelli, Assembly Print Number 9945,  
10 an act in relation to authorizing.

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

13                   The Secretary will read the last  
14 section.

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

17                   ACTING PRESIDENT GRIFFO:   Call the  
18 roll.

19                   (The Secretary called the roll.)

20                   THE SECRETARY:   Ayes, 58.

21                   ACTING PRESIDENT GRIFFO:   The bill  
22 is passed.

23                   THE SECRETARY:   Calendar Number  
24 1130, by Senator Maziarz, Senate Print 7307, an  
25 act to authorize.

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

3           The Secretary will read the last  
4 section.

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

7           ACTING PRESIDENT GRIFFO:    Call the  
8 roll.

9           (The Secretary called the roll.)

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

12          ACTING PRESIDENT GRIFFO:    The bill  
13 is passed.

14          THE SECRETARY:    Calendar Number  
15 1132, by Senator Skelos, Senate Print 7442A, an  
16 act to authorize.

17          ACTING PRESIDENT GRIFFO:    Read the  
18 last section.

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

21          ACTING PRESIDENT GRIFFO:    Call the  
22 roll.

23          (The Secretary called the roll.)

24          THE SECRETARY:    In relation to  
25 Calendar 1132, those recorded in the negative are

1 Senators Bonacic, Larkin and O'Mara.

2 Ayes, 55. Nays, 3.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1133, substituted earlier by Member of the  
7 Assembly Miller, Assembly Print Number 10335, an  
8 act to amend Chapter 97 of the Laws of 2001.

9 ACTING PRESIDENT GRIFFO: Read the  
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the  
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT GRIFFO: Announce  
17 the results.

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

20 ACTING PRESIDENT GRIFFO: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 1135, by Senator Saland, Senate Print 7483, an  
24 act to amend the Town Law.

25 ACTING PRESIDENT GRIFFO: Read the



1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 58.

8 ACTING PRESIDENT GRIFFO: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1136, by Senator Fuschillo, Senate Print 7488, an  
12 act authorizing the assessor.

13 ACTING PRESIDENT GRIFFO: Read the  
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: In relation to  
21 Calendar Number 1136, those recorded in the  
22 negative are Senators Bonacic, Larkin and O'Mara.

23 Ayes, 55. Nays, 3.

24 ACTING PRESIDENT GRIFFO: The bill  
25 is passed.

1                   THE SECRETARY:     Calendar Number  
2     1140, by Senator McDonald, Senate Print 7440, an  
3     act to amend the Mental Hygiene Law.

4                   ACTING PRESIDENT GRIFFO:     Read the  
5     last section.

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

8                   ACTING PRESIDENT GRIFFO:     Call the  
9     roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:     In relation to  
12     Calendar 1140, those recorded in the negative are  
13     Senators Dilan, Montgomery, Perkins and Rivera.

14                   Ayes, 54.   Nays, 4.

15                   ACTING PRESIDENT GRIFFO:     The bill  
16     is passed.

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

19                   SENATOR DeFRANCISCO:     Yes,  
20     Mr. President, will you now recognize Senator  
21     Sampson for the purpose of introducing a special  
22     guest.

23                   ACTING PRESIDENT GRIFFO:     Senator  
24     Sampson.

25                   SENATOR SAMPSON:     Thank you very

1 much, Mr. President.

2 I am honored and have the pleasure  
3 to introduce Floyd Little. Mr. Little was a  
4 three-time All-American football player, 1966  
5 EACC Player of the Year, holds Syracuse  
6 University's career record for touchdowns at 46  
7 and punt returns for touchdowns at six. Floyd  
8 finished fifth in the Heisman Trophy voting as a  
9 junior and senior. His legendary number, 44, was  
10 also retired at Syracuse. In 1983, Floyd was  
11 elected into the College Football Hall of Fame.

12 In 1967, Floyd was the sixth  
13 selection of the first AFL-NFL draft. He was the  
14 first-ever first-round draft pick to sign with  
15 the American Football League's Denver Broncos.

16 Floyd led the American Football  
17 League in rushing for a six-year period from 1968  
18 to 1973. He was a five-time Pro Bowl selection  
19 and twice named All AFL-NFL. Floyd was the first  
20 Denver Bronco to have his jersey, Number 44,  
21 retired.

22 In 2010 Floyd was finally honored  
23 by being inducted into the Professional Football  
24 Hall of Fame.

25 And along with Mr. Little is his

1 wife DeBorah, former City Council member. Also  
2 Pastor Darrel Hyme and his son Chris. And I want  
3 to thank Assemblyman Sam Roberts for bringing  
4 Mr. Little.

5 Mr. Little, we congratulate you on  
6 your accomplishments. You are truly the epitome  
7 of a citizen of the State of New York.  
8 Congratulations, Mr. Little.

9 (Sustained applause.)

10 ACTING PRESIDENT GRIFFO: Senator  
11 DeFrancisco.

12 SENATOR DeFRANCISCO: Yes, before  
13 Senator Nozzolio grabs onto Floyd Little, I want  
14 to say a few words too.

15 Floyd Little probably was one of  
16 the greatest football players -- not probably,  
17 was one of the greatest football players ever to  
18 play the game, whether high school, college, or  
19 professional. But more than that, he's an  
20 incredible citizen. And he's always maintained  
21 his loyalty to the City of Syracuse.

22 And he's here with his wife,  
23 DeBorah, who I've known for many, many years, a  
24 wonderful, wonderful woman. They each married  
25 great people, and it's a wonderful partnership.

1                   Also, Floyd, you don't know this,  
2 but just about every day I am honoring some great  
3 athletes and great people because Central  
4 New York is where all the outstanding athletes  
5 come from.

6                   (Laughter; catcalls.)

7                   SENATOR DeFRANCISCO:   And I want  
8 you to know, I want the chamber to know I didn't  
9 bring Floyd here. Others did. And so it's not  
10 even me recognizing this.

11                  The only thing that I have against  
12 Floyd is that when he was doing great things on  
13 the football field, I was playing baseball for  
14 Syracuse. And the only thing I could say bad  
15 about him, he didn't have enough guts to play  
16 baseball.

17                  (Laughter, jeers.)

18                  SENATOR DeFRANCISCO:   No, in all  
19 seriousness, this is a great day. Floyd is a  
20 great person, great human being, great athlete.  
21 And it's wonderful to invite him to have him here  
22 in our chambers.

23                  Thank you very much Mr. President.

24                  (Applause.)

25                  ACTING PRESIDENT GRIFFO:   We

1 extend the courtesies of the house to Hall of  
2 Famer Floyd Little, his wife, DeBorah, and the  
3 pastor who accompanies them today.

4                   Thank you so much for coming into  
5 the Senate chamber. And we appreciate and  
6 recognize all of your great efforts, not only on  
7 the gridiron but in the community.

8                   (Extended applause.)

9                   SENATOR DeFRANCISCO: Mr.  
10 President.

11                  ACTING PRESIDENT GRIFFO: Senator  
12 DeFrancisco.

13                  SENATOR DeFRANCISCO: Yes, may we  
14 return to reports of standing committees. I  
15 believe there's a report of the Rules Committee  
16 at the desk.

17                  ACTING PRESIDENT GRIFFO: There is  
18 a report of the Rules Committee before the desk.

19                  The Secretary will read.

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

23                         Senate Print 532B, by Senator  
24 Klein, an act to amend the Penal Law;

25                         648, by Senator Sampson, an act to

1 amend the Penal Law;

2                   4051A, by Senator Gallivan, an act  
3 to amend the Family Court Act;

4                   4102, by Senator Farley, an act to  
5 amend Chapter 386 of the Laws of 1996;

6                   4422, by Senator Flanagan, an act  
7 to amend the Vehicle and Traffic Law;

8                   5337, by Senator DeFrancisco, an  
9 act to amend the Military Law.

10                   ACTING PRESIDENT GRIFFO:   Excuse  
11 me. We're going to need just a little order in  
12 the chamber, please, to allow for the bills to be  
13 read and the stenographer to hear them.

14                   The Secretary will continue.

15                   THE SECRETARY:   Senate 5463, by  
16 Senator Griffo, an act to amend the Banking Law;  
17                   6176, by Senator Breslin, an act to  
18 amend Chapter 405 of the Laws of 2005;

19                   6425, by Senator Johnson, an act to  
20 amend the Town Law;

21                   6432, by Senator Golden, an act to  
22 amend the Public Authorities Law;

23                   6556, by Senator Gallivan, an act  
24 to amend the Environmental Conservation Law;

25                   7210A, by Senator Golden, an act to

1 amend the Penal Law;  
2                   7533, by Senator Ranzenhofer, an  
3 act to amend the Domestic Relations Law;  
4                   7554, by Senator Martins,  
5 Concurrent Resolution of the Senate and Assembly;  
6                   Senate 7555, by Senator Martins, an  
7 act to amend the Local Finance Law;  
8                   7567A, by Senator Zeldin, an act to  
9 amend the General Business Law;  
10                  Senate 7575, by Senator  
11 DeFrancisco, an act to authorize the New York  
12 State Thruway Authority;  
13                  7596, by Senator Hannon, an act to  
14 amend the Public Health Law;  
15                  And Senate 7605, by Senator  
16 Grisanti, an act to amend the Education Law.  
17                  All bills reported direct to third  
18 reading.  
19                  ACTING PRESIDENT GRIFFO:     Senator  
20 DeFrancisco.  
21                  SENATOR DeFRANCISCO:     At this  
22 time, Mr. President, would you please do the  
23 noncontroversial reading of the calendar.  
24                  ACTING PRESIDENT GRIFFO:     Senator  
25 DeFrancisco, would you make a motion to accept



1 the Committee on Rules report?

2 SENATOR DeFRANCISCO: I'm not  
3 sure. Let me think about it.

4 (Laughter.)

5 SENATOR DeFRANCISCO: I move to  
6 accept the Rules report.

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

10 (Response of "Aye.")

11 ACTING PRESIDENT GRIFFO: Opposed,  
12 nay.

13 (No response.)

14 ACTING PRESIDENT GRIFFO: The  
15 report is accepted.

16 Senator DeFrancisco, we begin the  
17 reading?

18 SENATOR DeFRANCISCO: I would  
19 really appreciate it if you would.

20 ACTING PRESIDENT GRIFFO: The  
21 Secretary will read.

22 THE SECRETARY: Calendar Number  
23 1165, by Senator Klein, Senate Print 532B, an act  
24 to amend the Penal Law.

25 ACTING PRESIDENT GRIFFO: I'm

1 going to have to ask for some order in the  
2 chamber, please. (Gaveling.)

3 The Secretary will read.

4 THE SECRETARY: Calendar Number  
5 1165, by Senator Klein, Senate Print 532B, an act  
6 to amend the Penal Law.

7 ACTING PRESIDENT GRIFFO: Read the  
8 last section.

9 THE SECRETARY: Section 7. This  
10 act shall take effect on the first of November.

11 ACTING PRESIDENT GRIFFO: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 59. Nays,  
15 1. Senator Little recorded in the negative.

16 ACTING PRESIDENT GRIFFO: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 1201, by Senator Sampson, Senate Print 648, an  
20 act to amend the Penal Law.

21 ACTING PRESIDENT GRIFFO: Read the  
22 last section.

23 THE SECRETARY: Section 5. This  
24 act shall take effect on the 90th day.

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT GRIFFO: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 1203, by Senator Gallivan, Senate Print 4051A, an  
8 act to amend the Family Court Act.

9 ACTING PRESIDENT GRIFFO: Read the  
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT GRIFFO: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 1204, by Senator Farley, Senate Print 4102, an  
21 act to amend Chapter 386 of the Laws of 1996.

22 ACTING PRESIDENT GRIFFO: Read the  
23 last section.

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

1                   ACTING PRESIDENT GRIFFO:    Call the  
2 roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 60.

5                   ACTING PRESIDENT GRIFFO:    The bill  
6 is passed.

7                   Senator Libous, why do you rise?

8                   SENATOR LIBOUS:    Mr. President,  
9 could we have some order in the chamber.

10                  Thank you, Mr. President.  We're  
11 certainly honored to have Mr. Little here, and we  
12 want to have pictures taken.  But if members  
13 could just take pictures with their mouths quiet,  
14 that would be good.  Thank you.

15                  Mr. President, we will -- we will  
16 stand at ease temporarily.

17                  (Laughter.)

18                  ACTING PRESIDENT GRIFFO:    The  
19 Secretary will continue.

20                  SENATOR LIBOUS:    Again,  
21 Mr. President, if we could have members in their  
22 seats, please.  And certainly those who want to  
23 take a picture are welcome to do that, but we  
24 don't need all the conversations.

25                  Staff members who don't need to be

1 in the chamber should not be in the chamber or  
2 should be seated along the wall. And we would  
3 like some order in the house.

4 Thank you, Mr. President. If we  
5 could continue.

6 ACTING PRESIDENT GRIFFO: The  
7 Secretary will read.

8 THE SECRETARY: Calendar Number  
9 1205, by Senator Flanagan, Senate Print 4422, an  
10 act to amend the Vehicle and Traffic Law.

11 ACTING PRESIDENT GRIFFO: Read the  
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1206, by Senator DeFrancisco, Senate Print 5337,  
23 an act to amend the Military Law.

24 ACTING PRESIDENT GRIFFO: Read the  
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the  
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 59. Nays,  
7 1. Senator Duane recorded in the negative.

8 ACTING PRESIDENT GRIFFO: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1208, by Senator Griffo, Senate Print 5463, an  
12 act to amend the Banking Law.

13 ACTING PRESIDENT GRIFFO: Read the  
14 last section.

15 THE SECRETARY: Section 39. This  
16 act shall take effect immediately.

17 ACTING PRESIDENT GRIFFO: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT GRIFFO: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 1209, by Senator Breslin, Senate Print 6176, an  
25 act to amend Chapter 405 of the Laws of 2005.

1                   ACTING PRESIDENT GRIFFO:    Read the  
2 last section.

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

5                   ACTING PRESIDENT GRIFFO:    Call the  
6 roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    Ayes, 59.  Nays,  
9 1.  Senator Ball recorded in the negative.

10                  ACTING PRESIDENT GRIFFO:    The bill  
11 is passed.

12                  THE SECRETARY:    Calendar Number  
13 1211, by Senator Johnson --

14                  SENATOR LIBOUS:    Lay it aside for  
15 the day.

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

18                  THE SECRETARY:    Calendar Number  
19 1212, by Senator Golden, Senate Print 6432, an  
20 act to amend the Public Authorities Law.

21                  ACTING PRESIDENT GRIFFO:    Read the  
22 last section.

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

25                  ACTING PRESIDENT GRIFFO:    Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 59. Nays,

4 1. Senator Ball recorded in the negative.

5 ACTING PRESIDENT GRIFFO: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 1213, by Senator Gallivan, Senate Print 6556, an  
9 act to amend the Environmental Conservation Law.

10 ACTING PRESIDENT GRIFFO: Read the  
11 last section.

12 THE SECRETARY: Section 21. This  
13 act shall take effect on the first of November.

14 ACTING PRESIDENT GRIFFO: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 59. Nays,

18 1. Senator Serrano recorded in the negative.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1215, by Senator Golden, Senate Print 7210A, an  
23 act to amend the Penal Law.

24 ACTING PRESIDENT GRIFFO: Read the  
25 last section.



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

3                   ACTING PRESIDENT GRIFFO:   Call the  
4 roll.

5                   (The Secretary called the roll.)

6                   THE SECRETARY:    Ayes, 60.

7                   ACTING PRESIDENT GRIFFO:   The bill  
8 is passed.

9                   THE SECRETARY:    Calendar Number  
10 1216, by Senator Ranzenhofer, Senate Print 7533,  
11 an act to amend the Domestic Relations Law.

12                  ACTING PRESIDENT GRIFFO:   Read the  
13 last section.

14                  THE SECRETARY:    Section 4.  This  
15 act shall take effect on the 30th day.

16                  ACTING PRESIDENT GRIFFO:   Call the  
17 roll.

18                  (The Secretary called the roll.)

19                  THE SECRETARY:    Ayes, 60.

20                  ACTING PRESIDENT GRIFFO:   The bill  
21 is passed.

22                  THE SECRETARY:    In relation to  
23 Calendar Number 1217, Senator Martins moves to  
24 discharge, from the Committee on Local  
25 Government, Assembly Bill Number 9691 and

1 substitute it for the identical Senate Bill  
2 Number 7554, Third Reading Calendar 1217.

3 ACTING PRESIDENT GRIFFO: The  
4 substitution is so ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 1217, by Member of the Assembly Magnarelli,  
8 Assembly Print 9691, Concurrent Resolution of the  
9 Senate and Assembly.

10 SENATOR SQUADRON: Lay it aside.

11 ACTING PRESIDENT GRIFFO: The  
12 Concurrent Resolution is laid aside.

13 THE SECRETARY: Calendar Number  
14 1218, by Senator Martins, Senate Print 7555, an  
15 act to amend the Local Finance Law.

16 ACTING PRESIDENT GRIFFO: Read the  
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 59. Nays,  
24 1. Senator Maziarz recorded in the negative.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: In relation to  
3 Calendar Number 1219, Senator Zeldin moves to  
4 discharge, from the Committee on Rules, Assembly  
5 Bill Number 10569A and substitute it for the  
6 identical Senate Bill Number 7567A, Third Reading  
7 Calendar 1219.

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

10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 1219, by the Assembly Committee on Rules,  
13 Assembly Print Number 10569A, an act to amend the  
14 General Business Law.

15 ACTING PRESIDENT GRIFFO: Read the  
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT GRIFFO: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 1220, by Senator DeFrancisco, Senate Print 7575,  
2 an act to authorize the New York State Thruway  
3 Authority.

4 ACTING PRESIDENT GRIFFO: Read the  
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the  
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 59. Nays,  
12 1. Senator Dilan recorded in the negative.

13 ACTING PRESIDENT GRIFFO: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 1221, by Senator Hannon, Senate Print 7596, an  
17 act to amend the Public Health Law.

18 ACTING PRESIDENT GRIFFO: Read the  
19 last section.

20 THE SECRETARY: Section 2. This  
21 act shall take effect in 180 days.

22 ACTING PRESIDENT GRIFFO: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 60.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2 is passed.

3                   THE SECRETARY:    Calendar Number  
4 1222, by Senator Grisanti, Senate Print 7605, an  
5 act to amend the Education Law.

6                   ACTING PRESIDENT GRIFFO:    Read the  
7 last section.

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

10                  ACTING PRESIDENT GRIFFO:    Call the  
11 roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:    Ayes, 60.

14                  ACTING PRESIDENT GRIFFO:    The bill  
15 is passed.

16                  Senator Libous, that completes the  
17 noncontroversial reading of the supplemental  
18 Rules calendar.

19                  SENATOR LIBOUS:    Thank you,  
20 Mr. President.  Could we now go to the  
21 controversial reading of the supplemental  
22 calendar.

23                  ACTING PRESIDENT GRIFFO:    The  
24 Secretary will ring the bell.

25                  The Secretary will read.

1                   THE SECRETARY:     Calendar Number  
2     1217, by Member of the Assembly Magnarelli,  
3     Assembly Print 9691, Concurrent Resolution of the  
4     Senate and Assembly.

5                   SENATOR SQUADRON:     Explanation.

6                   ACTING PRESIDENT GRIFFO:     An  
7     explanation has been requested, Senator Martins,  
8     by Senator Squadron.

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

11                   This is a concurrent resolution at  
12    the request of the Comptroller.

13                   Since 1963, the state has  
14    authorized in 10-year increments, and has been  
15    extended each 10-year interval after that, a  
16    provision that would allow for local  
17    municipalities to bond or incur debt as a result  
18    or for the purpose of sewage treatment.

19                   It was originally proposed to be a  
20    10-year period that would encourage local  
21    municipalities to invest in sewage treatment  
22    facilities. But again, as I stated, it has been  
23    extended every 10-year period since then.

24                   This is a further extension, simply  
25    because there is a continuing need. And the same

1 reasons that were in place that required this in  
2 1963 and then 1973 and '83, '93, and 2003  
3 continue to exist today.

4           There are new technologies, there  
5 are increased expenses in modernizing and  
6 modifying sewage treatment plants, and to require  
7 our local municipalities to absorb those expenses  
8 just seems unfair. And so consistent with public  
9 policy as it has been developed and determined by  
10 the Legislature over the course of literally the  
11 last 50 years, this merely seeks another 10-year  
12 extender to allow for sewage treatment plants to  
13 be financed through our local municipalities.

14           ACTING PRESIDENT GRIFFO:    Senator  
15 Squadron.

16           SENATOR SQUADRON:    Thank you very  
17 much. Thank you for that description.

18           If the sponsor would yield.

19           SENATOR MARTINS:    Mr. President,  
20 I'd be happy to.

21           ACTING PRESIDENT GRIFFO:    The  
22 sponsor yields.

23           SENATOR SQUADRON:    Since this is a  
24 Concurrent Resolution and it has passed the other  
25 house already this year, is there yet an opinion

1 from the Attorney General?

2                   SENATOR MARTINS:    Mr. President  
3 through you, I have not seen an opinion from the  
4 Attorney General. It was presented at the  
5 request of the Comptroller's office. And so I  
6 have not seen it.

7                   SENATOR SQUADRON:   If the sponsor  
8 would continue to yield.

9                   SENATOR MARTINS:    Mr. President,  
10 I'd be happy to.

11                  ACTING PRESIDENT GRIFFO:   The  
12 sponsor yields.

13                  SENATOR SQUADRON:    Thank you very  
14 much.

15                   And if the sponsor wouldn't mind  
16 telling me when this bill was introduced in the  
17 Legislature.

18                  SENATOR MARTINS:    Mr. President,  
19 through you, I believe the bill was introduced  
20 sometime within the last month.

21                  SENATOR SQUADRON:    If the sponsor  
22 would continue to yield.

23                  SENATOR MARTINS:    Mr. President,  
24 to be more specific, it was introduced on  
25 June 4th.



1                   And I will be glad to continue to  
2 yield.

3                   ACTING PRESIDENT GRIFFO:    The  
4 sponsor yields.

5                   SENATOR SQUADRON:    Thank you very  
6 much.

7                   And obviously we're here at the end  
8 of session, and this is something that has  
9 occurred, and it's a Comptroller bill. Let me  
10 just ask the sponsor, it's been in the  
11 Legislature about a week now. We don't yet have  
12 an opinion from the Attorney General. Why is it  
13 so critical that this bill passes today rather  
14 than having a little more time?

15                   This is a 10-year extension. We'd  
16 like to have the opportunity to look a little  
17 more fully at the effect. According to the memo,  
18 you know, this is something that's been granted  
19 178 times.

20                   SENATOR MARTINS:    Thank you,  
21 Mr. President. As a constitutional amendment,  
22 and I'm sure the Senator is aware of this, it  
23 requires that it be passed by the Legislature in  
24 two consecutive years and then be voted upon by  
25 the public. As it has over the course of the

1 last 50 years, each 10 years.

2                   So by passing this Concurrent  
3 Resolution this year, that is only the first  
4 step. It would require a second step next year,  
5 which would also require another resolution from  
6 this body as well as the Assembly, and then would  
7 be placed on a vote.

8                   And so, frankly, we do have time to  
9 get an Attorney General opinion on this. This is  
10 merely the first step. And so if there really  
11 are concerns that were not there in 1963 or '73  
12 or '83 or '93 or 2003, certainly we have the  
13 opportunity over the next year to review those  
14 and have the opportunity, should it be necessary  
15 next year, simply not to pass the same  
16 resolution.

17                   SENATOR SQUADRON: If the sponsor  
18 would continue to yield.

19                   SENATOR MARTINS: Be happy to.

20                   ACTING PRESIDENT GRIFFO: The  
21 sponsor yields.

22                   SENATOR SQUADRON: Thank you very  
23 much.

24                   Just since it is before us today in  
25 its initial stage, can you just take us through

1 the potential impact if it were not approved, if  
2 the constitutional amendment were not approved  
3 through the process that you just described? The  
4 impact on the ground for localities.

5           SENATOR MARTINS: The impact on  
6 localities, Mr. President, if this were not to be  
7 approved is simply that local municipalities, in  
8 many instances towns or villages or cities, in  
9 many instances also very small municipalities,  
10 would have to incur literally tens if not  
11 hundreds of millions of dollars in modifications  
12 to sewer treatment plants within their debt limit  
13 that would prohibit them then from having to  
14 perhaps do infrastructure improvements elsewhere,  
15 that those resources would be eliminated.

16           I call to mind a hearing we held  
17 where the supervisor of the Town of Riverhead  
18 spoke about potentially having to spend literally  
19 \$200 million modernizing their sewer treatment  
20 plant. Frankly, for a town of that size to spend  
21 \$200 million at the expense of perhaps using that  
22 bonding authority to make infrastructure  
23 improvements, I think is frankly unfair.

24           And so consistent with public  
25 policy as it has been held in this state over the

1 last 50 years, they shouldn't have to make that  
2 choice.

3 SENATOR SQUADRON: Thank you. If  
4 the sponsor would continue to yield.

5 SENATOR MARTINS: I would be happy  
6 to. Thank you, Mr. President.

7 SENATOR SQUADRON: Thank you.  
8 Through you, Mr. President. So why  
9 not extend it beyond this 10 years? As you point  
10 out, it's been done in '63, '73, '83, '93, 2003.  
11 It seems to be an exemption that tends to be  
12 granted -- I'm sure there are exemptions to this,  
13 but tends to be granted when it should be. It's  
14 quite important to these localities.

15 Why sort of have an extender-type  
16 situation within the State Constitution? That  
17 seems strange.

18 SENATOR MARTINS: Mr. President,  
19 through you. That's a valid point. Certainly if  
20 it were to be extended perpetually rather than  
21 incrementally every 10 years, that would  
22 certainly seem to make sense.

23 The resolution that we have before  
24 us extends it for a further 10 years. It mirrors  
25 a resolution that was passed in the Assembly

1 earlier.

2                   And frankly, I would hope that in  
3 the future that if it is a long-term public  
4 policy goal that we have stability in this vote  
5 and we don't require that this issue be resolved  
6 every 10 years, certainly I would support that as  
7 well.

8                   SENATOR SQUADRON:    Thank you,  
9 Mr. President.   On the bill.

10                  ACTING PRESIDENT GRIFFO:    Senator  
11 Squadron on the bill.

12                  SENATOR SQUADRON:    Thank you.

13                  First of all, I really thank the  
14 sponsor for his very full explanation of the bill  
15 and the purpose of the bill.

16                  I do have a feeling, and this is  
17 true on this piece of legislation and a number of  
18 others, that a piece of legislation being  
19 introduced June 4th, being passed June 13th, not  
20 yet in the case of a Concurrent Resolution to  
21 amend the Constitution having the Attorney  
22 General's decision, is not really how we should  
23 be legislating.   And that is a concern I have.

24                  I really appreciate the sponsor's  
25 commitment that before this comes up in again in

1 the next term -- and I'll share that commitment  
2 on this side of the aisle -- we should have a  
3 fuller conversation about this, we should have  
4 the Attorney General's opinion. Because that  
5 really, when we're talking about amending the  
6 Constitution, is how we should do things.

7               Certainly the purpose here is one  
8 that has served well. It's one that the State  
9 Comptroller believes we need to do. So I'm going  
10 to not try to block it or to vote against it  
11 today, certainly. But I do feel that just the  
12 conversation we had today about whether this  
13 should be a 10-year extender or a permanent  
14 extender, that sort of actual real deep  
15 consideration of bills, and especially of  
16 constitutional amendments, is one that we must do  
17 even here at the end of session when I know the  
18 list is long and the time is short.

19               So I will vote yes on this bill.  
20 Again, I really appreciate the sponsor's  
21 explanation of it. I would urge the sponsor to  
22 work with the State Comptroller on the  
23 possibility of perhaps a longer extension or, if  
24 there's a reason not to have that, perhaps that  
25 calls the entire mechanism into question.

1                   So I'll vote yes today. I'll look  
2 forward to further discussion and thought about  
3 it this before it comes up again in the next  
4 calendar year. And I thank the sponsor.

5                   Thank you, Mr. President.

6                   ACTING PRESIDENT GRIFFO: Seeing  
7 and hearing no other Senator wishing to be heard,  
8 the Secretary will ring the bell and the debate  
9 is closed.

10                  The Secretary will call the roll on  
11 the resolution.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT GRIFFO: Announce  
14 the results.

15                  THE SECRETARY: In relation to  
16 Calendar 1217, Senator Maziarz recorded in the  
17 negative.

18                  Ayes, 59. Nays, 1.

19                  ACTING PRESIDENT GRIFFO: The  
20 resolution is adopted.

21                  Senator Libous, that completes the  
22 reading of the controversial Rules calendar.

23                  SENATOR LIBOUS: Thank you,  
24 Mr. President.

25                  Could you call on Senator Ruth

1 Hassell-Thompson at this point.

2                   ACTING PRESIDENT GRIFFO:     Senator  
3 Hassell-Thompson.

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

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

8                   ACTING PRESIDENT GRIFFO:     There  
9 will be an immediate meeting of the Democrat  
10 Conference in Room 315.

11                   Senator Libous.

12                   SENATOR LIBOUS:     Mr. President,  
13 there will be a meeting of the Rules Committee at  
14 1:30 promptly, a meeting of the Rules Committee  
15 at 1:30 promptly. I know that's a new word for  
16 the members of this house, but we're going to try  
17 to teach them the definition.

18                   ACTING PRESIDENT GRIFFO:     There  
19 will be a Rules Committee meeting at 1:30  
20 promptly in Room 332.

21                   Until such time, the Senate stands  
22 at ease.

23                   (Whereupon, the Senate stood at ease  
24 at 12:49 p.m.)

25                   (Whereupon, the Senate reconvened at



1 2:00 p.m.)

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

4                   Senator Libous.

5                   SENATOR LIBOUS:    Mr. President, I  
6 believe there's a report of the Rules Committee  
7 at the desk.  Could we have it read at this time.

8                   ACTING PRESIDENT GRIFFO:    The  
9 Secretary will read.

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

13                         Senate Print 1361, by Senator  
14 Dilan, an act to amend the General Municipal Law;

15                         1369, by Senator Dilan, an act to  
16 amend the Highway Law;

17                         1989, by Senator Golden, an act to  
18 amend the Public Authorities Law;

19                         3114B, by Senator Espaillat, an act  
20 to amend the Public Housing Law;

21                         5423A, by Senator Larkin, an act to  
22 provide;

23                         5573C, by Senator Lanza, an act to  
24 amend the Not-for-Profit Corporation Law;

25                         6366A, by Senator LaValle, an act

1 to amend the General Municipal Law;

2 6836, by Senator DeFrancisco, an

3 act to amend the Judiciary Law;

4 6839, by Senator Golden, an act to

5 amend the Tax Law;

6 7446, by Senator Robach, an act to

7 amend the Public Health Law;

8 And Senate Print 7451, by Senator

9 Skelos, an act to amend the Penal Law.

10 All bills reported direct to third

11 reading.

12 ACTING PRESIDENT GRIFFO: Senator

13 Libous.

14 SENATOR LIBOUS: Thank you,

15 Mr. President. Can we move to accept the report

16 of the Rules Committee.

17 ACTING PRESIDENT GRIFFO: All in

18 favor of accepting the Committee on Rules report

19 signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT GRIFFO: Opposed,

22 nay.

23 (No response.)

24 ACTING PRESIDENT GRIFFO: The

25 Rules report is accepted.

1 Senator Libous.

2 SENATOR LIBOUS: Mr. President, if  
3 we can jump back to motions while we're passing  
4 out the supplemental calendar.

5 ACTING PRESIDENT GRIFFO: We will  
6 return to motions and resolutions.

7 SENATOR LIBOUS: Thank you.

8 On behalf of Senator Hannon, I wish  
9 to call up his bill, Senate Print 7031, recalled  
10 from the Assembly, which is now at the desk.

11 ACTING PRESIDENT GRIFFO: The  
12 Secretary will read.

13 THE SECRETARY: Calendar Number  
14 819, by Senator Hannon, Senate Print 7031, an act  
15 to amend the Public Health Law.

16 SENATOR LIBOUS: I now move to  
17 reconsider the vote by which this bill was  
18 passed.

19 ACTING PRESIDENT GRIFFO: Call the  
20 roll on reconsideration.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

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

25 ACTING PRESIDENT GRIFFO: The

1 amendments are received.

2 SENATOR LIBOUS: Mr. President, at  
3 this time could we have the noncontroversial  
4 reading of Supplemental Calendar 56B, please.

5 ACTING PRESIDENT GRIFFO: The  
6 Secretary will read.

7 THE SECRETARY: Calendar Number  
8 1202, by Senator Dilan, Senate Print 1361, an act  
9 to amend the General Municipal Law.

10 ACTING PRESIDENT GRIFFO: Read the  
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 60.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 1207, by Senator Dilan, Senate Print 1369, an act  
22 to amend the Highway Law.

23 ACTING PRESIDENT GRIFFO: Read the  
24 last section.

25 THE SECRETARY: Section 5. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 60.

6 ACTING PRESIDENT GRIFFO: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 1210, by Senator Golden, Senate Print 1989, an  
10 act to amend the Public Authorities Law.

11 ACTING PRESIDENT GRIFFO: Read the  
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1214, by Senator Espaillat, Senate Print 3114B,  
23 an act to amend the Public Housing Law.

24 ACTING PRESIDENT GRIFFO: Read the  
25 last section.

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

3           ACTING PRESIDENT GRIFFO:   Call the  
4 roll.

5           (The Secretary called the roll.)

6           THE SECRETARY:    Ayes, 60.

7           ACTING PRESIDENT GRIFFO:   The bill  
8 is passed.

9           THE SECRETARY:    Calendar Number  
10 1223, by Senator Larkin --

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

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

15          THE SECRETARY:    Calendar Number  
16 1224, by Senator Lanza, Senate Print 5573C, an  
17 act to amend the Not-for-Profit Corporation Law.

18          SENATOR LIBOUS:   Mr. President, I  
19 believe the bill is high; is that correct?

20          ACTING PRESIDENT GRIFFO:   Senator  
21 Libous, the bill is high.

22          The Secretary will read 1225 next  
23 on the calendar.

24          THE SECRETARY:    Senator LaValle  
25 moves to discharge, from the Committee on Rules,

1 Assembly Bill 8268A and substitute it for the  
2 identical Senate Bill Number 6366A, Third Reading  
3 Calendar 1225.

4 ACTING PRESIDENT GRIFFO: The  
5 substitution is so ordered.

6 There is a home-rule message at the  
7 desk.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number  
10 1225, by Member of the Assembly Thiele, Assembly  
11 Print 8268A, an act to amend the General  
12 Municipal Law.

13 ACTING PRESIDENT GRIFFO: Read the  
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 59. Nays.

21 1. Senator Zeldin recorded in the negative.

22 ACTING PRESIDENT GRIFFO: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 1226, by Senator DeFrancisco, Senate Print 6836,

1 an act to amend the Judiciary Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 59. Nays,  
10 1. Senator Maziarz recorded in the negative.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 1227, by Senator Golden --

15 SENATOR LIBOUS: Lay it aside for  
16 the day.

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

19 THE SECRETARY: In relation to  
20 Calendar Number 1228, Senator Robach moves to  
21 discharge, from the Committee on Health, Assembly  
22 Bill Number 10095 and substitute it for the  
23 identical Senate Bill Number 7446, Third Reading  
24 Calendar 1228.

25 ACTING PRESIDENT GRIFFO: The



1 substitution is so ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number  
4 1228, by Member of the Assembly Simanowitz,  
5 Assembly Print 10095, an act to amend the Public  
6 Health Law.

7 ACTING PRESIDENT GRIFFO: Read the  
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: In relation to  
15 Calendar Number 1228, those recorded in the  
16 negative are Senators Duane, Gallivan, Little,  
17 Martins and Zeldin.

18 Ayes, 55. Nays, 5.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1229, by Senator Skelos, Senate Print 7451, an  
23 act to amend the Penal Law.

24 ACTING PRESIDENT GRIFFO: Read the  
25 last section.

1 THE SECRETARY: Section 5. This  
2 act shall take effect on the first of November.

3 ACTING PRESIDENT GRIFFO: Call the  
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 59. Nays,  
7 1. Senator Duane recorded in the negative.

8 ACTING PRESIDENT GRIFFO: The bill  
9 is passed.

10 Senator Libous, that completes the  
11 noncontroversial reading of Supplemental Calendar  
12 56B.

13 SENATOR LIBOUS: Mr. President,  
14 thank you.

15 As we move along here efficiently,  
16 I want to go to the Supplemental Active List  
17 Number 1, please. And if we could read the  
18 noncontroversial reading of that list, please.

19 ACTING PRESIDENT GRIFFO: The  
20 Secretary will read.

21 THE SECRETARY: On page 14,  
22 Senator Ritchie moves to discharge, from the  
23 Committee on Agriculture, Assembly Bill Number  
24 9552A and substitute it for the identical Senate  
25 Bill Number 6774A, Third Reading Calendar 457.

1           ACTING PRESIDENT GRIFFO:    The  
2 substitution is so ordered.

3           The Secretary will read.

4           THE SECRETARY:    Calendar Number  
5 457, by Member of the Assembly McEneny, Assembly  
6 Print 9552A, an act to amend the Agriculture and  
7 Markets Law.

8           ACTING PRESIDENT GRIFFO:    Read the  
9 last section.

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

12          ACTING PRESIDENT GRIFFO:    Call the  
13 roll.

14          (The Secretary called the roll.)

15          THE SECRETARY:    Ayes, 59.  Nays,  
16 1.  Senator Duane recorded in the negative.

17          ACTING PRESIDENT GRIFFO:    The bill  
18 is passed.

19          THE SECRETARY:    Calendar Number  
20 1044, by Senator Gallivan, Senate Print 6747A --

21          SENATOR BRESLIN:   Lay it aside.

22          ACTING PRESIDENT GRIFFO:    Lay the  
23 bill aside.

24          THE SECRETARY:    Calendar Number  
25 1054, by Senator LaValle, Senate Print 3998C, an

1 act to amend the Tax Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT GRIFFO: Announce  
10 the results.

11 THE SECRETARY: In relation to  
12 Calendar Number 1054, those recorded in the  
13 negative are Senators Adams, Addabbo, Avella,  
14 Duane, Gianaris, Hassell-Thompson, Montgomery,  
15 Parker, Peralta, Perkins, Rivera, Serrano,  
16 Squadron and Stavisky.

17 Ayes, 46. Nays, 14.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: On page 47,  
21 Senator Carlucci moves to discharge, from the  
22 Committee on Rules, Assembly Bill Number 9301 and  
23 substitute it for the identical Senate Bill  
24 Number 6491, Third Reading Calendar 1117.

25 ACTING PRESIDENT GRIFFO: The

1 substitution is so ordered.

2                   There is a home-rule message at the  
3 desk.

4                   The Secretary will read.

5                   THE SECRETARY:   Calendar Number  
6 1117, by Member of the Assembly Jaffee, Assembly  
7 Print Number 9301, an act to amend the General  
8 Municipal Law.

9                   ACTING PRESIDENT GRIFFO:   Read the  
10 last section.

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

13                   THE PRESIDENT:   Call the roll.  
14                   (The Secretary called the roll.)

15                   THE SECRETARY:   Ayes, 59.  Nays,  
16 1.  Senator Zeldin recorded in the negative.

17                   ACTING PRESIDENT GRIFFO:   The bill  
18 is passed.

19                   THE SECRETARY:   Calendar Number  
20 1188, by Senator Nozzolio, Senate Print --

21                   SENATOR BRESLIN:   Lay it aside.

22                   ACTING PRESIDENT GRIFFO:   Lay the  
23 bill aside.

24                   Senator Libous, that completes the  
25 noncontroversial reading of Supplemental Active

1 List Number 1.

2 SENATOR LIBOUS: Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator  
4 Libous.

5 SENATOR LIBOUS: We're going to  
6 call up the controversial reading of the  
7 calendar, please.

8 ACTING PRESIDENT GRIFFO: The  
9 Secretary will ring the bell.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 1044, by Senator Gallivan, Senate Print 6747A, an  
13 act to amend the Environmental Conservation Law.

14 SENATOR BRESLIN: Explanation.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Gallivan, Senator Breslin has requested an  
17 explanation.

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

20 This bill would allow the  
21 Department of Environmental Conservation to  
22 promulgate standards to allow for a legalized  
23 crossbow-hunting season. It will also require  
24 the DEC to adopt regulations for training and the  
25 safe use of hunting with a crossbow.

1                   ACTING PRESIDENT GRIFFO:    Senator  
2 Oppenheimer.

3                   SENATOR OPPENHEIMER:    Well, I  
4 understand what Senator Gallivan is interested in  
5 this bill, but we come from very different  
6 parts --

7                   ACTING PRESIDENT GRIFFO:    Senator  
8 Oppenheimer, are you on the bill or are you --

9                   SENATOR OPPENHEIMER:    I'm sorry.  
10 I guess I'm on the bill, yes.

11                  ACTING PRESIDENT GRIFFO:    Senator  
12 Oppenheimer on the bill.

13                  SENATOR OPPENHEIMER:    I was saying  
14 that I understand why Senator Gallivan wants this  
15 bill, but we do come from very different parts of  
16 the state. And in my area of the state, the  
17 lower part of our state, we have pretty fair  
18 restrictions on what can be done in the bow  
19 hunting season.

20                  As some people may not understand,  
21 we have a bow hunting season in our state and we  
22 have a gun hunting season in our state. What is  
23 happening here is the crossbow is being sought to  
24 be utilized in that longbow period. It's a  
25 shorter period in our state, much shorter than

1 our gun period for hunting.

2           And we understand that hunting is  
3 very essential to our state, because we would  
4 have a deer population that would simply starve  
5 during the winter if we did not have a hunting  
6 season. And the DEC looks very closely at how  
7 many days are needed to reduce the population of  
8 the deer to a certain level where they can  
9 sustain themselves. So it's something we are  
10 very supportive of.

11           But it should not be bow hunting,  
12 it should not be crossbow hunting in a bow  
13 hunting season. Because if you have ever seen a  
14 crossbow, you would think it is a gun. You would  
15 not think it is a normal longbow.

16           And it doesn't have the accuracy of  
17 a gun. And it is potentially kind of lethal. It  
18 certainly looks a whole lot more like a gun,  
19 probably belongs in the gun hunting season, but  
20 certainly doesn't belong in an area in the south  
21 of our state. Because we have very large  
22 populations, very dense populations, and this  
23 kind of hunting has always been prohibited in  
24 what we call longbow hunting season. Which is a  
25 short period and usually utilized by the



1 youngsters of our state to start to hunt with the  
2 longbow.

3                   And this is I think a very bad  
4 bill. It is not the firearm season, it is the  
5 longbow hunting season. They're very different  
6 and this certainly does not belong, the crossbow  
7 does not belong in a densely populated area and  
8 certainly not during the particular season that I  
9 mentioned. So that's the other side of this  
10 issue.

11                   I'll be voting no.

12                   ACTING PRESIDENT GRIFFO:     Senator  
13 Gallivan.

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

16                   And I apologize in advance if I do  
17 not address everything that Senator Oppenheimer  
18 brought up; I wasn't able to hear everything.  
19 But just a couple of comments.

20                   The IRS, the U.S. Fish and Wildlife  
21 Service, the Archery Trade Association all  
22 consider a crossbow archery equipment. I would  
23 submit that the crossbows are more comparable to  
24 archery equipment than they are to firearms. And  
25 I would just -- I would bring up a couple of

1 points.

2                   Crossbows and other bows I believe  
3 differ only in that once an arrow is cocked in a  
4 crossbow, the string does not need to be  
5 continuously held or pulled back until released.

6                   Modern compound bows and crossbows  
7 share similar ballistic characteristics, the  
8 majority shooting the arrow between 300 and  
9 350 feet per second. Firearms shoot a projectile  
10 through the barrel at speeds of 2,000 to 3,000  
11 feet per second.

12                   We very often, when we're  
13 discussing many different areas, look to the  
14 experts, in this case the DEC. Senator  
15 Oppenheimer raises very valid points that  
16 downstate and upstate are different. Our  
17 populations are somewhat different, the density  
18 of the populations, and the DEC takes that into  
19 account through different zones. So certain  
20 things are allowed in some parts of the state and  
21 not in other parts of the state.

22                   The bill that I am putting forward  
23 does not compel the DEC to allow this in every  
24 single part of the state, it simply allows for it  
25 if they as the experts deem it appropriate.

1                   Finally, the DEC, in its management  
2 plan for white-tail deer in New York State from  
3 2012 through 2016, supports the use of crossbows  
4 and points to the law that was enacted in 2010,  
5 stating that it does not address deer management  
6 needs of our state.

7                   Thank you, Mr. President.

8                   ACTING PRESIDENT GRIFFO:    Thank  
9 you, Senator Gallivan.

10                  Senator Oppenheimer.

11                  SENATOR OPPENHEIMER:    Thank you,  
12 Mr. President.

13                  Perhaps we should have done a  
14 question and answer, Senator Gallivan.

15                  But I can assure you that  
16 downstate, most of the counties only permit  
17 longbow hunting. We don't permit hunting with  
18 guns. We are just too densely populated. And  
19 that is one reason that we feel very strongly  
20 that the crossbow, which as I said, it has a  
21 siting, it has a trigger, it works a whole lot  
22 like a gun. I have pictures which you will think  
23 it is a gun.

24                  Downstate it's just too dangerous  
25 to have, where we limit so severely just to

1 longbow hunting for very good reasons, to protect  
2 our population.

3                   What is our purpose? Our purpose  
4 is safety. That's why we're all here. One of  
5 our main reasons for being in this chamber is to  
6 make sure our residents, the citizens of this  
7 state, are safe.

8                   There may be different rules that  
9 can apply upstate, but I can assure you downstate  
10 this is not a welcomed addition.

11                   Thank you.

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

14                   Seeing none, hearing none, the  
15 debate is closed.

16                   The Secretary will ring the bell.

17                   Read the last section.

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

20                   ACTING PRESIDENT GRIFFO: Call the  
21 roll.

22                   (The Secretary called the roll.)

23                   THE SECRETARY: In relation to  
24 Calendar Number 1044, those recorded in the  
25 negative are Senators Adams, Diaz, Duane,

1 Gianaris, Hassell-Thompson, Johnson, Marcellino,  
2 Montgomery, Oppenheimer, Peralta, Perkins,  
3 Rivera, Sampson, Serrano, Smith, Squadron,  
4 Stavisky and Stewart-Cousins.

5 Absent from voting: Senators Ball,  
6 Espaillat, Golden, Hannon and LaValle.

7 Ayes, 37. Nays, 18.

8 ACTING PRESIDENT GRIFFO: The bill  
9 is passed.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 1188, by Senator Nozzolio, Senate Print 3747, an  
13 act to amend the Correction Law.

14 ACTING PRESIDENT GRIFFO: Senator  
15 Rivera.

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

19 ACTING PRESIDENT GRIFFO: Senator  
20 Nozzolio, do you yield?

21 SENATOR NOZZOLIO: Yes,  
22 Mr. President. Before I yield, though, I'd like  
23 to explain the legislation.

24 ACTING PRESIDENT GRIFFO: Can we  
25 have some order in the house, please {gaveling}.

1                   SENATOR RIVERA:   Mr. President,  
2   there certainly will be an opportunity through  
3   the questions that I ask. Through you,  
4   Mr. President, if the sponsor would yield --

5                   ACTING PRESIDENT GRIFFO:   Senator  
6   Rivera, the bill was laid aside, so I will allow  
7   an explanation and then I will call upon you.

8                   Senator Nozzolio.

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

11                   Simply stated, Mr. President, this  
12   measure requires the State Department of  
13   Correctional Services to end a program known as  
14   the conjugal visit program or, euphemistically,  
15   as the family reunion program. That it's a way  
16   to save \$4 million, and this measure would do  
17   just that on an annual operating basis.

18                   ACTING PRESIDENT GRIFFO:   Thank  
19   you, Senator Nozzolio.

20                   Senator Rivera.

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

24                   SENATOR NOZZOLIO:   Mr. President,  
25   I'd be happy to yield.

1                   ACTING PRESIDENT GRIFFO:    The  
2 sponsor yields.

3                   SENATOR RIVERA:    Thank you,  
4 Mr. President.

5                   Senator Nozzolio, through you,  
6 Mr. President, are you familiar --

7                   ACTING PRESIDENT GRIFFO:    Senator  
8 Rivera, excuse me.

9                   Again, in order to allow to  
10 expedite the conversation, can I please have some  
11 order in the house.  I'm going to ask all members  
12 and staff to take conversations outside the  
13 chamber.

14                   Senator Rivera.

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

17                   Again, through you.  Senator  
18 Nozzolio, are you familiar with the work of the  
19 Urban Institute?

20                   SENATOR NOZZOLIO:    Mr. President,  
21 is that the Urban Institute?  Mr. Rivera?

22                   SENATOR RIVERA:    Yes, sir.

23                   SENATOR NOZZOLIO:    No, I am not,  
24 Mr. President.

25                   SENATOR RIVERA:    Through you,

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

3 SENATOR NOZZOLIO: Yes,  
4 Mr. President.

5 ACTING PRESIDENT GRIFFO: The  
6 sponsor yields.

7 SENATOR RIVERA: Through you,  
8 Mr. President, the Urban Institute is a  
9 nonpartisan economic and social policy research  
10 outfit based out of D.C. And the reason I'm  
11 asking is because they do a lot of work as it  
12 related to formerly incarcerated individuals and  
13 recidivism in particular.

14 So are you familiar with the --  
15 there's a series of studies that the Urban  
16 Institute has done called "Returning Home." Are  
17 you familiar with those -- through you,  
18 Mr. President, are you familiar with those  
19 studies?

20 SENATOR NOZZOLIO: Mr. President,  
21 I'd like to know more about the Urban Institute.  
22 Can Senator Rivera indicate who funds this  
23 institute, where does their money come from, and  
24 what other studies have they accomplished?

25 ACTING PRESIDENT GRIFFO: Senator



1 Rivera, do you yield for that question?

2                   SENATOR RIVERA: I would certainly  
3 yield for questions after I finish my set of  
4 questions.

5                   So again through you,  
6 Mr. President, is the sponsor aware of the  
7 "Returning Home" set of studies that the Urban  
8 Institute has done over the years?

9                   SENATOR NOZZOLIO: Mr. President,  
10 I don't know a thing about this institute. I  
11 don't know where they get their money, I don't  
12 know what they do, how they're funded, who  
13 supports them, who sponsors them. I must admit I  
14 don't know anything about this institution.  
15 Possibly Senator Rivera could enlighten us and  
16 provide some background about this institution.

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

20                   SENATOR NOZZOLIO: Yes,  
21 Mr. President, I'd be happy to yield.

22                   ACTING PRESIDENT GRIFFO: The  
23 sponsor yields.

24                   SENATOR RIVERA: While I would  
25 love to on the record regale you with the story

1 of 40 years of studies of this particular  
2 nonpartisan organization, for today I wanted to  
3 see if -- through you, Mr. President -- we could  
4 talk a little bit about a set of studies. And  
5 the reason I asked you about them is because of  
6 the work that they've done as it refers to  
7 recidivism and finding out what the impact -- or  
8 ways in which we can keep people from returning  
9 to prison.

10                   So there's a series of studies that  
11 they did particularly in Illinois and Maryland  
12 there's a series of studies called "Returning  
13 Home" that they have done. And as you admitted,  
14 you're not familiar with these studies. But in  
15 your estimation -- I mean, you're not familiar  
16 with these studies, but in your estimation is  
17 there an impact that family cohesion, let's say,  
18 is there an impact on whether somebody -- does  
19 that impact, family cohesion, the idea of whether  
20 people are -- that have a family, have  
21 connections with them through the time that they  
22 are imprisoned, once they exit prison, does this  
23 connection between them and their family through  
24 the time that they were incarcerated, does that,  
25 in your estimation, have an impact on whether

1 that person returns to prison or not?

2           SENATOR NOZZOLIO:   Mr. President,  
3 I'd be happy to engage in this dialogue. But  
4 with all due respect, there still are a number of  
5 conversations going on in the chamber and it is  
6 difficult for me to hear all of the commentary of  
7 Senator Rivera, which I very much want to hear  
8 and add to the strength of this debate. Could  
9 you please demand order in the chamber.

10           ACTING PRESIDENT GRIFFO:   Again,  
11 I'm going to ask all the members, before I begin  
12 to cite members specifically, if you would take  
13 your conversations outside the chamber. Please,  
14 members who are engaging in conversations in the  
15 chamber, please take your conversations outside  
16 the chamber.

17           SENATOR RIVERA:   I think we're  
18 good now, Mr. President.

19           ACTING PRESIDENT GRIFFO:   You may  
20 continue.

21           SENATOR RIVERA:   Very well. I  
22 will ask again, now that all the conversations  
23 are outside -- oh, you did --

24           SENATOR NOZZOLIO:   I don't think  
25 that's necessary, Senator. Let me try, if I may

1 through the chair, to answer Senator Rivera's  
2 question.

3                   Certainly I believe that there  
4 should be family responsibility, family  
5 connection. And in many cases the reason why an  
6 individual is incarcerated in the first place is  
7 because there has been a breakdown of the  
8 family -- the family structure, the family  
9 discipline. A lot of issues of course are  
10 involved with every individual who's  
11 incarcerated. But I believe that a common theme  
12 throughout those who have committed crime is the  
13 fact that family responsibility and cohesiveness  
14 and discipline and other issues were not  
15 established.

16                   Having said that, I also believe  
17 very strongly, Mr. President, that there should  
18 be some connection between the family and those  
19 who are incarcerated. As a matter of fact,  
20 members of this house encouraged and really  
21 established, through legislation, through direct  
22 contact with prior governors, to eliminate a very  
23 costly prohibitive system where inmates' families  
24 who were making long-distance phone calls into  
25 their correctional facility to discuss issues

1 with their loved ones who are incarcerated, they  
2 were paying exorbitant, exorbitant fees, far  
3 beyond the market value of the phone call.

4 And those fees the Department of  
5 Corrections said were funding programs. Frankly,  
6 though, I believe they were a significant  
7 impediment to be able to contact individual  
8 family connection.

9 So yes, Mr. President, I am aware  
10 of the need to have a family connection. But  
11 this legislation strongly says that, although we  
12 encourage family visiting and family phone  
13 calling, that the conjugal visit issue is one  
14 that should be revisited and in effect eliminated  
15 by this legislation.

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

19 ACTING PRESIDENT GRIFFO: The  
20 sponsor yields.

21 SENATOR RIVERA: Thank you,  
22 Mr. President.

23 So if I understand this correctly,  
24 Senator Nozzolio, you are equating a phone call  
25 to an in-person visit? Is that a correct

1 assumption?

2                   SENATOR NOZZOLIO:    Mr. President,  
3 absolutely not. And maybe the chamber was still  
4 too loud and Senator Rivera did not hear me. Let  
5 me repeat it. That I strongly said that  
6 connection with family is important. And there  
7 is no way in the world I was equating a family  
8 visit with a phone call. That certainly a visit  
9 would be appropriate.

10                   This legislation before us,  
11 Mr. President, does not eliminate visits.  
12 There's no way it discourages visitation to  
13 correctional facilities to visit inmates who are  
14 incarcerated. What it says, though, is the state  
15 is not going to pay for the design, production,  
16 and management of conjugal visits, which we  
17 certainly know are visits of a different nature.

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

21                   ACTING PRESIDENT GRIFFO:    The  
22 sponsor yields.

23                   SENATOR RIVERA:    Thank you,  
24 Mr. President.

25                   So, Senator Nozzolio, again to

1 clarify, there are -- the program that we're  
2 talking about, either known as conjugal visits or  
3 family reunion programs, do they -- right now do  
4 they happen between incarcerated individuals and  
5 their families, including their children? Is  
6 that correct?

7                   SENATOR NOZZOLIO: Yes,  
8 Mr. President.

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

12                  ACTING PRESIDENT GRIFFO: The  
13 sponsor yields.

14                  SENATOR RIVERA: So through you,  
15 Mr. President, if then, as you admitted, you do  
16 not equate a phone call to an in-person visit --  
17 which I agree with you a hundred percent. I talk  
18 to my parents every week, call them once a week.  
19 And if I don't, my dad calls me and reminds me  
20 that I have to do it. But I love seeing my folks  
21 in the same way that everyone in this chamber  
22 likes to see their family.

23                  So since you, as you admitted, do  
24 not equate one with the other, and this is a  
25 program which exists right now which facilitates

1 visits between incarcerated individuals and their  
2 families, including their children, wouldn't the  
3 elimination of this program actually make this  
4 much more difficult and indeed, in some cases,  
5 impossible?

6                   SENATOR NOZZOLIO:    Mr. President,  
7 this legislation, to clarify does in no way  
8 eliminate the opportunity for a family to visit  
9 their loved ones in prison. Visitation is not  
10 eliminated by this legislation.

11                   We're simply saying that the normal  
12 visiting hours are sufficient to do that type of  
13 visitation. That the expense, the management,  
14 the maintenance of additional exclusive visiting  
15 time should not be maintained by our taxpayers.

16                   I should also add that the  
17 Department of Corrections is engaging in policies  
18 that are upside down, in that those who are  
19 incarcerated in many ways for life, in many  
20 instances for life, have the opportunity to have  
21 visitors every day at our maximum-security  
22 facilities. In the medium-security facilities,  
23 visiting is much less frequently allowed. As a  
24 matter of fact, it's allowed -- those who have  
25 committed lesser crimes who have shorter



1 sentences are, by the Corrections Department's  
2 own policies, having fewer visitors. And that  
3 that, to me, doesn't make sense. We have at the  
4 extreme, at the maximum-security inmate level,  
5 where some who have been convicted of the most  
6 heinous crimes imaginable are allowed these types  
7 of visitations.

8                   And that this was brought to a  
9 head, Senator, when a former governor one or two  
10 governors ago established a major appropriation,  
11 close to a million dollars, to retrofit in one of  
12 our maximum security facilities of this state, a  
13 trailer system for conjugal private visits. At a  
14 time when we were seeing school education  
15 slashed, when we were seeing teachers losing  
16 their jobs, when we were seeing correction  
17 officers lose their jobs, when we were seeing  
18 prisons closed -- when all aspects of state  
19 government have to do more with less, at the same  
20 time we were seeing a expenditure that I believe  
21 and many believe, my constituents -- and frankly,  
22 there were 40,000 who visited my website and  
23 demanded that this type of expenditure be cut.

24                   And those weren't 40,000 just from  
25 my district, it was from all across the state

1 asking for this type of expenditure to be cut, to  
2 be not engaged in. And I respect those opinions  
3 of the over 40,000 who emailed me, from all  
4 New Yorkers, who indicated they believe this  
5 expenditure was inappropriate in these  
6 tremendously difficult economic times.

7                   So we're saying this is a choice.  
8 It's a choice that we're trying to make on behalf  
9 of our taxpayers. That it's an expenditure well  
10 over \$4 million a year that needs to be cut. And  
11 that's what the proposal is, to cut this specific  
12 expenditure.

13                   It does not, to clarify Senator  
14 Rivera's very telling questions, it does not cut  
15 any visitation of inmates in the regular course  
16 of visitation hours established already by our  
17 correctional facilities. It simply eliminates  
18 the expense of this particular specific  
19 conjugal-visit program.

20                   SENATOR RIVERA: Mr. President, on  
21 the bill.

22                   ACTING PRESIDENT GRIFFO: Senator  
23 Rivera on the bill.

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

1                   And again, thank you, Senator  
2 Nozzolio. As we did last year, we will debate it  
3 again in years to come, I am sure.

4                   A few things. The studies that I  
5 mentioned at the beginning from this  
6 organization, which again the Urban Institute --  
7 and I would encourage the -- I will actually  
8 bring some of the history over to Senator  
9 Nozzolio. I would not bore everyone with the  
10 history of this organization. But it is a  
11 40-year organization that has produced  
12 nonpartisan work on social issues and economic  
13 issues.

14                  And in this particular case it  
15 has presented a series of studies that outline  
16 the way in which family cohesion, connections  
17 with family, impacts whether had a person goes  
18 back to prison or not. And particularly when  
19 we're talking about Illinois or Maryland, which  
20 is where a lot of these numbers exist, the  
21 connection is clear. When there is an individual  
22 that has connection with their family while they  
23 are incarcerated, they do not want to come back  
24 and be incarcerated because they believe that  
25 they have something to go back to.

1           An in-person visit, which is what  
2 this family reunification program facilitates --  
3 it certainly does not guarantee it, but it  
4 facilitates it. And that is really the  
5 distinction here.

6           Senator Nozzolio spoke about  
7 choices, and I certainly think that we've had  
8 many conversations on this floor about choices  
9 that we have to make.

10           Now, most of those folks that are  
11 incarcerated upstate are going to return home.  
12 And when they return home, they're going to come  
13 to my district. They're going to come to  
14 Yonkers, they're going to come to Brooklyn,  
15 they're going to come to the South Bronx, they're  
16 going to come to Harlem. They're going to come  
17 back. We don't want them to go back upstate. We  
18 want them to stay home. And to have -- this  
19 family program, this family reunion program  
20 facilitates that.

21           I believe that it is a choice that  
22 is a good choice. Four million dollars is an  
23 expenditure, yes. But this expenditure actually  
24 facilitates thousands of these individuals not  
25 wanting to commit more crimes.

1                   I believe that when you have a  
2 family member that has connection with their  
3 children, that knows that they have committed a  
4 mistake -- I had the opportunity just a few  
5 months ago to go to a Parole Board hearing and  
6 sit in the back while there was a lady who was  
7 being interviewed by the Parole Board  
8 commissioners. And they showed her a picture.  
9 They said, "Do you know who this?" Immediately  
10 when she saw the picture she started to weep.  
11 She said, That's my daughter. And she's about  
12 3, and I barely have seen her. I want to go back  
13 to her."

14                   What we're saying here is this is a  
15 program that facilitates connections between  
16 people incarcerated and people that are back  
17 home. To eliminate this is not really, again,  
18 about saving money.

19                   Four million dollars, yes, it is a  
20 chunk of change. But ultimately when we're  
21 talking about whether these people return back to  
22 prison, when all the studies have demonstrated  
23 that family cohesion and family unity are one of  
24 the things that most determine whether someone is  
25 going to return to prison or not, to make the

1 choice to eliminate this program seems to me to  
2 continue what a lot of other bills that we've  
3 considered both on this floor and in the  
4 committee do. Just like the one that we talked  
5 about yesterday, they are overly punitive and  
6 overly vindictive and ultimately are not good  
7 policy.

8                   If we want to make sure that these  
9 people go back to their homes -- I should say  
10 come back to their homes. Come back to the  
11 Bronx, come back to Brooklyn, come back to Harlem  
12 and stay there and become productive members of  
13 society, they need to have a reason to do so.  
14 This is a program that facilitates that family  
15 cohesion, facilitates that family unity, gives  
16 them a reason to stay back home and not go back  
17 to prison.

18                   Now, you're certainly right that if  
19 this bill were to become law it would not  
20 prohibit family visitation. But it would  
21 certainly make it harder for the situation in  
22 which children visiting their parents can happen.

23                   And if this happens, then you're  
24 going to have folks that are upstate that might  
25 not be able to get on the phone to their

1 children. Their children might be too young to  
2 even get on the phone with them. And that  
3 person-to-person interaction is eliminated.

4 I believe ultimately that this is a  
5 bill that does not try to resolve a real policy  
6 issue but instead comes from a perspective of  
7 saying if they are incarcerated, they not only  
8 deserve to be incarcerated but they deserve  
9 everything that we do to be ultimately a  
10 punishment. They are being punished already by  
11 being in prison. Let's not punish them further  
12 by cutting off connections to their family and  
13 therefore giving them no reason to want to come  
14 back to my neighborhood and be productive members  
15 of society.

16 I vote in the negative on this  
17 bill. Thank you.

18 ACTING PRESIDENT GRIFFO: Any  
19 other Senator wishing to be heard?

20 Seeing none, hearing none, the  
21 debate is closed.

22 The Secretary will ring the bell.

23 The Secretary will read the last  
24 section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT GRIFFO: Senator  
6 Nozzolio to explain his vote.

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

9 Mr. President, I wish to thank my  
10 colleagues and especially Senator Rivera for a  
11 very respectful and open discussion on an  
12 important issue. That what we're trying to do  
13 with this measure is save taxpayers dollars. In  
14 tough economic times it becomes more and more  
15 imperative.

16 And the over 40,000 citizens of  
17 this state who asked us to cut this particular  
18 expenditure out of the budget makes all the  
19 dollars and sense in the world in terms of moving  
20 New York forward. Spending less, creating more  
21 effective and efficient state government is all  
22 our objective, and it's the objective of the  
23 legislation before us.

24 Thank you, Mr. President, for a  
25 very thoughtful debate to date, and that I very



1 much hope that we will enact this measure.

2           ACTING PRESIDENT GRIFFO:    Senator  
3 Nozzolio to be recorded in the affirmative.

4           Senator Diaz to explain his vote.

5           SENATOR DIAZ:    Thank you,  
6 Mr. President.

7           Just to congratulate Gustavo  
8 Rivera, Senator Rivera for his explanation, and  
9 to call to the attention of Senator Nozzolio that  
10 when you say that you're doing it to protect and  
11 to save people's money, when you break the  
12 family, when you break the family, you don't save  
13 money. In the long run, you are going to spend  
14 more money.

15           So I'm very impressed with what  
16 Senator Gustavo said about keeping families  
17 together. And you on that side, you are the  
18 Republican side. You are the side -- you are the  
19 pro-family side. You are the traditional family,  
20 you are the protector of the family. You're  
21 supposed to be the protector of the family, the  
22 pro-family, the unity.

23           And, you know, you're surprising me  
24 now with this kind of breaking the family to save  
25 \$4 million. At the end, at the end, ladies and

1 gentlemen, you're going to pay more.

2 So I'm voting no.

3 ACTING PRESIDENT GRIFFO: Senator  
4 Diaz to be recorded in the negative.

5 Announce the results.

6 THE SECRETARY: In relation to  
7 Calendar Number 1188, those recorded in the  
8 negative are Senators Adams, Addabbo, Avella,  
9 Breslin, Diaz, Dilan, Duane, Hassell-Thompson,  
10 Montgomery, Oppenheimer, Parker, Peralta,  
11 Perkins, Rivera, Sampson, Savino, Smith,  
12 Squadron, Stavisky, and Stewart-Cousins. Also  
13 Senator Gianaris. Also Senator Kennedy. Also  
14 Senator Serrano.

15 Absent from voting are Senators  
16 Espaillat and Hannon.

17 Ayes, 35. Nays, 23.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 Senator Fuschillo, that completes  
21 the controversial reading of Supplemental Active  
22 List Number 1.

23 SENATOR FUSCHILLO: Please  
24 recognize Senator Hassell-Thompson.

25 ACTING PRESIDENT GRIFFO: Senator

1 Hassell-Thompson.

2                   SENATOR HASSELL-THOMPSON:    Thank  
3 you, Mr. President.   There will be an immediate  
4 meeting of the Democratic Conference in Room 315.

5                   ACTING PRESIDENT GRIFFO:    There's  
6 an immediate meeting of the Democrat Conference  
7 in Room 315.

8                   Senator Fuschillo.

9                   SENATOR FUSCHILLO:    Mr. President,  
10 there will be a meeting of the Rules Committee at  
11 3:45 promptly in Room 332, and the Senate will  
12 stand at ease.

13                   ACTING PRESIDENT GRIFFO:    There  
14 will be a meeting of the Rules Committee at 3:45  
15 promptly.   Until such time, the Senate stands at  
16 ease.

17                   (Whereupon, the Senate stood at ease  
18 at 2:56 p.m.)

19                   (Whereupon, the Senate reconvened at  
20 4:26 p.m.)

21                   ACTING PRESIDENT GRIFFO:    The  
22 Senate will come to order.

23                   Senator Libous.

24                   SENATOR LIBOUS:    Mr. President, I  
25 believe there's a report of the Rules Committee

1 at the desk. Could we have it read at this time.

2 ACTING PRESIDENT GRIFFO: The  
3 Secretary will read the report of the  
4 Rules Committee.

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

8 Senate Print 2747A, by Senator  
9 Serrano, an act to amend the Parks, Recreation  
10 and Historic Preservation Law;

11 3300, by Senator Addabbo, an act to  
12 amend the Vehicle and Traffic Law;

13 3684, by Senator Adams, an act to  
14 amend the Military Law;

15 4725, by Senator Kennedy, an act to  
16 amend the Penal Law;

17 4931B, by Senator Bonacic, an act  
18 to amend the Town Law;

19 5215C, by Senator Griffo, an act to  
20 amend the General Business Law;

21 5288A, by Senator Lanza, an act to  
22 amend the Correction Law;

23 6610, by Senator Bonacic, an act to  
24 amend the Education Law;

25 6248, by Senator Grisanti, an act

1 to amend the Labor Law;

2 6373, by Senator Golden, an act to  
3 amend Chapter 548 of the Laws of 2004;

4 6424, by Senator Grisanti, an act  
5 to amend the Education Law;

6 6427, by Senator Gallivan, an act  
7 to amend the Executive Law;

8 6766, by Senator Savino, an act to  
9 amend the Tax Law;

10 6796A, by Senator Golden, an act to  
11 amend the Executive Law;

12 6818, by Senator Golden, an act to  
13 amend the Executive Law;

14 6856, by Senator Nozzolio, an act  
15 to amend the Penal Law;

16 7187B, by Senator Bonacic, an act  
17 authorizing payment;

18 7216, by Senator Grisanti, an act  
19 to amend the Alcoholic Beverage Control Law;

20 7237, by Senator Farley, an act to  
21 amend the Education Law;

22 7238, by Senator Farley, an act to  
23 amend the Education Law;

24 7239, by Senator Farley, an act to  
25 amend the Education Law;

1                   7326, by Senator Hannon, an act to  
2 amend the Public Health Law;

3                   7513, by Senator Skelos, an act to  
4 authorize the assessor;

5                   And Senate 7543, by Senator Libous,  
6 an act to amend the State Finance Law.

7                   All bills reported direct to third  
8 reading.

9                   ACTING PRESIDENT GRIFFO:     Senator  
10 Libous.

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

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

16                  (Response of "Aye.")

17                  ACTING PRESIDENT GRIFFO:     Opposed,  
18 nay.

19                  (No response.)

20                  ACTING PRESIDENT GRIFFO:     The  
21 Rules Committee report is accepted.

22                  Senator Libous.

23                  SENATOR LIBOUS:     Mr. President,  
24 can we go to motions and resolutions for a  
25 moment, please.

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

3                   SENATOR LIBOUS:    Thank you.

4                   On behalf of Senator Little, on  
5   page 42 I offer the following amendments to  
6   Calendar Number 1050, Senate Print 346, and ask  
7   that said bill retain its place on the Third  
8   Reading Calendar.

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

12                  SENATOR LIBOUS:    Mr. President,  
13   could we now take up the noncontroversial reading  
14   of Supplemental Calendar 56C.

15                  ACTING PRESIDENT GRIFFO:    The  
16   Secretary will read.

17                  THE SECRETARY:    Calendar Number  
18   1230, by Senator Serrano, Senate Print 2747A, an  
19   act to amend the Parks, Recreation and Historic  
20   Preservation Law.

21                  ACTING PRESIDENT GRIFFO:    Read the  
22   last section.

23                  THE SECRETARY:    Section 2.   This  
24   act shall take effect January 1, 2013.

25                  ACTING PRESIDENT GRIFFO:    Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 57. Nays,  
4 3. Senators Ball, Martins and Zeldin recorded in  
5 the negative.

6 ACTING PRESIDENT GRIFFO: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 1231, by Senator Addabbo, Senate Print 3300, an  
10 act to amend the Vehicle and Traffic Law.

11 ACTING PRESIDENT GRIFFO: Read the  
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 58. Nays,  
19 2. Senators Ball and Zeldin recorded in the  
20 negative.

21 ACTING PRESIDENT GRIFFO: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 1232, by Senator Adams, Senate Print 3684, an act  
25 to amend the Military Law.



1           ACTING PRESIDENT GRIFFO:   Read the  
2 last section.

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

5           ACTING PRESIDENT GRIFFO:   Call the  
6 roll.

7           (The Secretary called the roll.)

8           THE SECRETARY:   Ayes, 60.

9           ACTING PRESIDENT GRIFFO:   The bill  
10 is passed.

11          THE SECRETARY:   Calendar Number  
12 1233, by Senator Kennedy, Senate Print 4725, an  
13 act to amend the Penal Law.

14          ACTING PRESIDENT GRIFFO:   Read the  
15 last section.

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

18          ACTING PRESIDENT GRIFFO:   Call the  
19 roll.

20          (The Secretary called the roll.)

21          ACTING PRESIDENT GRIFFO:   Senator  
22 Kennedy to explain his vote.

23          SENATOR KENNEDY:   Thank you,  
24 Mr. President.

25                 First of all, I want to thank my

1 colleagues for their support on this bill and  
2 bring it to the floor of the Senate for a vote.

3           This bill takes a stand against the  
4 financial exploitation of seniors and people with  
5 disabilities. Whether we're talking about  
6 physical abuse, emotional abuse, or financial  
7 exploitation, elder abuse is an increasingly  
8 predominant concern as our aged population  
9 increases.

10           To put it simply, elder abuse is a  
11 growing crisis. Between 2008 and 2009,  
12 approximately 260,000 New Yorkers were victims of  
13 elder abuse. What's worse is that a recent  
14 statewide study estimated that the number of  
15 elder abuse incidents in New York is nearly  
16 24 times greater than the number of cases  
17 referred to authorities.

18           That's absolutely appalling. There  
19 are people out there hurting and exploiting  
20 senior citizens and getting away with it, and  
21 this needs to change.

22           This bill takes an important step  
23 forward in strengthening laws against elder  
24 abuse. Specifically, this legislation will enact  
25 tougher penalties for people who financially

1 exploit seniors and people with disabilities. It  
2 gives law enforcement the tools they need to  
3 crack down on elder abuse by including the  
4 financial exploitation of seniors within the  
5 crime of larceny.

6               Presently our state has no legal  
7 provision that specifically addresses financial  
8 abuse of seniors. This has led to instances  
9 where prosecutors have not been able to bring  
10 sufficient charges against people who have  
11 exploited vulnerable senior citizens or people  
12 with disabilities.

13              This new section of the law will  
14 attack and prevent this crime while giving  
15 authorities the authority they need to stop scam  
16 artists from defrauding seniors.

17              With New York's population aging,  
18 this problem will continue to get worse unless we  
19 act now. We need to step up our efforts to  
20 protect the most vulnerable New Yorkers. I thank  
21 my colleagues for supporting this important  
22 measure to keep seniors safe and individuals with  
23 disabilities safe.

24              Mr. President, I vote aye.

25              ACTING PRESIDENT GRIFFO:     Senator

1 Kennedy to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT GRIFFO: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 1234, by Senator Bonacic, Senate Print 4931B, an  
8 act to amend the Town Law.

9 ACTING PRESIDENT GRIFFO: The bill  
10 is high.

11 SENATOR LIBOUS: Thank you,  
12 Mr. President.

13 THE SECRETARY: Calendar Number  
14 1235, by Senator Griffo, Senate Print 5215C, an  
15 act to amend the General Business Law.

16 ACTING PRESIDENT GRIFFO: Read the  
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 59. Nays,  
24 1. Senator Maziarz recorded in the negative.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1236, by Senator Lanza, Senate Print 5288A, an  
4 act to amend the Correction Law.

5 ACTING PRESIDENT GRIFFO: Read the  
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 59. Nays,  
13 1. Senator Montgomery recorded in the negative.

14 ACTING PRESIDENT GRIFFO: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 1237, by Senator Bonacic --

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

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

22 THE SECRETARY: Calendar Number  
23 1238, by Senator Grisanti, Senate Print 6248, an  
24 act to amend the Labor Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT GRIFFO: The bill  
9 is passed.

10 THE SECRETARY: In relation to  
11 Calendar Number 1239, Senator Golden moves to  
12 discharge, from the Committee on Higher  
13 Education, Assembly Bill Number 9167 and  
14 substitute it for the identical Senate Bill  
15 Number 6373, Third Reading Calendar 1239.

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

18 The Secretary will read.

19 THE SECRETARY: Calendar Number  
20 1239, by Member of the Assembly Lentol, Assembly  
21 Print 9167, an act to amend Chapter 548 of the  
22 Laws of 2004.

23 ACTING PRESIDENT GRIFFO: Read the  
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 60.

6 ACTING PRESIDENT GRIFFO: The bill  
7 is passed.

8 THE SECRETARY: In relation to  
9 Calendar Number 1240, Senator Grisanti moves to  
10 discharge, from the Committee on Higher  
11 Education, Assembly Bill Number 9391 and  
12 substitute it for the identical Senate Bill  
13 Number 6424, Third Reading Calendar 1240.

14 ACTING PRESIDENT GRIFFO: The  
15 substitution is so ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number  
18 1240, by Member of the Assembly Peoples-Stokes,  
19 Assembly Print 9391, an act to amend the  
20 Education Law.

21 ACTING PRESIDENT GRIFFO: Read the  
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT GRIFFO: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 1241, by Senator Gallivan, Senate Print 6427, an  
8 act to amend the Executive Law.

9 ACTING PRESIDENT GRIFFO: Read the  
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT GRIFFO: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 1242, by Senator Savino, Senate Print 6766, an  
21 act to amend the Tax Law.

22 ACTING PRESIDENT GRIFFO: Read the  
23 last section.

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



1                   ACTING PRESIDENT GRIFFO:    Call the  
2 roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 59.  Nays,  
5 1.  Senator LaValle recorded in the negative.

6                   ACTING PRESIDENT GRIFFO:    The bill  
7 is passed.

8                   THE SECRETARY:    Calendar Number  
9 1243, by Senator Golden, Senate Print 6796A, an  
10 act to amend the Executive Law.

11                  ACTING PRESIDENT GRIFFO:    Read the  
12 last section.

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

15                  ACTING PRESIDENT GRIFFO:    Call the  
16 roll.

17                  (The Secretary called the roll.)

18                  THE SECRETARY:    Ayes, 58.  Nays,  
19 2.  Senators LaValle and Maziarz recorded in the  
20 negative.

21                  ACTING PRESIDENT GRIFFO:    The bill  
22 is passed.

23                  THE SECRETARY:    Calendar Number  
24 1244, by Senator Golden, Senate Print 6818, an  
25 act to amend the Executive Law.

1           ACTING PRESIDENT GRIFFO:    Read the  
2 last section.

3           THE SECRETARY:    Section 46.  This  
4 act shall take effect immediately.

5           ACTING PRESIDENT GRIFFO:    Call the  
6 roll.

7           (The Secretary called the roll.)

8           THE SECRETARY:    Ayes, 60.

9           ACTING PRESIDENT GRIFFO:    The bill  
10 is passed.

11          THE SECRETARY:    Calendar Number  
12 1245, by Senator Nozzolio, Senate Print 6856, an  
13 act to amend the Penal Law.

14          ACTING PRESIDENT GRIFFO:    Read the  
15 last section.

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

18          ACTING PRESIDENT GRIFFO:    Call the  
19 roll.

20          (The Secretary called the roll.)

21          THE SECRETARY:    In relation to  
22 Calendar Number 1245, those recorded in the  
23 negative are Senators Duane, Fuschillo, LaValle  
24 and Marcellino.

25                 Ayes, 56.  Nays, 4.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2 is passed.

3                   THE SECRETARY:    Calendar Number  
4 1246, by Senator Bonacic, Senate Print 7187B, an  
5 act to authorizing payment.

6                   ACTING PRESIDENT GRIFFO:    Read the  
7 last section.

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

10                  ACTING PRESIDENT GRIFFO:    Call the  
11 roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:    Ayes, 60.

14                  ACTING PRESIDENT GRIFFO:    The bill  
15 is passed.

16                  THE SECRETARY:    Calendar Number  
17 1247, by Senator Grisanti, Senate Print 7216, an  
18 act to amend the Alcoholic Beverage Control Law.

19                  ACTING PRESIDENT GRIFFO:    Read the  
20 last section.

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

23                  ACTING PRESIDENT GRIFFO:    Call the  
24 roll.

25                  (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT GRIFFO: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 1248, by Senator Farley, Senate Print 7237, an  
6 act to amend the Education Law.

7 ACTING PRESIDENT GRIFFO: Read the  
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT GRIFFO: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 1249, by Senator Farley, Senate Print 7238, an  
19 act to amend the Education Law.

20 ACTING PRESIDENT GRIFFO: Read the  
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 60.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1250, by Senator Farley, Senate Print 7239, an  
7 act to amend the Education Law.

8 ACTING PRESIDENT GRIFFO: Read the  
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT GRIFFO: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 1251, by Senator Hannon, Senate Print 7326, an  
20 act to amend the Public Health Law.

21 ACTING PRESIDENT GRIFFO: Read the  
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT GRIFFO: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 1252, by Senator Skelos, Senate Print 7513, an  
8 act to authorize the assessor.

9 ACTING PRESIDENT GRIFFO: Read the  
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT GRIFFO: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 1253, by Senator Libous, Senate Print 7543, an  
21 act to --

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

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

1           Senator Libous, that completes the  
2 noncontroversial reading of Senate Supplemental  
3 Calendar 56C.

4           SENATOR LIBOUS:   Thank you,  
5 Mr. President.   Could we return to motions and  
6 resolutions, please.

7           ACTING PRESIDENT GRIFFO:   We will  
8 return to motions and resolutions.

9           SENATOR LIBOUS:   On behalf of  
10 Senator Ranzenhofer, on page 28 I offer the  
11 following amendments to Calendar Number 800,  
12 Senate Print Number 5202A, and ask that said bill  
13 retain its place on the Third Reading Calendar.

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

16          The amendments are received, and  
17 the bill shall retain its place on third reading.

18          SENATOR LIBOUS:   Mr. President,  
19 it's very important that you asked for order,  
20 because I have a very important announcement to  
21 make:  Is there any further business at the  
22 desk?

23          ACTING PRESIDENT GRIFFO:   There is  
24 no further business.

25          SENATOR LIBOUS:   There being no

1 further business, I move the Senate shall adjourn  
2 until Thursday, June 14th, at 11:00 a.m.

3                   ACTING PRESIDENT GRIFFO:    On  
4 motion, the Senate stands adjourned until  
5 Thursday, June 14th, Flag Day, at 11:00 a.m.

6                   Senate adjourned.

7                   (Whereupon, at 4:42 p.m., the Senate  
8 adjourned.)

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25