NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 13, 2012

11:24 a.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

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

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

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

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

ACTING PRESIDENT GRIFFO: The substitutions are so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

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

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

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

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

The Senate will remain in session

and turn to motions and resolutions.

Senator DeFrancisco.

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

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

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

ACTING PRESIDENT GRIFFO: Call the

roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

SENATOR DeFRANCISCO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

SENATOR DeFRANCISCO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

SENATOR DeFRANCISCO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

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

Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Senator Ritchie.

SENATOR RITCHIE: Thank you, Mr. President.

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

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

Drake was named a scholar-athlete

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

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

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

(Applause.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Ritchie.

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

Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative

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

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President.

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

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

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

championships.

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco.

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

(Applause.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

SENATOR DeFRANCISCO: Excuse me.

Can I interrupt?

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

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

SENATOR DeFRANCISCO: Thank you.

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

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

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator DeFrancisco.

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Klein.

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

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

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

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

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

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

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

(Standing ovation.)

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

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

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

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

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

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Gianaris.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President.

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

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

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Kennedy to explain his vote.

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

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

As an infant, JJ Bolvin suffered

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President. I vote aye.

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

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

Senator Grisanti to explain his vote.

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

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

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

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

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

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

doesn't happen to another child.

I vote aye. Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Ball to explain his vote.

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

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

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

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

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

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

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

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

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

Ayes, 53. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

to amend the Criminal Procedure Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Ayes, 53. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Ayes, 53. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Ayes, 51. Nays, 7.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Perkins and Rivera.

Ayes, 53. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Ayes, 54. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Ayes, 54. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Perkins and Rivera. Also Senator Squadron.

Ayes, 52. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

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

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

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Klein to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

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

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

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

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

establishment.

I vote yes, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

SENATOR DeFRANCISCO: Lay the bill aside for the day.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

Ayes, 55. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Ayes, 55. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Senators Bonacic, Larkin and O'Mara.

Ayes, 55. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Ayes, 55. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Ayes, 54. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

ACTING PRESIDENT GRIFFO: Senator Sampson.

SENATOR SAMPSON: Thank you very

much, Mr. President.

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

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

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

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

And along with Mr. Little is his

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

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

(Sustained applause.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

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

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

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

(Laughter; catcalls.)

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

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

(Laughter, jeers.)

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

Thank you very much Mr. President.

(Applause.)

ACTING PRESIDENT GRIFFO: We

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

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

(Extended applause.)

SENATOR DeFRANCISCO: Mr. President.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

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

The Secretary will read.

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

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

648, by Senator Sampson, an act to

amend the Penal Law;

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

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

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

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

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

The Secretary will continue.

THE SECRETARY: Senate 5463, by Senator Griffo, an act to amend the Banking Law;

6176, by Senator Breslin, an act to amend Chapter 405 of the Laws of 2005;

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

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

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

7210A, by Senator Golden, an act to

amend the Penal Law;

7533, by Senator Ranzenhofer, an act to amend the Domestic Relations Law;

7554, by Senator Martins, Concurrent Resolution of the Senate and Assembly;

Senate 7555, by Senator Martins, an act to amend the Local Finance Law;

7567A, by Senator Zeldin, an act to amend the General Business Law;

Senate 7575, by Senator DeFrancisco, an act to authorize the New York State Thruway Authority;

7596, by Senator Hannon, an act to amend the Public Health Law;

And Senate 7605, by Senator Grisanti, an act to amend the Education Law.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: At this time, Mr. President, would you please do the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, would you make a motion to accept

the Committee on Rules report?

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

(Laughter.)

SENATOR DeFRANCISCO: I move to accept the Rules report.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The report is accepted.

Senator DeFrancisco, we begin the reading?

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: I'm

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

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, why do you rise?

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

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

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

(Laughter.)

ACTING PRESIDENT GRIFFO: The Secretary will continue.

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

Staff members who don't need to be

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

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR LIBOUS: Lay it aside for the day.

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

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Serrano recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

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

SENATOR SQUADRON: Lay it aside.

ACTING PRESIDENT GRIFFO: The Concurrent Resolution is laid aside.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill

is passed.

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

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

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

SENATOR SQUADRON: Explanation.

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

SENATOR MARTINS: Thank you, Mr. President.

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Squadron.

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

If the sponsor would yield.

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

from the Attorney General?

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

SENATOR SQUADRON: If the sponsor would continue to yield.

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: Thank you very much.

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

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

SENATOR SQUADRON: If the sponsor would continue to yield.

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

And I will be glad to continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: Thank you very much.

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

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

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

last 50 years, each 10 years.

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

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

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR MARTINS: Be happy to.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: Thank you very much.

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

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

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

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

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

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

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

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

SENATOR SQUADRON: Thank you.

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

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

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

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

earlier.

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

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

ACTING PRESIDENT GRIFFO: Senator Squadron on the bill.

SENATOR SQUADRON: Thank you.

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

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

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

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

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

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

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

Thank you, Mr. President.

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

The Secretary will call the roll on the resolution.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

Ayes, 59. Nays, 1.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

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

SENATOR LIBOUS: Thank you, Mr. President.

Could you call on Senator Ruth

Hassell-Thompson at this point.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

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

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

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

Senator Libous.

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

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

Until such time, the Senate stands at ease.

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

(Whereupon, the Senate reconvened at

2:00 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

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

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

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

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

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

6366A, by Senator LaValle, an act

to amend the General Municipal Law;

6836, by Senator DeFrancisco, an act to amend the Judiciary Law;

6839, by Senator Golden, an act to amend the Tax Law;

7446, by Senator Robach, an act to amend the Public Health Law;

And Senate Print 7451, by Senator Skelos, an act to amend the Penal Law.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. Can we move to accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The Rules report is accepted.

Senator Libous.

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

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

SENATOR LIBOUS: Thank you.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

ACTING PRESIDENT GRIFFO: The

amendments are received.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 5. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

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

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

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

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

The Secretary will read 1225 next on the calendar.

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

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

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

an act to amend the Judiciary Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR LIBOUS: Lay it aside for the day.

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

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

ACTING PRESIDENT GRIFFO: The

substitution is so ordered.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Ayes, 55. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR LIBOUS: Mr. President, thank you.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

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

act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

Ayes, 46. Nays, 14.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: The

substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

Senator Libous, that completes the noncontroversial reading of Supplemental Active

List Number 1.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

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

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

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

SENATOR BRESLIN: Explanation.

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

SENATOR GALLIVAN: Thank you, Mr. President.

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

ACTING PRESIDENT GRIFFO: Senator Oppenheimer.

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

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

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

ACTING PRESIDENT GRIFFO: Senator Oppenheimer on the bill.

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

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

our gun period for hunting.

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

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

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

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

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

I'll be voting no.

ACTING PRESIDENT GRIFFO: Senator Gallivan.

SENATOR GALLIVAN: Thank you, Mr. President.

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

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

points.

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Gallivan.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you, Mr. President.

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

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

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

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

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

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

Thank you.

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

Seeing none, hearing none, the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

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

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

Ayes, 37. Nays, 18.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Senator Rivera.

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

ACTING PRESIDENT GRIFFO: Senator Nozzolio, do you yield?

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

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

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

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

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

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

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio.

Senator Rivera.

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

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR RIVERA: Thank you, Mr. President.

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

ACTING PRESIDENT GRIFFO: Senator Rivera, excuse me.

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

Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President.

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

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

SENATOR RIVERA: Yes, sir.

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

SENATOR RIVERA: Through you,

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

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

ACTING PRESIDENT GRIFFO: Senator

Rivera, do you yield for that question?

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

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

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

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

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

that person returns to prison or not?

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

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

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

ACTING PRESIDENT GRIFFO: You may continue.

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR RIVERA: Thank you, Mr. President.

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

assumption?

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

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

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR RIVERA: Thank you, Mr. President.

So, Senator Nozzolio, again to

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

SENATOR NOZZOLIO: Yes, Mr. President.

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

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

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

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

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

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

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

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

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

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

SENATOR RIVERA: Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator Rivera on the bill.

SENATOR RIVERA: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Seeing none, hearing none, the debate is closed.

The Secretary will ring the bell.

The Secretary will read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Nozzolio to explain his vote.

SENATOR NOZZOLIO: Thank you, Mr. President.

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

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

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

much hope that we will enact this measure.

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

Senator Diaz to explain his vote.

SENATOR DIAZ: Thank you, Mr. President.

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

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

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

gentlemen, you're going to pay more.

So I'm voting no.

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

Announce the results.

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

Absent from voting are Senators Espaillat and Hannon.

Ayes, 35. Nays, 23.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR FUSCHILLO: Please recognize Senator Hassell-Thompson.

ACTING PRESIDENT GRIFFO: Senator

Hassell-Thompson.

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

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

Senator Fuschillo.

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

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

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

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

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

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

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

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

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

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

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

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

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

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

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

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

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

6248, by Senator Grisanti, an act

to amend the Labor Law;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Libous.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The Rules Committee report is accepted.

Senator Libous.

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

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

SENATOR LIBOUS: Thank you.

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

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

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

First of all, I want to thank my

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

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

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

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

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

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

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

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

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

Mr. President, I vote aye.

ACTING PRESIDENT GRIFFO: Senator

Kennedy to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: The bill is high.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill

is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

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

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

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Ayes, 56. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: There is no further business.

SENATOR LIBOUS: There being no

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

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

Senate adjourned.

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