

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 June 14, 2012

11 11:13 a.m.

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13
14 REGULAR SESSION

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17
18 SENATOR ELIZABETH O'C. LITTLE, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask everyone present to please
5 rise and repeat with me the Pledge of
6 Allegiance.

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

9 ACTING PRESIDENT LITTLE: In the
10 absence of clergy, may we please bow our heads
11 in a moment of silence.

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

14 ACTING PRESIDENT LITTLE: Thank
15 you.

16 The reading of the Journal.

17 THE SECRETARY: In Senate,
18 Wednesday, June 13th, the Senate met pursuant
19 to adjournment. The Journal of Tuesday,
20 June 12th, was read and approved. On motion,
21 Senate adjourned.

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

25 Senator Libous.

1 SENATOR LIBOUS: Can we have
2 some order in the chamber, Madam President.

3 If members will please take their
4 seats. Thank you. If staff members could
5 take seats along the wall. And if they don't
6 need to be here, if they could get back to the
7 offices and do the diligent work for their
8 members that they normally do.

9 Madam President, before we go any
10 further, I would ask you at this time to
11 please call on Senator Perkins.

12 ACTING PRESIDENT LITTLE: Thank
13 you.

14 Senator Perkins.

15 SENATOR PERKINS: Thank you very
16 much. I just wanted to request that we have a
17 moment of silence.

18 A very, very important leader,
19 Dr. Annie B. Martin of the New York City
20 NAACP, passed away two days ago. And I would
21 ask that the body, in remembrance of her, in
22 respect of her, have a moment of silence.

23 ACTING PRESIDENT LITTLE: Thank
24 you.

25 Let us all join Senator Perkins

1 in a moment of silence.

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

4 ACTING PRESIDENT LITTLE: Thank
5 you.

6 I also would like to just
7 mention -- I'm sure everyone is aware of it --
8 that today, June 14th, is Flag Day. And we
9 have the privilege of saluting our flag as we
10 begin each session. And may we always have
11 that privilege of doing so.

12 Presentation of petitions.

13 Messages from the Assembly.

14 Messages from the Governor.

15 Reports of standing committees.

16 Reports of select committees.

17 Communications and reports from
18 state officers.

19 Motions and resolutions.

20 Senator Libous.

21 SENATOR LIBOUS: Thank you,
22 Madam President. I have a number of
23 motions here that I would like to do at this
24 time.

25 On behalf of Senator Johnson,

1 please place a sponsor's star on Calendar Number
2 1211.

3 ACTING PRESIDENT LITTLE: So
4 ordered. That bill will be starred.

5 SENATOR LIBOUS: Thank you.

6 On behalf of Senator Seward, could
7 you please call up his bill, 6810A, recalled from
8 the Assembly, which is now at the desk.

9 ACTING PRESIDENT LITTLE: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 569, by Senator Seward, Senate Print 6810A, an
13 act to amend the Insurance Law.

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

17 ACTING PRESIDENT LITTLE: The
18 Secretary will call the roll on reconsideration
19 of the bill.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 53.

22 SENATOR LIBOUS: I offer up the
23 following amendments.

24 ACTING PRESIDENT LITTLE: The
25 amendments are received.

1 SENATOR LIBOUS: On behalf of
2 Senator Libous, I wish to call up my print,
3 Senate 5132C, recalled from the Assembly, which
4 is now at the desk.

5 ACTING PRESIDENT LITTLE: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 249, by Senator Libous, Senate Print 5132C, an
9 act to amend the Vehicle and Traffic Law.

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

13 ACTING PRESIDENT LITTLE: Call the
14 roll on reconsideration of the vote.

15 THE SECRETARY: Ayes, 53.

16 SENATOR LIBOUS: Madam President,
17 I offer up the following amendments.

18 ACTING PRESIDENT LITTLE: The
19 amendments are received.

20 SENATOR LIBOUS: On behalf of
21 Senator Seward, on page 36 I offer the following
22 amendments to Calendar Number 998, Senate Print
23 7306A, and ask that said bill retain its place on
24 the Third Reading Calendar.

25 ACTING PRESIDENT LITTLE: The

1 amendments are received, and the bill will retain
2 its place on the Third Reading Calendar.

3 SENATOR LIBOUS: On behalf of
4 Senator Larkin, Madam President, on page 47 I
5 offer the following amendments to Calendar Number
6 1223, Senate Print 5423A, and ask that said bill
7 retain its place on the Third Reading Calendar.

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

11 SENATOR LIBOUS: On behalf of
12 Senator Grisanti, Madam President, on page 40 I
13 offer the following amendments to Calendar Number
14 1046, Senate Print 7078A, and ask that said bill
15 retain its place on the Third Reading Calendar.

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

19 SENATOR LIBOUS: Madam President,
20 on behalf of Senator Zeldin, on page 45 I offer
21 the following amendments to Calendar Number 1114,
22 Senate Print 5420B, and ask that said bill retain
23 its place on the Third Reading Calendar.

24 ACTING PRESIDENT LITTLE: The
25 amendments are received, and the bill will retain

1 its place on the Third Reading Calendar.

2 SENATOR LIBOUS: On behalf of
3 Senator Flanagan, Madam President, I move to
4 recommit Senate Print 6686, Calendar Number 505
5 on the order of third reading, to the Education
6 Committee, with instructions to said committee to
7 strike the enacting clause.

8 ACTING PRESIDENT LITTLE: So
9 ordered.

10 SENATOR LIBOUS: Madam President,
11 at this time could we have the noncontroversial
12 reading of the calendar.

13 ACTING PRESIDENT LITTLE: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number
16 1052, by Senator Alesi, Senate Print 2491A, an
17 act to amend the Education Law.

18 ACTING PRESIDENT LITTLE: Read the
19 last section.

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

22 ACTING PRESIDENT LITTLE: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT LITTLE: Senator

1 Alesi to explain his vote.

2 SENATOR ALESI: To explain my
3 vote, Madam President. And my colleagues, very
4 briefly.

5 You heard me speak last week when
6 this chamber urged the Governor to declare
7 National CPR Week in New York State. At that
8 time I gave some significant facts and figures as
9 to why this vitally important tool for lifesaving
10 should be taught in our high schools.

11 In fact, if you look at Seattle,
12 Washington, several years ago they did a
13 community-wide effort to teach people CPR. The
14 survival rate there now stands at about 1 in
15 5. Still a pretty dismal prospect for survival
16 with sudden cardiac arrest, 1 in 5. But in
17 New York State the survival rate is 1 in 20,
18 which is even far more dismal.

19 Most people don't know how to do
20 CPR and in many cases, if they come across
21 someone who has suffered severe cardiac arrest,
22 they don't even know that that person's chances
23 of the survival are diminished by 10 percent with
24 every minute that goes by. So within five
25 minutes or so, the likelihood of that person

1 never coming back to life is pretty good.

2 The essence of this bill is to
3 teach within just a very short period of time --
4 maybe 30 minutes, one time only -- without
5 requiring certification for graduation or
6 anything else, in our high schools to teach an
7 army of young people. Which will mean tens of
8 thousands of people the first time out,
9 multiplied the next year, bringing it to hundreds
10 of thousands and eventually millions of young
11 people.

12 I mean, imagine millions of young
13 people in New York State walking around doing
14 whatever it is that they've done after they've
15 left school, having a complete, thorough working
16 knowledge of CPR. That will save tens of
17 thousands of lives in our state.

18 So I appreciate the time that
19 you've spent listening to my appeal for your
20 vote, and further on for your support, as
21 hopefully we can get the Assembly to move along
22 with this and make New York State a leader in the
23 entire world when it comes to having an army of
24 young lifesavers.

25 I vote yes.

1 ACTING PRESIDENT LITTLE: Thank
2 you. Senator Alesi will be recorded in the
3 affirmative.

4 Senator Oppenheimer to explain your
5 vote.

6 SENATOR OPPENHEIMER: Thank you,
7 Madam President. On the bill.

8 I'm supporting this and strongly
9 supporting it, but I would have much preferred to
10 see it a reimbursable expense, as we have done
11 with defibrillators. We keep saying we're not
12 going to do any unfunded mandates, and this is
13 one.

14 But on the other hand, you know, if
15 you save one life, I guess it's worth it. But I
16 do wish that we would revisit this and perhaps
17 make it a reimbursable expense. It won't be a
18 big expense, but it should be done by the state.

19 Thank you, Madam President. I'm
20 voting aye.

21 ACTING PRESIDENT LITTLE: Thank
22 you. Senator Oppenheimer will be recorded in the
23 affirmative.

24 Senator Fuschillo to explain his
25 vote.

1 SENATOR FUSCHILLO: Thank you very
2 much, Madam President.

3 I want to thank my colleague
4 Senator Alesi for the sponsorship of this bill.

5 I vote in support of this bill in
6 the memory of a young boy in my community who at
7 a very young age had died while rounding the
8 bases, and his father was the coach. And his
9 name was Robbie Levine. His parents, Jill and
10 Craig Levine, have dedicated their lives now to
11 the instruction and teachings of CPR not only in
12 my Senate district but throughout Long Island and
13 throughout New York State.

14 And their foundation, Forever Nine,
15 which is in memory of their son, raises funds.
16 And their mission is to put AEDs everywhere and
17 anywhere that kids are. And they've been very
18 successful in raising money and handing out and
19 donating hundreds and hundreds of automatic
20 external defibrillators.

21 While they're doing that, they have
22 had another mission, and that's to train kids for
23 CPR. And they've been doing that on their own at
24 their own expense.

25 As Senator Alesi said, tens of

1 thousands of kids will go through this 30-minute
2 program and will now have the ability to
3 potentially to save someone's life.

4 So in the memory of a young boy,
5 Robbie Levine, who lost his life, and in support
6 of his parents that have dedicated their lives to
7 helping others, I vote yes for this legislation.

8 ACTING PRESIDENT LITTLE: Thank
9 you. Senator Fuschillo will be recorded in the
10 affirmative.

11 The Secretary will announce the
12 result.

13 THE SECRETARY: In relation to
14 Calendar Number 1052, those recorded in the
15 negative are Senators Ball, Nozzolio, O'Mara,
16 Seward and Zeldin.

17 Ayes, 50. Nays, 5.

18 ACTING PRESIDENT LITTLE: The bill
19 is passed.

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

22 SENATOR LIBOUS: Madam President,
23 thank you.

24 At this time could you please call
25 on Senator Hassell-Thompson for the purpose of an

1 announcement.

2 ACTING PRESIDENT LITTLE: Thank
3 you.

4 Senator Hassell-Thompson.

5 SENATOR HASSELL-THOMPSON: Thank
6 you, Madam President.

7 I rise to acknowledge a group of
8 young people who have come from my district in
9 the City of Mount Vernon, fifth-graders from the
10 Grimes Elementary School. With them today is
11 their principal, Ms. Frances Lightsy, and
12 teachers Melissa White, Aida Colon-Alphonso,
13 Sophia Williamson, Ona Lowe, and Mary Sayles.

14 Also with them are several of the
15 parents from the district who came to participate
16 with them this morning as we talked about how we
17 make laws in the State of New York.

18 So we had our session this morning
19 in the hearing room, and they had an opportunity
20 to ask some very pointed questions about
21 government and how do we do what we do.

22 So I'm very pleased that they're
23 here with us this morning. They're going to
24 spend a little time with us, then they're going
25 to the Assembly with Assemblyman Pretlow.

1 And I appreciate you allowing me to
2 acknowledge them, Madam President, during our
3 morning session.

4 ACTING PRESIDENT LITTLE: Thank
5 you, Senator.

6 And welcome to these students. I'm
7 sure that this is much better way to learn about
8 government than just reading about it through
9 your books. We hope you enjoy your day and that
10 you learn more and appreciate what is going on
11 here. So thank you, and welcome to Albany.

12 (Applause.)

13 ACTING PRESIDENT LITTLE: Senator
14 Libous.

15 SENATOR LIBOUS: Madam President,
16 thank you.

17 There will be an immediate meeting
18 of the Finance Committee in Room 332. There will
19 be an immediate meeting of the Finance Committee
20 in Room 332. The Senate will convene promptly
21 after the immediate meeting of the Finance
22 Committee.

23 The Senate should stand at ease.

24 ACTING PRESIDENT LITTLE: Thank
25 you.

1 There's an immediate meeting of the
2 Finance Committee in Room 332 of the Capitol, and
3 the Senate will stand at ease.

4 (Whereupon, the Senate stood at ease
5 at 11:26 a.m.)

6 (Whereupon, the Senate reconvened at
7 12:03 p.m.)

8 ACTING PRESIDENT GRIFFO: The
9 Senate will come to order.

10 Senator Libous.

11 SENATOR LIBOUS: Mr. President, I
12 believe that there's a report of the Finance
13 Committee at the desk. I ask that it be read at
14 this time.

15 ACTING PRESIDENT GRIFFO: There is
16 a report of the Finance Committee at the desk.

17 The Secretary will read.

18 THE SECRETARY: Senator
19 DeFrancisco, from the Committee on Finance,
20 offers the following nomination:

21 As director of the New York
22 Convention Center Operating Corporation, John Lee
23 Compton, of New York.

24 ACTING PRESIDENT GRIFFO: Senator
25 DeFrancisco.

1 SENATOR DeFRANCISCO: Yes, I move
2 the nomination.

3 ACTING PRESIDENT GRIFFO: All
4 those in favor of the nomination signify by
5 saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT GRIFFO: Opposed,
8 nay.

9 (No response.)

10 ACTING PRESIDENT GRIFFO: John Lee
11 Compton has been confirmed as director of the
12 New York Convention Center Operating Corporation.

13 The Secretary will continue to
14 read.

15 THE SECRETARY: As members of the
16 Niagara Frontier Transportation Authority:
17 Bonita R. Durand, of Buffalo; Philip G. Wilcox,
18 of North Tonawanda; Charles L. Gurney III, of
19 Buffalo; and Henry M. Sloma, of Lewiston.

20 ACTING PRESIDENT GRIFFO: Senator
21 DeFrancisco.

22 SENATOR DeFRANCISCO: I move the
23 nominations and request that you recognize
24 Senator Maziarz to second, please.

25 ACTING PRESIDENT GRIFFO: Senator

1 Maziarz.

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

4 I'm honored today to second the
5 nomination of all four of these individuals, all
6 of whom are great nominees by the Governor. I do
7 want to specifically point out two of them,
8 however.

9 Henry M. Sloma, of Lewiston, has
10 served for a number of years on the Niagara
11 Frontier Transportation Authority. And Mr. Sloma
12 looks out for the interests, particularly
13 important to me, of the Niagara County portion of
14 the NFTA. And it's a great reappointment of the
15 Governor.

16 And also Phil Wilcox, of North
17 Tonawanda, I think this is an excellent
18 appointment by Governor Cuomo for the NFTA.

19 Thank you, Mr. President.

20 ACTING PRESIDENT GRIFFO: The
21 question is on the nominations as read by the
22 Secretary as appointments as members of the
23 Niagara Frontier Transportation Authority. All
24 in favor say aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT GRIFFO: Opposed,
2 nay.

3 (No response.)

4 ACTING PRESIDENT GRIFFO: The
5 nominees have been confirmed.

6 The Secretary will read.

7 THE SECRETARY: As members of the
8 Minority Health Council: Ruth C. Browne, of
9 Brooklyn; Guillermo Chacon, of Huntington; Ngozi
10 Moses, of Brooklyn; Christopher A. Phang, M.D.,
11 of New York City; Lori V. Quigley, Ph.D., of
12 Green Island; Lenora Reid-Rose, of Fairport; and
13 Raul Vazquez, M.D., of Buffalo.

14 ACTING PRESIDENT GRIFFO: Senator
15 DeFrancisco.

16 SENATOR DeFRANCISCO: I move the
17 nominations.

18 ACTING PRESIDENT GRIFFO: The
19 question is on the nominations as read by the
20 Secretary as appointments as members of the
21 Minority Health Council. All in favor say aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT GRIFFO: Opposed,
24 nay.

25 (No response.)

1 ACTING PRESIDENT GRIFFO: The
2 nominees are hereby confirmed.

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President, at
5 this time we have a Supplemental Active List 1.
6 Could we have the noncontroversial reading of
7 that list.

8 ACTING PRESIDENT GRIFFO: The
9 Secretary will read.

10 THE SECRETARY: Calendar Number
11 829, by Senator Marcellino, Senate Print 6782B,
12 an act to authorize.

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

15 The Secretary will read the last
16 section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 57.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: On page 38,

1 Senator Grisanti moves to discharge, from the
2 Committee on Cultural Affairs, Tourism, and Parks
3 and Recreation, Assembly Bill Number 3409B and
4 substitute it for the identical Senate Bill
5 Number 2686B, Third Reading Calendar 1017.

6 ACTING PRESIDENT GRIFFO: The
7 substitution is so ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1017, by Member of the Assembly Schimminger,
11 Assembly Print Number 3409B, an act to amend the
12 Parks, Recreation and Historic Preservation Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

15 THE SECRETARY: Section 3. This
16 act shall take effect on the 180th day.

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 57.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1068, by Senator Grisanti --

25 SENATOR BRESLIN: Lay it aside.

1 SENATOR LIBOUS: Mr. President, if
2 I could just lay that aside for the day.

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

5 THE SECRETARY: On page 44,
6 Senator Maziarz moves to discharge, from the
7 Committee on Rules, Assembly Bill Number 8082A
8 and substitute it for the identical Senate Bill
9 Number 4775A, Third Reading Calendar 1095.

10 ACTING PRESIDENT GRIFFO: The
11 substitution is so ordered.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 1095, by Member of the Assembly Cahill, Assembly
15 Print 8082A, an act to amend the Public Service
16 Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 57.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1137, by Senator Golden, Senate Print 7501, an
4 act to amend the Local Finance Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

7 THE SECRETARY: Section 10. This
8 act shall take effect immediately.

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 56. Nays,
13 1. Senator Ball recorded in the negative.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 Senator Libous, that completes the
17 reading of the supplemental active list.

18 SENATOR LIBOUS: Mr. President,
19 can we just stand at ease for a second.

20 ACTING PRESIDENT GRIFFO: The
21 Senate stands at ease.

22 (Whereupon, the Senate stood at ease
23 at 12:08 p.m.)

24 (Whereupon, the Senate reconvened at
25 12:09 p.m.)

1 SENATOR LIBOUS: Mr. President.

2 ACTING PRESIDENT GRIFFO: Senator
3 Libous.

4 SENATOR LIBOUS: Would you please
5 call on Senator Breslin.

6 ACTING PRESIDENT GRIFFO: Senator
7 Breslin.

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

10 There will be an immediate
11 conference for the Democratic Conference in our
12 conference room.

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

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President,
18 there will be a Rules Committee meeting at 12:30,
19 promptly at 12:30, so that we can then come to
20 the floor and finish the business for the day.

21 ACTING PRESIDENT GRIFFO: There
22 will be a meeting of the Rules Committee promptly
23 at 12:30 in Room 332.

24 Until such time, the Senate stands
25 at ease.

1 (Whereupon, the Senate stood at ease
2 at 12:10 p.m.)

3 (Whereupon, the Senate reconvened at
4 1:09 p.m.)

5 ACTING PRESIDENT LITTLE: Senator
6 Libous.

7 SENATOR LIBOUS: Madam President,
8 there's a report of the Rules Committee at the
9 desk. Could we have it read at this time.

10 ACTING PRESIDENT LITTLE: The
11 Secretary will read the report of the Rules
12 Committee.

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

16 Senate Print 1742A, by Senator
17 Golden, an act to amend the Penal Law;

18 4098, by Senator Duane, an act to
19 amend the Social Services Law;

20 4712E, by Senator Ritchie, an act
21 to amend the Insurance Law;

22 7050, by Senator Bonacic, an act to
23 amend Chapter 473 of the Laws of 2010;

24 7515, by Senator Griffo, an act to
25 amend the Penal Law;

1 7542, by Senator O'Mara, an act to
2 amend the Tax Law;

3 7594, by Senator Fuschillo, an act
4 to amend the General Business Law;

5 7600, by Senator Grisanti, an act
6 to amend the Parks, Recreation and Historic
7 Preservation Law;

8 7557, by Senator DeFrancisco, an
9 act in relation to qualifying a certain parcel;

10 7645, by Senator Martins, an act to
11 amend the Local Finance Law;

12 7648, by Senator Young, an act to
13 amend the Real Property Tax Law;

14 And 7652, by Senator Grisanti, an
15 act to amend the General Business Law.

16 Without objection, all bills are
17 ordered directly to third reading.

18 ACTING PRESIDENT LITTLE: Senator
19 Libous.

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

22 ACTING PRESIDENT LITTLE: All in
23 favor of accepting the report of the Rules
24 Committee signify by saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT LITTLE: Opposed,
2 nay.

3 (No response.)

4 ACTING PRESIDENT LITTLE: The
5 Rules report is accepted.

6 Senator Libous.

7 SENATOR LIBOUS: Thank you very
8 much, Madam President.

9 Could we go back to motions and
10 resolutions for a second. I believe you can call
11 on Senator Squadron; he has a motion.

12 ACTING PRESIDENT LITTLE: Motions
13 and resolutions.

14 Senator Squadron.

15 SENATOR SQUADRON: Madam
16 President, on behalf of Senator Dilan, I wish to
17 call up Print Number 1362, recalled from the
18 Assembly, which is now at the desk.

19 ACTING PRESIDENT LITTLE: The
20 Secretary will read.

21 THE SECRETARY: Calendar Number
22 23, by Senator Dilan, Senate Print 1362, an act
23 to amend the Vehicle and Traffic Law.

24 SENATOR SQUADRON: Madam
25 President, I now move to reconsider the vote by

1 which the bill was passed.

2 ACTING PRESIDENT LITTLE: Call the
3 roll on reconsideration of the vote.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 58.

6 SENATOR SQUADRON: Madam
7 President, I now offer the following amendments.

8 ACTING PRESIDENT LITTLE: The
9 amendments are accepted.

10 SENATOR SQUADRON: Thank you.

11 ACTING PRESIDENT LITTLE: Senator
12 Libous.

13 SENATOR LIBOUS: Madam President,
14 on behalf of Senator Fuschillo, on page 32 I
15 offer the following amendments to Calendar Number
16 930, Senate Print 7373, and ask that said bill
17 retain its place on the Third Reading Calendar.

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

21 SENATOR LIBOUS: On behalf of
22 Senator DeFrancisco, Madam President, I move that
23 the following bill be discharged from its
24 respective committee and be recommitted with
25 instructions to strike the enacting clause. And

1 that would be Senate Print 7692.

2 ACTING PRESIDENT LITTLE: So
3 ordered.

4 SENATOR LIBOUS: On behalf of
5 Senator LaValle, I wish to call up his bill,
6 Print Number 3357, recalled from the Assembly,
7 which is now at the desk.

8 ACTING PRESIDENT LITTLE: The
9 Secretary will read.

10 THE SECRETARY: Calendar Number
11 553, by Senator LaValle, Senate Print 3357, an
12 act to amend the Village Law.

13 SENATOR LIBOUS: Madam President,
14 I now move to reconsider the vote by which this
15 bill was passed.

16 ACTING PRESIDENT LITTLE: Call the
17 roll on reconsideration.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 58.

20 SENATOR LIBOUS: Madam President,
21 I offer up the following amendments.

22 ACTING PRESIDENT LITTLE: The
23 amendments are received.

24 SENATOR LIBOUS: And, Madam
25 President, on behalf of Senator Hannon, I wish to

1 call up his bill, Senate Print 6493A, recalled
2 from the Assembly, which is now at the desk.

3 ACTING PRESIDENT LITTLE: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 240, by Senator Hannon, Senate Print 6493A, an
7 act to amend the Public Health Law.

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

11 ACTING PRESIDENT LITTLE: Call the
12 roll on reconsideration.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 58.

15 SENATOR LIBOUS: Madam President,
16 I now offer up the following amendments.

17 ACTING PRESIDENT LITTLE: The
18 amendments are received.

19 SENATOR LIBOUS: Madam President,
20 at this time could we have the noncontroversial
21 reading of Supplemental Calendar Number 57A,
22 please.

23 ACTING PRESIDENT LITTLE: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 1254, by Senator Golden, Senate Print 1742A, an
2 act to amend the Penal Law.

3 SENATOR BRESLIN: Lay it aside.

4 ACTING PRESIDENT LITTLE: The bill
5 is laid aside.

6 THE SECRETARY: Calendar Number
7 1255, by Senator Duane, Senate Print 4098, an act
8 to amend the Social Services Law.

9 SENATOR HANNON: Lay it aside.

10 ACTING PRESIDENT LITTLE: The bill
11 is laid aside.

12 THE SECRETARY: Calendar Number
13 1256, by Senator Ritchie, Senate Print 4712E, an
14 act to amend the Insurance Law.

15 SENATOR LIBOVS: The bill is high,
16 Madam President.

17 ACTING PRESIDENT LITTLE: The bill
18 is high.

19 The Secretary will continue to
20 read.

21 THE SECRETARY: Calendar Number
22 1257, by Senator Bonacic, Senate Print 7050, an
23 act to amend Chapter 473 of the Laws of 2010.

24 ACTING PRESIDENT LITTLE: Read the
25 last section.

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

3 ACTING PRESIDENT LITTLE: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT LITTLE: Announce
7 the result.

8 THE SECRETARY: Ayes, 58.

9 ACTING PRESIDENT LITTLE: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1258, by Senator Griffo, Senate Print 7515, an
13 act to amend the Penal Law.

14 ACTING PRESIDENT LITTLE: Read the
15 last section.

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

18 ACTING PRESIDENT LITTLE: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT LITTLE: Announce
22 the result.

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT LITTLE: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1259, by Senator O'Mara, Senate Print 7542, an
3 act to amend the Tax Law.

4 ACTING PRESIDENT LITTLE: Read the
5 last section.

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

8 ACTING PRESIDENT LITTLE: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT LITTLE: Announce
12 the result.

13 THE SECRETARY: In relation to
14 Calendar Number 1259, those recorded in the
15 negative are Senators Adams, Addabbo, Avella,
16 Breslin, Dilan, Duane, Gianaris, Kennedy,
17 Montgomery, Parker, Perkins, Rivera, Serrano,
18 Squadron, Stavisky and Stewart-Cousins.

19 Ayes, 42. Nays, 16.

20 ACTING PRESIDENT LITTLE: The bill
21 is passed.

22 THE SECRETARY: In relation to
23 Calendar Number 1260, Senator Fuschillo moves to
24 discharge, from the Committee on Consumer
25 Protection, Assembly Bill Number 8375A and

1 substitute it for the identical Senate Bill
2 Number 7594, Third Reading Calendar 1260.

3 ACTING PRESIDENT LITTLE:
4 Substitution ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 1260, by Member of the Assembly Dinowitz,
8 Assembly Print 8375A, an act to amend the General
9 Business Law.

10 ACTING PRESIDENT LITTLE: Read the
11 last section.

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

14 ACTING PRESIDENT LITTLE: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT LITTLE: Announce
18 the result.

19 THE SECRETARY: Ayes, 58.

20 ACTING PRESIDENT LITTLE: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1261, by Senator Grisanti, Senate Print 7600, an
24 act to amend the Parks, Recreation and Historic
25 Preservation Law.

1 ACTING PRESIDENT LITTLE: Read the
2 last section.

3 THE SECRETARY: Section 2. This
4 act shall take effect on the same date and in the
5 same manner as Chapter 49 of the Laws of 2012.

6 ACTING PRESIDENT LITTLE: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT LITTLE: Announce
10 the result.

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT LITTLE: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1262, by Senator DeFrancisco, Senate Print 7557,
16 an act in relation.

17 ACTING PRESIDENT LITTLE: Read the
18 last section.

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

21 ACTING PRESIDENT LITTLE: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT LITTLE: Announce
25 the result.

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT LITTLE: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1263, by Senator Martins, Senate Print 7645, an
6 act to amend the Local Finance Law.

7 SENATOR LIBOUS: The bill is high,
8 Madam President.

9 ACTING PRESIDENT LITTLE: This
10 bill is high.

11 The Secretary will continue to
12 read.

13 THE SECRETARY: Calendar Number
14 1264, by Senator Young, Senate Print --

15 SENATOR BRESLIN: Lay it aside.

16 ACTING PRESIDENT LITTLE: The bill
17 is laid aside.

18 THE SECRETARY: Calendar Number
19 1265, by Senator Grisanti, Senate Print 7652, an
20 act to amend the General Business Law.

21 SENATOR LIBOUS: That bill is high
22 also, Madam President.

23 ACTING PRESIDENT LITTLE: This
24 bill is high as well.

25 Senator Libous, that completes the

1 noncontroversial reading of the calendar.

2 SENATOR LIBOUS: Thank you, Madam
3 President.

4 At this time could we take up, on
5 the controversial calendar, Calendar Number 1264,
6 by Senator Young, please.

7 ACTING PRESIDENT LITTLE: The
8 Secretary will ring the bell.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 1264, by Senator Young, Senate Print 7648, an act
12 to amend the Real Property Tax Law.

13 ACTING PRESIDENT LITTLE: Read the
14 last section.

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

17 ACTING PRESIDENT LITTLE: The
18 Secretary will ring the bell; this is the
19 controversial calendar.

20 Read the last section.

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

23 ACTING PRESIDENT LITTLE: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT LITTLE: Announce
2 the result.

3 THE SECRETARY: In relation to
4 Calendar 1264, those recorded in the negative are
5 Senators Adams, Breslin, Duane, Gianaris,
6 Hassell-Thompson, Montgomery, Parker, Perkins,
7 Rivera, Sampson, Serrano, Squadron and Stavisky.

8 Absent from voting are
9 Senators Larkin, McDonald, Oppenheimer, Peralta
10 and Smith.

11 Ayes, 40. Nays, 13.

12 ACTING PRESIDENT LITTLE: The bill
13 is passed.

14 Senator Libous.

15 SENATOR LIBOUS: Madam President,
16 if we can now move to Calendar Number 1254, by
17 Senator Golden.

18 ACTING PRESIDENT LITTLE: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 1254, by Senator Golden, Senate Print 1742A, an
22 act to amend the Penal Law.

23 SENATOR BRESLIN: Explanation.

24 ACTING PRESIDENT LITTLE: Senator
25 Golden for an explanation.

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

3 This bill would act to assist the
4 City and the State of New York in creating gang
5 legislation that's clearly delineated in this
6 bill. It is currently insufficiently targeted to
7 the prosecution of the criminal street gangs and
8 the protection of public order and the individual
9 safety against gang-related violence.

10 It lacks programs, this state, that
11 actively and specifically are designed to
12 prevent, by legislation, the growth of those
13 street gangs, to facilitate the prosecution and
14 punishment of street gangs, and to punish those
15 that solicit others to participate in criminal
16 gangs and gang-related violence and provide
17 support or resources to those who commit and
18 encourage the commission of such acts.

19 So it's a gang legislation that I
20 believe would take a number of crimes out of -- a
21 number of individuals out of the City and State
22 of New York that are committing these tremendous
23 gang crimes that are loading up our courts and
24 giving some peace to communities around the City
25 and State of New York.

1 ACTING PRESIDENT LITTLE: Are
2 there any other Senators wishing to be heard?

3 Hearing none, the debate is
4 closed. The Secretary will ring the bell.

5 Read the last section.

6 THE SECRETARY: Section 12. This
7 act shall take effect on the first of January.

8 ACTING PRESIDENT LITTLE: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT LITTLE: Senator
12 Montgomery to explain her vote.

13 SENATOR MONTGOMERY: Yes, Madam
14 President. I just wanted to make sure that my
15 colleagues understand why I am voting no on this
16 legislation.

17 The definition of a "criminal
18 street gang" means any formal or informal
19 organization, association or group of three or
20 more persons having a common name or identifying
21 sign or symbol. So this really is an opening for
22 the worst kind of profiling.

23 And young people in my district,
24 many of whom are out, two or three of them out
25 together in the public housing developments, on

1 the street corners, they will be subject to being
2 stopped, based on this legislation, and an
3 assumption could be made that they are part of a
4 gang.

5 And so for obscenity and related
6 offenses, which is one of the specified offenses
7 in this legislation, something as simple as using
8 obscenity, those young people could be --

9 ACTING PRESIDENT LITTLE: Excuse
10 me, Senator. Senator Montgomery, excuse me for a
11 moment.

12 Can we have quiet in the chamber so
13 that members can explain their vote. Thank you.

14 Senator Montgomery.

15 SENATOR MONTGOMERY: Yes, thank
16 you, Madam President.

17 -- could be arrested and charged
18 under this legislation because they would be
19 assumed to be a gang. Because there's three of
20 them together and they're all swearing on the
21 street corner, they could be facing a violent
22 felony offense, under this legislation, with a
23 mandatory minimum sentence of eight to 12 years.

24 It is a very, very serious piece of
25 legislation which threatens a large percent of

1 the young people and people, period, that I
2 represent. And so I'm voting no on this
3 legislation. I think it should be withdrawn.
4 It's a very bad move for us in our legislature to
5 be promoting and proposing a piece of legislation
6 that on its face profiles young people in our
7 state.

8 I vote no.

9 ACTING PRESIDENT LITTLE: Thank
10 you, Senator Montgomery. You will be recorded in
11 the negative.

12 We are trying to stay with the two
13 minutes for each explanation of vote, if
14 possible.

15 Senator Hassell-Thompson to explain
16 your vote.

17 SENATOR HASSELL-THOMPSON: Thank
18 you, Madam President.

19 I rise to express my concern. It's
20 very difficult when you live in communities like
21 mine, where gang activity is really out of
22 control, and yet in the same breath have me vote
23 no on this piece of legislation.

24 My biggest concern, some of which
25 has been articulated by Senator Montgomery, but

1 more importantly, for legislation of this type,
2 particularly with the kind of sentencing we're
3 requiring and we're requesting in this bill, I
4 would really -- this is one of the few times that
5 I believe that we need to be having hearings and
6 we need to have more discussion about what we
7 believe to be reality-based.

8 Whether you know it or not, every
9 prison is gangland training. And so all we're
10 doing with this bill is giving street gangs the
11 opportunity to form very serious gangs. If you
12 want to see gang activity, go inside the prison.
13 They are the masters of gangs.

14 And so all we're doing is creating
15 a venue for which gang activities will be even
16 more so out of control. I think that the intent
17 here, Senator Golden, is a good one. I certainly
18 would be more than happy to participate with you
19 and any others that would like to have an ongoing
20 discussion about how to tighten up the language
21 of this bill.

22 But when I look at some of the
23 qualifications -- Omega Psi Phi guys would
24 certainly, half of the dawgs would be in prison
25 just predicated on four of the five criteria for

1 gangland activity. And I'm certainly sure that
2 that's not your intent.

3 Thank you, Madam President.

4 ACTING PRESIDENT LITTLE: Thank
5 you. Senator Hassell-Thompson will be recorded
6 in the negative.

7 Senator Parker to explain his vote.

8 SENATOR PARKER: Thank you, Madam
9 President, to explain my vote.

10 I want to thank Senator Golden for
11 bringing this important issue to the floor. I,
12 like Senator Hassell-Thompson, believe that
13 Senator Golden has, you know, good intentions.
14 He's a Brooklyn guy, and I know that we do have a
15 significant gang problem in Brooklyn. But I
16 don't believe that this is the proper approach.
17 There's good intentions, but as my father often
18 told me, the road to hell is paved with good
19 intentions.

20 And so I think that we are going
21 the wrong way by deciding to adjudicate these
22 problems as opposed to shaping our society such
23 that gangs aren't being formed in the first
24 place. Gangs are formed, particularly among
25 young people, because they feel outside of the

1 system, because we're not attending to their
2 needs.

3 In New York City we've gone to an
4 educational process that teaches to the test,
5 that's gotten rid of music, art, athletics and
6 dance as regular parts of the curriculum, so
7 young people aren't being engaged. We have a
8 dropout rate, particularly amongst
9 African-American men in New York City, above
10 50 percent. We've gotten rid of JV and many
11 varsity athletic programs. We've gotten rid of
12 youth programs; we're not any longer on the state
13 level funding youth development programs to
14 engage our young people. We don't have
15 after-school centers.

16 We need to expand the Beacon School
17 program, something great created by Geoff Canada,
18 even though he's from Harlem.

19 But, you know, we need to be
20 engaging our young people in school, engaging
21 them after school, providing a social service
22 situation and jobs for young people, which don't
23 exist anymore. And those are ways that we'll get
24 rid of gangs, by engaging our young people, not
25 by adjudicating them.

1 I vote no.

2 ACTING PRESIDENT LITTLE: Thank
3 you. Senator Parker will be recorded in the
4 negative.

5 Senator Adams to explain his vote.

6 And let's ask everyone to please
7 try to be quiet. Thank you.

8 SENATOR ADAMS: I extensively
9 asked our counsel about this, and that's why I
10 will be voting from the affirmative.

11 The charge is what's called an
12 aggravating factor. We're not arresting a young
13 person merely because they do gang signs or they
14 wear the colors. First, they have to commit an
15 underlying crime. And the crime that they must
16 commit is a felony. And then after committing
17 that felony, then they will be charged with an
18 aggravating factor.

19 If someone breaks into your home,
20 they're charged with a burglary. But if they
21 have a gun, that's an aggravating factor that
22 bumps up the charge.

23 So this is a good bill. There are
24 bad people on the planet, and some of them happen
25 to be young, and bad people should go to jail.

1 And so that's why I will be voting for this
2 bill.

3 If the person was being
4 incarcerated merely because they wore colors or
5 flashed signs, I won't vote for the bill. But
6 require to them being incarcerated they have to
7 commit a felony -- not spitting on the sidewalk,
8 not urination, a felony. That's the highest
9 crime you can commit in New York State is a
10 felony.

11 So if a person commits a felony and
12 they're in a gang, they should be charged with a
13 higher crime because that's an aggravating
14 factor. And I will be voting in the affirmative
15 for this bill.

16 ACTING PRESIDENT LITTLE: Thank
17 you. Senator Adams will be recorded in the
18 affirmative.

19 Senator Golden to explain his vote.

20 SENATOR GOLDEN: Thank you, Madam
21 President.

22 I appreciate the comments from my
23 colleagues. But I just want to confirm and, you
24 know, present what -- this is an actual program
25 and actual laws that were taken from LA. They

1 were copied from Los Angeles.

2 We worked with the New York City
3 Police Department, we worked with other police
4 departments across the state, we worked with the
5 district attorney's offices, we worked with gang
6 specialists to design this.

7 And to Senator Adams' comment, it's
8 not one felony, it's more than two. You have to
9 commit more than two crimes in a three-year
10 period and you have to knowingly engage or have
11 engaged in a pattern of criminal gang activity.
12 And that's what gives this designation.

13 So I want to thank my colleagues
14 for voting yes. I would hope all of my
15 colleagues would vote yes. This is a good bill
16 and it would help to, I believe, bring down the
17 crime and give that quality of life to the people
18 of our great city and state.

19 Thank you. I vote aye, Madam
20 President.

21 ACTING PRESIDENT LITTLE: Thank
22 you. Senator Golden will be recorded in the
23 affirmative.

24 The Secretary will announce the
25 result.

1 THE SECRETARY: In relation to
2 Calendar Number 1254, those recorded in the
3 negative are Senators Duane, Hassell-Thompson,
4 Montgomery, Parker, and Perkins.

5 Absent from voting: Senators
6 McDonald, Peralta and Smith.

7 Ayes, 50. Nays, 5.

8 ACTING PRESIDENT LITTLE: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1255, by Senator Duane, Senate Print 4098, an act
12 to amend the Social Services Law.

13 ACTING PRESIDENT LITTLE: Read the
14 last section.

15 SENATOR HANNON: Excuse me.

16 ACTING PRESIDENT LITTLE: Senator
17 Hannon.

18 SENATOR HANNON: Yes, I rise to
19 debate this bill. I rise in opposition to the
20 bill.

21 This is legislation that would
22 change the amount of living expense, rent, that
23 somebody with HIV status, clinical or symptomatic
24 HIV illness or AIDS has to pay.

25 There is a history to this

1 legislation. And I do applaud this being brought
2 out in daylight, since we first saw it at 2 a.m.
3 in the morning a few years ago.

4 This legislation, I rise in
5 opposition not because I'm unmindful of need and
6 not because I don't have a positive history in
7 regard to helping those with HIV. In fact, just
8 to cite, we've annually appropriated, under the
9 budget committee, over \$100 million a year in the
10 AIDS Institute, in addition to the health
11 benefits under the Medicaid budget.

12 Just recently, in regard to this
13 budget, we assisted those with AIDS in their
14 scattered-site nursing home needs. We have a
15 legislation that's coming about in regard to more
16 reliable, speedier, fairer testing for HIV. As
17 well as just last week having a bill signed that
18 would provide for the prophylactic assistance to
19 those who are the victims of rape so they would
20 not incur AIDS.

21 But this legislation, while
22 obviously having a proponent and having a worthy
23 sponsor, I differ. Because we're singling out
24 somebody for housing assistance because of a
25 medical diagnosis. The rest of our myriad of

1 housing programs that we have in this state are
2 income-based, are situational-based, but they're
3 not based on medical need.

4 And therefore, I think this is an
5 unequal treatment. Because how does one say
6 because you have AIDS, you're not as worthy as
7 somebody who might have terminal cancer, somebody
8 who has a severe case of diabetes or any number
9 of the other illnesses for which we really don't
10 even have answers for. People with lupus, people
11 with Lyme disease, we still don't even have
12 treatments. And yet we have made this one
13 determination.

14 Now, it's not as if we aren't doing
15 other things. This bill, it was pointed out by
16 the City that the Human Resources Administration,
17 HIV/AIDS Service Administration, is different in
18 that it already provides access to supportive
19 site scattered housing, congregate housing,
20 subsidies for people who can live in their home,
21 a broad spectrum of services including case
22 management, cash assistance, food stamps,
23 Medicaid home care, vocational rehabilitation,
24 mental health assessment and referrals, work
25 opportunity programs.

1 It can go on, because I've already
2 mentioned what we do through the AIDS Institute
3 in regard to medical assistance and then in
4 general what we do through the Medicaid program
5 for general health assistance.

6 This bill, when it came up the
7 second time, was vetoed by Governor Paterson in
8 an extraordinary six-page veto message talking
9 about all of the difficulties I've mentioned, as
10 well as the imposition of the cost on the State
11 of New York, which gets a direct cost, and the
12 City of New York.

13 And in fact, since the bill itself
14 says it's effective immediately, I wonder how you
15 can take something that in the current fiscal
16 years would have a multi-million-dollar hit and
17 pass it effective immediately without having
18 corresponding appropriations for the budget.

19 But to the extent this is a problem
20 that needs to be addressed -- and when it first
21 came up, I remember then Senator Eric
22 Schneiderman saying, "Hannon, there's a study,
23 I'll get you a copy of the study." Well, (A) I
24 never got a copy of the study, and (B) I spent a
25 fair amount of time looking for that study that

1 would justified this formula. And I never found
2 it on the Internet, and I spent a considerable
3 amount of time.

4 But I think what this process ought
5 to be is it ought to be presented as part of the
6 budget. And it hasn't been. We've had several
7 budgets since this was passed in 2010. It was
8 also considered as part of the Medicaid Redesign
9 Team and really not adopted -- although, in
10 general, there was adopted as a medical finding
11 that there should be supportive housing because
12 it's part of the continuity of the medical care.

13 But this is not part of the
14 process, so I object to that. I object to the
15 singling out. I object to the total cost. What
16 does one say to the myriad of people who come to
17 us and say, I have this condition, I have this
18 illness, I have this disability, why don't you
19 give me the same type of help?

20 So ultimately I disagree with the
21 equity of this proposal, and therefore I'll be
22 voting against it.

23 Thank you, Madam President.

24 ACTING PRESIDENT LITTLE: Thank
25 you, Senator Hannon.

1 Senator Duane.

2 SENATOR DUANE: Thank you, Madam
3 President. On the bill.

4 ACTING PRESIDENT LITTLE: On the
5 bill.

6 SENATOR DUANE: I think he knows
7 this, I have the utmost respect for the Senator
8 who previously spoke, and our relationship has
9 been one of respect and civility. And I'm going
10 to reasonably, I believe, disagree with what he
11 has said.

12 This legislation does something
13 relatively simple but which would make an
14 enormous difference for a very small subset of
15 people. And it is an aberration that we even
16 have to address this policy, but address it we
17 must.

18 This legislation would cap, in the
19 City of New York, the rent contribution of people
20 receiving housing assistance who have HIV. And
21 everyone but this group of people have their rent
22 capped at 30 percent. Whether their income comes
23 from SSI, SSD, or veterans' benefits, all of them
24 have their rent capped at 30 percent.

25 The people we're talking about are

1 the sickest, most disabled people living with HIV
2 and AIDS. And because of this policy for maybe
3 11,000 people, they are at the highest risk of
4 frankly dying because of this quirk in our law,
5 this horrible quirk in the law. They risk
6 homelessness, many of them become homeless
7 because their rent is not capped at 30 percent.

8 Some of them pay up to 85 percent
9 of their income -- and we're talking about SSI,
10 SSD, veterans' benefits -- up to 85 percent for
11 rent because they live in the homes in which they
12 have lived in. I don't want to move from my
13 home, and living in my home makes it possible,
14 for instance, to take medication and to have a
15 stable environment. And I think we all agree
16 that we choose our homes and we want to stay in
17 our homes because we love where we live and we
18 are in the walls.

19 And that stability for this group
20 of people is cost-effective. But in addition, it
21 helps people stay healthy because they can keep
22 their medicines in their medicine chest or next
23 to their bed or wherever they have it, and they
24 can take it when they're supposed to. And also
25 it will reduce the spread of HIV when people live

1 in a stable environment and are not on the street
2 or begging for a couch to stay on and whatever
3 happens because of that.

4 If you are getting a federal
5 housing voucher, which most of us have in our
6 districts, your rent is capped at 30 percent of
7 your income. This group of people, their rent is
8 not capped at 30 percent. Only these people.

9 Less people will lose their homes.
10 There's more chance they'll stay alive. And
11 unlike cancer and Lyme disease, HIV is
12 communicable. It is difficult, but it is a
13 communicable disease. And we want to stop that
14 from happening, and this bill will help to stop
15 that from happening.

16 I have never been prouder of this
17 body than when we voted on this legislation the
18 first time and the second time. It was -- it has
19 been -- and even if unpopular, that people all
20 around the Senate chamber voted yes on this piece
21 of legislation, it's shown compassion and
22 leadership and really helping people. Which is
23 why we're all here, even if we disagree on other
24 issues.

25 You know, it's cost-effective. I

1 can prove it. But more important than that, it
2 is the right thing to do. Let's help people stay
3 in their homes, not impoverish them. Allow them
4 to live in the stability so they can take their
5 medicine in a timely manner, so that they can buy
6 toilet paper and not have to decide between doing
7 that or taking a subway ride to a doctor's
8 office.

9 I -- I very, very, very much would
10 appreciate it if this body could really be as the
11 body that I am so often proud of -- and I mean
12 that -- and pass this humane, lifesaving piece of
13 legislation.

14 Thank you, Madam President.

15 ACTING PRESIDENT LITTLE: Thank
16 you, Senator Duane.

17 Senator Storobin on the bill.

18 SENATOR STOROBIN: Thank you.

19 I'm all in favor of helping people,
20 obviously. But let's just remember that there's
21 also a second side to it.

22 If you are a middle-class person
23 who happens to be a real estate owner who, for
24 example, bought a two-family house because you
25 can't afford the one-family house and you need

1 someone else to help you, and all of a sudden you
2 are stuck with this second bill that you have to
3 pay because of the mandate that we are putting on
4 these people -- let's remember all the
5 foreclosure headlines that we've seen over the
6 course of the last few years. This will increase
7 that.

8 There is a second side to this
9 story, and those people could also potentially be
10 poor -- not necessarily poor, but middle-class
11 and unable to pay off -- for the -- pay someone
12 else's rent. Those people could be unhealthy,
13 those people could have all sorts of issues.

14 Let's remember that there is a cost
15 to this, not just to the government but also to
16 regular people, a lot of whom happen to be middle
17 class.

18 Thank you.

19 ACTING PRESIDENT LITTLE: Thank
20 you, Senator.

21 The debate is closed. The
22 Secretary will ring the bell.

23 Read the last section.

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

1 ACTING PRESIDENT LITTLE: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT LITTLE: Senator
5 DeFrancisco to explain your vote.

6 SENATOR DeFRANCISCO: Yes, I just
7 want to reiterate what Senator Hannon said.

8 We can have an emotional discussion
9 about any disease that people are afflicted with
10 and why that particular person, because they have
11 that disease, needs some help. But I for the
12 life of me can't understand why one disease is
13 picked out of all of the others for a special
14 treatment under the housing laws. It is a very,
15 very bad precedent.

16 And it is something, no matter how
17 affected one individual might be that's a member
18 of this body, it's just unfair to all of those
19 individuals with other diseases equally suffering
20 from the same types of situations that were
21 mentioned by the sponsor.

22 I'm going to vote no for that
23 reason.

24 ACTING PRESIDENT LITTLE: Thank
25 you. Senator DeFrancisco in the negative.

1 Senator Parker to explain his vote.

2 SENATOR PARKER: Thank you, Madam
3 President, to explain my vote.

4 First let me thank Tom Duane not
5 just for his services here but his commitment to
6 this issue.

7 The pandemic of HIV and AIDS over
8 the last couple of years has really been -- is
9 diminished. And in part because it's now become
10 a chronic disease and we have, thankfully, people
11 living with the disease. But many of us remember
12 this scourge, this scourge of the '80s and '90s
13 in which people were being discriminated against
14 because they had this disease, where they were
15 being denied access to housing, access to jobs,
16 access to healthcare.

17 And so Senator DeFrancisco
18 specifically asked about why this is necessary
19 and why this is chosen. It's because people with
20 diabetes don't get denied access to housing and
21 jobs because they have diabetes. People with
22 cancer don't get denied access to housing because
23 they have cancer. But with HIV and AIDS we have
24 seen a historical pattern of that, not just in
25 this great state, but throughout the country.

1 This is a good bill, and I'm happy
2 to see so many people voting for it. I vote aye.

3 ACTING PRESIDENT LITTLE: Thank
4 you. Senator Parker in the affirmative.

5 SENATOR SQUADRON: Madam
6 President. To explain my vote, Madam President.

7 ACTING PRESIDENT LITTLE: Senator
8 Squadron to explain your vote.

9 SENATOR SQUADRON: Thank you.

10 First of all, I want to thank
11 Senator Duane for extraordinary leadership and
12 courage on this issue over very many years. I
13 was very proud when I chaired the Social Services
14 Committee to have the opportunity to hold a forum
15 on this bill to describe the ways in which this
16 bill is actually going to save money for the
17 government and vastly increase our humanity as a
18 society.

19 It was thanks to Senator Duane's
20 great leadership on this that I had that
21 opportunity as chair of the Social Services
22 Committee. And because of his great moral
23 leadership and commitment to this issue through
24 years of activism, both as an elected official
25 and simply as a citizen and as a man, that we had

1 the opportunity to pass this bill in the prior
2 session and have the opportunity to have it on
3 the floor today.

4 It is impossible to fully
5 understand the significance of this, partially
6 because you do have a population that, despite
7 the fact that AIDS and HIV are no longer in the
8 headlines every day, still suffer the
9 consequences and the long-term effects of the
10 discrimination and of a terrible, terrible
11 disease. And they are today living in the most
12 abject of abject poverty because of a policy that
13 we have the opportunity to change today.

14 So it is really an extraordinary
15 opportunity we have and a rare opportunity to
16 have a bill on the floor, to have the opportunity
17 to vote for a bill that is not sponsored by the
18 majority party, is not something that comes out
19 of a normally very partisan environment up here,
20 but comes simply out of the moral obligation, the
21 understanding that sometimes, regardless of
22 majority or minority, regardless of whether this
23 is an experience that happens in your district or
24 my district or some other Senator's district,
25 happens to all of us.

1 And the opportunity to expand our
2 humanity and to save the city and the state money
3 is a wonderful one. Senator Duane deserves great
4 credit for many things over his years here, and
5 this one in particular --

6 ACTING PRESIDENT LITTLE: Thank
7 you. Senator Squadron, how do you vote?

8 SENATOR SQUADRON: I vote aye,
9 Madam President.

10 ACTING PRESIDENT LITTLE: Thank
11 you. Senator Squadron is voting in the
12 affirmative.

13 Senator Storobin to explain his
14 vote.

15 SENATOR STOROBIN: Yes, Senator
16 Parker said that this is about discrimination. I
17 don't believe this bill is about discrimination.
18 We obviously want everyone to have a fair shake.
19 But this bill is about paying less money. It is
20 not about discrimination.

21 Obviously, if somebody is
22 discriminated, that should not happen, but this
23 is not the issue in this bill.

24 Thank you.

25 ACTING PRESIDENT LITTLE: Thank

1 you. Senator Storobin, how do you vote?

2 SENATOR STOROBIN: I vote no.

3 ACTING PRESIDENT LITTLE: Thank
4 you. Senator Storobin in the negative.

5 SENATOR LIBOUS: Madam President,
6 point of order. What is Senator Duane doing at
7 the rostrum?

8 ACTING PRESIDENT LITTLE: Senator
9 Montgomery to explain your vote.

10 SENATOR MONTGOMERY: Yes, thank
11 you, Madam President, to explain my vote.

12 I want to thank Senator Duane for
13 this legislation. We've been working on it for a
14 few years, so it's not new. I think Senator
15 Hannon may not have been paying attention to how
16 difficult -- how this --

17 SENATOR HANNON: Point of order --

18 SENATOR MONTGOMERY: -- is.

19 SENATOR HANNON: -- since the
20 first time it came on the floor, and I've been
21 consistent ever since.

22 SENATOR MONTGOMERY: Okay. All
23 right. So --

24 ACTING PRESIDENT LITTLE: Senator
25 Hannon --

1 SENATOR MONTGOMERY: So I
2 misunderstood Senator Hannon.

3 But nonetheless, this -- I have had
4 in my district opportunities to witness very
5 personally how -- what a difficult, hostile
6 response to people living with HIV and AIDS when
7 we try to do housing that is especially set-aside
8 units to accommodate people.

9 And so the idea that it's no longer
10 needed, that we don't need to support people in a
11 very different way who suffer from HIV and AIDS
12 is just really not true. There is a need for
13 this support.

14 It is a matter of being a
15 supportive housing measure, and we do that for
16 people in special categories in our state
17 already. It's not an uncommon situation. And
18 this particular group of people have a very
19 special need for support in their housing. So
20 I'm voting aye on this legislation.

21 Thank you, Madam President.

22 ACTING PRESIDENT LITTLE: Thank
23 you. Senator Montgomery will be recorded in the
24 affirmative.

25 Senator Hassell-Thompson to explain

1 her vote.

2 SENATOR HASSELL-THOMPSON: Thank
3 you, Madam President.

4 Probably one of the things that
5 differs between me and most of the people in this
6 chambers is that I spent six years of my life
7 working with this particular population, whereas
8 I don't think anyone else here can say that.

9 And in that process, between the
10 burials and the difficulty of being ostracized by
11 family members and society as a whole, nothing is
12 more challenging to this population than
13 housing.

14 So even to suggest -- while the
15 language of the bill might not include language
16 about discrimination, this population is
17 discriminated against. Therefore, in the ability
18 to gain housing puts them at a disadvantage.

19 This bill also does not speak to a
20 middle class, but it speaks to a very particular
21 economic group within a class of people with --
22 who are infected and affected with HIV and AIDS.

23 So I think we need to sometimes
24 read the bill more carefully before we make
25 pronouncements about -- because it appears as

1 though somehow the humanity is going out of these
2 chambers.

3 And when we speak emotionally about
4 this population, if you understand some of the
5 issues beyond the disease itself the people are
6 dealing with, and some of the housing situations
7 that they find themselves in, trying to find
8 decent housing for them is a traumatizing
9 experience for everyone involved.

10 And so asking -- and I commend
11 Senator Duane not only because of his work on
12 this issue but for continuing to have humanity
13 for people for which most of us would be totally
14 in disregard.

15 Thank you, Madam President. I will
16 be voting yes for this bill.

17 ACTING PRESIDENT LITTLE: Thank
18 you. Senator Hassell-Thompson will be recorded
19 in the affirmative.

20 Senator Serrano to explain his
21 vote.

22 SENATOR SERRANO: Thank you, Madam
23 President.

24 I want to applaud the efforts of
25 Senator Duane and many others in putting forth

1 this bill. I think that it's a very worthy
2 cause, a very worthy goal.

3 And in the community where I
4 represent, East Harlem and the South Bronx, while
5 the numbers for HIV and AIDS declines throughout
6 the nation, in certain communities it's still on
7 the rise, and it's still a very troubling trend.

8 And knowing how much, as Senator
9 Ruth Hassell-Thompson just mentioned, knowing how
10 much this population, both historically and
11 currently, has been discriminated against, both
12 in the housing market and in the workplace, it
13 sets in motion a very negative cycle, a very
14 negative economic cycle for people battling HIV
15 and AIDS. That sets them apart, I think, from
16 some of the other groups that were mentioned by
17 those who rose in opposition to this bill.

18 I think there is a heavier stigma,
19 unfortunately, against this disease as opposed to
20 others. And I think that if you look at people
21 who are forced into homelessness and the economic
22 impact that that has on cities across the state,
23 it makes good sense to have a bill like this in
24 place because a law like this would indeed save
25 money in the long run.

1 Keeping people in their homes
2 provides stability -- provides stability for
3 them, for their treatments, but also for their
4 jobs, their workplace, they're able to do other
5 things. And they're able to be more productive
6 members of their community and their society.

7 So I think this is really a small
8 thing to ask, to provide a certain level of
9 assistance for people who are historically
10 discriminated against and currently discriminated
11 against because of their disease.

12 I applaud Senator Duane for his
13 efforts, and I vote yes. Thank you.

14 ACTING PRESIDENT LITTLE: Thank
15 you. Senator Serrano will be recorded in the
16 affirmative.

17 Senator Rivera to explain his vote.

18 SENATOR RIVERA: Thank you, Madam
19 President.

20 I rise today to thank not only my
21 colleagues but especially Senator Duane. He's
22 been certainly an inspiration in the short time
23 that I've been here because of his leadership on
24 issues that impact the community that he
25 represents.

1 We have to remember that Senator
2 Duane is the only member of this body who is not
3 only openly gay but HIV-positive. And he has
4 continuously, over his career in public life,
5 spoken very loudly about the plight of people
6 with HIV.

7 In this case we have a bill before
8 us which does something very specific. And I'd
9 like to both echo the sentiments of Senator
10 Parker as well as to say I respectfully disagree
11 with my colleague Senator Storobin. What we have
12 here is a reality that people that have HIV have
13 been discriminated against historically as it
14 relates to their access to work, their access to
15 healthcare, the access to educational facilities,
16 and certainly their access to housing.

17 What we're trying to do here is
18 assuage a little bit of the pressure that these
19 individuals have had and, throughout their life
20 and particularly the time when they have been
21 found to be HIV-positive, the impact that this
22 has had on the ability that they have to be able
23 to be employed, to be able to work, to be able to
24 go to school and certainly to live.

25 It is incredibly serious. And what

1 we have here is a way to assuage the burden of
2 that population.

3 It is a different disease than
4 diabetes. It is a different disease than Lyme
5 disease. And I believe that to try to resolve
6 some of the negatives that have occurred because
7 of the way that people that had this disease were
8 viewed and how they were treated, it's incredibly
9 important for us in this body and in government
10 to really do all that we can to make it easier
11 for folks that have been discriminated against.
12 And in this case --

13 ACTING PRESIDENT LITTLE: Senator
14 Rivera.

15 SENATOR RIVERA: Just to finish a
16 last sentence, Madam President.

17 So again, I thank both Senator
18 Duane for bringing this to the floor, I think it
19 is an important issue, an important population
20 that we have to serve. I will be voting in the
21 affirmative.

22 ACTING PRESIDENT LITTLE: Thank
23 you. Senator Rivera to be recorded in the
24 affirmative.

25 Senator Savino to explain her vote.

1 SENATOR SAVINO: Thank you, Madam
2 President.

3 I can't help but remember the last
4 time this bill came to the floor when it was
5 passed by this body. We were actually on
6 opposite sides of the chamber, and it was a very,
7 very late hour. I think many of you can remember
8 that. In fact, it was right after the
9 reorganization of the Senate post the coup. It
10 was about 4 o'clock in the morning. And Senator
11 Duane gave probably what is one of the most
12 memorable speeches of his life on that evening or
13 early that morning.

14 There is no doubt that there is no
15 one who has done more or committed more of his
16 personal career and his personal life to the
17 pursuit of justice for those who are afflicted
18 with HIV and AIDS than Tom Duane. And this is an
19 issue that he is still incredibly passionate
20 about, finding ways to make life easier for
21 people who are dealing with a disease that, while
22 we have certainly made great strides on, we have
23 not figured out how to solve, and people whose
24 lives will continue to be affected.

25 I would just like to remind people

1 as they cast their vote of that fateful day,
2 early morning two years ago when we voted on it,
3 when the same bill passed with only one no vote.
4 So please search your consciences and think
5 what's different about the bill today than it was
6 that morning when most of us voted in favor of
7 it.

8 I vote aye, Madam President.

9 ACTING PRESIDENT LITTLE: Thank
10 you. Senator Savino will be recorded in the
11 affirmative.

12 Announce the results -- I'm sorry,
13 Senator Gianaris to explain his vote.

14 SENATOR GIANARIS: Thank you,
15 Madam President.

16 I rise to also explain my vote in
17 favor of this legislation and also to pay tribute
18 to someone who has served this institution and
19 the State of New York for over a decade.

20 Senator Tom Duane in many ways is a
21 pioneer and someone who took on the difficult
22 task of being an openly gay member of the
23 Legislature with HIV at a time when it was maybe
24 not as accepted as it is today.

25 And for that he deserves all our

1 thanks, as he has announced that this is in fact
2 his final session with us and perhaps his final
3 week or so in this chamber. So I do want to
4 thank him for all that he has done, not just on
5 this issue but on every issue in which he's
6 worked.

7 As it relates to this legislation,
8 many of my colleagues have already stated what is
9 well-known to many of us. There is a difference
10 between HIV/AIDS and other diseases. Not too
11 long ago, but a few decades ago, it was something
12 that the victims of which were subject to a
13 vicious discrimination throughout the '80s and
14 into the '90s, where people would not want to go
15 near someone with the disease, people would not
16 want to touch someone with the disease, people
17 would not want to use the same water fountains as
18 someone with the disease -- and yes, people would
19 not want to rent their homes to someone with that
20 disease.

21 Now, thankfully, we've come to the
22 point where the disease is no longer a death
23 sentence. I remember very clearly watching
24 Magic Johnson announce that he had the disease
25 and thinking at the time that he would soon be

1 dead. But thankfully, he's survived, he
2 continues to live, as do so many people.

3 But unfortunately, the
4 discrimination continues. Which makes this
5 legislation all the more necessary, as it was
6 before it was passed in this chamber before I was
7 a member. The arguments are as valid today as
8 they were then. And I don't understand why so
9 many votes would be changing from then to now,
10 especially at a time when someone who has worked
11 so hard on it is spending his last days in the
12 Senate.

13 So I implore my colleagues who have
14 voted yes in the past to consider being
15 consistent with the legislation, with their votes
16 on this legislation, and I will be voting in the
17 affirmative.

18 ACTING PRESIDENT LITTLE: Thank
19 you. Senator Gianaris in the affirmative.

20 Senator Klein to explain his vote.

21 SENATOR KLEIN: Thank you, Madam
22 President. I too rise in favor of this
23 legislation.

24 I think it's very clear we all come
25 to this legislative body with certain missions,

1 certain things that we want to do, and in many
2 cases it's based on our previous experiences.
3 Clearly this is a bill that's very important to a
4 colleague that I know is very important to many
5 of us, Senator Tom Duane.

6 I think Senator Savino said it best
7 when we all remember when this bill originally
8 came up at 2 o'clock in the morning towards the
9 end of session where Senator Duane made a very
10 passionate speech in favor of this.

11 I think we also know that Senator
12 Duane has decided not to seek reelection, moving
13 on to other things in his life. And I have a
14 feeling that besides legalizing gay marriage,
15 passing the marriage equality bill, this is
16 something else that Senator Duane hopes to be
17 part of his legacy.

18 And I know I respect Senator
19 Hannon's opinion when it comes to any type of
20 health issue. And he did make the argument that
21 why are we treating this specific disease
22 different than any other when it comes to an
23 emergency shelter allowance.

24 Well, I think we have to, because I
25 think in many cases we haven't solved the problem

1 fully of AIDS/HIV patients within our community.
2 They're still looked down upon, there's still a
3 tremendous burden on their lives and the people
4 around them. And to just enhance that
5 financially and giving them the ability to be
6 able to live out, as Tom Duane said, their
7 lives -- as short as in many cases that may be --
8 in comfort is something that's very, very
9 important.

10 ACTING PRESIDENT LITTLE: Thank
11 you, Senator Klein. How do you vote?

12 SENATOR KLEIN: I vote yes, Madam
13 President.

14 ACTING PRESIDENT LITTLE: Thank
15 you. You will be recorded in the affirmative.

16 Senator Carlucci to explain his
17 vote.

18 SENATOR CARLUCCI: Thank you,
19 Madam President.

20 I too rise in favor of this
21 important legislation. And I want to commend
22 Senator Duane for not just talking the talk but
23 walking the walk and really standing up for
24 people living with AIDS and HIV. His advocacy
25 has really made strides, and I believe this

1 legislation will really go to help people who are
2 living under those circumstances.

3 So I'm supporting this legislation,
4 and I urge my colleagues to do the same. And
5 again, I want to thank the sponsor, Senator
6 Duane, for putting this legislation forward and
7 being an advocate for these issues.

8 I vote aye. Thank you, Madam
9 President.

10 ACTING PRESIDENT LITTLE: Thank
11 you. Senator Carlucci will be recorded in the
12 affirmative.

13 Senator Breslin to explain his
14 vote.

15 SENATOR BRESLIN: Thank you, Madam
16 President.

17 How euphoric many of us felt not
18 two hours ago, thinking that the crowning
19 achievement for Senator Duane to do the right
20 thing, the fair thing, the just thing, the
21 equitable thing, to treat in a compassionate way
22 AIDS patients, making sure that in shelters the
23 rents were limited. What a quality-of-life
24 issue, on the edge and the precipice of being put
25 out on the street, not being able to afford

1 accommodations.

2 And I remember two years ago when
3 we voted and everybody in this house, save one,
4 voted in favor of this legislation. I disagreed
5 with the Governor in his veto at that time. But
6 again, the feeling that we were again revisiting
7 this and we were about to do the right thing.

8 And now, hopefully, we are holding
9 out hope that we will continue to do the right
10 thing tonight. And so many times we should put
11 aside our labels and do the right thing. And it
12 is still my hope and belief that people in this
13 body will reconsider and think of two years ago,
14 think of why they made a decision, why that they
15 were fair and just in that assessment two years
16 ago, and that now we face the possibility of not
17 being fair and just.

18 And accordingly, Madam President, I
19 vote aye.

20 ACTING PRESIDENT LITTLE: Thank
21 you. Senator Breslin will be recorded in the
22 affirmative.

23 Senator Stewart-Cousins to explain
24 her vote.

25 SENATOR STEWART-COUSINS: Thank

1 you, Madam President.

2 I rise as so many of my colleagues
3 have risen to not only congratulate Senator Duane
4 for his steadfast and unwavering commitment to
5 people who are experiencing HIV/AIDS and also
6 making sure that he brings to us the
7 consciousness that surrounds the devastation,
8 many times, of being diagnosed with that disease.

9 Senator Duane, in many of our
10 minds, is a giant and a hero. And I, as all of
11 my colleagues who were here, remember that night
12 where I think he became a YouTube phenomenon.
13 Everybody saw what he felt and heard how he
14 positioned the argument. And I don't think it
15 was because it was 3 a.m. that we resoundingly
16 supported him. I think it's because we
17 understood that this bill impacts the very
18 sickest, the very poorest.

19 This is a little tiny piece of
20 legislation, but it reminds us that it is, as
21 Senator Duane, said a subset. People receiving
22 shelter assistance, people who have emergency
23 shelter allowance, people who reside in a
24 household that receives unearned and/or earned
25 income shall not be required to pay more than

1 30 percent of the household's monthly unearned or
2 earned income towards shelter cost, including
3 rent and utilities.

4 So it's not that people won't pay
5 anything. It's not that people have a lot of
6 options. These are extremely poor people who are
7 sick who will not be required to pay more than
8 30 percent of an income.

9 So I ask my colleagues not only to
10 reconsider what this means to Senator Duane but
11 reconsider --

12 ACTING PRESIDENT LITTLE: Thank
13 you, Senator.

14 SENATOR STEWART-COUSINS: -- what
15 it means to the most impoverished and sickest
16 among this population.

17 So I vote aye, Madam President.

18 ACTING PRESIDENT LITTLE: Thank
19 you. Senator Stewart-Cousins will be recorded in
20 the affirmative.

21 Announce the results.

22 Senator Duane to explain your
23 vote? Senator Duane, do you wish to explain your
24 vote?

25 SENATOR DUANE: Thank you, Madam

1 President.

2 ACTING PRESIDENT LITTLE: Thank
3 you.

4 SENATOR DUANE: I purposely kept
5 my on-the-bill explanation as brief as possible.

6 And may I request that we withdraw
7 the roll call and lay the bill aside for the day.

8 SENATOR LIBOUS: Madam President.
9 Madam President.

10 ACTING PRESIDENT LITTLE: Senator
11 Libous.

12 SENATOR LIBOUS: We are on the
13 roll call. I believe Senator Duane has two
14 minutes to explain his vote. At the end of that
15 two minutes, we will announce the results.

16 SENATOR SQUADRON: -- withdraw the
17 roll.

18 ACTING PRESIDENT LITTLE: Excuse
19 me. Just a moment, please.

20 We are on a roll call. The only
21 thing that can be done is to explain your vote,
22 and then we will announce the result.

23 SENATOR BRESLIN: Point of order.
24 I believe the sponsor --

25 ACTING PRESIDENT LITTLE: Point of

1 order.

2 SENATOR BRESLIN: The sponsor
3 would like to withdraw the bill, lay the bill
4 aside for the day.

5 SENATOR LIBOUS: Madam President,
6 we are on the roll call. The sponsor could have
7 laid this bill aside during the regular debate.
8 But once you are on the roll call, members can
9 explain their vote and then you have to call the
10 roll. You cannot pull a bill on the roll call.

11 ACTING PRESIDENT LITTLE: Thank
12 you. Those are the rules.

13 SENATOR BRESLIN: Madam President,
14 there's nothing in the rules. The sponsor is in
15 control of his own bill, exclusive control of his
16 own bill, and he is requesting that it be laid
17 aside for the day.

18 SENATOR LIBOUS: No, Madam
19 President, that is totally incorrect. What I've
20 stated -- what I've stated is absolutely correct,
21 you cannot pull your bill with a motion on a roll
22 call.

23 SENATOR BRESLIN: Madam President,
24 it is absolutely correct --

25 ACTING PRESIDENT LITTLE: Thank

1 you. Senator Libous, your point is well-taken.

2 Senator Breslin, I'm sorry, your
3 point is not taken. The roll call has been
4 called. We have to announce the vote.

5 We have one more Senator to explain
6 their vote. Senator Avella to explain your vote.

7 SENATOR BRESLIN: Point of order,
8 please. I appeal the ruling of the chair and ask
9 to be heard.

10 SENATOR LIBOUS: Madam President,
11 that is not a ruling. Madam President -- Madam
12 President, let me try help things here.

13 We are on the roll call. Once
14 members explain their vote, then the roll call
15 will be taken. The sponsor in this case cannot
16 lay his bill aside, because we are on a roll
17 call. The only motion that can be taken on a
18 roll call is a motion to adjourn if you have
19 enough votes.

20 So I would beg to differ with my
21 esteemed colleague on the other side of the
22 aisle. I believe we are extremely correct here
23 and that his request is out of order.

24 SENATOR BRESLIN: Madam
25 President --

1 ACTING PRESIDENT LITTLE: Thank
2 you. We are waiting now for only those who
3 explain their vote. I believe Senator Avella is
4 next.

5 SENATOR BRESLIN: Madam President,
6 can I -- it's such an important vote. Can I ask
7 for some -- can I ask for some reference to a
8 rule?

9 ACTING PRESIDENT LITTLE: We have
10 a ruling on the point of order. We have the rule
11 that once the roll call has been called, that we
12 explain votes and then we announce the result.
13 It cannot be withdrawn.

14 SENATOR SQUADRON: Point of
15 order. I appeal the ruling of the chair. Madam
16 President, I appeal (inaudible) --

17 (Several Senators speaking.)

18 ACTING PRESIDENT LITTLE: On the
19 ruling of the chair -- can we have it quiet,
20 first, please. On the ruling -- one moment
21 (gaveling).

22 On the ruling of the chair, all
23 those --

24 SENATOR DUANE: Point of personal
25 privilege.

1 ACTING PRESIDENT LITTLE: -- who
2 wish to overrule the chair signify by saying aye.

3 SENATOR SQUADRON: Madam
4 President (inaudible) --

5 SENATOR DUANE: (Inaudible.)

6 SENATOR LIBOUS: Madam President.

7 SENATOR DUANE: Madam President, I
8 really want to say that I would not like this
9 body to be remembered today as defeating this
10 bill which will help keep people living with AIDS
11 alive.

12 ACTING PRESIDENT LITTLE: Senator
13 Duane, we are -- you are out of order. Wait till
14 we can recognize you. We're doing one Senator at
15 a time.

16 SENATOR DUANE: (Inaudible.)

17 ACTING PRESIDENT LITTLE: Senator
18 Libous.

19 SENATOR LIBOUS: Madam President,
20 we are on Senator Breslin's point of order. That
21 is the issue before the house at this time.

22 ACTING PRESIDENT LITTLE: All
23 those in favor of overruling the chair --

24 SENATOR SQUADRON: Madam
25 President --

1 ACTING PRESIDENT LITTLE: --

2 signify by saying --

3 SENATOR SQUADRON: -- let me be

4 heard on my motion to overrule the --

5 SENATOR LIBOUS: It was Senator

6 Breslin's motion.

7 SENATOR SQUADRON: I'd like to be

8 heard on Senator Breslin's motion to overrule the

9 ruling of the chair. Thank you for the

10 clarification. And I believe I have 30 minutes

11 on this issue. Thank you very much.

12 The chair said that there was a

13 ruling on Senator Breslin's point of order,

14 either Senator Breslin or I, depending how you

15 interpret it, asked to overrule it. And now

16 we're debating that.

17 Madam President, it is the

18 long-standing tradition of this house that a

19 sponsor is in exclusive control of his or her

20 bill from the point of introduction to the point

21 of passage, simply and absolutely. In fact, we

22 have all sat here in this chamber and watched

23 bills get laid aside for the day after the roll

24 has been opened.

25 The fact that we now have a ruling

1 of the chair that has no citation in the rules,
2 that is inconsistent with long-standing
3 precedent in this house, both relative to the
4 control of a bill for the sponsor and relative to
5 the ability to pull the bill at any point between
6 introduction and passage, is really surprising.

7 I would love to see -- and we have
8 a half hour here to debate it -- I would love to
9 see any citation on that, Madam President. I
10 suppose that the ruling might be that the sponsor
11 doesn't even have the ability to star his bill at
12 this point. Which again would be completely
13 outside of the history and precedent of this
14 house.

15 It has become all too common for a
16 simple suggestion or a statement of fact without
17 a citation in the rules, which I am leafing
18 through even as I speak, to govern here. But I
19 hope that we continue to be a body of rules, not
20 just a body of assertions. I hope that we are a
21 body still governed by some sense of decorum and
22 respect for each other, not just by whatever the
23 pique of the moment drives us to.

24 The Majority certainly has the
25 majority of votes when we're all present. I

1 don't believe that that supersedes the rules of
2 the house. And the rules of the house are very,
3 very clear. The sponsor controls the bill from
4 introduction to passage. It always -- it has
5 been that way as long as I've been here. It is
6 clearly stated to be that way in the rules. And,
7 Madam President, I would ask you or any other
8 member to cite a rule in conflict with that.

9 ACTING PRESIDENT LITTLE: Thank
10 you. Senator Squadron, the rule is 9(3)(F). I
11 will read the ruling.

12 "After the Senate shall have
13 adopted the motion to close debate as
14 hereinbefore provided, no motion shall be in
15 order but one motion to adjourn, or for a call of
16 the Senate by the Temporary President and a
17 motion to commit. Should said motion to adjourn
18 be carried, the measure under consideration shall
19 be the pending question when the Senate shall
20 again convene and shall be taken up at the point
21 where it was at the time of such adjournment."

22 SENATOR SQUADRON: Thank you,
23 Madam President.

24 ACTING PRESIDENT LITTLE: So your
25 point is -- that is the ruling that we are

1 working with.

2 SENATOR SQUADRON: Thank you,
3 Madam President. So it is your ruling that
4 laying a bill aside for the day is in fact a
5 motion?

6 ACTING PRESIDENT LITTLE: Yes.

7 SENATOR SQUADRON: So in other
8 words, every time a bill gets laid aside for the
9 day that was previously on an active list, that's
10 a motion and that's governed by the rules
11 governing motions in this house?

12 ACTING PRESIDENT LITTLE: No.
13 Senator Squadron, when a bill is laid aside, that
14 is before the debate. It is usually on the
15 noncontroversial calendar. We are talking about
16 after the debate is closed and the roll is
17 called. That's the point. And after the roll is
18 called, no motion can be considered but a motion
19 to adjourn and we announce the result.

20 SENATOR SQUADRON: So, Madam
21 President, the ruling of the chair is that laying
22 a bill aside for the day before the roll call is
23 called is not a motion, but laying a bill aside
24 for the day after a roll call was called is a
25 motion?

1 ACTING PRESIDENT LITTLE: We're
2 talking about the debate is closed. No motion
3 after that, after the roll call.

4 SENATOR SQUADRON: So the chair's
5 contention is that laying a bill aside for the
6 day is a motion or is not a motion?

7 ACTING PRESIDENT LITTLE: Senator
8 Squadron, the difference is that a lay-aside
9 before the roll call has been taken is allowed.
10 After the roll call, we're talking
11 about a motion being made to table the bill that
12 the vote has been taken on. It is not in order,
13 and that is the ruling of the chair.

14 SENATOR SQUADRON: Madam
15 President --

16 ACTING PRESIDENT LITTLE: You can
17 appeal the ruling.

18 SENATOR SQUADRON: -- thank you
19 for that ruling.

20 And just now that I understand it a
21 little better, on the ruling, it is very hard to
22 understand that an action that's sort of a basic
23 action that is under the rule that a member is in
24 control of their bill from introduction to
25 passage, in sole and exclusive control of their

1 bill from introduction to passage governs in a
2 different way, has not been a motion until the
3 roll call is called, when there's really no
4 nothing in the rules.

5 SENATOR LIBOUS: Madam President,
6 I'd like to be recognized.

7 ACTING PRESIDENT LITTLE: Point of
8 order, Senator Libous.

9 SENATOR LIBOUS: Thank you. I'm
10 not sure what Senator Squadron is arguing, but I
11 certainly would ask him to defer to me for a
12 second.

13 Madam President, I would ask for
14 unanimous consent to withdraw the roll call.
15 Unanimous consent.

16 ACTING PRESIDENT LITTLE: Thank
17 you. Without objection, is there unanimous
18 consequent we withdraw --

19 SENATOR DUANE: I would request,
20 Madam Chair --

21 ACTING PRESIDENT LITTLE: Senator
22 Duane, just a moment, please, while we get this.

23 SENATOR DUANE: Madam Chair, it is
24 my piece of legislation. I do not want to lay it
25 aside for the day anymore. I would like to see a

1 vote on this, and I request --

2 ACTING PRESIDENT LITTLE: Senator
3 Duane, so we do not have unanimous consent, is
4 that correct, to withdraw?

5 SENATOR DUANE: Yes, you do not
6 have unanimous consent to withdraw.

7 ACTING PRESIDENT LITTLE: Then
8 we're on the roll call.

9 SENATOR LIBOUS: We are on the
10 roll call and --

11 ACTING PRESIDENT LITTLE: We have
12 one more Senator who wanted to explain his vote.
13 Senator Avella, do you wish to -- all right.
14 Announce the result.

15 SENATOR DUANE: Madam President, I
16 spoke with the leader of the Majority and
17 informed him that --

18 ACTING PRESIDENT LITTLE: Senator
19 Duane, is there a point of order here?

20 SENATOR DUANE: And I hold him
21 that I wanted a vote on it, and I believe he
22 acceded to that request. I may be mistaken, but
23 I am respectfully requesting that we --

24 ACTING PRESIDENT LITTLE: We have
25 a vote.

1 SENATOR DUANE: -- that we
2 continue with the roll call.

3 ACTING PRESIDENT LITTLE: We
4 will. We are trying to do that, Senator Duane.
5 The roll call -- the vote has been taken.

6 The Secretary will announce the
7 results.

8 SENATOR LIBOUS: Thank you.

9 THE SECRETARY: In relation to
10 Calendar 1255, those recorded in the negative are
11 Senators Bonacic, DeFrancisco, Farley, Flanagan,
12 Fuschillo, Gallivan, Golden, Griffio, Grisanti,
13 Hannon, Johnson, Larkin, LaValle, Libous, Little,
14 Martins, Maziarz, Nozzolio, O'Mara --

15 SENATOR LIBOUS: Madam President.

16 ACTING PRESIDENT LITTLE: Thank
17 you. Senator Libous.

18 SENATOR LIBOUS: If we can
19 complete the roll call, and then I would ask that
20 you give Leader Sampson an opportunity to speak.

21 ACTING PRESIDENT LITTLE: We need
22 to complete the roll call and announce the
23 result, and we will call on him.

24 SENATOR LIBOUS: Could we suspend
25 the roll call so the leader can have the

1 opportunity to speak on the bill.

2 ACTING PRESIDENT LITTLE: The roll
3 call is suspended.

4 I call upon Senator Sampson to
5 explain his vote.

6 SENATOR SAMPSON: Thank you very
7 much, Madam President.

8 And thank you very much, Senator
9 Libous, for giving me this opportunity. And I
10 apologize for whatever confusion, if any, took
11 place here at this point in time.

12 Also, with respect to any motions
13 regarding this vote, this is a piece of
14 legislation that is very important not only to
15 Senator Duane but to a lot of those who are
16 living with HIV and AIDS. And I would prefer --

17 ACTING PRESIDENT LITTLE: Can we
18 have quiet in the chamber, please.

19 SENATOR SAMPSON: Something like
20 this is extremely important not just to lay aside
21 but to see how individuals feel, how individuals
22 actually want to vote. You know, people vote
23 their conscience, but at the same time we have to
24 take into consideration for those who are less
25 fortunate.

1 And those with HIV and AIDS are
2 less fortunate individuals who are just looking
3 for that glimmer and opportunity of hope to have
4 a very -- at least a sympathetic and easygoing
5 life for their remaining days.

6 So with that, thank you very much,
7 Madam President. Whichever way the vote goes,
8 you know, I leave it in God's hands, and that's
9 how it will be left. Thank you very much, Madam
10 President. And I vote aye.

11 ACTING PRESIDENT LITTLE: Thank
12 you, Senator Sampson. You will be recorded in
13 the affirmative.

14 The Secretary will announce the
15 result.

16 THE SECRETARY: In relation to
17 Calendar 1255, those recorded in the negative are
18 Senators Bonacic, DeFrancisco, Farley, Flanagan,
19 Fuschillo, Gallivan, Golden, Griffio, Grisanti,
20 Hannon, Johnson, Larkin, LaValle, Libous, Little,
21 Martins, Maziarz, Nozzolio, O'Mara, Ranzenhofer,
22 Ritchie, Saland, Seward, Skelos, Storobin, Young
23 and Zeldin.

24 Absent from voting: Senators
25 Adams, McDonald, Oppenheimer, Peralta, and Smith.

1 Ayes, 26. Nays, 27.

2 ACTING PRESIDENT LITTLE: The bill
3 is lost.

4 Senator Carlucci for a motion.

5 SENATOR CARLUCCI: Madam
6 President, on behalf of Senator Klein, on page 23
7 I offer the following amendments to Calendar
8 Number 688, Senate Print Number 6139A, and ask
9 that the said bill retain its place on the Third
10 Reading Calendar.

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

14 Senator Libous.

15 SENATOR LIBOUS: Is there any
16 further business at the desk?

17 ACTING PRESIDENT LITTLE: No,
18 there is not, Senator Libous.

19 SENATOR LIBOUS: Thank you, Madam
20 President.

21 There being no further business, I
22 move that we adjourn until Monday, June 8th --

23 ACTING PRESIDENT LITTLE: Senator
24 Libous, excuse me. We do have one motion.

25 SENATOR LIBOUS: Can we return to

1 motions and resolutions.

2 ACTING PRESIDENT LITTLE: Motions
3 and resolutions.

4 SENATOR LIBOUS: On behalf of
5 Senator Peralta, I wish to call up his bill,
6 Senate Print 6292, recalled from the Assembly,
7 which is now at the desk.

8 ACTING PRESIDENT LITTLE: The
9 Secretary will read.

10 THE SECRETARY: Calendar Number
11 968, by Senator Peralta, Senate Print 6292, an
12 act to amend the Penal Law.

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

16 ACTING PRESIDENT LITTLE: Call the
17 roll on reconsideration.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 58.

20 SENATOR LIBOUS: I now offer up
21 the following amendments.

22 ACTING PRESIDENT LITTLE: The
23 amendments are received.

24 SENATOR LIBOUS: On behalf of
25 Senator Rivera, on page 28 I offer the following

1 amendments to Calendar 816, Senate Print 6854A,
2 and ask that said bill retain its place on the
3 Third Reading Calendar.

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

7 SENATOR LIBOUS: There being no
8 further business, Madam President, I move that we
9 adjourn until Monday, June 18th, at 3:00 p.m.,
10 intervening days being legislative days.

11 ACTING PRESIDENT LITTLE: Thank
12 you. On motion, the Senate stands adjourned
13 until Monday at 3:00 p.m., June 18th, intervening
14 days being legislative days.

15 (Whereupon, at 2:35 p.m., the Senate
16 adjourned.)

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