

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 18, 2012

11 3:35 p.m.

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13
14 REGULAR SESSION

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17
18 SENATOR JOSEPH ROBACH, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask all present to please rise
5 and join me in the Pledge of Allegiance.

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

8 ACTING PRESIDENT ROBACH:
9 Joining us today for the prayer is the
10 Reverend Peter G. Young, Mother Teresa
11 Community Church here in Albany.

12 REVEREND YOUNG: Let us pray.

13 As we prepare for the concluding
14 week of this session, may we ask You to
15 continue to guide us and share the wisdom of
16 God beyond all imagining, and Your goodness,
17 boundless treasure that You have given to all
18 of these men and women serving in this
19 political arena.

20 You, O Lord, unfailingly
21 enlighten our minds to open up new and better
22 means of sharing, with each other here in this
23 Senate chamber, for our constituencies, the
24 information and ideas and aspirations.

25 The discoveries of technology can

1 be of great assistance, and we pray that they
2 will again be developed and again sponsor
3 employment opportunities.

4 May New York State bring them
5 help in times of need for our resources and
6 for our quality of life.

7 Amen.

8 ACTING PRESIDENT ROBACH:

9 Reading of the Journal.

10 THE SECRETARY: In Senate,
11 Sunday, June 17th, the Senate met pursuant to
12 adjournment. The Journal of Saturday,
13 June 16th, was read and approved. On motion,
14 Senate adjourned.

15 ACTING PRESIDENT ROBACH:
16 Without objection, the Journal stands approved
17 as read.

18 Presentation of petitions.

19 Messages from the Assembly.

20 The Secretary will read.

21 THE SECRETARY: On page 6,
22 Senator Fuschillo moves to discharge, from the
23 Committee on Health, Assembly Bill Number
24 1074B and substitute it for the identical
25 Senate Bill Number 2917A, Third Reading

1 Calendar 162.

2 On page 29, Senator Zeldin moves
3 to discharge, from the Committee on Consumer
4 Protection, Assembly Bill Number 8992A and
5 substitute it for the identical Senate Bill
6 Number 6608A, Third Reading Calendar 847.

7 On page 34, Senator Lanza moves
8 to discharge, from the Committee on Rules,
9 Assembly Bill Number 9034B and substitute it
10 for the identical Senate Bill Number 6285A,
11 Third Reading Calendar 958.

12 On page 42, Senator Robach moves
13 to discharge, from the Committee on Rules,
14 Assembly Bill Number 10238 and substitute it
15 for the identical Senate Bill Number 7520,
16 Third Reading Calendar 1079.

17 And on page 45, Senator Young
18 moves to discharge, from the Committee on
19 Local Government, Assembly Bill Number 10158
20 and substitute it for the identical Senate
21 Bill Number 6644, Third Reading Calendar 1119.

22 ACTING PRESIDENT ROBACH:
23 Substitutions ordered.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Libous.

6 SENATOR LIBOUS: Mr. President,
7 will you call on Senator Breslin.

8 ACTING PRESIDENT ROBACH: Senator
9 Breslin.

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

12 Mr. President, on behalf of Senator
13 Peralta, I move to amend Senate Bill Number 6292A
14 by striking out the amendments made on June 14th
15 and restoring it to its original print number,
16 6292.

17 ACTING PRESIDENT ROBACH: So
18 ordered.

19 SENATOR BRESLIN: Thank you,
20 Mr. President.

21 I wish to call up Senator
22 Montgomery's bill, Print Number 6356, recalled
23 from the Assembly, which is now at the desk.

24 ACTING PRESIDENT ROBACH: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 1063, by Senator Montgomery, Senate Print 6356,
3 an act to amend the Executive Law.

4 SENATOR BRESLIN: I now move to
5 reconsider the vote by which this bill was
6 passed.

7 ACTING PRESIDENT ROBACH: Call the
8 roll on reconsideration.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 52.

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

13 ACTING PRESIDENT ROBACH: The
14 amendments are received.

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

17 On page number 44, I offer the
18 following amendments to Calendar Number 1104,
19 Senate Print Number 6411A, and ask that Senator
20 Rivera's said bill retain its place on the Third
21 Reading Calendar.

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

25 SENATOR BRESLIN: Thank you,

1 Mr. President.

2 ACTING PRESIDENT ROBACH: Thank
3 you, Senator Breslin.

4 Senator Libous.

5 SENATOR LIBOUS: Mr. President,
6 would you call on Senator Carlucci, please.

7 ACTING PRESIDENT ROBACH: Senator
8 Carlucci.

9 SENATOR CARLUCCI: Mr. President,
10 on page 30, I offer the following amendments to
11 Calendar Number 876, Senate Print Number 7103,
12 and ask that the said bill retain its place on
13 the Third Reading Calendar.

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

17 Senator Libous.

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

20 If you'd just give me a second,
21 there were a pair of glasses here.

22 Mr. President, like Boy Scouts, we're always
23 prepared here in the Senate. Okay.

24 On behalf of Senator Martins,
25 Mr. President, I move to amend Senate Print 7433A

1 and by striking out the amendments made on 6/14
2 and restoring it to its original print, 7433.

3 ACTING PRESIDENT ROBACH: So
4 ordered.

5 SENATOR LIBOUS: On behalf of
6 Senator Fuschillo, I wish to call up his bill,
7 Senate Print 7217, recalled from the Assembly,
8 which is now at the desk.

9 ACTING PRESIDENT ROBACH: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 780, by Senator Fuschillo, Senate Print 7217, an
13 act to amend the Public Authorities Law.

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

17 ACTING PRESIDENT ROBACH: Call the
18 roll on reconsideration.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 52.

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

23 ACTING PRESIDENT ROBACH: The
24 amendments are received.

25 SENATOR LIBOUS: On behalf of

1 Senator Little, I wish to call up her print,
2 Senate 5525B, recalled from the Assembly, which
3 is now at the desk.

4 ACTING PRESIDENT ROBACH: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number
7 91, by Senator Little, Senate Print 5525B, an act
8 to amend the General Municipal Law.

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

12 ACTING PRESIDENT ROBACH: Call the
13 roll on reconsideration.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 52.

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

18 ACTING PRESIDENT ROBACH: The
19 amendments are received.

20 SENATOR LIBOUS: On behalf of
21 Senator Marcellino, I wish to call up his print,
22 Senate 6999A, recalled from the Assembly, which
23 is now at the desk.

24 ACTING PRESIDENT ROBACH: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 832, by Senator Marcellino, Senate Print 6999A,
3 an act to authorize.

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

7 ACTING PRESIDENT ROBACH: Call the
8 roll on reconsideration.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 52.

11 SENATOR LIBOUS: I offer up the
12 following amendments.

13 ACTING PRESIDENT ROBACH: The
14 amendments are received.

15 SENATOR LIBOUS: On behalf of
16 Senator Flanagan, I wish to call up his bill,
17 Senate Print Number 5650C, recalled from the
18 Assembly, which is now at the desk.

19 ACTING PRESIDENT ROBACH: The
20 Secretary will read.

21 THE SECRETARY: Calendar Number
22 125, by Senator Flanagan, Senate Print 5650C, an
23 act to amend the Education Law.

24 SENATOR LIBOUS: I now move to
25 reconsider the vote by which this bill was

1 passed.

2 ACTING PRESIDENT ROBACH: Call the
3 roll on reconsideration.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 52.

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

8 ACTING PRESIDENT ROBACH: The
9 amendments are received.

10 SENATOR LIBOUS: On behalf of
11 Senator Young, I wish to call up her bill, Senate
12 Print Number 4020B, recalled from the Assembly,
13 which is now at the desk.

14 ACTING PRESIDENT ROBACH: The
15 Secretary will read.

16 THE SECRETARY: Calendar Number
17 347, by Senator Young, Senate Print 4020B, an act
18 to amend the Highway Law.

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

22 ACTING PRESIDENT ROBACH: Call the
23 roll on reconsideration.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 53.

1 SENATOR LIBOUS: I now offer up
2 the following amendments.

3 ACTING PRESIDENT ROBACH: The
4 amendments are received.

5 SENATOR LIBOUS: On behalf of
6 Senator Seward, I wish to call up his print,
7 Senate Number 6811, recalled from the Assembly,
8 which is now at the desk.

9 ACTING PRESIDENT ROBACH: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 558, by Senator Seward, Senate Print 6811, an act
13 to amend Chapter 585 of the Laws of 2011.

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

17 ACTING PRESIDENT ROBACH: Call the
18 roll on reconsideration.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 53.

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

23 ACTING PRESIDENT ROBACH: The
24 amendments are received.

25 SENATOR LIBOUS: Mr. President, I

1 have a number of amendments for a number of
2 bills, and I'll read them in order. These
3 amendments are offered on the following Third
4 Reading Calendar bills.

5 By Senator Golden, page 4, Calendar
6 Number 72, Senate Print 5576A;

7 By Senator Flanagan, page 11,
8 Calendar Number 374, Senate Print 4690A;

9 By Senator Gallivan, page 16,
10 Calendar Number 507, Senate Print 6721;

11 By Senator Zeldin, page 19,
12 Calendar Number 615, Senate Print 6872A;

13 By Senator Flanagan, page 21,
14 Calendar Number 638, Senate Print 5510;

15 By Senator Seward, page 36,
16 Calendar Number 994, Senate Print 4425A.

17 Mr. President, I can't even hear
18 myself.

19 ACTING PRESIDENT ROBACH:
20 {Gaveling.} We need to establish some order in
21 the chamber. Thank you very much.

22 SENATOR LIBOUS: Thank you,
23 Mr. President. I'm sorry, but these are
24 procedural things that need to be done.

25 On behalf of Senator Farley, on

1 page 41, Calendar Number 1067, Senate Print 6909;

2 By Senator LaValle, on page 43,
3 Calendar Number 1092, Senate Print 7088;

4 By Senator Lanza, on page 47,
5 Calendar Number 1224, Senate Print 5573C;

6 By Senator Alesi, on page 43,
7 Calendar Number 1090, Senate Print 6249A;

8 By Senator Grisanti, on page 18,
9 Calendar Number 594, Senate Print 6268C;

10 By Senator Robach, on page 20,
11 Calendar Number 634, Senate Print 3749C;

12 And by Senator Griffo, on page 31,
13 Calendar Number 898, Senate Print 6777A.

14 Mr. President, I now move that
15 these bills retain their place on the order of
16 third reading.

17 ACTING PRESIDENT ROBACH: All the
18 aforementioned amendments are received, and the
19 bills will retain their place on the Third
20 Reading Calendar.

21 Senator Libous.

22 SENATOR LIBOUS: Mr. President, at
23 this time there will be an immediate meeting of
24 the Rules Committee in Room 332, an immediate
25 meeting of the Rules Committee in Room 332.

1 We will come back to the Senate
2 chamber promptly following the Rules Committee
3 meeting.

4 ACTING PRESIDENT ROBACH: There
5 will be a Rules Committee meeting in Room 332.

6 If all members could proceed there,
7 the quicker we get to that, the quicker we can
8 get back to our business. Thank you.

9 The Senate will stand at ease
10 pending the completion of the Rules Committee
11 meeting.

12 (Whereupon, the Senate stood at ease
13 at 3:46 p.m.)

14 (Whereupon, the Senate reconvened at
15 4:21 p.m.)

16 ACTING PRESIDENT ROBACH: The
17 Senate will come to order.

18 Senator Libous.

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

21 I believe there's a report of the
22 Rules Committee at the desk. Could we have it
23 read at this time.

24 ACTING PRESIDENT ROBACH: The
25 Secretary will read.

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

4 Senate Print 494, by Senator
5 Robach, an act to amend the Penal Law;

6 562, by Senator Robach, an act to
7 amend the Vehicle and Traffic Law;

8 714A, by Senator Robach, an act to
9 amend the Penal Law;

10 734, by Senator Robach, an act to
11 amend the Social Services Law;

12 743A, by Senator Young, an act to
13 amend the Penal Law;

14 1835, by Senator Flanagan, an act
15 to amend the Penal Law;

16 2936, by Senator Lanza, an act to
17 amend the Penal Law;

18 2973, by Senator Nozzolio, an act
19 to amend the Environmental Conservation Law;

20 3213, by Senator Nozzolio, an act
21 to amend the Vehicle and Traffic Law;

22 3742B, by Senator Griffo, an act to
23 amend the Vehicle and Traffic Law;

24 4749, by Senator DeFrancisco, an
25 act to amend the Social Services Law;

1 5490, by Senator Golden, an act to
2 amend the Criminal Procedure Law;

3 6466B, by Senator Bonacic, an act
4 to amend the Public Health Law;

5 6524A, by Senator Grisanti, an act
6 to amend the Tax Law;

7 6712, by Senator Gallivan, an act
8 to amend the Penal Law;

9 6743A, by Senator Hannon, an act to
10 amend the Penal Law;

11 6837, by Senator DeFrancisco, an
12 act to amend the General Municipal Law;

13 7019, by Senator Ritchie, an act to
14 amend the Tax Law;

15 7297B, by Senator Larkin, an act to
16 authorize;

17 7489A, by Senator Ball, an act to
18 amend the Executive Law;

19 7505, by Senator Bonacic, an act
20 making findings and determinations;

21 7509, by Senator Young, an act to
22 amend the Public Officers Law;

23 7510, by Senator Oppenheimer, an
24 act to amend the Tax Law;

25 7531, by Senator Ranzenhofer, an

1 act authorizing the Town of Amherst;
2 7538, by Senator Saland, an act to
3 amend the County Law;
4 7650, by Senator Skelos, an act to
5 amend the Tax Law;
6 7661, by Senator Ball, an act to
7 amend the Tax Law;
8 7662, by Senator Grisanti, an act
9 to amend the Public Service Law;
10 7663, by Senator Seward, an act to
11 amend the Tax Law;
12 7664, by Senator Ranzenhofer, an
13 act to amend the Tax Law;
14 7677, by Senator Grisanti, an act
15 to amend the Labor Law;
16 7686, by Senator Libous, an act to
17 amend the Alcoholic Beverage Control Law;
18 7727, by Senator Ritchie, an act to
19 amend the Alcoholic Beverage Control Law;
20 7728, by Senator Zeldin, an act to
21 amend the Tax Law;
22 And Senate 7740, by Senator Saland,
23 an act to amend the Education Law.
24 All bills reported direct to third
25 reading.

1 ACTING PRESIDENT ROBACH: Senator
2 Libous.

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

5 I now move to accept the report of
6 the Rules Committee.

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

10 (Response of "Aye.")

11 ACTING PRESIDENT ROBACH: Opposed,
12 nay.

13 (No response.)

14 ACTING PRESIDENT ROBACH: The
15 report is accepted.

16 Senator Libous.

17 SENATOR LIBOUS: Thank you,
18 Mr. President.

19 Mr. President, at this time could
20 we have the reading of the noncontroversial
21 calendar.

22 ACTING PRESIDENT ROBACH: The
23 Secretary will read.

24 THE SECRETARY: Calendar Number
25 118, by Senator Lanza, Senate Print 5904A, an act

1 to amend the Vehicle and Traffic Law.

2 ACTING PRESIDENT ROBACH: Read the
3 last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect on the 60th day.

6 ACTING PRESIDENT ROBACH: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 55.

10 ACTING PRESIDENT ROBACH: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 162, substituted earlier by Member of the
14 Assembly Weisenberg, Assembly Print Number 1074B,
15 an act to amend the Public Health Law.

16 ACTING PRESIDENT ROBACH: Read the
17 last section.

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

20 ACTING PRESIDENT ROBACH: Call the
21 roll.

22 (The Secretary called the roll.)

23 SENATOR FUSCHILLO: Mr. President,
24 to explain my vote.

25 ACTING PRESIDENT ROBACH: Senator

1 Fuschillo to explain his vote.

2 SENATOR FUSCHILLO: I just want to
3 take the opportunity to thank all the sponsors in
4 this house for their support, and especially the
5 American Cancer Society and so many people I have
6 met in the last couple of years who have lost
7 loved ones who are suffering from skin cancer.

8 This is a public health policy
9 that's critically important for the State of
10 New York, and I vote in the affirmative.

11 Thank you very much, Mr. President.

12 ACTING PRESIDENT ROBACH: Thank
13 you, Senator Fuschillo. You will be recorded in
14 the affirmative.

15 Announce the results.

16 ACTING PRESIDENT ROBACH:

17 THE SECRETARY: In relation to
18 Calendar Number 162, those recorded in the
19 negative are Senators Gallivan, Grisanti, Klein,
20 Savino and Seward.

21 Ayes, 51. Nays, 5.

22 ACTING PRESIDENT ROBACH: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 192, by Senator Martins, Senate Print 6296A, an

1 act to amend Chapter 359 of the Laws of 2010.

2 ACTING PRESIDENT ROBACH: Read the
3 last section.

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

6 ACTING PRESIDENT ROBACH: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 56.

10 ACTING PRESIDENT ROBACH: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 207, by Senator Maziarz, Senate Print 277B, an
14 act to amend the County Law.

15 ACTING PRESIDENT ROBACH: Read the
16 last section.

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

19 ACTING PRESIDENT ROBACH: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT ROBACH: Senator
23 Rivera to explain his vote.

24 SENATOR RIVERA: Thank you,
25 Mr. President. To explain my vote.

1 We will be voting on two pieces of
2 legislation today that deal with sex offenders,
3 at least on the active list. This first one I
4 will be voting no on. And the reason for that
5 is, as I've pointed out before on other bills,
6 there is a preponderance of bills like this that
7 limit the amount of things that sex offenders can
8 do.

9 And while I agree that that is
10 smart and -- this is not the Maziarz bill? Oh,
11 this is a Maziarz bill, but not that bill. This
12 is a yes. Apologies. I will be standing up to
13 explain my vote.

14 This is a good bill. I vote yes.
15 Thank you, Mr. President.

16 (Laughter.)

17 ACTING PRESIDENT ROBACH: Senator
18 Rivera will be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: Ayes, 56.

21 ACTING PRESIDENT ROBACH: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 430, by Senator Maziarz --

25 SENATOR LIBOUS: Lay the bill

1 aside for the day.

2 ACTING PRESIDENT ROBACH: The bill
3 is laid aside for the day.

4 (Laughter.)

5 THE SECRETARY: Calendar Number
6 456, by Senator Ritchie, Senate Print 6609, an
7 act to amend the Agriculture and Markets Law.

8 ACTING PRESIDENT ROBACH: Read the
9 last section.

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

12 ACTING PRESIDENT ROBACH: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 56.

16 ACTING PRESIDENT ROBACH: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 504, by Senator Stewart-Cousins, Senate Print
20 6490A, an act to amend Chapter 566 of the Laws of
21 1967.

22 ACTING PRESIDENT ROBACH: Read the
23 last section.

24 THE SECRETARY: Section 10. This
25 act shall take effect immediately.

1 ACTING PRESIDENT ROBACH: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 56.

5 ACTING PRESIDENT ROBACH: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 543, by Senator Flanagan, Senate Print 2481A, an
9 act to amend the Correction Law.

10 ACTING PRESIDENT ROBACH: Read the
11 last section.

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

14 ACTING PRESIDENT ROBACH: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT ROBACH: Senator
18 Rivera to explain his vote.

19 SENATOR RIVERA: Mr. President,
20 just to check, this is Flanagan Bill S2481A,
21 correct?

22 ACTING PRESIDENT ROBACH: Yes.

23 SENATOR RIVERA: Thank you,
24 Mr. President. To explain my vote.

25 As I started speaking about the

1 bill that we were going to perhaps vote on
2 earlier, and we did not, this is a bill that
3 deals with restrictions placed on sex offenders,
4 and the interactions in this particular case are
5 on visitation rights.

6 There are many bills that we
7 consider related to sex offenders, and I've made
8 the case both in committee and on the floor that
9 we need to be more specific in these particular
10 bills.

11 In this case, it is a bill that I
12 voted against in committee because it had no
13 distinction because of levels. In this case,
14 Senator Flanagan -- and I certainly want to thank
15 him for making a very smart and good policy
16 choice here; a change was made so that it relates
17 specifically to Level 3 sex offenders.

18 I vote in the affirmative on this
19 piece of legislation because I agree
20 wholeheartedly that we should take every chance
21 that we can to protect our citizens against those
22 that are predators. This bill actually makes a
23 specific change to address that, and it is why I
24 believe it is a good piece of legislation. I'll
25 be voting in the affirmative.

1 Thank you, Mr. President.

2 ACTING PRESIDENT ROBACH: Thank
3 you, Senator Rivera. You will be recorded in the
4 affirmative.

5 Announce the results.

6 THE SECRETARY: Ayes, 55. Nays,
7 1. Senator Parker recorded in the negative.

8 ACTING PRESIDENT ROBACH: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 625, by Senator DeFrancisco, Senate Print 6057,
12 an act to amend the General Obligations Law.

13 ACTING PRESIDENT ROBACH: Read the
14 last section.

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

17 ACTING PRESIDENT ROBACH: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 56.

21 ACTING PRESIDENT ROBACH: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 677, by Senator Marcellino, Senate Print 940, an
25 act to amend the Vehicle and Traffic Law.

1 ACTING PRESIDENT ROBACH: Read the
2 last section.

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

5 ACTING PRESIDENT ROBACH: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 56.

9 ACTING PRESIDENT ROBACH: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 785, by Senator Marcellino, Senate Print 6361, an
13 act to amend the Civil Practice Law and Rules.

14 ACTING PRESIDENT ROBACH: Read the
15 last section.

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

18 ACTING PRESIDENT ROBACH: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 56.

22 ACTING PRESIDENT ROBACH: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 840, by Senator Seward, Senate Print 4950, an act

1 to amend the Insurance Law.

2 ACTING PRESIDENT ROBACH: Read the
3 last section.

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

6 ACTING PRESIDENT ROBACH: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 56.

10 ACTING PRESIDENT ROBACH: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 847, substituted earlier by Member of the
14 Assembly Dinowitz, Assembly Print 8992A, an act
15 to amend the General Business Law.

16 ACTING PRESIDENT ROBACH: Read the
17 last section.

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

20 ACTING PRESIDENT ROBACH: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 56.

24 ACTING PRESIDENT ROBACH: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 887, by Senator DeFrancisco, Senate Print 4640C,
3 an act to amend the Education Law.

4 ACTING PRESIDENT ROBACH: Read the
5 last section.

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

8 ACTING PRESIDENT ROBACH: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 56.

12 ACTING PRESIDENT ROBACH: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 899, by Senator Farley, Senate Print 6952A, an
16 act to amend the Banking Law.

17 ACTING PRESIDENT ROBACH: Read the
18 last section.

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

21 ACTING PRESIDENT ROBACH: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 56.

25 ACTING PRESIDENT ROBACH: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 917, by Senator Golden, Senate Print 1749C, an
4 act to amend the Domestic Relations Law.

5 ACTING PRESIDENT ROBACH: Read the
6 last section.

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

9 ACTING PRESIDENT ROBACH: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 56.

13 ACTING PRESIDENT ROBACH: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 924, by Senator Zeldin, Senate Print 6954B, an
17 act to amend the Penal Law.

18 ACTING PRESIDENT ROBACH: Read the
19 last section.

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

22 ACTING PRESIDENT ROBACH: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 56.

1 ACTING PRESIDENT ROBACH: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 926, by Senator Zeldin, Senate Print 6956A, an
5 act to amend the Penal Law.

6 ACTING PRESIDENT ROBACH: Read the
7 last section.

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

10 ACTING PRESIDENT ROBACH: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 54. Nays,
14 2. Senators Duane and Squadron recorded in the
15 negative.

16 ACTING PRESIDENT ROBACH: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 927, by Senator Zeldin, Senate Print 6957B, an
20 act to amend the Penal Law.

21 ACTING PRESIDENT ROBACH: Read the
22 last section.

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

25 ACTING PRESIDENT ROBACH: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT ROBACH: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar Number 927, those recorded in the
7 negative are Senators Duane, Krueger,
8 Hassell-Thompson, Montgomery, Rivera and
9 Serrano.

10 Ayes, 50. Nays, 6.

11 ACTING PRESIDENT ROBACH: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 928, by Senator Zeldin, Senate Print 6958C, an
15 act to amend the Penal Law.

16 ACTING PRESIDENT ROBACH: Read the
17 last section.

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

20 ACTING PRESIDENT ROBACH: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 54. Nays,
24 2. Senators Duane and Montgomery recorded in the
25 negative.

1 ACTING PRESIDENT ROBACH: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 929, by Senator Zeldin, Senate Print 6959B, an
5 act to amend the Penal Law.

6 ACTING PRESIDENT ROBACH: Read the
7 last section.

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

10 ACTING PRESIDENT ROBACH: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 55. Nays,
14 1. Senator Duane recorded in the negative.

15 ACTING PRESIDENT ROBACH: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 958, substituted earlier by Member of the
19 Assembly Englebright, Assembly Print Number
20 9034B, an act to amend the Executive Law.

21 ACTING PRESIDENT ROBACH: Read the
22 last section.

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

25 ACTING PRESIDENT ROBACH: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 56.

4 ACTING PRESIDENT ROBACH: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 977, by Senator DeFrancisco, Senate Print 7244A,
8 an act to amend the Tax Law.

9 ACTING PRESIDENT ROBACH: Read the
10 last section.

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

13 ACTING PRESIDENT ROBACH: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 56.

17 ACTING PRESIDENT ROBACH: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 992, by Senator LaValle, Senate Print 3801A, an
21 act to amend the Insurance Law.

22 ACTING PRESIDENT ROBACH: Read the
23 last section.

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

1 ACTING PRESIDENT ROBACH: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 56.

5 ACTING PRESIDENT ROBACH: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1040, by Senator Grisanti, Senate Print 4522B, an
9 act to amend the Environmental Conservation Law.

10 ACTING PRESIDENT ROBACH: Read the
11 last section.

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

14 ACTING PRESIDENT ROBACH: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT ROBACH: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar Number 1040, those recorded in the
21 negative are Senators Avella, Ball, Breslin,
22 Duane, Gianaris, Kennedy, Krueger, Oppenheimer,
23 Parker, Peralta, Rivera, Serrano, Squadron,
24 Stewart-Cousins. Also Senator Stavisky. Also
25 Senator LaValle. Also Senator Hassell-Thompson.

1 Ayes, 39. Nays, 17.

2 ACTING PRESIDENT ROBACH: The bill
3 is passed.

4 THE SECRETARY: On page 42,
5 Senator Robach moves to discharge, from the
6 Committee on Rules, Assembly Bill Number 10253
7 and substitute it for the identical Senate Bill
8 Number 7396, Third Reading Calendar 1078.

9 ACTING PRESIDENT ROBACH:
10 Substitution ordered.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 1078, by Member of the Assembly Wright, Assembly
14 Print Number 10253, an act to amend the Labor
15 Law.

16 ACTING PRESIDENT ROBACH: Read the
17 last section.

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

20 ACTING PRESIDENT ROBACH: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 56.

24 ACTING PRESIDENT ROBACH: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1079, substituted earlier by Member of the
3 Assembly Wright, Assembly Print Number 10238, an
4 act to amend Chapter 831 of the Laws of 1981.

5 ACTING PRESIDENT ROBACH: Read the
6 last section.

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

9 ACTING PRESIDENT ROBACH: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 56.

13 ACTING PRESIDENT ROBACH: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1119, substituted earlier by Member of the
17 Assembly Espinal, Assembly Print Number 10158, an
18 act to amend the General Municipal Law.

19 ACTING PRESIDENT ROBACH: Read the
20 last section.

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

23 ACTING PRESIDENT ROBACH: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 56.

2 ACTING PRESIDENT ROBACH: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1129, by Senator Little, Senate Print 7220A, an
6 act to dissolve.

7 ACTING PRESIDENT ROBACH: Read the
8 last section.

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

11 ACTING PRESIDENT ROBACH: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 56.

15 ACTING PRESIDENT ROBACH: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1134, by Senator Marcellino, Senate Print 7454,
19 an act to amend the Local Finance Law.

20 ACTING PRESIDENT ROBACH: There is
21 a home-rule message at the desk.

22 Read the last section.

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

25 ACTING PRESIDENT ROBACH: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 55. Nays,

4 1. Senator Krueger recorded in the negative.

5 ACTING PRESIDENT ROBACH: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1223, by Senator Larkin, Senate Print 5423B, an
9 act to amend the Education Law.

10 ACTING PRESIDENT ROBACH: Read the
11 last section.

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

14 ACTING PRESIDENT ROBACH: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 56.

18 ACTING PRESIDENT ROBACH: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1234, by Senator Bonacic, Senate Print 4931B, an
22 act to amend the Town Law.

23 SENATOR LIBOUS: Excuse me,
24 Mr. President. I believe that 1224 is high.

25 ACTING PRESIDENT ROBACH: Calendar

1 Number 1224 was amended earlier, Senator Libous,
2 so it is in fact high and has been laid aside.

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

5 ACTING PRESIDENT ROBACH: The
6 Secretary will continue.

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

10 ACTING PRESIDENT ROBACH: Read the
11 last section.

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

14 ACTING PRESIDENT ROBACH: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 56.

18 ACTING PRESIDENT ROBACH: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1256, by Senator Ritchie, Senate Print 4712E, an
22 act to amend the Insurance Law.

23 ACTING PRESIDENT ROBACH: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect on the 90th day.

2 ACTING PRESIDENT ROBACH: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 54. Nays,
6 2. Senators Duane and Hassell-Thompson recorded
7 in the negative.

8 ACTING PRESIDENT ROBACH: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1263, by Senator Martins, Senate Print 7645, an
12 act to amend the Local Finance Law.

13 ACTING PRESIDENT ROBACH: Read the
14 last section.

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

17 ACTING PRESIDENT ROBACH: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 56.

21 ACTING PRESIDENT ROBACH: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1265, by Senator Grisanti, Senate Print 7652, an
25 act to amend the General Business Law.

1 ACTING PRESIDENT ROBACH: Read the
2 last section.

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

5 ACTING PRESIDENT ROBACH: Senator
6 Grisanti to explain your vote.

7 SENATOR GRISANTI: Yes, thank you,
8 Mr. President. My fellow colleagues --

9 ACTING PRESIDENT ROBACH: Excuse
10 me, Senator Grisanti, for one moment. Excuse
11 me. My error.

12 Call the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT ROBACH: Now,
15 Senator Grisanti, to explain your vote.

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

18 My fellow colleagues, this piece of
19 legislation is a pro-consumer piece of
20 legislation. For those of who you may notice
21 this as you're driving, if you're in your cities
22 across New York State, there will be
23 advertisements for phone numbers: Call this
24 number either for an educational opportunity, to
25 try to find employment, for daycare, or

1 et cetera.

2 What happens when that individual
3 who's trying to find a better way of life or
4 looking for some information, they do remote
5 call-forwarding, and that number that you think
6 is in your area code is then sent to another
7 number at hefty, hefty fees, at huge costs to the
8 consumers.

9 So this bill will require a notice
10 of warning of fee or charge, an imposition for
11 calling certain telephone numbers. And the
12 warning message will be in the same language as
13 the advertisement on such call lines.

14 As I said, this type of scam has
15 been labeled remote call-forwarding by the
16 telephone companies. And since the area codes
17 are local, it seems legitimate to persons who are
18 just trying to find out some information about
19 the advertisement. However, when they're
20 transferred to a second three number, that's
21 where the scam is hitting.

22 This is going to save consumers
23 huge costs. We need to track down on some of
24 those illegal scammers. And since a three-digit
25 exchange is not always advertised, a lot of money

1 being made by these scammers.

2 So I urge all my colleagues to vote
3 for this. And I vote aye, Mr. President, and
4 let's get this pro-consumer legislation moved
5 forward. Thank you very much.

6 ACTING PRESIDENT ROBACH: Thank
7 you, Senator Grisanti.

8 Seeing no other Senator wishing to
9 be heard, announce the results.

10 THE SECRETARY: Ayes, 56.

11 ACTING PRESIDENT ROBACH: The bill
12 is passed.

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

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

17 Mr. President, can we go back to
18 motions and resolutions.

19 ACTING PRESIDENT ROBACH: Motions
20 and resolutions.

21 Senator Libous.

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

24 I believe that Senator Grisanti has
25 Resolution Number 4837 at the desk. This

1 resolution was previously adopted by the house on
2 May 31st. Could you just have the title read and
3 call on Senator Grisanti.

4 ACTING PRESIDENT ROBACH: The
5 Secretary will read the title.

6 THE SECRETARY: Legislative
7 Resolution Number 4837, by Senator Grisanti,
8 commemorating the Bicentennial of the War of
9 1812.

10 ACTING PRESIDENT ROBACH: Senator
11 Grisanti on the resolution.

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

14 My fellow colleagues, on June 18,
15 1812, as you may know, President James Madison
16 and the United States Congress declared war on
17 Great Britain. Battles raged throughout the
18 continent for over two years before peace was
19 negotiated.

20 The War of 1812 represents a
21 seminal period in the process of nation building
22 between both the United States and Canada. The
23 bicentennial commemoration of the War of 1812 and
24 the Star-Spangled Banner honors this legacy and
25 reminds Americans that freedom of the seas and

1 the free flow of commerce remains important today
2 as it did 200 years ago.

3 Within the Niagara region of
4 Western New York, there are three forts with a
5 number of historic battle sites from the war.
6 And there are over 300 soldiers that are buried
7 in Delaware Park in Buffalo who died in a bitter
8 winter 200 years ago.

9 But from the ashes of the War of
10 1812 a spirit of cooperation and a vision of
11 peace was born between the U.S. and Canada. And
12 the cross-border Niagara region has become known
13 as the International Corridor of Peace and
14 Cooperation. A perfect example is, on Friday,
15 the great Wallenda walk commemorating between the
16 United States and Canada.

17 So we can celebrate today the
18 bicentennial of the War of 1812, which brought
19 about a lasting legacy of peace and freedom
20 between our nations, along with the unparalleled
21 cooperation, prosperity, and friendship that we
22 have with Canada itself.

23 Thank you very much, Mr. President.

24 ACTING PRESIDENT ROBACH: Thank
25 you, Senator Grisanti. That resolution was

1 previously adopted on May 31st.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President, do
4 we have a supplemental calendar before us,
5 Number 58A?

6 ACTING PRESIDENT ROBACH: We do.

7 SENATOR LIBOUS: Could we have the
8 noncontroversial reading of that calendar.

9 ACTING PRESIDENT ROBACH: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 1266, by Senator Robach, Senate Print 494, an act
13 to amend the Penal Law.

14 ACTING PRESIDENT ROBACH: Read the
15 last section.

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

18 ACTING PRESIDENT ROBACH: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 54. Nays,
22 2. Senators Duane and Krueger recorded in the
23 negative.

24 ACTING PRESIDENT ROBACH: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1267, by Senator Robach, Senate Print 562, an act
3 to amend the Vehicle and Traffic Law.

4 ACTING PRESIDENT ROBACH: Read the
5 last section.

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

8 ACTING PRESIDENT ROBACH: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 55. Nays,
12 1. Senator Rivera recorded in the negative.

13 ACTING PRESIDENT ROBACH: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1268, by Senator Robach, Senate Print 714A, an
17 act to amend the Penal Law.

18 ACTING PRESIDENT ROBACH: Read the
19 last section.

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

22 ACTING PRESIDENT ROBACH: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 56.

1 ACTING PRESIDENT ROBACH: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1269, by Senator Robach, Senate Print 734, an act
5 to amend the Social Services Law.

6 ACTING PRESIDENT ROBACH: Read the
7 last section.

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

10 ACTING PRESIDENT ROBACH: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 56.

14 ACTING PRESIDENT ROBACH: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1270, by Senator Young, Senate Print 743A, an act
18 to amend the Penal Law.

19 ACTING PRESIDENT ROBACH: Read the
20 last section.

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

23 ACTING PRESIDENT ROBACH: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 56.

2 ACTING PRESIDENT ROBACH: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1271, by Senator Flanagan, Senate Print 1835, an
6 act to amend the Penal Law.

7 ACTING PRESIDENT ROBACH: Read the
8 last section.

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

11 ACTING PRESIDENT ROBACH: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 56.

15 ACTING PRESIDENT ROBACH: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1272, by Senator Lanza, Senate Print 2936, an act
19 to amend the Penal Law.

20 ACTING PRESIDENT ROBACH: Read the
21 last section.

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

24 ACTING PRESIDENT ROBACH: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 56.

3 ACTING PRESIDENT ROBACH: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1273, by Senator Nozzolio, Senate Print 2973, an
7 act to amend the Environmental Conservation Law.

8 ACTING PRESIDENT ROBACH: Read the
9 last section.

10 THE SECRETARY: Section 4. This
11 act shall take effect on the first of November.

12 ACTING PRESIDENT ROBACH: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 56.

16 ACTING PRESIDENT ROBACH: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1274, by Senator Nozzolio --

20 SENATOR BRESLIN: Lay it aside.

21 ACTING PRESIDENT ROBACH: The bill
22 is laid aside.

23 THE SECRETARY: Calendar Number
24 1275, by Senator Griffo, Senate Print --

25 SENATOR BRESLIN: Lay it aside.

1 ACTING PRESIDENT ROBACH: The bill
2 is laid aside.

3 THE SECRETARY: Calendar Number
4 1276, by Senator DeFrancisco, Senate Print --

5 SENATOR BRESLIN: Lay it aside.

6 ACTING PRESIDENT ROBACH: The bill
7 is laid aside.

8 THE SECRETARY: Calendar Number
9 1277, by Senator Golden, Senate Print 5490, an
10 act to amend the Criminal Procedure Law.

11 ACTING PRESIDENT ROBACH: Read the
12 last section.

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

15 ACTING PRESIDENT ROBACH: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 54. Nays,
19 2. Senators Duane and Hassell-Thompson recorded
20 in the negative.

21 ACTING PRESIDENT ROBACH: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1278, by Senator Bonacic, Senate Print 6466B, an
25 act to amend the Public Health Law.

1 ACTING PRESIDENT ROBACH: Read the
2 last section.

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

5 ACTING PRESIDENT ROBACH: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 56.

9 ACTING PRESIDENT ROBACH: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1279, by Senator Grisanti, Senate Print --

13 SENATOR BRESLIN: Lay it aside.

14 ACTING PRESIDENT ROBACH: The bill
15 is laid aside.

16 THE SECRETARY: Calendar Number
17 1280, by Senator Gallivan, Senate Print 6712, an
18 act to amend the Penal Law.

19 ACTING PRESIDENT ROBACH: Read the
20 last section.

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

23 ACTING PRESIDENT ROBACH: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 56.

2 ACTING PRESIDENT ROBACH: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1281, by Senator Hannon, Senate Print 6743A, an
6 act to amend the Penal Law.

7 ACTING PRESIDENT ROBACH: Read the
8 last section.

9 THE SECRETARY: Section 4. This
10 act shall take effect on the first of November.

11 ACTING PRESIDENT ROBACH: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 56.

15 ACTING PRESIDENT ROBACH: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1282, by Senator DeFrancisco, Senate Print 6837,
19 an act to amend the General Municipal Law.

20 ACTING PRESIDENT ROBACH: Read the
21 last section.

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

24 ACTING PRESIDENT ROBACH: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 56.

3 ACTING PRESIDENT ROBACH: The bill
4 is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 1283, Senator Ritchie moves to
7 discharge, from the Committee on Investigations
8 and Government Operations, Assembly Bill Number
9 9523 and substitute it for the identical Senate
10 Bill Number 7019, Third Reading Calendar 1283.

11 ACTING PRESIDENT ROBACH:
12 Substitution ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 1283, by Member of the Assembly Farrell, Assembly
16 Print Number 9523, an act to amend the Tax Law.

17 ACTING PRESIDENT ROBACH: Read the
18 last section.

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

21 ACTING PRESIDENT ROBACH: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 55. Nays,
25 1. Senator Diaz recorded in the negative.

1 ACTING PRESIDENT ROBACH: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1284, by Senator Larkin, Senate Print 7297B, an
5 act to authorize.

6 ACTING PRESIDENT ROBACH: There is
7 a home-rule message at the desk.

8 Read the last section.

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

11 ACTING PRESIDENT ROBACH: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT ROBACH: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 56.

18 ACTING PRESIDENT ROBACH: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1285, by Senator Ball, Senate Print 7489A, an act
22 to amend the Executive Law.

23 ACTING PRESIDENT ROBACH: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 180th day.

2 ACTING PRESIDENT ROBACH: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 56.

6 ACTING PRESIDENT ROBACH: The bill
7 is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 1286, Senator Bonacic moves to
10 discharge, from the Committee on Rules, Assembly
11 Bill Number 10523 and substitute it for the
12 identical Senate Bill Number 7505, Third Reading
13 Calendar 1286.

14 ACTING PRESIDENT ROBACH:
15 Substitution ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 1286, by the Assembly Committee on Rules,
19 Assembly Print 10523, an act making findings and
20 determinations.

21 ACTING PRESIDENT ROBACH: There is
22 a home-rule message at the desk.

23 Read the last section.

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

1 ACTING PRESIDENT ROBACH: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 56.

5 ACTING PRESIDENT ROBACH: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1287, by Senator Young, Senate Print 7509, an act
9 to amend the Public Officers Law.

10 ACTING PRESIDENT ROBACH: Read the
11 last section.

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

14 ACTING PRESIDENT ROBACH: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 56.

18 ACTING PRESIDENT ROBACH: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1288, by Senator Oppenheimer, Senate Print 7510,
22 an act to amend the Tax Law.

23 ACTING PRESIDENT ROBACH: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT ROBACH: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: In relation to
6 Calendar Number 1288, those recorded in the
7 negative are Senators Ball, Bonacic, Fuschillo,
8 Grisanti, Larkin, Martins, Nozzolio, Ranzenhofer,
9 and Zeldin. Also Senator Libous.

10 Ayes, 46. Nays, 10.

11 ACTING PRESIDENT ROBACH: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1289, by Senator Ranzenhofer, Senate Print 7531,
15 an act authorizing the Town of Amherst.

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

18 Read the last section.

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

21 ACTING PRESIDENT ROBACH: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 56.

25 ACTING PRESIDENT ROBACH: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1290, by Senator Saland, Senate Print 7538, an
4 act to amend the County Law.

5 ACTING PRESIDENT ROBACH: Read the
6 last section.

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

9 ACTING PRESIDENT ROBACH: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 56.

13 ACTING PRESIDENT ROBACH: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1292, by Senator Skelos, Senate Print 7650, an
17 act to amend the Tax Law.

18 ACTING PRESIDENT ROBACH: Read the
19 last section.

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

22 ACTING PRESIDENT ROBACH: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 56.

1 ACTING PRESIDENT ROBACH: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1293, by Senator Ball, Senate Print 7661, an act
5 to amend the Tax Law.

6 ACTING PRESIDENT ROBACH: Read the
7 last section.

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

10 ACTING PRESIDENT ROBACH: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 56.

14 ACTING PRESIDENT ROBACH: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1294, by Senator Grisanti, Senate Print 7662, an
18 act to amend the Public Service Law.

19 ACTING PRESIDENT ROBACH: Read the
20 last section.

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

23 ACTING PRESIDENT ROBACH: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 56.

2 ACTING PRESIDENT ROBACH: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1295, by Senator Seward, Senate Print 7663, an
6 act to amend the --

7 SENATOR BRESLIN: Lay it aside.

8 ACTING PRESIDENT ROBACH: The bill
9 is laid aside.

10 THE SECRETARY: Calendar Number
11 1296, by Senator Ranzenhofer, Senate Print 7664,
12 an act to amend the Tax Law.

13 ACTING PRESIDENT ROBACH: Read the
14 last section.

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

17 ACTING PRESIDENT ROBACH: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 56.

21 ACTING PRESIDENT ROBACH: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1297, by Senator Grisanti, Senate Print 7677, an
25 act to amend the Labor Law.

1 ACTING PRESIDENT ROBACH: Read the
2 last section.

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

5 ACTING PRESIDENT ROBACH: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT ROBACH: Senator
9 Grisanti to explain his vote.

10 SENATOR GRISANTI: Yes, thank you
11 again, Mr. President.

12 You know, I would like to thank,
13 first of all, Senator Martins and Senator Zeldin
14 for their leadership on this issue, together with
15 Dean Skelos and the rest of this body. We
16 finally have been able to resolve a long-standing
17 safety issue affecting firefighters that has been
18 confounding the Legislature for many years prior
19 to me being here.

20 This legislation will reform the
21 Labor Law to protect both our professional and
22 volunteer firefighters by ensuring that they are
23 provided with the safest and most appropriate
24 emergency escape systems. This legislation comes
25 up for a vote after over a year of meetings

1 between all stakeholders.

2 Most importantly, this legislation
3 assures firefighters who enter buildings above
4 grade of the best emergency escape equipment
5 possible to help save their lives.

6 And further, this legislation goes
7 farther. It undoes an unfunded mandate that
8 required municipalities to purchase equipment
9 that was not appropriate for some of the
10 firefighters. So this legislation gives the
11 commissioner of the Department of Labor
12 much-needed flexibility to ensure proper
13 emergency escape systems are provided.

14 You know, whenever a firefighter
15 gives their life in the line of service, we as
16 elected officials attend their service, mourn
17 them, and wonder what we could have done to help
18 prevent a tragedy. Well, my fellow colleagues,
19 today we can do just this, by passing this
20 legislation, to put the best equipment possible
21 in their hands in order to give them every
22 opportunity to escape and survive when all other
23 lifesaving options are exhausted and their life
24 is on the line.

25 I vote in the affirmative,

1 Mr. President, and I encourage everybody else to
2 do so. Thank you very much.

3 ACTING PRESIDENT ROBACH: Thank
4 you, Senator Grisanti.

5 And I would encourage members, two
6 minutes on the vote explanation.

7 Senator Zeldin to explain his vote.

8 SENATOR ZELDIN: I rise in favor
9 of this vote as well.

10 There's a lot of discussion with
11 regards to mandate relief. For the volunteer
12 fire departments in the Third Senate District,
13 there's no better form of mandate relief that we
14 could be giving them than passing this bill
15 today.

16 I would like to thank Senator
17 Grisanti and Senator Martins both for their
18 leadership on this issue; also, the New York
19 State Fire Chiefs. There has been a broad
20 coalition of support from all around the state.
21 And I also wanted to thank Adam Richardson, who
22 works for the Senate, who worked so very hard on
23 this as well. They really are to be commended.

24 But on behalf of all the fire
25 departments in the Third Senate District, thank

1 you to all my colleagues who support this and to
2 Senator Skelos for allowing a vote.

3 ACTING PRESIDENT ROBACH: Thank
4 you, Senator Zeldin.

5 Announce the results.

6 THE SECRETARY: Ayes, 56.

7 ACTING PRESIDENT ROBACH: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1298, by Senator Libous, Senate Print 7686, an
11 act to amend the --

12 SENATOR LIBOUS: Lay it aside for
13 the day.

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

16 THE SECRETARY: Calendar Number
17 1299, by Senator Ritchie, Senate Print 7727, an
18 act to amend the Alcoholic Beverage Control Law.

19 ACTING PRESIDENT ROBACH: Read the
20 last section.

21 THE SECRETARY: Section 17. This
22 act shall take effect on the 180th day.

23 ACTING PRESIDENT ROBACH: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT ROBACH: Senator
2 Ritchie to explain her vote.

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

5 I rise in support of this
6 legislation, which will provide an economic boost
7 for our farmers, craft brewers, and also the
8 tourism economy as whole. Farm wineries across
9 this state, like many in my district, have become
10 primary tourist attractions, and with this
11 legislation we'll expand the same opportunity for
12 farmers and the small business community.

13 I'd like to thank Governor Cuomo
14 for his leadership on this, but I'd also like to
15 thank Senator Valesky for partnering with me on
16 this legislation. I vote aye.

17 Thank you.

18 ACTING PRESIDENT ROBACH: Senator
19 Valesky to explain his vote.

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

22 I want to join Senator Ritchie in
23 congratulating all involved in this bill. The
24 Governor has taken a lead role in this.

25 And I think that clearly, as time

1 goes by, the creation of the farm brewery license
2 will have the same effect for our craft breweries
3 across the state as the farm winery license did a
4 number of years ago.

5 So I want to thank all my
6 colleagues and especially Senator Ritchie for her
7 leadership on this issue. I vote in the
8 affirmative.

9 ACTING PRESIDENT ROBACH: Thank
10 you, Senator Valesky. You will be recorded in
11 the affirmative.

12 Announce the results.

13 THE SECRETARY: Ayes, 55. Nays,
14 1. Senator Diaz recorded in the negative.

15 ACTING PRESIDENT ROBACH: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1300, by Senator Zeldin, Senate Print 7728, an
19 act to amend the Tax Law.

20 ACTING PRESIDENT ROBACH: Read the
21 last section.

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

24 ACTING PRESIDENT ROBACH: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT ROBACH: Senator
3 Zeldin to explain his vote.

4 SENATOR ZELDIN: I rise in favor
5 of this particular bill and this effort.

6 There was a very broad coalition of
7 support amongst New York's craft breweries spread
8 out all throughout New York State.

9 Now, when I was running for office
10 for the first time, if anyone would have ever
11 told me that on a Sunday morning I would be at
12 the East Village Tavern grabbing a craft brew
13 with Senator Squadron and Senator Schumer and
14 Assemblyman Lentol -- this particular issue
15 brings us all together, the idea of supporting
16 breweries, craft breweries here in New York
17 State.

18 And I know that Senator Skelos and
19 the team has worked so hard to negotiate this
20 particular deal on this legislation.

21 I represent Blue Point Brewery in
22 the Third Senate District. And these are jobs.
23 While other industries over the course of the
24 last decade have been suffering, the New York
25 State craft breweries have been investing in

1 New York State. They have been growing here in
2 New York.

3 This is supporting New York State
4 companies, hiring New York State employees. And
5 while this industry is willing to invest here in
6 New York, I say this Legislature should do
7 everything in their power to support it.

8 I vote aye.

9 ACTING PRESIDENT ROBACH: Senator
10 Squadron to explain his vote.

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

13 I want to commend Senator Zeldin
14 for his leadership on this issue. It's something
15 that the moment the need was there, he was on top
16 of and working in a bipartisan fashion. Also,
17 with the Assembly, we were able to get something
18 done. And I appreciate the Governor also
19 weighing in and making this happen.

20 As Senator Zeldin said, this is an
21 industry that is really expanding and growing
22 here in the state right now. And it's so
23 important that we allow it to continue.

24 I represent Brooklyn Brewery, which
25 is a great jobs generator in Brooklyn, along with

1 Senator Dilan; we share the area. And Brooklyn
2 Brewery is such a great job generator in
3 Brooklyn, but also in Utica, New York, where some
4 of it is brewed. And in addition, it's just a
5 great brand for Brooklyn and for the state. And
6 that's true for the breweries in Senator Zeldin's
7 district, Senator Valesky, others across the
8 state.

9 This is a case in which an
10 incentive of the state really does make a
11 difference. We've got an industry that has three
12 times as many jobs as it did a decade ago, twice
13 as many businesses continuing to grow.

14 I thank Senator Zeldin again.
15 Mr. President, you also have some wonderful
16 breweries in your own district. And so on behalf
17 of all of them, I vote aye, Mr. President.

18 ACTING PRESIDENT ROBACH: Thank
19 you, Senator Squadron.

20 Senator McDonald to explain his
21 vote.

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

24 Thanks to Senator Zeldin, Senator
25 Skelos, all our colleagues on the other side, and

1 the Governor's office.

2 Like many communities, I have
3 several of these breweries already, and many are
4 being proposed. They make a difference. As it
5 was said, they employ local people. In addition
6 to that, they are a stimuli for the local
7 economy. And they're a lot of fun.

8 So -- on a serious note, though, it
9 is something that was needed because of that
10 court case, and I'm so proud that we responded
11 quickly.

12 And as we go into the summer
13 months, it is a tourist attraction. I have a
14 couple of wonderful breweries up in Saratoga
15 Springs. I have the Brown's Brewery in the City
16 of Troy, Chatham Brewery in Chatham, in Columbia
17 County. They are nothing but hot spots of people
18 just getting together enjoying food and locally
19 brewed beer.

20 Thank you.

21 ACTING PRESIDENT ROBACH: Thank
22 you, Senator McDonald.

23 Announce the results.

24 THE SECRETARY: Ayes, 55. Nays,
25 1. Senator Diaz recorded in the negative.

1 ACTING PRESIDENT ROBACH: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1301, by Senator Saland, Senate Print 7740 --

5 SENATOR KLEIN: Lay it aside.

6 ACTING PRESIDENT ROBACH: The bill
7 is laid aside by Senator Klein.

8 Senator DeFrancisco, that concludes
9 the noncontroversial reading of the supplemental
10 calendar.

11 SENATOR DeFRANCISCO:
12 Mr. President, would you please go on to the
13 controversial reading of the supplemental
14 calendar.

15 ACTING PRESIDENT ROBACH: The
16 Secretary will ring the bell. We will now move
17 to the controversial reading of the calendar. If
18 members could please come to the chamber, we can
19 get to the debate list.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 1274, by Senator Nozzolio, Senate Print 3213, an
23 act to amend the Vehicle and Traffic Law.

24 ACTING PRESIDENT ROBACH: Senator
25 Krueger.

1 SENATOR KRUEGER: Thank you. If
2 the sponsor would please yield to some questions.

3 ACTING PRESIDENT ROBACH: Senator
4 Nozzolio, will you yield?

5 SENATOR NOZZOLIO: Yes,
6 Mr. President.

7 SENATOR KRUEGER: Thank you.
8 Does the Senator know the
9 fiscal-note cost of this bill on an annualized
10 basis for the years after the first four years
11 when there would be no loss for the state?

12 ACTING PRESIDENT ROBACH: Senator
13 Nozzolio.

14 SENATOR NOZZOLIO: Mr. President,
15 before I get into the specifics of the
16 legislation, I'd like to indicate to my
17 colleagues what this legislation is about.

18 It establishes a one-time
19 registration fee for historic vehicles. Those
20 who take their time and effort and money to
21 restore a historic vehicle -- that is a vehicle
22 that, by law, is defined as a vehicle that is
23 manufactured more than 25 years prior to the
24 calendar year of which we are in -- those
25 individuals now are confronted with an annual

1 registration fee, a fee that's decided whether or
2 not they're going to pay.

3 It's a limited-use vehicle. It's
4 taken from basically one exhibition to another.
5 That it's become a very popular series of events
6 in particularly upstate New York, where various
7 historic vehicles are part of summer festivals,
8 summer exhibitions. It's become a growing
9 component certainly of life in New York.

10 And that those who restore these
11 vehicles must have to make a choice, do they put
12 them on the road and pay the annual fee or, under
13 this legislation, receive a one-time requirement
14 that that payment be, as listed in the
15 legislation, of \$100. That fee in effect
16 contrasts with the annual fee that is now charged
17 at \$28 per vehicle.

18 So Senator Krueger could do the
19 math that basically, rather than collect the fee
20 every year, the Department of Motor Vehicles
21 would collect that fee on a one-time basis.

22 If we were to develop an
23 econometric model about this legislation, you'd
24 have to look at items like who in fact is
25 deciding to pay a one-time fee as opposed to

1 rejecting the annual fee.

2 Another item of basis within this
3 econometric model would be whether or not the
4 administrative costs to the State of New York to
5 collect this fee each and every year outweigh the
6 revenue coming to the state from this renewal
7 process, as opposed to a one-time process. Of
8 course that one-time process would change when
9 the vehicle changed registrations, if the vehicle
10 is sold or transferred in some way, and then
11 you'd have to pay for that one-time fee.

12 So there are certain unknowns about
13 developing a strict fiscal impact to the state,
14 except to know that the sky is the limit in terms
15 of the ability to gather revenue for the state
16 with this legislation. The more we encourage
17 people to engage in this one-time registration,
18 the more revenue would be brought to the state.

19 There are currently between 7 and
20 12 million vehicles out there that are either in
21 some stages of restoration and exhibition. And
22 of course every year it would bring, cycling, a
23 new criterion would allow an additional
24 model-year of vehicle to be receiving the
25 historical designation.

1 So I'd have to say, looking at all
2 those factors, the bottom line is that this
3 legislation will enhance the quality of life in
4 this state, will be, at worst, revenue neutral,
5 and will at best actually raise money for the
6 State of New York.

7 SENATOR KRUEGER: Through you,
8 Mr. President, if the sponsor would yield,
9 please.

10 ACTING PRESIDENT ROBACH: Senator
11 Nozzolio, will you continue to yield to Senator
12 Krueger?

13 SENATOR NOZZOLIO: Yes,
14 Mr. President.

15 SENATOR KRUEGER: So I appreciate
16 the detailed explanation.

17 But getting back to the question,
18 how many vehicles do we believe currently are
19 paying \$28.75 per year that would switch into a
20 \$100 one-time-only -- therefore, after four years
21 plus or a month or two, end up being a revenue
22 reducer for State of New York?

23 SENATOR NOZZOLIO: Mr. President,
24 the question is, is this a revenue reducer for
25 the State of New York?

1 SENATOR KRUEGER: Through you,
2 Mr. President, maybe we'll just start with how
3 many vehicles in the State of New York do we
4 believe this law would apply to.

5 SENATOR NOZZOLIO: Well,
6 Mr. President, it depends on how many wish to
7 restore their vehicles and how many in each model
8 year decide -- the law establishes now a 25-year
9 period. So that every year, a new model-year is
10 added to that 25-year period.

11 The potential for a particular
12 model-year of restoration is not necessarily
13 something that would be easily calculable. But
14 the historic registration fee we believe would
15 affect millions of cars, millions of historical
16 vehicle owners through time.

17 SENATOR KRUEGER: Through you,
18 Mr. President, thank you.

19 Okay, so the sponsor has thrown a
20 number of numbers out there. He said millions of
21 cars over time. In his earlier presentation he
22 said there could be as many as 7 to 12 million
23 cars going through restoration in the State of
24 New York.

25 Through you, Mr. President, if the

1 sponsor would continue to yield.

2 ACTING PRESIDENT ROBACH: Senator
3 Nozzolio, do you continue to yield?

4 SENATOR NOZZOLIO: Yes,
5 Mr. President.

6 SENATOR KRUEGER: So if I
7 understand you right, even taking the
8 conservative number, are you suggesting that
9 there are 7 million vehicles in the State of
10 New York 25 years or older that are going through
11 some kind of renovation or restoration that are
12 currently paying \$28.75 per year to the State of
13 New York?

14 SENATOR NOZZOLIO: Mr. President,
15 the Department of Motor Vehicles does not have
16 that information readily available. After
17 Senator Krueger asked the same question in
18 Rules Committee, we checked with the department
19 today; they don't have that number.

20 SENATOR KRUEGER: Through you,
21 Mr. President, if the sponsor would continue to
22 yield.

23 ACTING PRESIDENT ROBACH: Senator
24 Nozzolio, do you continue to yield?

25 SENATOR NOZZOLIO: Yes,

1 Mr. President.

2 SENATOR KRUEGER: Thank you.

3 So the Department of Motor Vehicles
4 doesn't know how many cars they currently collect
5 money from -- excuse me, owners of cars. I don't
6 think the cars are paying themselves, so I want
7 to correct myself.

8 So the Department of Motor Vehicles
9 says that they don't know how many registrations
10 of cars there are now per year in the State of
11 New York for cars 25 years or older. That's
12 actually very disturbing to me and I think should
13 be disturbing to the sponsor as well. One would
14 think the Department of Motor Vehicles should
15 know how many vehicles it's collecting
16 registration money on behalf of.

17 But let's say if it's the 7 million
18 cars he suggests, that would be approximately --
19 excuse me. If it was 7 million cars at, excuse
20 me, \$28.75 a year, that would be \$200 million to
21 the State of New York. And it would concern me
22 immensely for us to pass a bill that was reducing
23 our revenue by over \$200 million a year.

24 And so I guess I ask again -- we're
25 all shaking our heads, so I'm not sure that there

1 are 7 million cars over 25 years old going
2 through restoration or on the roads of New York
3 State. But is it possible that there are
4 7 million cars over 25 years old that are defined
5 under the category of this bill?

6 SENATOR NOZZOLIO: Through you,
7 Mr. President, that -- Senator Krueger, there's a
8 choice that every owner of a vehicle makes,
9 whether or not they wish to place it under this
10 historic designation and receive a historic
11 license plate. We're not alleging that there are
12 7 million vehicles now under the historic plate
13 number. And DMV did not have that data readily
14 available when we called in response to your
15 question today.

16 But I think you have to step back
17 for a second, get out of the weeds and understand
18 that this is a policy that could engender much
19 interest and support.

20 That remember, every year, every
21 calendar year there is a new model-year added to
22 that 25-year historical status. That every motor
23 vehicle that's 25 years old doesn't have an owner
24 that's necessarily interested in establishing
25 that being a historic vehicle. Some may be

1 driving it out of necessity.

2 But the fact is those who have
3 restored vehicles, who spend a lot of time and
4 effort into their hobby, are asking to establish
5 a more reasonable rate of registration for a very
6 limited use of the vehicle, which is basically to
7 and from historical vehicle exhibitions.

8 That's all this is. It's not
9 something that is trying to establish some type
10 of detailed model. It's only to encourage those
11 who are restoring vehicles to pay the fee, to
12 make the decision to keep their car licensed and
13 to keep it licensed in New York.

14 That there is potential for many
15 millions of vehicles to fall under this category
16 and many owners to choose to be participants in
17 this historic vehicle registration. But -- and
18 with that, Mr. President, I think I've
19 sufficiently discussed Senator Krueger's
20 questions and do not wish to elaborate further.

21 ACTING PRESIDENT ROBACH: Thank
22 you, Senator Nozzolio.

23 SENATOR KRUEGER: I think that
24 meant he doesn't wish to answer any more
25 questions. On the bill, Mr. President.

1 ACTING PRESIDENT ROBACH: Senator
2 Krueger on the bill.

3 SENATOR KRUEGER: So sometimes an
4 older car is just an old car, not a historic
5 vehicle that's been restored. My husband's car
6 is from 1990, so I guess in three years he can
7 make the decision whether or not he would want to
8 register as an historical vehicle. But trust me,
9 if you've seen it, nobody wants to call it a
10 historic vehicle.

11 I too enjoy historic cars, and I
12 like actually to go to antique car shows. I
13 think it's very interesting, and the history of
14 the automobile and this country's dependence on
15 it. And some people are truly passionate about
16 the restoration work they do on their cars.

17 My point about this bill is for
18 that universe -- and I don't think it's 7 million
19 cars. I'm sure it's a much smaller number. And
20 yet I'm disturbed DMV can't tell us the numbers
21 we're working with. My point is, one, bills that
22 come to the floor of the Senate to be voted on
23 should have the fiscal notes and should have the
24 numbers behind them to tell us how much money the
25 state would be gaining or losing by passage of a

1 piece of legislation.

2 Two, people who restore and
3 lovingly restore historic cars -- and some could
4 be back as far as Model Ts and some of the
5 original vehicles that crossed and crisscrossed
6 this country. Some can be a 1987 car in
7 not-great shape, not unlike my husband's 1990
8 Nissan Maxima.

9 My point is, for the people who are
10 investing in showing their cars and competing, in
11 going to antique car shows, in lovingly
12 restoring, \$29.75 isn't really -- excuse me, I
13 added a dollar -- \$28.75 isn't really the
14 make-it-or-break-it issue for them. In fact, I
15 have had some people who are car restorers tell
16 me that the only thing more expensive to own and
17 never use than a boat is an antique car. So they
18 put a huge amount of money into antique cars.
19 And they love them, and they're exciting, and
20 that's great.

21 But there are costs to the state
22 also for having responsibility over vehicles and
23 for vehicles driving our roads, and \$28.75 is a
24 minimal amount of money. And in fact, changing
25 it to a \$100 one-time-only for some of those

1 vehicles that become 1986 or 1985 vehicles that
2 are eligible, some are from the 1920s -- so if
3 you imagine that a historic vehicle, if this law
4 passed, the owner would pay \$100 once but the
5 state could lose that revenue year after year,
6 decade after decade. I really can't see a
7 justification for the state deciding it wants to
8 lose that revenue at this point in time.

9 And I don't think it will prevent
10 or distract any car lover from continuing their
11 pursuit of the perfect, historically accurate
12 restored vehicle.

13 I vote no, Mr. President. Thank
14 you.

15 ACTING PRESIDENT ROBACH: Thank
16 you, Senator Krueger.

17 Seeing no other Senator wishing to
18 be heard, the debate is closed. The Secretary
19 will ring the bell. We need to get all members
20 in the chamber to vote on the controversial
21 calendar.

22 Read the last section.

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

25 ACTING PRESIDENT ROBACH: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT ROBACH: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar Number 1274, those recorded in the
7 negative are Senators Addabbo, Avella, Breslin,
8 Dilan, Duane, Gianaris, Krueger, Montgomery,
9 Oppenheimer, Parker, Peralta, Ritchie, Rivera,
10 Serrano, Squadron, Stavisky, and Stewart-Cousins.

11 Ayes, 39. Nays, 17.

12 ACTING PRESIDENT ROBACH: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1275, by Senator Griffo, Senate Print
16 3742B, an act to amend the Vehicle and Traffic
17 Law.

18 ACTING PRESIDENT ROBACH: Senator
19 Krueger.

20 SENATOR KRUEGER: Thank you,
21 Mr. President. If the sponsor would please yield
22 to some questions.

23 ACTING PRESIDENT ROBACH: Senator
24 Griffo, would you please yield to some
25 questions?

1 SENATOR GRIFFO: It's a pleasure
2 to have Senator Krueger back in the house.

3 SENATOR KRUEGER: Thank you so
4 much, Senator Griffo.

5 (Laughter.)

6 SENATOR KRUEGER: I'm sorry,
7 Mr. President, can I ask my colleagues why that
8 was funny?

9 (Laughter.)

10 SENATOR KRUEGER: Behave,
11 everyone.

12 ACTING PRESIDENT ROBACH: Who
13 would you like to yield for a question, Senator?

14 (Laughter.)

15 SENATOR KRUEGER: You know what,
16 I'll stick with Senator Griffo, the charming,
17 polite Senator Griffo. Thank you.

18 ACTING PRESIDENT ROBACH: Continue
19 with your question, Senator Krueger.

20 SENATOR KRUEGER: Thank you,
21 Mr. President. Through you, Mr. President.

22 This bill would allow ATVs to be
23 increased by weight limit to 2,000 pounds and
24 would actually allow for the registration of
25 vehicles with a carrying capacity of more than

1 3,000 pounds to go to off-road vehicles.

2 What's the current weight standard
3 in New York State without this law?

4 SENATOR GRIFFO: Well, Senator
5 Krueger -- Mr. President, through you. Senator
6 Krueger, the current VLT Section 2281 provides
7 for only one class of an ATV which cannot exceed
8 1,000 pounds.

9 We have, Senator Krueger,
10 throughout deliberations here in the past, tried
11 to look at the weight, because there are industry
12 and societal changes. In order to reflect those
13 changes in the industry and in society, we have
14 regularly looked at weight. What we're trying to
15 do in this bill is look at a redefinition in
16 order to allow this particular component of the
17 industry to be competitive.

18 Particularly as you expressed
19 concerns in the prior debate on registration
20 opportunities and revenue, this really would
21 allow for additional revenue to be generated for
22 the state as well as to continue to help not only
23 from a professional perspective, but from an
24 economic perspective also, relative to the
25 tourism industry.

1 SENATOR KRUEGER: Through you,
2 Mr. President, if the sponsor would continue to
3 yield.

4 ACTING PRESIDENT ROBACH: Senator
5 Griffo, do you continue to yield?

6 SENATOR GRIFFO: Yes, sure.

7 SENATOR KRUEGER: So the ATV
8 weight limit in this state used to be 500 pounds,
9 and then we changed it to a thousand pounds. Why
10 do we need to increase it to 2,000 pounds, and
11 who are we competing with?

12 SENATOR GRIFFO: Well --
13 Mr. President, through you. Senator Krueger, as
14 I indicated to you before -- and you can see this
15 even in the automobile industry. Vehicles are
16 changing and being designed differently to
17 accommodate a lot of needs for a lot of different
18 reasons.

19 In this particular instance, the
20 industry is -- and society, the requests have
21 been for these vehicles to become larger.
22 They're used for a lot of purposes, both
23 recreationally and professionally. There are
24 requirements, there would be requirements for
25 registration outside of agriculture, because in

1 agriculture you would not have to register that.

2 So when you look at advancements in
3 technology, when you look at new designs and you
4 look at some of the requests from the consumer, I
5 think that's what this is, a reflection of
6 meeting today.

7 And who we're competing with is
8 right now you can go to New Jersey and purchase
9 this, but you can't do it in New York State. So
10 we're hurting our retailers and our manufacturers
11 in New York State by allowing this lower limit.

12 And I don't know if you've ever had
13 an opportunity to actually ride on one of these.
14 I'd ask Senator Krueger if she'd yield. Have you
15 ever ridden on an ATV?

16 SENATOR KRUEGER: Through you,
17 Mr. President, yes, I have ridden on an ATV.

18 SENATOR GRIFFO: So you have some
19 familiarization, then, with what I'm talking
20 about.

21 SENATOR KRUEGER: Yes, I do. And
22 it was in New Jersey. And I don't know what the
23 weight of it was. But my understanding is
24 New Jersey's weight limit is a thousand pounds,
25 which is the same -- excuse me, 600 pounds. So

1 they're below ours. So I don't understand why
2 we'd be competing with New Jersey by going to
3 2,000 pounds for an ATV.

4 SENATOR GRIFFO: Mr. President,
5 through you. Senator Krueger, I don't believe
6 that's completely accurate, because there are
7 different proportional limits and sizes that
8 exist. And you can purchase vehicles of this
9 size outside of the State of New York right now.

10 And the industry itself is
11 evolving, as I indicated, for lack of a better
12 word, to reflect consumer interest, demand and
13 need. And as a result of that, I think these
14 vehicles are being made to do less damage to
15 forest floor, cause less soil and trail erosion,
16 become more family-oriented, and actually their
17 safety standards have been increased also as a
18 result of how they're being manufactured.

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

22 ACTING PRESIDENT ROBACH: Senator
23 Griffo, do you continue to yield?

24 SENATOR GRIFFO: Sure.

25 SENATOR KRUEGER: Thank you.

1 I'm happy to share my chart, which
2 is the Specialty Vehicle Institute of America
3 State All-Terrain Vehicle Requirements, which has
4 the weight displacement limits by state. And in
5 fact, I don't see -- I'm just double-checking --
6 any state that has a 2,000-pound limit. Now,
7 they might be selling them, but they're not legal
8 to use in those states, at least according to
9 this chart.

10 But I heard the sponsor answer me
11 by saying that the industry is changing and the
12 purposes are changing and the safety is
13 changing. So I want to go to the safety issues.

14 Are these vehicles that would be
15 double the weight of what's legally allowed in
16 New York State going to continue under this law
17 to be usable by children under 16?

18 SENATOR GRIFFO: Mr. President,
19 through you. Senator Krueger, currently you're
20 not allowed to have an ATV, if you take -- just
21 similar to a car license, you have to be 16.
22 Unless you're on a agricultural exemption, and
23 that would require permission of the parent as
24 well as, with that consent, a safety
25 certification that you've undertaken a certain

1 course in how to run or operate that vehicle.

2 So I believe right now there are
3 restrictions of under 16, with the exception of
4 the agriculture exemption. And then, with that,
5 would require consent and safety certification.

6 SENATOR KRUEGER: Through you,
7 Mr. President, if the sponsor would continue to
8 yield.

9 ACTING PRESIDENT ROBACH: Senator
10 Griffo, will you continue to yield?

11 SENATOR GRIFFO: Yes.

12 ACTING PRESIDENT ROBACH:
13 Continue.

14 SENATOR KRUEGER: Thank you. Just
15 for clarification, someone under 16 in the State
16 of New York requires parental consent and a
17 safety course, is that what I just heard you say?

18 SENATOR GRIFFO: Agriculturally.

19 SENATOR KRUEGER: For agricultural
20 purposes.

21 SENATOR GRIFFO: Mr. President,
22 through you, for agricultural purposes.

23 Beyond that, you have to be over 16
24 in order to operate one of these. But with the
25 agriculture exemption, you would have to have

1 consent and proper safety certification
2 demonstrated.

3 SENATOR KRUEGER: Through you,
4 Mr. President, if the sponsor would continue to
5 yield.

6 ACTING PRESIDENT ROBACH: Senator
7 Griffio?

8 SENATOR GRIFFO: Yes.

9 SENATOR KRUEGER: Does the sponsor
10 agree that it's possible these under-16-year-olds
11 are actually using these ATVs for nonagricultural
12 purposes even though the law says that they
13 can't?

14 SENATOR GRIFFO: Mr. President,
15 through you. Senator Krueger, I would hope that
16 families -- I believe in the family, and I hope
17 that parents are exercising proper responsibility
18 and supervision in cases such as this.

19 So I'm not aware of what may be or
20 may not be happening. I'm sure that happens in
21 all cases where a youngster may have access or do
22 something that they shouldn't do.

23 But again, I would rely heavily on
24 the home and the family here to properly
25 supervise. It would be no different than we talk

1 about the hazards of a pool in the backyard and,
2 you know, you have to make sure that you're
3 monitoring properly who has access to it and who
4 is near it.

5 So in this particular case, if
6 there is an individual under the age of 16, as
7 you indicated, I'm not aware of specific
8 illustrations or examples, but I would hope that
9 would be in the purview of the parent and the
10 parent would exercise proper responsibility and
11 oversight.

12 SENATOR KRUEGER: Through you,
13 Mr. President. On the bill.

14 ACTING PRESIDENT ROBACH: Senator
15 Krueger on the bill.

16 SENATOR KRUEGER: Thank you. I
17 appreciate the sponsor's responses.

18 I have several concerns about this
19 bill.

20 One, the environmental community
21 has been clear that ATVs, the heavier they get,
22 the more than environmental damage they can do
23 off-road, in wilderness areas. This is not for
24 agricultural purposes but for pleasure riding.
25 And so doubling the weight of ATVs adds

1 significantly to the environmental risk and
2 damage that can be caused by these vehicles.

3 Second, just to put it in
4 perspective, a 2,000-pound ATV weighs more than
5 some of the antique cars pre-1987 that we were
6 discussing in the previous bill. A VW Beetle
7 weighs less than 2,000 pounds. There are several
8 current cars that weigh approximately 2,000
9 pounds. So the concept that we're talking about,
10 an ATV -- again, for nonagricultural work
11 purposes -- that's being driven hopefully legally
12 by adults, but no guarantee -- I have certainly
13 unfortunately witnessed any number of
14 under-16-year-olds driving ATVs and even
15 16-to-21-year-olds driving ATVs perhaps not as
16 they were instructed.

17 These are enormously large and
18 heavy vehicles. They go fast off-road. They put
19 young people, particularly, at risk. The
20 American Association of Pediatricians argues that
21 people under 16 should not be driving ATVs. And
22 I don't think this report was based on 2,000
23 pounds, because no state had a 2,000 pound limit
24 at the time of this report.

25 That steering is complex and

1 counterintuitive. That a child cannot even begin
2 to follow the process. And if he or she is too
3 short to reach the footrest and is outweighed by
4 the machine many times over, it puts them at even
5 greater risk. Pediatricians, orthopedic surgeons
6 and other health professionals across the country
7 are expressing growing concern that the
8 industry's self-regulating approach has failed to
9 protect children and continued to leave them
10 vulnerable of injury and death. The problems are
11 so serious that major medical associations have
12 issued formal policies concerning ATV use by
13 young people.

14 There is a risk of death from the
15 existing ATVs. And there has been national
16 tracking of the number of people who die each
17 year in ATV accidents. And those are, again,
18 smaller ATVs. We're talking about doubling the
19 size from a weight perspective. And you have to
20 believe that weight is going into faster engines
21 to move more quickly in off-road situations.

22 I have to believe that if we were
23 to double the weight of ATVs for nonagricultural
24 purposes, we would find ourselves with an
25 increased number of deaths, an increased number

1 of injuries, and increased harm done to young
2 people -- who again, maybe aren't supposed to be
3 driving them, but they are. They are driving
4 them.

5 And to allow these machines to get
6 bigger, heavier, faster and technically more
7 dangerous is not in the best interests of the
8 children of New York State. And to be honest,
9 since you're not talking about agricultural
10 purposes here specifically, it's bad for the
11 environment, it puts people at greater risk. I
12 just don't understand the arguments to why we
13 would want to double the weight of ATV vehicles
14 in this state.

15 And we can't really argue it's
16 because we're losing ATV riders to other states,
17 because other states don't have a 2,000-pound
18 limit. Many of them don't even have a
19 1,000-pound limit.

20 So I would urge a no vote on this
21 today, Mr. President. Thank you.

22 ACTING PRESIDENT ROBACH: Thank
23 you, Senator Krueger.

24 Senator Oppenheimer, why do you
25 rise?

1 SENATOR OPPENHEIMER: Thank you
2 for your recognition. I'd like to just speak on
3 the bill.

4 ACTING PRESIDENT ROBACH: On the
5 bill.

6 SENATOR OPPENHEIMER: This is the
7 report that Senator Krueger was referencing, and
8 it has serious implications for the safety of
9 youngsters. It's put out by the Consumer
10 Federation of America.

11 But I would say this is a terrible
12 bill just from an environmental standpoint,
13 because this damage that will be created by these
14 off-road vehicles to our trail network will be
15 enormous. And, you know, we're not rolling in
16 money, so we're not going to be in a position to
17 start to repair all the damage that has been
18 done.

19 The fact that we have limited in
20 the past the ATVs to a thousand pounds is really
21 what we were trying -- the environmental
22 community and the park community was trying to
23 find a middle ground where the vehicles would
24 have to be of a certain weight to maintain the
25 trails, but yet we were very concerned about the

1 weight factor.

2 A report was published a while back
3 called "Rutted and Ruined," and it talked about
4 the damage in our Forest Preserve and in our
5 parks from off-trail vehicles that are heavier
6 than a thousand pounds.

7 So this is really a very bad bill,
8 and it's small wonder that the Environmental
9 Advocates have actually given it its highest
10 designation as far as seriousness, and that is 3
11 smokestacks. So this really is a very bad bill
12 and should be turned down.

13 I vote no. Thank you,
14 Mr. President.

15 ACTING PRESIDENT ROBACH: Thank
16 you, Senator Oppenheimer.

17 Seeing no other Senator wishing to
18 be heard, the debate is closed. The Secretary
19 will ring the bell and ask the members to come to
20 the chamber.

21 Read the last section.

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

24 ACTING PRESIDENT ROBACH: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT ROBACH: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar Number 1275, those recorded in the
6 negative are Senators Addabbo, Avella, Ball,
7 Breslin, DeFrancisco, Dilan, Duane, Gianaris,
8 Hassell-Thompson, Krueger, LaValle, Marcellino,
9 Oppenheimer, Parker, Peralta, Rivera, Sampson,
10 Serrano, Squadron, Stavisky and Stewart-Cousins.

11 Ayes, 35. Nays, 21.

12 ACTING PRESIDENT ROBACH: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1276, by Senator DeFrancisco, Senate Print 4749,
16 an act to amend the Social Services Law.

17 ACTING PRESIDENT ROBACH: Senator
18 Krueger.

19 SENATOR KRUEGER: Thank you. To
20 speak on the bill, Mr. President.

21 ACTING PRESIDENT ROBACH: On the
22 bill.

23 SENATOR KRUEGER: Thank you. In a
24 previous year I had the honor of debating the
25 sponsor, John DeFrancisco, so this year I thought

1 I would just highlight my points.

2 First, when you're on Medicaid or
3 Child Health Plus, Family Health Plus, you by
4 definition fall into categories of being some of
5 the poorest people in the State of New York. You
6 might not only be poor, but also quite likely be
7 elderly and/or disabled or suffer from a chronic
8 illness, because in fact poverty and extremely
9 bad health correlate.

10 And because, just as an example,
11 you have 800,000 people who are called
12 dual-eligible, Medicare -- i.e., elderly or
13 disabled -- and Medicaid for filling of their
14 prescription drugs, among other things, you have
15 800,000 people right away who are elderly and
16 disabled and extremely poor. And the vast
17 majority of the rest of the people on Medicaid
18 are actually children and single mothers. So I
19 start with that presumption.

20 If you go to your doctor and you
21 get a prescription filled, very often it is more
22 than one prescription at once. It can be, for
23 elderly and disabled and chronically ill people,
24 as many as six prescriptions at once. You need
25 to go and get them filled, that is the medical

1 advice to you. But if you were required to pay a
2 copay, you may find yourself unable to fill the
3 prescriptions.

4 In New York City, where low-income
5 people spend a disproportionate amount of their
6 total income on rent and utilities -- in fact, a
7 much higher share of their income than upstate
8 New York, which may explain some of the variables
9 in being able to pay copays. So you're using
10 your disposable income for rent and utilities,
11 and now you find yourself with prescriptions that
12 you may not even be able to pay for with the
13 require copay. You are literally being forced to
14 decide between paying your rent, filling your
15 prescriptions, or feeding yourself and your
16 children.

17 That is a reality that we see all
18 the time in the State of New York among the very
19 poor. We see these people turning to emergency
20 food pantries and soup kitchens to help them with
21 food, we see them in housing courts facing
22 evictions because they can't afford to pay their
23 rent, we see them with utility shut-offs because
24 they can't pay their utilities, and we see them
25 disproportionately more ill than non-poor people.

1 With this law, they would then have
2 to make a copayment in order to get their
3 prescription filled. If they could not pay that
4 copay, it would mean they couldn't get their
5 prescription filled, making it much more likely,
6 rather than getting better, they or their family
7 members would get sicker, they and their family
8 members might need more emergency healthcare
9 because they couldn't afford to get the drugs
10 that might prevent them from getting sicker, they
11 or their family members might end up more
12 frequently in emergency rooms in literal medical
13 emergencies because they couldn't get the drugs
14 they need to do take care of themselves and get
15 better.

16 Given how much the State of
17 New York pays for state-funded insurance -- and
18 we can all agree it's a huge amount of money, and
19 we can all agree or disagree that great progress
20 is being made through the Medicaid Redesign Team
21 and through federal waivers and through other
22 modernizations that are taking place right now,
23 that we are doing a better job at reining in the
24 costs of healthcare. But I actually don't know
25 too many people who think preventing people from

1 filling their prescriptions because they're too
2 poor to pay copayments is a good model in
3 healthcare, nor that it will actually save the
4 State of New York any significant money versus
5 increasing emergency needs among our poorest
6 recipients.

7 And so, again, I ask my colleagues,
8 please don't pass this law.

9 Now, I think the good news is it's
10 not very likely to be a two-house bill passed in
11 the Assembly as well. But again, I hope that all
12 of my colleagues will think through the
13 difference for perhaps all of us who work here in
14 the Senate of what \$5 or \$10 or \$15 in copayments
15 might mean to us versus the poorest in New York,
16 who we know don't have enough money for food,
17 rent, utilities, and their ongoing healthcare
18 needs.

19 This is a bad public policy
20 decision and, I would even argue, a foolish
21 assumption that it will somehow save us money.
22 It won't save us money. It will increase pain
23 and suffering and healthcare costs for those who
24 can least afford it. I urge all of my
25 colleagues, both sides of the aisle, to vote no.

1 Thank you.

2 ACTING PRESIDENT ROBACH: Thank
3 you, Senator Krueger.

4 Senator Diaz.

5 SENATOR DIAZ: Thank you,
6 Mr. President. Will the sponsor yield for a
7 question or two?

8 ACTING PRESIDENT ROBACH: Senator
9 DeFrancisco, will you yield?

10 SENATOR DeFRANCISCO: Yes, I will.

11 ACTING PRESIDENT ROBACH:
12 Continue, Senator Diaz.

13 SENATOR DIAZ: Senator
14 DeFrancisco, I always admire you.

15 SENATOR DeFRANCISCO: Thank you.
16 I know you do.

17 (Laughter.)

18 SENATOR DeFRANCISCO: And I admire
19 you as well.

20 SENATOR DIAZ: But I have to ask
21 you a very touchy question. This legislation
22 that you are proposing is geared to the poor
23 people. As a matter of fact, the poorest of the
24 poor in the State of New York. You are forcing
25 them to pay the copayment when they purchase

1 their prescription drugs, and if they don't have
2 the copayment, they will not get the medication.

3 My question to you is, do you hate
4 poor people?

5 SENATOR DeFRANCISCO: No, Senator
6 Diaz, I don't hate poor people. I don't hate
7 anyone, I don't think. That I know of at the
8 moment. Maybe I'll think of somebody by the end
9 of the debate.

10 (Laughter.)

11 SENATOR DeFRANCISCO: But the fact
12 of the matter is, is this is the situation.
13 There are rules and regulations for getting
14 prescription drugs. And this great state
15 provides all the prescription drugs for people on
16 Healthcare Plus -- on Family Health Plus, and
17 they don't have to pay anything except, for
18 generic drugs, \$1 per prescription and \$3 for
19 brand-name drugs.

20 Now, there are people who actually
21 provide the benefits so that the poor people can
22 get 99.9 percent of their prescription paid for.
23 But, and according to the law, they're supposed
24 to be paying the copay. That's not my rule.
25 They're supposed to be paying the copay.

1 But what's happened over time is
2 that pharmacists have not been collecting the
3 copay because the State of New York will not
4 enforce the rules that require them to pay the
5 copay.

6 Now, let me tell you about the
7 poorest of the poor. I happen to take
8 prescription drugs. It's probably hard to
9 imagine, with the specimen I am, that I need some
10 prescription drugs, but I do. And on one
11 occasion, it was the dead of winter. And I got
12 out of my car and froze from getting my car into
13 the pharmacy, and I walk in, and I'm waiting my
14 turn faithfully. And in the drive-in section of
15 that particular pharmacy was an SUV bigger than
16 any car I've owned. And this is how I became
17 aware of it.

18 And while I'm waiting there, this
19 individual is getting her prescription drugs.
20 And what she's doing is burning gas, keeping nice
21 and warm, while I was chilled from my walk.
22 Staying nice and warm in her car, burning at
23 least \$3 to \$5 worth of gas. And the pharmacist
24 said, Your copay is \$4, or \$6 -- I forgot the
25 number. She says, "I can't pay that." Or said

1 something, I didn't hear what she said.

2 The pharmacist came back without
3 getting money. I said, "What was that all
4 about?" "Well, it's the government program. She
5 said she couldn't pay. So I can't collect it,
6 because New York State will not enforce it."

7 Now, that's wrong. That's wrong.
8 That's not the poorest of the poor, that's
9 somebody that can pay the copay and should follow
10 the rules. I'm not making the rules. The state
11 should enforce what the rules are. And that's
12 what it's for.

13 So this cost \$37 million last
14 year. Listen to this. I love this. Statewide,
15 50 percent of the people refuse to pay their
16 copay, 50 percent overall. And guess what? Of
17 the City of New York, 90 percent of the people
18 down there refuse to pay their copay.

19 So there's poor people up in
20 Syracuse too. There's poor people in Rochester.
21 So the people in Syracuse mostly pay the copay.
22 I just happened to catch one that didn't.

23 So this is a matter of equity,
24 regional equity. It's a matter of enforcing the
25 rules that are in place so that we will have

1 funding for those people that really need
2 99.9 percent of their drugs to be paid and that's
3 not being diluted because some people don't pay
4 their copay.

5 SENATOR DIAZ: Mr. President,
6 would the sponsor still yield for more
7 questions?

8 ACTING PRESIDENT ROBACH: Senator
9 DeFrancisco, will you continue to yield?

10 SENATOR DeFRANCISCO: Yes.

11 SENATOR DIAZ: Two things you
12 said, Senator DeFrancisco, that shocked me. One
13 is that you tried to compare yourself, saying
14 that you use prescription drugs.

15 But, you know, you make \$79,000 for
16 a part-time job here, plus you are also a lawyer,
17 making more money. So you could have the luxury
18 of paying whatever money you have to pay for
19 prescription drugs, whatever. You shouldn't even
20 have prescription drugs. You should -- you
21 should -- you should help some people pay out of
22 your money.

23 And then the other thing you're
24 saying is that the City of New York, the poor in
25 the City of New York don't pay. So then you

1 don't hate the poor upstate, you just hate the
2 poor in the City of New York.

3 ACTING PRESIDENT ROBACH: Senator
4 Diaz, do you have a question or are you on the
5 bill?

6 SENATOR DIAZ: Yeah, I have a
7 question.

8 ACTING PRESIDENT ROBACH: What is
9 your question?

10 SENATOR DIAZ: Does Senator
11 DeFrancisco just hate the poor of the City of
12 New York and not the poor of upstate? That's my
13 question.

14 Because it seems to me, it seems to
15 me that this piece of legislation, to come to --
16 to present something like this on this Senate
17 floor when we are here and when we go
18 campaigning, I'm pretty sure that Senator
19 DeFrancisco, when he's campaigning, he goes out
20 there promising the poor that he will take care
21 of them and will help them. And to come here and
22 present a piece of legislation like this, it
23 seems to me that he has something against the
24 poor. He hates the poor, I think.

25 And I used to admire him. But,

1 Senator DeFrancisco, you know, you are losing it.

2 SENATOR DeFRANCISCO: What's the
3 question?

4 ACTING PRESIDENT ROBACH: Yes,
5 Senator Diaz, if you'd come through the chair.

6 SENATOR DIAZ: I don't want to --

7 SENATOR DeFRANCISCO: Well, I'd
8 like to respond to that non-question.

9 First of all, I wasn't comparing
10 myself, with my income, with somebody who's on
11 Family Health Plus. I wasn't comparing that. I
12 was comparing my circumstances of I got out of my
13 car and went in to get my prescription. I'm
14 pointing out that this individual could have done
15 the same, and I wouldn't even have noticed the
16 situation.

17 The point is this person chose to
18 sit in her car, keep the motor running at
19 whatever cost it was while she was waiting her
20 turn, and then say she doesn't have five bucks
21 for the copay. That was my point.

22 I have the floor, Senator. I
23 wasn't comparing my income or her income or my
24 circumstances to her circumstances. I'm
25 suggesting that the individual certainly had

1 enough money to pay for gas. She could have paid
2 according to the rules and paid the copay rather
3 than depleting the monies that are used in order
4 to provide these prescription drugs for those who
5 are entitled to them.

6 Second, as far as I hate the poor
7 in New York City, I don't hate the poor in
8 Syracuse, I have no clue what that means.

9 What I was suggesting by the
10 difference is that in addition to everyone having
11 to pay the copay, regionally upstate New York is
12 paying more of the lack of people paying their
13 copay, because only 10 percent follow the rules
14 in the City of New York. And obviously a lot
15 more do, if the overall average is 50 percent,
16 pay according to what they're -- as opposed to
17 upstate.

18 So it had nothing to do with
19 comparing poor from one region to the other, it
20 had to do in addition to us not following the
21 rules and getting the copays that are required,
22 that some regions of the state are abusing this
23 more than other regions, which puts more of the
24 cost on the other regions of the State of
25 New York.

1 So I stand by this bill. It's a
2 good bill. We have people that are paying for
3 this program, people that need it. We shouldn't
4 allow others to abuse it and not have the funds
5 we need for those who need the drugs.

6 Thank you, Mr. President.

7 ACTING PRESIDENT ROBACH: Seeing
8 no other Senator wishing to be heard --

9 SENATOR DeFRANCISCO: And I still
10 don't hate anyone.

11 (Laughter.)

12 ACTING PRESIDENT ROBACH: -- the
13 debate is closed.

14 The Secretary will ring the bells.
15 I ask the members to please come to the chamber
16 so we can have a prompt vote on this bill on the
17 controversial calendar. Prompt.

18 Read the last section.

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

21 ACTING PRESIDENT ROBACH: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT ROBACH: Senator
25 Duane to explain his vote.

1 SENATOR DUANE: Yes, I'm voting
2 no. But I also think that the Senator should
3 turn in the pharmacist that conveyed information
4 that's covered by HIPAA regarding the person who
5 was picking up the prescription in front of him.
6 So I hope that that happens.

7 I'll be voting no, Mr. President.
8 Thank you.

9 ACTING PRESIDENT ROBACH: Senator
10 Duane will be recorded in the negative.

11 Announce the results.

12 THE SECRETARY: In relation to
13 Calendar 1276, those recorded in the negative are
14 Senators Avella, Breslin, Diaz, Duane, Gianaris,
15 Hassell-Thompson, Kennedy, Krueger, Montgomery,
16 Oppenheimer, Parker, Peralta, Rivera, Sampson,
17 Serrano, Smith, Squadron, Stavisky,
18 Stewart-Cousins and Storobin.

19 Ayes, 36. Nays, 20.

20 ACTING PRESIDENT ROBACH: The bill
21 is passed.

22 Senator Libous.

23 SENATOR LIBOUS: Mr. President,
24 could we at this time take up Calendar Number
25 1301 by Senator Saland, please. The

1 controversial reading.

2 ACTING PRESIDENT ROBACH: The
3 Secretary will read Calendar Number 1301.

4 THE SECRETARY: Calendar Number
5 1301, by Senator Saland, Senate Print 7740, an
6 act to amend the Education Law.

7 ACTING PRESIDENT ROBACH: Senator
8 Saland.

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

11 Mr. President, this bill has been
12 commonly referred to over the course of the past
13 week or so as the cyberbullying bill. And yes,
14 it is a cyberbullying bill, but it does more than
15 that.

16 What this bill does is, within the
17 framework of what had been the Dignity for All
18 Students Act, it expands upon that framework so
19 that any and all students who are bullied,
20 regardless of the specific classes identified
21 within Dignity for All Students, they will now be
22 afforded the same protections, and more so, than
23 were provided under that bill, because the "more
24 so" includes cyberbullying.

25 And cyberbullying basically

1 means electronic means or electronic
2 communications. The simple fact of the matter is
3 the state of the art is such that one never knows
4 what will constitute electronic means or
5 electronic communications with the state of the
6 art constantly evolving.

7 What we do know is that bullying by
8 any stretch of the imagination transcends
9 whatever may be the immediacy of the event. So
10 that if somebody is physically bullied, if
11 somebody is bullied electronically, not only do
12 they endure the pain, the trauma of that
13 particular moment, but they live it and relive it
14 and continuously can relive it in the instance of
15 the 24/7 repetitive, never-ending use of
16 electronic means to torment, to taunt, regardless
17 of what the reason may be.

18 And it may well have to do with
19 somebody's sexual orientation, it may well have
20 to do with their race, it may well have to do
21 with their religion. But it can be something as
22 tragically foolish as the way somebody dresses or
23 the perception that somebody, somehow or other,
24 has intervened in a relationship between two
25 other people. Or the fact that perhaps they

1 dress differently. The possibilities are just
2 infinite for the reasons for which somebody gets
3 bullied.

4 And what this does is not only does
5 it recognize this variety, but it says and very
6 importantly says that if that bullying finds its
7 way to school to the schoolroom, to the
8 classroom, and if in fact that bullying
9 reasonably causes or would reasonably be expected
10 to cause emotional harm or physical injury or if
11 it occurs off school property and creates a
12 foreseeable risk of substantial disruption within
13 the school environment, that rises to the level
14 of bullying, harassment, or intimidation.

15 Now, in addition, there is not only
16 a duty to report these incidents and report them
17 within no more than two days, but if it rises to
18 the level of criminal conduct, there is a duty to
19 promptly report to local law enforcement. And
20 there are a multitude of instances under the
21 existing law where that could rise to criminal
22 activity.

23 So, for example, under 240.30 of
24 the Penal Law, aggravated harassment would be
25 applicable where somebody used electronic means

1 intended to threaten, harass or annoy. And if
2 there was some attempt to do so, there was an
3 attempt to engage in physical conduct -- not
4 necessarily engage in the physical conduct but
5 merely attempt to engage in that conduct, and
6 were someone to do that twice within 10 years,
7 that would be elevated from an A misdemeanor to
8 an E felony.

9 If it amounted to something in the
10 nature of a hate crime, there would be another
11 bump-up in terms of the degree of the crime.

12 And obviously, if it's the old,
13 quote, unquote, schoolyard-bully type of event
14 where somebody physically abuses, beats up on
15 somebody, there's a host of criminal charges,
16 starting with assault and working its way up --
17 misdemeanors, felonies.

18 So there are certainly applications
19 of the criminal law that could arise from such
20 conduct, and they are buttressed by the duty to
21 promptly report to law enforcement. This will go
22 a long way, a very long way.

23 Can I say that this is somehow or
24 other going to miraculously bring an end to
25 bullying? We've probably had bullying since

1 shortly after creation. And I'm sure bullying is
2 not going to end with the enactment of this
3 legislation. But it will mitigate, it will
4 provide a template within which to deal with that
5 bullying, it will provide the means for schools
6 to intervene. It will provide a progressive
7 model by which to use either intervention,
8 education, or discipline, in addition to those
9 instances where it rises to the level of a crime
10 and the existing law would cover it.

11 So I would encourage all of my
12 colleagues to support this bill. It's a bill
13 that's been a long time in the making. It's a
14 bill that we in New York could be very proud of.

15 And I'd be terribly remiss if I did
16 not acknowledge the collaboration of many. The
17 Governor certainly was involved with these
18 negotiations. Assemblyman O'Donnell was involved
19 with these negotiations. Our senior staff was
20 involved, working closely with me during the
21 course of these negotiations. I say thanks to
22 all of them and thank them for their
23 contributions.

24 Thank you, Mr. President.

25 ACTING PRESIDENT ROBACH: Thank

1 you, Senator Saland.

2 Senator Klein.

3 SENATOR KLEIN: On the bill,
4 Mr. President.

5 ACTING PRESIDENT ROBACH: On the
6 bill.

7 SENATOR KLEIN: I want to thank
8 Senator Saland for his hard work on this issue
9 and thank the Governor for putting together a
10 package of legislation on cyberbullying which I
11 think is a very important step in fighting
12 cyberbullying in our society.

13 Probably just after the death of
14 Jamey Rodemeyer, a 14-year-old from Williamsville
15 who lived in Senator Ranzenhofer's district, is
16 when I first got involved in this issue. I was
17 stunned that young people would be able to
18 torment one another to drive a young man to
19 commit suicide.

20 I then started speaking about this
21 issue in my schools, trying to get some input,
22 you know, from the students in my Senate
23 district. And I found very, very quickly that
24 this was a problem that we were not equipped to
25 handle. I realize that this was a problem that

1 someone of my age just didn't understand.

2 So I decided to do something about
3 it, talked to more and more students tried to get
4 their input on what we need to do to help. And
5 what I quickly learned was that we've come a long
6 way from the schoolyard bully of yesteryear,
7 because that schoolyard bully is now the
8 cyberbully of the digital age. And a cyberbully
9 is a lot more lethal, because what you have is
10 hordes of invisible bullies going online, using
11 their cellphone, really torturing and tormenting
12 one another.

13 I've been working with several
14 young people who are success stories. They were
15 victims of cyberbullying. And instead of doing
16 what some of the students did -- take their own
17 lives, miss days from school, don't sleep, don't
18 eat, watch their grades fall -- they took it upon
19 themselves to communicate with each other.

20 But I found still it really wasn't
21 enough, we still needed to do more. And I
22 decided to kick off, about six months ago, the
23 first-ever New York cyberbullying census. What
24 we did was we attempted to reach students all
25 over the State of New York, with the help of many

1 of my colleagues, with the help of young people
2 all over the state.

3 And I'm proud to report that last
4 week we released the results of our census where
5 we were able to reach 10,000 young people,
6 10,000 young people around the state, in
7 45 counties around the State of New York, making
8 it the most comprehensive survey ever done. A
9 lot of the national surveys only use a sample of
10 about 1500. This was 10,000 in our state.

11 And they spoke to us loud and
12 clear. Eighty percent of those surveyed -- and
13 most of these surveys came from students in
14 middle school -- said that they were victimized
15 or knew someone who was victimized as far as
16 cyberbullying is concerned.

17 A very interesting statistic was
18 that 70 percent of young people surveyed said
19 they believed that cyberbullying should be a
20 crime. Which instantly leads me to believe that
21 they know it's not and that's why they're not
22 afraid to do it.

23 Sixty-three percent said we need
24 more education in our schools. Which I think the
25 bill before us today, Senator Saland's bill, I

1 think very ably accomplishes.

2 But I think what we're doing here
3 today I think is a very, very important first
4 step. Because I think, as I said a little bit
5 earlier, when I was growing up I was taught that
6 sticks and stones may break your bones but words
7 can never harm you. I think what we're seeing
8 now, though, is completely different because
9 we're seeing each and every day, unfortunately,
10 that words can kill. And I think we have to take
11 it a lot more seriously.

12 So while I think this is an
13 important first step, sort of the first stage of
14 a two-stage rocket, an important educational
15 component, I think we need to do more. And I
16 hope we can because this legislation, while it's
17 an amendment to the Dignity for All Students Act,
18 doesn't take effect until July 2013. So I think
19 it gives us still another year till we can
20 actually get a criminal statute on the books
21 which makes cyberbullying a crime.

22 I heard a lot and I kind of
23 disagree somewhat with what Senator Saland said.
24 Yeah, we do have a law on the books that
25 criminalizes stalking. It's a Class A

1 misdemeanor. We do have a law on the books which
2 criminalizes aggravated harassment. But you know
3 something, my conversations with DAs around the
4 state, my conversations with law enforcement,
5 they say they can't prosecute these cases because
6 the element of cyberbullying is missing.

7 So I'm glad that we are actually
8 defining what cyberbullying is; that's
9 important. But I think we're not reinventing the
10 wheel by punishing young people who commit these
11 crimes. Remember something, we're not punishing
12 the age group or the person, we're making the act
13 illegal.

14 And I think each and every day I
15 think all of us know, as far as criminal justice
16 is concerned, when a minor, when a juvenile
17 commits a crime that rises to the level of what
18 an adult would commit, we prosecute them. That's
19 the same case here.

20 So again, of those who keep saying,
21 Well, you know, it's a 14-year-old, it's a
22 15-year-old -- well, that's nonsense. Because I
23 think we all know when someone who happens to be
24 a minor commits a heinous act, commits a crime,
25 causes someone else to take -- causes someone to

1 take their own lives, we punish them. That's the
2 way it's done.

3 And my conversations with district
4 attorneys bear that out. And I think we really
5 have to, I think, move away from the act of
6 saying, Well, you know, these are kids being
7 kids. Well, I don't think that's the case. And
8 I think we have to take it a lot more seriously.

9 And it's interesting because in
10 this piece of legislation that we're about to
11 pass today it actually states that we're
12 requiring schools to notify local law
13 enforcement. Well, when we notify local law
14 enforcement, I can't even begin to imagine what
15 they're going to do because they don't have a law
16 on the books to prosecute these cases.

17 So I think we're a long way off.
18 But I do commend, again, the Governor, Senator
19 Saland. Because I think I've said it, and I've
20 said it many times, that we do need a
21 comprehensive approach, we do need education,
22 which is accomplished in this bill, but we also
23 have to treat this as a crime.

24 Again, I think through our
25 cyberbullying census the young people of our

1 State of New York were heard loud and clear. Now
2 I think it's up to us to listen to their honesty
3 and listen to their wisdom and eventually make
4 cyberbullying a crime in New York State.

5 I vote yes, Mr. President.

6 ACTING PRESIDENT ROBACH: Thank
7 you, Senator Klein.

8 Senator Ranzenhofer.

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

11 Just a couple of comments. First
12 of all, I'd like to thank Senator Saland for his
13 leadership, and Senator Klein, who's also been
14 very involved in the issue of cyberbullying.

15 The issue of cyberbullying was
16 first brought to my attention when I first became
17 a Senator. And some school districts in my
18 district are actually very active in programs
19 within the school, pointing out to their students
20 and heightening awareness of this particular
21 program. They have assemblies, they do posters,
22 and they really try to bring this problem to the
23 forefront so they can address this in a very open
24 and very up-front way.

25 However, one of the things I also

1 noticed is that the problem continues,
2 notwithstanding the fact that some school
3 districts were already doing a pretty good job.
4 And that was highlighted in my own school
5 district where my own children went to high
6 school, where last year a young boy by the name
7 of Jamey Rodemeyer committed suicide. And that
8 was just about a year ago.

9 And ever since that time, one of
10 the things that I've learned is you need to be
11 able to recognize the problem. I think that this
12 legislation for the very first time finally
13 defines cyberbullying so you actually have a
14 definition in statute.

15 The next part of the problem is
16 right now in the statute, in the aggravated
17 harassment statute is you actually have language
18 dealing with mechanical means and electronic
19 means. But one of the things that happens, as
20 Senator Klein pointed out, is that the
21 students -- and the students, I think, are the
22 ones that know best -- they really know that if
23 they do this, they can't be prosecuted.

24 One of the things that happened in
25 my own school district when the police conducted

1 an investigation and the DAs conducted an
2 investigation, they could not doing anything
3 because the Laws on the books were not adequate.

4 So I think that this is a very good
5 first step. I commend the Governor for finally
6 bringing the parties together and being able to
7 define cyberbullying, being able to be more
8 specific, enhance the educational component.

9 But I do think that we need to get
10 to the second step. I do think that we do need
11 to define it as a crime in New York State.
12 Because I think the kids are trying to give us a
13 message. They've trying to tell us that they
14 think that it's a crime. They think that it's a
15 wrong, but they also know -- and they're very
16 savvy, they communicate with each other -- that
17 they know that they will not be prosecuted for
18 these type of crimes.

19 So again, I just to sum up by
20 saying thank you, Senator Saland, Senator Skelos,
21 for bringing this to the floor today, Senator
22 Klein for the work that you've done. Again, I
23 think this is a very, very good first step. But
24 I think the kids are actually our teachers, and
25 they're saying to us we now need to take it to

1 the second level, we need to take it to the
2 second step.

3 So I'll be voting yes on this
4 legislation. Thank you, Mr. President.

5 ACTING PRESIDENT ROBACH: Thank
6 you, Senator Ranzenhofer.

7 Senator Duane.

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

10 I actually am very happy and I want
11 to make clear that there are no additional
12 criminal sanctions in this bill, that this
13 legislation is about education and deterrence.
14 It's actually built upon my Dignity for All
15 Students Act legislation, which I introduced in
16 1999 with then-Assembly Education chair Steve
17 Sanders, and we had two hearings on the
18 legislation.

19 And it's being implemented this
20 year, that bill. And as I say, it protects those
21 who may be most at risk in school. It even
22 includes people of transgender experience,
23 students of transgender experience, and
24 regardless of what their physical appearance may
25 be. This deters students from being bullied in

1 person or on the Internet.

2 And, you know, I tell you,
3 introducing it in 1999 and passing Dignity in
4 2010 with bipartisan support -- I think there
5 were only a couple of then-Minority members who
6 voted against it -- and then to build on this
7 with the issue of cyberbullying I think is really
8 terrific.

9 So I'm proud to really honestly to
10 put that foundation down, and it's something we
11 can build on and our schools will be safer places
12 for the entire school family. So I will, when we
13 get to the vote, be voting proudly in the
14 affirmative.

15 Thank you, Mr. President.

16 ACTING PRESIDENT GRIFFO: Thank
17 you, Senator Duane.

18 Is there any other Senator wishing
19 to be heard?

20 Seeing and hearing no other Senator
21 wishing to be heard, debate is closed. The
22 Secretary will ring the bell.

23 Read the last section.

24 THE SECRETARY: Section 9. This
25 act shall take effect July 1, 2013.

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT GRIFFO: Senator
5 Hannon to explain his vote.

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

8 I rise to support this
9 legislation. These little devices {indicating
10 smartphone} which give us so much opportunity to
11 gain knowledge are also a big challenge when it
12 comes to crafting statutes, and therefore I
13 congratulate Senator Saland for coming up with
14 this statute. And I also congratulate all the
15 other Senators who have worked and had individual
16 pieces of legislation on this.

17 The very fact it's a challenge
18 because of the technology means that it's
19 especially a dangerous instrument when it comes
20 to bullying. It's something that can reach into
21 the child's life who is being bullied, it can
22 reach into their dinner table, it can really
23 harass them. And that's why we need to continue
24 to look at what can be done in this regard and
25 what we can do to balance society and to make

1 sure that we have -- and we haven't found it
2 yet -- an effective deterrent from having it
3 happen.

4 The statute goes a long way in
5 coming up with the elements that are needed, and
6 I congratulate Senator Saland again.

7 Thank you.

8 ACTING PRESIDENT GRIFFO: Senator
9 Hannon to be recorded in the affirmative.
10 Senator Oppenheimer to explain her
11 vote.

12 SENATOR OPPENHEIMER: Thank you,
13 Mr. President, to explain my vote.

14 Actually I just want to point to a
15 concern that has been raised by the school boards
16 in our state. And they think that there may be
17 some unintended consequences that we have not
18 really given enough thought to around the legal
19 issue and the liability of some of our school
20 districts -- of all of our school districts and
21 the question how the districts are expected to
22 investigate the electronic bullying.

23 And they ask the questions, Are
24 they to "friend" students? School administrators
25 and teachers are highly discouraged from engaging

1 in communication with students via social media
2 websites. Will they be expected to obtain
3 subpoenas to view password-protected material?
4 Districts may not even be able to gain access to
5 student's social media accounts to investigate.

6 And therefore, they're concerned
7 where we say that they should be conducting a
8 prompt and a thorough investigation. So that's
9 one concern they have.

10 There are several concerns. For
11 example, the bill requires school employees who
12 have witnessed bullying to orally report the
13 incident within one day and file a written report
14 within two. Their concern is that bullying
15 behavior is not immediately so easily to
16 discern. And it is conceivable that an employee
17 could reasonably fail to recognize the bullying
18 behavior.

19 And I think what this points to is
20 that we have to assist them, our various school
21 districts, in the implementation of this. We
22 have to --

23 ACTING PRESIDENT GRIFFO: Senator
24 Oppenheimer --

25 SENATOR OPPENHEIMER: We have

1 provided no money, so I think at least we should
2 try and do something, our Department of Education
3 should try and offer some support.

4 ACTING PRESIDENT GRIFFO: -- how
5 do you vote?

6 SENATOR OPPENHEIMER: But I'm very
7 strongly in favor of the bill. I vote yes.

8 ACTING PRESIDENT GRIFFO: Senator
9 Oppenheimer to be recorded in the affirmative.
10 Senator DeFrancisco to explain his
11 vote.

12 SENATOR DeFRANCISCO: Yes, I
13 concur with all of the statements about
14 cyberbullying, and I am going to vote yes on this
15 bill. But I think there's another aspect that
16 Senator Saland had mentioned earlier that I think
17 is equally important.

18 And Senator Duane also mentioned
19 his Dignity for All Students Act. I remember
20 when that bill was debated, I spoke against that
21 bill because it only applied to a certain list of
22 people as to who was going to be protected from
23 harassment by other students. And I think I
24 specifically said, Well, what about -- and I
25 don't know why I thought of this -- what about

1 protecting short people or some other people that
2 might be bullied? And as was said earlier today
3 by somebody, the way you dress or anything else
4 that might cause bullying.

5 So this corrects, to me, that
6 defect in that prior bill, because it applies to
7 all students for any reason that they're being
8 bullied. And that's why I support this bill.

9 I vote aye.

10 ACTING PRESIDENT GRIFFO: Senator
11 DeFrancisco to be recorded in the affirmative.

12 Senator Duane to explain his vote.

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

15 Those that have read the Dignity
16 bill will see "including but not limited to" is
17 in the language. And so I encourage everyone
18 that hasn't read it to read it. And those that
19 need to refreshes their memories about what the
20 language of the bill says, to do it.

21 I'll be voting yes. Thank you,
22 Mr. President.

23 ACTING PRESIDENT GRIFFO: Senator
24 Duane to be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: Ayes, 56.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 Senator Libous.

5 SENATOR LIBOUS: Thank you,
6 Mr. President. At this time could we go to
7 Calendar 1279, by Senator Grisanti, please.

8 ACTING PRESIDENT GRIFFO: The
9 Secretary will read.

10 THE SECRETARY: Calendar Number
11 1279, by Senator Grisanti, Senate Print 6524A, an
12 act to amend the Tax Law.

13 ACTING PRESIDENT GRIFFO: Senator
14 Krueger.

15 SENATOR KRUEGER: I'm a short
16 person, but I was standing. Thank you,
17 Mr. President, for recognizing me.

18 If the sponsor would please yield.

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

21 SENATOR GRISANTI: I do,
22 Mr. President.

23 ACTING PRESIDENT GRIFFO: Senator
24 Krueger.

25 SENATOR KRUEGER: Thank you.

1 I don't see a fiscal note about
2 what the costs would be to the state with this
3 bill, which would be a tax credit, so it would
4 have to cost the state something. May I ask how
5 much the fiscal note is on this bill.

6 SENATOR GRISANTI: Yes, through
7 you, Mr. President. If this bill were to pass,
8 it reverts back to January 1, 2012. There may
9 not be a cost in this year. Future years, 2013,
10 2014, would depend on how many individuals took
11 part in the project's development.

12 And just to give some background,
13 basically it's a 20 percent eligible credit, up
14 to three years, at a max of a million dollars.
15 So you can kind of do the math and figure out,
16 you know, if there's 10 structures in, then
17 you'll pretty much, over three years, pretty much
18 know exactly how much it's going to cost. If
19 there's 20 structures, 30 structures.

20 I mean, we don't know what the
21 fiscal determination is going to be. But because
22 the project may start in 2012 but not be
23 completed, the fiscal cost this year will not be
24 an issue. But in 2013, 2014, it depends on how
25 many properties developers want to remediate.

1 SENATOR KRUEGER: Through you,
2 Mr. President, if the sponsor would continue to
3 yield.

4 SENATOR GRISANTI: I will.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR KRUEGER: Thank you.

8 The sponsor just mentioned the
9 number of projects developers want to take on.
10 Is it my understanding that the sponsor thinks
11 this only applies to developers redoing
12 buildings, as opposed to homeowners?

13 SENATOR GRISANTI: Through you,
14 Mr. President, no. This applies to both
15 commercial and residential.

16 It offers a tax credit to help
17 defray these costs of cleanup, remediation of
18 properties over 25 years old to encourage
19 economic development, as I'm sure Senator Krueger
20 realizes, remove blight, create jobs in our
21 cities and across the state. That's the purpose
22 of this legislation moving forward.

23 And going back to your initial
24 question, I think the results of the program are
25 going to far outweigh the cost once the program

1 goes through.

2 SENATOR KRUEGER: Through you,
3 Mr. President, if the sponsor would continue to
4 yield.

5 SENATOR GRISANTI: I do.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR KRUEGER: Thank you. I
9 appreciate that.

10 See, my dilemma is we shouldn't
11 actually be passing legislation in this house
12 that can have a significant fiscal cost without
13 actually being able to project at least an
14 approximation of what the annual cost to the
15 state will be because we in fact then also have
16 an obligation to find the money in the budget or
17 in next year's budget to make up for the lost
18 revenue.

19 So the sponsor answered that it's
20 up to a million dollars per credit, it can be
21 over three years. And he talked about 30, 40
22 developments. But in fact the Department of
23 Labor reports there are 5400 active asbestos
24 projects throughout the state.

25 So my question to the sponsor is

1 did he imagine that it could be up to 5400
2 taxpayers who apply for this abatement that can
3 be up to a million dollars each?

4 SENATOR GRISANTI: Through you,
5 Mr. President, not all of those structures out of
6 the 5400 will be qualified for that particular
7 project. Some of those projects are properties
8 that are within 25 years, so some of those
9 projects would not count.

10 SENATOR KRUEGER: Through you,
11 Mr. President, if the sponsor could help me
12 understand why he thinks all 5400 wouldn't
13 qualify. I don't think we've been using asbestos
14 in projects newer than 25 years.

15 ACTING PRESIDENT GRIFFO: Senator
16 Grisanti.

17 SENATOR GRISANTI: Through you,
18 Mr. President. In the bill it talks about
19 qualified structures shall mean a building
20 principally used by a taxpayer for residential,
21 industrial, commercial, recreational or
22 environmental conservation purposes as prior to
23 taxable year 25 years in which a credit is
24 claimed.

25 There's other criteria that can be

1 set up through different departments. As of
2 right now, currently involved agencies must
3 determine which agency will take the lead. Once
4 those agencies take the lead, there could be
5 further items that have to be met in order to
6 qualify. That's in the bill.

7 So as I said, it's -- to determine
8 with exact precision, it's difficult. If
9 there's, you know, 5400 projects, it's possible
10 that 5400 projects can start off in a given
11 year. We don't know exactly how many projects
12 are going to be involved in this particular bill.

13 SENATOR KRUEGER: Through you,
14 Mr. President, if the sponsor would continue to
15 yield.

16 SENATOR GRISANTI: Yes.

17 ACTING PRESIDENT GRIFFO: The
18 sponsor yields.

19 SENATOR KRUEGER: Thank you.

20 I believe when the sponsor just
21 read off his list he didn't mention residential.
22 Did I not hear that?

23 SENATOR GRISANTI: No, I did.

24 SENATOR KRUEGER: He did include
25 residential, thank you. So it can be residential

1 as well as commercial.

2 Through you, Mr. President, if the
3 sponsor would continue to yield.

4 ACTING PRESIDENT GRIFFO: The
5 sponsor yields.

6 SENATOR KRUEGER: Thank you.

7 Now, has anything changed in the
8 asbestos remediation rules or regulations that
9 would call for a new tax credit this year as
10 opposed to all the years up until now? I think
11 1987 is when the feds put a number of the
12 requirements for asbestos remediation into
13 federal law and then we applied it in New York
14 State law to meet the federal standards.

15 So we have a system that's been in
16 place since 1987. What is different now calling
17 for the State of New York to need to offer what
18 can be significantly large tax credits in order
19 to get this work done?

20 SENATOR GRISANTI: Through you,
21 Mr. President, that's a good question. The
22 problem that I see in Western New York and what I
23 hear across the state is that the cost of
24 asbestos removal, which could be \$4 million to
25 \$5 million sometimes per job, is a hurdle to

1 economic development. And these properties are
2 not getting completed in a period of time.

3 So either you're trying to rehab a
4 property quickly through asbestos abatement or,
5 by the time somebody wants to get around to it,
6 the property has to be demolished altogether,
7 which results in significantly more cost.

8 So, through you, Mr. President, the
9 more properties that we can get rehabbed as fast
10 as possible, the more properties that we will
11 have back on our tax rolls, we'll have people at
12 work, people doing the work, creating jobs. And
13 then after the fact, whether it's a commercial
14 building or other type of structure, residential,
15 it'll be added to the tax rolls. If it's a
16 commercial building, it's going to be done for
17 business purposes, it's going to be then a
18 building that's going to be used for job growth.

19 Which is why I said the results of
20 the program can far outweigh the cost if it is
21 done quickly. If you wait too long, buildings
22 have to be demolished and then you're sitting
23 there with a vacant site and then you have to go
24 probably into a brownfield program.

25 SENATOR KRUEGER: Through you,

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

3 SENATOR GRISANTI: Yes.

4 ACTING PRESIDENT GRIFFO: The
5 sponsor yields.

6 SENATOR KRUEGER: Thank you.

7 How would we, the State of
8 New York, make sure that somebody was not double-
9 or triple-dipping on various tax abatements or
10 credits? So how would we make sure that you
11 weren't trying to draw down a historic
12 rehabilitation tax credit at the same time as
13 this, or a brownfields tax credit at the same
14 time as this? Or no doubt there are some other
15 tax credits that I don't immediately remember.

16 Is there anything in this bill that
17 prevents the double- or triple-dipping on tax
18 credits for remediation work?

19 SENATOR GRISANTI: Through you,
20 Mr. President, it does say in the bill that it's
21 for one credit per cost.

22 And also it states -- through you,
23 Mr. President -- that the involved agencies have
24 to determine what agencies are going to take the
25 lead. It talks about the Commission of

1 Environmental Conservation designated to be the
2 lead agency. So they would know if somebody is
3 going to get a historic preservation, try to take
4 a double credit for that or the asbestos credit.

5 SENATOR KRUEGER: Through you,
6 Mr. President, on the bill.

7 ACTING PRESIDENT GRIFFO: Senator
8 Krueger on the bill.

9 SENATOR KRUEGER: I appreciate the
10 sponsor's answers to the questions.

11 And under the right circumstances,
12 with the right information and the right purview,
13 he might convince me that this is a law we should
14 pass in the State of New York.

15 But not due to his lack of
16 answering the questions, but due to our lack of
17 information, we don't know whether or not 5400
18 projects might be eligible through the Department
19 of Labor all in one year. By the way, the costs
20 could be a break-the-bank situation.

21 We don't know whether there's a way
22 to be sure that somebody is not double- or
23 triple-dipping on tax credits through this
24 program, even though the sponsor has answered
25 that the department or departments could make

1 that criteria.

2 But I'm very concerned about
3 passing a bill that can be fairly open-ended on
4 how much it will cost the State of New York when
5 we don't know many of the questions that I
6 believe need to be answered.

7 And while it is true that when you
8 pass a law you're never a hundred percent sure
9 how many people are going to participate or what
10 the actual costs will be to the state in any
11 given year, there is a reason that we are
12 supposed to get fiscal notes for bills -- from,
13 in this case, the Tax and Finance Department --
14 before we bring them to the floor, so that we can
15 have the experts in the State of New York in our
16 Tax and Finance Department do evaluations of the
17 estimated costs or new costs to the State of
18 New York.

19 So there might be a logic for this
20 type of bill at some point in the future. But I
21 don't believe we have enough answers to enough of
22 the important questions about who's going to be
23 affected, how much it's going to cost, and what
24 the domino effect with other types of tax credits
25 could be to the State of New York.

1 So I find myself having to urge a
2 no vote on this, and I will be voting no. Thank
3 you, Mr. President.

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

6 Is there any Senator wishing to be
7 heard?

8 Seeing none and hearing none, the
9 debate is closed and the Secretary will ring the
10 bell.

11 Read the last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

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

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

21 You know, I understand the concerns
22 of those who are going to vote no on this piece
23 of legislation. But what we have to realize is
24 you have to think of progress and moving
25 forward.

1 You have structures all across this
2 state that have remained stagnant and been a
3 blight on your communities, infested with drugs
4 and criminal activity. And by sitting there and
5 waiting for these structures that could be been
6 rehabbed into commercial buildings that could
7 have had jobs, now, five years later, 10 years
8 later, they have to be demolished, which causes
9 even more problems in your community because then
10 it's just a vacant field.

11 So I urge you to vote yes on this
12 particular bill. The revenue growth that we have
13 projected over the last couple of years because
14 of the continued spending constraints that we
15 have done for the last two budgets is showing
16 growth that we have to pay for some of these
17 programs. And apparently the program's working
18 because there are a large number. But there will
19 be even more of a large number. And as I said,
20 the results of the program will outweigh the
21 cost.

22 So rather than having blight on
23 your communities, let's create jobs by doing the
24 remediation and let's put people to work in the
25 buildings before we have to knock them down.

1 I vote yes, Mr. President.

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

4 Announce the results.

5 THE SECRETARY: In relation to
6 Calendar 1279, those recorded in the negative are
7 Senator Addabbo, Avella, Krueger, Peralta, Rivera
8 and Serrano.

9 Ayes, 50. Nays, 6.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 Senator Libous.

13 SENATOR LIBOUS: Can we go to
14 1295, by Senator Seward.

15 ACTING PRESIDENT GRIFFO: The
16 Secretary will read.

17 THE SECRETARY: Calendar Number
18 1295, by Senator Seward, Senate Print 7663, an
19 act to amend the Tax Law.

20 ACTING PRESIDENT GRIFFO: Senator
21 Krueger, why do you rise?

22 SENATOR KRUEGER: I'm sort of in
23 the habit of it now. I would like to ask the
24 sponsor of this bill if he would please answer
25 some questions.

1 ACTING PRESIDENT GRIFFO: Senator
2 Seward, do you yield?

3 SENATOR SEWARD: Certainly.

4 ACTING PRESIDENT GRIFFO: Senator
5 Seward yields.

6 Before we begin, may I ask for some
7 ordered in the house, please {gaveling}.

8 SENATOR KRUEGER: Thank you.

9 What the estimated annual cost of
10 this proposal when it's fully implemented?
11 Again, I'm assuming not in this fiscal year, but
12 in a fully annualized fiscal year.

13 SENATOR SEWARD: Well, Mr.
14 President and my colleagues, this legislation,
15 which I consider to be a pro-growth, pro-jobs
16 piece of legislation that will help us recover in
17 the terms of the manufacturing sector of our
18 economy in New York State, the first year --
19 which would not kick in until 2013, in our next
20 budget year -- the first year would be
21 \$114 million.

22 That would grow, over a three-year
23 period, to \$495 million of tax relief for the
24 hard-pressed manufacturing sector of our economy.

25 SENATOR KRUEGER: Through you,

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

3 SENATOR SEWARD: Certainly.

4 ACTING PRESIDENT GRIFFO: The
5 sponsor yields.

6 SENATOR KRUEGER: Would this apply
7 only to the manufacturing done in the State of
8 New York? Or a company who was a manufacturer
9 where some might take place here, but much of
10 their manufacturing might take place out of state
11 or even out of the country, would they still be
12 eligible for this significant tax reduction?

13 SENATOR SEWARD: Well,
14 Mr. President, this tax relief is directed toward
15 those manufacturers who are paying this corporate
16 franchise tax currently. So yes, it would apply
17 to those operations that exist in New York State.

18 ACTING PRESIDENT GRIFFO: Senator
19 Krueger.

20 SENATOR KRUEGER: Through you,
21 Mr. President, if the sponsor would continue to
22 yield.

23 SENATOR SEWARD: Certainly.

24 ACTING PRESIDENT GRIFFO: The
25 sponsor yields.

1 SENATOR KRUEGER: So I agree, you
2 could be a corporation in New York State that is
3 a manufacturer, but not all of your manufacturing
4 needs to take place in this state. In fact,
5 there might be only a certain amount of the
6 completion work that's done in New York State
7 while the manufacturing is mostly done out of
8 state.

9 Are you still, then, eligible for
10 the same tax reduction and exemption on your
11 corporate revenue?

12 SENATOR SEWARD: Well,
13 Mr. President, I would basically repeat what I
14 said earlier. We're talking about operations
15 that -- manufacturing operations that exist here
16 in New York State. That is the tax liability for
17 any corporation. Obviously they have -- many
18 corporations have operations in multiple states.

19 But those that have this tax
20 liability currently, which we are looking to
21 relieve under this legislation, they would be
22 only on the New York portion of their
23 manufacturing.

24 And frankly, it strikes me that
25 with the passage of this legislation, if it was

1 enacted into law, that would make the New York
2 portion of the operations a very attractive place
3 for additional investment and more jobs coming to
4 New York, because of the actions of this tax
5 relief.

6 SENATOR KRUEGER: Through you,
7 Mr. President, I appreciate the sponsor's answers
8 but I'm still a little confused.

9 So if I have -- if I'm a company --

10 ACTING PRESIDENT GRIFFO: Sponsor,
11 do you yield?

12 SENATOR KRUEGER: Thank you.
13 Thank you, Mr. President.

14 ACTING PRESIDENT GRIFFO: Senator
15 Seward yields. You may direct your questions,
16 Senator Krueger.

17 SENATOR KRUEGER: So if I'm a
18 company with 500 employees in the United States
19 but only 95 employees in New York State, and I'm
20 a manufacturer, then am I eligible to take
21 everything within this law and apply it to my
22 entire business model, which is 500 nationally,
23 95 here in New York, or just to the business done
24 with the 95 workers here in New York State?

25 SENATOR SEWARD: Well,

1 Mr. President, if -- any operations outside the
2 State of New York, there are no expenses to be
3 dealt with in terms of what goes on in other
4 states in terms of one's tax liability here. So
5 it would be directed at the New York operations,
6 whatever size they may be.

7 ACTING PRESIDENT GRIFFO: Senator
8 Krueger.

9 SENATOR KRUEGER: Thank you.

10 Again, I think my point was that --

11 ACTING PRESIDENT GRIFFO: On the
12 bill? Senator Krueger, are you on the bill?

13 SENATOR KRUEGER: I'm making a
14 statement, and I'll do a follow-up question.
15 Thank you.

16 So I guess on the bill, I guess my
17 concern is that this applies to the entire net
18 income, which I believe would apply to the entire
19 corporate structure, while the focus seems to be
20 an attempt to ensure it applies to manufacturers
21 here in the State of New York.

22 So I was trying to get at the
23 difference between a corporation who may be a
24 manufacturer versus a corporation whose
25 manufacturing majority, exclusively, uniquely

1 takes place in the State of New York.

2 So let me follow up with a
3 different line of questioning if I might,
4 Mr. President.

5 ACTING PRESIDENT GRIFFO: Senator
6 Seward, will you yield?

7 SENATOR SEWARD: Certainly.

8 SENATOR KRUEGER: How many jobs
9 are going to be created, and how are we going to
10 document that?

11 SENATOR SEWARD: Well,
12 Mr. President, I cannot say exactly how many jobs
13 would be created under this legislation.

14 But I can report to the Senator and
15 my colleagues that the number of manufacturing
16 jobs that have been lost in New York State over
17 the last two decades alone have been 500,000
18 manufacturing jobs lost over the last two
19 decades. That is approximately half of the
20 manufacturing jobs that used to be in New York
21 State.

22 So we have a serious problem when
23 it comes to the manufacturing sector of our
24 economy. So that is why this legislation, this
25 tax relief is directed right at New York

1 manufacturers and those that wish to come here to
2 manufacture and create jobs.

3 Because this is a sector of our
4 economy which has suffered greatly, and we want
5 to provide this relief so that they will be able
6 to create jobs here and New York will be a much
7 more attractive place in which to manufacture
8 product. And manufacturing jobs are some of the
9 best jobs in our economy. There's a great ripple
10 effect throughout the rest of the economy as
11 well.

12 So I cannot give the Senator an
13 exact number, but I can tell you that we've had
14 significant job loss and we're fighting to regain
15 those jobs. And that's what the intent of this
16 legislation is.

17 SENATOR KRUEGER: Through you,
18 Mr. President, on the bill.

19 ACTING PRESIDENT GRIFFO: Senator
20 Krueger on the bill.

21 SENATOR KRUEGER: Well, I couldn't
22 agree more with the Senator's last answer to my
23 question. It is about making sure we don't
24 continue to lose jobs and in fact we do something
25 to help create jobs in New York State.

1 And I also agree with him,
2 manufacturing jobs are a great model of jobs to
3 create in New York State. And that can be
4 statewide, every area of the state can talk about
5 the potential for job creation in manufacturing
6 if we help it along.

7 My concern about this bill is that
8 it is not explicit enough or targeted enough for
9 us to know that we are going to get new jobs if
10 we reduce taxes across the board. This bill says
11 and the sponsor answered the question that it was
12 going to cost approximately a half a billion
13 dollars a year in state revenue. One-half
14 billion dollars a year.

15 Usually, when one talks about
16 economic development models in the 21st century,
17 one looks at what the job creation/economic
18 development ratio is: How much money do you have
19 to spend for that job.

20 We have done many, many pieces of
21 legislation in this house and through actions
22 that have been taken, sometimes through the
23 budget and sometimes through freestanding
24 legislation, where we have seen if the state
25 invests, whether it's a grant, a loan, an

1 exemption from taxes, a reduction in taxes, that
2 a business is tracked through the Economic
3 Development Corporation, the ESDC, and through
4 the Tax Department, they got X amount in -- or
5 they paid less by Y amount in taxes and A, B, C,
6 D jobs were created. And so the ratio is the
7 cost that the State of New York needed to put
8 into that job being created.

9 My dilemma here is it's
10 \$500 million annually, which probably jumps it to
11 one of the largest economic development programs
12 we've ever created, but there's no tracking
13 accountability or ability for the state to say,
14 But you didn't create jobs, so we shouldn't
15 continue to give this to you. And you, you
16 created a huge number of jobs, so we want to
17 encourage, incentivize and support you to
18 continue to operate and create more jobs.

19 So my concern is that it's a
20 21st-century problem, it's a 2012 reality, and I
21 agree completely with the Senator that we want to
22 innovatively, responsibly, transparently and
23 accountably use money to make sure we can create
24 jobs.

25 What I don't want to do, though, is

1 to have the State of New York lose \$500 million
2 in annual income that then we won't have for our
3 schools and we won't have for healthcare and we
4 won't have for services for our seniors and we
5 won't have to support localities for their police
6 and fire departments, and then have to turn
7 around and say: Yeah, we cut all that money
8 because we passed this legislation, but we
9 actually can't tell you we created X number of
10 jobs paying Y amounts of salary or the kinds of
11 jobs that people got.

12 So again, while I find that I'm in
13 agreement with much of what the sponsor has
14 called for as far as the goals of the
15 legislation, I think that this kind of
16 legislation doesn't get us there because there's
17 not the accountability and requirement of job
18 creation in exchange for the loss of state
19 revenue.

20 I actually think that these kinds
21 of programs need to be very carefully tracked and
22 that those receiving the benefits are held
23 accountable for the actual job creation. Because
24 we have found ourselves too many times making the
25 mistake of creating economic development programs

1 where, at the end of the day, we spent the money
2 but we didn't get the jobs. And I want us to get
3 the jobs, Mr. President. We all want to be
4 helping to create the jobs.

5 This is not a model that I believe
6 I can support, because I don't think it will get
7 us from Point A to Point B. I'll be voting no,
8 Mr. President. Thank you.

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

11 Seeing none, hearing none, the
12 debate is closed. The Secretary will ring the
13 bell.

14 Read the last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: Senator
21 Montgomery to explain her vote.

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

24 I'm looking at the language in the
25 bill. I'm going to be supporting it, because I

1 certainly see some of the manufacturing, small --
2 relatively small, so to speak, and manufacturing
3 businesses as well as qualified emerging
4 technology companies that are starting up,
5 beginning to grow and flourish. And certainly I
6 would like to see us help them. This bill would
7 do that.

8 I do support the issues raised by
9 Senator Krueger. But on the other hand, I think
10 that we do need to have some way of stimulating
11 this kind of business which, as Senator Seward
12 has indicated, will grow really good jobs in
13 parts of our state where they're sorely needed.
14 So I commend you, Senator Seward.

15 And thank you, Mr. President. I'm
16 voting aye.

17 ACTING PRESIDENT GRIFFO: Senator
18 Montgomery to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: Ayes, 55. Nays,
21 1. Senator Krueger recorded in the negative.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 Senator Libous.

25 SENATOR LIBOUS: Thank you,

1 Mr. President.

2 At this time could we take up
3 Supplemental Active List 1 and have the
4 noncontroversial reading, please.

5 ACTING PRESIDENT GRIFFO: The
6 Secretary will read.

7 THE SECRETARY: In relation to
8 Calendar Number 140, Senator Ranzenhofer moves to
9 discharge, from the Committee on Rules, Assembly
10 Bill Number 10288A and substitute it for the
11 identical Senate Bill Number 5198D, Third Reading
12 Calendar 140.

13 ACTING PRESIDENT GRIFFO:
14 Substitution ordered.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 140, by Member of the Assembly Brennan, Assembly
18 Print Number 10288A, an act to repeal certain
19 provisions.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

22 THE SECRETARY: Section 31. This
23 act shall take effect on the 60th day.

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 56.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 816, Senator Rivera moves to
7 discharge, from the Committee on Rules, Assembly
8 Bill Number 10141B and substitute it for the
9 identical Senate Bill Number 6854B, Third Reading
10 Calendar 816.

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

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 816, by Member of the Assembly Dinowitz, Assembly
16 Print Number 10141B, an act to amend the Public
17 Health Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT GRIFFO: Senator

1 Rivera to explain his vote.

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

4 This bill is the first bill that
5 was a product of the Bronx CAN Health Initiative
6 that I launched last year in the Bronx, along
7 with Borough President Ruben Diaz, Jr.,
8 Montefiore Medical Center, the Bronx Smoke-Free
9 Partnership and other allies locally.

10 I certainly thank all of my
11 colleagues for bringing this to the floor. I
12 thank Senator Libous for putting it on the
13 agenda.

14 The Bronx is unfortunately the
15 unhealthiest county in the State of New York.
16 But one thing that we are doing well is that we
17 have the lowest youth smoking rate. What this
18 bill does is it simply extends the ban that
19 already exists for smoking in schools to be right
20 outside the entrance and the exits of schools.

21 We've seen over the years the
22 impact that secondhand smoke has on children and
23 on everyone, and this will be a way to fight the
24 type of impact that secondhand smoke has on
25 children.

1 We've seen in the City of New York
2 how Mayor Bloomberg has been a leader in taking
3 smoking out of public spaces, therefore having a
4 very positive impact on the health of New Yorkers
5 at large. And I'm very happy to say that this is
6 a bill that would do just that for the children
7 that are in the school system in New York City.

8 So I encourage all my colleagues to
9 vote in the affirmative on this piece of
10 legislation, and I will of course be voting aye
11 on it.

12 Thank you, Mr. President.

13 ACTING PRESIDENT GRIFFO: Senator
14 Rivera will be recorded in the affirmative.

15 Announce the results.

16 THE SECRETARY: Ayes, 54. Nays,
17 2. Senators Little and Zeldin recorded in the
18 negative.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 968, by Senator Peralta, Senate Print 6292, an
23 act to amend the Penal Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

1 THE SECRETARY: Section 8. This
2 act shall take effect on the first of November.

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 55. Nays,
7 1. Senator Duane recorded in the negative.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 Senator Libous, that completes the
11 reading of Supplemental Active List 1.

12 SENATOR LIBOUS: Mr. President,
13 could we return to motions and resolutions,
14 please.

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

17 SENATOR LIBOUS: I have a number
18 here, Mr. President, so if everybody could be
19 patient with me, please.

20 On behalf of Senator Golden, on
21 page 5 I offer the following amendments to
22 Calendar Number 129, Senate Print 4263B, and ask
23 that said bill retain its place on the Third
24 Reading Calendar.

25 ACTING PRESIDENT GRIFFO: The

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

3 SENATOR LIBOUS: Mr. President, on
4 behalf of Senator Grisanti, on page 40 I offer
5 the following amendments to Calendar Number 1043,
6 Senate Print 6431, and ask that said bill retain
7 its place on the Third Reading Calendar.

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

11 SENATOR LIBOUS: Mr. President, on
12 behalf of Senator Ritchie, on page 5 I offer the
13 following amendments to Calendar Number 85,
14 Senate Print 5160A, and ask that said bill retain
15 its place on the Third Reading Calendar.

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

19 SENATOR LIBOUS: Mr. President, on
20 behalf of Senator Nozzolio, on page 35 I offer
21 the following amendments to Calendar Number 988,
22 Senate Print 7422, and ask that said bill retain
23 its place on the Third Reading Calendar.

24 ACTING PRESIDENT GRIFFO: The
25 amendments are received, and the bill shall

1 retain its place on third reading.

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

4 On behalf of Senator Seward, on
5 page 36 I offer the following amendments to
6 Calendar Number 997, Senate Print 6943, and ask
7 that said bill retain its place on the Third
8 Reading Calendar.

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

12 Please, may we have some quiet in
13 the chamber.

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

16 Of behalf of Senator Grisanti, on
17 page 21 I offer the following amendments to
18 Calendar Number 660, Senate Print 2353A, and ask
19 that said bill retain its place on the Third
20 Reading Calendar.

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

24 SENATOR LIBOUS: Mr. President, on
25 behalf of Senator Martins, I call up Senate Print

1 5235, recalled from the Assembly, which is now at
2 the desk.

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 1193, by Senator Martins, Senate Print 5235, an
7 act relating to the sales and compensating use
8 tax.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll on reconsideration.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 56.

16 SENATOR LIBOUS: I now offer the
17 following amendments.

18 ACTING PRESIDENT GRIFFO: The
19 amendments are received.

20 SENATOR LIBOUS: Mr. President, on
21 behalf of Senator Martins, I call up his print,
22 3778D, recalled from the Assembly, which is now
23 at the desk.

24 ACTING PRESIDENT GRIFFO: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 725, by Senator Martins, Senate Print 3778D, an
3 act to amend the Public Authorities Law.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll on reconsideration.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 56.

11 SENATOR LIBOUS: I offer up the
12 following amendments.

13 ACTING PRESIDENT GRIFFO: The
14 amendments are received.

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President,
17 the members are going to want to listen to this
18 very important announcement.

19 Is there any further business at
20 the desk?

21 ACTING PRESIDENT GRIFFO: There is
22 no further business.

23 SENATOR LIBOUS: Mr. President,
24 there being no further business at the desk, I
25 move we adjourn until Tuesday, June 19th, at

1 11:00 a.m.

2 ACTING PRESIDENT GRIFFO: On

3 motion, the Senate stands adjourned until

4 Tuesday, June 19th, at 11:00 a.m.

5 Senate adjourned.

6 (Whereupon, at 7:17 p.m., the Senate

7 adjourned.)

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