NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 18, 2012

3:35 p.m.

REGULAR SESSION

SENATOR JOSEPH ROBACH, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT ROBACH: The Senate will come to order.

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

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

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

REVEREND YOUNG: Let us pray.

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

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

The discoveries of technology can

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

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

Amen.

ACTING PRESIDENT ROBACH: Reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

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

Calendar 162.

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

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

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

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

ACTING PRESIDENT ROBACH: Substitutions ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

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

ACTING PRESIDENT ROBACH: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

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

ACTING PRESIDENT ROBACH: So ordered.

SENATOR BRESLIN: Thank you, Mr. President.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

ACTING PRESIDENT ROBACH: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

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

ACTING PRESIDENT ROBACH: The amendments are received.

SENATOR BRESLIN: Thank you, Mr. President.

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

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

SENATOR BRESLIN: Thank you,

Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Breslin.

Senator Libous.

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

ACTING PRESIDENT ROBACH: Senator Carlucci.

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

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

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

If you'd just give me a second, there were a pair of glasses here. Mr. President, like Boy Scouts, we're always prepared here in the Senate. Okay.

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

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

ACTING PRESIDENT ROBACH: So ordered.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

ACTING PRESIDENT ROBACH: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

SENATOR LIBOUS: I offer up the following amendments.

ACTING PRESIDENT ROBACH: The amendments are received.

SENATOR LIBOUS: On behalf of

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

ACTING PRESIDENT ROBACH: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

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

ACTING PRESIDENT ROBACH: The amendments are received.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

ACTING PRESIDENT ROBACH: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

SENATOR LIBOUS: I offer up the following amendments.

ACTING PRESIDENT ROBACH: The amendments are received.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

passed.

ACTING PRESIDENT ROBACH: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

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

ACTING PRESIDENT ROBACH: The amendments are received.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

ACTING PRESIDENT ROBACH: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

SENATOR LIBOUS: I now offer up the following amendments.

ACTING PRESIDENT ROBACH: The amendments are received.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

ACTING PRESIDENT ROBACH: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

SENATOR LIBOUS: I offer up the following amendments.

ACTING PRESIDENT ROBACH: The amendments are received.

SENATOR LIBOUS: Mr. President, I

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

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

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

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

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

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

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

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

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

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

On behalf of Senator Farley, on

page 41, Calendar Number 1067, Senate Print 6909;

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

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

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

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

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

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

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

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

Senator Libous.

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

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7531, by Senator Ranzenhofer, an

act authorizing the Town of Amherst;

7538, by Senator Saland, an act to amend the County Law;

7650, by Senator Skelos, an act to amend the Tax Law;

7661, by Senator Ball, an act to amend the Tax Law;

7662, by Senator Grisanti, an act to amend the Public Service Law;

7663, by Senator Seward, an act to amend the Tax Law;

7664, by Senator Ranzenhofer, an act to amend the Tax Law;

7677, by Senator Grisanti, an act to amend the Labor Law;

7686, by Senator Libous, an act to amend the Alcoholic Beverage Control Law;

7727, by Senator Ritchie, an act to amend the Alcoholic Beverage Control Law;

7728, by Senator Zeldin, an act to amend the Tax Law;

And Senate 7740, by Senator Saland, an act to amend the Education Law.

All bills reported direct to third reading.

ACTING PRESIDENT ROBACH: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The report is accepted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ROBACH: Senator

Fuschillo to explain his vote.

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

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

Thank you very much, Mr. President.

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

Announce the results.

ACTING PRESIDENT ROBACH:

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

Ayes, 51. Nays, 5.

ACTING PRESIDENT ROBACH: The bill is passed.

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

act to amend Chapter 359 of the Laws of 2010.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Rivera to explain his vote.

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

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

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

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

(Laughter.)

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

Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

SENATOR LIBOUS: Lay the bill

aside for the day.

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

(Laughter.)

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Rivera to explain his vote.

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

ACTING PRESIDENT ROBACH: Yes.

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

As I started speaking about the

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

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

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

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

Thank you, Mr. President.

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

Announce the results.

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

to amend the Insurance Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill

is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Announce the results.

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

Ayes, 50. Nays, 6.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Announce the results.

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

Ayes, 39. Nays, 17.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.
ACTING PRESIDENT ROBACH: The bill is passed.
THE SECRETARY: Calendar Number 1129, by Senator Little, Senate Print 7220A, an act to dissolve.
ACTING PRESIDENT ROBACH: Read the last section.
THE SECRETARY: Section 2. This act shall take effect immediately.
ACTING PRESIDENT ROBACH: Call the roll.
(The Secretary called the roll.)
THE SECRETARY: Ayes, 56.
ACTING PRESIDENT ROBACH: The bill is passed.
THE SECRETARY: Calendar Number 1134, by Senator Marcellino, Senate Print 7454, an act to amend the Local Finance Law.
ACTING PRESIDENT ROBACH: There is a home-rule message at the desk.
Read the last section.
THE SECRETARY: Section 2. This act shall take effect immediately.
ACTING PRESIDENT ROBACH: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Krueger recorded in the negative.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

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

ACTING PRESIDENT ROBACH: Calendar

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

SENATOR LIBOUS: Thank you, Mr. President.

ACTING PRESIDENT ROBACH: The Secretary will continue.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the 90th day.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Senator Grisanti to explain your vote.

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

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

Call the roll.

(The Secretary called the roll.)

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

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

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

et cetera.

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

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

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

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

being made by these scammers.

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

ACTING PRESIDENT ROBACH: Thank you, Senator Grisanti.

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

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT ROBACH: Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

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

ACTING PRESIDENT ROBACH: The Secretary will read the title.

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

ACTING PRESIDENT ROBACH: Senator Grisanti on the resolution.

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

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

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

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

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

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

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

Thank you very much, Mr. President.

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

previously adopted on May 31st.

Senator Libous.

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

ACTING PRESIDENT ROBACH: We do.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

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

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

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

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 180th day.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Substitution ordered.

The Secretary will read.

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

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

Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

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

Ayes, 46. Nays, 10.

ACTING PRESIDENT ROBACH: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill

is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.
ACTING PRESIDENT ROBACH: The bill is passed.
THE SECRETARY: Calendar Number 1295, by Senator Seward, Senate Print 7663, an act to amend the --
SENATOR BRESLIN: Lay it aside.
ACTING PRESIDENT ROBACH: The bill is laid aside.
THE SECRETARY: Calendar Number 1296, by Senator Ranzenhofer, Senate Print 7664, an act to amend the Tax Law.
ACTING PRESIDENT ROBACH: Read the last section.
THE SECRETARY: Section 5. This act shall take effect immediately.
ACTING PRESIDENT ROBACH: Call the roll.
(The Secretary called the roll.)
THE SECRETARY: Ayes, 56.
ACTING PRESIDENT ROBACH: The bill is passed.
THE SECRETARY: Calendar Number 1297, by Senator Grisanti, Senate Print 7677, an act to amend the Labor Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Grisanti to explain his vote.

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

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

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

between all stakeholders.

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

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

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

I vote in the affirmative,

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

ACTING PRESIDENT ROBACH: Thank you, Senator Grisanti.

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

Senator Zeldin to explain his vote.

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

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

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

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

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

ACTING PRESIDENT ROBACH: Thank you, Senator Zeldin.

Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

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

SENATOR LIBOUS: Lay it aside for the day.

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

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Ritchie to explain her vote.

SENATOR RITCHIE: Thank you, Mr. President.

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

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

Thank you.

ACTING PRESIDENT ROBACH: Senator Valesky to explain his vote.

SENATOR VALESKY: Thank you, Mr. President.

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

And I think that clearly, as time

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

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

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

Announce the results.

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Zeldin to explain his vote.

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

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

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

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

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

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

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

I vote aye.

ACTING PRESIDENT ROBACH: Senator Squadron to explain his vote.

SENATOR SQUADRON: Thank you, Mr. President.

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: Thank you, Senator Squadron.

Senator McDonald to explain his vote.

SENATOR MCDONALD: Thank you, Mr. President.

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

the Governor's office.

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

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

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

Thank you.

ACTING PRESIDENT ROBACH: Thank you, Senator McDonald.

Announce the results.

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

ACTING PRESIDENT ROBACH: The bill is passed.

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

SENATOR KLEIN: Lay it aside.

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

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

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

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

The Secretary will read.

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

ACTING PRESIDENT ROBACH: Senator Krueger.

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

ACTING PRESIDENT ROBACH: Senator Nozzolio, will you yield?

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR KRUEGER: Thank you.

Does the Senator know the fiscal-note cost of this bill on an annualized basis for the years after the first four years when there would be no loss for the state?

ACTING PRESIDENT ROBACH: Senator Nozzolio.

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

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

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

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

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

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

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

rejecting the annual fee.

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

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

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

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

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

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

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR KRUEGER: So I appreciate the detailed explanation.

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

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

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

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

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

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

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

Through you, Mr. President, if the

sponsor would continue to yield.

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

SENATOR NOZZOLIO: Yes, Mr. President.

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

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

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

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

SENATOR NOZZOLIO: Yes,

Mr. President.

SENATOR KRUEGER: Thank you.

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

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

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

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

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

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

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

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

driving it out of necessity.

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

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

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

ACTING PRESIDENT ROBACH: Thank you, Senator Nozzolio.

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

ACTING PRESIDENT ROBACH: Senator Krueger on the bill.

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

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

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

piece of legislation.

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

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

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

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

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

I vote no, Mr. President. Thank you.

ACTING PRESIDENT ROBACH: Thank you, Senator Krueger.

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

Read the last section.

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

ACTING PRESIDENT ROBACH: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Announce the results.

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

Ayes, 39. Nays, 17.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Senator Krueger.

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

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

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

SENATOR KRUEGER: Thank you so much, Senator Griffo.

(Laughter.)

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

(Laughter.)

SENATOR KRUEGER: Behave, everyone.

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

(Laughter.)

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

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

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

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

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

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

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

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

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

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

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

SENATOR GRIFFO: Yes, sure.

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

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

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

agriculture you would not have to register that.

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

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

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

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

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

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

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

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

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

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

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

SENATOR GRIFFO: Sure.

SENATOR KRUEGER: Thank you.

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

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

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

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

course in how to run or operate that vehicle.

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

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

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

SENATOR GRIFFO: Yes.

ACTING PRESIDENT ROBACH: Continue.

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

SENATOR GRIFFO: Agriculturally.

SENATOR KRUEGER: For agricultural purposes.

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

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

consent and proper safety certification demonstrated.

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

ACTING PRESIDENT ROBACH: Senator Griffo?

SENATOR GRIFFO: Yes.

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

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: Senator Krueger on the bill.

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

I have several concerns about this bill.

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

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

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

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

That steering is complex and

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

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: Thank you, Senator Krueger.

Senator Oppenheimer, why do you rise?

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

ACTING PRESIDENT ROBACH: On the bill.

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

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

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

weight factor.

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

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

I vote no. Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Oppenheimer.

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

Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Announce the results.

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

Ayes, 35. Nays, 21.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Senator Krueger.

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

ACTING PRESIDENT ROBACH: On the bill.

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

I would just highlight my points.

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT ROBACH: Thank you, Senator Krueger.

Senator Diaz.

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

ACTING PRESIDENT ROBACH: Senator DeFrancisco, will you yield?

SENATOR DeFRANCISCO: Yes, I will.

ACTING PRESIDENT ROBACH: Continue, Senator Diaz.

SENATOR DIAZ: Senator DeFrancisco, I always admire you.

SENATOR DeFRANCISCO: Thank you. I know you do.

(Laughter.)

SENATOR DeFRANCISCO: And I admire you as well.

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

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

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

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

(Laughter.)

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

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

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

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

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

something, I didn't hear what she said.

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

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

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

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

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

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

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

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

SENATOR DeFRANCISCO: Yes.

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

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

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

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

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

SENATOR DIAZ: Yeah, I have a question.

ACTING PRESIDENT ROBACH: What is your question?

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

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

And I used to admire him. But,

Senator DeFrancisco, you know, you are losing it.

SENATOR DeFRANCISCO: What's the question?

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

SENATOR DIAZ: I don't want to --

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

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

(Laughter.)

ACTING PRESIDENT ROBACH: -- the debate is closed.

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

Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Duane to explain his vote.

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

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

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

Announce the results.

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

Ayes, 36. Nays, 20.

ACTING PRESIDENT ROBACH: The bill is passed.

Senator Libous.

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

controversial reading.

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

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

ACTING PRESIDENT ROBACH: Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

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

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

And cyberbullying basically

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank

you, Senator Saland.

Senator Klein.

SENATOR KLEIN: On the bill, Mr. President.

ACTING PRESIDENT ROBACH: On the bill.

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

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

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

someone of my age just didn't understand.

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

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

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

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

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

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

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

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

think very ably accomplishes.

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

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

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

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

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

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

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

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

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

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

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

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

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

I vote yes, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Klein.

Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President.

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

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

However, one of the things I also

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: Thank you, Senator Ranzenhofer.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

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

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

person or on the Internet.

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Duane.

Is there any other Senator wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Hannon to explain his vote.

SENATOR HANNON: Thank you, Mr. President.

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

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

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

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

Thank you.

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

Senator Oppenheimer to explain her vote.

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Oppenheimer --

SENATOR OPPENHEIMER: We have

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

ACTING PRESIDENT GRIFFO: -- how do you vote?

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

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

Senator DeFrancisco to explain his vote.

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

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

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

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

I vote aye.

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

Senator Duane to explain his vote.

SENATOR DUANE: Thank you, Mr. President.

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

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

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

Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Senator Krueger.

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

If the sponsor would please yield.

ACTING PRESIDENT GRIFFO: Senator Grisanti, do you yield?

SENATOR GRISANTI: I do, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you.

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

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

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

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

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

SENATOR GRISANTI: I will.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

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

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

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

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

goes through.

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

SENATOR GRISANTI: I do.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you. I appreciate that.

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

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

So my question to the sponsor is

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

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

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

ACTING PRESIDENT GRIFFO: Senator Grisanti.

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

There's other criteria that can be

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

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

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

SENATOR GRISANTI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

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

SENATOR GRISANTI: No, I did.

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

as well as commercial.

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

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

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

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

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

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

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

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

SENATOR KRUEGER: Through you,

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

SENATOR GRISANTI: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

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

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

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

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

that criteria.

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

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

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

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

ACTING PRESIDENT GRIFFO: Thank you, Senator Krueger.

Is there any Senator wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Grisanti to explain his vote.

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

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

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

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

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

I vote yes, Mr. President.

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

Announce the results.

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

Ayes, 50. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

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

ACTING PRESIDENT GRIFFO: Senator Seward, do you yield?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT GRIFFO: Senator Seward yields.

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

SENATOR KRUEGER: Thank you.

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

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

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

SENATOR KRUEGER: Through you,

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

SENATOR SEWARD: Certainly.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

ACTING PRESIDENT GRIFFO: Senator Krueger.

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

SENATOR SEWARD: Certainly.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Sponsor, do you yield?

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

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

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

SENATOR SEWARD: Well,

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

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you.

Again, I think my point was that --

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

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

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

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

takes place in the State of New York.

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

ACTING PRESIDENT GRIFFO: Senator Seward, will you yield?

SENATOR SEWARD: Certainly.

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

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

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

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

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

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

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

My dilemma here is it's $500 million annually, which probably jumps it to one of the largest economic development programs we've ever created, but there's no tracking accountability or ability for the state to say, But you didn't create jobs, so we shouldn't continue to give this to you. And you, you created a huge number of jobs, so we want to encourage, incentivize and support you to continue to operate and create more jobs.

So my concern is that it's a 21st-century problem, it's a 2012 reality, and I agree completely with the Senator that we want to innovatively, responsibly, transparently and accountably use money to make sure we can create jobs.

What I don't want to do, though, is

to have the State of New York lose $500 million in annual income that then we won't have for our schools and we won't have for healthcare and we won't have for services for our seniors and we won't have to support localities for their police and fire departments, and then have to turn around and say: Yeah, we cut all that money because we passed this legislation, but we actually can't tell you we created X number of jobs paying Y amounts of salary or the kinds of jobs that people got.

So again, while I find that I'm in agreement with much of what the sponsor has called for as far as the goals of the legislation, I think that this kind of legislation doesn't get us there because there's not the accountability and requirement of job creation in exchange for the loss of state revenue.

I actually think that these kinds of programs need to be very carefully tracked and that those receiving the benefits are held accountable for the actual job creation. Because we have found ourselves too many times making the mistake of creating economic development programs

where, at the end of the day, we spent the money but we didn't get the jobs. And I want us to get the jobs, Mr. President. We all want to be helping to create the jobs.

This is not a model that I believe I can support, because I don't think it will get us from Point A to Point B. I'll be voting no, Mr. President. Thank you.

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

Seeing none, hearing none, the debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Montgomery to explain her vote.

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

I'm looking at the language in the bill. I'm going to be supporting it, because I

certainly see some of the manufacturing, small -- relatively small, so to speak, and manufacturing businesses as well as qualified emerging technology companies that are starting up, beginning to grow and flourish. And certainly I would like to see us help them. This bill would do that.

I do support the issues raised by Senator Krueger. But on the other hand, I think that we do need to have some way of stimulating this kind of business which, as Senator Seward has indicated, will grow really good jobs in parts of our state where they're sorely needed. So I commend you, Senator Seward.

And thank you, Mr. President. I'm voting aye.

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

Announce the results.

THE SECRETARY: Ayes, 55. Nays, 1. Senator Krueger recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Thank you,

Mr. President.

At this time could we take up Supplemental Active List 1 and have the noncontroversial reading, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 140, Senator Ranzenhofer moves to discharge, from the Committee on Rules, Assembly Bill Number 10288A and substitute it for the identical Senate Bill Number 5198D, Third Reading Calendar 140.

ACTING PRESIDENT GRIFFO: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 140, by Member of the Assembly Brennan, Assembly Print Number 10288A, an act to repeal certain provisions.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 31. This act shall take effect on the 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 816, Senator Rivera moves to discharge, from the Committee on Rules, Assembly Bill Number 10141B and substitute it for the identical Senate Bill Number 6854B, Third Reading Calendar 816.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 816, by Member of the Assembly Dinowitz, Assembly Print Number 10141B, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator

Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

This bill is the first bill that was a product of the Bronx CAN Health Initiative that I launched last year in the Bronx, along with Borough President Ruben Diaz, Jr., Montefiore Medical Center, the Bronx Smoke-Free Partnership and other allies locally.

I certainly thank all of my colleagues for bringing this to the floor. I thank Senator Libous for putting it on the agenda.

The Bronx is unfortunately the unhealthiest county in the State of New York. But one thing that we are doing well is that we have the lowest youth smoking rate. What this bill does is it simply extends the ban that already exists for smoking in schools to be right outside the entrance and the exits of schools.

We've seen over the years the impact that secondhand smoke has on children and on everyone, and this will be a way to fight the type of impact that secondhand smoke has on children.

We've seen in the City of New York how Mayor Bloomberg has been a leader in taking smoking out of public spaces, therefore having a very positive impact on the health of New Yorkers at large. And I'm very happy to say that this is a bill that would do just that for the children that are in the school system in New York City.

So I encourage all my colleagues to vote in the affirmative on this piece of legislation, and I will of course be voting aye on it.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 54. Nays, 2. Senators Little and Zeldin recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the reading of Supplemental Active List 1.

SENATOR LIBOUS: Mr. President, could we return to motions and resolutions, please.

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

SENATOR LIBOUS: I have a number here, Mr. President, so if everybody could be patient with me, please.

On behalf of Senator Golden, on page 5 I offer the following amendments to Calendar Number 129, Senate Print 4263B, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The

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

SENATOR LIBOUS: Mr. President, on behalf of Senator Grisanti, on page 40 I offer the following amendments to Calendar Number 1043, Senate Print 6431, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: Mr. President, on behalf of Senator Ritchie, on page 5 I offer the following amendments to Calendar Number 85, Senate Print 5160A, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: Mr. President, on behalf of Senator Nozzolio, on page 35 I offer the following amendments to Calendar Number 988, Senate Print 7422, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill shall

retain its place on third reading.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Seward, on page 36 I offer the following amendments to Calendar Number 997, Senate Print 6943, and ask that said bill retain its place on the Third Reading Calendar.

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

Please, may we have some quiet in the chamber.

SENATOR LIBOUS: Thank you, Mr. President.

Of behalf of Senator Grisanti, on page 21 I offer the following amendments to Calendar Number 660, Senate Print 2353A, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIBOUS: Mr. President, on behalf of Senator Martins, I call up Senate Print

5235, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1193, by Senator Martins, Senate Print 5235, an act relating to the sales and compensating use tax.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

SENATOR LIBOUS: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR LIBOUS: Mr. President, on behalf of Senator Martins, I call up his print, 3778D, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 725, by Senator Martins, Senate Print 3778D, an act to amend the Public Authorities Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

SENATOR LIBOUS: I offer up the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

Senator Libous.

SENATOR LIBOUS: Mr. President, the members are going to want to listen to this very important announcement.

Is there any further business at the desk?

ACTING PRESIDENT GRIFFO: There is no further business.

SENATOR LIBOUS: Mr. President, there being no further business at the desk, I move we adjourn until Tuesday, June 19th, at

11:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Tuesday, June 19th, at 11:00 a.m.

Senate adjourned.

(Whereupon, at 7:17 p.m., the Senate adjourned.)