

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 June 19, 2012

11 12:00 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR JOSEPH ROBACH, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

8 ACTING PRESIDENT ROBACH: In the  
9 absence of clergy, may we now bow our heads in  
10 a moment of silence.

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

13 ACTING PRESIDENT ROBACH: The  
14 reading of the Journal.

15 THE SECRETARY: In Senate,  
16 Monday, June 18th, the Senate met pursuant to  
17 adjournment. The Journal of Sunday,  
18 June 17th, was read and approved. Without  
19 objection, the Journal stands approved as  
20 read.

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

24 Presentation of petitions.

25 Messages from the Assembly.

1                   The Secretary will read.

2                   THE SECRETARY:    On page 5,  
3   Senator Dilan moves to discharge, from the  
4   Committee on Rules, Assembly Bill Number  
5   7574A and substitute it for the identical  
6   Senate Bill Number 1340A, Third Reading  
7   Calendar 112.

8                   On page 11, Senator Martins moves  
9   to discharge, from the Committee on Rules,  
10   Assembly Bill Number 8823A and substitute it  
11   for the identical Senate Bill Number 5227B,  
12   Third Reading Calendar 357.

13                  On page 14, Senator Seward moves  
14   to discharge, from the Committee on Rules,  
15   Assembly Bill Number 10391A and substitute it  
16   for the identical Senate Bill Number 6710A,  
17   Third Reading Calendar 475.

18                  On page 15, Senator Flanagan  
19   moves to discharge, from the Committee on  
20   Education, Assembly Bill Number 7823B and  
21   substitute it for the identical Senate Bill  
22   Number 5508B, Third Reading Calendar 501.

23                  On page 18, Senator Ranzenhofer  
24   moves to discharge, from the Committee on  
25   Rules, Assembly Bill Number 9857A and

1 substitute it for the identical Senate Bill  
2 Number 6690A, Third Reading Calendar 610.

3 On page 26, Senator Carlucci moves  
4 to discharge, from the Committee on Commerce and  
5 Economic Development, Assembly Bill Number 9274B  
6 and substitute it for the identical Senate Bill  
7 Number 6447B, Third Reading Calendar 771.

8 And on page 37, Senator Little  
9 moves to discharge, from the Committee on Rules,  
10 Assembly Bill Number 10545 and substitute it for  
11 the identical Senate Bill Number 6720, Third  
12 Reading Calendar 1019.

13 ACTING PRESIDENT ROBACH:  
14 Substitutions ordered.

15 Messages from the Governor.

16 Reports of standing committees.

17 Reports of select committees.

18 Communications and reports from  
19 state officers.

20 Motions and resolutions.

21 Senator Libous.

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

24 Mr. President, if I could have the  
25 attention of the chamber, please.

1                   There's a resolution at the desk by  
2 Senator Martins, Number 5197. It was previously  
3 adopted by the house on June 12th. Senator  
4 Martins would like the title read, and then I  
5 would ask for the members to please give  
6 Senator Martins their attention.

7                   ACTING PRESIDENT ROBACH: The  
8 Secretary will read the title.

9                   THE SECRETARY: Calendar Number  
10 5197, by Senator Martins, celebrating NYPD Police  
11 Detective Kevin Brennan's recovery from critical  
12 wounds received in the line of duty, and his  
13 promotion to detective.

14                  ACTING PRESIDENT ROBACH: Senator  
15 Martins on the resolution.

16                  SENATOR MARTINS: Thank you,  
17 Mr. President.

18                         From time to time we are called  
19 upon to recognize those special individuals who  
20 have gone above and beyond -- members of our  
21 community, public servants who have distinguished  
22 themselves in the line of duty.

23                         Today we have the opportunity to  
24 recognize New York City Police Department  
25 Detective Kevin Brennan, who is recovering from

1 critical wounds that he sustained on January 31,  
2 2012, while in the line of duty.

3           You may all remember that Detective  
4 Brennan, back on January 31, 2012, in Brooklyn,  
5 in Bushwick, in the course of apprehending a  
6 person who he was chasing while in the course of  
7 his responsibilities as a New York City police  
8 officer, was shot in the head. The gunman was  
9 apprehended.

10           He was taken to the hospital. We  
11 all know what the circumstances were there. We  
12 all remember all too well the fact that  
13 Detective Brennan had a two-month-old daughter at  
14 the time, now nearly six months old, Maeve; was  
15 married for less than a year. We all understood  
16 the tragedy that was happening before us. And  
17 then we all celebrated together as a state as  
18 Detective Brennan left the hospital just 10 days  
19 later. Truly a miracle.

20           He's now recovering. We want to  
21 celebrate not only his heroism, but we want to  
22 celebrate his strength as he goes through this  
23 critical period, as he tries to bring normalcy  
24 back to his life. But we also want to celebrate  
25 the fact that he is a tremendous example for each

1 and every one of us in our daily lives, that  
2 which we should aspire to and those who we should  
3 hold up as examples to society and to our  
4 children, a person of courage and dedication.

5 I am proud to have Detective  
6 Brennan as a resident of my district. He now  
7 resides in Garden City Park, where he is raising  
8 Maeve, where he spends time with his wife,  
9 Janet. Again, wanting nothing more than to  
10 return to the job, to return to the New York City  
11 Police Department to serve the community and to  
12 serve the greater good.

13 I want to take the opportunity,  
14 Mr. President, to recognize his efforts,  
15 celebrate his efforts, and again hold him up as  
16 an example to be emulated. And I would ask my  
17 colleagues to join me as we thank and  
18 congratulate and wish Godspeed to this great  
19 individual and great American.

20 Thank you, Detective.

21 (Standing ovation.)

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

24 And on behalf of all of us in the  
25 Senate, Officer Brennan, please accept our

1 thanks. We are happy for your recovery but  
2 greatly applaud you as part of that blue line  
3 that protects each and every one of us every day.

4 Senator Golden on the resolution.

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

7 I too would like to thank  
8 Senator Martins for bringing the good detective  
9 to our chambers today to be honored with a  
10 resolution.

11 It's not too long ago -- although  
12 for many it may seem it was a long time ago -- it  
13 was only about 20 years ago when there was 2,245  
14 homicides in the City of New York. It was only  
15 20 years ago when you had 900,000 crimes being  
16 committed.

17 And in that period of time, over  
18 the last 20 years, we've seen an SOP created in  
19 our city that's been copied around the world.  
20 And we've have seen crime come down, and we see  
21 families living in a better quality of life today  
22 because of the good works of the New York City  
23 Police Department.

24 I want to commend you, Officer, for  
25 the great work that you've done in championing



1 the causes that you have in your communities,  
2 working in Brooklyn North, some of our toughest  
3 precincts in the city. And we commend you for  
4 all the work that you've done in keeping our  
5 city, the City of New York, one of the safest and  
6 greatest cities in the world.

7 Thank you very much, and God bless  
8 you and your family, Detective.

9 ACTING PRESIDENT ROBACH: Thank  
10 you, Senator Golden.

11 Senator Adams on the resolution.

12 SENATOR ADAMS: Mr. President, I  
13 too want to join and add my voice to thanking  
14 Detective Brennan.

15 I tell you, both Senator Golden and  
16 I were both former members of the New York City  
17 Police Department, so we understand the  
18 complexities of attempting to keep the peace in  
19 our great city.

20 But I also want to extend my  
21 thank you to the family. Oftentimes, the years  
22 that we spend as law enforcement officers, people  
23 don't realize that our families are with us. And  
24 I'm sure every family dreads that awful knock on  
25 the door to state that a member, their loved one,

1 has been a victim of senseless violence.

2                   And I'm sure that you know what  
3 your wife and your family -- your father, your  
4 mother and all the family members went through.  
5 So the congratulatory comments and statements are  
6 extended to your family as well as you.

7                   And I hope you speedily recover. I  
8 look for you to be back on the streets of the  
9 City of New York, and hopefully in Brooklyn. So  
10 when I'm the borough president, you can come down  
11 and visit me. Thank you very much.

12                   (Laughter.)

13                   ACTING PRESIDENT ROBACH: Thank  
14 you, Senator Adams.

15                   Again, welcome, Officer Brennan.  
16 We extend to you the courtesies of the Senate  
17 chamber.

18                   And this resolution was previously  
19 passed on June 12th.

20                   Senator Libous.

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

23                   And Officer Brennan, it is indeed  
24 an honor to have you with us today.

25                   Mr. President, what I'm going to

1 do, before we adopt the Resolution Calendar, I am  
2 going to call, so that we can -- we have a lot to  
3 do today. And so that we can move things along,  
4 I'm going to call an immediate meeting of the  
5 Rules Committee in Room 332. There will be an  
6 immediate meeting of the Rules Committee in  
7 Room 332.

8 But we will continue to move along  
9 with our resolutions and housekeeping and what  
10 have you. And at this time I would like  
11 Senator DeFrancisco to take the chair.

12 ACTING PRESIDENT ROBACH: If  
13 members of the Rules Committee could promptly go  
14 to Room 332, we will continue with the  
15 Resolution Calendar and simultaneously run the  
16 Rules Committee meeting.

17 Senator DeFrancisco.

18 SENATOR DeFRANCISCO: May we  
19 please adopt the Resolution Calendar, with the  
20 exception of Resolutions 5375, 5437, 5477, 5459,  
21 and 5395.

22 ACTING PRESIDENT ROBACH: All in  
23 favor of adopting the Resolution Calendar, with  
24 the exceptions noted, signify by saying aye.

25 (Response of "Aye.")

1                   ACTING PRESIDENT ROBACH:    Opposed,  
2   nay.

3                   (No response.)

4                   ACTING PRESIDENT ROBACH:    The  
5   Resolution Calendar is adopted.

6                   Senator DeFrancisco.

7                   SENATOR DeFRANCISCO:    There's a  
8   resolution by Senator Larkin at the desk,  
9   Number 5375.  I ask that it be read in its  
10   entirety and ask for its immediate adoption.

11                  ACTING PRESIDENT ROBACH:    The  
12   Secretary will read.

13                  THE SECRETARY:    Legislative  
14   Resolution Number 5375, by Senator Larkin,  
15   expressing support for a postage stamp in honor  
16   of the Borinqueneers, the only Hispanic-  
17   segregated unit in United States military  
18   history.

19                  "WHEREAS, The 65th Infantry  
20   Regiment, created in 1899 as the only  
21   Hispanic-segregated unit in United States  
22   military history, was mandated by Congress to be  
23   comprised primarily of Puerto Ricans; and

24                  "WHEREAS, The 65th Infantry  
25   Regiment became better known as the

1 Borinqueneers, from the word 'Borinquen,' the  
2 name by which the native Taino Indians called  
3 Puerto Rico; and

4                   "WHEREAS, The Borinqueneers,  
5 throughout their service in World War I,  
6 World War II, and most notably the Korean War,  
7 served with distinction, participated in nine  
8 major campaigns, and earned the respect and  
9 admiration of their fellow soldiers and military  
10 authorities, most notably General Douglas  
11 MacArthur; and

12                   "WHEREAS, The 65th Infantry  
13 Borinqueneers earned two United States  
14 Presidential Unit Citations, a Meritorious Unit  
15 Commendation, and two Republic of Korea Unit  
16 Citations, and individual members earned  
17 10 Distinguished Service Crosses, 421 Silver  
18 Stars, and 156 Bronze Stars; and

19                   "WHEREAS, Although more than 20,000  
20 Puerto Ricans have served courageously as  
21 Borinqueneers since World War I, their  
22 contribution and sacrifices have gone largely  
23 unnoticed; and

24                   "WHEREAS, Honoring the  
25 Borinqueneers with a commemorative stamp would be

1 a fitting tribute for these brave soldiers and  
2 would serve to educate the American public about  
3 their existence and service; and

4 "WHEREAS, As Americans, it is our  
5 responsibility to ensure that our history is  
6 documented and reverence is given to our war  
7 heroes; and

8 "WHEREAS, It is fitting and proper  
9 that we, the benefactors of the sacrifices and  
10 courageous acts of the men and women who served  
11 and continue to serve in the United States Armed  
12 Forces, express our appreciation and eternal  
13 gratitude for their service to our great nation;  
14 now, therefore, be it

15 "RESOLVED, That this Legislative  
16 Body pause in its deliberations to express  
17 support for a postage stamp in honor of the  
18 Borinqueneers, the only Hispanic-segregated unit  
19 in United States military history; and be it  
20 further

21 "RESOLVED, That a copy of this  
22 resolution, suitably engrossed, be transmitted  
23 to Ruben Estrada, Co-Chairman, The Borinqueneers  
24 Stamp Committee."

25 ACTING PRESIDENT ROBACH: Senator

1 Larkin on the resolution.

2                   SENATOR LARKIN:    Thank you,  
3 Mr. President.

4                   My colleagues, today is a great  
5 honor, a great honor because we're making a move  
6 forward to honor a special group of individuals,  
7 the 3rd and 65th, a fighting unit that would  
8 serve, parts of it, in World War I, World War II,  
9 and Korea.

10                  And the recognition -- we have two  
11 gentleman here today that helped us when we  
12 started the first stamp, Ruben Estrada and Tony  
13 Mele. Thank you both for joining us, gentlemen.

14                  But you know, this is a unit that  
15 when it was first organized, people thought,  
16 Well, they can't go anyplace because they're from  
17 Puerto Rico. Well, somebody in Washington found  
18 out that they were a great fighting unit. And  
19 what happened? They went to Korea.

20                  You know, you often read in the  
21 papers lately that there's some Purple Hearts,  
22 some Silver Stars, something else. But just  
23 think about it: This is a unit that during that  
24 fighting in Korea alone, forget the rest of it,  
25 there were 42 Silver Star recipients, 156 Bronze

1 Starts, 10 Distinguished Service Crosses, and two  
2 Presidential Citations.

3           This is a unit that distinguished  
4 itself, clearly. This is a unit that the  
5 soldiers were elite, they were proud. The Third  
6 Infantry Division, of which they were attached to  
7 in Korea, always said "They belong to us," and  
8 yet everybody in the 65th were native-born  
9 Puerto Ricans. Their record of combat is  
10 first class.

11           We're now asking the federal  
12 government to commit to a stamp. And nobody  
13 knows how hard the stamp was. There are members  
14 today here in the Rules Committee meeting -- but  
15 when we first started the stamp for the  
16 Purple Heart in the January 2000, there were a  
17 few people here in this conference that started  
18 with us. It took us three and a half years to  
19 get a temporary stamp, and then it took us eight  
20 more years to get a permanent stamp. Took us  
21 11½ years to have this stamp we now call the  
22 Purple Heart "Forever" Stamp.

23           Why shouldn't we have a stamp for  
24 this great unit? Its combat record, its  
25 achievements, its distinguished members coming



1 from Puerto Rico -- it was an all-volunteer  
2 unit. And all we're asking the Postal Service  
3 Commission is to create a stamp.

4           They say, "We need to see some  
5 support." Ladies and gentlemen, and for the  
6 record, when we went for the Purple Heart Stamp,  
7 our first thing -- Ruben remembers -- we had five  
8 million stamps nationwide, and it wasn't enough.  
9 The second batch we had was over 12 million  
10 stamps.

11           The Postal Service did very good,  
12 because originally the stamps were 37 cents, and  
13 when we finally got the permanent stamp, it was  
14 44 cents. So figure 12 million pieces of  
15 correspondence really helped the Postal Service.

16           But what did it do? It showed the  
17 men and women that had been killed and wounded in  
18 combat, and their survivors, that this nation  
19 cared for them. And this was not a joke.

20           Well, this is the same thing here  
21 for the Borinqueneers. Distinguished combat  
22 record. This will give credit to those  
23 individuals, and it will give credit to  
24 Puerto Rico that they sent men and women into  
25 combat, and they performed and they were

1 successful. Their record in combat operation is  
2 second to none.

3 And I think it's only a serious  
4 matter that we say to the Postal Service: Give  
5 us the stamp, and recognize the 3rd of the 65th.

6 Thank you, Mr. President.

7 ACTING PRESIDENT ROBACH: Thank  
8 you, Senator Larkin.

9 Senator Carlucci on the resolution.

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

12 I want to thank Senator Larkin for  
13 bringing this important resolution forward. As  
14 was said, this is an extremely important part of  
15 America's history.

16 And I want to thank Ruben Estrada  
17 and Anthony Mele, who are here today, who have  
18 really championed this cause and have given me a  
19 history lesson on this important issue.

20 And as Senator Larkin said, I think  
21 one of the great things that we can do,  
22 considering that the United States Postal  
23 Service's Stamp Advisory Committee is currently  
24 considering a commemorative stamp to honor the  
25 Borinqueneers, we should lend our support to this

1     cause.

2                     It's important that we honor and  
3     also we remember and we talk about the history of  
4     these heroes that put their lives on the line to  
5     serve all of us and really made an example and  
6     serve to where we are today. Without the  
7     65th Infantry, we probably might not have had the  
8     successes that we have today.

9                     So again, I want to thank  
10    Ruben Estrada and Anthony Mele for continuing and  
11    teaching this history and making sure that this  
12    stamp becomes a reality. So you have my support,  
13    and I encourage my colleagues to join onto this  
14    resolution.

15                    Thank you, Mr. President.

16                    ACTING PRESIDENT ROBACH:    Thank  
17    you, Senator Carlucci.

18                    Senator Diaz on the resolution.

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

21                    Mr. President and ladies and  
22    gentlemen, I am a Puerto Rican who grew up in  
23    Puerto Rico in a town called Bayamón. Today I  
24    feel so proud and honored that Senator Larkin has  
25    taken it upon himself to recognize the sacrifice

1 and the commitment of Puerto Rico and the  
2 Puerto Rican people.

3 As you know, Mr. President, and you  
4 should know, Puerto Rico is a commonwealth of the  
5 United States. The people of Puerto Rico cannot  
6 vote for the president. The people of  
7 Puerto Rico cannot even vote for Congresspeople  
8 to represent them with a vote in the Congress.

9 But the people of Puerto Rico are  
10 asked to go and fight, to share their blood, to  
11 kill and be killed for this country. And they  
12 are sent to war by a president, but they don't  
13 even have the opportunity to vote for him.

14 But today Senator Larkin decided to  
15 recognize, through this resolution, the  
16 65th Infantry Regiment of Puerto Rico. That's --  
17 that's -- that's big. That is something that no  
18 one ever has talked about. Because the 65th  
19 Infantry Regiment of Puerto Rico is the pride of  
20 Puerto Rico.

21 In the 10 years that I have been in  
22 this chamber, we have recognized everybody, every  
23 ethnic group, every other group except  
24 Puerto Ricans and these people.

25 Today Senator Larkin has decided to

1 bring this to the floor. The Borinqueneers,  
2 through their service in World War I and  
3 World War II and most notably the Korean War,  
4 served with distinction, participated in nine  
5 major campaigns, and earned the respect and  
6 admiration of their fellow soldiers and military  
7 authorities, most notably General Douglas  
8 MacArthur. The 65th Infantry Borinqueneers  
9 earned two United States Presidential Unit  
10 Citations, a Meritorious Unit Commendation, and  
11 two Republic of Korea Unit Citations, and  
12 individual members earned 10 Distinguished  
13 Service Crosses, 421 Silver Stars, and 156 Bronze  
14 Stars.

15           Although more than 20,000 Puerto  
16 Ricans have served courageously as Borinqueneers  
17 since World War I, their contribution and  
18 sacrifices have gone largely unnoticed until  
19 today.

20           Thank you, Ruben Estrada. You  
21 always have been fighting, doing something, and  
22 trying to get our people to be recognized. And  
23 thank you, Senator Larkin, for this resolution.

24           And ladies and gentlemen, as a  
25 Puerto Rican -- and you don't know,

1 Mr. President, how proud I am today to be a  
2 member of this chamber when this chamber  
3 recognizes the 65th Infantry Regiment of  
4 Puerto Rico, composed of all Puerto Rican heroes,  
5 Puerto Rican heroes. And today we all know them.

6 Senator Larkin, thank you very  
7 much. God bless you for this gesture. You'll  
8 always be my number one, due to the fact that I  
9 already took Senator DeFrancisco out of that  
10 position.

11 (Laughter.)

12 SENATOR DIAZ: So thank you,  
13 Senator Larkin. And thank you, Mr. President.

14 ACTING PRESIDENT ROBACH: Thank  
15 you, Senator Diaz.

16 Seeing no other Senator wishing to  
17 be heard, the question is on the resolution. All  
18 those in favor signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT ROBACH: Opposed,  
21 nay.

22 (No response.)

23 ACTING PRESIDENT ROBACH: The  
24 resolution is adopted.

25 (Applause.)

1                   ACTING PRESIDENT ROBACH:   And  
2 before I go to Senator DeFrancisco, as we tout  
3 the great Borinqueneers and Hispanic military  
4 unit, let me also wish José Marcos Serrano, our  
5 youthful member, a happy 40th birthday.

6                   (Applause.)

7                   ACTING PRESIDENT ROBACH:   Senator  
8 DeFrancisco.

9                   SENATOR DeFRANCISCO:    Senator  
10 Larkin would like to open up the resolution to  
11 all members. And if you choose not to, simply go  
12 to the desk and say you do not. Otherwise you'll  
13 be a cosponsor.

14                  ACTING PRESIDENT ROBACH:  
15 Resolution 5375 is open for cosponsorship. If  
16 you wish not to be on the resolution, please  
17 notify the desk.

18                  Senator DeFrancisco.

19                  SENATOR DeFRANCISCO:    There's also  
20 a resolution at the desk by Senator Perkins,  
21 Resolution Number 5477. I ask that it be read in  
22 its entirety and ask for its immediate adoption.

23                  ACTING PRESIDENT ROBACH:   The  
24 Secretary will read.

25                  THE SECRETARY:    Legislative

1 Resolution Number 5477, by Senator Perkins,  
2 mourning the death of civil rights and labor  
3 pioneer Dr. Annie B. Martin.

4 "WHEREAS, It is the custom of this  
5 Legislative Body to pay tribute to citizens of  
6 the State of New York whose lifework and civic  
7 endeavor served to enhance the quality of life in  
8 their communities and the great State of  
9 New York; and

10 "WHEREAS, Dr. Annie Martin died on  
11 Tuesday, June 12, 2012; she was a longtime member  
12 of the Black Trade Unionists Association's  
13 National Board of Directors; and

14 "WHEREAS, Dr. Annie Martin was a  
15 tireless leader in the labor and civil rights  
16 movements; she served 15 terms as the president  
17 of the New York City Branch of the NAACP and,  
18 since 1993, sat on the NAACP National Board of  
19 Directors; and

20 "WHEREAS, A preeminent voice in the  
21 U.S. labor movement, Dr. Annie Martin served with  
22 the New York City Central Labor Council as first  
23 vice president of the Black Trade Unionists  
24 Leadership Committee, and as a member of the  
25 New York City Coalition of Labor Union Women. In



1 addition, she served as State Assistant  
2 Commissioner of Labor under Governors  
3 Rockefeller, Wilson and Carey; and

4 "WHEREAS, As secretary-treasurer  
5 of Local 8-138 Oil, Chemical and Atomic Workers  
6 Union, Dr. Annie Martin was one of the first  
7 women to hold high office in the labor movement;  
8 and

9 "WHEREAS, Dr. Annie Martin was  
10 fearless as she was unwavering in her love for  
11 the downtrodden. She was also an adjunct  
12 professor at Columbia, Fordham and New York  
13 Universities; and

14 "WHEREAS, Dr. Annie Martin's  
15 history in both movements dates to her  
16 childhood. She was introduced as a young girl to  
17 A. Philip Randolph, an associate of her father's  
18 and the founder of the International Brotherhood  
19 of Sleeping Car Porters, as well as an architect  
20 of the 1963 March on Washington. Dr. Martin said  
21 she understood from an early age the ties between  
22 the rights of workers and the civil rights  
23 movement; and

24 "WHEREAS, A native of Eastover,  
25 South Carolina, Dr. Annie Martin's long and

1 illustrious career in civil rights, labor and  
2 community affairs has won her over 200 awards,  
3 including the honorary Doctor of Humane Letters  
4 from Claflin College in Orangeburg, South  
5 Carolina, and she was one of the first to receive  
6 the coveted national Ellis Island Medal of  
7 Honor. In addition, she was the first to accept  
8 the Celebrate Africa Foundation's Humanitarian  
9 Award and was notably recognized as a member of  
10 Who's Who In Black America; and

11 "WHEREAS, Dr. Annie Martin was  
12 Director of Labor Participation for the American  
13 Red Cross in Greater New York. She was on duty  
14 seven days a week after the terrorist attack on  
15 America on September 11, 2001, serving as the  
16 liaison between labor and the Red Cross, along  
17 with the fire and police departments; and

18 "WHEREAS, A graduate of Allen  
19 University in Columbia, South Carolina, Dr. Annie  
20 Martin earned master's degrees in both social  
21 work and guidance counseling from New York  
22 University. She was a proud and distinguished  
23 member of the First African Methodist Episcopal  
24 Church: Bethel-Harlem; and

25 "WHEREAS, Dr. Annie Martin

1 distinguished herself in her profession and by  
2 her sincere dedication and substantial  
3 contribution to the welfare of her community; and

4 "WHEREAS, Dr. Annie Martin's  
5 commitment to excellence, and her spirit of  
6 humanity, carried over into all fields of  
7 enterprise, including charitable and civic  
8 endeavors; and

9 "WHEREAS, Armed with a humanistic  
10 spirit and imbued with a sense of compassion,  
11 Dr. Annie Martin leaves behind a legacy which  
12 will long endure the passage of time and will  
13 remain as a comforting memory to all she served  
14 and befriended; now, therefore, be it

15 "RESOLVED, That this Legislative  
16 Body pause in its deliberations to mourn the  
17 death of civil rights and labor pioneer Dr. Annie  
18 B. Martin; and be it further

19 "RESOLVED, That a copy of this  
20 resolution, suitably engrossed, be transmitted to  
21 the family of Dr. Annie B. Martin."

22 ACTING PRESIDENT ROBACH: Senator  
23 Perkins on your resolution.

24 SENATOR PERKINS: Thank you very  
25 much.

1                   Chief Dr. Annie B. Martin served  
2   30 years as president of the New York branch of  
3   the NAACP. Her service of 30 years was a  
4   "marathon for civil rights, labor rights and  
5   justice." I was honored to serve with her for  
6   those 30 years as a board member and give her  
7   credit for the career I have been honored to have  
8   as an elected official with a progressive point  
9   of view that I bring to my work, such as the  
10  DREAM Act and the fight to end stop-and-frisk  
11  policies that involve racial profiling that are  
12  presently being reviewed by the Justice  
13  Department.

14                   I want to thank the Senate for the  
15  moment of silence in her honor last week and for  
16  today's resolution. I hope in her memory we can  
17  continue to legislate for the race for justice  
18  and equality as well as labor rights.

19                   Thank you very much.

20                   ACTING PRESIDENT ROBACH:    Thank  
21  you, Senator Perkins.

22                   Senator Peralta on the resolution.

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

25                   I worked with Annie B. Martin --

1 Annie B., as she was called -- at the Central  
2 Labor Council on various projects for many  
3 years. Annie B. was so much to so many people:  
4 a leader, a visionary, a mentor, a walking  
5 encyclopedia, a trailblazer, a pioneer. But to  
6 me, she was a giant, because she was an ordinary  
7 person who lived an extraordinary life and  
8 humbled anyone she came across.

9               She walked among giants. And  
10 anyone who knew her would experience her stories,  
11 her fascinating stories of who she marched with,  
12 who she spoke to, who she hung out with that  
13 would later become power brokers in the civil  
14 rights movement or the labor movement in general,  
15 and how they shaped her life and in turn inspired  
16 her to shape the lives of many, many others.

17               She amazed me with her energy, her  
18 dignity, her determination while being of an  
19 elderly age. And if anyone knew Annie B., you  
20 didn't mess with Annie B. Martin. She was an  
21 amazing individual, an amazing woman that was  
22 ahead of her time and touched the lives of all  
23 that she encountered. Annie B. Walked among  
24 giants and, by doing so, became a giant herself  
25 along with the way.

1                   Thank you, Annie B. Martin, for all  
2 your wisdom and knowledge. You will never be  
3 forgotten.

4                   Thank you, Mr. President.

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

7                   Seeing no other Senator wishing to  
8 be heard, the question is on the resolution. All  
9 those in favor signify by saying aye.

10                   (Response of "Aye.")

11                   ACTING PRESIDENT ROBACH: Opposed,  
12 nay.

13                   (No response.)

14                   ACTING PRESIDENT ROBACH: The  
15 resolution is adopted.

16                   Senator DeFrancisco.

17                   SENATOR DeFRANCISCO: Senator  
18 Perkins would like to open this resolution for  
19 cosponsorship. And those that do not want to be  
20 on the resolution should approach the desk.

21                   ACTING PRESIDENT ROBACH: The  
22 resolution will be open for the entire chamber.  
23 Anyone wishing not to be on the resolution please  
24 signify at the desk.

25                   Senator DeFrancisco.

1                   SENATOR DeFRANCISCO:    There's also  
2 a resolution by Senator Serrano at the desk,  
3 Number 5437. I ask that the title only be read  
4 and ask for its immediate adoption.

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

7                   THE SECRETARY:    Legislative  
8 Resolution Number 5437, by Senator Serrano,  
9 paying tribute to the life and accomplishments of  
10 Yolanda Sanchez, distinguished citizen and  
11 devoted member of her community.

12                  ACTING PRESIDENT ROBACH:    Senator  
13 Serrano on the resolution.

14                  SENATOR SERRANO:    Thank you very  
15 much, Mr. President.

16                  On June 11th of 2012, the East  
17 Harlem community and all of New York City  
18 experienced a huge loss in the passing of  
19 community activist and Puerto Rican icon Yolanda  
20 Sanchez.

21                  Yolanda was a true trailblazer in  
22 the East Harlem community. She fought for  
23 equality and justice for all races and genders,  
24 regardless of social status. She served not only  
25 as an example but as an inspiration to everyone

1 who knew her. Her commitment to service is what  
2 led many of our current generation of leaders to  
3 get involved in social and public service. She  
4 was a fierce fighter for her community.

5 Yolanda was best known as a  
6 long-time community activist. But in addition to  
7 that, she was an author, educator, social worker,  
8 community organizer, and an outstanding  
9 administrator. Yolanda was a driving force in  
10 various organizations aimed at improving the East  
11 Harlem community, and her list of accomplishments  
12 is only exceeded by the number of people whose  
13 lives she touched.

14 Yolanda was a graduate of City  
15 College and of the Columbia University School of  
16 Social Work as well as a National Urban Fellow at  
17 Harvard University. She was the executive  
18 director of the Puerto Rican Association for  
19 Community Affairs, an organization she helped to  
20 create.

21 Most importantly, throughout her  
22 life Yolanda Sanchez never lost her strong and  
23 unwavering commitment to helping her community  
24 move forward. She was the founding member and  
25 later president of the National Latinas Caucus,



1 former president of the East Harlem Council for  
2 Human Services, and former director of CUNY's  
3 Office of Puerto Rican Programs.

4 Yolanda was also instrumental in  
5 the creation of three major institutions for the  
6 poor and working class of East Harlem: Taino  
7 Towers housing, Boriken Health Center, and Casabe  
8 Houses for the elderly.

9 Yolanda dedicated her life to  
10 achieving equality for underserved communities,  
11 equality for women, and to the empowerment of  
12 future generations. She truly led an incredible  
13 life, and I'm very grateful for all she has  
14 accomplished.

15 Yolanda is part of a generation of  
16 people we know as pioneers -- pioneers in the  
17 Puerto Rican community, pioneers in the  
18 East Harlem community -- who fought at a time  
19 when it was very difficult for Latinos in general  
20 and Puerto Ricans in particular to get their foot  
21 in the door, to get a seat at the table, to be  
22 able to help shape policy that can create  
23 community empowerment.

24 She fought these battles. She  
25 fought them well. And she never stopped

1 fighting. And because of her courageousness,  
2 people like myself are here in this chamber.  
3 There are many other Latinos, many other  
4 Puerto Ricans who owe a debt of gratitude to  
5 Yolanda Sanchez for being the fierce fighter that  
6 she was. And we all pay respect and tribute to  
7 her.

8 Thank you.

9 ACTING PRESIDENT ROBACH: Thank  
10 you, Senator Serrano.

11 Senator Perkins on the resolution.

12 SENATOR PERKINS: Thank you very  
13 much.

14 I just want to briefly identify  
15 myself with the remarks of my colleague Senator  
16 Serrano with regard to Dr. Yolanda Sanchez, who  
17 was a trailblazer, a real trailblazer in the  
18 East Harlem community, especially during a period  
19 when a great amount of educational reform  
20 policies were being discussed in New York City.

21 And one of which was a real  
22 landmark achievement for her, especially when we  
23 talk about schools like Central Park East and  
24 other schools within that neighborhood that  
25 offered all types of progressive, specialized

1 programs that provided the community with a great  
2 deal of opportunities. This was long before the  
3 charter movement began to corrupt those  
4 particular opportunities and privatize the public  
5 school process.

6 She was a staunch advocate for  
7 women's rights, especially at a time when one did  
8 not think of Latina women as being involved in  
9 such.

10 I was very honored to have worked  
11 with her in the community for over 30 years, and  
12 I'm honored to be a part of this resolution that  
13 recognizes her great achievements, especially in  
14 the most difficult of times for that community.

15 Thank you very much.

16 ACTING PRESIDENT ROBACH: Thank  
17 you, Senator Perkins.

18 Senator Rivera on the resolution.

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

21 I stand to join my voice to Senator  
22 Serrano, Senator Perkins, and my colleagues here  
23 to honor the life and work of Yolanda.

24 The most basic thing that we can do  
25 is recognize, for those of us that just got here

1 recently, in the last couple of years -- for  
2 those of you -- you just turned 40 today. Happy  
3 birthday on that, my friend. Some of us are a  
4 little bit younger, but we just got here  
5 recently.

6                   We have to recognize that we would  
7 not be here were it not for pioneers like  
8 Yolanda, somebody whose work is going to continue  
9 even though she has passed. It will continue in  
10 the work of Senators like Senator Serrano or  
11 Senator Diaz or Senator Peralta, Senator  
12 Espaillat, myself -- who, again, would not have  
13 had the opportunity to be here were it not for  
14 her.

15                   And it's also very telling that it  
16 is a Latina woman, a wise Latina woman who was  
17 the one that carved a path for the rest of us.

18                   So I wanted to stand,  
19 Mr. President, to offer my condolences to her  
20 family, but most importantly to just say that  
21 this resolution is only one small token of  
22 recognition to the work that she has done over  
23 the years and how her example is something that  
24 we're going to follow, and based on which we're  
25 going to continue to do the work that we need to

1 do in the Latino community to make us better  
2 every single day.

3 Thank you, Mr. President.

4 ACTING PRESIDENT ROBACH: Thank  
5 you, Senator Rivera.

6 Seeing no other Senator wishing to  
7 be heard, the question is on the resolution. All  
8 those in favor signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT ROBACH: Opposed,  
11 nay.

12 (No response.)

13 ACTING PRESIDENT ROBACH: The  
14 resolution is adopted.

15 Senator Libous.

16 SENATOR LIBOUS: Thank you,  
17 Mr. President. We have a couple more  
18 resolutions.

19 If at this time we can take up  
20 Resolution 5395, by Senator Sampson. Could we  
21 have the title read and move for its immediate  
22 adoption.

23 ACTING PRESIDENT ROBACH: The  
24 Secretary will read the title.

25 THE SECRETARY: Legislative

1 Resolution Number 5395, by Senator Sampson,  
2 memorializing Governor Andrew M. Cuomo to  
3 proclaim June 2012 as Caribbean American Heritage  
4 Month in the State of New York.

5 ACTING PRESIDENT ROBACH: All  
6 those in favor of the resolution signify by  
7 saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT ROBACH: Opposed,  
10 nay.

11 (No response.)

12 ACTING PRESIDENT ROBACH: The  
13 resolution is adopted.

14 SENATOR LIBOUS: Mr. President,  
15 Senator Sampson would like to open that  
16 resolution up to all members. So as our policy  
17 goes, if a member does not wish to be on that  
18 resolution, that they should let the desk know.

19 ACTING PRESIDENT ROBACH: All  
20 members will be on the resolution unless they  
21 signify otherwise at the front desk.

22 Senator Libous.

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

25 We have another resolution, by

1 Senator Klein. It is Number 5459. Could we have  
2 the title read.

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

5 THE SECRETARY: Legislative  
6 Resolution Number 5459, by Senator Klein,  
7 commending Kaitlin Monte for her many outstanding  
8 achievements and accomplishments and for bringing  
9 pride to the State of New York.

10 ACTING PRESIDENT ROBACH: The  
11 question is on the resolution. All those in  
12 favor signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT ROBACH: Opposed,  
15 nay.

16 (No response.)

17 ACTING PRESIDENT ROBACH: The  
18 resolution is adopted.

19 Senator Libous.

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

22 Senator Klein would also like to  
23 open that up to all the members of the chamber.  
24 And as the policy goes, if you wish not to be on  
25 the resolution, to let the desk know.

1                   ACTING PRESIDENT ROBACH:     So  
2     noted.   The resolution is open for cosponsorship.  
3     If you wish not to be on the resolution, please  
4     inform the desk.

5                   Senator Libous.

6                   SENATOR LIBOUS:     At this point,  
7     Mr. President, may we return to the reports of  
8     standing committees.   I believe there's a report  
9     of the Rules Committee at the desk.

10                  ACTING PRESIDENT ROBACH:   Reports  
11     of standing committees.

12                  The Secretary will read the report  
13     of the Rules Committee.

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

17                         Senate Print 3739A, by Senator  
18     LaValle, an act to amend the Not-For-Profit  
19     Corporation Law;

20                         3804A, by Senator Ball, an act to  
21     amend the Agriculture and Markets Law;

22                         4268C, by Senator LaValle, an act  
23     to amend the Education Law;

24                         5189, by Senator Avella, an act to  
25     amend the Correction Law;



1                   5900C, by Senator Young, an act to  
2 amend the Real Property Tax Law;  
3                   6478, by Senator Bonacic, an act to  
4 amend the Local Finance Law;  
5                   6751A, by Senator Carlucci, an act  
6 to create the Orangetown Public Library;  
7                   6769B, by Senator Flanagan, an act  
8 to amend the Public Health Law;  
9                   6969A, by Senator Young, an act to  
10 amend the Public Health Law;  
11                  6971A, by Senator Grisanti, an act  
12 to amend the General Business Law;  
13                  7092, by Senator Zeldin, an act to  
14 amend the Civil Practice Law and Rules;  
15                  7532, by Senator Gallivan, an act  
16 to amend the Public Authorities Law;  
17                  7537A, by Senator Johnson, an act  
18 to amend the Public Authorities Law;  
19                  7550A, by Senator Ritchie, an act  
20 to authorize the Village of Deferiet;  
21                  7569, by Senator Griffo, an act to  
22 amend the Correction Law;  
23                  7577A, by Senator Gallivan, an act  
24 to amend the Vehicle and Traffic Law;  
25                  7589A, by Senator Savino, an act to

1 amend the Family Court Act;  
2                   7595A, by Senator Fuschillo, an act  
3 to amend the General Business Law;  
4                   7602, by Senator Hannon, an act to  
5 amend the Public Health Law;  
6                   7607, by Senator Klein, an act  
7 authorizing a real property tax exemption;  
8                   7608, by Senator Flanagan, an act  
9 to amend Chapter 352 of the Laws of 2005;  
10                  7613, by Senator Lanza, an act to  
11 amend Chapter 890 of the Laws of 1982;  
12                  7621, by Senator Griffo, an act in  
13 relation to the conveyance;  
14                  7631B, by Senator Ritchie, an act  
15 to amend the Highway Law;  
16                  7640A, by Senator Golden, an act to  
17 amend the Real Property Tax Law;  
18                  7647, by Senator Young, an act to  
19 authorize;  
20                  7654A, by Senator Little,  
21 Concurrent Resolution of the Senate and Assembly;  
22                  7660, by Senator Little, Concurrent  
23 Resolution of the Senate and Assembly;  
24                  7668, by Senator DeFrancisco, an  
25 act to amend the Vehicle and Traffic Law;

1                   7671, by Senator Libous, an act to  
2 amend the Social Services Law;

3                   7681, by Senator Fuschillo, an act  
4 to authorize;

5                   7688, by Senator Ritchie, an act to  
6 amend the Penal Law;

7                   7690, by Senator Fuschillo, an act  
8 to amend the General Business Law;

9                   7694, by Senator DeFrancisco, an  
10 act to authorize;

11                   7718A, by Senator Flanagan, an act  
12 to amend the Education Law;

13                   7720, by Senator Golden, an act to  
14 amend the Penal Law;

15                   7733, by Senator Marcellino, an act  
16 to amend the Tax Law;

17                   7593, by Senator Maziarz, an act to  
18 amend the Town Law;

19                   7601, by Senator Oppenheimer, an  
20 act to authorize;

21                   7606A, by Senator Breslin, an act  
22 to authorize;

23                   7656A, by Senator Little, an act to  
24 amend the Highway Law;

25                   7674, by Senator McDonald, an act

1 to amend the Highway Law;

2 7699, by Senator Young, an act to  
3 amend the Parks, Recreation and Historic  
4 Preservation Law;

5 7704, by Senator Ball, an act to  
6 amend the Highway Law;

7 7706A, by Senator Martins, an act  
8 in relation to authorizing;

9 7739, by Senator O'Mara, an act to  
10 amend the Highway Law;

11 7742, by Senator Golden, an act to  
12 amend the Penal Law;

13 And Senate 7744, by Senator Skelos,  
14 an act to amend the Racing, Pari-Mutuel Wagering  
15 and Breeding Law.

16 All bills reported direct to third  
17 reading.

18 ACTING PRESIDENT ROBACH: Senator  
19 Libous.

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

22 ACTING PRESIDENT ROBACH: The  
23 question is to accept the Rules Committee  
24 report. All in favor signify by saying aye.

25 (Response of "Aye.")

1                   ACTING PRESIDENT ROBACH:    Opposed,  
2   nay.

3                   (No response.)

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

6                   Senator Libous.

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

9                   Could we go back to motions and  
10   resolutions. I have some housekeeping here  
11   before we attack the active list.

12                  ACTING PRESIDENT ROBACH:    Motions  
13   and resolutions.

14                  Senator Libous.

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

17                  On behalf of Senator Golden, I  
18   would like to call up his bill, Print 2147A. It  
19   is recalled from the Assembly, and I believe it  
20   is now at the desk.

21                  ACTING PRESIDENT ROBACH:    The  
22   Secretary will read.

23                  THE SECRETARY:    Calendar Number  
24   813, by Senator Golden, Senate Print 2147A, an  
25   act to amend the Public Health Law.

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

4                   ACTING PRESIDENT ROBACH:    Call the  
5 roll on reconsideration.

6                   (The Secretary called the roll.)

7                   THE SECRETARY:    Ayes, 59.

8                   SENATOR LIBOUS:    I offer up the  
9 following amendments.

10                  ACTING PRESIDENT ROBACH:    The  
11 amendments are received.

12                  SENATOR LIBOUS:    Mr. President, on  
13 behalf of Senator Zeldin, I would like to call up  
14 his bill, Senate Print 5634E, recalled from the  
15 Assembly, which is now at the desk.

16                  ACTING PRESIDENT ROBACH:    The  
17 Secretary will read.

18                  THE SECRETARY:    Calendar Number  
19 358, by Senator Zeldin, Senate Print 5634E, an  
20 act to amend the General Municipal Law.

21                  SENATOR LIBOUS:    Mr. President, if  
22 we could reconsider the vote by which this bill  
23 was passed.

24                  ACTING PRESIDENT ROBACH:    Call the  
25 roll on reconsideration.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 59.

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

5 ACTING PRESIDENT ROBACH: The  
6 amendments are received.

7 SENATOR LIBOUS: And,  
8 Mr. President, on behalf of you, on page 20 I  
9 offer the following amendments to Calendar Number  
10 634, Senate Print 3749D, and ask that said bill  
11 retain its place on the Third Reading Calendar.

12 ACTING PRESIDENT ROBACH: The  
13 amendments are received.

14 SENATOR LIBOUS: Mr. President, at  
15 this time could we please take up today's active  
16 list and have the noncontroversial reading of it.

17 ACTING PRESIDENT ROBACH: The  
18 Secretary will read.

19 THE SECRETARY: Calendar Number  
20 112, substituted earlier by Member of the  
21 Assembly Gantt, Assembly Print Number 7574A, an  
22 act to amend the Vehicle and Traffic Law.

23 ACTING PRESIDENT ROBACH: Read the  
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 30th day.

2 ACTING PRESIDENT ROBACH: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 59.

6 ACTING PRESIDENT ROBACH: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 172, by Senator DeFrancisco, Senate Print 2542,  
10 an act to amend the Vehicle and Traffic Law.

11 ACTING PRESIDENT ROBACH: Read the  
12 last section.

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

15 ACTING PRESIDENT ROBACH: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT ROBACH: Announce  
19 the results.

20 THE SECRETARY: In relation to  
21 Calendar 172, those recorded in the negative are  
22 Senators Ball, Carlucci, Diaz, Klein, Maziarz,  
23 Ranzenhofer, Savino, Seward, Squadron, Valesky  
24 and Zeldin. Also Senator Hassell-Thompson.

25 ACTING PRESIDENT ROBACH: Announce



1 the new results.

2 We are on Calendar 172, and I would  
3 ask members to please cast their votes so we can  
4 move on with the calendar.

5 ACTING PRESIDENT GRIFFO: Results.

6 THE SECRETARY: In relation to  
7 Calendar Number 172, those recorded in the  
8 negative are Senators Adams, Ball, Carlucci,  
9 Diaz, Griffio, Grisanti, Hassell-Thompson,  
10 Kennedy, Klein, LaValle, Maziarz, Montgomery,  
11 Perkins, Ranzenhofer, Saland, Savino, Serrano,  
12 Seward, Squadron, Valesky and Zeldin. Also  
13 Senator Marcellino. Also Senator O'Mara.

14 Ayes, 36. Nays, 23.

15 ACTING PRESIDENT GRIFFO: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 267, by Senator Griffio, Senate Print 2488B, an  
19 act to amend the Penal Law.

20 ACTING PRESIDENT GRIFFO: Read the  
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the  
25 roll.

1 (The Secretary called the roll.)

2 SENATOR LIBOUS: At the request of  
3 the Minority, please lay the bill aside.

4 ACTING PRESIDENT GRIFFO: Lay it  
5 aside.

6 THE SECRETARY: Calendar Number  
7 328, by Senator Ball --

8 SENATOR LIBOUS: Lay it aside for  
9 the day.

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

12 THE SECRETARY: Calendar Number  
13 357, substituted earlier by Member of the  
14 Assembly Magnarelli, Assembly Print Number 8823A,  
15 an act to repeal certain provisions of the  
16 General Municipal Law.

17 ACTING PRESIDENT GRIFFO: Read the  
18 last section.

19 THE SECRETARY: Section 193. This  
20 act shall take effect on the 60th day.

21 ACTING PRESIDENT GRIFFO: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 59.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 395, by Senator Ranzenhofer, Senate Print --

4 SENATOR BRESLIN: Lay it aside.

5 ACTING PRESIDENT GRIFFO: Lay it  
6 aside.

7 THE SECRETARY: Calendar Number  
8 475, substituted earlier by Member of the  
9 Assembly Quart, Assembly Print 10391A, an act to  
10 amend the Insurance Law.

11 ACTING PRESIDENT GRIFFO: Read the  
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 58. Nays,  
19 1. Senator Duane recorded in the negative.

20 ACTING PRESIDENT GRIFFO: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 501, substituted earlier by Member of the  
24 Assembly Nolan, Assembly Print Number 7823B, an  
25 act to amend the Education Law.

1           ACTING PRESIDENT GRIFFO:   Read the  
2 last section.

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

5           ACTING PRESIDENT GRIFFO:   Call the  
6 roll.

7           (The Secretary called the roll.)

8           THE SECRETARY:   In relation to  
9 Calendar Number 501, those recorded in the  
10 negative are Senators Avella, Gianaris,  
11 Montgomery, Peralta, Rivera and Serrano.

12           Ayes, 53.  Nays, 6.

13           ACTING PRESIDENT GRIFFO:   The bill  
14 is passed.

15           THE SECRETARY:   Calendar Number  
16 553, by Senator LaValle, Senate Print 3357A, an  
17 act to amend the Village Law.

18           ACTING PRESIDENT GRIFFO:   Read the  
19 last section.

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

22           ACTING PRESIDENT GRIFFO:   Call the  
23 roll.

24           (The Secretary called the roll.)

25           THE SECRETARY:   Ayes, 59.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2 is passed.

3                   THE SECRETARY:    Calendar Number  
4 577, by Senator Bonacic, Senate Print 2139A, an  
5 act to amend the State Finance Law.

6                   ACTING PRESIDENT GRIFFO:    Read the  
7 last section.

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

10                  ACTING PRESIDENT GRIFFO:    Call the  
11 roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:    Ayes, 59.

14                  ACTING PRESIDENT GRIFFO:    The bill  
15 is passed.

16                  THE SECRETARY:    Calendar Number  
17 610, substituted earlier by Member of the  
18 Assembly Brennan, Assembly Print Number 9857A, an  
19 act to amend the Public Authorities Law.

20                  ACTING PRESIDENT GRIFFO:    Read the  
21 last section.

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

24                  ACTING PRESIDENT GRIFFO:    call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 59.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 631, by Senator Martins, Senate Print 4494, an  
7 act to amend the Agriculture and Markets Law.

8 ACTING PRESIDENT GRIFFO: Read the  
9 last section.

10 THE SECRETARY: Section 3. This  
11 act shall take effect on the 60th day.

12 ACTING PRESIDENT GRIFFO: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 59.

16 ACTING PRESIDENT GRIFFO: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 663, by Senator Seward, Senate Print 3057B, an  
20 act to amend the Insurance Law.

21 ACTING PRESIDENT GRIFFO: Read the  
22 last section.

23 THE SECRETARY: Section 3. This  
24 act shall take effect January 1, 2013.

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 59.

4 ACTING PRESIDENT GRIFFO: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 664, by Senator Huntley, Senate Print 3064, an  
8 act to amend the Executive Law.

9 ACTING PRESIDENT GRIFFO: Read the  
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT GRIFFO: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 706, by Senator Lanza, Senate Print 2940, an act  
21 to amend the Penal Law.

22 ACTING PRESIDENT GRIFFO: Read the  
23 last section.

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

1                   ACTING PRESIDENT GRIFFO:    Call the  
2 roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT GRIFFO:    Senator  
5 Hassell-Thompson to explain her vote.

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

8                   I would just like to indicate that  
9 there are several bills of this type that have  
10 come to the floor. I believe that this is a  
11 better piece of legislation than we've had in  
12 front of this chamber, because this bill brings  
13 the state closer to addressing criminal gangs and  
14 criminal gang activities, which is not only a  
15 serious public safety issue but is a costly  
16 public health problem as well.

17                   Gang crime has accelerated since  
18 the '70s and '80s as a result of the increasing  
19 access and use of firearms. Federal law defines  
20 gang crime to be a conspiracy to commit or  
21 commission of a felony crime. New York State  
22 should embrace, mirror, emulate other states,  
23 including New Jersey, which specify that the  
24 criminal gang enterprises are involved in a  
25 commission or attempt to commit felony crimes.



1                   This is an important distinction in  
2 light of such policies like "stop and frisk" that  
3 are being implemented in the City of New York.

4                   Prevention and intervention  
5 programs such as SNUG are the keys to reducing  
6 and eliminating organized criminal enterprises  
7 that lead to violence in many of our urban  
8 communities.

9                   I encourage us to move closer and  
10 closer to the federal definition, and I will be  
11 voting aye on this bill today.

12                  ACTING PRESIDENT GRIFFO:    Senator  
13 Hassell-Thompson to be recorded in the  
14 affirmative.

15                  Senator Parker to explain his vote.

16                  SENATOR PARKER:    Thank you,  
17 Mr. President. To explain my vote.

18                  Let me first congratulate my good  
19 friend Senator Andrew Lanza on this legislation.  
20 He certainly has his heart in the right place,  
21 and he certainly I know has good intentions in  
22 terms of what we're all dealing with,  
23 particularly in the City of New York, as relates  
24 to a rising gang population.

25                  As I've indicated before on the

1 floor, I don't think that adjudicating our young  
2 people is the way that we resolve this. In  
3 New York City we have gone to an educational  
4 system that teaches to the test, that doesn't  
5 engage our young people. We have eliminated  
6 music, art, athletics and dance as regular parts  
7 of the curriculum. We don't have, you know,  
8 JV programs, we don't have after-school  
9 programs.

10 We certainly need to be doing a  
11 better job in engaging our young people. Because  
12 when we don't engage them, then the streets  
13 certainly will. And so instead of, you know,  
14 raising penalties that we know don't work to stop  
15 people from doing activities, let's give them on  
16 alternative.

17 And currently there are no  
18 alternatives for our young people. I'd like to  
19 see some of those alternatives come to the  
20 floor. And so for that reason, I reluctantly am  
21 voting nay on this bill.

22 ACTING PRESIDENT GRIFFO: Senator  
23 Parker to be recorded in the negative.

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar Number 706, those recorded in the  
2 negative are Senators Duane, Krueger, Montgomery,  
3 Parker, Perkins and Rivera.

4 Ayes, 53. Nays, 6.

5 ACTING PRESIDENT GRIFFO: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 720, by Senator Golden, Senate Print 2174A, an  
9 act to amend the Elder Law.

10 ACTING PRESIDENT GRIFFO: Read the  
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 59.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 771, substituted earlier by Member of the  
22 Assembly Lavine, Assembly Print 9274B, an act to  
23 amend the State Administrative Procedure Act.

24 ACTING PRESIDENT GRIFFO: Read the  
25 last section.

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

3                   ACTING PRESIDENT GRIFFO:   Call the  
4 roll.

5                   (The Secretary called the roll.)

6                   THE SECRETARY:    Ayes, 59.

7                   ACTING PRESIDENT GRIFFO:   The bill  
8 is passed.

9                   THE SECRETARY:    Calendar Number  
10 775, by Senator Marcellino, Senate Print 927, an  
11 act to amend the Vehicle and Traffic Law.

12                  ACTING PRESIDENT GRIFFO:   Read the  
13 last section.

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

16                  ACTING PRESIDENT GRIFFO:   Call the  
17 roll.

18                  (The Secretary called the roll.)

19                  ACTING PRESIDENT GRIFFO:   Announce  
20 the results.

21                  THE SECRETARY:    In relation to  
22 Calendar Number 775, those recorded in the  
23 negative are Senators Gianaris, Krueger,  
24 Montgomery, Perkins, Rivera, Savino, Serrano,  
25 Squadron and Stavisky.

1                   Ayes, 50.   Nays, 9.

2                   ACTING PRESIDENT GRIFFO:    The bill  
3 is passed.

4                   THE SECRETARY:    Calendar Number  
5 777, by Senator Ritchie, Senate Print 5276, an  
6 act to amend the Vehicle and Traffic Law.

7                   ACTING PRESIDENT GRIFFO:    Read the  
8 last section.

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

11                   ACTING PRESIDENT GRIFFO:    Call the  
12 roll.

13                   (The Secretary called the roll.)

14                   THE SECRETARY:    Ayes, 59.

15                   ACTING PRESIDENT GRIFFO:    The bill  
16 is passed.

17                   It's getting a little loud in the  
18 chamber.  Please bring some quiet to the chamber.

19                   The Secretary will continue to  
20 read.

21                   THE SECRETARY:    Calendar Number  
22 839, by Senator LaValle, Senate Print 7289A, an  
23 act to amend the General Municipal Law.

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

1                   Read the last section.

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

4                   ACTING PRESIDENT GRIFFO:   Call the  
5 roll.

6                   (The Secretary called the roll.)

7                   THE SECRETARY:    Ayes, 59.

8                   ACTING PRESIDENT GRIFFO:   The bill  
9 is passed.

10                  THE SECRETARY:    Calendar Number  
11 889, by Senator Grisanti, Senate Print 6024C, an  
12 act to amend the Tax Law.

13                  ACTING PRESIDENT GRIFFO:   Read the  
14 last section.

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

17                  ACTING PRESIDENT GRIFFO:   Call the  
18 roll.

19                  (The Secretary called the roll.)

20                  ACTING PRESIDENT GRIFFO:   Senator  
21 Grisanti to explain his vote.

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

24                  My fellow colleagues, as you may  
25 know, veterans across the state are returning

1 home and struggling to find jobs. Unemployment  
2 is high for veterans especially under the age of  
3 30. Many of them were wounded while serving this  
4 country proudly. They've overcome great odds to  
5 be where they are now. We owe it to them to help  
6 them to transition back into civilian life.

7           This legislation I believe will  
8 help do that. Businesses that hire a veteran or  
9 wounded veteran will receive a tax credit of up  
10 to \$15,000. It goes along with what the federal  
11 government already has as its standard. It will  
12 be \$3,000 for hiring a veteran, \$4000 for hiring  
13 a wounded veteran.

14           Protections are in place. Each  
15 veteran must be a new employee; we don't want  
16 businesses just simply firing current employees  
17 just to hire a veteran. Veterans must work 35  
18 hours a week and be employed for at least  
19 12 months; wounded veterans, 17.5 hours a week  
20 and employed for 12 months.

21           This will incentivize businesses to  
22 hire veterans. This is an important bill for  
23 protection of our veterans and them returning  
24 home. And I encourage everyone here to support  
25 this measure. Tell the Assembly to do the same.

1                   Thank you very much. I vote aye,  
2 Mr. President.

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

5                   Announce the results.

6                   THE SECRETARY: Ayes, 59.

7                   ACTING PRESIDENT GRIFFO: The bill  
8 is passed.

9                   THE SECRETARY: Calendar Number  
10 963, by Senator McDonald, Senate Print 7475A, an  
11 act to amend Chapter 24 of the Laws of 2007.

12                  ACTING PRESIDENT GRIFFO: Read the  
13 last section.

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

16                  ACTING PRESIDENT GRIFFO: Call the  
17 roll.

18                  (The Secretary called the roll.)

19                  THE SECRETARY: Ayes, 59.

20                  ACTING PRESIDENT GRIFFO: The bill  
21 is passed.

22                  THE SECRETARY: Calendar Number  
23 1019, substituted earlier by the Assembly  
24 Committee on Rules, Assembly Print 10545, an act  
25 to repeal Section 71-c of the Navigation Law.



1           ACTING PRESIDENT GRIFFO:   Read the  
2 last section.

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

5           ACTING PRESIDENT GRIFFO:   Call the  
6 roll.

7           (The Secretary called the roll.)

8           THE SECRETARY:   Ayes, 59.

9           ACTING PRESIDENT GRIFFO:   The bill  
10 is passed.

11          THE SECRETARY:   Calendar Number  
12 1116, by Senator Bonacic, Senate Print 6399, an  
13 act to define and fix.

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

16          The Secretary will read the last  
17 section.

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

20          ACTING PRESIDENT GRIFFO:   Call the  
21 roll.

22          (The Secretary called the roll.)

23          THE SECRETARY:   Ayes, 59.

24          ACTING PRESIDENT GRIFFO:   The bill  
25 is passed.

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

3           SENATOR LIBOUS:   Mr. President, at  
4 this time we'll relieve you with Senator O'Mara  
5 so that you can come down on the floor and debate  
6 your bill.

7           Mr. President, at this time could  
8 we have the controversial reading of the  
9 calendar.

10          ACTING PRESIDENT O'MARA:   The  
11 Secretary will read.

12          THE SECRETARY:   Calendar Number  
13 267, by Senator Griffo, Senate Print 2488B, an  
14 act to amend the Penal Law.

15          SENATOR BRESLIN:   Explanation.

16          ACTING PRESIDENT O'MARA:   Senator  
17 Griffo, an explanation has been requested.

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

20                 This bill essentially would strike  
21 a balance between what existed prior to 1994,  
22 where there was complete access to all records of  
23 pistol permits, and then in 1994 there were some  
24 restrictions that were placed on how you could  
25 assume that access.  You could do that by

1 submitting a FOIL.

2           In this particular instance now,  
3 what this bill attempts to do is to strike that  
4 balance. It does not deny access, but just  
5 limits that access for the purposes of public  
6 safety as well as privacy.

7           About two-thirds of the states  
8 currently in our Union have something similar to  
9 this. So what we are trying to do in this new  
10 technological age is to deal with potential  
11 problems that may come, and opportunities for  
12 abuse. Particularly what we don't want to do is  
13 provide a roadmap for criminals.

14           So in this particular legislation,  
15 keeping public safety in mind, and also privacy,  
16 we've tried to strike that balance where you  
17 continue to be able to provide the information  
18 based on FOIL, but it will be specific to the  
19 individual instead of just a blanket release of  
20 names.

21           ACTING PRESIDENT O'MARA:    Senator  
22 Squadron.

23           SENATOR SQUADRON:    Thank you,  
24 Mr. President. If the sponsor would yield for a  
25 couple of questions.

1                   ACTING PRESIDENT O'MARA:    Senator  
2   Griffo, will you yield?

3                   SENATOR GRIFFO:    Sure.    Sure.

4                   SENATOR SQUADRON:   Thank you.  
5   Through you, Mr. President.

6                   Under this bill, if law enforcement  
7   were interested in getting the information they  
8   currently have as to who has a firearm permit,  
9   how would that happen?

10                  SENATOR GRIFFO:    Mr. President,  
11   through you.   Senator Squadron, I believe they  
12   would be provided that access.   They would not  
13   have to FOIL individually.   They would be able to  
14   direct their request and be provided that  
15   information.

16                  SENATOR SQUADRON:   Thank you.   If  
17   the sponsor continues to yield.

18                  ACTING PRESIDENT O'MARA:   Do you  
19   continue to yield, Senator Griffo?

20                  SENATOR GRIFFO:    I do.

21                  SENATOR SQUADRON:   So the sponsor  
22   is saying that it would be easier for law  
23   enforcement to access a list of all licenses if  
24   this bill were to pass than it is currently?

25                  SENATOR GRIFFO:    Mr. President,

1 through you. Senator Squadron, it would be the  
2 same as now. Law enforcement would not be  
3 impacted either way. They have that option now;  
4 they would continue to have that option of being  
5 provided all the names without any type of --  
6 just based on their request and need.

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

9 SENATOR GRIFFO: I do.

10 SENATOR SQUADRON: Currently, if  
11 local law enforcement or district attorneys want  
12 that information, do they go through the  
13 State Police, as they would through this bill?  
14 Or who do they go through?

15 SENATOR GRIFFO: Mr. President,  
16 through you. Senator Squadron, they would go  
17 through the State Police.

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

20 SENATOR GRIFFO: Yes.

21 SENATOR SQUADRON: Thank you.

22 And just to clarify, under this  
23 bill the State Police would maintain an automated  
24 listing of every license holder issued a license  
25 for pistol or a revolver. Does the State Police

1 currently maintain that list?

2                   SENATOR GRIFFO:    Mr. President,  
3 through you.  Senator Squadron, that is correct.  
4 And yes, that does exist and will continue to  
5 exist.

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

8                   SENATOR GRIFFO:    Yes.

9                   SENATOR SQUADRON:   And just for  
10 purposes of full clarity, under current law  
11 licenses for all firearms are public records.  
12 They no longer would be if this bill passed.

13                   So the distinction between "pistol"  
14 and "revolver" in one section of the bill and the  
15 word "firearm" in another, is that a distinction  
16 without a difference, or is that significant in  
17 terms of what licenses are public?

18                   SENATOR GRIFFO:    Mr. President,  
19 through you.  Senator, basically as I indicated  
20 earlier, prior to '94 there was an open  
21 availability of the listing.  And in '94, with  
22 amendments, we limited it to a specific FOIL  
23 request to the database.

24                   This now would go a little further  
25 by saying you would FOIL, but you would then have

1 the opportunity to identify someone  
2 specifically. So the process remains the same,  
3 but you can't just FOIL generically, you would  
4 have to FOIL specifically. And it would be for  
5 revolvers, for pistols.

6 SENATOR SQUADRON: If the sponsor  
7 continues to yield.

8 ACTING PRESIDENT O'MARA: Senator,  
9 do you continue to yield?

10 SENATOR GRIFFO: Yes.

11 SENATOR SQUADRON: Again, just to  
12 be clear, on the first page, on line 10 and 11,  
13 it refers to firearms being public records. On  
14 the second page of the bill, in lines 9 through  
15 12, it refers to revolvers and pistols.

16 I just want to be clear that law  
17 enforcement would have access to all firearms if  
18 this law passed, and that it's not limited, that  
19 that's again a distinction without a difference.

20 SENATOR GRIFFO: Mr. President,  
21 through you. Senator Squadron, it is revolvers  
22 that currently require permits and registry.  
23 Rifles do not.

24 So as you talk about that specific  
25 section, it involves specifically those that

1 require permits, which would be revolvers.

2           SENATOR SQUADRON: Thank you. If  
3 the sponsor will continue to yield.

4           SENATOR GRIFFO: Yes.

5           SENATOR SQUADRON: If you're not a  
6 member of law enforcement, you're a member of the  
7 public, and you're interested in this information  
8 either for -- for any number of reasons -- under  
9 this bill you would have to know an individual's  
10 name and address and you'd have to make a  
11 particular request about that individual and  
12 their name and address?

13           SENATOR GRIFFO: Mr. President,  
14 through you. Senator Squadron, that is correct.

15           And as I indicated earlier, the  
16 reason for that is there are many concerns right  
17 now that we deal with new technology and with the  
18 potential abuse that could exist that could cause  
19 great concern for the community from a public  
20 safety perspective, where criminals could have a  
21 roadmap of where there are permits issued and  
22 guns in their homes as well as those homes who do  
23 not have any revolvers or pistols in them. They  
24 would have that differentiation and knowledge  
25 just arbitrarily.



1                   So what this proposes to do is to  
2 say the public still has the right to be  
3 informed, they still follow the same process  
4 through FOIL, but you would have to identify a  
5 specific person rather than some random search.

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

8                   SENATOR GRIFFO:     Yes.

9                   SENATOR SQUADRON:    Would there be  
10 a limit on how many names and addresses an  
11 individual could request information on?

12                  SENATOR GRIFFO:     Mr. President,  
13 through you.   No.

14                  SENATOR SQUADRON:    If the sponsor  
15 would continue to yield.

16                  SENATOR GRIFFO:     Yes.

17                  SENATOR SQUADRON:    Would there be  
18 any limit on how many an individual could request  
19 at any single time?

20                  SENATOR GRIFFO:     Yes,  
21 Mr. President, there would be one.   Each time --  
22 you could just keep coming back and requesting,  
23 but -- there's not a limit to how many, it's a  
24 limit to how many times.

25                  For instance, if you were to put in

1 a FOIL on a specific individual, then you could  
2 turn around and issue another FOIL for another  
3 individual.

4 SENATOR SQUADRON: If the sponsor  
5 would continue to yield.

6 SENATOR GRIFFO: Yes.

7 SENATOR SQUADRON: Under this  
8 bill, though, there would not be a FOIL  
9 requirement to get this information, this  
10 information would be gotten by individuals from  
11 the State Police registry; right?

12 SENATOR GRIFFO: Right.  
13 Mr. President, through you. Senator Squadron,  
14 this mirrors the existing statute in that regard  
15 relative to FOIL application.

16 The amendments made in 1994  
17 required a FOIL, but it was a more broad  
18 distribution of the information. And this would  
19 continue to follow that process, it would just  
20 limit it to a specific individual as opposed to  
21 this broad generic release.

22 And as I said, the '94 amendments  
23 were different from what the prior situation was  
24 where there was an open record on all permits at  
25 that time prior to 1994. But at the time, in

1 '94, apparently the Legislature felt that there  
2 had to be some safeguards put in. I think there  
3 were some concerns expressed from law enforcement  
4 for public safety. And as a result of that,  
5 those amendments were made.

6                   What I'm attempting to do here,  
7 again, to reiterate, is in this new technological  
8 age we've seen abuse of information on emails and  
9 websites, and we want to try to discourage that  
10 and prevent that problem where we could cause a  
11 serious situation in a community from a public  
12 safety standpoint.

13                   So as a result of that, this  
14 follows the same process as outlined in '94. The  
15 only difference is now that you would have to  
16 identify each individual specifically, as opposed  
17 to a broad request.

18                   SENATOR SQUADRON: Thank you.

19                   On the bill, Mr. President.

20                   ACTING PRESIDENT O'MARA: Senator  
21 Squadron on the bill.

22                   SENATOR SQUADRON: I thank the  
23 sponsor for answering the questions. This is  
24 something we've gone through before. And I do  
25 understand the goal of this.

1           There are a number of concerns with  
2 this bill, though. And the first is that  
3 actually by no longer making this information a  
4 public record, it wouldn't be subject to FOIL or  
5 to the same process that exists for making public  
6 government documents. And so while there is a  
7 process outlined in the bill, it's not a process  
8 that is fully outlined or that has the  
9 definitions attached to it that it would if these  
10 were continued to be a public record.

11           In addition, there's a concern  
12 about, practically, whether individuals or the  
13 news media or anyone else would be able to access  
14 information by targeting individuals who they  
15 particularly wanted information about or if they  
16 would simply be able to continue to get aggregate  
17 information and then only they would have it.

18           So to the extent that the sponsor  
19 talks about a public safety concern here, there's  
20 I think clearly a greater public safety concern  
21 in a small number of individuals having this  
22 specific information as opposed to the public in  
23 general having this information.

24           And in addition, the process for  
25 law enforcement here -- and again, it could be a

1 drafting issue, it could not. But the process  
2 for law enforcement is more difficult than it is  
3 today, because under current law, law enforcement  
4 has access to this information, it's generally  
5 easily accessible.

6 Under this bill, that would be more  
7 difficult. Again, both because of the drafting  
8 question of firearms versus pistols and  
9 revolvers, which may be nothing more than  
10 drafting but should be clarified, and also  
11 because law enforcement needs to make an  
12 affirmative request in this case and questions of  
13 justification are not there.

14 The idea that there is a privacy  
15 concern is one that's real and one that we have  
16 discussed before. The idea that law enforcement  
17 has greater access to this information is one  
18 that I appreciate. But I do think that the  
19 question about whether this is still subject to  
20 the FOIL law, the question about whether in fact  
21 you're increasing or decreasing safety by having  
22 only a small number of people be able to have  
23 this information and hold it privately, the  
24 question about whether once they get that  
25 information they're then allowed to make it

1 public, and the question about the extent to  
2 which the State Police database would be complete  
3 and consistent with how things have worked today,  
4 means that while I think it's a bill with some  
5 good ideas and goals behind it, it's not one we  
6 can support today.

7 I would urge the sponsor to amend  
8 the bill around those concerns.

9 Again, the public safety concern I  
10 understand exists in sort of the abstract. In  
11 practice, the potential public safety concerns of  
12 this dramatic a change relative to a community's  
13 ability, law enforcement's ability, the  
14 individual's ability to know who has these  
15 licenses I think is greater than we have today,  
16 and therefore I urge folks to vote no on this  
17 bill.

18 Thank you, Mr. President.

19 ACTING PRESIDENT O'MARA: Seeing  
20 no other Senator wishing to be heard, debate is  
21 closed. The Secretary will ring the bell.

22 Read the last section.

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

25 ACTING PRESIDENT O'MARA: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT O'MARA: The  
4 Secretary will announce the result.

5 THE SECRETARY: In relation to  
6 Calendar 267, those recorded in the negative are  
7 Senators Adams, Avella, Breslin, Carlucci, Diaz,  
8 Duane, Gianaris, Hassell-Thompson, Kennedy,  
9 Klein, Krueger, Montgomery, Parker, Peralta,  
10 Perkins, Rivera, Savino, Serrano, Smith,  
11 Squadron, Stavisky and Stewart-Cousins.

12 Absent from voting: Senator  
13 Oppenheimer.

14 Ayes, 36. Nays, 22.

15 ACTING PRESIDENT O'MARA: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 395, by Senator Ranzenhofer, Senate Print 5201,  
19 an act to amend the General Obligations Law.

20 SENATOR BRESLIN: Explanation.

21 ACTING PRESIDENT O'MARA: Senator  
22 Ranzenhofer, an explanation has been requested.

23 SENATOR RANZENHOFER: This is an  
24 act to amend the General Obligations Law which  
25 relates to the automatic renewal of contracts for

1 electronic and life safety alarm systems and  
2 services.

3           It adds a section that provides  
4 that in a contract for electronic and life safety  
5 alarm systems, a person who makes a payment after  
6 the expiration of the term of the contract shall  
7 be deemed to have given the extension of the  
8 contract, provided that the invoice clearly  
9 indicates that the payment constitutes an  
10 extension or renewal of the contract.

11           What this bill is trying to address  
12 is if you have a fire alarm system and you have a  
13 burglar alarm system and you receive a notice and  
14 you don't make your payment, all of a sudden you  
15 may think that you have fire alarm service, you  
16 may think that you have burglar alarm service,  
17 security service, and all of a sudden you don't.

18           So this bill is intended to make  
19 sure that the service continues even if you may  
20 absently forget to make your payment.

21           ACTING PRESIDENT O'MARA:   Senator  
22 Squadron.

23           SENATOR SQUADRON:   If the sponsor  
24 would yield for a couple of questions.

25           SENATOR RANZENHOFER:   Yes.



1                   ACTING PRESIDENT O'MARA:    Proceed.

2                   SENATOR SQUADRON:    Thank you.

3                   Through you, Mr. President.  So  
4 currently, if a client of a life alarm or fire  
5 alarm service -- let me ask it differently.

6                   Currently, what does a client of a  
7 life alarm or fire alarm service have to do to  
8 extend the contract?

9                   SENATOR RANZENHOFER:    They have to  
10 renew the contract.

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

13                  ACTING PRESIDENT O'MARA:    Do you  
14 continue to yield, Senator Ranzenhofer?

15                  SENATOR RANZENHOFER:    Yes.

16                  SENATOR SQUADRON:    Thank you,  
17 Mr. President.  Okay.

18                  So currently there is a  
19 certified-mail requirement attendant with renewal  
20 of contracts.  Is that from the client to the  
21 company or from the company to the client?

22                  SENATOR RANZENHOFER:    From the  
23 company to the client.

24                  SENATOR SQUADRON:    If the sponsor  
25 would continue to yield.

1                   ACTING PRESIDENT O'MARA:    Do you  
2 continue to yield?

3                   SENATOR RANZENHOFER:    Yes.

4                   SENATOR SQUADRON:    So currently,  
5 if a client of a life alert or fire alert system  
6 wants to renew and they receive a piece of  
7 certified mail from the company and they continue  
8 to pay, that service will be renewed and  
9 continue; correct?

10                  SENATOR RANZENHOFER:    Yes.

11                  SENATOR SQUADRON:    If the sponsor  
12 will continue to yield.

13                  SENATOR RANZENHOFER:    Yes.

14                  SENATOR SQUADRON:    So rather than  
15 helping clients continue and extend their  
16 existing contracts, what this bill essentially  
17 does is it takes away the company's need to  
18 separately inform the client that that contract  
19 is going to continue and they continue to be on  
20 the hook for a financial obligation.

21                  SENATOR RANZENHOFER:    No, that's  
22 not correct.  If you take a look at the  
23 legislation, it says that there does have to be  
24 notification by the company to the customer.

25                  SENATOR SQUADRON:    If the sponsor

1 would continue to yield.

2 SENATOR RANZENHOFER: Yes.

3 SENATOR SQUADRON: But what the  
4 bill does, it takes a separate notification  
5 requirement and instead allows it to simply be  
6 included on an ongoing bill.

7 SENATOR RANZENHOFER: There has to  
8 be notice on the bill that this is going to  
9 extend the service.

10 SENATOR SQUADRON: If the sponsor  
11 would continue to yield.

12 SENATOR RANZENHOFER: Yes.

13 SENATOR SQUADRON: So in other  
14 words, if someone in need of a life alert --  
15 often people who are elderly have life alert  
16 contracts, those who are infirm in other ways.  
17 If this bill were to pass, what would happen at  
18 the end of their contract is they would receive  
19 another bill. So they would get a bill in the  
20 mail, this person who had a life alert contract,  
21 likely to be either elderly or infirm in another  
22 way, and somewhere on that bill it would say:  
23 "If you pay this bill, you're extending your  
24 contract."

25 But what they would have in their

1 mail would be a bill. It would look like a bill  
2 obligation. Right? And then by fulfilling that  
3 bill obligation, this person would be on the hook  
4 for another contract term; is that right?

5 SENATOR RANZENHOFER: Well, not  
6 entirely.

7 First of all, most of the time is  
8 that somebody who is on this life alert system,  
9 or if you have a fire alarm system or if you have  
10 a smoke detector or CO2 or any sort of security  
11 system, the biggest fear is that you're going  
12 lose your service.

13 This actually would protect the  
14 person, in that their service would continue.  
15 Normally you've made a pretty expensive  
16 investment in this type of equipment -- you know,  
17 hundreds or thousands of dollars -- and you don't  
18 want the service to be discontinued.

19 You're actually looking at it, I  
20 believe, from the wrong perspective. Normally a  
21 customer wants this service that they've paid a  
22 lot of money for and which is supposed to protect  
23 their property and protect their life, they want  
24 this to continue.

25 SENATOR SQUADRON: If the sponsor

1 would continue to yield.

2 SENATOR RANZENHOFER: Yes.

3 SENATOR SQUADRON: Under current  
4 law, since there there's no obligation on the  
5 client other than the receipt of a piece of  
6 certified mail from the company, what is the risk  
7 under current law of an inadvertent cancellation  
8 of a life alert or fire alert system?

9 SENATOR RANZENHOFER: Well, if you  
10 don't continue to pay for the service, you would  
11 lose the service.

12 SENATOR SQUADRON: If the sponsor  
13 would continue to yield.

14 SENATOR RANZENHOFER: Yes.

15 SENATOR SQUADRON: Of course, even  
16 under this bill, if you didn't pay for the  
17 service, you would lose the service, you would  
18 just be in breach of contract, and they could  
19 come after you.

20 SENATOR RANZENHOFER: I'm sorry,  
21 could you repeat the question?

22 SENATOR SQUADRON: Even if the  
23 bill passed, if you didn't pay, you would lose  
24 the service. You would just be under breach of  
25 contract, and your credit rating could take a --

1                   SENATOR LIBOUS:    Mr. President.

2   Mr. President.

3                   ACTING PRESIDENT O'MARA:    Senator  
4   Libous.

5                   SENATOR LIBOUS:    Could I please  
6   ask both Senators to speak through the chair  
7   rather than back and forth to each other.  It  
8   will call for a much more orderly process.

9                   ACTING PRESIDENT O'MARA:    Yes,  
10   Senator Libous.

11                   Senator Ranzenhofer, can you please  
12   direct your responses to the chair.  And Senator  
13   Squadron, through me.

14                   SENATOR SQUADRON:    Thank you.  
15   Point well taken.  I thank Senator Libous for  
16   that clarification.

17                   So if the sponsor would continue to  
18   yield, I'll ask a question.

19                   SENATOR RANZENHOFER:  
20   Mr. President, I'll continue to yield.

21                   SENATOR SQUADRON:    Through you,  
22   Mr. President.  If this bill were to pass and a  
23   client stopped paying, they would presumably lose  
24   the service.  This bill doesn't change that;  
25   correct?

1                   SENATOR RANZENHOFER:   That's  
2 correct. Mr. President, through you.

3                   SENATOR SQUADRON:    If the  
4 sponsor would continue to yield, Mr. President.

5                   ACTING PRESIDENT O'MARA:   Do you  
6 continue to yield, Senator Ranzenhofer?

7                   SENATOR RANZENHOFER:   Yes,  
8 Mr. President, I'll continue to yield.

9                   SENATOR SQUADRON:    Through you.  
10 And under current law, the only obligation that a  
11 client has in order to continue their contract is  
12 to receive a piece of certified mail. So the  
13 only obligation a client has is basically to get  
14 informed their contract is being continued, and  
15 there's no other risk of a contract being  
16 canceled under current law; isn't that correct?

17                   SENATOR RANZENHOFER:   Well, again,  
18 I think there's -- that's a hypothetical  
19 question. There's always many ways that service  
20 can be discontinued. So I wouldn't agree with  
21 that last statement. And that's not the only way  
22 that service could be discontinued.

23                   SENATOR SQUADRON:    Thank you. On  
24 the bill.

25                   ACTING PRESIDENT O'MARA:   Senator

1 Squadron on the bill.

2 SENATOR SQUADRON: Thank you very  
3 much.

4 So again, let's be really clear  
5 here. We're talking about largely life alert  
6 systems, also fire alert and some other systems.  
7 But life alert systems are, by their very nature,  
8 used by folks who for some reason feel vulnerable  
9 in their home -- they're elderly, they're infirm,  
10 they have some other need where having an  
11 emergency life alert system is critical to them.

12 Currently, if they have a contract,  
13 the company has the obligation to make sure they  
14 know, this client knows that their contract will  
15 be renewed. A simple piece of certified mail,  
16 you receive the mail, you sign for it, your  
17 contract will be renewed.

18 If this legislation were to pass,  
19 these clients -- largely elderly, infirm, or  
20 otherwise vulnerable -- would get at the end of  
21 their contract term a bill in the mail, they  
22 would receive a bill in the mail. That bill  
23 would say "You owe us this amount of money."  
24 Also, somewhere else, it would say "By paying  
25 your bill, you're extending your contract."



1                   But that's a pretty confusing  
2 obligation right there. Now, of course it  
3 wouldn't be a bill that folks have to pay,  
4 because they're no longer under contract. But if  
5 they do pay the bill, if they are somehow afraid  
6 that their credit rating will take a hit or that  
7 a debt collector will come after them, then not  
8 only will they be paying beyond their obligation,  
9 they will be obligated to a contract extension, a  
10 contract extension of an entire year.

11                   So in other words, by paying your  
12 bill you become obligated to pay for another  
13 11 months.

14                   This is -- I believe this went  
15 through the Consumer Protection Committee, but  
16 this is the opposite of consumer protection. We  
17 have a population who gets this sort of service  
18 because they feel vulnerable. And then, instead  
19 of having a standard notification process so that  
20 folks know if their contract is going to be  
21 extended, they're going to be on the hook for a  
22 year, we're going to take that away and replace  
23 that with a new bill. Then we're going to send  
24 it to people's homes and we're going to say,  
25 confusingly, "You don't have to pay the bill, but

1 here's a bill that you do have to pay if you want  
2 the service. And if you do pay for it, you've  
3 got another year."

4           It is confusing. I think that it  
5 could easily lead to scams and to abuses.

6           Notifying folks -- notifying any of  
7 us that a contract is going to be extended is an  
8 important thing. That's an important part of  
9 consumer protection. Notifying folks who are  
10 homebound or elderly or vulnerable or afraid in  
11 their homes for some reason that they're going to  
12 be on the hook for an additional year clearly is  
13 an important thing to do. And it's certainly not  
14 a burden on the consumer. And I've got to tell  
15 you, I don't think it's a burden on the company  
16 either.

17           Now, is there an issue with  
18 certified mail versus some other sort of mail?  
19 Maybe. We would have that discussion. But the  
20 idea of replacing a certified-mail notification  
21 with a contract extension in the form of a bill,  
22 and that kind of risk, makes no sense at all.

23           I urge a no vote. I know that many  
24 people in this room probably have these contracts  
25 themselves, certainly have a loved one, a parent

1 or a grandparent, an aunt or an uncle who has a  
2 life alert system. And the idea that we would  
3 replace notification with contract obligation,  
4 that we would replace fair warning with threat of  
5 a bill and a debt collector for this population  
6 especially makes no sense.

7 I strongly urge a no vote. Thank  
8 you, Mr. President.

9 ACTING PRESIDENT O'MARA: Senator  
10 Ranzenhofer.

11 SENATOR RANZENHOFER: A couple of  
12 comments on the bill.

13 ACTING PRESIDENT O'MARA: On the  
14 bill, Senator.

15 SENATOR RANZENHOFER: Yes. There  
16 is no difference under the existing law from the  
17 new law. If you get your certified letter and  
18 you pay your bill, you've extended your contract  
19 for a year. If you get the bill under the new  
20 law and pay your bill, you've extended your  
21 contract as well.

22 One of the problems that we have,  
23 especially with the population referred to by  
24 Senator Squadron, is if you don't pick up your  
25 certified letter, which some people don't, then

1 you lose your service.

2           And if you want to balance the  
3 equities, I think it's more important that  
4 somebody still have their fire protection  
5 service, their smoke alarm service, their CO2  
6 service, their burglar service, or whatever  
7 they've invested a lot of money already into that  
8 type of protection.

9           I will note that notwithstanding  
10 the comments this year, last year this passed 60  
11 to 2, including Senator Squadron, who voted for  
12 this last year. He realized it was a good bill  
13 last year, and it's the same bill this year.

14           I would encourage my colleagues to  
15 vote for this.

16           ACTING PRESIDENT O'MARA: Thank  
17 you, Senator Ranzenhofer.

18           Seeing no other Senator wishing to  
19 be heard, debate is closed. The Secretary will  
20 ring the bell.

21           The Secretary will read the last  
22 section.

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

25           ACTING PRESIDENT O'MARA: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT O'MARA: Announce  
4 the result.

5 THE SECRETARY: In relation to  
6 Calendar 395, those recorded in the negative are  
7 Senators Diaz, Duane, Hassell-Thompson, Johnson,  
8 Krueger, Montgomery, Oppenheimer, Perkins,  
9 Rivera, Serrano, Smith and Squadron.

10 Absent from voting: Senator Adams.

11 Ayes, 46. Nays, 12.

12 ACTING PRESIDENT O'MARA: The bill  
13 is passed.

14 Senator Libous, that completes the  
15 controversial reading of the calendar.

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

18 As we continue to move along here,  
19 Mr. President, I would like to do the  
20 noncontroversial reading of Supplemental Calendar  
21 59A, please.

22 ACTING PRESIDENT O'MARA: The  
23 Secretary will read.

24 THE SECRETARY: Calendar Number  
25 1291, by Senator LaValle, Senate Print 3739A, an

1 act to amend the Not-For-Profit Corporation Law.

2 ACTING PRESIDENT O'MARA: Read the  
3 last section.

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

6 ACTING PRESIDENT O'MARA: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 59.

10 ACTING PRESIDENT O'MARA: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 1302, by Senator Ball, Senate Print 3804A, an act  
14 to amend the Agriculture and Markets Law.

15 ACTING PRESIDENT O'MARA: Read the  
16 last section.

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

19 ACTING PRESIDENT O'MARA: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 57. Nays,  
23 2. Senators Montgomery and Ranzenhofer recorded  
24 in the negative.

25 ACTING PRESIDENT O'MARA: The bill

1 is passed.

2 THE SECRETARY: In relation to  
3 Calendar Number 1303, Senator LaValle moves to  
4 discharge, from the Committee on Higher  
5 Education, Assembly Bill Number 7859A and  
6 substitute it for the identical Senate Bill  
7 Number 4268C, Third Reading Calendar 1303.

8 ACTING PRESIDENT O'MARA:  
9 Substitution ordered.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 1303, by Member of the Assembly Glick, Assembly  
13 Print 7859A, an act to amend the Education Law.

14 ACTING PRESIDENT O'MARA: Read the  
15 last section.

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

18 ACTING PRESIDENT O'MARA: Call the  
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 58. Nays,  
22 1. Senator Klein recorded in the negative.

23 ACTING PRESIDENT O'MARA: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 1304, by Senator Avella, Senate Print 5189, an  
2 act to amend the Correction Law.

3 ACTING PRESIDENT O'MARA: Read the  
4 last section.

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

7 ACTING PRESIDENT O'MARA: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 59.

11 ACTING PRESIDENT O'MARA: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 1305, by Senator Young, Senate Print 5900C --

15 SENATOR BRESLIN: Lay it aside.

16 ACTING PRESIDENT O'MARA: The bill  
17 is laid aside.

18 THE SECRETARY: In relation to  
19 Calendar Number 1306, Senator Bonacic moves to  
20 discharge, from the Committee on Local  
21 Government, Assembly Bill Number 9211 and  
22 substitute it for the identical Senate Bill  
23 Number 6478, Third Reading Calendar 1306.

24 ACTING PRESIDENT O'MARA:  
25 Substitution ordered.



1                   The Secretary will read.

2                   THE SECRETARY:    Calendar Number  
3   1306, by Member of the Assembly Magnarelli,  
4   Assembly Print Number 9211, an act to amend the  
5   Local Finance Law.

6                   ACTING PRESIDENT O'MARA:   Read the  
7   last section.

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

10                  ACTING PRESIDENT O'MARA:   Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:    Ayes, 59.

14                  ACTING PRESIDENT O'MARA:   The bill  
15   is passed.

16                  THE SECRETARY:    In relation to  
17   Calendar Number 1307, Senator Carlucci moves to  
18   discharge, from the Committee on Rules, Assembly  
19   Bill Number 9569A and substitute it for the  
20   identical Senate Bill Number 6751A, Third Reading  
21   Calendar 1307.

22                  ACTING PRESIDENT O'MARA:  
23   Substitution ordered.

24                  The Secretary will read.

25                  THE SECRETARY:    Calendar Number

1 1307, by Member of the Assembly Jaffee, Assembly  
2 Print Number 9569A, an act to create.

3 ACTING PRESIDENT O'MARA: Read the  
4 last section.

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

7 ACTING PRESIDENT O'MARA: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58. Nays,  
11 1. Senator Ball recorded in the negative.

12 ACTING PRESIDENT O'MARA: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1308, by Senator Flanagan, Senate Print 6769B, an  
16 act to amend the Public Health Law.

17 ACTING PRESIDENT O'MARA: Read the  
18 last section.

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

21 ACTING PRESIDENT O'MARA: Call the  
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT O'MARA: Senator  
25 Flanagan to explain your vote.

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

3                   I just want to explain my vote on  
4   this bill. I want to take the opportunity to  
5   thank people that worked on this. Never did I  
6   think, working on an issue like this, that I  
7   would learn so much and get so frustrated and  
8   appreciative during this process.

9                   One of the things that I think is  
10   important about this legislation, it's about  
11   healthcare, it's about women's healthcare, and in  
12   reality it's scary how little people know and how  
13   little women know, really, about breast density  
14   and the effects that can come with that.

15                  So this is a notice bill, and it's  
16   been modified about a couple of times to get this  
17   bill passed. I think it's going to help promote  
18   women's healthcare, it's going to save people's  
19   lives, ultimately.

20                  And there's one person in  
21   particular that I'd really like to thank, who  
22   happens to be a constituent of mine. Her name is  
23   JoAnn Pushkin. She has been an absolute ardent  
24   supporter and champion of this.

25                  And I think we're going to see more

1 legislation in this area not only in this state  
2 but other states in the country.

3 I vote in the affirmative. Thank  
4 you.

5 ACTING PRESIDENT O'MARA: Senator  
6 Flanagan will be recorded in the affirmative.

7 Announce the result.

8 THE SECRETARY: Ayes, 59.

9 ACTING PRESIDENT O'MARA: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 1309, by Senator Young, Senate Print 6969A, an  
13 act to amend the Public Health Law.

14 ACTING PRESIDENT O'MARA: Read the  
15 last section.

16 THE SECRETARY: Section 7. This  
17 act shall take effect January 1, 2013.

18 ACTING PRESIDENT O'MARA: Call the  
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 59.

22 ACTING PRESIDENT O'MARA: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 1310, by Senator Grisanti, Senate Print 6971A, an

1 act to amend the General Business Law.

2 ACTING PRESIDENT O'MARA: Read the  
3 last section.

4 THE SECRETARY: Section 6. This  
5 act shall take effect on the 180th day.

6 ACTING PRESIDENT O'MARA: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT O'MARA: Senator  
10 Grisanti to explain his vote.

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

13 You know, my fellow colleagues,  
14 believe it or not, under current law there exists  
15 actually no statewide licensing of scrap  
16 processors. The licensing system proposed under  
17 this legislation does a lot as far as protection.

18 Far too often in my community, and  
19 I'm sure in your communities, there are numerous  
20 items of scrap that are stolen from companies.  
21 There's manhole covers stolen from New York  
22 City. From Niagara Falls, there's copper that's  
23 taken out of people's houses, some while they're  
24 even on vacation.

25 So this legislation would establish

1 a very limited preemption of local laws. It has  
2 penalties in there for scrap processors who do  
3 not follow those laws. And it will make it a lot  
4 easier for investigation and enforcement from  
5 scrap theft.

6 It standardizes recordkeeping  
7 requirements on a statewide basis, precluding  
8 redundant and contradictory and unnecessary local  
9 laws. It will provide a national regulatory  
10 environment on this often overlooked but  
11 significant industrial sector.

12 So I'm sure you've all heard  
13 complaints about items stolen from businesses in  
14 your area. I urge everybody to vote aye on this  
15 bill and, again, push the Assembly to do the  
16 same.

17 Mr. President, I vote aye.

18 ACTING PRESIDENT O'MARA: Senator  
19 Grisanti will be recorded in the affirmative.

20 The Secretary will announce the  
21 result.

22 THE SECRETARY: Ayes, 59.

23 ACTING PRESIDENT O'MARA: The bill  
24 is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 1311, Senator Zeldin moves to  
2 discharge, from the Committee on Judiciary,  
3 Assembly Bill Number 2215A and substitute it for  
4 the identical Senate Bill Number 7092, Third  
5 Reading Calendar 1311.

6 ACTING PRESIDENT O'MARA:  
7 Substitution ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number  
10 1311, by Member of the Assembly Zebrowski,  
11 Assembly Print 2215A, an act to amend the Civil  
12 Practice Law and Rules.

13 ACTING PRESIDENT O'MARA: Read the  
14 last section.

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

17 ACTING PRESIDENT O'MARA: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 58. Nays,  
21 1. Senator Duane recorded in the negative.

22 ACTING PRESIDENT O'MARA: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 1312, by Senator Gallivan, Senate Print 7532, an

1 act to amend the Public Authorities Law.

2 ACTING PRESIDENT O'MARA: Read the  
3 last section.

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

6 ACTING PRESIDENT O'MARA: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 59.

10 ACTING PRESIDENT O'MARA: The bill  
11 is passed.

12 THE SECRETARY: In relation to  
13 Calendar Number 1313, Senator Johnson moves to  
14 discharge, from the Committee on Rules, Assembly  
15 Bill Number 10525A and substitute it for the  
16 identical Senate Bill Number 7537A, Third Reading  
17 Calendar 1313.

18 ACTING PRESIDENT O'MARA:  
19 Substitution ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number  
22 1313, by the Assembly Committee on Rules,  
23 Assembly Print 10525A, an act to amend the Public  
24 Authorities Law.

25 ACTING PRESIDENT O'MARA: Read the



1 last section.

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

4 ACTING PRESIDENT O'MARA: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT O'MARA: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1314, by Senator Ritchie, Senate Print 7550A, an  
12 act to authorize.

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

15 Read the last section.

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

18 ACTING PRESIDENT O'MARA: Call the  
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 58. Nays,  
22 1. Senator Ball recorded in the negative.

23 ACTING PRESIDENT O'MARA: The bill  
24 is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 1316, Senator Griffo moves to  
2 discharge, from the Committee on Crime Victims,  
3 Crime and Correction, Assembly Bill Number 9229  
4 and substitute it for the identical Senate Bill  
5 Number 7569, Third Reading Calendar 1316.

6 ACTING PRESIDENT O'MARA:  
7 Substitution ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number  
10 1316, by Member of the Assembly Brindisi,  
11 Assembly Print Number 9229, an act to amend the  
12 Correction Law.

13 ACTING PRESIDENT O'MARA: Read the  
14 last section.

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

17 ACTING PRESIDENT O'MARA: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 59.

21 ACTING PRESIDENT O'MARA: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 1317, by Senator Gallivan, Senate Print 7577A, an  
25 act to amend the Vehicle and Traffic Law.

1                   ACTING PRESIDENT O'MARA:    Read the  
2 last section.

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

5                   ACTING PRESIDENT O'MARA:    Call the  
6 roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT O'MARA:    Senator  
9 Kennedy to explain your vote.

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

12                  This is Alix's Law.  And I want to  
13 thank Senator Gallivan for putting this law  
14 forward.

15                  Hit-and-run accidents have become  
16 all too frequent throughout New York State.  In  
17 Western New York it seems there's been a rash of  
18 hit-and-run crashes.  Lives are being lost  
19 tragically and senselessly.  Too many New Yorkers  
20 have died as state residents wait for this  
21 important change to state law.  Action is needed  
22 now.  Delay will only cause more families to  
23 endure injustice after tragedy.

24                  This is a common-sense reform.  
25 With the implementation of this law, if a driver

1 is intoxicated, gets into an accident and flees  
2 the scene, it is presumed he or she knew they  
3 damaged someone's property or, worse, caused  
4 serious personal injury.

5           It should not be the burden of the  
6 prosecution to prove whether or not a drunk  
7 driver knew someone or something was hit when the  
8 driver fled the scene; it should be the drunk  
9 driver who is held accountable for their  
10 actions.

11           Most drunk drivers flee the scene  
12 for one main reason: to avoid penalty. As a  
13 result, victims are often left dying in the  
14 streets. In other words, life sentences for  
15 victims while drunk drivers attempt to skirt the  
16 law and escape justice.

17           This bill closes a loophole to  
18 ensure drunk drivers are held responsible for  
19 their actions and pay their time for committing  
20 heinous crimes.

21           I thank Senator Gallivan for  
22 introducing this legislation, and I commend my  
23 colleagues for supporting this much-needed  
24 reform.

25           Thank you, Mr. President. I vote

1 aye.

2                   ACTING PRESIDENT O'MARA:    Senator  
3 Kennedy to be recorded in the affirmative.

4                   Senator Gallivan to explain your  
5 vote.

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

8                   I'd like to thank my colleagues for  
9 their support of this piece of legislation. You  
10 did hear Senator Kennedy's explanation, and it's  
11 right on. It's unconscionable and so hard to  
12 understand how a drunk driver can get away with  
13 leaving the scene of an accident where a young  
14 woman died.

15                   This closes that loophole. This  
16 was the case in a high-profile case in Erie  
17 County. 18-year-old Alix Rice was hit by a drunk  
18 driver who ultimately was acquitted of all  
19 charges except for the driving while  
20 intoxicated. There was tremendous public  
21 outcry. And shortly thereafter we saw another  
22 hit-and-run DWI fatality, where a separate member  
23 of the community, a witness, followed the driver  
24 and held them for the police.

25                   But clearly a large focus on this

1 in western New York, problematic across the  
2 state, and we are doing a service to citizens  
3 across the state by closing this loophole.

4 I vote aye.

5 ACTING PRESIDENT O'MARA: Senator  
6 Gallivan to be recorded in the affirmative.

7 The Secretary will announce the  
8 result.

9 THE SECRETARY: Ayes, 58. Nays,  
10 1. Senator Duane recorded in the negative.

11 ACTING PRESIDENT O'MARA: The bill  
12 is passed.

13 THE SECRETARY: In relation to  
14 Calendar Number 1318, Senator Savino moves to  
15 discharge, from the Committee on Rules, Assembly  
16 Bill Number 10415A and substitute it for the  
17 identical Senate Bill Number 7589A, Third Reading  
18 Calendar 1318.

19 ACTING PRESIDENT O'MARA:  
20 Substitution ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number  
23 1318, by Member of the Assembly Weinstein,  
24 Assembly Print Number 10415A, an act to amend the  
25 Family Court Act.

1           ACTING PRESIDENT O'MARA:    Read the  
2 last section.

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

5           ACTING PRESIDENT O'MARA:    Call the  
6 roll.

7                           (The Secretary called the roll.)

8           THE SECRETARY:    Ayes, 59.

9           ACTING PRESIDENT O'MARA:    The bill  
10 is passed.

11           THE SECRETARY:    Calendar Number  
12 1319, by Senator Fuschillo, Senate --

13           SENATOR LIBOUS:   The bill is high,  
14 Mr. President.

15           ACTING PRESIDENT O'MARA:    The bill  
16 is high and will be laid aside for the day.

17           THE SECRETARY:    In relation to  
18 Calendar Number 1320, Senator Hannon moves to  
19 discharge, from the Committee on Rules, Assembly  
20 Bill Number 10606 and substitute it for the  
21 identical Senate Bill Number 7602, Third Reading  
22 Calendar 1320.

23           ACTING PRESIDENT O'MARA:  
24 Substitution ordered.

25                           The Secretary will read.

1                   THE SECRETARY:    Calendar Number  
2   1320, by the Assembly Committee on Rules,  
3   Assembly Print Number 10606, an act to amend the  
4   Public Health Law.

5                   ACTING PRESIDENT O'MARA:   Read the  
6   last section.

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

9                   ACTING PRESIDENT O'MARA:   Call the  
10  roll.

11                   (The Secretary called the roll.)

12                   THE SECRETARY:    Ayes, 59.

13                   ACTING PRESIDENT O'MARA:   The bill  
14  is passed.

15                   THE SECRETARY:    In relation to  
16  Calendar Number 1321, Senator Klein moves to  
17  discharge, from the Committee on Rules, Assembly  
18  Bill Number 10506 and substitute it for the  
19  identical Senate Bill Number 7607, Third Reading  
20  Calendar 1321.

21                   ACTING PRESIDENT O'MARA:  
22  Substitution ordered.

23                   The Secretary will read.

24                   THE SECRETARY:    Calendar Number  
25  1321, by Member of the Assembly Paulin, Assembly



1 Print Number 10506, an act authorizing a real  
2 property tax exemption.

3 ACTING PRESIDENT O'MARA: Read the  
4 last section.

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

7 ACTING PRESIDENT O'MARA: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 56. Nays,  
11 3. Senators Bonacic, Larkin and O'Mara recorded  
12 in the negative.

13 ACTING PRESIDENT O'MARA: The bill  
14 is passed.

15 THE SECRETARY: In relation to  
16 Calendar Number 1322, Senator Flanagan moves to  
17 discharge, from the Committee on Education,  
18 Assembly Bill Number 9906A and substitute it for  
19 the identical Senate Bill Number 7608, Third  
20 Reading Calendar 1322.

21 ACTING PRESIDENT O'MARA:  
22 Substitution ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number  
25 1322, by Member of the Assembly Nolan, Assembly

1 Print Number 9906A, an act to amend Chapter 352  
2 of the Laws of 2005.

3 ACTING PRESIDENT O'MARA: Read the  
4 last section.

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

7 ACTING PRESIDENT O'MARA: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 59.

11 ACTING PRESIDENT O'MARA: The bill  
12 is passed.

13 THE SECRETARY: In relation to  
14 Calendar Number 1323, Senator Lanza moves to  
15 discharge, from the Committee on Cities, Assembly  
16 Bill Number 9813 and substitute it for the  
17 identical Senate Bill Number 7613, Third Reading  
18 Calendar 1323.

19 ACTING PRESIDENT O'MARA:  
20 Substitution ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number  
23 1323, by Member of the Assembly Silver, Assembly  
24 Print Number 9813, an act to amend Chapter 890 of  
25 the Laws of 1982.

1                   ACTING PRESIDENT O'MARA:    Read the  
2 last section.

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

5                   ACTING PRESIDENT O'MARA:    Call the  
6 roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    Ayes, 59.

9                   ACTING PRESIDENT O'MARA:    The bill  
10 is passed.

11                   THE SECRETARY:    In relation to  
12 Calendar Number 1324, Senator Griffio moves to  
13 discharge, from the Committee on Rules, Assembly  
14 Bill Number 10627 and substitute it for the  
15 identical Senate Bill Number 7621, Third Reading  
16 Calendar 1324.

17                   ACTING PRESIDENT O'MARA:  
18 Substitution ordered.

19                   The Secretary will read.

20                   THE SECRETARY:    Calendar Number  
21 1324, by the Assembly Committee on Rules,  
22 Assembly Print Number 10627, an act in relation.

23                   ACTING PRESIDENT O'MARA:    There is  
24 a home-rule message at the desk.

25                   Read the last section.

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

3                   ACTING PRESIDENT O'MARA:    Call the  
4 roll.

5                   (The Secretary called the roll.)

6                   THE SECRETARY:    Ayes, 59.

7                   ACTING PRESIDENT O'MARA:    The bill  
8 is passed.

9                   THE SECRETARY:    Calendar Number  
10 1325, by Senator Ritchie, Senate Print --

11                   SENATOR LIBOUS:    That bill is  
12 high.  Lay it aside for the day.

13                   ACTING PRESIDENT O'MARA:    This  
14 bill is high.  Lay the bill aside for the day.

15                   THE SECRETARY:    Calendar Number  
16 1326, by Senator Golden, Senate Print 7640A, an  
17 act to amend the Real Property Tax Law.

18                   ACTING PRESIDENT O'MARA:    Read the  
19 last section.

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

22                   ACTING PRESIDENT O'MARA:    Call the  
23 roll.

24                   (The Secretary called the roll.)

25                   THE SECRETARY:    Ayes, 59.

1           ACTING PRESIDENT O'MARA:    The bill  
2 is passed.

3           THE SECRETARY:    Calendar Number  
4 1327, by Senator Young, Senate Print 7647, an act  
5 to authorize.

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

8                           Read the last section.

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

11           ACTING PRESIDENT O'MARA:    Call the  
12 roll.

13                           (The Secretary called the roll.)

14           THE SECRETARY:    Ayes, 58.  Nays,  
15 1.  Senator Ball recorded in the negative.

16           ACTING PRESIDENT O'MARA:    The bill  
17 is passed.

18           THE SECRETARY:    Calendar Number  
19 1328, by Senator Little, Senate Print 7654A,  
20 Concurrent Resolution of the Senate and Assembly.

21           ACTING PRESIDENT O'MARA:    The  
22 Secretary will call the roll on the resolution.

23                           (The Secretary called the roll.)

24           ACTING PRESIDENT O'MARA:    Senator  
25 Oppenheimer to explain your vote.

1                   SENATOR OPPENHEIMER:    Yes, I'll be  
2   voting in the negative.  And it's basically  
3   because this is a private, for-profit  
4   organization that wants to, you know, mine ore in  
5   the Town of Lewis in the Forest Preserve lands.

6                   And, you know, there is a viable  
7   alternative.  In fact, the CEO of the company,  
8   NYCO, has said that there's a viable alternative  
9   if the constitutional amendment was not  
10  approved.  And, as he said, that they could move  
11  their operations to other nearby locations.

12                  So I understand that this may be  
13  important to some of the people who live in that  
14  area who are working in the mines, but there is  
15  an alternative and there is no need to give up  
16  this piece of the Forest Preserve lands for this  
17  profit-making company, since there is an  
18  alternative.

19                  I vote no.

20                  ACTING PRESIDENT O'MARA:    Senator  
21  Oppenheimer to be recorded in the negative.

22                  The Secretary will announce the  
23  result.

24                  THE SECRETARY:    In relation to  
25  Calendar Number 1328, those recorded in the

1 negative are Senators Addabbo, Avella, Ball,  
2 Dilan, Duane, Gianaris, Hassell-Thompson,  
3 Kennedy, LaValle, Montgomery, Oppenheimer,  
4 Parker, Perkins, Rivera and Squadron.

5 Ayes, 44. Nays, 15.

6 ACTING PRESIDENT O'MARA: The  
7 resolution is adopted.

8 THE SECRETARY: Calendar Number  
9 1329, by Senator Little, Senate Print 7660,  
10 Concurrent Resolution of the Senate and Assembly.

11 ACTING PRESIDENT O'MARA: Call the  
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT O'MARA: Senator  
15 Little to explain her vote.

16 SENATOR LITTLE: Thank you,  
17 Mr. President.

18 This, like the previous concurrent  
19 resolution, is a first passage of a resolution  
20 which will help with the Forest Preserve.

21 This resolution is on Township 40.  
22 This is a 120-year-old debate and argument over  
23 clear title to over 200 parcels of land in the  
24 Town of Raquette Lake within the Adirondack  
25 Park.

1                   I can tell you that we've had  
2 meetings for hours and hours and hours and all  
3 kinds of proposals to try to solve this  
4 disagreement on the title. They have researched  
5 the title for well over a hundred-some years, and  
6 you still can't determine how or why these  
7 parcels are privately owned, and then the state  
8 in many ways believes that they still have a  
9 right to ownership of them. This is a way to  
10 settle that.

11                   First passage would be this year,  
12 second passage with the next Legislature, and  
13 then possibly going to the voters in the year  
14 2013, in the November election.

15                   The land will be replaced. It's  
16 about a thousand acres, has over 200 owners in  
17 those parcels. There will be an average payment  
18 of about \$2900. And with that money, new land,  
19 up to about 2,000 acres, will be purchased that  
20 will be equal or greater in value to replace and  
21 to add to the Adirondack Park.

22                   This is a wonderful resolution, a  
23 wonderful solution to an existing problem that  
24 has gone on for well over a hundred years, and  
25 will give these people clear title to their land



1 when we complete the second passage and then the  
2 public vote. So I thank you very much for your  
3 support of this legislation and the previous  
4 legislation.

5 Thank you.

6 ACTING PRESIDENT O'MARA: Senator  
7 Little to be recorded in the affirmative.

8 The Secretary will announce the  
9 result.

10 THE SECRETARY: Ayes, 58. Nays,  
11 1. Senator Ball recorded in the negative.

12 ACTING PRESIDENT O'MARA: The  
13 resolution is adopted.

14 THE SECRETARY: Calendar Number  
15 1330, by Senator DeFrancisco, Senate Print 7668,  
16 an act to amend the Vehicle and Traffic Law.

17 ACTING PRESIDENT O'MARA: Read the  
18 last section.

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

21 ACTING PRESIDENT O'MARA: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 55. Nays,  
25 4. Senators Ball, Dilan, Parker and Ranzenhofer

1 recorded in the negative.

2                   ACTING PRESIDENT O'MARA:    The bill  
3 is passed.

4                   THE SECRETARY:    Calendar Number  
5 1331, by Senator Libous, Senate Print 7671, an  
6 act to amend the Social Services Law.

7                   ACTING PRESIDENT O'MARA:    Read the  
8 last section.

9                   THE SECRETARY:    Section 4.  This  
10 act shall take effect February 22, 2014.

11                   ACTING PRESIDENT O'MARA:    Call the  
12 roll.

13                   (The Secretary called the roll.)

14                   ACTING PRESIDENT O'MARA:    Senator  
15 Libous to explain your vote.

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

18                   This piece of legislation is the  
19 Public Assistance Integrity Act.  It has been  
20 brought to my attention over the course of the  
21 last several months by a number of constituents  
22 that they're often in line at a food  
23 establishment and people with an EBT card, which  
24 is the electronic benefits card, which allows  
25 them food stamps, which is something that --

1 Mr. President, could we have a little order in  
2 the chamber?

3 ACTING PRESIDENT O'MARA: Some  
4 order in the chamber, please, while Senator  
5 Libous is explaining his vote.

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

8 When a food stamp recipient goes to  
9 the grocery store, they have access to food which  
10 is entitled to them under the law, and then there  
11 is a cash allowance portion on the EBT card,  
12 which works as a debit card. What we're trying  
13 to tighten up here is the fact that right now,  
14 under the law, you can use that cash assistance  
15 for gambling, alcohol, cigarettes, lottery  
16 tickets.

17 And we get quite a few complaints  
18 on an annual basis of people who are in a food  
19 establishment and are using the cash portion --  
20 rather than buying paper products or vitamins for  
21 their children or the items that are allowed  
22 under the law, they are purchasing these other  
23 items, the alcohol.

24 We have proof and evidence that  
25 they go to racinos. There was an upstate

1 television station that did an 11-county sting  
2 and found that the EBT cards were used at strip  
3 clubs.

4                   This legislation, Mr. President,  
5 is going to begin the process of controlling  
6 that. We are obligated by federal law by  
7 February 2014 to make sure that the assistance  
8 portion is not used for these items. And if we  
9 don't oblige by 2014, February, the State of  
10 New York will lose \$125 million in TANF money.

11                   So, Mr. President, I understand  
12 that people need food stamps. I understand that  
13 they need public assistance. That's why we have  
14 the program. But I don't understand why they  
15 need to go to strip clubs with the public  
16 assistance. I don't understand why they need to  
17 buy lottery tickets or go to a racino or buy  
18 alcohol.

19                   And this bill begins the process of  
20 conforming that, so that we can conform to the  
21 federal law that was passed, most recently, that  
22 basically says by 2014, February, we will lose  
23 \$125 million in TANF money.

24                   Mr. President, I vote aye.

25                   ACTING PRESIDENT O'MARA:     Senator

1 Libous to be recorded in the affirmative.

2 Senator DeFrancisco to explain your  
3 vote.

4 SENATOR DeFRANCISCO: Yes, I just  
5 want to thank Senator Libous. This is a very  
6 logical, very smart bill.

7 It's not only what's going to be  
8 required in 2014, but it just makes common  
9 sense. If the general public -- the basic  
10 response I've gotten, when the information came  
11 out that Tom Libous's bill was going to be put  
12 in, was that "They can do that? Are you kidding  
13 me? They can use an EBT card in order to go to a  
14 racetrack or buy alcohol? It's unbelievable.  
15 I'm paying for that." And that outrage is  
16 well-placed.

17 And all this bill is doing is being  
18 proactive and cleaning this up now rather than  
19 when we're legally required to do it in 2014.

20 So I think this is a great bill,  
21 and I vote aye.

22 ACTING PRESIDENT O'MARA: Senator  
23 DeFrancisco will be recorded in the affirmative.

24 The Secretary will announce the  
25 result.

1                   THE SECRETARY:    Ayes, 56.  Nays,  
2   3.  Senators Hassell-Thompson, Montgomery and  
3   Perkins recorded in the negative.

4                   ACTING PRESIDENT O'MARA:   The bill  
5   is passed.

6                   THE SECRETARY:    Calendar Number  
7   1332, by Senator Fuschillo, Senate Print 7681, an  
8   act to authorize.

9                   ACTING PRESIDENT O'MARA:   Read the  
10  last section.

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

13                   ACTING PRESIDENT O'MARA:   Call the  
14  roll.

15                   (The Secretary called the roll.)

16                   THE SECRETARY:    Ayes, 59.

17                   ACTING PRESIDENT O'MARA:   The bill  
18  is passed.

19                   THE SECRETARY:    Calendar Number  
20  1333, by Senator Ritchie, Senate Print 7688, an  
21  act to amend the Penal Law.

22                   ACTING PRESIDENT O'MARA:   Read the  
23  last section.

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

1                   ACTING PRESIDENT O'MARA:    Call the  
2 roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 59.

5                   ACTING PRESIDENT O'MARA:    The bill  
6 is passed.

7                   THE SECRETARY:    In relation to  
8 Calendar Number 1334, Senator Fuschillo moves to  
9 discharge, from the Committee on Rules, Assembly  
10 Bill Number 10239 and substitute it for the  
11 identical Senate Bill Number 7690, Third Reading  
12 Calendar 1334.

13                   ACTING PRESIDENT O'MARA:  
14 Substitution ordered.

15                   The Secretary will read.

16                   THE SECRETARY:    Calendar Number  
17 1334, by Member of the Assembly Dinowitz,  
18 Assembly Print Number 10239, an act to amend the  
19 General Business Law.

20                   ACTING PRESIDENT O'MARA:    Read the  
21 last section.

22                   THE SECRETARY:    Section 3.  This  
23 act shall take effect on the 60th day.

24                   ACTING PRESIDENT O'MARA:    Call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 59.

3 ACTING PRESIDENT O'MARA: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1335, by Senator DeFrancisco, Senate Print 7694,  
7 an act to authorize.

8 ACTING PRESIDENT O'MARA: Read the  
9 last section.

10 THE SECRETARY: Section 7. This  
11 act shall take effect on the same date and in the  
12 same manner as a chapter of the Laws of 2012.

13 ACTING PRESIDENT O'MARA: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT O'MARA: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 1336, by Senator Flanagan --

21 SENATOR LIBOUS: Mr. President, I  
22 believe this bill is high.

23 ACTING PRESIDENT O'MARA: The bill  
24 is high and will be laid aside for the day.

25 THE SECRETARY: Calendar Number



1 1337, by Senator Golden, Senate Print 7720, an  
2 act to amend the Penal Law.

3 ACTING PRESIDENT O'MARA: Read the  
4 last section.

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

7 ACTING PRESIDENT O'MARA: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58. Nays,  
11 1. Senator Duane recorded in the negative.

12 ACTING PRESIDENT O'MARA: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1338, by Senator Marcellino, Senate Print 7733,  
16 an act to amend the Tax Law.

17 ACTING PRESIDENT O'MARA: Read the  
18 last section.

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

21 ACTING PRESIDENT O'MARA: Call the  
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT O'MARA: Senator  
25 Krueger to explain your vote.

1                   SENATOR KRUEGER:    Thank you,  
2 Mr. President.  I rise to explain that I am  
3 supporting this bill.

4                   I am very pleased that so late in  
5 the session a bill that I have worked on for  
6 quite a few years, and been proud to have been  
7 cited as the author in several other states of  
8 the bill that had yet to become law in New York  
9 State, that in working with Senator Marcellino,  
10 after we held a hearing on the issue and heard  
11 from many experts about the value of taking  
12 action to prevent illegal software and hardware  
13 devices, such as zappers, to cheat all of us out  
14 of the payment of sales tax -- so people are  
15 paying their sales tax at the store or the  
16 restaurant, but the state is not receiving the  
17 sales tax.

18                  Which means not only do we all get  
19 cheated out of the tax revenue we need for the  
20 State of New York, it also means that businesses  
21 who play by the rules, who collect and pay their  
22 sales tax, are at a disadvantage against those  
23 businesses who violate and commit tax fraud.

24                  So I'm very happy to stand in  
25 support of this bill today, and I want to thank

1 my colleague Senator Marcellino for moving it  
2 down the field. And I'm hoping the other house  
3 will pass this bill and we can see this law in  
4 the State of New York.

5 Thank you, Mr. President.

6 ACTING PRESIDENT O'MARA: Senator  
7 Krueger will be recorded in the affirmative.

8 The Secretary will announce the  
9 result.

10 THE SECRETARY: Ayes, 59.

11 ACTING PRESIDENT O'MARA: The bill  
12 is passed.

13 THE SECRETARY: In relation to  
14 Calendar Number 1339, Senator Maziarz moves to  
15 discharge, from the Committee on Rules, Assembly  
16 Bill Number 10576 and substitute it for the  
17 identical Senate Bill Number 7593, Third Reading  
18 Calendar 1339.

19 ACTING PRESIDENT O'MARA:  
20 Substitution ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number  
23 1339, by the Assembly Committee on Rules,  
24 Assembly Print Number 10576, an act to amend the  
25 Town Law.

1           ACTING PRESIDENT O'MARA:   Read the  
2 last section.

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

5           ACTING PRESIDENT O'MARA:   Call the  
6 roll.

7           (The Secretary called the roll.)

8           THE SECRETARY:   Ayes, 59.

9           ACTING PRESIDENT O'MARA:   The bill  
10 is passed.

11           THE SECRETARY:   In relation to  
12 Calendar Number 1340, Senator Oppenheimer moves  
13 to discharge, from the Committee on Rules,  
14 Assembly Bill Number 10566 and substitute it for  
15 the identical Senate Bill Number 7601, Third  
16 Reading Calendar 1340.

17           ACTING PRESIDENT O'MARA:  
18 Substitution ordered.

19           The Secretary will read.

20           THE SECRETARY:   Calendar Number  
21 1340, by the Assembly Committee on Rules,  
22 Assembly Print Number 10566, an act to authorize.

23           ACTING PRESIDENT O'MARA:   Read the  
24 last section.

25           THE SECRETARY:   Section 2.  This

1 act shall take effect immediately.

2 ACTING PRESIDENT O'MARA: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 56. Nays,  
6 3. Senators Bonacic, Larkin and O'Mara recorded  
7 in the negative.

8 ACTING PRESIDENT O'MARA: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1341, by Senator Breslin, Senate Print 7606A, an  
12 act to authorize the City of Albany.

13 SENATOR BRESLIN: Lay it aside for  
14 the day, please.

15 ACTING PRESIDENT O'MARA: The bill  
16 is laid aside for the day.

17 THE SECRETARY: Calendar Number  
18 1342, by Senator Little, Senate Print --

19 SENATOR LIBOUS: Mr. President, I  
20 believe this bill is high.

21 ACTING PRESIDENT O'MARA: The bill  
22 is high and will be laid aside for the day.

23 THE SECRETARY: Calendar Number  
24 1343, by Senator McDonald, Senate Print 7674, an  
25 act to amend the Highway Law.

1                   ACTING PRESIDENT O'MARA:    Read the  
2 last section.

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

5                   ACTING PRESIDENT O'MARA:    Call the  
6 roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT O'MARA:    Senator  
9 McDonald to explain his vote.

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

12                  It's a sad occasion when we  
13 dedicate the name of a bridge in my district  
14 after a young man -- I went to his funeral --  
15 Staff Sergeant Derek Farley.  Derek served in  
16 Iraq, where he was wounded, came home,  
17 volunteered to go back to Afghanistan, where he  
18 was killed.

19                  This so often is happening in every  
20 state in our country to the men and women in our  
21 military today.  It's especially sad when you go  
22 to somebody -- you see the family, you know a few  
23 members of the family, and you know that as great  
24 an honor as it is naming something after your  
25 son, it's not replacing your son.

1                   Earlier today we honored a hero,  
2 the police officer from Senator Martins'  
3 district, and I believe later today we'll be  
4 honoring some more heroes. It's always important  
5 for us in New York State, a very patriotic state,  
6 in the New York State Senate and the New York  
7 State Assembly, very patriotic institutions that  
8 I'm proud to be a part of, that we honor this  
9 young man who fought in two separate wars and  
10 lost his life. And he did it for one reason, and  
11 that's because of us.

12                   So thank you, Mr. President.

13                   ACTING PRESIDENT O'MARA:    Senator  
14 McDonald to be recorded in the affirmative.

15                   The Secretary will announce the  
16 result.

17                   THE SECRETARY:    Ayes, 59.

18                   ACTING PRESIDENT O'MARA:    The bill  
19 is passed.

20                   THE SECRETARY:    Calendar Number  
21 1344, by Senator Young, Senate Print 7699, an act  
22 to amend the Parks, Recreation and Historic  
23 Preservation Law.

24                   ACTING PRESIDENT O'MARA:    Read the  
25 last section.

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

3                   ACTING PRESIDENT O'MARA:   Call the  
4 roll.

5                   (The Secretary called the roll.)

6                   THE SECRETARY:    Ayes, 59.

7                   ACTING PRESIDENT O'MARA:   The bill  
8 is passed.

9                   THE SECRETARY:    Calendar Number  
10 1345, by Senator Ball, Senate Print 7704, an act  
11 to amend the Highway Law.

12                  ACTING PRESIDENT O'MARA:   Read the  
13 last section.

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

16                  ACTING PRESIDENT O'MARA:   Call the  
17 roll.

18                  (The Secretary called the roll.)

19                  THE SECRETARY:    Ayes, 59.

20                  ACTING PRESIDENT O'MARA:   The bill  
21 is passed.

22                  THE SECRETARY:    Calendar Number  
23 1346, by Senator Martins, Senate Print 7706A, an  
24 act in relation.

25                  SENATOR LIBOUS:    The bill is high,



1 Mr. President.

2           ACTING PRESIDENT O'MARA:    The bill  
3 is high and will be laid aside for the day.

4           THE SECRETARY:    Calendar Number  
5 1347, by Senator O'Mara, Senate Print 7739, an  
6 act to amend the Highway Law.

7           ACTING PRESIDENT O'MARA:    Read the  
8 last section.

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

11          ACTING PRESIDENT O'MARA:    Call the  
12 roll.

13                   (The Secretary called the roll.)

14          THE SECRETARY:    Ayes, 59.

15          ACTING PRESIDENT O'MARA:    The bill  
16 is passed.

17          THE SECRETARY:    Calendar Number  
18 1348, by Senator Golden, Senate Print 7742, an  
19 act to amend the Penal Law.

20          ACTING PRESIDENT O'MARA:    Read the  
21 last section.

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

24          ACTING PRESIDENT O'MARA:    Call the  
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT O'MARA: Senator  
3 Kennedy to explain your vote.

4 SENATOR KENNEDY: Thank you very  
5 much.

6 We are committed to making certain  
7 that New York State does a better job of  
8 protecting our children. This important  
9 legislation will close loopholes that pedophiles  
10 have exploited to access child pornography.

11 Essentially, under this bill the  
12 law will catch up with technology and put  
13 pedophiles in prison. It's an important legal  
14 reform. If you knowingly access child  
15 pornography with the intent to view it, you're  
16 committing a crime and you should be locked up.

17 A recent court decision said in  
18 order to be convicted of a crime under current  
19 law, a pedophile must download, save, or print  
20 child porn materials. Basically, they said it's  
21 completely lawful to access and view child  
22 pornography online in New York State.

23 That's absolutely unacceptable, and  
24 any parent or grandparent should be absolutely  
25 appalled. Any citizen in New York State should

1 be absolutely appalled.

2 Under this bill, pedophiles can be  
3 convicted of a crime if they access child  
4 pornography through streaming video, storing  
5 content in a cloud, or through other means that  
6 don't require downloading or saving it onto a  
7 computer.

8 The law has finally caught up with  
9 technology. Harsh penalties will now be handed  
10 down to pedophiles who access and view child  
11 porn.

12 I thank the bill's sponsor for  
13 putting this legislation forward, and I thank the  
14 Governor and legislative leaders for coming to an  
15 agreement that will improve protections for  
16 children all across New York State.

17 Mr. President, I vote aye.

18 ACTING PRESIDENT O'MARA: Senator  
19 Kennedy to be recorded in the affirmative.

20 Senator Golden to explain your  
21 vote.

22 SENATOR GOLDEN: On the bill,  
23 Mr. President. I just want to thank my  
24 colleagues for voting for this bill.

25 This is an important bill. This

1 bill will stop the viewing of child pornography.  
2 And the more that we allow for the viewing of  
3 child pornography here in the State of New York,  
4 the more of a need for the content for that video  
5 to be reproduced and produced.

6               We are saddened that we had to pass  
7 legislation in 2012 to deal with this issue. One  
8 would have believed that we would have had  
9 language in our state law that would have  
10 comported with that of the federal law. But the  
11 longer that this legislation was out there and  
12 not resolved meant that there were more people  
13 viewing, more people in need of new viewing  
14 content, and more children being victimized and  
15 being abused.

16               This is a great piece of  
17 legislation. I want to thank my colleagues in  
18 the Assembly, the Governor, and here in this body  
19 for moving and taking the right action.

20               I vote aye.

21               ACTING PRESIDENT O'MARA:    Senator  
22 Golden to be recorded in the affirmative.

23               Senator Saland to explain your  
24 vote.

25               SENATOR SALAND:    Thank you,

1 Mr. President.

2 I rise to commend Senator Golden  
3 for his efforts with regard to this legislation.  
4 He jumped to the forefront on this legislation as  
5 soon as the issue percolated to the surface,  
6 immediately went to work, worked cooperatively  
7 with the Governor's office, and has really been  
8 instrumental in bringing about this final  
9 resolution.

10 I commend him, I thank him for his  
11 efforts, and I think we all owe him a debt of  
12 gratitude. Thank you, Senator Golden.

13 I vote in the affirmative.

14 ACTING PRESIDENT O'MARA: Senator  
15 Saland to be recorded in the affirmative.

16 Senator Marcellino to explain his  
17 vote.

18 SENATOR MARCELLINO: Yes, thank  
19 you, Mr. President.

20 I would also like to rise and thank  
21 my colleague Senator Marty Golden, who has taken  
22 the lead on this very significant issue.

23 Nothing is more important than  
24 protecting our children and protecting our  
25 children's safety. These individuals who thrive

1 on this kind of garbage are a threat to us all  
2 and a threat to all of our young people. And  
3 Marty has taken it on his broad shoulders to  
4 protect these people and to protect our children  
5 and our grandchildren.

6 I appreciate the fact that he works  
7 well with the Governor and he worked well with  
8 the other house, bringing them together so that  
9 we can get law in this state to do just what we  
10 all want to do, and that is to make sure that we  
11 get rid of child pornography.

12 I know that's a dream, I know it's  
13 not likely to happen in the near future, but  
14 these steps that are being taken here by Senator  
15 Golden, the Governor, and the other house and  
16 this house right now are most important first  
17 steps.

18 So I proudly vote aye, and I again  
19 commend my colleague for his great effort.

20 ACTING PRESIDENT O'MARA: Senator  
21 Marcellino to be recorded in the affirmative.

22 The Secretary will announce the  
23 result.

24 THE SECRETARY: Ayes, 59.

25 ACTING PRESIDENT O'MARA: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1349, by Senator Skelos, Senate Print 7744, an  
4 act to amend the Racing, Pari-Mutuel Wagering and  
5 Breeding Law.

6 ACTING PRESIDENT O'MARA: Read the  
7 last section.

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

10 ACTING PRESIDENT O'MARA: Call the  
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 58. Nays,  
14 1. Senator Diaz recorded in the negative.

15 ACTING PRESIDENT O'MARA: The bill  
16 is passed.

17 Senator Libous, that completes the  
18 noncontroversial reading of Calendar 59A.

19 SENATOR LIBOUS: Mr. President,  
20 can we go to Calendar 1305 for a minute and lay  
21 it aside for the day, please. Calendar Number  
22 1305, by Senator Young. It was laid aside  
23 earlier; I'd like to lay it aside for the day.

24 ACTING PRESIDENT O'MARA: Calendar  
25 Number 1305 is laid aside for the day.

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

3                   Mr. President, at this time would  
4   you please call on Senator Sampson for a  
5   statement.

6                   ACTING PRESIDENT O'MARA:    Senator  
7   Sampson.

8                   SENATOR SAMPSON:    Thank you very  
9   much, Mr. President.

10                  I am honored and privileged and I  
11   want to thank Assemblyman Nick Perry for bringing  
12   the delegation of Consul Generals from the  
13   Caribbean to this chamber. And I would like to  
14   have an opportunity just to introduce those who  
15   are here.

16                  We have the Honorable Lennox Price,  
17   the Consul General of Barbados. We have the  
18   Honorable Barbara Dailey, the Consul General of  
19   Dominica. We also have the Honorable Derek  
20   James, Consul General of Grenada. We also have  
21   the Honorable -- I don't want to butcher it --  
22   Menissa Rambally, Consul General of St. Lucia.

23                  We have the Honorable Unashi  
24   Ramnarine, Deputy Consul General of Trinidad and  
25   Tobago. And also we have the Honorable Herman



1 Lamont, Consul General of Jamaica. We also have  
2 the Honorable Henry Y. Martin, Ambassador General  
3 of St. Kitts and Nevis. And we also have the  
4 Honorable Omya David, Consul General from  
5 Antigua and Barbuda.

6 And so I just want to acknowledge  
7 the Consul Generals and thank them for the  
8 opportunity to visit this chamber, and I want to  
9 thank -- Bahamas, did I get the Bahamas? Also we  
10 have the Consul General from the Bahamas here  
11 also.

12 Thank you very much. And I just  
13 wanted to thank my colleagues and give our  
14 Consul Generals from around the Caribbean a round  
15 of applause for the phenomenal work that they are  
16 doing.

17 (Applause.)

18 ACTING PRESIDENT O'MARA: Thank  
19 you, Senator Sampson.

20 It's our pleasure to have you here,  
21 the Consuls General of the Caribbean with us  
22 today.

23 Member of the Assembly Perry,  
24 Senator Sampson, thank you for arranging this for  
25 us today.

1                   Welcome to the New York State  
2 Senate. Please enjoy your stay here in Albany  
3 today. And we offer you the privileges and the  
4 cordialities of the New York State Senate. Thank  
5 you.

6                   SENATOR SAMPSON: Mr. President.

7                   ACTING PRESIDENT O'MARA: Senator  
8 Sampson.

9                   SENATOR SAMPSON: I also just  
10 wanted to acknowledge the Deputy Borough  
11 President of Brooklyn, Deputy Borough President  
12 Chapman from Brooklyn. Thank you very much,  
13 Deputy Borough President.

14                   (Applause.)

15                   SENATOR LIBOUS: Thank you,  
16 Senator Sampson.

17                   Mr. President, at this time could  
18 you call on Senator Hassell-Thompson, please.

19                   ACTING PRESIDENT O'MARA: Senator  
20 Hassell-Thompson.

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

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

25                   ACTING PRESIDENT O'MARA: There

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

3 Senator Libous.

4 SENATOR LIBOUS: Thank you,  
5 Mr. President. There will be a Rules Committee  
6 meeting promptly at 3:00 p.m. in Room 332.

7 ACTING PRESIDENT O'MARA: There  
8 will be a meeting of the Rules Committee promptly  
9 at 3:00 p.m. in Room 332.

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

12 ACTING PRESIDENT O'MARA: The  
13 Senate will stand at ease.

14 (Whereupon, the Senate stood at ease  
15 at 2:24 p.m.)

16 (Whereupon, the Senate reconvened at  
17 3:43 p.m.)

18 ACTING PRESIDENT GRIFFO: The  
19 Senate will come to order.

20 Senator Libous.

21 SENATOR LIBOUS: Mr. President,  
22 can we return to reports of standing committees.

23 I believe there's a report of the  
24 Rules Committee at the desk. Can we please have  
25 it read.

1                   ACTING PRESIDENT GRIFFO:    Reports  
2 of standing committees.

3                   The Secretary will read the report  
4 of the Rules Committee.

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

8                   Senate Print 3096, by Senator Ball,  
9 an act to amend the Military Law;

10                  3645D, by Senator Griffo, an act to  
11 amend the Correction Law;

12                  3957, by Senator Ball, an act to  
13 amend the Military Law;

14                  4345C, by Senator Grisanti, an act  
15 to amend the Environmental Conservation Law;

16                  4568, by Senator Ball, an act to  
17 amend the Military Law;

18                  4747, by Senator O'Mara, an act to  
19 amend the Executive Law;

20                  5271, by Senator Ball, an act to  
21 amend the Executive Law;

22                  5498A, by Senator Ritchie, an act  
23 to amend the Correction Law;

24                  5654A, by Senator Zeldin, an act to  
25 amend the Education Law;

1                   6340, by Senator Seward, an act in  
2 relation to legalizing, validating and ratifying;

3                   6438A, by Senator Golden, an act to  
4 amend the General Municipal Law;

5                   6591A, by Senator Golden, an act to  
6 amend the Real Property Tax Law;

7                   6762A, by Senator Griffo, an act to  
8 authorize;

9                   6881, by Senator Young, an act to  
10 amend the Social Services Law;

11                   6912, by Senator Young, an act to  
12 amend the Education Law;

13                   6921C, by Senator Ranzenhofer, an  
14 act to amend the Public Authorities Law;

15                   7022, by Senator Golden, an act to  
16 amend the Tax Law;

17                   7122, by Senator Flanagan, an act  
18 to amend the Education Law;

19                   7278A, by Senator Young, an act to  
20 amend the Private Housing Finance Law;

21                   7323A, by Senator Zeldin, an act in  
22 relation to conveyance of land;

23                   7340, by Senator Ritchie, an act to  
24 amend the Public Health Law;

25                   7477, by Senator Parker, an act to

1 authorize;

2                   7480, by Senator Golden, an act to  
3 amend the Real Property Tax Law;

4                   And Senate 7493A, by Senator  
5 Griffo, an act to amend the Uniform Commercial  
6 Code.

7                   All bills reported direct to third  
8 reading.

9                   ACTING PRESIDENT GRIFFO:    Senator  
10 Libous.

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

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

16                  (Response of "Aye.")

17                  ACTING PRESIDENT GRIFFO:  
18 Opposed?

19                  (No response.)

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

22                  SENATOR LIBOUS:    Mr. President, at  
23 this time could we take up the noncontroversial  
24 reading of Supplemental Active List 1, please.

25                  ACTING PRESIDENT GRIFFO:    The

1 Secretary will read.

2 THE SECRETARY: Calendar Number  
3 247, by Senator Flanagan, Senate Print 4686, an  
4 act to amend the Highway Law.

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

7 The Secretary will read the last  
8 section.

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

11 ACTING PRESIDENT GRIFFO: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 59.

15 ACTING PRESIDENT GRIFFO: The bill  
16 is passed.

17 THE SECRETARY: On page 8, Senator  
18 Libous moves to discharge, from the Committee on  
19 Rules, Assembly Bill Number 1346C and substitute  
20 it for the identical Senate Bill Number 5132D,  
21 Third Reading Calendar 249.

22 ACTING PRESIDENT GRIFFO: The  
23 substitution is so ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 249, by Member of the Assembly Gantt, Assembly  
2 Print Number 1346C, an act to amend the Vehicle  
3 and Traffic Law.

4 ACTING PRESIDENT GRIFFO: Read the  
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the  
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT GRIFFO: Results.

12 THE SECRETARY: Ayes, 59.

13 ACTING PRESIDENT GRIFFO: The bill  
14 is passed.

15 THE SECRETARY: On page 18,  
16 Senator Little moves to discharge, from the  
17 Committee on Rules, Assembly Bill Number 9422A  
18 and substitute it for the identical Senate Bill  
19 Number 6826A, Third Reading Calendar 599.

20 ACTING PRESIDENT GRIFFO: The  
21 substitution is so ordered.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number  
24 599, by Member of the Assembly Sweeney, Assembly  
25 Print Number 9422A, an act to amend the



1 Environmental Conservation Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

4 THE SECRETARY: Section 4. This  
5 act shall take effect on the 180th day.

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT GRIFFO: Senator  
10 Little to explain her vote.

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

13 I'd like to thank my colleagues for  
14 their support of this legislation. It's a piece  
15 of legislation that will require the  
16 Environmental Conservation Department, working  
17 with the Department of Agriculture, to submit a  
18 list of invasive species plants, aquatic as well  
19 as land plants, that will then be prohibited from  
20 being knowingly sold and spread throughout our  
21 communities.

22 We all know many, many lakes that  
23 are having difficulty with milfoil, hydrilla,  
24 different plants that have invaded our area as  
25 well as some of those plants that have invaded

1 our roadsides, our land plants as well.

2           So it's a good bill with a lot of  
3 support, and I thank you for your votes. And I  
4 vote aye.

5           ACTING PRESIDENT GRIFFO:    Senator  
6 Little to be recorded in the affirmative.

7           Announce the results.

8           THE SECRETARY:    Ayes, 59.

9           ACTING PRESIDENT GRIFFO:    The bill  
10 is passed.

11           THE SECRETARY:    Calendar Number  
12 914, by Senator Saland, Senate Print 7251B, an  
13 act to authorize.

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

16           The Secretary will read the last  
17 section.

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

20           ACTING PRESIDENT GRIFFO:    Call the  
21 roll.

22           (The Secretary called the roll.)

23           THE SECRETARY:    Ayes, 59.

24           ACTING PRESIDENT GRIFFO:    The bill  
25 is passed.

1                   THE SECRETARY:    In relation to  
2 Calendar Number 914:   Ayes, 58.   Nays, 1.  
3 Senator Krueger recorded in the negative.

4                   ACTING PRESIDENT GRIFFO:   The bill  
5 is passed.

6                   THE SECRETARY:    On page 33,  
7 Senator Seward moves to discharge, from the  
8 Committee on Rules, Assembly Bill Number 9442 and  
9 substitute it for the identical Senate Bill  
10 Number 6284, Third Reading Calendar 957.

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

13                  The Secretary will read.

14                  THE SECRETARY:    Calendar Number  
15 957, by Member of the Assembly Lupardo, Assembly  
16 Print Number 9442, an act to amend the Education  
17 Law.

18                  ACTING PRESIDENT GRIFFO:   Read the  
19 last section.

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

22                  ACTING PRESIDENT GRIFFO:   Call the  
23 roll.

24                  (The Secretary called the roll.)

25                  THE SECRETARY:    Ayes, 59.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2 is passed.

3                   Senator Libous, that completes the  
4 noncontroversial reading of Supplemental Active  
5 List 1.

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

8                   At this time could we take up the  
9 noncontroversial reading of Senate Supplemental  
10 Calendar Number 59B.

11                  ACTING PRESIDENT GRIFFO:    The  
12 Secretary will begin the reading of Senate  
13 Supplemental Calendar 59B.

14                  THE SECRETARY:    Calendar Number  
15 1315, by Senator Ball, Senate Print 3096, an act  
16 to amend the Military Law.

17                  ACTING PRESIDENT GRIFFO:    Read the  
18 last section.

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

21                  ACTING PRESIDENT GRIFFO:    Call the  
22 roll.

23                  (The Secretary called the roll.)

24                  THE SECRETARY:    Ayes, 59.

25                  ACTING PRESIDENT GRIFFO:    The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1350, by Senator Griffo, Senate Print 3645D, an  
4 act to amend the Correction Law.

5 ACTING PRESIDENT GRIFFO: Read the  
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT GRIFFO: Senator  
13 Nozzolio to explain his vote.

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

16 Mr. President and my colleagues,  
17 this is an extremely important legislative  
18 measure that will help prevent serious injury and  
19 in many cases even death.

20 Mr. President, you're sponsoring  
21 this legislation, and I want to thank you for  
22 your tremendous leadership in putting forth  
23 what's called "Brittany's Law." Your leadership,  
24 your dedication, your persistence is second to  
25 none, and I am greatly appreciative of you

1 bringing forth this legislation for us to  
2 consider today.

3                   That it was on one fateful weekday  
4 afternoon in a small community in the Central  
5 Finger Lakes called Geneva, New York, where a  
6 grandmother, in a few short moments, lost her  
7 daughter and her granddaughter at the hands of a  
8 convicted felon. That felon had a history  
9 unknown to the family, but that was a history of  
10 violence and violent actions. If the family only  
11 knew, Mr. President, that that individual had a  
12 violent past, the situation may have been  
13 different and young Brittany Passalacqua might  
14 still be alive today.

15                   I know, Senator Griffo, you have  
16 addressed this issue because of similar  
17 circumstances in your region of the state, and I  
18 thank you for this statewide legislation that  
19 will help put families on notice when someone  
20 comes into their lives, whether it be through a  
21 new job, a blind date, someone that is coming  
22 into the family for whatever purpose, that the  
23 ability to access criminal histories and  
24 particularly those histories, especially those  
25 histories of violence, is critical.

1                   It's a way to stop violence, it's a  
2 way to prevent the incidence of domestic  
3 violence, it is a legislative measure whose time  
4 has come in using the information age to help  
5 prevent crime.

6                   Thank you, Mr. President, for your  
7 leadership. And I want to thank every member of  
8 this house who votes for this legislation,  
9 because it's extremely important. It can prevent  
10 serious injury and death in the future and  
11 prevent crime victims from happening in the first  
12 place.

13                   Thank you, Mr. President.

14                   ACTING PRESIDENT GRIFFO:    Thank  
15 you, Senator Nozzolio, for your comments.

16                   Senator Nozzolio will be recorded  
17 in the affirmative.

18                   Announce the results.

19                   THE SECRETARY:    In relation to  
20 Calendar Number 1350, those recorded in the  
21 negative are Senators Duane, Krueger, Montgomery,  
22 Perkins and Serrano.

23                   Ayes, 54.   Nays, 5.

24                   ACTING PRESIDENT GRIFFO:    The bill  
25 is passed.

1                   THE SECRETARY:    Calendar Number  
2 1351, by Senator Ball, Senate Print 3957, an act  
3 to amend the Military Law.

4                   ACTING PRESIDENT GRIFFO:   Read the  
5 last section.

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

8                   ACTING PRESIDENT GRIFFO:   Call the  
9 roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:    Ayes, 59.

12                   ACTING PRESIDENT GRIFFO:   The bill  
13 is passed.

14                   Calendar Number 1352 is high and  
15 will be laid aside for the day.

16                   THE SECRETARY:    In relation to  
17 Calendar Number 1353, Senator Ball moves to  
18 discharge, from the Committee on Finance,  
19 Assembly Bill Number 10511 and substitute it for  
20 the identical Senate Bill Number 4568, Third  
21 Reading Calendar 1353.

22                   ACTING PRESIDENT GRIFFO:   The  
23 substitution is so ordered.

24                   The Secretary will read.

25                   THE SECRETARY:    Calendar Number



1 1353, by the Assembly Committee on Rules,  
2 Assembly Print Number 10511, an act to amend the  
3 Military Law.

4           ACTING PRESIDENT GRIFFO:   Read the  
5 last section.

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

8           ACTING PRESIDENT GRIFFO:   Call the  
9 roll.

10           (The Secretary called the roll.)

11           THE SECRETARY:   Ayes, 59.

12           ACTING PRESIDENT GRIFFO:   The bill  
13 is passed.

14           THE SECRETARY:   Calendar Number  
15 1354, by Senator O'Mara, Senate Print 4747, an  
16 act to amend the Executive Law.

17           ACTING PRESIDENT GRIFFO:   Read the  
18 last section.

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

21           ACTING PRESIDENT GRIFFO:   Call the  
22 roll.

23           (The Secretary called the roll.)

24           THE SECRETARY:   Ayes, 59.

25           ACTING PRESIDENT GRIFFO:   The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1355, by Senator Ball, Senate Print 5271, an act  
4 to amend the Executive Law.

5 ACTING PRESIDENT GRIFFO: Read the  
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 59.

13 ACTING PRESIDENT GRIFFO: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 1356, by Senator Ritchie, Senate Print 5498A, an  
17 act to amend the Correction Law.

18 ACTING PRESIDENT GRIFFO: Read the  
19 last section.

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

22 THE PRESIDENT: Call the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT GRIFFO: Announce  
25 the results.

1                   THE SECRETARY:    In relation to  
2 Calendar Number 1356, those recorded in the  
3 negative are Senators Avella, Dilan, Duane,  
4 Gianaris, Hassell-Thompson, Krueger, Montgomery,  
5 Parker, Peralta, Perkins, Rivera, Serrano,  
6 Squadron and Stavisky.

7                   Ayes, 45.   Nays, 14.

8                   ACTING PRESIDENT GRIFFO:   The bill  
9 is passed.

10                  THE SECRETARY:    Calendar Number  
11 1357, by Senator Zeldin, Senate Print 5654A, an  
12 act to amend the Education Law.

13                  ACTING PRESIDENT GRIFFO:   Read the  
14 last section.

15                  THE SECRETARY:    Section 3.   This  
16 act shall take effect October 1, 2012.

17                  ACTING PRESIDENT GRIFFO:   Call the  
18 roll.

19                  (The Secretary called the roll.)

20                  ACTING PRESIDENT GRIFFO:   Senator  
21 Zeldin to explain his vote.

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

24                  I rise in support of this  
25 legislation and thank my colleagues who are

1 supporting it today.

2           Last year, in 2011, Nick Mauriello,  
3 a wrestler at Hauppauge High School in Suffolk  
4 County, contracted MRSA. Although this was one  
5 isolated incident at Hauppauge High School, for  
6 decades wrestlers all throughout this state and  
7 country have been suffering from all sorts of  
8 infectious skin diseases.

9           This is a piece of legislation  
10 drafted by coaches, the athletic directors, the  
11 physicians involved with the sport. And I thank  
12 them for putting forth a piece of legislation  
13 that will allow us to educate coaches and  
14 wrestlers. But I really thank the wrestling  
15 coaches for their leadership and initiative to  
16 bring this forward.

17           I vote aye and thank my colleagues  
18 who support it.

19           ACTING PRESIDENT GRIFFO: Senator  
20 Zeldin to be recorded in the affirmative.

21           Announce the results.

22           THE SECRETARY: Ayes, 58. Nays,  
23 1. Senator Duane recorded in the negative.

24           ACTING PRESIDENT GRIFFO: The bill  
25 is passed.

1                   THE SECRETARY:     Calendar Number  
2     1358, by Senator Seward, Senate Print 6340, an  
3     act to amend the in relation to legalizing,  
4     validating, and ratifying.

5                   ACTING PRESIDENT GRIFFO:     Read the  
6     last section.

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

9                   SENATOR LIBOUS:     Lay the bill  
10    aside for the day.

11                  ACTING PRESIDENT GRIFFO:     Lay it  
12    aside for the day.

13                  THE SECRETARY:     In relation to  
14    Calendar Number 1359, Senator Golden moves to  
15    discharge, from the Committee on Local  
16    Government, Assembly Bill Number 9116A and  
17    substitute it for the identical Senate Bill  
18    Number 6438A, Third Reading Calendar 1359.

19                  ACTING PRESIDENT GRIFFO:     The  
20    substitution is so ordered.

21                  The Secretary will read.

22                  THE SECRETARY:     Calendar Number  
23    1359, by Member of the Assembly Markey, Assembly  
24    Print Number 9116A, an act to amend the General  
25    Municipal Law.

1                   ACTING PRESIDENT GRIFFO:    Read the  
2 last section.

3                   THE SECRETARY:    Section 3.  This  
4 act shall take effect July 1, 2012.

5                   ACTING PRESIDENT GRIFFO:    Call the  
6 roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    Ayes, 59.

9                   ACTING PRESIDENT GRIFFO:    The bill  
10 is passed.

11                   THE SECRETARY:    In relation to  
12 Calendar Number 1360, Senator Golden moves to  
13 discharge, from the Committee on Aging, Assembly  
14 Bill Number 9223A and substitute it for the  
15 identical Senate Bill Number 6591A, Third Reading  
16 Calendar 1360.

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

19                   The Secretary will read.

20                   THE SECRETARY:    Calendar Number  
21 1360, by Member of the Assembly Simotas, Assembly  
22 Print Number 9223A, an act to amend the Real  
23 Property Tax Law.

24                   ACTING PRESIDENT GRIFFO:    Read the  
25 last section.

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

3                   ACTING PRESIDENT GRIFFO:    Call the  
4 roll.

5                   (The Secretary called the roll.)

6                   THE SECRETARY:    Ayes, 59.

7                   ACTING PRESIDENT GRIFFO:    The bill  
8 is passed.

9                   THE SECRETARY:    In relation to  
10 Calendar Number 1361, Senator Griffomoves to  
11 discharge, from the Committee on Rules, Assembly  
12 Bill Number 9663A and substitute it for the  
13 identical Senate Bill Number 6762A, Third Reading  
14 Calendar 1361.

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

17                   The Secretary will read.

18                   SENATOR BRESLIN:    Lay it aside.

19                   ACTING PRESIDENT GRIFFO:    The bill  
20 is laid aside.

21                   THE SECRETARY:    Calendar Number  
22 1362, by Senator Young, Senate Print 6881, an act  
23 to amend the Social Services Law.

24                   ACTING PRESIDENT GRIFFO:    Read the  
25 last section.

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

3                   ACTING PRESIDENT GRIFFO:   Call the  
4 roll.

5                   (The Secretary called the roll.)

6                   THE SECRETARY:    Ayes, 58.  Nays,  
7 1.  Senator Duane recorded in the negative.

8                   ACTING PRESIDENT GRIFFO:   The bill  
9 is passed.

10                  THE SECRETARY:    Calendar Number  
11 1363, by Senator Young, Senate Print 6912, an act  
12 to amend the Education Law.

13                  ACTING PRESIDENT GRIFFO:   Read the  
14 last section.

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

17                  ACTING PRESIDENT GRIFFO:   Call the  
18 roll.

19                  (The Secretary called the roll.)

20                  THE SECRETARY:    Ayes, 58.  Nays,  
21 1.  Senator LaValle recorded in the negative.

22                  ACTING PRESIDENT GRIFFO:   The bill  
23 is passed.

24                  THE SECRETARY:    Calendar Number  
25 1364, by Senator Ranzenhofer, Senate Print 6921C,



1 an act to amend the Public Authorities Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 59.

10 ACTING PRESIDENT GRIFFO: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 1365, by Senator Golden, Senate Print 7022, an  
14 act to amend the Tax Law.

15 ACTING PRESIDENT GRIFFO: Read the  
16 last section.

17 SENATOR BRESLIN: Lay it aside.

18 ACTING PRESIDENT GRIFFO: Lay the  
19 bill aside.

20 THE SECRETARY: Calendar Number  
21 1366, by Senator Flanagan, Senate Print 7122, an  
22 act to amend the Education Law.

23 ACTING PRESIDENT GRIFFO: Read the  
24 last section.

25 THE SECRETARY: Section 5. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT GRIFFO: Announce  
6 the results.

7 THE SECRETARY: In relation to  
8 Calendar Number 1366, those recorded in the  
9 negative are Senators Addabbo, Avella, Duane,  
10 Gianaris, Krueger, Montgomery, Parker, Peralta,  
11 Perkins, Rivera, Savino, Serrano and Stavisky.

12 Ayes, 46. Nays, 13.

13 ACTING PRESIDENT GRIFFO: The bill  
14 is passed.

15 THE SECRETARY: In relation to  
16 Calendar Number 1367, Senator Young moves to  
17 discharge, from the Committee on Rules, Assembly  
18 Bill Number 9843A and substitute it for the  
19 identical Senate Bill Number 7278A, Third Reading  
20 Calendar 1367.

21 ACTING PRESIDENT GRIFFO: The  
22 substitution is so ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number  
25 1367, by Member of the Assembly Lopez, Assembly

1 Print Number 9843A, an act to amend the Private  
2 Housing Finance Law.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 59.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 1368, by Senator Zeldin, Senate Print 7323A, an  
15 act in relation to the conveyance.

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

18 The Secretary will read the last  
19 section.

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

22 ACTING PRESIDENT GRIFFO: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 59.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2 is passed.

3                   THE SECRETARY:    In relation to  
4 Calendar Number 1369, Senator Ritchie moves to  
5 discharge, from the Committee on Rules, Assembly  
6 Bill Number 10372 and substitute it for the  
7 identical Senate Bill Number 7340, Third Reading  
8 Calendar 1369.

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

11                   The Secretary will read.

12                   THE SECRETARY:    Calendar Number  
13 1369, by Member of the Assembly Magnarelli,  
14 Assembly Print Number 10372, an act to amend the  
15 Public Health Law.

16                   ACTING PRESIDENT GRIFFO:    Read the  
17 last section.

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

20                   ACTING PRESIDENT GRIFFO:    Call the  
21 roll.

22                   (The Secretary called the roll.)

23                   THE SECRETARY:    Ayes, 59.

24                   ACTING PRESIDENT GRIFFO:    The bill  
25 is passed.

1                   THE SECRETARY:     Calendar Number  
2     1370, by Senator Parker, Senate Print 7477, an  
3     act to authorize.

4                   ACTING PRESIDENT GRIFFO:     Read the  
5     last section.

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

8                   ACTING PRESIDENT GRIFFO:     Call the  
9     roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:     In relation to  
12     Calendar Number 1370, those recorded in the  
13     negative are Senators Bonacic, Larkin and O'Mara.

14                   Ayes, 56.   Nays, 3.

15                   ACTING PRESIDENT GRIFFO:     The bill  
16     is passed.

17                   THE SECRETARY:     Calendar Number  
18     1371, by Senator Golden, Senate Print 7480, an  
19     act to amend the Real Property Tax Law.

20                   ACTING PRESIDENT GRIFFO:     Read the  
21     last section.

22                   THE SECRETARY:     Section 12.   This  
23     act shall take effect immediately.

24                   ACTING PRESIDENT GRIFFO:     Call the  
25     roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 59.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: In relation to  
6 Calendar Number 1372, Senator Griffo moves to  
7 discharge, from the Committee on Rules, Assembly  
8 Bill Number 10591 and substitute it for the  
9 identical Senate Bill Number 7493A, Third Reading  
10 Calendar 1372.

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

13 The Secretary will read.

14 THE SECRETARY: Calendar Number  
15 1372, by the Assembly Committee on Rules,  
16 Assembly Print Number 10591, an act to amend the  
17 Uniform Commercial Code.

18 ACTING PRESIDENT GRIFFO: Read the  
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 59.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2 is passed.

3                   Senator Libous, that completes the  
4 noncontroversial reading of Senate Supplemental  
5 Calendar 59B.

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

8                   We are going to take up the  
9 controversial reading, but I would like to start  
10 with 1365, by Senator Golden.

11                  ACTING PRESIDENT GRIFFO:    The  
12 Secretary will ring the bell.

13                  The Secretary will read.

14                  THE SECRETARY:    Calendar Number  
15 1365, by Senator Golden, Senate Print 7022, an  
16 act to amend the Tax Law.

17                  SENATOR BRESLIN:    Explanation.

18                  ACTING PRESIDENT GRIFFO:    An  
19 explanation has been requested by Senator  
20 Breslin.

21                  Senator Golden.

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

24                  Yes, this legislation would codify  
25 law in collection of excise tax that is not

1 presently collected through the Internet and  
2 through out-of-state purchases and would also  
3 give the retailers and wholesalers that buy --  
4 actually the wholesalers that purchase the  
5 cigars, they pay a floor tax as soon as that  
6 cigar arrives to their location. Now the tax  
7 would not be applied until they had actually sold  
8 that cigar to the retailer.

9                   So it frees up dollars for the  
10 wholesaler and it collects excise tax for the  
11 State of New York.

12                   ACTING PRESIDENT GRIFFO:    Senator  
13 Squadron.

14                   SENATOR SQUADRON:    If the sponsor  
15 would yield for a single question.

16                   ACTING PRESIDENT GRIFFO:    Sponsor,  
17 do you yield?

18                   SENATOR GOLDEN:    Yes,  
19 Mr. President.

20                   ACTING PRESIDENT GRIFFO:    The  
21 sponsor yields.

22                   SENATOR SQUADRON:    So if I  
23 understand, this simply creates consistency so at  
24 the point of retail sale, whether the Internet or  
25 in person or anything else in this state, that's



1 when the tax gets levied? As opposed to a system  
2 now where the Internet gets left behind and the  
3 wholesalers have to put themselves out before  
4 selling it retail?

5 SENATOR GOLDEN: That's correct.  
6 Yes, Mr. President.

7 SENATOR SQUADRON: Thank you very  
8 much.

9 On the bill, Mr. President.

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

12 SENATOR SQUADRON: Thank you very  
13 much.

14 I know we've got a lot to do  
15 today. This was an interesting bill, and I  
16 appreciate the explanation, and it strikes me as  
17 a bill that makes sense. I will be voting in the  
18 affirmative.

19 Thank you, Mr. President.

20 ACTING PRESIDENT GRIFFO: Hearing  
21 and seeing no other Senator wishing to debate,  
22 the debate is closed and the Secretary will ring  
23 the bell.

24 ACTING PRESIDENT O'MARA: Read the  
25 last section.

1                   THE SECRETARY:    Section 4.  This  
2 act shall take effect on the first day of the  
3 month next commencing.

4                   ACTING PRESIDENT O'MARA:   Call the  
5 roll.

6                   (The Secretary called the roll.)

7                   ACTING PRESIDENT O'MARA:   Announce  
8 the result.

9                   THE SECRETARY:    In relation to  
10 Calendar Number 1365, those recorded in the  
11 negative are Senators Ball, Diaz, Duane, LaValle,  
12 Maziarz, and Perkins.

13                   Absent from voting:  Senator  
14 Oppenheimer.

15                   Ayes, 52.  Nays, 6.

16                   ACTING PRESIDENT O'MARA:   The bill  
17 is passed.

18                   THE SECRETARY:    Calendar Number  
19 1361, by Member of the Assembly Brindisi,  
20 Assembly Print Number 9663A, an act to authorize.

21                   ACTING PRESIDENT O'MARA:   Read the  
22 last section.

23                   SENATOR KRUEGER:    Explanation.

24                   ACTING PRESIDENT O'MARA:   Senator  
25 Krueger.

1                   SENATOR KRUEGER:    An explanation,  
2     please.

3                   ACTING PRESIDENT O'MARA:    Senator  
4     Griffo, an explanation has been requested.

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

7                   This bill would authorize the Urban  
8     Development Corporation, also known as the Empire  
9     State Development Corporation, to enter into  
10    agreements to develop a Cyber Research  
11    Institute.

12                   As you know, this year with the  
13    Department of Defense cutbacks in Washington, as  
14    well as with the concerns that we've had about a  
15    potential BRACC that may be -- Base Realignment  
16    and Closure Commission, which also may be coming,  
17    we are trying to do whatever we can in New York  
18    State to continue to preserve and protect the  
19    military assets that we have in this state,  
20    across the state from Western New York to the  
21    City area.

22                   And we want to be able to prove  
23    their mission-effectiveness and their  
24    cost-effectiveness.

25                   In this particular bill we're

1 dealing with the Air Force Research Lab in Rome,  
2 which is extensively involved in a lot of  
3 communications, control, intelligence and  
4 cybersecurity.

5                   What this would do is establish a  
6 Cyber Research Institute which would work with  
7 the Air Force Research Lab as well as with many  
8 of our outstanding universities here in the State  
9 of New York to continue to do the work to protect  
10 our country, but also to allow us, in doing that  
11 process, to solidify the defense assets that  
12 currently call New York State their home.

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

15                   ACTING PRESIDENT O'MARA: Senator  
16 Griffo, will you yield for a question?

17                   SENATOR GRIFFO: I most certainly  
18 will.

19                   SENATOR KRUEGER: So as I read  
20 this bill, Senator, this sounded like a perfect  
21 model program to be submitted and reviewed for  
22 the Regional Economic Councils that were  
23 created. Was this not put through as a proposal  
24 to the Regional Economic Council that is  
25 effective in this area?

1                   SENATOR GRIFFO:    Mr. President,  
2   through you.  Senator, as I indicated earlier,  
3   this year there have been many projects that have  
4   been put forward to advance economic growth.  But  
5   I think what has happened is the Department of  
6   Defense has most recently announced potential  
7   BRACCs in the future, as well as the significant  
8   downsizing because of the lack of consensus in  
9   Congress to deal with some of the issues relative  
10  to cuts in the federal budget.

11                   So the concern is that the  
12  department may be making unilateral cuts on its  
13  own now because of the lack of consensus in  
14  Congress.

15                   So as a result of that, a number of  
16  communities -- in this particular instance, the  
17  Central New York community has come up with a  
18  concept to further advance and to solidify the  
19  presence of the Air Force Research Lab, which not  
20  only employs over a thousand people  
21  professionally directly, but has a lot of  
22  indirect employment through contractors too.

23                   So I think what this was is a  
24  reaction to a good concept and a program that  
25  needs to begin.  Because, you know, you can

1 always look towards the CFA and submit  
2 proposals.

3           This particular concept, the bill  
4 itself is silent on any appropriation. I know  
5 there have been some concerns because of what is  
6 addressed in the memo. But the memo basically  
7 indicates what may be a general idea of what  
8 would be involved as you begin such a Cyber  
9 Research Institute.

10           And the eligibility for funds could  
11 come from a variety of sources. It could come  
12 from money that we've already established for  
13 protection of defense assets here in New York  
14 State; it could come from Regional Economic  
15 Council awards in the future; it could come from  
16 private investment.

17           So there are a number of ways in  
18 which we would be able to generate the revenue to  
19 sustain this concept.

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

23           ACTING PRESIDENT O'MARA: Do you  
24 continue to yield, Senator?

25           SENATOR GRIFFO: Sure.

1                   SENATOR KRUEGER:    Thank you.

2                   So it's not yet been submitted for  
3 a Regional Economic Development Grant. It might  
4 at some point in the future, if I heard you  
5 correctly. And there is no appropriation, so  
6 it's not actually obligating the state to spend  
7 any money, even though it's projecting a cost of  
8 \$5 million over the next two or three years.

9                   Maybe my confusion is has the  
10 Air Force, which already has -- according to your  
11 bill, the Air Force already has its Information  
12 Assurance and Cyber Science Technology Laboratory  
13 in Rome, New York. Is there a rumor that they  
14 might be leaving?

15                  SENATOR GRIFFO:    Mr. President,  
16 through you. Senator Krueger, having served, in  
17 a former capacity, as mayor of the city for  
18 several terms and dealing with three BRACCs now,  
19 Base Realignment and Closure Commissions, there  
20 is always a potential threat to the  
21 installations.

22                  We believe that this particular  
23 facility serves the Air Force and our nation  
24 well. It is, again, both mission-effective and  
25 cost-effective. But in order to continue, as

1 many other states are across the Union  
2 currently -- I believe the State of Ohio has  
3 allocated almost \$10 million to \$12 million to  
4 protect its assets across the State of Ohio.

5               We believe here in New York that  
6 whether it's community-driven, as this proposal  
7 is, that we would try to do what we can to  
8 enhance the presence of the Air Force Research  
9 Lab itself. That is already there, the Air Force  
10 Research Lab in Rome.

11              This Cyber Research Institute we  
12 believe is a new concept that could really  
13 collaborate with the Air Force Research Lab,  
14 continue to strengthen its presence here, and  
15 hopefully be an opportunity for economic growth  
16 in a segment of this industry that we believe  
17 you'll see future growth in also.

18              So the proposal is to try to get  
19 ahead of what may be happening down the road. We  
20 don't want to wait. So that's why there has been  
21 the request for authorization. Funding appeals  
22 will be contingent upon what's available as we  
23 move forward, both governmentally and in the  
24 private sector.

25              SENATOR KRUEGER:    Thank you,



1 Mr. President. On the bill.

2 ACTING PRESIDENT O'MARA: On the  
3 bill.

4 SENATOR KRUEGER: I appreciate the  
5 sponsor's answers to my questions. And in fact,  
6 my concerns were answered by his responses.

7 I think that the opportunity to  
8 decide whether or not a project such as this  
9 should receive funding should in fact move  
10 through the existing channels we have for  
11 evaluating best-case options for economic  
12 development in the State of New York.

13 I think and hope that since this  
14 bill, if it becomes law -- and I am going to vote  
15 for the bill, Mr. President -- that it will be  
16 important to actually get the Air Force to say,  
17 Yes, we want this, and we will work with them.

18 I also hope as we move forward,  
19 before there's any agreement to commit state  
20 funding to what appears to be a private venture,  
21 potentially coordinating with the Air Force Cyber  
22 Research Institute, that we assure the people of  
23 New York that if there's going to be private  
24 technology and potentially patents and  
25 large-scale revenue to be had from this private

1 company or companies working out of this project,  
2 that the people of New York would share in any of  
3 the profits that might be made.

4 I think that New York State has  
5 successful and unsuccessful models of investing  
6 in new technology and research, both those that  
7 fail to get off the ground and fail to produce  
8 jobs and also some that have been extremely  
9 successful but where perhaps the State of  
10 New York has failed to recognize its rights as a  
11 shareholder in those investments.

12 So I am happy to support the bill,  
13 but I think a lot more questions will need to be  
14 dealt with down the line if this funding and this  
15 institute is actually created with government  
16 money from the State of New York.

17 Thank you, Mr. President.

18 ACTING PRESIDENT O'MARA: Seeing  
19 no other Senators wishing to be heard, debate is  
20 closed. The Secretary will ring the bell.

21 The Secretary will read the last  
22 section.

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

25 ACTING PRESIDENT O'MARA: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 59.

4 ACTING PRESIDENT O'MARA: The bill  
5 is passed.

6 Senator Libous, that completes the  
7 controversial reading of Supplemental Calendar  
8 59B.

9 SENATOR LIBOUS: Mr. President,  
10 would you call on Senator Hassell-Thompson.

11 ACTING PRESIDENT O'MARA: Senator  
12 Hassell-Thompson.

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

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

17 ACTING PRESIDENT O'MARA: There  
18 will be an immediate meeting of the Democratic  
19 Conference in Room 315.

20 SENATOR LIBOUS: Mr. President.

21 ACTING PRESIDENT O'MARA: Senator  
22 Libous.

23 SENATOR LIBOUS: The Senate will  
24 stand at ease and reconvene at 10 minutes to  
25 5:00.

1                   ACTING PRESIDENT O'MARA:    The  
2   Senate will stand at ease and reconvene at  
3   10 minutes to 5:00.

4                   (Whereupon, the Senate stood at  
5   ease at 4:24 p.m.)

6                   (Whereupon, the Senate reconvened  
7   at 5:43 p.m.)

8                   SENATOR LIBOUS:    Mr. President.

9                   ACTING PRESIDENT GRIFFO:    Senator  
10   Libous.

11                  SENATOR LIBOUS:    Could we return  
12   to motions at this time, please.

13                  ACTING PRESIDENT GRIFFO:    We'll  
14   return to motions.

15                  SENATOR LIBOUS:    On behalf of  
16   Senator Golden, Mr. President, I wish to call up  
17   his bill, Senate Print 7480, recalled from the  
18   Assembly, which is now at the desk.

19                  ACTING PRESIDENT GRIFFO:    The  
20   Secretary will read.

21                  THE SECRETARY:    Calendar Number  
22   1371, by Senator Golden, Senate Print 7480, an  
23   act to amend the Real Property Tax Law.

24                  SENATOR LIBOUS:    Mr. President, I  
25   now move to reconsider the vote by which this

1 bill was passed.

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

4                   (The Secretary called the roll.)

5                   THE SECRETARY:    Ayes, 59.

6                   ACTING PRESIDENT GRIFFO:    The bill  
7 is restored to third reading.

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

10                   Mr. President, at this time could  
11 we have the noncontroversial reading of  
12 Supplemental Active List Number 2.

13                   ACTING PRESIDENT GRIFFO:    The  
14 Secretary will read.

15                   THE SECRETARY:    Calendar Number  
16 82, by Senator Zeldin, Senate Print 4262A, an act  
17 to amend the Civil Service Law.

18                   ACTING PRESIDENT GRIFFO:    Read the  
19 last section.

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

22                   ACTING PRESIDENT GRIFFO:    Call the  
23 roll.

24                   (The Secretary called the roll.)

25                   THE SECRETARY:    Ayes, 59.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2 is passed.

3                   THE SECRETARY:    On page 6, Senator  
4 Gallivan moves to discharge, from the Committee  
5 on Rules, Assembly Bill Number 8173B and  
6 substitute it for the identical Senate Bill  
7 Number 5557B, Third Reading Calendar 168.

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

10                  The Secretary will read.

11                  THE SECRETARY:    Calendar Number  
12 168, by Member of the Assembly Smardz, Assembly  
13 Print 8173B, an act to amend the Real Property  
14 Tax Law.

15                  ACTING PRESIDENT GRIFFO:    Read the  
16 last section.

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

19                  ACTING PRESIDENT GRIFFO:    Call the  
20 roll.

21                  (The Secretary called the roll.)

22                  THE SECRETARY:    Ayes, 59.

23                  ACTING PRESIDENT GRIFFO:    The bill  
24 is passed.

25                  THE SECRETARY:    On page 7, Senator

1 Gallivan moves to discharge, from the Committee  
2 on Rules, Assembly Bill Number 8414B and  
3 substitute it for the identical Senate Bill  
4 Number 6069B, Third Reading Calendar 238.

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

7           The Secretary will read.

8           THE SECRETARY:    Calendar Number  
9 238, by Member of the Assembly Paulin, Assembly  
10 Print Number 8414B, an act to amend the Public  
11 Health Law.

12           ACTING PRESIDENT GRIFFO:    Read the  
13 last section.

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

16           ACTING PRESIDENT GRIFFO:    Call the  
17 roll.

18           (The Secretary called the roll.)

19           THE SECRETARY:    Ayes, 59.

20           ACTING PRESIDENT GRIFFO:    The bill  
21 is passed.

22           THE SECRETARY:    On page 7, Senator  
23 Ball moves to discharge, from the Committee on  
24 Health, Assembly Bill Number 9847A and substitute  
25 it for the identical Senate Bill Number 6305B,

1 Third Reading Calendar 239.

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

4 The Secretary will read.

5 THE SECRETARY: Calendar Number  
6 239, by Member of the Assembly Paulin, Assembly  
7 Print Number 9847A, an act to amend the Public  
8 Health Law.

9 ACTING PRESIDENT GRIFFO: Read the  
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT GRIFFO: The bill  
18 is passed.

19 THE SECRETARY: On page 8, Senator  
20 Farley moves to discharge, from the Committee on  
21 Rules, Assembly Bill Number 10099A and substitute  
22 it for the identical Senate Bill Number 5765A,  
23 Third Reading Calendar 251.

24 ACTING PRESIDENT GRIFFO: The  
25 substitution is so ordered.



1                   The Secretary will read.

2                   THE SECRETARY:    Calendar Number  
3   251, by Member of the Assembly Amedore, Assembly  
4   Print 10099A, an act relating to permitting.

5                   ACTING PRESIDENT GRIFFO:   Read the  
6   last section.

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

9                   ACTING PRESIDENT GRIFFO:   Call the  
10   roll.

11                   (The Secretary called the roll.)

12                   THE SECRETARY:    Ayes, 59.

13                   ACTING PRESIDENT GRIFFO:   The bill  
14   is passed.

15                   THE SECRETARY:    Calendar Number  
16   278, by Senator Marcellino, Senate Print 6547A,  
17   an act to amend the Alcoholic Beverage Control  
18   Law.

19                   ACTING PRESIDENT GRIFFO:   Read the  
20   last section.

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

23                   ACTING PRESIDENT GRIFFO:   Call the  
24   roll.

25                   (The Secretary called the roll.)

1                   THE SECRETARY:    Ayes, 57.   Nays,  
2   2.   Senators Diaz and Fuschillo recorded in the  
3   negative.

4                   ACTING PRESIDENT GRIFFO:    The bill  
5   is passed.

6                   THE SECRETARY:    Calendar Number  
7   444, by Senator Young, Senate Print 4359A, an act  
8   to amend the General Municipal Law.

9                   ACTING PRESIDENT GRIFFO:    Read the  
10   last section.

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

13                   ACTING PRESIDENT GRIFFO:    Call the  
14   roll.

15                   (The Secretary called the roll.)

16                   THE SECRETARY:    Ayes, 59.

17                   ACTING PRESIDENT GRIFFO:    The bill  
18   is passed.

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

22                   ACTING PRESIDENT GRIFFO:    Read the  
23   last section.

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

1           ACTING PRESIDENT GRIFFO:    Call the  
2 roll.

3           (The Secretary called the roll.)

4           THE SECRETARY:    Ayes, 58.  Nays,  
5 1.  Senator Duane recorded in the negative.

6           ACTING PRESIDENT GRIFFO:    The bill  
7 is passed.

8           THE SECRETARY:    Calendar Number  
9 694, by Senator LaValle, Senate Print 6451A, an  
10 act to authorize.

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

13          The Secretary will read the last  
14 section.

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

17          ACTING PRESIDENT GRIFFO:    Call the  
18 roll.

19          (The Secretary called the roll.)

20          THE SECRETARY:    Ayes, 59.

21          ACTING PRESIDENT GRIFFO:    The bill  
22 is passed.

23          THE SECRETARY:    On page 28,  
24 Senator Hannon moves to discharge, from the  
25 Committee on Rules, Assembly Bill Number 10518A

1 and substitute it for the identical Senate Bill  
2 Number 7031A, Third Reading Calendar 819.

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

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 819, by the Assembly Committee on Rules, Assembly  
8 Print Number 10518A, an act to amend the Public  
9 Health Law.

10 ACTING PRESIDENT GRIFFO: Read the  
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 59.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 828, by Senator Young, Senate Print 6585A, an act  
22 to authorize.

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

25 The Secretary will read the last

1 section.

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

4 ACTING PRESIDENT GRIFFO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 58. Nays,  
8 1. Senator Ball recorded in the negative.

9 ACTING PRESIDENT GRIFFO: The bill  
10 is passed.

11 THE SECRETARY: On page 28,  
12 Senator Martins moves to discharge, from the  
13 Committee on Rules, Assembly Bill Number 9745B  
14 and substitute it for the identical Senate Bill  
15 Number 7047B, Third Reading Calendar 834.

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

18 The Secretary will read.

19 THE SECRETARY: Calendar Number  
20 834, by Member of the Assembly Schimel, Assembly  
21 Print Number 9745B, an act to authorize.

22 ACTING PRESIDENT GRIFFO: Read the  
23 last section.

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

1                   ACTING PRESIDENT GRIFFO:    Call the  
2 roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 58.  Nays,  
5 1.  Senator Larkin recorded in the negative.

6                   ACTING PRESIDENT GRIFFO:    The bill  
7 is passed.

8                   THE SECRETARY:    On page 28,  
9 Senator Martins moves to discharge, from the  
10 Committee on Rules, Assembly Bill Number 9744B  
11 and substitute it for the identical Senate Bill  
12 Number 7048B, Third Reading Calendar 835.

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

15                   The Secretary will read.

16                   THE SECRETARY:    Calendar Number  
17 835, by Member of the Assembly Schimel, Assembly  
18 Print 9744B, an act to authorize.

19                   ACTING PRESIDENT GRIFFO:    Read the  
20 last section.

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

23                   ACTING PRESIDENT GRIFFO:    Call the  
24 roll.

25                   (The Secretary called the roll.)

1                   THE SECRETARY:    Ayes, 57.   Nays,  
2   2.   Senators Larkin and O'Mara recorded in the  
3   negative.

4                   ACTING PRESIDENT GRIFFO:    The bill  
5   is passed.

6                   THE SECRETARY:    Calendar Number  
7   993, by Senator Seward, Senate Print 4039A, an  
8   act to amend the Insurance Law.

9                   ACTING PRESIDENT GRIFFO:    Read the  
10   last section.

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

13                   ACTING PRESIDENT GRIFFO:    Call the  
14   roll.

15                   (The Secretary called the roll.)

16                   THE SECRETARY:    Ayes, 59.

17                   ACTING PRESIDENT GRIFFO:    The bill  
18   is passed.

19                   THE SECRETARY:    Calendar Number  
20   1023, by Senator Carlucci, Senate Print 4533A, an  
21   act to amend the Agriculture and Markets Law.

22                   ACTING PRESIDENT GRIFFO:    Read the  
23   last section.

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

1                   ACTING PRESIDENT GRIFFO:    Call the  
2 roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 57.  Nays,  
5 2.  Senators Diaz and Fuschillo recorded in the  
6 negative.

7                   ACTING PRESIDENT GRIFFO:    The bill  
8 is passed.

9                   THE SECRETARY:    Calendar Number  
10 1045, by Senator Gallivan, Senate Print 6993, an  
11 act to amend the Environmental Conservation Law.

12                   ACTING PRESIDENT GRIFFO:    Read the  
13 last section.

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

16                   ACTING PRESIDENT GRIFFO:    Call the  
17 roll.

18                   (The Secretary called the roll.)

19                   THE SECRETARY:    Ayes, 58.  Nays,  
20 1.  Senator Serrano recorded in the negative.

21                   ACTING PRESIDENT GRIFFO:    The bill  
22 is passed.

23                   THE SECRETARY:    On page 39,  
24 Senator Grisanti moves to discharge, from the  
25 Committee on Rules, Assembly Bill Number 10041B



1 and substitute it for the identical Senate Bill  
2 Number 7078B, Third Reading Calendar 1046.

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

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 1046, by Member of the Assembly Rosenthal,  
8 Assembly Print Number 10041B, an act to amend the  
9 Environmental Conservation Law.

10 ACTING PRESIDENT GRIFFO: Read the  
11 last section.

12 THE SECRETARY: Section 3. This  
13 act shall take effect on the 60th day.

14 ACTING PRESIDENT GRIFFO: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 59.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: On page 44,  
21 Senator Saland moves to discharge, from the  
22 Committee on Local Government, Assembly Bill  
23 Number 9795 and substitute it for the identical  
24 Senate Bill Number 6897, Third Reading Calendar  
25 1121.

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

3                   The Secretary will read.

4                   THE SECRETARY:    Calendar Number  
5 1121, by Member of the Assembly Miller, Assembly  
6 Print Number 9795, an act to amend the Town Law.

7                   ACTING PRESIDENT GRIFFO:    Read the  
8 last section.

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

11                   ACTING PRESIDENT GRIFFO:    Call the  
12 roll.

13                   (The Secretary called the roll.)

14                   THE SECRETARY:    Ayes, 59.

15                   ACTING PRESIDENT GRIFFO:    The bill  
16 is passed.

17                   THE SECRETARY:    Calendar Number  
18 1237, by Senator Bonacic, Senate Print 6110, an  
19 act to amend the Education Law.

20                   ACTING PRESIDENT GRIFFO:    Read the  
21 last section.

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

24                   ACTING PRESIDENT GRIFFO:    Call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 59.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1298, by Senator Libous --

7 SENATOR LIBOUS: Lay it aside for  
8 the day.

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

11 Senator Libous, that completes the  
12 noncontroversial reading of Supplemental Active  
13 List Number 2.

14 SENATOR LIBOUS: Thank you,  
15 Mr. President. Is there any further business at  
16 the desk?

17 ACTING PRESIDENT GRIFFO: There is  
18 one note, Senator Libous.

19 We'd like to wish Senator Serrano  
20 and Senator Martins a happy birthday.

21 SENATOR LIBOUS: Happy birthday.  
22 (Applause.)

23 ACTING PRESIDENT GRIFFO: There is  
24 no further business before the desk, Senator  
25 Libous.

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

3                   Mr. President, there being no  
4   further business, I move that the Senate will  
5   adjourn until Wednesday, June 20th, at  
6   10:00 a.m.   Not 10:05, not 10:45, but 10:00 a.m.

7                   ACTING PRESIDENT GRIFFO:    On  
8   motion, the Senate stands adjourned until  
9   Wednesday, June 20th, at 10:00 a.m. promptly.

10                  Senate adjourned.

11                  (Whereupon, at 5:52 p.m., the Senate  
12   adjourned.)

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