NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 19, 2012

12:00 p.m.

REGULAR SESSION

SENATOR JOSEPH ROBACH, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT ROBACH: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT ROBACH: The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

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

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

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: Substitutions ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

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

ACTING PRESIDENT ROBACH: The Secretary will read the title.

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

ACTING PRESIDENT ROBACH: Senator Martins on the resolution.

SENATOR MARTINS: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

Thank you, Detective.

(Standing ovation.)

ACTING PRESIDENT ROBACH: Thank you, Senator Martins.

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

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

Senator Golden on the resolution.

SENATOR GOLDEN: Thank you, Mr. President.

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: Thank you, Senator Golden.

Senator Adams on the resolution.

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

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

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

has been a victim of senseless violence.

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

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

(Laughter.)

ACTING PRESIDENT ROBACH: Thank you, Senator Adams.

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

And this resolution was previously passed on June 12th.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

Mr. President, what I'm going to

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

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

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

Senator DeFrancisco.

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

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The Resolution Calendar is adopted.

Senator DeFrancisco.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: Senator

Larkin on the resolution.

SENATOR LARKIN: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Larkin.

Senator Carlucci on the resolution.

SENATOR CARLUCCI: Thank you, Mr. President.

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

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

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

cause.

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

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

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Carlucci.

Senator Diaz on the resolution.

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

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

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

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

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

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

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

Today Senator Larkin has decided to

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

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

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

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

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

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

(Laughter.)

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

ACTING PRESIDENT ROBACH: Thank you, Senator Diaz.

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

(Applause.)

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

(Applause.)

ACTING PRESIDENT ROBACH: Senator DeFrancisco.

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

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

Senator DeFrancisco.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Legislative

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

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

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

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

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

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

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

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

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

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

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

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

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

"WHEREAS, Dr. Annie Martin

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

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

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

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

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

ACTING PRESIDENT ROBACH: Senator Perkins on your resolution.

SENATOR PERKINS: Thank you very much.

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

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

Thank you very much.

ACTING PRESIDENT ROBACH: Thank you, Senator Perkins.

Senator Peralta on the resolution.

SENATOR PERALTA: Thank you, Mr. President.

I worked with Annie B. Martin --

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Peralta.

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

Senator DeFrancisco.

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

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

Senator DeFrancisco.

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

ACTING PRESIDENT ROBACH: The Secretary will read the title.

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

ACTING PRESIDENT ROBACH: Senator Serrano on the resolution.

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT ROBACH: Thank you, Senator Serrano.

Senator Perkins on the resolution.

SENATOR PERKINS: Thank you very much.

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

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

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

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

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

Thank you very much.

ACTING PRESIDENT ROBACH: Thank you, Senator Perkins.

Senator Rivera on the resolution.

SENATOR RIVERA: Thank you, Mr. President.

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Rivera.

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

Senator Libous.

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

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

ACTING PRESIDENT ROBACH: The Secretary will read the title.

THE SECRETARY: Legislative

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

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

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

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

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

We have another resolution, by

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

ACTING PRESIDENT ROBACH: The Secretary will read the title.

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

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

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

Senator Libous.

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

ACTING PRESIDENT ROBACH: Reports of standing committees.

The Secretary will read the report of the Rules Committee.

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

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

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

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

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

5900C, by Senator Young, an act to amend the Real Property Tax Law;

6478, by Senator Bonacic, an act to amend the Local Finance Law;

6751A, by Senator Carlucci, an act to create the Orangetown Public Library;

6769B, by Senator Flanagan, an act to amend the Public Health Law;

6969A, by Senator Young, an act to amend the Public Health Law;

6971A, by Senator Grisanti, an act to amend the General Business Law;

7092, by Senator Zeldin, an act to amend the Civil Practice Law and Rules;

7532, by Senator Gallivan, an act to amend the Public Authorities Law;

7537A, by Senator Johnson, an act to amend the Public Authorities Law;

7550A, by Senator Ritchie, an act to authorize the Village of Deferiet;

7569, by Senator Griffo, an act to amend the Correction Law;

7577A, by Senator Gallivan, an act to amend the Vehicle and Traffic Law;

7589A, by Senator Savino, an act to

amend the Family Court Act;

7595A, by Senator Fuschillo, an act to amend the General Business Law;

7602, by Senator Hannon, an act to amend the Public Health Law;

7607, by Senator Klein, an act authorizing a real property tax exemption;

7608, by Senator Flanagan, an act to amend Chapter 352 of the Laws of 2005;

7613, by Senator Lanza, an act to amend Chapter 890 of the Laws of 1982;

7621, by Senator Griffo, an act in relation to the conveyance;

7631B, by Senator Ritchie, an act to amend the Highway Law;

7640A, by Senator Golden, an act to amend the Real Property Tax Law;

7647, by Senator Young, an act to authorize;

7654A, by Senator Little, Concurrent Resolution of the Senate and Assembly;

7660, by Senator Little, Concurrent Resolution of the Senate and Assembly;

7668, by Senator DeFrancisco, an act to amend the Vehicle and Traffic Law;

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

7681, by Senator Fuschillo, an act to authorize;

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

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

7694, by Senator DeFrancisco, an act to authorize;

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

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

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

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

7601, by Senator Oppenheimer, an act to authorize;

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

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

7674, by Senator McDonald, an act

to amend the Highway Law;

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

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

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

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

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

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

All bills reported direct to third reading.

ACTING PRESIDENT ROBACH: Senator Libous.

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

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The Rules report is accepted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT ROBACH: Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

ACTING PRESIDENT ROBACH: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

SENATOR LIBOUS: I offer up the following amendments.

ACTING PRESIDENT ROBACH: The amendments are received.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

ACTING PRESIDENT ROBACH: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

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

ACTING PRESIDENT ROBACH: The amendments are received.

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

ACTING PRESIDENT ROBACH: The amendments are received.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 30th day.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Announce the results.

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

ACTING PRESIDENT ROBACH: Announce

the new results.

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

ACTING PRESIDENT GRIFFO: Results.

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

Ayes, 36. Nays, 23.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: Lay it aside.

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

SENATOR LIBOUS: Lay it aside for the day.

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

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill

is passed.

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

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Ayes, 53. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

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

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

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

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

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

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

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

Senator Parker to explain his vote.

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

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

As I've indicated before on the

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

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

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

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

Announce the results.

THE SECRETARY: In relation to

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

Ayes, 53. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

Ayes, 50. Nays, 9.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

The Secretary will continue to read.

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

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Grisanti to explain his vote.

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

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

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

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

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

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

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

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

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

SENATOR BRESLIN: Explanation.

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

SENATOR GRIFFO: Thank you, Mr. President.

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

submitting a FOIL.

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

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

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

ACTING PRESIDENT O'MARA: Senator Squadron.

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

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

SENATOR GRIFFO: Sure. Sure.

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

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

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

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

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

SENATOR GRIFFO: I do.

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

SENATOR GRIFFO: Mr. President,

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

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR GRIFFO: I do.

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

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

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

SENATOR GRIFFO: Yes.

SENATOR SQUADRON: Thank you.

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

currently maintain that list?

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

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR GRIFFO: Yes.

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

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

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

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

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

SENATOR SQUADRON: If the sponsor continues to yield.

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

SENATOR GRIFFO: Yes.

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

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

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

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

require permits, which would be revolvers.

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

SENATOR GRIFFO: Yes.

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

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

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

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

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR GRIFFO: Yes.

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

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

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR GRIFFO: Yes.

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

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

For instance, if you were to put in

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

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR GRIFFO: Yes.

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

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

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

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

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

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

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

SENATOR SQUADRON: Thank you.

On the bill, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

Read the last section.

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

ACTING PRESIDENT O'MARA: Call the

roll.

(The Secretary called the roll.)

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

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

Absent from voting: Senator Oppenheimer.

Ayes, 36. Nays, 22.

ACTING PRESIDENT O'MARA: The bill is passed.

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

SENATOR BRESLIN: Explanation.

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

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

electronic and life safety alarm systems and services.

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

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

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

ACTING PRESIDENT O'MARA: Senator Squadron.

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

SENATOR RANZENHOFER: Yes.

ACTING PRESIDENT O'MARA: Proceed.

SENATOR SQUADRON: Thank you.

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

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

SENATOR RANZENHOFER: They have to renew the contract.

SENATOR SQUADRON: Through you, Mr. President.

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

SENATOR RANZENHOFER: Yes.

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

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

SENATOR RANZENHOFER: From the company to the client.

SENATOR SQUADRON: If the sponsor would continue to yield.

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

SENATOR RANZENHOFER: Yes.

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

SENATOR RANZENHOFER: Yes.

SENATOR SQUADRON: If the sponsor will continue to yield.

SENATOR RANZENHOFER: Yes.

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

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

SENATOR SQUADRON: If the sponsor

would continue to yield.

SENATOR RANZENHOFER: Yes.

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

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

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR RANZENHOFER: Yes.

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

But what they would have in their

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

SENATOR RANZENHOFER: Well, not entirely.

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

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

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

SENATOR SQUADRON: If the sponsor

would continue to yield.

SENATOR RANZENHOFER: Yes.

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

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

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR RANZENHOFER: Yes.

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

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

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

SENATOR LIBOUS: Mr. President. Mr. President.

ACTING PRESIDENT O'MARA: Senator Libous.

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

ACTING PRESIDENT O'MARA: Yes, Senator Libous.

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

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

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

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

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

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

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

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

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

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

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

SENATOR SQUADRON: Thank you. On the bill.

ACTING PRESIDENT O'MARA: Senator

Squadron on the bill.

SENATOR SQUADRON: Thank you very much.

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT O'MARA: Senator Ranzenhofer.

SENATOR RANZENHOFER: A couple of comments on the bill.

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

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

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

you lose your service.

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

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

I would encourage my colleagues to vote for this.

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

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

The Secretary will read the last section.

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

ACTING PRESIDENT O'MARA: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT O'MARA: Announce the result.

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

Absent from voting: Senator Adams.

Ayes, 46. Nays, 12.

ACTING PRESIDENT O'MARA: The bill is passed.

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

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill

is passed.

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

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

SENATOR BRESLIN: Lay it aside.

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

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

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

SENATOR FLANAGAN: Thank you, Mr. President.

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

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

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

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

And I think we're going to see more

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

I vote in the affirmative. Thank you.

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

Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

act to amend the General Business Law.

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

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

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

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

So this legislation would establish

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

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

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

Mr. President, I vote aye.

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

The Secretary will announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

THE SECRETARY: In relation to

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

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

act to amend the Public Authorities Law.

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT O'MARA: Read the

last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

THE SECRETARY: In relation to

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

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

SENATOR KENNEDY: Thank you, Mr. President.

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

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

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

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

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

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

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

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

Thank you, Mr. President. I vote

aye.

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

Senator Gallivan to explain your vote.

SENATOR GALLIVAN: Thank you, Mr. President.

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

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

But clearly a large focus on this

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

I vote aye.

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

The Secretary will announce the result.

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

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

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

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

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

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

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

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1324, Senator Griffo moves to discharge, from the Committee on Rules, Assembly Bill Number 10627 and substitute it for the identical Senate Bill Number 7621, Third Reading Calendar 1324.

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

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

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

Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

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

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

(The Secretary called the roll.)

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

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

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

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

I vote no.

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

The Secretary will announce the result.

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

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

Ayes, 44. Nays, 15.

ACTING PRESIDENT O'MARA: The resolution is adopted.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

SENATOR LITTLE: Thank you, Mr. President.

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

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

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

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

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

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

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

Thank you.

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

The Secretary will announce the result.

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

ACTING PRESIDENT O'MARA: The resolution is adopted.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

recorded in the negative.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

SENATOR LIBOUS: Thank you, Mr. President.

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

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

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

SENATOR LIBOUS: Thank you, Mr. President.

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

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

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

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

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

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

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

Mr. President, I vote aye.

ACTING PRESIDENT O'MARA: Senator

Libous to be recorded in the affirmative.

Senator DeFrancisco to explain your vote.

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

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

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

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

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

The Secretary will announce the result.

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)
THE SECRETARY: Ayes, 59.
ACTING PRESIDENT O'MARA: The bill is passed.
THE SECRETARY: Calendar Number 1335, by Senator DeFrancisco, Senate Print 7694, an act to authorize.
ACTING PRESIDENT O'MARA: Read the last section.
THE SECRETARY: Section 7. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2012.
ACTING PRESIDENT O'MARA: Call the roll.
(The Secretary called the roll.)
THE SECRETARY: Ayes, 59.
ACTING PRESIDENT O'MARA: The bill is passed.
THE SECRETARY: Calendar Number 1336, by Senator Flanagan --
SENATOR LIBOUS: Mr. President, I believe this bill is high.
ACTING PRESIDENT O'MARA: The bill is high and will be laid aside for the day.
THE SECRETARY: Calendar Number

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

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

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

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

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

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

Thank you, Mr. President.

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

The Secretary will announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT O'MARA: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

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

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

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

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

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

SENATOR McDONALD: Thank you, Mr. President.

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

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

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

So thank you, Mr. President.

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

The Secretary will announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

SENATOR LIBOUS: The bill is high,

Mr. President.

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

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

SENATOR KENNEDY: Thank you very much.

We are committed to making certain that New York State does a better job of protecting our children. This important legislation will close loopholes that pedophiles have exploited to access child pornography.

Essentially, under this bill the law will catch up with technology and put pedophiles in prison. It's an important legal reform. If you knowingly access child pornography with the intent to view it, you're committing a crime and you should be locked up.

A recent court decision said in order to be convicted of a crime under current law, a pedophile must download, save, or print child porn materials. Basically, they said it's completely lawful to access and view child pornography online in New York State.

That's absolutely unacceptable, and any parent or grandparent should be absolutely appalled. Any citizen in New York State should

be absolutely appalled.

Under this bill, pedophiles can be convicted of a crime if they access child pornography through streaming video, storing content in a cloud, or through other means that don't require downloading or saving it onto a computer.

The law has finally caught up with technology. Harsh penalties will now be handed down to pedophiles who access and view child porn.

I thank the bill's sponsor for putting this legislation forward, and I thank the Governor and legislative leaders for coming to an agreement that will improve protections for children all across New York State.

Mr. President, I vote aye.

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

Senator Golden to explain your vote.

SENATOR GOLDEN: On the bill, Mr. President. I just want to thank my colleagues for voting for this bill.

This is an important bill. This

bill will stop the viewing of child pornography. And the more that we allow for the viewing of child pornography here in the State of New York, the more of a need for the content for that video to be reproduced and produced.

We are saddened that we had to pass legislation in 2012 to deal with this issue. One would have believed that we would have had language in our state law that would have comported with that of the federal law. But the longer that this legislation was out there and not resolved meant that there were more people viewing, more people in need of new viewing content, and more children being victimized and being abused.

This is a great piece of legislation. I want to thank my colleagues in the Assembly, the Governor, and here in this body for moving and taking the right action.

I vote aye.

ACTING PRESIDENT O'MARA: Senator Golden to be recorded in the affirmative.

Senator Saland to explain your vote.

SENATOR SALAND: Thank you,

Mr. President.

I rise to commend Senator Golden for his efforts with regard to this legislation. He jumped to the forefront on this legislation as soon as the issue percolated to the surface, immediately went to work, worked cooperatively with the Governor's office, and has really been instrumental in bringing about this final resolution.

I commend him, I thank him for his efforts, and I think we all owe him a debt of gratitude. Thank you, Senator Golden.

I vote in the affirmative.

ACTING PRESIDENT O'MARA: Senator Saland to be recorded in the affirmative.

Senator Marcellino to explain his vote.

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

I would also like to rise and thank my colleague Senator Marty Golden, who has taken the lead on this very significant issue.

Nothing is more important than protecting our children and protecting our children's safety. These individuals who thrive

on this kind of garbage are a threat to us all and a threat to all of our young people. And Marty has taken it on his broad shoulders to protect these people and to protect our children and our grandchildren.

I appreciate the fact that he works well with the Governor and he worked well with the other house, bringing them together so that we can get law in this state to do just what we all want to do, and that is to make sure that we get rid of child pornography.

I know that's a dream, I know it's not likely to happen in the near future, but these steps that are being taken here by Senator Golden, the Governor, and the other house and this house right now are most important first steps.

So I proudly vote aye, and I again commend my colleague for his great effort.

ACTING PRESIDENT O'MARA: Senator Marcellino to be recorded in the affirmative.

The Secretary will announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill

is passed.

THE SECRETARY: Calendar Number 1349, by Senator Skelos, Senate Print 7744, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Diaz recorded in the negative.

ACTING PRESIDENT O'MARA: The bill is passed.

Senator Libous, that completes the noncontroversial reading of Calendar 59A.

SENATOR LIBOUS: Mr. President, can we go to Calendar 1305 for a minute and lay it aside for the day, please. Calendar Number 1305, by Senator Young. It was laid aside earlier; I'd like to lay it aside for the day.

ACTING PRESIDENT O'MARA: Calendar Number 1305 is laid aside for the day.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, at this time would you please call on Senator Sampson for a statement.

ACTING PRESIDENT O'MARA: Senator Sampson.

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

I am honored and privileged and I want to thank Assemblyman Nick Perry for bringing the delegation of Consul Generals from the Caribbean to this chamber. And I would like to have an opportunity just to introduce those who are here.

We have the Honorable Lennox Price, the Consul General of Barbados. We have the Honorable Barbara Dailey, the Consul General of Dominica. We also have the Honorable Derek James, Consul General of Grenada. We also have the Honorable -- I don't want to butcher it -- Menissa Rambally, Consul General of St. Lucia.

We have the Honorable Unashi Ramnarine, Deputy Consul General of Trinidad and Tobago. And also we have the Honorable Herman

Lamont, Consul General of Jamaica. We also have the Honorable Henry Y. Martin, Ambassador General of St. Kitts and Hevis. And we also have the Honorable Omyma David, Consul General from Antigua and Barbuda.

And so I just want to acknowledge the Consul Generals and thank them for the opportunity to visit this chamber, and I want to thank -- Bahamas, did I get the Bahamas? Also we have the Consul General from the Bahamas here also.

Thank you very much. And I just wanted to thank my colleagues and give our Consul Generals from around the Caribbean a round of applause for the phenomenal work that they are doing.

(Applause.)

ACTING PRESIDENT O'MARA: Thank you, Senator Sampson.

It's our pleasure to have you here, the Consuls General of the Caribbean with us today.

Member of the Assembly Perry, Senator Sampson, thank you for arranging this for us today.

Welcome to the New York State Senate. Please enjoy your stay here in Albany today. And we offer you the privileges and the cordialities of the New York State Senate. Thank you.

SENATOR SAMPSON: Mr. President.

ACTING PRESIDENT O'MARA: Senator Sampson.

SENATOR SAMPSON: I also just wanted to acknowledge the Deputy Borough President of Brooklyn, Deputy Borough President Chapman from Brooklyn. Thank you very much, Deputy Borough President.

(Applause.)

SENATOR LIBOUS: Thank you, Senator Sampson.

Mr. President, at this time could you call on Senator Hassell-Thompson, please.

ACTING PRESIDENT O'MARA: Senator Hassell-Thompson.

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

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

ACTING PRESIDENT O'MARA: There

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

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. There will be a Rules Committee meeting promptly at 3:00 p.m. in Room 332.

ACTING PRESIDENT O'MARA: There will be a meeting of the Rules Committee promptly at 3:00 p.m. in Room 332.

SENATOR LIBOUS: Thank you, Mr. President.

ACTING PRESIDENT O'MARA: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 2:24 p.m.)

(Whereupon, the Senate reconvened at 3:43 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Mr. President, can we return to reports of standing committees.

I believe there's a report of the Rules Committee at the desk. Can we please have it read.

ACTING PRESIDENT GRIFFO: Reports of standing committees.

The Secretary will read the report of the Rules Committee.

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

Senate Print 3096, by Senator Ball, an act to amend the Military Law;

3645D, by Senator Griffo, an act to amend the Correction Law;

3957, by Senator Ball, an act to amend the Military Law;

4345C, by Senator Grisanti, an act to amend the Environmental Conservation Law;

4568, by Senator Ball, an act to amend the Military Law;

4747, by Senator O'Mara, an act to amend the Executive Law;

5271, by Senator Ball, an act to amend the Executive Law;

5498A, by Senator Ritchie, an act to amend the Correction Law;

5654A, by Senator Zeldin, an act to amend the Education Law;

6340, by Senator Seward, an act in relation to legalizing, validating and ratifying;

6438A, by Senator Golden, an act to amend the General Municipal Law;

6591A, by Senator Golden, an act to amend the Real Property Tax Law;

6762A, by Senator Griffo, an act to authorize;

6881, by Senator Young, an act to amend the Social Services Law;

6912, by Senator Young, an act to amend the Education Law;

6921C, by Senator Ranzenhofer, an act to amend the Public Authorities Law;

7022, by Senator Golden, an act to amend the Tax Law;

7122, by Senator Flanagan, an act to amend the Education Law;

7278A, by Senator Young, an act to amend the Private Housing Finance Law;

7323A, by Senator Zeldin, an act in relation to conveyance of land;

7340, by Senator Ritchie, an act to amend the Public Health Law;

7477, by Senator Parker, an act to

authorize;

7480, by Senator Golden, an act to amend the Real Property Tax Law;

And Senate 7493A, by Senator Griffo, an act to amend the Uniform Commercial Code.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Libous.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Committee on Rules report is accepted.

SENATOR LIBOUS: Mr. President, at this time could we take up the noncontroversial reading of Supplemental Active List 1, please.

ACTING PRESIDENT GRIFFO: The

Secretary will read.

THE SECRETARY: Calendar Number 247, by Senator Flanagan, Senate Print 4686, an act to amend the Highway Law.

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 8, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 1346C and substitute it for the identical Senate Bill Number 5132D, Third Reading Calendar 249.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

249, by Member of the Assembly Gantt, Assembly Print Number 1346C, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 18, Senator Little moves to discharge, from the Committee on Rules, Assembly Bill Number 9422A and substitute it for the identical Senate Bill Number 6826A, Third Reading Calendar 599.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 599, by Member of the Assembly Sweeney, Assembly Print Number 9422A, an act to amend the

Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Little to explain her vote.

SENATOR LITTLE: Thank you, Mr. President.

I'd like to thank my colleagues for their support of this legislation. It's a piece of legislation that will require the Environmental Conservation Department, working with the Department of Agriculture, to submit a list of invasive species plants, aquatic as well as land plants, that will then be prohibited from being knowingly sold and spread throughout our communities.

We all know many, many lakes that are having difficulty with milfoil, hydrilla, different plants that have invaded our area as well as some of those plants that have invaded

our roadsides, our land plants as well.

So it's a good bill with a lot of support, and I thank you for your votes. And I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 914, by Senator Saland, Senate Print 7251B, an act to authorize.

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 914: Ayes, 58. Nays, 1. Senator Krueger recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 33, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 9442 and substitute it for the identical Senate Bill Number 6284, Third Reading Calendar 957.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 957, by Member of the Assembly Lupardo, Assembly Print Number 9442, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR LIBOUS: Thank you, Mr. President.

At this time could we take up the noncontroversial reading of Senate Supplemental Calendar Number 59B.

ACTING PRESIDENT GRIFFO: The Secretary will begin the reading of Senate Supplemental Calendar 59B.

THE SECRETARY: Calendar Number 1315, by Senator Ball, Senate Print 3096, an act to amend the Military Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 1350, by Senator Griffo, Senate Print 3645D, an act to amend the Correction Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Nozzolio to explain his vote.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President and my colleagues, this is an extremely important legislative measure that will help prevent serious injury and in many cases even death.

Mr. President, you're sponsoring this legislation, and I want to thank you for your tremendous leadership in putting forth what's called "Brittany's Law." Your leadership, your dedication, your persistence is second to none, and I am greatly appreciative of you

bringing forth this legislation for us to consider today.

That it was on one fateful weekday afternoon in a small community in the Central Finger Lakes called Geneva, New York, where a grandmother, in a few short moments, lost her daughter and her granddaughter at the hands of a convicted felon. That felon had a history unknown to the family, but that was a history of violence and violent actions. If the family only knew, Mr. President, that that individual had a violent past, the situation may have been different and young Brittany Passalacqua might still be alive today.

I know, Senator Griffo, you have addressed this issue because of similar circumstances in your region of the state, and I thank you for this statewide legislation that will help put families on notice when someone comes into their lives, whether it be through a new job, a blind date, someone that is coming into the family for whatever purpose, that the ability to access criminal histories and particularly those histories, especially those histories of violence, is critical.

It's a way to stop violence, it's a way to prevent the incidence of domestic violence, it is a legislative measure whose time has come in using the information age to help prevent crime.

Thank you, Mr. President, for your leadership. And I want to thank every member of this house who votes for this legislation, because it's extremely important. It can prevent serious injury and death in the future and prevent crime victims from happening in the first place.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio, for your comments.

Senator Nozzolio will be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 1350, those recorded in the negative are Senators Duane, Krueger, Montgomery, Perkins and Serrano.

Ayes, 54. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1351, by Senator Ball, Senate Print 3957, an act to amend the Military Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

Calendar Number 1352 is high and will be laid aside for the day.

THE SECRETARY: In relation to Calendar Number 1353, Senator Ball moves to discharge, from the Committee on Finance, Assembly Bill Number 10511 and substitute it for the identical Senate Bill Number 4568, Third Reading Calendar 1353.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

1353, by the Assembly Committee on Rules, Assembly Print Number 10511, an act to amend the Military Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1354, by Senator O'Mara, Senate Print 4747, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 1355, by Senator Ball, Senate Print 5271, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1356, by Senator Ritchie, Senate Print 5498A, an act to amend the Correction Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 1356, those recorded in the negative are Senators Avella, Dilan, Duane, Gianaris, Hassell-Thompson, Krueger, Montgomery, Parker, Peralta, Perkins, Rivera, Serrano, Squadron and Stavisky.

Ayes, 45. Nays, 14.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1357, by Senator Zeldin, Senate Print 5654A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect October 1, 2012.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Zeldin to explain his vote.

SENATOR ZELDIN: Thank you, Mr. President.

I rise in support of this legislation and thank my colleagues who are

supporting it today.

Last year, in 2011, Nick Mauriello, a wrestler at Hauppauge High School in Suffolk County, contracted MRSA. Although this was one isolated incident at Hauppauge High School, for decades wrestlers all throughout this state and country have been suffering from all sorts of infectious skin diseases.

This is a piece of legislation drafted by coaches, the athletic directors, the physicians involved with the sport. And I thank them for putting forth a piece of legislation that will allow us to educate coaches and wrestlers. But I really thank the wrestling coaches for their leadership and initiative to bring this forward.

I vote aye and thank my colleagues who support it.

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

Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1358, by Senator Seward, Senate Print 6340, an act to amend the in relation to legalizing, validating, and ratifying.

ACTING PRESIDENT GRIFFO: Read the last section.

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

SENATOR LIBOUS: Lay the bill aside for the day.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: In relation to Calendar Number 1359, Senator Golden moves to discharge, from the Committee on Local Government, Assembly Bill Number 9116A and substitute it for the identical Senate Bill Number 6438A, Third Reading Calendar 1359.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1359, by Member of the Assembly Markey, Assembly Print Number 9116A, an act to amend the General Municipal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect July 1, 2012.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1360, Senator Golden moves to discharge, from the Committee on Aging, Assembly Bill Number 9223A and substitute it for the identical Senate Bill Number 6591A, Third Reading Calendar 1360.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1360, by Member of the Assembly Simotas, Assembly Print Number 9223A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1361, Senator Griffo moves to discharge, from the Committee on Rules, Assembly Bill Number 9663A and substitute it for the identical Senate Bill Number 6762A, Third Reading Calendar 1361.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

THE SECRETARY: Calendar Number 1362, by Senator Young, Senate Print 6881, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1363, by Senator Young, Senate Print 6912, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator LaValle recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1364, by Senator Ranzenhofer, Senate Print 6921C,

an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1365, by Senator Golden, Senate Print 7022, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: Calendar Number 1366, by Senator Flanagan, Senate Print 7122, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 5. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 1366, those recorded in the negative are Senators Addabbo, Avella, Duane, Gianaris, Krueger, Montgomery, Parker, Peralta, Perkins, Rivera, Savino, Serrano and Stavisky.

Ayes, 46. Nays, 13.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1367, Senator Young moves to discharge, from the Committee on Rules, Assembly Bill Number 9843A and substitute it for the identical Senate Bill Number 7278A, Third Reading Calendar 1367.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1367, by Member of the Assembly Lopez, Assembly

Print Number 9843A, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1368, by Senator Zeldin, Senate Print 7323A, an act in relation to the conveyance.

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1369, Senator Ritchie moves to discharge, from the Committee on Rules, Assembly Bill Number 10372 and substitute it for the identical Senate Bill Number 7340, Third Reading Calendar 1369.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1369, by Member of the Assembly Magnarelli, Assembly Print Number 10372, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1370, by Senator Parker, Senate Print 7477, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1370, those recorded in the negative are Senators Bonacic, Larkin and O'Mara.

Ayes, 56. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1371, by Senator Golden, Senate Print 7480, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1372, Senator Griffo moves to discharge, from the Committee on Rules, Assembly Bill Number 10591 and substitute it for the identical Senate Bill Number 7493A, Third Reading Calendar 1372.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1372, by the Assembly Committee on Rules, Assembly Print Number 10591, an act to amend the Uniform Commercial Code.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the noncontroversial reading of Senate Supplemental Calendar 59B.

SENATOR LIBOUS: Thank you, Mr. President.

We are going to take up the controversial reading, but I would like to start with 1365, by Senator Golden.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1365, by Senator Golden, Senate Print 7022, an act to amend the Tax Law.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT GRIFFO: An explanation has been requested by Senator Breslin.

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

Yes, this legislation would codify law in collection of excise tax that is not

presently collected through the Internet and through out-of-state purchases and would also give the retailers and wholesalers that buy -- actually the wholesalers that purchase the cigars, they pay a floor tax as soon as that cigar arrives to their location. Now the tax would not be applied until they had actually sold that cigar to the retailer.

So it frees up dollars for the wholesaler and it collects excise tax for the State of New York.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: If the sponsor would yield for a single question.

ACTING PRESIDENT GRIFFO: Sponsor, do you yield?

SENATOR GOLDEN: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: So if I understand, this simply creates consistency so at the point of retail sale, whether the Internet or in person or anything else in this state, that's

when the tax gets levied? As opposed to a system now where the Internet gets left behind and the wholesalers have to put themselves out before selling it retail?

SENATOR GOLDEN: That's correct. Yes, Mr. President.

SENATOR SQUADRON: Thank you very much.

On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Squadron on the bill.

SENATOR SQUADRON: Thank you very much.

I know we've got a lot to do today. This was an interesting bill, and I appreciate the explanation, and it strikes me as a bill that makes sense. I will be voting in the affirmative.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Hearing and seeing no other Senator wishing to debate, the debate is closed and the Secretary will ring the bell.

ACTING PRESIDENT O'MARA: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first day of the month next commencing.

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT O'MARA: Announce the result.

THE SECRETARY: In relation to Calendar Number 1365, those recorded in the negative are Senators Ball, Diaz, Duane, LaValle, Maziarz, and Perkins.

Absent from voting: Senator Oppenheimer.

Ayes, 52. Nays, 6.

ACTING PRESIDENT O'MARA: The bill is passed.

THE SECRETARY: Calendar Number 1361, by Member of the Assembly Brindisi, Assembly Print Number 9663A, an act to authorize.

ACTING PRESIDENT O'MARA: Read the last section.

SENATOR KRUEGER: Explanation.

ACTING PRESIDENT O'MARA: Senator Krueger.

SENATOR KRUEGER: An explanation, please.

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

SENATOR GRIFFO: Thank you, Mr. President.

This bill would authorize the Urban Development Corporation, also known as the Empire State Development Corporation, to enter into agreements to develop a Cyber Research Institute.

As you know, this year with the Department of Defense cutbacks in Washington, as well as with the concerns that we've had about a potential BRACC that may be -- Base Realignment and Closure Commission, which also may be coming, we are trying to do whatever we can in New York State to continue to preserve and protect the military assets that we have in this state, across the state from Western New York to the City area.

And we want to be able to prove their mission-effectiveness and their cost-effectiveness.

In this particular bill we're

dealing with the Air Force Research Lab in Rome, which is extensively involved in a lot of communications, control, intelligence and cybersecurity.

What this would do is establish a Cyber Research Institute which would work with the Air Force Research Lab as well as with many of our outstanding universities here in the State of New York to continue to do the work to protect our country, but also to allow us, in doing that process, to solidify the defense assets that currently call New York State their home.

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

ACTING PRESIDENT O'MARA: Senator Griffo, will you yield for a question?

SENATOR GRIFFO: I most certainly will.

SENATOR KRUEGER: So as I read this bill, Senator, this sounded like a perfect model program to be submitted and reviewed for the Regional Economic Councils that were created. Was this not put through as a proposal to the Regional Economic Council that is effective in this area?

SENATOR GRIFFO: Mr. President, through you. Senator, as I indicated earlier, this year there have been many projects that have been put forward to advance economic growth. But I think what has happened is the Department of Defense has most recently announced potential BRACCs in the future, as well as the significant downsizing because of the lack of consensus in Congress to deal with some of the issues relative to cuts in the federal budget.

So the concern is that the department may be making unilateral cuts on its own now because of the lack of consensus in Congress.

So as a result of that, a number of communities -- in this particular instance, the Central New York community has come up with a concept to further advance and to solidify the presence of the Air Force Research Lab, which not only employs over a thousand people professionally directly, but has a lot of indirect employment through contractors too.

So I think what this was is a reaction to a good concept and a program that needs to begin. Because, you know, you can

always look towards the CFA and submit proposals.

This particular concept, the bill itself is silent on any appropriation. I know there have been some concerns because of what is addressed in the memo. But the memo basically indicates what may be a general idea of what would be involved as you begin such a Cyber Research Institute.

And the eligibility for funds could come from a variety of sources. It could come from money that we've already established for protection of defense assets here in New York State; it could come from Regional Economic Council awards in the future; it could come from private investment.

So there are a number of ways in which we would be able to generate the revenue to sustain this concept.

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

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

SENATOR GRIFFO: Sure.

SENATOR KRUEGER: Thank you.

So it's not yet been submitted for a Regional Economic Development Grant. It might at some point in the future, if I heard you correctly. And there is no appropriation, so it's not actually obligating the state to spend any money, even though it's projecting a cost of $5 million over the next two or three years.

Maybe my confusion is has the Air Force, which already has -- according to your bill, the Air Force already has its Information Assurance and Cyber Science Technology Laboratory in Rome, New York. Is there a rumor that they might be leaving?

SENATOR GRIFFO: Mr. President, through you. Senator Krueger, having served, in a former capacity, as mayor of the city for several terms and dealing with three BRACCs now, Base Realignment and Closure Commissions, there is always a potential threat to the installations.

We believe that this particular facility serves the Air Force and our nation well. It is, again, both mission-effective and cost-effective. But in order to continue, as

many other states are across the Union currently -- I believe the State of Ohio has allocated almost $10 million to $12 million to protect its assets across the State of Ohio.

We believe here in New York that whether it's community-driven, as this proposal is, that we would try to do what we can to enhance the presence of the Air Force Research Lab itself. That is already there, the Air Force Research Lab in Rome.

This Cyber Research Institute we believe is a new concept that could really collaborate with the Air Force Research Lab, continue to strengthen its presence here, and hopefully be an opportunity for economic growth in a segment of this industry that we believe you'll see future growth in also.

So the proposal is to try to get ahead of what may be happening down the road. We don't want to wait. So that's why there has been the request for authorization. Funding appeals will be contingent upon what's available as we move forward, both governmentally and in the private sector.

SENATOR KRUEGER: Thank you,

Mr. President. On the bill.

ACTING PRESIDENT O'MARA: On the bill.

SENATOR KRUEGER: I appreciate the sponsor's answers to my questions. And in fact, my concerns were answered by his responses.

I think that the opportunity to decide whether or not a project such as this should receive funding should in fact move through the existing channels we have for evaluating best-case options for economic development in the State of New York.

I think and hope that since this bill, if it becomes law -- and I am going to vote for the bill, Mr. President -- that it will be important to actually get the Air Force to say, Yes, we want this, and we will work with them.

I also hope as we move forward, before there's any agreement to commit state funding to what appears to be a private venture, potentially coordinating with the Air Force Cyber Research Institute, that we assure the people of New York that if there's going to be private technology and potentially patents and large-scale revenue to be had from this private

company or companies working out of this project, that the people of New York would share in any of the profits that might be made.

I think that New York State has successful and unsuccessful models of investing in new technology and research, both those that fail to get off the ground and fail to produce jobs and also some that have been extremely successful but where perhaps the State of New York has failed to recognize its rights as a shareholder in those investments.

So I am happy to support the bill, but I think a lot more questions will need to be dealt with down the line if this funding and this institute is actually created with government money from the State of New York.

Thank you, Mr. President.

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

The Secretary will read the last section.

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

ACTING PRESIDENT O'MARA: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT O'MARA: The bill is passed.

Senator Libous, that completes the controversial reading of Supplemental Calendar 59B.

SENATOR LIBOUS: Mr. President, would you call on Senator Hassell-Thompson.

ACTING PRESIDENT O'MARA: Senator Hassell-Thompson.

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

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

ACTING PRESIDENT O'MARA: There will be an immediate meeting of the Democratic Conference in Room 315.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT O'MARA: Senator Libous.

SENATOR LIBOUS: The Senate will stand at ease and reconvene at 10 minutes to 5:00.

ACTING PRESIDENT O'MARA: The Senate will stand at ease and reconvene at 10 minutes to 5:00.

(Whereupon, the Senate stood at ease at 4:24 p.m.)

(Whereupon, the Senate reconvened at 5:43 p.m.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Could we return to motions at this time, please.

ACTING PRESIDENT GRIFFO: We'll return to motions.

SENATOR LIBOUS: On behalf of Senator Golden, Mr. President, I wish to call up his bill, Senate Print 7480, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1371, by Senator Golden, Senate Print 7480, an act to amend the Real Property Tax Law.

SENATOR LIBOUS: Mr. President, I now move to reconsider the vote by which this

bill was passed.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is restored to third reading.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, at this time could we have the noncontroversial reading of Supplemental Active List Number 2.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 82, by Senator Zeldin, Senate Print 4262A, an act to amend the Civil Service Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 6, Senator Gallivan moves to discharge, from the Committee on Rules, Assembly Bill Number 8173B and substitute it for the identical Senate Bill Number 5557B, Third Reading Calendar 168.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 168, by Member of the Assembly Smardz, Assembly Print 8173B, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 7, Senator

Gallivan moves to discharge, from the Committee on Rules, Assembly Bill Number 8414B and substitute it for the identical Senate Bill Number 6069B, Third Reading Calendar 238.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 238, by Member of the Assembly Paulin, Assembly Print Number 8414B, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 7, Senator Ball moves to discharge, from the Committee on Health, Assembly Bill Number 9847A and substitute it for the identical Senate Bill Number 6305B,

Third Reading Calendar 239.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 239, by Member of the Assembly Paulin, Assembly Print Number 9847A, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 8, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 10099A and substitute it for the identical Senate Bill Number 5765A, Third Reading Calendar 251.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 251, by Member of the Assembly Amedore, Assembly Print 10099A, an act relating to permitting.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 278, by Senator Marcellino, Senate Print 6547A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Diaz and Fuschillo recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 694, by Senator LaValle, Senate Print 6451A, an act to authorize.

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 28, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 10518A

and substitute it for the identical Senate Bill Number 7031A, Third Reading Calendar 819.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 819, by the Assembly Committee on Rules, Assembly Print Number 10518A, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 828, by Senator Young, Senate Print 6585A, an act to authorize.

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

The Secretary will read the last

section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 28, Senator Martins moves to discharge, from the Committee on Rules, Assembly Bill Number 9745B and substitute it for the identical Senate Bill Number 7047B, Third Reading Calendar 834.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 834, by Member of the Assembly Schimel, Assembly Print Number 9745B, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Larkin recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 28, Senator Martins moves to discharge, from the Committee on Rules, Assembly Bill Number 9744B and substitute it for the identical Senate Bill Number 7048B, Third Reading Calendar 835.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 835, by Member of the Assembly Schimel, Assembly Print 9744B, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Larkin and O'Mara recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 993, by Senator Seward, Senate Print 4039A, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1023, by Senator Carlucci, Senate Print 4533A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Diaz and Fuschillo recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1045, by Senator Gallivan, Senate Print 6993, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Serrano recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 39, Senator Grisanti moves to discharge, from the Committee on Rules, Assembly Bill Number 10041B

and substitute it for the identical Senate Bill Number 7078B, Third Reading Calendar 1046.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1046, by Member of the Assembly Rosenthal, Assembly Print Number 10041B, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 44, Senator Saland moves to discharge, from the Committee on Local Government, Assembly Bill Number 9795 and substitute it for the identical Senate Bill Number 6897, Third Reading Calendar 1121.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1121, by Member of the Assembly Miller, Assembly Print Number 9795, an act to amend the Town Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1237, by Senator Bonacic, Senate Print 6110, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1298, by Senator Libous --

SENATOR LIBOUS: Lay it aside for the day.

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

Senator Libous, that completes the noncontroversial reading of Supplemental Active List Number 2.

SENATOR LIBOUS: Thank you, Mr. President. Is there any further business at the desk?

ACTING PRESIDENT GRIFFO: There is one note, Senator Libous.

We'd like to wish Senator Serrano and Senator Martins a happy birthday.

SENATOR LIBOUS: Happy birthday.

(Applause.)

ACTING PRESIDENT GRIFFO: There is no further business before the desk, Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, there being no further business, I move that the Senate will adjourn until Wednesday, June 20th, at 10:00 a.m. Not 10:05, not 10:45, but 10:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Wednesday, June 20th, at 10:00 a.m. promptly.

Senate adjourned.

(Whereupon, at 5:52 p.m., the Senate adjourned.)