NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 20, 2012

10:19 a.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please rise and join with me as we recite the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: Today's invocation will be offered by the Rabbi David Eligberg, from Temple Israel here in Albany.

Rabbi?

RABBI ELIGBERG: Thank you. I'm humbled by the opportunity to be here this morning, and deeply grateful to Senator Breslin for the invitation to offer these opening words.

Throughout the world, Jews in their houses of worship are in the midst of reading the Book of Numbers. The Book of Numbers recounts the wanderings of the Israelites through the wilderness and the challenges of leadership confronted by Moses, Aaron and the Elders of Israel.

The journey to the Promised Land that they traveled was fraught with trials and tribulations, doubts and debate, as the emergent nation struggled to craft a society reflective of its understanding of living in the presence of God.

When we finally reach the end of the narrative in the Book of Numbers, the Israelites are close to the Promised Land. They can see it from the mountaintops as it beckons from across the river. But the Book of Numbers ends there, providing us with an enduring metaphor that the Promised Land is a destination towards which we are constantly striving, that building a society that is a worthy reflection of the sanctity of all its citizens demands an ongoing commitment and continuous effort.

So this morning I pray for all of you who have been entrusted by all those who live in our wonderful state that you continue to toil on our behalf, making New York a land of promise for all its inhabitants.

Supreme Author of Life, we ask Your blessings for our state, for its

government, for its leaders and advisors, and for all who exercise just and rightful authority. Teach them insights from Scripture that they may administer all affairs of the state fairly, that peace and security, happiness and prosperity, justice and freedom may forever abide in our midst.

Creator of all flesh, we thank You for the precious gift of life and ask that You bless all the inhabitants of our state with Your spirit. May the marvelous senses with which You have endowed us ever be directed toward good purposes and noble objectives.

May citizens of all races and creeds forge a common bond, in true harmony, to banish hatred and bigotry and to safeguard the ideals and free institutions that are the pride and glory of our country.

Inspire us to utilize our talents for the improvement of the lot of all of our fellow men and women and the community in which we live. Endow us with strength to live and labor with sincerity of purpose and conscientious endeavor. May honest

convictions and sound moral judgment always govern our actions.

Save us from dissension and jealousy. Shield us from pettiness and rivalry. May selfish pride not divide us. May pride in one another unite us so that together we build a home filled with triumph and achievements, fulfillment and lasting joy.

And let us say amen.

ACTING PRESIDENT GRIFFO: Thank you, Rabbi.

The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, June 19th, the Senate met pursuant to adjournment. The Journal of Monday, June 18th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 7,

Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill Number 9664B and substitute it for the identical Senate Bill Number 6493B, Third Reading Calendar 240.

ACTING PRESIDENT GRIFFO: Substitution ordered.

THE SECRETARY: On page 8, Senator Ritchie moves to discharge, from the Committee on Rules, Assembly Bill Number 8329A and substitute it for the identical Senate Bill Number 5641A, Third Reading Calendar 289.

ACTING PRESIDENT GRIFFO: Substitution ordered.

THE SECRETARY: On page 14, Senator Grisanti moves to discharge, from the Committee on Rules, Assembly Bill Number 8620C and substitute it for the identical Senate Bill Number 5155D, Third Reading Calendar 534.

ACTING PRESIDENT GRIFFO: Substitution ordered.

THE SECRETARY: On page 18, Senator Little moves to discharge, from the Committee on Rules, Assembly Bill Number 10546 and substitute it for the identical Senate

Bill Number 6719A, Third Reading Calendar 622.

ACTING PRESIDENT GRIFFO:

Substitution ordered.

THE SECRETARY: On page 18, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 9941 and substitute it for the identical Senate Bill Number 6944, Third Reading Calendar 637.

ACTING PRESIDENT GRIFFO:

Substitution ordered.

THE SECRETARY: On page 26, Senator Carlucci moves to discharge, from the Committee on Rules, Assembly Bill Number 10039B and substitute it for the identical Senate Bill Number 7103A, Third Reading Calendar 876.

ACTING PRESIDENT GRIFFO:

Substitution ordered.

THE SECRETARY: On page 31, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 10532A and substitute it for the identical Senate Bill Number 7306B, Third Reading Calendar 998.

ACTING PRESIDENT GRIFFO:

Substitution ordered.

THE SECRETARY: And on page 31, Senator Flanagan moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9423 and substitute it for the identical Senate Bill Number 6576, Third Reading Calendar 1006.

ACTING PRESIDENT GRIFFO: Substitution ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, we don't have any motions or resolutions at this moment, so if we could go to the calendar.

We'll give the desk a second to get ready. Just give me the nod when you're ready, and we'll begin the noncontroversial reading of the active list dated Wednesday, June 20th.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 240, substituted earlier by Member of the Assembly Brindisi, Assembly Print Number 9664B, 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, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 289, substituted earlier by Member of the Assembly Magee, Assembly Print Number 8329A, an act to amend the Agriculture and Markets 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: Lay the bill aside for the day.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 315, by Senator Smith, Senate Print 3781B, an act to amend the Banking Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the 30th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR LIBOUS: Lay that bill aside for the day, please.

ACTING PRESIDENT GRIFFO: Lay it

aside for the day.

THE SECRETARY: Calendar Number 356, by Senator Martins, Senate Print --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 360, by Senator Hannon, Senate Print 6550B, 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, 43. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 377, by Senator Golden, Senate Print 2708, an act to amend Chapter 912 of the Laws of 1920.

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, 48. Nays, 2. Senators Lanza and Ranzenhofer recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 434, by Senator LaValle, Senate Print 1856A, an act to amend the Correction 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, 48. Nays, 2. Senators Hassell-Thompson and Rivera recorded in the negative.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 465, by Senator Hannon, Senate Print 6742A, an act to amend Chapter 56 of the Laws of 2012.

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, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 534, substituted earlier by Member of the Assembly Bronson, Assembly Print Number 8620C, 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.)

ACTING PRESIDENT GRIFFO:
Senator Griffo to explain his vote.
SENATOR GRISANTI: Yes, thank you, Mr. President.
You know, this legislation, especially for New York State, is one of a kind, and it requires that central service technicians in healthcare facilities be certified.
And people don't realize this, because these people work behind the scenes, but these central service technicians are responsible for ensuring that the instrumentation and equipment used in medical-surgical procedures is actually clean, disinfected, inspected and sterilized, to protect the safety of the patients.
So the goal of this legislation is to make sure they have up-to-date continuing education, and really to protect patients. I mean, it cost hospitals in New Jersey that started this before almost $27 million a year in infections that happened as a result of the equipment not being sterilized properly.

So today New York patients in our healthcare facilities will be safer from the spread of infections because of this legislation. I vote aye, and I encourage everybody else to do so. I believe the Assembly also already passed it.

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

Announce the results.

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 564, by Senator Ranzenhofer, Senate Print 6614A, an act to amend the Education 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: Ayes, 49. Nays, 1. Senator Zeldin recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 613, by Senator Marcellino, Senate Print 6194D, an act to amend the Arts and Cultural Affairs Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 622, substituted earlier by the Assembly Committee on Rules, Assembly Print Number 10546, an act to amend the Parks, Recreation and Historic Preservation 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, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 637, substituted earlier by Member of the Assembly Brennan, Assembly Print Number 9941, 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, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 724, by Senator Marcellino, Senate Print 3674A, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect April 1, 2013.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

The next bill, Calendar 725, is high and will be laid aside for the day.

The Secretary will read Calendar 761.

THE SECRETARY: Calendar Number 761, by Senator LaValle, Senate Print 7055A, 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, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 827, by Senator Seward, Senate Print 6578B, an act in relation to authorizing.

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 on the 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 827, those recorded in the negative are Senators Addabbo, Avella, Ball, Dilan, Duane, Gianaris, Hassell-Thompson, Kennedy, Krueger, LaValle, Peralta, Perkins, Rivera, Serrano, Squadron, Stavisky, and Stewart-Cousins.

Ayes, 34. Nays, 17.

ACTING PRESIDENT GRIFFO: The bill is passed.

The next bill, Calendar 832, is high and will be laid aside for the day.

The Secretary will read Calendar 876.

THE SECRETARY: Calendar Number 876, substituted earlier today by Member of the Assembly Ortiz, Assembly Print 10039B, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect one year after it shall have become law.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 884, by Senator Ranzenhofer --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay

the bill aside.

THE SECRETARY: Calendar Number 907, by Senator Hannon, Senate Print 6701, an act to authorize the assessor.

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, 49. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 938, by Senator Klein, Senate Print 6725, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO:

Senator Klein to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

This is an important piece of legislation in light of what's happening all over our state with the proliferation of prescription drug abuse. Unfortunately, because of this problem, pharmacists throughout our state are really on the front line. Burglaries and thefts have increased dramatically over the last five years.

This is a simple piece of legislation which I think corrects an inequity which enhances the penalty to the charge of grand larceny in the fourth degree for stealing a controlled substance.

Right now, prescription drugs are one of the only types of things that are stolen by a thief which have a much larger resale value on the street. If you steal a TV set, a car, the value of course is not the same as when you first purchased it. This is

a product that has a tremendous resale value, unfortunately causing tremendous amounts of crime in our pharmacies.

So I vote yes, Mr. President. I think this is an important first step is not only eliminating the problem, but protecting our pharmacists in New York State.

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

Announce the results.

THE SECRETARY: Ayes, 50. Nays, 2. Senators Hassell-Thompson and Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 939, by Senator Carlucci, Senate Print 6746A, 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 first of November.

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 996, by Senator Seward, Senate Print 5024, an act to amend the Insurance 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, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 998, substituted earlier by the Assembly Committee on Rules, Assembly Print Number 10532A, 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, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 999, by Senator Seward, Senate Print 7314A, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on January 1, 2013.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1006, substituted earlier by Member of the Assembly Abbate, Assembly Print Number 9423, an act to amend the Civil Service 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, 50. Nays, 2. Senators Dilan and Rivera recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1034, by Senator Hannon, Senate Print --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1128, by Senator Ranzenhofer, Senate Print 7191, an act to incorporate the Main-Transit Volunteer Exempt Firefighter's Benevolent Association.

ACTING PRESIDENT GRIFFO: 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, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1298, by Senator Libous, Senate Print 7686, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

Senator Libous, that completes the noncontroversial reading of the active list.

SENATOR LIBOUS: Mr. President, I'm going to call a couple of committee meetings, because in the effort of moving things along -- we have a lot of work today, we're going to be here a long time. But we're going to continue -- as I call the committee meetings, we're still going to do the

controversial calendar and debate whatever bills are on the floor.

Mr. President, there will be an immediate meeting of the Labor Committee in Room 332. That will be followed by an immediate meeting of the Civil Service and Pensions Committee in Room 332.

So if you would call the Labor Committee in Room 332, and then an immediate meeting of the Civil Service and Pensions Committee, and then we will continue debate on the floor on the controversial calendar.

ACTING PRESIDENT GRIFFO: There is an immediate meeting of the Labor Committee in Room 332. That will be followed by a meeting of the Civil Service Committee in Room 332. And the session will continue with the controversial calendar.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: We're going to do the controversial reading of the calendar, and I want to start with Calendar Number 884, by Senator Ranzenhofer.

ACTING PRESIDENT GRIFFO: We will begin the controversial reading. We're going to begin with Calendar Number 884, by Senator Ranzenhofer.

The Secretary will read.

And can I have some order in the chamber, please {gaveling}.

THE SECRETARY: Calendar Number 884, by Senator Ranzenhofer, Senate Print 3999A, an act to amend the Tax Law.

SENATOR KRUEGER: Explanation.

ACTING PRESIDENT GRIFFO: Senator Krueger has requested an explanation, Senator Ranzenhofer.

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

This is a bill to amend the Tax Law which would give a credit to employers if they hired somebody from the unemployment rolls.

SENATOR KRUEGER: Mr. President, through you -- I'm sorry, was he done? I'm so sorry, I didn't mean to cut him off.

ACTING PRESIDENT GRIFFO: Is the explanation complete?

SENATOR RANZENHOFER: Yes.
SENATOR KRUEGER: Thank you.
Through you, Mr. President, if the sponsor would yield.
ACTING PRESIDENT GRIFFO: Senator Ranzenhofer, do you yield?
SENATOR RANZENHOFER: Yes, I will, Mr. President.
SENATOR KRUEGER: Thank you.
ACTING PRESIDENT GRIFFO: The sponsor yields.
SENATOR KRUEGER: What does the fiscal note cost for this bill?
SENATOR RANZENHOFER: This will actually be a net gain. Because if you put somebody back on the tax rolls, they will then be employed, earning income and paying taxes far in excess of the credit that will be received by the employer.
SENATOR KRUEGER: Through you, Mr. President, if the sponsor would continue to yield.
SENATOR RANZENHOFER: Yes, Mr. President.
ACTING PRESIDENT GRIFFO:

Senator Ranzenhofer yields.

SENATOR KRUEGER: So you can make an argument that hiring someone -- no, I'm sorry. I have to actually be on the bill in order to get to the question. But I'll be getting to the question, Mr. President.

So this is a tax credit for hiring somebody who was on unemployment for two months at least, and so then you would get the tax credit after having them employed for 24 months. So one could make the argument that somebody was coming to work and therefore they would pay taxes and that would be revenue.

But if you were hiring someone who wasn't unemployed versus somebody who was unemployed, you would have that same net income to the state. But if this became law, by hiring someone who had been unemployed, it would be an additional cost to the state above and beyond the net win of another employed person in New York State.

So how many people does the sponsor believe would be eligible for this credit -- excuse me, how many people would

employers bill the state for for $2400 based on being in this situation?

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer.

SENATOR RANZENHOFER: Through you, Mr. President. I understand your position that you don't believe that the argument can be made. I believe that the argument has been made.

And quite frankly, I believe that this is a very good measure, because the more people that are taken off the unemployment rolls, the better for our state not only in terms of the economy in general, and for their families, but also for the fact that you will have more people being employed and therefore fewer people on unemployment, more people paying income taxes, more people buying goods and services and paying sales taxes and other taxes that they pay when they purchase goods and services.

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

ACTING PRESIDENT GRIFFO: The

sponsor yields.

SENATOR KRUEGER: Thank you.

I'm not even sure whether we're arguing. I just want to know how many people this tax credit will apply to so that I can try to do my own calculations how much revenue the state would have to pay out in these tax credits.

So again, my question to the sponsor is, how many people would this tax credit apply to, say in a year?

SENATOR RANZENHOFER: Through you, Mr. President. In the bill's language there is no prohibition or limit on the number of people that it would be applied to.

SENATOR KRUEGER: I couldn't hear the sponsor. Would he repeat the answer?

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer, could you please repeat the answer?

SENATOR RANZENHOFER: I did complete the answer.

ACTING PRESIDENT GRIFFO: Can you repeat the answer? She could not hear.

SENATOR RANZENHOFER: Oh, repeat the answer. Obviously I didn't hear you either, Mr. President.

There is no limit in the language of the bill which would limit or restrict the number of people that you could hire from the unemployment rolls.

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

SENATOR RANZENHOFER: Of course.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

So we don't have a sense of -- there's no cap in this program, so we don't have a sense of how large the category of eligibility would be.

If, as the sponsor explained, the intention is to hire unemployed people by incentivizing a business to choose an unemployed person over an employed person when they're hiring, why is the bill retroactive? Because those people were already hired up until now.

SENATOR RANZENHOFER:
Mr. President, I didn't hear the question.
ACTING PRESIDENT GRIFFO:
Senator Krueger, would you please repeat the question?
SENATOR KRUEGER: Certainly. I think our mics are a little low today.
ACTING PRESIDENT GRIFFO: I'm going to again ask for a little order in the chamber. Please, may we have order in the chamber.
And perhaps the members could continue to discuss succinctly, Senator Krueger.
SENATOR KRUEGER: Thank you.
So to repeat, I believe, my question, since this is a bill to incentivize employers to choose to hire someone who is unemployed for at least two months, over someone who's currently employed, to jobs -- that's the specific purpose of the bill -- why is this bill retroactive?
Because this bill would apply to people who have already been hired. Hence, I don't think we need the incentive for that

group of people; they were already hired before this became a law.

SENATOR RANZENHOFER: I agree with Senator Krueger. And in fact it's not retroactive. So your point is well-taken. It's not retroactive.

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: On page 2, line 16 of the bill: "The base year shall be calendar year 2011." So I'm reading the bill to be retroactive for 2011 and the period of 2012 that's already taken place. How am I incorrectly understanding it not being retroactive?

SENATOR RANZENHOFER: The reference that you're referring to, you have a base year of 2011. It starts in 2012. I think you're misreading the language. It's not retroactive to 2011.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you. I was rereading the bill.

So let me ask more directly. So it's the sponsor's understanding that this bill, if it became law, an employer could only apply for a credit for an employee they had hired who had been unemployed at least two months but they had hired after the effective date of this bill becoming law?

SENATOR RANZENHOFER: Through you, Mr. President, yes.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you, Mr. President.

So again, to reiterate, it would only apply to people who were hired after the effective date of this becoming law. I'm repeating it just for the record because I think there may be some confusion over --

ACTING PRESIDENT GRIFFO: Is there a question, Senator Krueger?

SENATOR KRUEGER: I'm getting to the question.

-- over interpretation over how

the bill was written. Is there any wage standard of how much an employee has to be hired for for this credit to apply?

SENATOR RANZENHOFER: Through you, Mr. President. No, Senator Krueger.

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

In the bill, Mr. President, there's language that the employee has successfully completed a training program pursuant to Section 599 of the Labor Law. Could the sponsor explain to me a little bit what requirement will be applied in this -- how this works exactly?

SENATOR RANZENHOFER: Well, they have to complete the program and they also have to be a full-time employee. But there is nothing -- again, back to your point, there is nothing which specifies what the wage is, whether hourly, salary. There's no limitation with respect to that.

SENATOR KRUEGER: Through you, Mr. President, if the sponsor could explain to me what training programs specifically we're talking about. Is it a state training program, an employer training program?

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer.

SENATOR RANZENHOFER: It's the programs that are in existence now through our state laws, through unemployment, when people go through retraining programs through our current unemployment offices.

SENATOR KRUEGER: Through you, Mr. President --

SENATOR RANZENHOFER: Through you, Mr. President, of course.

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

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

We've passed in the last couple

of weeks on this floor -- and I don't know that we'll know which of them actually become laws. We've passed quite a few tax credits for hiring people in various categories: Disabled veterans, into manufacturing, into specific kinds of employment.

Will this credit be allowed to be taken if it's a double dip on tax credits, so that you're taking a tax credit for filling a job for more than X number of hours a week or you're filling a job with somebody who comes from a low-income, high-unemployment area, and/or you're filling with a job with somebody who meets eligibility as a veteran for tax deductions?

Will this be allowed to be an additional tax credit to the firm for the same person, so that you might be taking one, two, or three different tax credits all on the same employee?

SENATOR RANZENHOFER: Through you, Mr. President, that's a very, very general question. And if the Senator has a specific bill number that they're referring to, I would be better able to answer the

question.

If you have a bill that was passed earlier in the session that you'd like me to respond to, I can respond to it now. But if I couldn't, then I can certainly get back to you. But if you can give me a specific bill number that you're referring to with respect to another tax credit.

And I'm not sure, also, if the sponsor means a bill that has passed the Senate but has not been passed by the Assembly and therefore not signed into law, or if she is talking about a credit which already exists in state law. So if the Senator could be a little bit more specific, it would be helpful to try to address that concern.

SENATOR KRUEGER: Fair enough, Mr. President. Because I agree with the sponsor, we've passed many bills here that may or may not become law. And I'm sure we're both very busy and not tracking every bill through the Assembly.

Let's use the examples that exist in law already: The Excelsior tax credit, the QETC credit. Will an employer be able to take

those existing credits and also this credit at the same time for the same employee?

SENATOR RANZENHOFER: In the specific language in this bill, there's no specific limitation with respect to your last question.

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

What's the minimum number of hours an employee would need to work per week for them to be defined as eligible for the business to take the credit? I see that they need to work for two years.

SENATOR RANZENHOFER: In the language of the bill -- you can take a look at it -- it says the employee has to work at least 30 hours a week for the 24-month period. That's right in the language of the bill.

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

ACTING PRESIDENT GRIFFO:

Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

I appreciate the sponsor's answers to the questions. I even agree with the sponsor that it is important to encourage the hiring of people who are unemployed.

And in fact, the data shows that the longer people have been unemployed, the more difficult it is to get into the labor market. So I'm actually torn on supporting or not supporting the bill, because I actually like very much the idea of having a tax credit that will incentivize businesses to hire the unemployed. I think that's actually a very good public policy goal.

But I'm torn because I think that the bill -- one, I know the bill is lacking a fiscal note. So if at any given point in time recently there are 800,000 unemployed New Yorkers receiving -- there are 811,000 currently, but our unemployment rate unfortunately has been staying too high for too long.

So if there are 811,000 or

800,000 people receiving unemployment benefits, the ability to calculate what the cost to the State of New York would be -- if it was an open-ended 24-month, $2400 credit for any unemployed worker who's hired, it in fact can be a very large sum of money in any given year.

I'm also concerned that I don't think we should be having so many different tax credits that can literally be layered upon each other -- some people would say double- or triple-dipped -- because it will cost the state more money than justifiable while actually not encouraging the targeting to hiring of people that each of these individual credits support.

So, for example, I personally would be very uncomfortable to realize that a particular company could take two or three or four different tax credits for the same hire; that amount might be even higher than what the worker is getting paid, because there would be nothing in law stopping that from being the case. I don't think that was the intention of the sponsor of the bill.

And I agree with him there are so many of these bills moving through this house that we don't even know, as of the day before the last day of session, which if any of these bills would become actual law and what their totality or individually their cost to the state budget would be.

So I respectfully have to vote no on the bill, even though I will tell the sponsor that I actually think that a bill -- perhaps not this bill, perhaps a negotiated bill moving through both houses at some time and signed by the Governor -- that clarifies exactly the standards by which people earn money, the standards of a cap on the number of credits per year that can be taken, a limitation to ensure that no individual company can take two, three or more credits for the same new employee, would in fact make this a bill I would happily support.

So while I have to find myself voting no, I actually encourage the sponsor to fine-tune the bill -- because I'm assuming it will pass this house -- and see whether the concerns I have raised today could in fact be

included in an ultimate law in the State of New York.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer.

SENATOR RANZENHOFER: Yes, Mr. President, just very briefly.

The reason why we're introducing this bill is because this is just so important to try to help our unemployment situation in the State of New York, and we really want to incentivize a company to be able to take people off of the unemployment rolls.

We don't know which bills the Assembly are going to pick and choose from. We've certainly sent them many bills that they can choose. But this particular one is just so important because it addresses a very specific need of dealing with the people that are unemployed throughout our districts, whether you are unemployed in Manhattan, whether you are unemployed in the Albany area, the Western New York area, Central New York.

It's just so important that that's the reason why we're putting forth this

bill today, and I would ask all my colleagues to support it.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Ranzenhofer.

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

Senator Breslin.

SENATOR BRESLIN: Yes, Mr. President. I believe that because there's committee meetings going on, we're withholding the vote until the committee meetings are over.

SENATOR LIBOUS: That's correct, Mr. President. The members should be coming back shortly.

ACTING PRESIDENT GRIFFO: The bell is being rung.

SENATOR LIBOUS: Mr. President, if you could go ahead and ring the bell and do what we need to do, because members are coming back from both committee meetings and then we can take it to a vote.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Libous.

(Pause.)

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: May I have some order in the chamber, please.

Senator Stewart-Cousins to explain her vote.

SENATOR STEWART-COUSINS: Yes, thank you, Mr. President.

I want to congratulate Senator Ranzenhofer for bringing this to our attention yet again.

I introduced a bill in January which talked about the unemployment situation in New York State. I think that Senator Krueger suggested at this point there's almost a million people unemployed. It is a situation that has become very difficult, especially for people who have been unemployed

for any length of time.

There was an ad on Craigslist --

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins, excuse me. {Gaveling.}

SENATOR STEWART-COUSINS: Thank you so much.

One of the things we talked about was the ad in Craigslist that asked for a sous chef and said that you had to be employed to be a sous chef. And that's why we know that it is very difficult to get a job when you're unemployed. In fact, indeed, there are ads that say do not bother to apply if you're unemployed.

So as Senator Krueger suggested, not only is there no fiscal note, but we really have to look at this holistically. I mean, it's wonderful to give people money to do the right thing, but the reality is the right thing is to not discriminate against people who are unemployed.

Senator Ranzenhofer, your bill starts with incentivizing people who have been unemployed for two months. The reality is is

that the longer you're unemployed, the harder it is for you to get a job, it seems.

So I understand that I am running out of time. I will support this because it deals with an issue that is important. But the reality is that we should not, frankly, have to spend money or tax credits for people to hire their fellow New Yorkers who, by no fault of their own, have been rendered unemployed.

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 884, those recorded in the negative are Senator Krueger.

Absent from voting are Senators Montgomery, O'Mara and Parker.

Ayes, 56. Nays, 1.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, there will be an immediate meeting of the

Crime and Corrections Committee in Room 332.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Crime and Corrections Committee in Room 332.

Senator Libous, shall we return to Calendar Number 356, which was laid aside?

SENATOR LIBOUS: Mr. President, if you can hang on a second.

Mr. President.

ACTING PRESIDENT GRIFFO: I'm going to ask members to please take your conversations into the outer chamber. Staff also.

Senator Libous.

SENATOR LIBOUS: Okay, Mr. President, we will now take up Calendar Number 1298.

ACTING PRESIDENT GRIFFO: The Secretary will read Calendar 1298.

THE SECRETARY: Calendar Number 1298, by Senator Libous, Senate Print 7686, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Explanation, please.

ACTING PRESIDENT GRIFFO: An explanation has been requested.

Again, I'm going to urge and request that all members please take their conversation outside the chamber. Unless you are debating the bill.

Senator Libous, an explanation.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, this is a statewide amendment to the Alcohol and Beverage Law in relation to licenses and selling liquor and retail consumption for churches.

SENATOR KRUEGER: Through you, Mr. President, if the sponsor could please yield for some questions.

SENATOR LIBOUS: Sure.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

So if the sponsor could clarify for me under what circumstances this bill

would apply.

SENATOR LIBOUS: This would apply for an exemption within the 200-foot rule that takes place for churches. And this would allow those churches who have catering businesses to function if they're within the distance of another place of worship.

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

SENATOR LIBOUS: I will, Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Can the sponsor clarify what it means to be -- what a church having the business involving a liquor license actually means as defined in this bill?

SENATOR LIBOUS: Mr. President, through you, I think that clarification is something that the State Liquor Authority will do. I don't feel that I would be one to clarify, because I know that every situation is different.

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

SENATOR LIBOUS: I would yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

Could the sponsor give me examples of where this law might apply?

SENATOR LIBOUS: Mr. President, I would just say that this is a statewide fix. And I think this is something that would serve as a business development tool for those churches that have catering businesses.

So to be specific and give examples, I don't really think that's necessary. We don't often give examples on every bill we pass here that has an effect on statewide businesses. In this case, it would help through the State Liquor Authority. So I really don't have any specific examples at this point.

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR LIBOUS: I will.

SENATOR KRUEGER: Thank you.

So just to clarify, the sponsor's bill would apply to churches that have a permanent catering facility? Is that my understanding, that he's talking about churches that have permanent catering facilities but are also within 200 feet of another church?

SENATOR LIBOUS: Mr. President, through you. It could.

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

SENATOR LIBOUS: Yes, I will.

SENATOR KRUEGER: Thank you.

And could it apply for a business operating a catering facility within a church but the catering company is not the catering facility of the church?

SENATOR LIBOUS: Mr. President, not to have a specific answer to where she's going with this, but it just adds to the

existing exemptions.

And again, Mr. President, not to be redundant, but I would say that specific instances are going to be determined by the State Liquor Authority. So this just adds to the law. And if Senator Krueger is trying to point out a specific example, I would think that the State Liquor Authority would deal with that specific example.

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR LIBOUS: Sure, Mr. President.

SENATOR KRUEGER: So the sponsor believes that if this bill became law, the option would be there at the State Liquor Authority, as opposed to this law taking away the power of the Liquor Authority to apply the 200-foot rule?

SENATOR LIBOUS: No, Mr. President, it adds to the list of activities. Therefore, as the State Liquor Authority makes a determination on any license

for any business, they would defer to the law. And if it fits within that list of activities that we're adding to, then I would assume they would grant the license.

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

SENATOR LIBOUS: Churches or synagogues. Through you, Mr. President, I'm sorry.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

Well, I know of one example. It's in my district --

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

SENATOR KRUEGER: I do have a question. Yes, I'm -- it's --

ACTING PRESIDENT GRIFFO: Please pose the question.

SENATOR KRUEGER: I know of one example. It's in my district. I'm wondering whether it's the 583 Park Avenue Rose Group at

the church. I'm wondering if the sponsor has any other examples in any other districts, including his own home district.

SENATOR LIBOUS: Mr. President, all I can tell Senator Krueger at this time is that if she does have a situation in her district, then it would fall under this law.

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

SENATOR LIBOUS: I will.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Why is the sponsor not supporting a complete repeal of the 200-foot rule? That's what the law commission review recommended when it reviewed the ABC Law. Why is he making a very unique and subspecific law that, as far as I can tell, only applies to one example in my own district and doesn't apply anywhere else in the rest of the state?

SENATOR LIBOUS: Mr. President, this is just limited to church venues. And a church still has to stay a church, and that's

what this amendment does.

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

SENATOR LIBOUS: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: On page 2, line 35 of the bill, the word "corporate" is used. What's the definition of "corporate"? Are we talking publicly traded companies? What's the intended definition of a corporation for purposes of this law?

SENATOR LIBOUS: We're just trying to clarify that it might not be private.

I mean, Senator Krueger, I'm sure that the lawyers would, when we pass any legislation, and something is in dispute or disagreed upon, lawyers get together and then they debate these things. But our intent here is exactly what I said it is.

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

to yield.

SENATOR LIBOUS: I will.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

Under the current law, if a church within 200 feet of a facility applying for an SLA liquor license does not actually say "I approve, that's fine," it has been the tradition of this house not to consider a carve-out bill.

If this were to become law, is it correct that even if the neighboring church and/or school disapproves strongly that there would be no choice but to ignore their wishes?

SENATOR LIBOUS: Mr. President, I don't believe that to be the case.

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR LIBOUS: I will.

SENATOR KRUEGER: Thank you.

I don't agree with the sponsor's last answer.

And I would suggest that if the sponsor were to write into the bill clarifying that the neighboring church and/or school had to give their permission, I might not have an objection to this bill.

But I'm quite sure and I have been notified by at least the Presbyterian Church and the Presbytery of New York City that this bill would prevent them from continuing to object to being located directly next-door to the one facility that, as far as I can tell, is the only facility currently in the State of New York that this law would apply to.

So again -- I'm sorry, I've lost track of the question. Would the sponsor agree that it should be the situation where the neighboring church or school within 200 feet should have the right to say "No, this is not acceptable"?

SENATOR LIBOUS: I would think, Mr. President, that certainly the SLA could take that into consideration in their review.

SENATOR KRUEGER: Through you, Mr. President. For the record, they cannot take that into consideration within their review if this law were to become the law of New York State. That is why I'm so concerned, one of the reasons I'm so concerned about this law --

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Just in all due respect to Senator Krueger, I would still think there would have to be an application for a license. So I think the SLA would absolutely indeed be involved in a review.

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

SENATOR LIBOUS: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: What if the locality also objects? Is there not some kind type of home-rule requirement or local approval requirement included in this law that

the sponsor hopes to pass?

SENATOR LIBOUS: Mr. President, through you, no.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: I'm sorry, I'm thinking, Mr. President.

Through you, Mr. President, may the sponsor please continue to yield.

SENATOR LIBOUS: Sure.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

Is the sponsor aware that in the case of the Rose Group Catering Company at 583 Park Avenue that they actually went to court to try to overturn the SLA denial of their license and lost their case at the Supreme Court level, at the appellate level, and the Court of Appeals refused to take the appeal? Is the sponsor aware of this fact?

SENATOR LIBOUS: Mr. President, whether the sponsor is aware or unaware of specific things that are happening throughout the state -- I'm sure that my colleagues here

who have all passed legislation, there's no way that we all could be aware of everything that happens that has some effect on the legislation that we pass.

So those specific cases -- certainly as Senator Krueger mentioned, those folks, they went through the court process. And you can do that in New York State if you have some objection to the law.

So whether I'm aware or unaware has nothing to do with the bill before us. And that would be my answer to Senator Krueger.

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

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: This bill, even though it claims to be a statewide bill, is actually a bill that has been submitted on behalf of a particular company who's hired four groups of lobbyists to work their way through this building.

This is an organization who tried, lost in court. This is an organization

who the neighboring church has said no, they are not a good neighbor, we do not wish them to continue. Which the history of this house is you respect that.

This is an organization who went to the community board quite a long time ago, has not gone back with alternative proposals, which they've been asked to do, and with the community board having rejected their request to continue and in fact taken a very strong position against an SLA liquor license for this facility.

For those of us not from New York City, community boards operate not unlike your local town board as far as making local decisions and recommendations for policy at the local level.

Other bills that have passed this house involving changing the 200-foot rule for individual institutions have in fact received the support of the local government and the neighboring religious institutions and/or schools.

I know of no other case that has gone before this house, at least during the

time I have been here, where this house has overridden the local position or the position of the neighboring church.

This was a case where not the church having a catering business -- there is no problem with a church having a catering operation and having parties and having perhaps celebratory events related to religious activities. I don't even know any religious institutions that don't host weddings or bat mitzvahs or baptisms or endless other examples of sponsored-by-members congregational activities that are parties.

That is not the issue here. The issues here is that a catering company went into a lease deal to take over the facilities of the church to turn it into a catering hall, with the capacity to do events of up to 1200 and 1300 people.

It is not considered a good neighbor to the neighboring church. It even, in the course of the court case, subpoenaed the neighboring Presbyterian church asking them to prove that their catering activities

were not the equivalent of a private company running catering activities.

The State of New York was represented by the Attorney General and the SLA in the case that was won, that the liquor license should not be continued or approved for this business, the Rose Group, in this location.

To quote from the decision: "Having determined the applicant's location is on the same street and within 200 feet of a place of worship, the question turns on whether, in light of the exception created by the 1970 amendment to the ABC Law, the location can still be licensed as the permanent catering facilities of a church. The legislative history of this amendment provides little guidance as to what is meant by the phrase 'permanent catering facility of a church.'

"In 1970, before the bill became law, the then-Attorney General, Louis Lefkowitz, submitted his opinion to the Governor. He determined that the purpose of the amendment was to allow a place of worship

to maintain a catering hall without proximity of that hall to the church being a violation of the 200-foot law.

"The members of the Authority agree with this opinion. In order to be exempt from the 200-foot law, the Rose Group business must be a church's permanent catering facility.

"For the reasons herein expressed, the Authority finds that the applicant's operation is neither the church's catering facility, nor is it permanent. The purpose of the 1970 amendment was to allow facilities created and operated by a place of worship."

Again, I would have no objection and the current law would have no objection if the church itself chose to be operating a permanent catering facility within their property. This is not the situation, and this has been clarified in court.

"Consistent with the underlying purposes of the 200-foot law, the amendment could not have been intended to allow an independent entity such as the Rose Group to

operate a commercial catering facility in violation of the 200-foot law merely because it has a business relationship with a place of worship.

"As argued by the opposition to this application, to be considered permanent catering facilities of a church there must be some nexus between the functions that are being catered and the place of worship" -- i.e., the catering activities involved the place of worship or people in that religious institution. Not the case in this situation.

"The applicant's original representations to the authority allege such a nexus by describing events that those in the neighboring community would typically hold at a church hall. However, without dispute, the applicant's business has developed into a multi-million-dollar commercial enterprise that caters functions which have little if any connection to the building's identity as a police of worship.

"The Rose Group is not using the permanent catering facility of a church or a place of worship. Rather, the Rose Group has

transformed the premises from a church into an extravagant commercial catering business in a building it leases from a church."

The decision is many pages long.

My concern, again, is that the local community has said no, the community board has said no, the neighboring church has said no. The building leasing itself out to a catering hall has a minimal number of members remaining -- under 40, I believe -- and even some of them have told me this was not the intent of their understanding of what was being walked into.

The sponsor of the bill knows that I, as the local elected official, strongly oppose this bill. The Assemblymember strongly opposes the bill. And in fact, I don't believe it is a statewide bill, it is a bill for one company who has been very effectively using their lobbying skills in this building.

I would like to ask the sponsor some continuing questions, if I might. Through you, Mr. President.

ACTING PRESIDENT GRIFFO: One

second, Senator Krueger.

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT GRIFFO: Senator Libous, do you yield?

SENATOR LIBOUS: For a few questions.

SENATOR KRUEGER: Thank you.

If there were an equivalent situation as I've just read it in the sponsor's own district, and the neighboring church there opposed it, would the sponsor still think it was okay for this license to be approved?

If you took the exact same situation from this case and this court case and the facts as I have presented them, would the sponsor have no problem supporting the SLA license or forcing the SLA's hand if it was in his own community, with his own church and local government opposing?

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Yeah, Mr. President, lookit. This is a statewide bill, and I'm not going to sit here and

speculate as to what might be a case in my district or Senator Zeldin's or Senator Smith's or what have you.

So I would say to Senator Krueger as honestly as I can that this is a statewide bill. And if it pertains to a circumstance in her district, so be it.

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR LIBOUS: Yeah, sure.

SENATOR KRUEGER: Since this is a statewide change of policy, has the sponsor asked the SLA their position, since it would be changing SLA law for the entire state?

SENATOR LIBOUS: Mr. President, I have not directly.

But I have passed, in my career, hundreds of bills, and I don't call every state agency and ask them their opinion. Because probably most of the time -- well, I don't ask them their opinion, we'll leave it at that.

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

SENATOR LIBOUS: Sure.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Does the sponsor believe that this bill is consistent with the law review commission recommendations for changes in SLA law?

SENATOR LIBOUS: Could she repeat the question?

ACTING PRESIDENT GRIFFO: Senator Krueger, can you repeat the question?

SENATOR KRUEGER: Certainly.

There was a law review commission recommending changes in the ABC Law or SLA law several years ago. Does the sponsor believe this bill is consistent with the commission recommendations for changes in our SLA law?

SENATOR LIBOUS: Mr. President, the sponsor doesn't really care.

ACTING PRESIDENT GRIFFO: Senator Krueger, I want to inform you that in accordance with Rule 9, Section 3(d), no

member is allowed more than 30 minutes to debate a bill. You are closely approaching the time limit right now.

SENATOR KRUEGER: Thank you.

On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: Could I just ask the President to cite, was this an hour on each side or a half-hour you were citing?

ACTING PRESIDENT GRIFFO: Senator Krueger, in accordance with Rule 9, Section 3, subsection (d), no single Senator shall debate any bill or concurrent resolution for more than 30 minutes.

SENATOR KRUEGER: Okay. Thank you. On the bill, thank you.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: I think I've actually -- I've been advised we don't traditionally enforce that. But I actually think we're getting close to my being able to close.

So on the bill, Mr. President.

ACTING PRESIDENT GRIFFO:
Senator Krueger on the bill.
SENATOR KRUEGER: Thank you.
I'm asking my colleagues to think about how they would vote on the bill if they actually thought they had the situation in their district where their neighboring church said they were opposed, the community said they were opposed, the equivalent of the local government -- in my case, a community board -- said they were opposed, the operation had gone to court and tried but lost.
Knowing all that, would they actually want to support a bill that would negate all those community historical participatory supports or opposition to specific situations in their community?
I would argue I don't know too many of my colleagues who would submit a bill allowing this or even vote for a bill allowing this if they didn't get the support of the community.
We have passed this session -- well, of course I had to lose a week in here, but I think in this session we have passed at

least three what are called carve-out bills to the 200-foot rule. And I'm quite sure that in those situations the sponsors of the bills got confirmation, the neighboring churches were not opposed, the community was supporting.

I in fact myself have sponsored such a bill here in this house, having gotten the support in that case of the church, the school, and the community.

So I'm going to ask my colleagues to vote no, because it is a local bill in sheep's clothing. It is not a statewide bill. It is a bill to attempt to get around a carve-out bill, which would be the acceptable way for this arrangement to be moved forward. I know of no one other than the company hiring lobbyists to get this bill passed for them who supports this bill. And I am hoping that my colleagues will vote no.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Krueger.

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

Senator Libous.

SENATOR LIBOUS: Mr. President, if the members could come into the chamber.

The committee meeting is going on a little bit longer, so at this time we're going to, in agreement with the Minority Leader, we're going to invoke Rule 9, which will allow the committee members to vote, and we're going to bring everybody in and call the roll and move along.

And we're going to get the desk the names of the members that are in the committee that will be invoking their Rule 9.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

The bell has been rung. 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.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to

Calendar Number 1298, those recorded in the negative are Senators Addabbo, Avella, Breslin, Diaz, Dilan, Duane, Fuschillo, Gianaris, Krueger, Oppenheimer, Parker, Perkins, Sampson, Serrano, Squadron, Stavisky and Stewart-Cousins.

Absent pursuant to Rule 9: Senators Gallivan, Hassell-Thompson, Kennedy, Little, Montgomery, Nozzolio, Ritchie, and Rivera.

Ayes, 35. Nays, 17.

ACTING PRESIDENT GRIFFO: The bill is passed.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous, one minute, please.

THE SECRETARY: Also Senator McDonald in the negative.

Ayes, 34. Nays, 18.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, at this time could

we take up the noncontroversial reading of Supplemental Active List 1, please.

ACTING PRESIDENT GRIFFO: We will take up the noncontroversial reading of Supplemental Active List 1. The Secretary will read.

THE SECRETARY: Calendar Number 23, by Senator Dilan, Senate Print 1362A, 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 30th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 2. Senators Duane and LaValle recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 122, by Senator DeFrancisco --

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

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

THE SECRETARY: On page 30, Senator Libous moves to discharge, from the Committee on Judiciary, Assembly Bill Number 9390B and substitute it for the identical Senate Bill Number 6522B, Third Reading Calendar 985.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 985, by Member of the Assembly Morelle, Assembly Print Number 9390B, an act to amend the Real Property 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1050, by Senator Little, Senate Print 346A, an act to amend the Tax 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 39, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 10543 and substitute it for the identical Senate Bill Number 7524, Calendar Number 1111.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1111, by the Assembly Committee on Rules, Assembly Print 10543, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2012.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 39, Senator Zeldin moves to discharge, from the Committee on Rules, Assembly Bill Number 7837C and substitute it for the identical Senate Bill Number 5420C, Third Reading Calendar 1114.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number

1114, by Member of the Assembly Murray, Assembly Print Number 7837C, an act in relation to authorizing.

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.)

ACTING PRESIDENT GRIFFO: Senator Oppenheimer to explain her vote.

SENATOR OPPENHEIMER: Yes, I'd like to explain why I'm voting in the negative on this.

The fact is that sewer projects are of such importance to particularly those of us who live around the Long Island Sound. The problem that we've been having with non-point-source pollution and with the infiltration of our sewer pipes, it's a huge, huge expense. And when we manage to garner a little extra money, we always try to put it into our sewers.

It is definitely the major source

of pollution in many of our waterways, not just the Long Island Sound. And to think that if you manage to get some extra sewer money that you would put it to other infrastructure just doesn't make sense for those of us who know how hard it is to clean up the water and the air and the earth.

So I would not direct any money away from sewers, which is really the main source of our pollution in our water systems.

Thank you. I'll be voting no.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 1114, those recorded in the negative are Senators Addabbo, Avella, Ball, Dilan, Duane, Gianaris, Krueger, LaValle, Oppenheimer, Perkins, Serrano, Smith, Squadron, Stavisky and Stewart-Cousins.

Ayes, 45. Nays, 15.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes

the noncontroversial reading of Supplemental Active List Number 1.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, at this time I'm going to call an immediate meeting of the Finance Committee in Room 332. But the Crime and Corrections Committee is just finishing up. So as soon as they're done -- and we expect them to be done within minutes -- the Finance Committee will take up its business.

The Senate will stand at ease, and we'll come back awaiting the report of the Finance Committee.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Finance Committee in Room 332, following the completion of the Crime and Corrections Committee.

Until such time as the Finance Committee returns to the chamber, the Senate will stand at ease.

(Whereupon, the Senate stood at ease at 12:01 p.m.)

(Whereupon, the Senate reconvened

at 12:36 p.m.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Can we return to motions and resolutions.

Can we close the door, please. Sergeant-at-Arms, close the door, please.

ACTING PRESIDENT GRIFFO: Can we have some order in the chamber, please.

SENATOR LIBOUS: Close the door, please.

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

SENATOR LIBOUS: Thank you, Mr. President.

Returning to motions and resolutions, I believe that Senator Zeldin has a resolution at the desk, Number 5436. It was previously adopted by this house on June 19th. Could you please have it read in its entirety, and then could you please call on Senator Zeldin.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 5436, by Senator Zeldin, commemorating the First Annual Tri-Hamlet Day and congratulating the members of the Tri-Hamlet Renaissance Project.

"WHEREAS, It is the sense of this Legislative Body to recognize that the quality and character of life in the communities across New York State are reflective of the concerned and dedicated efforts of those organizations and individuals who would devote themselves to the welfare of the community and its citizenry; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to commemorate the First Annual Tri-Hamlet Day and to congratulate the members of the Tri-Hamlet Renaissance Project. The First Annual Tri-Hamlet Day was celebrated on June 9, 2012; and

"WHEREAS, The communities of Shirley, Mastic, and Mastic Beach, known as the Tri-Hamlet Community, are the hidden jewel

of Long Island; and

"WHEREAS, Rich in Revolutionary War history, natural parks and recreational waterways, the Tri-Hamlet Community enjoys many blessings but also faces serious challenges; and

"WHEREAS, Residents of the Tri-Hamlet Community and elected officials from every level of government engaged in a six-month collaborative effort to produce the Tri-Hamlet Renaissance Project Report, organizing themselves into six work groups: infrastructure, economic development, real estate, quality of life, public safety, and marketing. The participants produced a series of proposals to address these challenges; and

"WHEREAS, The report's recommendations are practical and achievable solutions to enhance the quality of life in the community for generations to come; and

"WHEREAS, One of the first achievements of the project is the success of the First Annual Tri-Hamlet Day. Thousands of people enjoyed the many treasures located throughout the community, including the

William Floyd Estate, Wertheim National Wildlife Refuge, the Manor of St. George, the gravesite of Revolutionary War General Nathaniel Woodhull, and the Village of Mastic Beach Town Square; and

"WHEREAS, The work of the Tri-Hamlet Renaissance Project is another example of the long American tradition of self-reliance, individual initiative, and grassroots activism; and

"WHEREAS, The members of the Tri-Hamlet Renaissance Project are: Joe Asaro, Bill Biondi, John Bivona, Marilyn Bonsignore, Kate Browning, Joe Carabott, Sara Carmichael, Frank Cappiello, Gail Cappiello, Lori Ann Casdia, Kevin Collins, April Coppola, Ed DeGennaro, Rob Deshler, John Doyle, Al Ehresman, Eric Fischer, Evelyn Green, Glenn Hollins, Ray Hopp, Tinamarie Hughes, Ray Keenan, Philip King, Michael Leonardi, Natalie Lewis, Tony Liberti, Mike Lubrano, Pat Matthews, Catherine Meinhold, Debbie Metz, Dolores Murphy-Gallagher, Paul Older, Ken Olivo, Gary Ollet, Dan Panico, Katherine Palma, Vincent Pascale, Helen Purdoski, Kerri

Rosalia, Cheryl Rowehl, Thomas Scarpantonio, Benny Schiraldi, John Sicignano, Linda Sulfaro, Larry Tellefson, William Toranzo, Robert Vecchio, Beth Wahl, Al Walter, Robert Wisdom and Victor Zeleny; and

"WHEREAS, It is the sense of this Legislative Body that when individuals and organizations of such noble aims and accomplishments are brought to our attention, they should be celebrated and recognized by all the citizens of this great Empire State; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the First Annual Tri-Hamlet Day and to congratulate the members of the Tri-Hamlet Renaissance Project; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the aforementioned members of the Tri-Hamlet Renaissance Project."

ACTING PRESIDENT GRIFFO: Senator Zeldin.

SENATOR ZELDIN: It is with great pride and honor that I rise today in

support of this resolution. I am personally from the Shirley community. I live there now today.

The Tri-Hamlet Community, it's the areas of Mastic, Mastic Beach, and Shirley. It's an area that I represent along with Senator LaValle.

Over the course of the last year or so we have worked together, elected officials of all different political parties, community leaders from dozens of different community groups, to work together to put aside any of our differences to move this community forward.

We came up with this Tri-Hamlet Renaissance Project. The first proposal of 16 that was implemented was on June 9th we had the Tri-Hamlet Community Celebration Day.

I think it's just a great opportunity that the State Senate -- and I thank you, Senator Libous, for taking the time out of a busy day to recognize the efforts of community leaders who really, from the grassroots effort, have taken so much of their personal time, maybe away from their families

or from their businesses, to help their community.

And I'm very proud to come from the Shirley-Mastic-Mastic Beach community. We are joined today by Bob Vecchio. Bob Vecchio is not only the person who led our marketing workgroup, which spearheaded the Tri-Hamlet Community Celebration Day, he is the president of the school board for the William Floyd School District and advocates so hard on behalf of our schoolchildren, our parents, our taxpayers.

And it's with great, great honor and privilege that I ask all of us to recognize Bob Vecchio and thank all the members of the workgroup for their dedication to improving this community that for too often has been neglected.

And thank you, Bob, for all of your hard work.

(Applause.)

ACTING PRESIDENT GRIFFO: Bob, we welcome you to the chamber and we extend the courtesies of the house to you.

As noted, the resolution had been

previously adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. And thank you, Senator Zeldin.

I have a motion that I can do. On behalf of Senator Martins, Mr. President, I move to amend Senate Bill 3778E by striking out amendments made on June 18th and restoring it to its previous print number, 3778D.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR LIBOUS: We'll remain at ease.

ACTING PRESIDENT GRIFFO: The Senate remains at ease.

(Whereupon, the Senate stood at ease at 12:44 p.m.)

(Whereupon, the Senate reconvened at 1:02 p.m.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Can we return to reports of standing committees, please. I believe there's a report of the Finance

Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT GRIFFO: Returning to reports of standing committees, the Secretary will read the report of the Finance Committee.

THE SECRETARY: Senator DeFrancisco, from the Committee on Finance, reports the following nomination.

As Commissioner of the Department of Labor, Peter M. Rivera, of the Bronx.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I move the nomination of Peter M. Rivera for Commissioner of the Department of Labor.

He appeared before the Finance Committee and got glowing reviews from virtually everyone in the committee, based upon his broad range of experience, his characteristics of being able to deal with people, work with people, and his experience in both the business and labor arenas.

So I am proud to move the nomination of Peter M. Rivera.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco.

Senator Robach.

SENATOR ROBACH: Yes, Mr. President, let me too rise to applaud the Governor and enthusiastically support this nomination.

I won't belabor it, but Peter has a storied record, not only in law enforcement and as district attorney, private entrepreneurship, law. As they say in sports, really the total package.

And then of course I'm elated that the Governor chose to pick someone from our ranks, a legislator, someone who has served and is a well-known entity. His work speaks for itself on wanting to help working men, women, and families.

And I know through our discussion not only is he interested in policy but, also especially for us in upstate New York, trying to help policies that will create jobs and make sure everyone in the process has access.

So it's really with great confidence and my pleasure to nominate someone

well-qualified and a friend, Peter Rivera, for the Labor chair, which I would also say, too, we've had a lot of turnover in. And I think Peter will bring not only knowledge and talent, but also some stability.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

It's also my pleasure to second the nomination of Peter Rivera. And I want to commend the Governor for his appointment to make Peter our Commissioner of Labor.

I had the privilege of sitting next to Peter for about 10 years in the Assembly. I know a lot about him; some of it I can't mention on the floor today.

(Laughter.)

SENATOR KLEIN: But I do know his commitment to public service. He has a resume that's really unmatched. A former police officer in New York City, a former DEA agent, a former assistant district attorney. And he comes to the Assembly with a very, very

good background and truly a commitment to public service.

So I think being appointed as Commissioner of Labor is a natural extension for Peter, where he can use his wide expertise, his understanding of all complicated legislative issues. And I know with Peter as the Commissioner of Labor, I know the working men and women of New York State will have a true friend.

I'm proud to second the nomination.

ACTING PRESIDENT GRIFFO: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I too would like to rise to second the nomination of Peter Rivera, congratulate the Governor for a fine appointment, but to point out something I also mentioned in the Finance hearing when we moved him in Finance just a few moments ago.

The unemployment rate on Long Island in this past year, according to the State Department of Labor, has gone up

from 6.7 percent to 7.4 percent this past year alone. This is a shocking number.

If you go, as Senator Fuschillo did also in the committee, as you go to the trades, the building and construction trades, the number could be 30, 40 and I've heard as high as 50 percent unemployment in those regions, in those areas.

So unemployment is a very, very difficult, tough subject area. And we would like to see programs that would work with employers, work with businesses, work with construction companies, whatever, so that they will hire in-state residents when they do work in this state. When they are employed, when they are doing construction, when they are doing business in this state, they should be hiring New York State people.

And we would like to see programs initiated from the Department of Labor to encourage that type of procedure and that type of policy.

So, Peter, I look forward to working with you on this, because I think it is an extremely important issue for all of our

people, and I know you do as well. And again, thank you for your willingness to serve the people of the State of New York.

Mr. President, I proudly vote aye.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I too want to rise to second the nomination of Mr. Rivera. I had the pleasure of working with him very closely over a period of time as we both worked together on helping people with physical and mental disabilities. And I had found that, during that time period, he is extremely compassionate, he is committed, and he is an extremely hard worker.

And I think he will take those qualities, not only as he has as an elected official but at least the experience that he shared with me, to the Department of Labor. And I look forward to working with him on those important issues that affect the Department of Labor not only in my district

but throughout the state.

And I want to applaud Governor Cuomo for an outstanding nominee.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

There are many reasons why I should be happy. There are many reasons why I should be excited. There are many reasons why I should be overwhelmed with this nomination. One of the reasons the nominee is a Puerto Rican like me. So as a Puerto Rican, I should be happy. I should be excited. That's a reason to be excited, a reason to be happy.

Another reason, the nominee is someone that I know since 1975 when I was a student at Lehman College in the Bronx and he was a member of the New York City Police Department recruiting and went to the school to interview and to give a speech. So there's a reason to be -- I should be happy because I know the nominee longer than anyone here.

Another reason that I should be

happy with the nomination is that I helped the nominee being an Assemblyman. In 1992 when he ran, I was the one putting posters, I was the one knocking doors, I was the one holding his hands up to be elected when other people were not there. Only Jose Rivera and myself were only with him. Everybody else abandoned him, even Borough President Fernando Ferrer at that time.

So I should be happy. Another reason I should be happy, the nominee is the Assemblyman of my district. As a matter of fact, he represents the area where I live.

And I should be happy, finally, because I know that when the Governor sends someone here, it's a done deal. Nobody dares to go against that. It's a rubber stamp. It's a done deal. So why going -- why making so much fuss? No one ever has been rejected. If the Governor send him, he already worked it out with the leader, and it's a done deal.

But the same reason why I should be happy, the same reason why I should be excited, the same reason why I should be overwhelmed are the same reason that make me

vote no on this nomination. Because I know the nominee. Because I work with him. Because I know the district he represents. Because as a Puerto Rican, I've been disappointed.

And you say, "You're going to go against a Puerto Rican? I mean, you are crazy? Ah, we should be proud." Ehh, that's why I put a candidate to run against him two years ago. Because I'm disappointed. And I'm not only disappointed with him, I'm disappointed with a lot of other elected officials in the area.

New times, ladies and gentlemen. And this is not the first time that I stood in this chamber and voted no, the only one. I was the only Democrat that voted no on gay marriage. Proudly voted no. Everybody else voted yes. And I was the only Senator that voted no on Governor Cuomo's budget. Me and Tom Duane, everybody else vote yes. So this is not the first time for me to say no.

"Oh, are you crazy? Everybody is voting yes." But this is not the first time, and it will not be the last time that I will

be the only one standing and saying no when everybody else is saying yes.

So go ahead, ladies and gentlemen, say how proud you are about the Governor nominating that you always do. Everybody says, I'm proud. I congratulate the Governor. I do, the Governor.

Well, I wish Peter Rivera well. And I wish all of you well. But, Mr. President and ladies and gentlemen, this is a nomination that I cannot support.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Fuschillo.

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

I'm happy. I'm excited. And I want to thank Governor Cuomo for his nomination.

I've had the pleasure of working with Assemblyman Peter Rivera for many, many years on many different issues. And I've found him to be dedicated, have compassion for the issue we're dealing with, but a straight focus on getting it done.

We just approved his nomination in the Finance Committee, and Senator Nozzolio raised some very important issues facing statewide for the labor, building trades and other trade unions throughout New York State. And I echoed his sentiments because of what we're facing on Long Island with some of the building trades and members that have 30, 40, 50 percent unemployment, and it's of great concern to us.

And Assemblyman Rivera concurred, and I know that he will do his utmost to address those issues.

So as I said, I'm happy, I'm excited with this nomination. I thank you, Peter, for your willingness to serve the people of New York State.

Mr. President, I vote yes on this nomination.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

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

Peter Rivera is an extraordinary gentleman, and people who know me know that I

use the term very restrictively.

I'm going to miss the fact that he and I shared an Assembly district and a Senate district that contained a lot of people who have issues of poverty, issues of illiteracy, issues of homelessness. And the kinds of things that we've been able to partner and do together in that slim portion of the district that we share together has made me very proud.

I'm going to miss that. I don't know, whomever is going to replace him, if they will bring the personality and the panache and certainly the commitment to that district that he has done.

But I want to be one of those who congratulates him on accepting a post that I think needs a lot of attention, that he will help to set and develop policy for the Department of Labor that will help to put people back to work, that will help to redesign training programs that continue to be necessary in many of our communities. And I know that he is not one who allows his voice to be whispered, but he will be a voice for

those who are voiceless.

So I'm happy to second his nomination as well and to wish him the best of congratulations in this new position and know that anything that I can continue to do to make the work that he does a success, I will continue to be there, as I have when we shared a district in the Bronx.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: The question is on the nomination of Peter M. Rivera, of the Bronx, as Commissioner of the New York State Department of Labor. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(Response of "Nay.")

ACTING PRESIDENT GRIFFO: The confirmation is hereby confirmed of Peter M. Rivera, of the Bronx. Commissioner, congratulations.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Assemblyman Rivera is joined today by his

daughter, Lauren. We appreciate you being in attendance today.

The Secretary will read.

THE SECRETARY: As Commissioner and President of the State Civil Service Commission, Jerry Boone, of Troy.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I proudly move the nomination. Another great appointee of this Governor.

Mr. Boone has an incredible background both in the law as well as in business, and he's someone who has incredible managerial experience, if you take a look at his resume.

So I just wanted to mention to him and all the nominees that things went pretty quickly in the Finance Committee not out of any disrespect for any of them, but in view of the agenda that's going to bring us into the late, late hours of this evening.

So, Mr. Boone, we're proud that you would be willing to serve with your background and serve the State of New York,

and I proudly move his nomination.

ACTING PRESIDENT GRIFFO: Senator Farley.

SENATOR FARLEY: Yeah, I rise to support this nomination.

Jerry Boone is very well qualified, a Capital District resident. We're lucky to have him. This is a very important agency which the legislators work with, and particularly those of fuss the Capital District.

To get somebody of this background to serve the State of New York, we're very fortunate. I applaud Governor Cuomo on making this appointment.

We're very lucky to have you, Jerry, and all the best wishes to you in your new service.

ACTING PRESIDENT GRIFFO: The question is on the nomination of Jerry Boone, of Troy, as Commissioner and President of the State Civil Service Commission. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO:

Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Jerry Boone, of Troy, is hereby confirmed as Commissioner and President of the State Civil Service Commission. Thank you.

(Applause.)

ACTING PRESIDENT GRIFFO: Joining Jerry in the gallery today is his wife, Janice, and his son, Brian. We congratulate you and extend best wishes.

The Secretary will read.

THE SECRETARY: As member of the New York State Board of Parole, Christina Hernandez, of East Greenbush.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Are we on all the nominees for the Board of Parole or just one?

ACTING PRESIDENT GRIFFO: One.

SENATOR DeFRANCISCO: Okay. And that is Christina Hernandez?

ACTING PRESIDENT GRIFFO: Correct.

SENATOR DeFRANCISCO: Well, that's easy, then, if that's what this is on.

I proudly move her nomination for reappointment to the Board of Parole and ask that you please recognize Senator Nozzolio.

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. Thank you, Senator DeFrancisco.

That Christina Hernandez is an excellent reappointment to the Board of Parole. That she has an outstanding record in criminal justice issues. And I would like to just highlight the fact that her first involvement and job responsibility was serving as a commissioner on the Crime Victims Board.

And under her watch, the Crime Victims Board's backlog of cases, where victims were not being appropriately compensated after much delay -- that her involvement, her background, her work in being involved in that drastically reduced that backlog. And for that she certainly deserves continued kudos.

Her work as a member of the Parole Board is also extremely important. And that Governor Cuomo, in recognizing her talents and her involvement and her particular dedication, certainly will serve the taxpayers of this state very, very well.

Her broad background, her experience, her involvement, and this renomination is extremely important for the continued integrity of the Parole Board, and for that we are grateful and look forward to working with Commissioner Hernandez in the years ahead.

ACTING PRESIDENT GRIFFO: Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President. I stand proudly to second as well the nomination of Christina Hernandez.

I've gotten the opportunity to know the commissioner in the last couple of months, certainly in the year and a half that I have been serving, and she is one of the folks that I have learned a lot from.

In my role as ranking victim -- ranking member, ranking member in the Crime

Victims, Crime and Corrections Committee, there's a lot that I have had to learn over the last year about the correction system and certainly about the Parole Board. And she is one of the folks that has given me a lot of insight into the difficult job that Parole Board members have.

And she's been an excellent Parole Board member for the time that she has been appointed. She is, and I will point this out, one of the -- the only Latina in the upstate area that has been both nominated and confirmed. And I believe that it is incredibly important to have a diverse group of people making decisions on all of the -- on who is going to be paroled. It is an immensely difficult job, and she takes it very, very seriously.

I have been very proud to know her in the last year and a half, and I'm very proud to vote for her nomination on the floor of the Senate. I will be voting in the affirmative.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Rivera.

Senator Gallivan.

SENATOR GALLIVAN: Thank you, Mr. President.

I also rise to support the nomination of Christina Hernandez to the Parole Board. And I would like to talk about all the nominees so you don't have to listen to me for each one of you.

I served as a member of the Parole Board with the three individuals being renominated. I personally know the other two individuals being nominated and am aware of the background of the sixth individual being nominated today. And they are all excellent, excellent appointments by the Governor.

The people that I have worked with, the people that come from different backgrounds I think will bring a lot to the Parole Board, enhance its professionalism, continue to move it forward.

And I proudly support your nomination, Christina, the nomination of all the others, and congratulate you.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Gallivan.

The question is on the reappointment of Christina Hernandez, of East Greenbush, as a member of the New York State Board of Parole. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Christina Hernandez is hereby reappointed as a member of the New York State Board of Parole.

She's joined today by her son, David, and her fiance, Cesar Astralaya. Congratulations and best wishes.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a member of the New York State Board of Parole, G. Kevin Ludlow, of Sauquoit.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I rise to move the nomination of Mr. Ludlow. I have known him for some time, know of his great experience and know of his great work on the Parole Board. I'm proud that the Governor has reappointed him to this position.

And I'd ask you to please recognize Senator Nozzolio.

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President, and thank you, Senator DeFrancisco.

On behalf of you, Mr. President, who I know is a great advocate and close friend of the nominee, Kevin Ludlow brings a wealth and breadth of experience to the position.

I'm very pleased now this will be his third term on the Parole Board, and Governor Cuomo's appointment recognizes the importance of having this experience and stability on the board. And for that, we're very grateful.

That Kevin has been no stranger

to the Legislature. As a matter of fact, I know he's very proud of the fact that his roots are on staff here, working in the Senate, in the Assembly. And that that's where I first met Kevin, actually before I became an Assemblyman, a long time ago, I met Kevin while he was working there.

And that he has served the people of this state with great integrity and great efficiency and effectiveness, and we are extremely pleased that Governor Cuomo is going to continue that service through this nomination.

Again, Mr. President, I know you can't speak directly, but you certainly have long since been Kevin's greatest advocate, and for that I appreciate and we appreciate this renomination of Kevin Ludlow to serve in the important capacity as parole commissioner.

ACTING PRESIDENT GRIFFO: Thank you, Senator Nozzolio.

Senator Seward.

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

I too would like to rise to

second the confirmation of Kevin Ludlow to continue as a member of the Parole Board. I've known Kevin for some 35 years. It's hard to imagine two young guys like us would have a 35-year friendship, but it's true. And I can personally attest to his good character, his keen abilities, and just an overall good guy.

He's been a very distinguished practicing attorney in Central New York for a number of years. And of course his state service has been first as a counsel to two members of this body, both Senators Donovan and Sears, and then going on to be a member of the State Commission on Investigations, and the last number of years as a member of the State Parole Board.

And that's a tough job. It requires sound judgment, and certainly Kevin has exercised that over his tenure. And I'm delighted that the Governor has seen fit to nominate Kevin to continue as a member of the Parole Board.

So also on behalf of Mr. President -- Senator Griffo -- and myself, I'm very, very pleased, personally pleased to

stand to second his confirmation.

All the best, Kevin.

ACTING PRESIDENT GRIFFO: Thank you, Senator Seward.

Senator Farley.

SENATOR FARLEY: Yes, I also rise to support Kevin. Because, you know, I go way back with him, having sat next to Senator Donovan, who was here for a lot of years.

And, you know, anybody that comes from Sauquoit has got to be a real winner. So we're lucky to have you on the Parole Board, and thank you for your service. Particularly somebody that has served in this house, we all have to recognize that they're very well trained and they make an excellent public servant.

We're lucky to have you, and good luck.

ACTING PRESIDENT GRIFFO: The question is on the reappointment of G. Kevin Ludlow, of Sauquoit, as a member of the New York State Board of Parole. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: G. Kevin Ludlow, of Sauquoit, is hereby reappointed and confirmed as a member of the New York State Board of Parole.

Congratulations, Kevin.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a member of the New York State Board of Parole, Ellen Evans Alexander, of Binghamton.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination and again ask you to recognize the chairman of Crime Victims and whatever the other title is, Senator Nozzolio.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you,

Mr. President. Thank you, Senator DeFrancisco.

That Ellen Evans Alexander, of Binghamton, has a broad background and great foundation in her educational experience -- graduate of Cornell University and the Buffalo School of Law, University of Buffalo School of Law. That she is a New Yorker, was educated in New York, but has much experience in other states involved with criminal justice issues.

And that brings -- it was impressive to the committee to bring that diversity of experience to the new position as a commissioner of the Board of Parole. That she by all accounts is well-suited for this task, has a great educational and experience background.

And that I believe the Governor, in reaching out and finding the talented Ms. Alexander to serve in this capacity, is exemplary of a very unique and important Board of Parole.

And for that, Mr. President, I move the nomination.

ACTING PRESIDENT GRIFFO: The

question is on the appointment of Ellen Evans Alexander, of Binghamton, as a member of the New York State Board of Parole. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Ellen Evans Alexander has been confirmed as a member of the New York State Board of Parole.

Congratulations.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a member of the Board of Parole, James B. Ferguson, Jr., of New Rochelle.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination and request that you recognize Senator Nozzolio, the chairman of Crime Victims, Crime and Corrections, to second the nomination.

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

This is the second time that this body has had the opportunity to confirm the nomination of James B. Ferguson, of New Rochelle, to serve in the capacity of a parole commissioner.

That as a member of the Parole Board, Jim Ferguson has been outstanding in his involvement, his dedication. That should be no surprise. It was not a surprise to me that his background as a former prosecutor, involved with district attorney experience, I believe serves him extremely well as he continues to be a member of this board.

The Governor should be complimented on his nomination. I know he was supported by Senator Stewart-Cousins as a member of her district.

And I very much believe, Mr. President, that this reappointment of Mr. Ferguson will enhance and continue to complete the important quality necessary for

service on the Board of Parole.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Klein.

SENATOR KLEIN: Mr. President, it's my pleasure to second the nomination of James Ferguson.

I know now I believe he lives in New Rochelle, but at one time Mr. Ferguson lived in Pelham Manor, in my district.

And he's someone who has spent his entire career in law enforcement, first as an assistant district attorney in Bronx County. He's presently the longest-serving commissioner on the board and has trained nearly every other Parole Board member.

He's someone who I think is very suited for reappointment, and he's really spent his entire career to ensure the public safety and successful reentry of parolees. So I'm proud to second his nomination today.

ACTING PRESIDENT GRIFFO: Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President. I rise to also second the

nomination of Commissioner Ferguson.

He is another person that I've spoken to quite a bit in the last year while learning about the process of the Parole Board.

As a matter of fact, a couple of months ago I got to sit in a Parole Board hearing, and he was one of the commissioners there. And again, I got to see firsthand just the difficult job that Parole Board members have.

And the conversations that I've had with Commissioner Ferguson lead me to know that he also takes his job incredibly seriously. That he understands that it is a difficult moment that the folks that are in front of them are going through, and that they have to take everything into account as they consider whether these folks are ready to become productive members of society again.

So I am very happy to know that there's members of the Parole Board that have not only the knowledge, throughout their experience for this job, but have the seriousness, they understand what it is they

have to do, they take their job very seriously. I absolutely appreciate the fact that they understand how hard and difficult this job is.

So I stand to also second the nomination and to say that I enthusiastically vote in the affirmative.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Rivera.

The question is on the reappointment of James B. Ferguson, Jr., of New Rochelle, as a member of the New York State Board of Parole. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: James B. Ferguson, Jr., has been reappointed and confirmed as a member of the New York State Board of Parole.

Congratulations, Mr. Ferguson.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As a member or the New York State Board of Parole, Edward M. Sharkey, of Olean.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I move the nomination.

And in doing so, I am amazed by the nominee's resume. He's a lawyer, he went to law school, obviously. I'm a lawyer; I went to law school. He did personal injury work; I did personal injury work. Which is a special type of practice to get into, because you're helping the underrepresented person, the person who's fighting everyone all the time to try to get justice.

He was an assistant DA for Erie County. I was an assistant DA for Onondaga County. He was a captain in the U.S. Air Force. I was a captain in the U.S. Air Force.

And the reason I'm raising all of that is that it's obvious he's a sure thing,

and we should be all supporting his nomination.

With that said, would you please recognize Senator Young to second the nomination.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

I proudly rise to second the nomination of Edward M. Sharkey of Olean, New York, for the New York State Parole Board.

Now, I just listened to Senator DeFrancisco speak about Ed, and you almost made me vote against him because of the similarities between the two of you.

(Laughter.)

SENATOR YOUNG: But actually I want to say that I've known Mr. Sharkey for at least 20 years now. I first got to know him as a member of the Olean Rotary Club. And he's a past president, a Paul Harris Fellow.

But he has such a distinguished background. And really what is impressive is that he has a thorough knowledge of the

justice system, not only as an assistant district attorney for Erie County, as Senator DeFrancisco pointed out, but he served as the Cattaraugus County District Attorney for many years. Great public service to the people of Cattaraugus County but the entire State of New York.

So as Senator DeFrancisco also pointed out, he's a veteran. He was a master pilot in the U.S. Air Force, a captain. But I know him mostly through his community service -- so not only the Olean Rotary Club, but also very active with the Boy Scouts of America, very active with Olean General Hospital, was the founding member of the Child Advocacy Center in Cattaraugus and Allegany Counties.

So you can't get a better resume than this. And I'm just so pleased that he is being appointed by Governor Cuomo. Governor Cuomo deserves accolades for having such an obvious but great choice.

So, Ed, congratulations, and I look forward to voting yes.

ACTING PRESIDENT GRIFFO:

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

I echo the sentiments of Senator Young in complimenting Governor Cuomo on reaching into the prosecutorial community for the important appointment as a member of the Board of Parole.

Mr. Sharkey's qualifications are exemplary, and he sailed through the nomination process in the Crime and Corrections Committee. I'm not sure Senator DeFrancisco would be reported through the Crime and Corrections Committee with such ease as Mr. Sharkey has been.

(Laughter.)

SENATOR NOZZOLIO: But nonetheless, we're very impressed with those qualifications and appreciate his continued record of service.

Mr. President, it's an outstanding nomination, and I'm proud to support it.

ACTING PRESIDENT GRIFFO: The question is on the appointment of Edward M.

Sharkey, of Olean, as a member of the New York State Board of Parole. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Edward M. Sharkey, of Olean, is confirmed as a member of the New York State Board of Parole.

Congratulations, Mr. Sharkey.

(Applause.)

ACTING PRESIDENT GRIFFO: Joining Mr. Sharkey today is his wife, Elizabeth. We welcome you to the gallery.

The Secretary will read.

THE SECRETARY: As member or the New York State Board of Parole, Marc A. Coppola, of Tonawanda.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination of former State Senator Marc A. Coppola as a member of the New York State Board of Parole.

And I see -- well, let me speak about him a little bit. Senator Nozzolio -- oh, here he is. I request that you recognize Senator Nozzolio.

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President, again. Thank you, Senator DeFrancisco. And thank you, Senator DeFrancisco, for taking up these nominations as quickly as you did as chair of the Finance Committee.

The nominee, Marc Coppola, had served in this body. It's not often that a former Senator is confirmed by this body for a gubernatorial appointment.

And I certainly know that this appointment in particular was enhanced by, after he left the Senate, Marc Coppola worked for the Division of Parole. That is an outstanding qualification as he is now being nominated for the very important role as commissioner.

It's important to know, and from a staff perspective, the kinds of nuances, the

issues that are involved and the whole logistical questions that parole commissioners must contend with that Marc Coppola, former colleague Marc Coppola brings to this appointment.

That he served, in one of his jobs early on, as a deputy sheriff in Erie County and worked under the tutelage of Senator Pat Gallivan when Senator Gallivan was Erie County sheriff. That he also had the endorsement, in a very classy way, by Senator Ranzenhofer.

So that is something that the committee noted, and that the appointment is well received. And we believe the Governor again presents a great addition to the Board of Parole.

Mr. President, I'm proud to move the nomination.

ACTING PRESIDENT GRIFFO: Senator Grisanti.

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

I've had the opportunity of knowing Mark for over 20 years. In fact, he's

actually known my wife probably longer than I have, because he used to go over to her house all the time and eat.

And since that time of seeing him grow up, you know, being in public service, being a member not only of the Common Council for the City of Buffalo and serving the City of Buffalo well, but also as the majority leader of the Common Council, moving on from there in an upward fashion, and really just being an individual that you could trust, somebody that gets the job done.

And he took that tenacity and hard work to work for Parole and has done an excellent job for these past number of years. He's here with his wife, Denise, who probably puts up with a lot from Marc.

And, Marc, your texting skills are amazing, you just don't stop. That's where the tenacity and everything comes from, and he gets the job done.

So I'm proud for this confirmation to go forward. I think the Governor has made an excellent choice.

And congratulations, Marc.

Congratulations, Denise. And thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President.

I'd also like to join in my comments as indicated by Senator Grisanti.

Mr. Coppola has a lot of experience, and it's good to see somebody from the staff who has a different perspective, kind of from the ground up, now being promoted and being placed on the Parole Board.

I commend the Governor for his nomination and recommendation, and am pleased and proud to second the nomination of Mr. Coppola.

ACTING PRESIDENT GRIFFO: Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

I too am very proud to stand and second the nomination of Mr. Marc Coppola. He is a good man, he's a family man, a community man. Someone said earlier once a Senator,

always a Senator.

As a member of this honorable body in the past, he's demonstrated leadership. As a member of the Buffalo Common Council, he demonstrated leadership in both his capacity as a district councilman as well as in a majority leader position on the Buffalo Common Council.

He brings that leadership and community-minded mentality, as well as his family-minded mentality, to the very judicial position of become a member of the State Parole Board. And his resume is extraordinarily impressive, as was pointed out earlier by Senator DeFrancisco, as are all the others'.

And what I really like to see that is most impressive to me about all of these resumes, sparing two, is that they were all educated in Buffalo, New York.

So we're putting forward a great group of individuals that I have had the tremendous opportunity to meet with both privately and publicly, and I'm proud to second the nomination of Marc Coppola. Again,

look forward to his confirmation, as well as being supportive of all the others.

And we wish them the best of luck in both their new positions and current positions as they move forward with new appointments and reappointments, and understand that we all need to work together to make sure that the system, as they are on the front lines of it, is better to protect the public safety as well as take into consideration those that are reentering society.

Thank you very much, Mr. President.

ACTING PRESIDENT GRIFFO: The question is on the appointment of Marc Coppola, of Tonawanda, as a member of the New York State Board of Parole. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Marc A. Coppola, of Tonawanda, is hereby confirmed

as a member of the New York State Board of Parole.

Congratulations, Marc.

(Applause.)

ACTING PRESIDENT GRIFFO: Joining Marc in the chambers today is his wife, Denise. We welcome you, Denise.

And we again congratulate all the members of the New York State Board of Parole and extend our best wishes.

The Secretary will continue to read.

THE SECRETARY: As members of the Buffalo and Fort Erie Public Bridge Authority: Philip J. Tantillo, of Elma, and Patrick J. Whalen, of Amherst.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nominations.

ACTING PRESIDENT GRIFFO: The question is on the nominations to the Buffalo and Fort Erie Public Bridge Authority, for reappointment and new appointment, of Philip J. Tantillo and Patrick J. Whalen. All in

favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The nominees are hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the New York State Dormitory Authority, Tim C. Loftis, of East Aurora.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Move the nomination.

ACTING PRESIDENT GRIFFO: The question is on the nomination of Tim C. Loftis, of East Aurora, as a member of the New York State Dormitory Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO:

Mr. Loftis is hereby confirmed as a member of the New York State Dormitory Authority.

The Secretary will read.

THE SECRETARY: As a member of the Battery Park City Authority, Dennis Mehiel, of New York City.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Move the nomination.

ACTING PRESIDENT GRIFFO: The question is on the nomination of Dennis Mehiel, of New York City, as a member of the Battery Park City Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Dennis Mehiel is hereby confirmed as a member of the Battery Park City Authority.

The Secretary will read.

THE SECRETARY: As a director of the New York State Urban Development

Corporation, Robert R. Dyson, of Millbrook.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Move the nomination.

ACTING PRESIDENT GRIFFO: The question is on the reappointment of Robert R. Dyson, of Millbrook, as a director of the New York State Urban Development Corporation. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Robert R. Dyson is hereby confirmed as a director of the New York State Urban Development Corporation.

The Secretary will read.

THE SECRETARY: As a member of the Long Island State Park, Recreation and Historic Preservation Commission, George M. Bartunek, of Calverton.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Move the nomination.

ACTING PRESIDENT GRIFFO: The question is on the nomination of George M. Bartunek as a member of the Long Island State Park, Recreation and Historic Preservation Commission. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Mr. Bartunek is confirmed as a member of the Long Island State Park, Recreation and Historic Preservation Commission.

The Secretary will read.

THE SECRETARY: As member and chair of the Allegany State Park, Recreation and Historic Preservation Commission, Dalton J. Burgett, of Bemus Point.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DEFRANCISCO: Move the nomination.

ACTING PRESIDENT GRIFFO: The

question is on the nomination of Dalton J. Burgett as a member and chair of the Allegany State Park, Recreation and Historic Preservation Commission. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Mr. Burgett is hereby confirmed as a member and chair of the Allegany State Park, Recreation and Historic Preservation Commission.

The Secretary will read.

THE SECRETARY: As members of the Taconic State Park, Recreation and Historic Preservation Commission: Randall J. Fleischer, of Mahopac; Arthur L. Gellert, of Poughkeepsie; and Edgar M. Masters, of Copake Falls.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Move the nominations.

ACTING PRESIDENT GRIFFO: The question is on the nominations as presented by the Secretary as members of the Taconic Park, Recreation and Historic Preservation Commission. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The nominees, as read, are hereby confirmed as members of the Taconic Park, Recreation and Historic Preservation Commission.

The Secretary will read.

THE SECRETARY: As members of the New York State Olympic Regional Development Authority: Joseph F. Kelly, of Fleischmanns, and John R. Parete, of Boiceville.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nominations and request that you call on Senator Bonacic to second.

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

I'm pleased to support the nomination of Joe Kelly and John Parete to ORDA.

Let me tell you a little bit about John Parete. First of all, he's a county legislator. He's a former commissioner of elections. He's here with his son Robert, who is a county legislator. And I don't know if we're making history: Richard, his other son, is a county legislator in the Ulster County Legislature.

And we're joined by Terry Bernardo, who's chairlady of the Ulster County Legislature.

John is a small-businessman. He has the Boiceville Inn on County Route 28. I many times have visited Belleayre and have stopped at his establishment. And I would ask him -- and not while I was drinking, I would ask him about the pulse of Belleayre and how you're doing, how are the businesspeople

doing, and get a feeling for how the mountain was doing. He was always a protector of the mountain, and he's always been a strong supporter.

I'm very pleased to support this nomination. He will bring a lot of passion to the job. He supports tourism, he supports job creation, and he'll certainly fight to protect Belleayre.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

I want to join Senator Bonacic in rising in support of both John Parete and Joe Kelly to become members of the Olympic Regional Development Authority board.

And in so doing, I want to congratulate Senator Bonacic on his leadership role that he took during the budget process to have the functions of Belleayre transferred from DEC over to ORDA, which I think will mean some good things -- even better things for Belleayre Mountain, and even more of an

economic impact in the Ulster/Delaware County region and that whole area of New York State, and Belleayre emerging as even more of a year-round tourism and recreational facility, which will mean good things for all concerned.

But John Parete, who's joining us here today in the gallery, along with his son -- and also, of course, Terry Bernardo, who chairs the Ulster County Legislature. And the Ulster County Legislature unanimously recommended John Parete to assume this new responsibility.

It was a great choice. John is a business owner, he's a public servant, currently serving as a county legislator, and a long-time supporter of Belleayre. He's an outstanding choice to go on the ORDA board representing Ulster County, and I know that will mean good things for the entire region.

And Joe Kelly, of course, who splits his time between having a home in Rockville Centre in Senator Skelos's district, as well as up in Fleischmanns in Delaware County, also brings a wide breadth of experience in supporting Belleayre over the

years, and he will also make a great contribution to the ORDA board.

We have a great team here that we are confirming today, and it's going to mean a real boost for Belleayre and the entire region, the Delaware/Ulster County region of New York State.

I'm delighted, and congratulations to you, John.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

As chair of the Tourism, Arts and Culture, and Sports Development Committee, and also the one who represents the Olympic Regional Development area and the authority, I'd like to welcome John Parete here today, and to the ORDA board, as well as Mr. Joe Kelly.

I talked with both of them yesterday and have assured them that Belleayre will benefit by being part of ORDA. The Olympic Regional Development Authority operates several venues, including one of the

best ski areas in the Northeast, Whiteface Mountain and Gore Mountain in Warren County. And adding Belleayre to ORDA is certainly going to be a great change in the direction of Belleayre and I'm sure will be a successful venture.

So thank you, and welcome to the board. We look forward to working with you.

ACTING PRESIDENT GRIFFO: Senator Larkin.

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

You know, John, when they said you were going to come on this great adventure, somebody said to me, "Well, he'll enjoy it." I said, "No, they'll enjoy it, because he'll be on them like you know what."

(Laughter.)

SENATOR LARKIN: And it really impresses me to the fact that when any job you've had and you've taken on, no matter what it was, you did to it to the best of your ability and ensured that others carried out their responsibilities.

And I think for an operation like

this, it takes people who are not just happy to have a title and be nominated by a governor, but it takes people who have committed themselves to doing a specific job.

This is a great thing for the State of New York. But without people that are totally committed -- and knowing you as I have over these many years, I'm just saying I thank you for accepting this challenge.

God bless you.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. Parete is not only a great nominee, he has helped me substantially by being nominated by the Governor.

I've been in political life for 35 years. I've been elected since school board all the way on for 20 years in the Senate. That's 35 years. And people have always asked me, "Why do you do it? People are always going after you for something. The paper never finds anything right that you do."

And then my son became a city councilor, and I thought I had the answer.

Now I'm sure: It's a genetic defect --

(Laughter.)

SENATOR DeFRANCISCO: -- that you pass it from one generation to another.

And, Mr. Parete, thank you for confirming my thesis and making certain that my reasoning has been correct.

For the record, I'm only kidding. I'm only kidding.

(Laughter.)

SENATOR DeFRANCISCO: Thank you.

ACTING PRESIDENT GRIFFO: The question is on the appointments of Mr. Kelly and Mr. Parete as members of the New York State Olympic Regional Development Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Mr. Kelly and Mr. Parete are hereby confirmed as members of the New York State Olympic Regional Development Authority.

Congratulations, Mr. Parete, and

welcome.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As members of the Rochester-Genesee Regional Transportation Authority: Robert J. Fischer, of Pittsford; James H. Redmond, of Rochester; Scott M. Adair, of West Henrietta; and Stephen J. Carl, of Rochester.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Move the nominations.

ACTING PRESIDENT GRIFFO: The question is on the nominations of the individuals as read by the Secretary as members of the Rochester-Genesee Regional Transportation Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The

nominees are hereby confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Central New York Regional Transportation Authority, Darlene DeRosa Lattimore, of Auburn.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Move the nomination.

ACTING PRESIDENT GRIFFO: The question is on the appointment, as a member of the Central New York Regional Transportation Authority, of Darlene DeRosa Lattimore. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The nominee is hereby confirmed as a member of the Central New York Transportation Authority.

The Secretary will read.

THE SECRETARY: As a member of the Port of Oswego Authority, Michael J.

Carroll, of Oswego.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Move the nomination.

ACTING PRESIDENT GRIFFO: The question is on the appointment of Michael J. Carroll, of Oswego, as a member of the Port of Oswego Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Mr. Carroll has been confirmed as a member of the Port of Oswego Authority.

The Secretary will read.

THE SECRETARY: As a member of the Metropolitan Transportation Authority, Governor David A. Paterson, of New York.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I'd like to move the nomination and just comment that

this is probably the first time in the history of the State of New York that an appointee for the Metropolitan Transportation Authority was a talk-show host.

And I proudly move the nomination.

ACTING PRESIDENT GRIFFO: Senator Fuschillo.

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

I rise to second the nomination and support the nomination of Governor David Paterson.

At the age of three months, David Paterson contracted an ear infection which spread to his optic nerve, which left him blind in his left eye and partially in his right eye. But that disability did not stop him. He went on to public school, graduated from high school, then graduated getting a B.A. in history from Columbia University and a law degree from Hofstra University.

In a special election in 1985, he was elected in October to the New York State Senate, spent 20 years here, then went on to

become Lieutenant Governor and then, on March 17th of 2008, became the 55th Governor of the State of New York.

This is probably the first time that we've ever had the opportunity to support the nomination of a former governor to any board or agency here in the State of New York.

I proudly support the nomination, and I thank Governor Cuomo for sending it to the Senate.

ACTING PRESIDENT GRIFFO: Senator Farley.

SENATOR FARLEY: Yeah, I rise to support this nomination.

You know, Governor Paterson was one of the most remarkable men I ever knew, what he's accomplished and what he's done, particularly with his challenges.

And you know, we all have to be grateful for his service. He served the State of New York at a very, very difficult time. He did the very best he could. He was a leader here for a lot of years. And you know what, he was always a gentleman and always a

person of integrity and honor.

And I'm pleased to support this, and I wish David Paterson well. And again, I think we have to thank him for all the service that he's given this state.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: Thank you very much.

I just wanted to congratulate Governor Paterson, who used to be Senator Paterson, on his nomination.

I'm confident of his value to the MTA. He begins as a subway rider, so he has a natural feel for what the challenges are from the perspective -- it perhaps is the most important perspective, which is that of the customer, of the community, daily rider.

And I'm confident that he will join me as I help to eradicate the rat problem in the MTA, because he will know, from being a rider, exactly how important that concern can be. I just hope that he doesn't suffer what others have suffered in terms of one running up his leg.

In any case, as a friend, as a neighbor, and someone who has the privilege of sitting in the seat that he formerly held, I'm honored to be here to congratulate him and to support his nomination.

ACTING PRESIDENT GRIFFO: Thank you, Senator Perkins.

Senator Krueger.

SENATOR KRUEGER: Thank you so much.

I also rise to second or third or fifth or seventh, compliment the Governor on his decision to make Governor/Senator/talk-show host David Paterson a member of the MTA.

Again, to repeat my colleague, he knows what it means to have good mass transit throughout the MTA region. He knows how government works. He knows about public authorities. And I know he will have a great deal to contribute to the MTA, which continues to need all of our help to both keep, literally, the trains and buses running but to also hold them to a standard of accountability that we all expect of them.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: The question is on the nomination of Governor David A. Paterson, of New York, as a member of the Metropolitan Transportation Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Governor David A. Paterson has been confirmed as a member of the MTA.

Senator DeFrancisco, that completes the nominations before the Senate.

SENATOR DeFRANCISCO: Would you please recognize Senator Squadron for a statement.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: Thank you, Mr. President. Just on a prior nomination that was approved, for Dennis Mehiel as a member of the Battery Park City Authority.

Battery Park City lies entirely within my district in Lower Manhattan. It is

an extraordinary story of success that actually started here, in Albany, with the creation of Battery Park City under Governor Hugh Carey.

And it's been extraordinary, it's been a big part of Lower Manhattan's rebirth and renewal after the September 11th attacks. It is now a community, a living, thriving, successful community, no longer simply a development site or a development project.

And I want to congratulate the Governor on his appointment of Mr. Mehiel. He's replacing the seat formerly held by former New York City Comptroller Bill Thompson, who served very well and was distinguished in his service to the authority.

And I had the opportunity to speak to Mr. Mehiel today and to reiterate the importance of having community representation on the Battery Park City Authority now that it really is a community, and also the importance of ensuring that Battery Park City doesn't sort of allow itself to rest on its laurels.

It has basically free and clear

real estate in the heart of Manhattan, which means the money rolls in. We need for make sure that the money doesn't then roll out without purpose and without a real responsiveness to community needs and a vision for the future.

And I'm hopeful that working with Mr. Mehiel we will have the opportunity to continue Battery Park City's success and also to ensure that there is greater community representation and greater community voice for Battery Park City moving forward.

So I congratulate the Governor on his appointment of Mr. Mehiel, who is expected to take up the chairmanship of the board, and look forward to working with him.

And I thank Senator DeFrancisco and Senator Libous for the opportunity to speak on this already approved nomination on which I voted aye.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous, that completes the nominations that were before the Senate.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Could you please call on Senator Carlucci for a statement.

ACTING PRESIDENT GRIFFO: Senator Carlucci.

SENATOR CARLUCCI: Thank you, Mr. President.

I want to thank my colleagues for supporting Lauren's Law, which is an extremely important piece of legislation.

Right now in New York State we have over 10,000 men, women and children currently waiting for a lifesaving organ transplant. Unfortunately, New York State lags far behind almost every other state when to comes to the amount of people enrolled in the organ donor program.

By making this change that when people go to the Department of Motor Vehicles to get a driver's license, they'll be asked the question: "Would you like to be an organ donor?" "Yes," or "Skip the question."

We're not recreating the wheel here in New York State. This has been

implemented in other states that have been very successful at increasing the amount of people enrolled in the organ donor program. By passing this legislation, we're taking a simple step that will have a dramatic change on the quality of life of people in New York.

So I'm so honored that this body has supported Lauren's Law. It's passed in the Assembly. I look forward to the Governor signing this into law so that we can ultimately save lives here in New York.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Carlucci.

Senator Libous.

SENATOR LIBOUS: Mr. President, would you please call on Senator Ruth Hassell-Thompson.

ACTING PRESIDENT GRIFFO: Senator Ruth Hassell-Thompson.

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

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

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Democrat Conference in Room 315.

Senator Libous.

SENATOR LIBOUS: Mr. President, there will be a Rules Committee promptly at 2:40 in Room 332.

ACTING PRESIDENT GRIFFO: There will be a Rules Committee meeting promptly at 2:40, promptly at 2:40 p.m. in Room 332.

Until such time, the Senate stands at ease.

(Whereupon, the Senate stood at ease at 2:07 p.m.)

(Whereupon, the Senate reconvened at 3:25 p.m.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Could we at this time please return to the reports of standing committees. There's a report of the Rules Committee at the desk. Could we have it read at this time.

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 489, by Senator Robach, an act to amend the Real Property Tax Law;

1583A, by Senator Oppenheimer, an act to amend the Education Law;

2554, by Senator Maziarz, an act to amend the General Business Law;

4119, by Senator Lanza, an act to amend the Penal Law;

4357, by Senator Young, an act to amend the Education Law;

5104, by Senator Ball, an act to amend the Penal Law;

5693, by Senator Griffo, an act to amend the Vehicle and Traffic Law;

6132A, by Senator Klein, an act to amend the Penal Law;

6726, by Senator Larkin, an act

to amend the Public Health Law;

6967A, by Senator McDonald, an act to amend the Highway Law;

7032A, by Senator McDonald, an act to amend the Highway Law;

7246, by Senator Flanagan, an act to amend Chapter 658 of the Laws of 2002;

7252, by Senator Marcellino, an act to amend the Alcoholic Beverage Control Law;

7255C, by Senator McDonald, an act to authorize;

7279A, by Senator Martins, an act to amend the Education Law;

7427A, by Senator McDonald, an act in relation to authorizing;

7469, by Senator Bonacic, an act to amend Chapter 672 of the Laws of 1993;

7498, by Senator Young, an act making certain findings;

7534, by Senator Golden, an act to amend the Tax Law;

7548, by Senator Saland, an act to amend the Domestic Relations Law;

7561, by Senator McDonald, an act

to amend the Insurance Law;

7629, by Senator Maziarz, an act to amend the Public Officers Law;

7633, by Senator Bonacic, an act to amend the Vehicle and Traffic Law;

7636, by Senator Alesi, an act to amend the Public Health Law;

7657, by Senator Savino, an act directing;

7659, by Senator Little, an act to amend the Environmental Conservation Law;

7695, by Senator Little, an act to amend Chapter 138 of the Laws of 1998;

7698, by Senator LaValle, an act to amend the Education Law;

7731, by Senator Bonacic, an act to amend the State Finance Law;

7746, by Senator Golden, an act to amend the Insurance Law;

7747, by Senator Robach, an act to amend the Civil Service Law;

And Senate 7749, by Senator McDonald, an act to amend the Executive Law.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO:
Senator Libous.
SENATOR LIBOUS: Mr. President, I move we 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.
SENATOR LIBOUS: Mr. President, could we go back to the active list earlier today.
ACTING PRESIDENT GRIFFO: We may.
SENATOR LIBOUS: And without objection, I would like to go to Calendar Number 356 and move it to noncontroversial and then call the roll.
ACTING PRESIDENT GRIFFO:

Without objection, so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 356, by Senator Martins, Senate Print 1824A, an act to amend the General Municipal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

This bill would basically gut the consolidation bill that we passed several years ago in this house, believing that it was in the best interests of the State of New York to help to allow local municipalities, separate districts, overlapping, complicated districts, to have the ability to have a vote in their districts, to merge to consolidate, to save money.

And I believe that the passage of this bill, although I don't believe it will become law, would actually translate into the reversal or nearly gutting of that legislation which, as I recall, was a very bipartisan, both-sides-of-the-aisle bill when it did pass.

So I'm going to urge people to think through what this means for the efforts the state has been making to ensure consolidation and cost-efficiencies, and I vote no.

Thank you.

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

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Mr. President.

I think we have to go back and look at facts and perhaps sometimes cut through some sentiment, maybe some rhetoric.

The truth is when this bill was passed in 2009, the original law, the Government Reorganization and Citizen

Empowerment Act, there were a number of attempts to consolidate and dissolve local governments, including six for villages. Six villages were dissolved between 2009 and the date that this act went into effect, which was March 1, 2010. Six, statewide.

Since this law went into effect March 1st of 2010, there have been 12 separate attempts at dissolution of a village or consolidation of two towns, and all but one of those were not successful. The only village to vote for dissolution under this law was the village of Altmar, so the other 11 did not.

So what I would suggest to everyone is if we go back and look at facts and look at the reality of the effort to consolidate and give real opportunities for local governments to consolidate, you would see that this law has not accomplished that.

And so we need to streamline it. We need to make it more easily understandable, we need to make it more transparent, and we have to figure out why so many of our efforts to dissolve or consolidate have not been successful.

This bill does that, and as a result I urge everyone to support it.

Thank you, Mr. President.

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

Senator Stewart-Cousins to explain her vote.

SENATOR STEWART-COUSINS: Yes, thank you, Mr. President.

I think that the whole point of this, the original legislation in 2009 and where we continue to be, is to give people the opportunity from a grassroots level to make the kinds of changes in terms of consolidations that we want to see happen in government. I don't think there's any dispute about that.

I just think this piece of legislation misses the mark, and basically because it's a citizens empowerment act. And one of the things that happens is that the panel that puts together the plan, ultimately, still is consisting of the same people who put together the plan initially. The idea that

there is no citizen input necessary in the plan is, to me, part of why the citizen empowerment that we want to have will not happen here.

So I understand my good friend Senator Martins trying to address some of the needs, but I don't think this does it, and that's why I'll be voting no.

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 356, those recorded in the negative are Senators Adams, Addabbo, Avella, Breslin, Carlucci, Diaz, Dilan, Duane, Gianaris, Hassell-Thompson, Kennedy, Klein, Krueger, Little, Montgomery, Peralta, Perkins, Rivera, Sampson, Savino, Serrano, Squadron, Stavisky, Stewart-Cousins and Valesky.

Ayes, 35. Nays, 25.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President,

on that same calendar, if we can go to Calendar Number 1034. And without objection, if we could take that back to the noncontroversial reading.

ACTING PRESIDENT GRIFFO: Without objection, so ordered. The Secretary will read.

THE SECRETARY: Calendar Number 1034, by Senator Hannon, Senate Print 7144, 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.)

ACTING PRESIDENT GRIFFO: Senator Oppenheimer, do you want to explain your vote?

SENATOR OPPENHEIMER: Yes. I'm voting for this because this doesn't apply, this does not apply to core curriculum services. Never has and won't.

But there are examples -- lots of

examples, actually -- of specific statutes and of regulations that have authorized contracting with other entities, and they've been around for a very long time.

And I'll give you just a couple of examples. Children who are cared for in hospitals and other institutions, if you're going to provide a tutor, that's an outside contract.

School districts who provide pre-K. Pre-K can be provided in a daycare center, it can be provided through early education, through a childcare program. There's another example.

Another one is the special ed kids. A lot of them are under a special contract now.

If children are at an approved private residential or nonresidential school, both inside and outside of New York, the school district has to provide, and they have done so through contracts.

It's just -- for example, here's another one. There are contracts with those high schools where courses are being given

where college credit can be attributed to the child taking the course. So in that case they have arrangements with outside institutions, usually of higher education.

So the school boards are making the point, and I think it's a very valid point, that in certain cases where specialized education is needed, specialized expertise -- that's the word I'm looking for -- is required and it isn't available within the school district, that there should be independent contractors permitted to do this. And they're only permitted to do it for one year, and then it has to be renewed.

So I think this is a very good point being made by the School Boards Association, so I will be voting yes.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 1034, those recorded in the negative are Senators Avella, Duane, Gianaris, Perkins, Rivera, and Stavisky.

Ayes, 54. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the active list from previously this morning.

SENATOR LIBOUS: It's actually this afternoon.

ACTING PRESIDENT GRIFFO: That was earlier this morning when we started.

SENATOR LIBOUS: It indeed was, Mr. President. It indeed was.

We are now going to take up the Supplemental Calendar Number 60A, and at this time if we could please have the noncontroversial reading of that calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read Senate Supplemental Calendar 60A.

THE SECRETARY: Calendar Number 1352, by Senator Robach, Senate Print 489, 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 on the first of January.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1373, by Senator Oppenheimer, Senate Print 1583A, 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.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: Ayes, 57. Nays, 3. Senators Duane, LaValle and Marcellino recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1374, Senator Maziarz moves to

discharge, from the Committee on Consumer Protection, Assembly Bill Number 8965 and substitute it for the identical Senate Bill Number 2554, Third Reading Calendar 1374.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1374, by Member of the Assembly Dinowitz, Assembly Print Number 8965, an act to amend the General Business 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.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1375, by Senator Lanza, Senate Print 4119, 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 first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1376, by Senator Young --

SENATOR LIBOUS: Mr. President, could you lay this bill aside for the day, please.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1377, by Senator Ball, Senate Print 5104, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. 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, 2. Senators Duane and Dilan recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1379, by Senator Griffo, Senate Print 5693, 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 immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Ritchie to explain her vote.

SENATOR RITCHIE: Thank you, Mr. President. I rise to support this bill.

Gold Star Mother plates are issued to honor a child that's killed during service to the country. Currently, Gold Star

Mothers are required to turn both their plates in. This bill is the least we can do to allow them to keep one of the plates to honor their child.

Just recently, in the last year, I was able to help one of the Gold Star Mothers get back her plates. She was completely devastated after she was required to turn them in.

And once again, I just think this is the least we can do to honor the child and allow the mother to keep one of those plates to commemorate her son in the service to his country.

So I vote aye on the bill, Mr. President. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1380, by Senator Klein, Senate Print 6132A, an

act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1381, by Senator Larkin, Senate Print 6726, an act to amend the Public Health 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1382, by Senator McDonald, Senate Print 6967A, an act to amend the Highway 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1383, Senator McDonald moves to discharge, from the Committee on Rules, Assembly Bill Number 10263A and substitute it for the identical Senate Bill Number 7032A, Third Reading Calendar 1383.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1383, by Member of the Assembly Jordan, Assembly Print 10263A, an act to amend the

Highway 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1384, Senator Flanagan moves to discharge, from the Committee on Education, Assembly Bill Number 9472 and substitute it for the identical Senate Bill Number 7246, Third Reading Calendar 1384.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1384, by Member of the Assembly Nolan, Assembly Print Number 9472, an act to amend Chapter 658 of the Laws of 2002.

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, 2. Senators Lanza and LaValle recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1385, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 10096, and substitute it for the identical Senate Bill Number 7252, Third Reading Calendar 1385.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1385, by Member of the Assembly Schimminger, Assembly Print Number 10096, 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1386, by Senator McDonald, Senate Print 7255C, an act to authorize.

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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1387, by Senator Martins, Senate Print 7279A, 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, 2. Senators Duane and LaValle recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1388, Senator McDonald moves to discharge, from the Committee on Rules, Assembly Bill Number 10217A and substitute it for the identical Senate Bill Number 7427A, Third Reading Calendar 1388.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 1388, by Member of the Assembly Reilly,

Assembly Print Number 10217A, an act in relation to authorizing.

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. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1389, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 10305A and substitute it for the identical Senate Bill Number 7469, Third Reading Calendar 1389.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1389, by Member of the Assembly Gunther, Assembly Print Number 10305A, an act to amend

Chapter 672 of the Laws of 1993.

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. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1390, by Senator Young, Senate Print 7498, an act making certain findings.

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

The Secretary will read.

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. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1391, by Senator Golden, Senate Print 7534, 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.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator LaValle recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1392, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 10179A and substitute it for the identical Senate Bill Number 7548, Third Reading Calendar 1392.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1392, by Member of the Assembly Lavine, Assembly Print 10179A, an act to amend the Domestic Relations 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1393, by Senator McDonald, Senate Print 7561 --

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

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

THE SECRETARY: Calendar Number 1394, by Senator Maziarz, Senate Print 7629, an act to amend the Public Officers 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. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1395, by Senator Bonacic, Senate Print 7633, 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 immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1396, by Senator Alesi, Senate Print 7636, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1398, by Senator Savino, Senate Print 7657, an act directing the Department of Transportation.

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, 60.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 1399, by Senator Little, Senate Print 7659, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a Concurrent Resolution of the Senate and Assembly.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1400, Senator Little moves to discharge, from the Committee on Rules, Assembly Bill Number 10198 and substitute it for the identical Senate Bill Number 7695, Third Reading Calendar 1400.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1400, by Member of the Assembly Markey, Assembly Print Number 10198, an act to amend Chapter 138 of the Laws of 1998.

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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1401, by Senator LaValle --

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

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

THE SECRETARY: Calendar Number 1402, by Senator Bonacic, Senate Print 7731, an act to amend the State Finance 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1403, by Senator Golden, Senate Print 7746, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 9. This act shall take effect 270 days after it shall have become a law.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1404, by Senator Robach, Senate Print 7747, an act to amend the Civil Service Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1405, by Senator McDonald, Senate Print 7749, an act to amend the Executive 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 McDonald to explain his vote.

SENATOR McDONALD: Thank you,

Mr. President.

I want to thank everybody in this body for supporting this bill and caring about this bill so much, thank the people in the Assembly for the same, and our Governor.

This is very important. It's just the beginning. It's had the support of so many people throughout the mental health and disabilities community -- people all over this state, in the big cities and the small towns, in the villages and the rural areas.

And I stress again, it's just the beginning, but you folks have done a great job. I'm especially grateful to my leader, Dean Skelos, for being such a strong proponent. And I know the Democrats on the other side are equally as strong, and so is the Assembly.

When people ask us if we can work together to benefit our great state and the people who need so much help in this state, they can look at this bill, this legislation, and know that we can work together, we will work together, and we have worked together and we're going to work together on a lot of good

things.

Thank you, sir.

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

Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

First of all, I want to thank the bill's sponsor for bringing this to the floor. I also want to thank the Governor for his leadership in regards to The Justice Center for the protection of people with special needs.

New York State must protect our most vulnerable populations. Whether it's providing support services or ensuring individuals' safety, our state needs to step up its efforts. The Justice Center for the Protection of People with Special Needs is an absolutely vital initiative that will protect the safety of people with disabilities who rely on state care.

As an occupational therapist

myself, I've worked with individuals with disabilities. I understand the great struggles that people with special needs are forced to endure. I've seen firsthand people living with disabilities make great leaps and bounds in their treatments to more fully participate in everyday life.

It's such a moving experience to see people live full, happy, independent lives regardless of any disability they may live with. That's why so it's so troubling to hear such traumatic cases of abuse and neglect at care facilities.

People with disabilities spend every day living with challenges that none of us have ever fully experienced and some of us never will. For people charged with their care to then abuse and neglect them, it is absolutely unacceptable. It must be stopped.

The focus of The Justice Center will be the prevention of abuse and neglect. It will protect people with developmental disabilities and ensure that they have access to the high-quality care that they need and that they deserve.

We're talking about 1 million New Yorkers. When 1 million New Yorkers are left unprotected from injustice, pain and suffering, this state is failing the population. It's long overdue for the state to enact real protections for our most vulnerable populations.

This is the right thing to do for New Yorkers with disabilities and for all people who reside in New York State.

Mr. President, I vote aye.

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

Senator LaValle to explain his vote.

SENATOR LaVALLE: Thank you, Mr. President.

I want to thank Senator McDonald, who has been dogged in protecting those who have disabilities and are frail and really can't speak for themselves or protect themselves.

And this bill is the beginning, in my estimation, of sending out a very strong

signal to those who are caregivers that you cannot abuse, either by omission or commission, those who are in your charge.

And again, to the Governor, Senator McDonald, our Majority Leader and members of the Assembly, this legislation is going to be one of the highlights of what we've done during this session.

I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the noncontroversial reading of Senate Supplemental Calendar 60A.

ACTING PRESIDENT GRIFFO: Thank you, Mr. President.

At this time could you please call on Senator Ruth Hassell-Thompson.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

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

There will be a meeting at 4:20 of the Democratic Conference in Room 315.

ACTING PRESIDENT GRIFFO: There will be meeting of the Democratic Conference in Room 315 at 4:20.

Senator Libous.

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

ACTING PRESIDENT GRIFFO: We will return to motions.

SENATOR LIBOUS: Call on Senator Breslin, please.

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Peralta, I move to amend Senate Bill Number 6722B by striking out the amendments made on 6/14/12 and restoring it to its previous print, 6722A.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR BRESLIN: Thank you,

Mr. President.

ACTING PRESIDENT GRIFFO:

Senator Libous.

SENATOR LIBOUS: Mr. President, there will be a Rules Committee meeting at 4:45 in Room 332.

ACTING PRESIDENT GRIFFO: There will be a Rules Committee meeting in Room 332 promptly at 4:45.

SENATOR LIBOUS: That's correct. And we'll stand at ease.

ACTING PRESIDENT GRIFFO: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:59 p.m.)

(Whereupon, the Senate reconvened at 5:47 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's a report of the Rules Committee at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

Senate Print 2005A, by Senator Skelos, an act to amend the Correction Law;

2935B, by Senator LaValle, an act to amend the Education Law;

3760, by Senator DeFrancisco, an act to amend the Navigation Law;

3808B, by Senator Fuschillo, an act to amend the Education Law;

5224B, by Senator Ranzenhofer, an act to amend the Public Health Law;

5356D, by Senator Young, an act to amend the Education Law;

5404A, by Senator Martins, an act to amend the Alcoholic Beverage Control Law;

6015A, by Senator DeFrancisco, an act to amend the Tax Law;

6328, by Senator Kennedy, an act to legalize, validate and ratify;

6932, by Senator Kennedy, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

6998, by Senator O'Mara, an act

to legalize, validate, ratify and confirm;

7165A, by Senator Ball, an act to amend the Tax Law;

7189, by Senator Dilan, an act to amend the Family Court Act;

7343, by Senator DeFrancisco, an act in relation to authorizing;

7499A, by Senator Flanagan, an act to amend the Civil Service Law;

7500, by Senator Breslin, an act to authorize the County of Albany;

7617, by Senator Squadron, an act authorizing and validating;

7682, by Senator Nozzolio, an act to amend the Correction Law;

7722A, by Senator Flanagan, an act to amend the Education Law;

7735A, by Senator Maziarz, an act to amend the Public Health Law;

7745, by Senator Hannon, an act to amend the Insurance Law;

7769, by Senator Ranzenhofer, an act to amend the State Finance Law;

7787, by Senator Seward, an act to amend the Insurance Law;

7790, by Senator Young, an act to amend the Labor Law;

149B, by Senator Maziarz, an act to amend the Tax Law;

And Senate 7519A, by Senator Robach, an act to amend the Education Law.

All bills reported direct to third reading.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Libous.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Rules Committee report is accepted.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time if we could have the

noncontroversial reading of Supplemental Calendar 60B, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1378, by Senator Skelos, Senate Print 2005A, an act to amend the Correction 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.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1397, by Senator LaValle, Senate Print 2935B, an act to amend the Education 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. Nays, 1. Senator Ritchie recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1406, by Senator DeFrancisco, Senate Print 3760, an act to amend the Navigation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1407, Senator Fuschillo moves to discharge, from the Committee on Rules,

Assembly Bill Number 6301D and substitute it for the identical Senate Bill Number 3808B, Third Reading Calendar 1407.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1407, by Member of the Assembly Paulin, Assembly Print Number 6301D, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1408, by Senator Ranzenhofer --

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

ACTING PRESIDENT GRIFFO: The

bill is high and will be laid aside for the day.

SENATOR LIBOUS: Thank you.

ACTING PRESIDENT GRIFFO: The Secretary will continue to read.

THE SECRETARY: Calendar Number 1409, by Senator Young --

SENATOR LIBOUS: Mr. President, I believe the Young bill is also high.

ACTING PRESIDENT GRIFFO: That is correct, Senator Libous. The Young bill is high and will be laid aside for the day.

The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1410, Senator Martins moves to discharge, from the Committee on Rules, Assembly Bill Number 5565A and substitute it for the identical Senate Bill Number 5404A, Third Reading Calendar 1410.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1410, by Member of the Assembly Heastie, Assembly Print 5565A, 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, 58. Nays, 2. Senators Diaz and Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1411, by Senator DeFrancisco, Senate Print --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1412, Senator Kennedy moves to discharge, from the Committee on Local Government, Assembly Bill Number 7929A and substitute it for the identical Senate Bill Number 6328, Third Reading Calendar 1412.

ACTING PRESIDENT GRIFFO: The

substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1412, by Member of the Assembly Smardz, Assembly Print Number 7929A, an act to legalize, validate, ratify and confirm.

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. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1413, Senator Kennedy moves to discharge, from the Committee on Racing, Gaming and Wagering, Assembly Print Number 9260 and substitute it for the identical Senate Bill Number 6932, Third Reading Calendar 1413.

ACTING PRESIDENT GRIFFO: The

substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1413, by Member of the Assembly Pretlow, Assembly Print 9260, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect September 1, 2012.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Diaz recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1414, by Senator O'Mara, Senate Print 6998, an act to legalize, validate, ratify and confirm.

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

The Secretary will 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1415, by Senator Ball --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 1416, by Senator Dilan, Senate Print 7189, an act to amend the Family Court 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1417, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 10086 and substitute it for the identical Senate Bill Number 7343, Third Reading Calendar 1417.

ACTING PRESIDENT GRIFFO: The Substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1417, by Member of the Assembly Magnarelli, Assembly Print Number 10086, an act in relation to authorizing.

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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1418, by Senator Flanagan, Senate Print 7499A,

an act to amend the --

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

ACTING PRESIDENT GRIFFO: The bill will be laid aside for the day.

The Secretary will continue.

THE SECRETARY: Calendar Number 1419, by Senator Breslin, Senate Print 7500, an act to authorize the County of Albany.

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, 2. Senators Larkin and O'Mara recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1420, Senator Squadron moves to discharge, from the Committee on Rules, Assembly Bill Number 10586 and substitute it

for the identical Senate Bill Number 7617, Third Reading Calendar 1420.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 1420, by the Assembly Committee on Rules, Assembly Print Number 10586, an act authorizing and validating.

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. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1421, by Senator Nozzolio, Senate Print 7682, an act to amend the Correction 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1422, by Senator Flanagan, Senate Print 7722A, an act --

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

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

THE SECRETARY: Calendar Number 1423, by Senator --

SENATOR LIBOUS: Mr. President, this bill by Senator Maziarz is also high.

ACTING PRESIDENT GRIFFO: Yes, Senator Libous, Calendar 1423 is also high and will be laid aside for the day.

Calendar Number 1424, the Secretary will continue.

THE SECRETARY: Calendar Number 1424, by Senator Hannon, Senate Print 7745, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 27. This act shall take effect January 1, 2013.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 1424, those recorded in the negative are Senators Griffo, Nozzolio, O'Mara, Seward and Young.

Ayes, 55. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1425, by Senator Ranzenhofer, Senate Print --

SENATOR LIBOUS: Mr. President, I believe that the Ranzenhofer bill is also

high.

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

THE SECRETARY: Calendar Number 1426, by Senator Seward, Senate Print --

SENATOR LIBOUS: And I believe, Mr. President, if I may, the Seward bill is high.

ACTING PRESIDENT GRIFFO: The Seward bill is high and will be laid aside for the day.

THE SECRETARY: Calendar Number 1427, by Senator Young --

SENATOR LIBOUS: And, Mr. President, I believe the Young bill is high.

ACTING PRESIDENT GRIFFO: The Young bill is high and will be laid aside for the day.

SENATOR LIBOUS: Thank you, Mr. President.

THE SECRETARY: In relation to Calendar Number 1428, Senator Maziarz moves to discharge, from the Committee on

Investigations and Government Operations, Assembly Print Number 34B and substitute it for the identical Senate Bill Number 149B, Third Reading Calendar 1428.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1428, by Member of the Assembly Cahill, Assembly Print Number 34B, an act to amend the 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Can we have some order in the chamber, please.

THE SECRETARY: Calendar Number 1429, by Senator Robach, Senate Print 7519A,

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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes the noncontroversial reading of Senate Supplemental Calendar 60B.

SENATOR LIBOUS: Thank you, Mr. President.

At this time we want to go to the controversial reading of the calendar. And we will start with Calendar Number 1411, by Senator DeFrancisco.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1411, by Senator DeFrancisco, Senate

Print 6015A, an act to amend the Tax Law.

SENATOR KRUEGER: Explanation, please.

ACTING PRESIDENT GRIFFO: A request from Senator Krueger for an explanation has been made, Senator DeFrancisco.

SENATOR DeFRANCISCO: This is a modification of the estate tax law in the State of New York which sets the limits comparable to what the federal government is as far as the various exclusions from federal estate tax. The federal government is at $5 million for the taxable year 2015; ours is less.

And if we don't change it to conform to the feds, then we will lose more people to the State of Florida and other states that have lower estate tax returns.

We've had a flight from New York State by many wealthy individuals obviously looking to pay less taxes as one of the reasons. And in order to make sure that we won't exacerbate that flight, we need to have this changed in the estate tax law.

SENATOR KRUEGER: Through you, Mr. President, if the sponsor would yield for some questions.

SENATOR DeFRANCISCO: I would.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco yields.

SENATOR KRUEGER: Thank you.

If this bill became law and it does phase in over the next few years, what would be the estimated annual loss in revenue to the State of New York at its final year?

SENATOR DeFRANCISCO: I will quote from Senator Ranzenhofer in an earlier debate. Namely, we believe there will be an increase in taxes because these people will be less likely to flee the State of New York, pay income taxes on their high incomes, for fear of having to get unreasonably taxed on their estate tax.

So it's to make certain that we retain high-income people to continue to pay taxes in the State of New York.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

Unlike my earlier discussion with Senator Ranzenhofer, which involved hiring people and tax credits, this is a tax that applies after you're deceased. So you can't argue it creates jobs.

So again, based on the current law compared to this law, can you estimate what the loss specifically in estate-tax revenue to the State of New York would be?

SENATOR DeFRANCISCO: Well, Senator, individuals who make their decision where to live usually make those decisions before they die. And they do that to plan on what's best for their family.

And so people flee the State of New York before they die to take advantage of lower estate taxes. While they're still living, if we could keep them here, presumably, if they're not working, they're at least paying taxes on whatever income they're receiving, and if not that, at least sales

taxes, property taxes and other taxes.

So I still believe in the long run you have an increase in the tax base by keeping these individuals in the State of New York.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: So I can accept my colleague's analysis that there may be cause and effect with other tax revenue or population numbers with tax policy.

But will he, just for the record, agree with me that on the actual estate tax currently collected by the State of New York, which is approximately $1.1 billion, that his bill would cut that revenue approximately in half by 2015 and after?

SENATOR DeFRANCISCO: Well, I do not know the number. And it would depend on the wealth of the individual at the time of their death. I don't know the number. I

would assume that there should be some reduction in the estate tax, but the offset of the other taxes outweighs what reductions in the estate tax would be.

And I would ask if Senator Krueger would yield to a question.

ACTING PRESIDENT GRIFFO: Senator Krueger, would you yield?

Let me ask the chamber to please come to order -- it's getting a little noisy here -- so the members can hear each other.

Senator Krueger, do you yield?

SENATOR KRUEGER: Happily.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, Senator Krueger yields.

SENATOR DeFRANCISCO: Senator Krueger, your district is probably one of if not the highest-wealth district in the state. Have you ever run into a situation where people left the State of New York and one of the considerations was the high estate tax that would substantially reduce the estate that would be passed on to their families?

SENATOR KRUEGER: Through you, Mr. President, sometimes I hear people say

that they might do that to me.

But if you look at the data, not just for my own district but for the State of New York, we are actually not losing millionaires to flight. We are actually -- certainly in my district, and I believe it's a statewide statistic, we are gaining millionaires, even though we currently have an estate tax.

So I think that for wealthy people as well as other people, they just love New York so much and they love my district so much that they stay here. And I hear far more from people who say "I care about the state, I care about public services, I'm rich, I can afford to pay the taxes, it's okay." I hear far more from them than constituents who tell me that's it, they're moving out of state because of estate taxes.

SENATOR DeFRANCISCO: I'd love to see the study that you're talking about in general terms, if you can could provide it to me at some point.

SENATOR KRUEGER: Through you, Mr. President, I would be happy to share

various studies -- probably not here on the floor tonight -- about the population changes and the demographics of where the wealthy in this country live and the reasons that they go from Point A to Point B, because there actually have been some very good economic studies done.

But for the record, the sponsor's own memo to his bill agrees with me that it would cost the State of New York $500 million when fully phased in. So it wasn't my number, it's actually the sponsor's memo's number.

If the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, do you yield?

SENATOR DeFRANCISCO: Yes.

And I'd love to see the memo that she's referring to, because it's not the memo that I have.

SENATOR KRUEGER: We can show you on the iPad. I don't have the paper, but it's the --

ACTING PRESIDENT GRIFFO: If the members could please direct through the chair.

SENATOR KRUEGER: I'm sorry. I was saying --

SENATOR LIBOUS: Mr. President, if I may, there's a lot of chatter going on back here. We've got a lot of business to do. I know that it's very important; we want to hear the debate between Senator Krueger and Senator DeFrancisco.

So if meetings that are taking place in the chamber by members could be placed outside the chamber -- because I know members don't mind leaving the chamber -- and we'll proceed.

(Laughter.)

SENATOR LIBOUS: Thank you, Mr. President.

SENATOR KRUEGER: I'm sorry, Mr. President, through you. I have handed the Senator an iPad that has the call-up of the memo that said that it would cost $500 million. It might not be the same as what's printed out.

SENATOR DeFRANCISCO: No, it is. Mine was cut off. And you are correct.

But again, that is offset by the

increases in income by keeping these people in the State of New York.

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

SENATOR DeFRANCISCO: Yes, please.

SENATOR KRUEGER: Thank you.

There has been concerns raised by organizations, not-for-profit organizations, that reducing the estate tax -- which this bill would do -- actually discourages charitable donations, since there's no motivation to reduce an estate because there's not an estate tax to be paid.

Has the Senator taken into consideration the impact on New York's great not-for-profit philanthropic and charitable institutions if we were to pass this law decreasing the motivation to make charitable gifts prior to becoming deceased?

SENATOR DeFRANCISCO: Again, I don't know how you'd compute that. And I don't know how you'd get in someone's head and determine that they are more likely to give

charitable donations by way of their wills and at the time of their death.

I would think there would be more of an incentive to try to keep these people in the State of New York so again, while they're living, they donate to various charities.

One example in upstate New York is Tom Golisano, who was a candidate for governor at one time. He didn't even live in Syracuse, but he gave a million-dollar donation and he's the naming individual for a children's hospital in Syracuse.

He left. He's now in Florida, giving, during his lifetime, because he's still alive -- and again, people make these decisions during their lifetime -- giving donations to various charitable organizations in the State of Florida now, because now he's a Florida resident. That's what I'm trying to avoid.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The

sponsor yields.

SENATOR KRUEGER: I know the political consultants in the state are also very upset that Mr. Golisano left New York State and no longer is running for office, because he was spreading quite a bit of his money around in political campaigns.

SENATOR DeFRANCISCO: There you go.

SENATOR KRUEGER: There you go. So --

SENATOR DeFRANCISCO: There you go. And the consultants pay taxes on their income.

ACTING PRESIDENT GRIFFO: Members -- members, please direct comments through the chair.

SENATOR KRUEGER: I apologize, Mr. President.

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

SENATOR KRUEGER: No, I'm still asking questions of my colleague Senator DeFrancisco, if he is willing to yield.

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco yields.

SENATOR KRUEGER: Thank you.

How many people in the State of New York would this bill affect?

SENATOR DeFRANCISCO: Presently, the people that would have a federal taxable estate presently in this year is about 4,000.

But we would like to think that because of the great policies of this Governor and this body and the rest of the Legislature, that we would create more millionaires by providing a good business climate, so that they would be paying even more taxes in future.

And in addition, it's not only millionaires, it's individuals with lesser estates that would be taxed if this bill did not pass.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: I'm confused by my colleague's last answer because my understanding is the estate tax only kicks in currently for estates above a million dollars a year. So how would it affect people who were not millionaires?

SENATOR DeFRANCISCO: Well, it depends on what your definition of millionaire -- if you say that it's simply the assets, the amount of assets they have, then you're absolutely right.

I would think that individuals, although at the time of their death they may own a million dollars of assets, we would hope that there would be more in that pool that -- if we maintain the ability to keep these people here.

And aspiring millionaires. Some people that may not be in that category may decide when they're moving in that direction that they'd like to leave the State of New York if they're acquiring more and more assets.

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

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

Just to deal with some of the facts. This bill would reduce our revenue by approximately half a billion dollars a year. It would be a tax reduction for the very wealthiest children of the very wealthiest New Yorkers. Because remember, this would not apply to the person's estate until they were deceased and wouldn't actually kick in until the person and their spouse was deceased.

So we're really talking about a significant tax reduction for the offspring of the wealthiest 2, 3 percent of the citizens of New York State.

Now, I understand why they would like a reduction in their estate taxes or why their offspring would very much like a reduction in the tax on their parent or parents' estate.

But we're going to pay for it. Or the 96, 97, 98 percent of New Yorkers who don't fall into this category are actually going to pay for it. Because if we reduce the

estate tax revenue to our coffers by $500 million -- and by the way, I think this is the third bill we've done this week reducing our tax revenue by $500 million.

So when we're doing all these bills to reduce revenue, somebody's going to pay for it. Either the rest of us are going to pay higher taxes to make up for that lost revenue, or we're going to be asked, as the state, to cut our education funding, our healthcare funding, our human services funding, our aid to localities funding. Because that's how it works: Either you've got the revenue or you've got to cut the budget.

So in the bigger picture, I'm not sure that really the best plan for New York State at the moment is to actually give a whopping tax reduction to the children of the wealthiest members of New York State.

Now, there's been a national argument about this, and in fact nationally the federal estate tax has gone down. And so there's already, in my opinion, been a generous giveaway at the federal level on the

estate tax. So this would be just adding to that largesse, where the estate tax at the federal government level has dropped significantly. Although there might be something done about that soon enough.

So in addition to my concerns from the public policy perspective about New York State not reducing the estate tax revenue that we need at this point in history, it also disturbs me that when I go looking for the organizations who have been proposing these kinds of bills around the country, I find that this is a model bill for ALEC, the American Legislative Exchange Council.

Now, I could not make the hearing last week, but my colleague Senator Daniel Squadron did have a hearing about the concerns around the organization ALEC and the types of bills that they are aggressively lobbying, writing, submitting through state houses all over the country.

So I am equally concerned that this house should not be encouraging that organization by supporting or voting for their bills. That we can't afford to reduce the

revenue needed to the State of New York by yet another $500 million through the passage of this bill.

Now, I'm pretty sure this is not a bill that would go through both houses, but I don't know. I don't believe it's moved in the Assembly as of tonight. But we still have through tomorrow.

But again -- and we don't know which of the many, many bills at the end of session might actually ever become laws. But I think when we add up -- perhaps by tomorrow I'll be able to do this for my colleagues -- the costs, not within the budget, but outside of the budget process in the last few days of session, the total dollar value of bills that will have passed this house with costs of lost revenue without any countervailing explanation of what we will do or how we will make up for that revenue, it's going to add up to billions of dollars.

Now, some of those bills I'll take a look at and I will tell you I will have voted for, even though I would have had and do have concern about how you do bills that cost

large sums of money without explaining how you're going to balance your budget when you lose that money.

But again, this is an example to me of exactly the kind of law that should not go on our books at this point in time. We should not be losing $500 million in revenue to the State of New York by a gift, so to speak, to the estates of the wealthiest New Yorkers.

And I am confident that people who love New York, who love living here in New York, and who love spending their retirement years here in New York, even if it's past their earning stages in their lives, are not going to choose to leave the State of New York because we don't pass this bill into law.

I'm urging my colleagues to vote no, Mr. President. Thank you very much.

ACTING PRESIDENT GRIFFO: Senator Rivera.

SENATOR RIVERA: On the bill, Mr. President.

ACTING PRESIDENT GRIFFO:

Senator Rivera on the bill.

SENATOR RIVERA: I seem to remember about a year ago, maybe a little bit more than that, we were having a very vigorous bill on the floor of the Senate, Senator DeFrancisco and I, a very similar conversation. And I remember then how many of the same things that Senator DeFrancisco said now in this debate were said then.

First of all, I'll state for the record that yes, Mr. Golisano has left our great state, and I believe we are the better for it. I said it last year, I'll say it again.

But more importantly than that, there is no evidence besides belief that says that higher taxes lead to people going away. Certainly folks like Golisano, it does lead to certain individuals like that.

But when wealthy individuals -- and there's plenty of evidence that points to this -- make decisions about where to live, they make decisions based on where educational institutions are, or cultural institutions are, or where access is to other wealthy folks

that are in their same social strata.

So I believe that there's again plenty of evidence that points to the fact that there are people that are going to remain in New York. And a tax break like this is not going to just -- because this exists now doesn't mean that they're going to flee the state.

But one more point that I'd like to make is that we constantly speak about the idea that we are going to cut taxes so that t5he job creators -- not a phrase that's been used on the floor of the Senate, but certainly a phrase that's been used in the overall debate about taxes -- the job creators need tax breaks so they can create jobs.

And as the evidence has pointed out time and time again, this is the idea of trickle-down economics. It is an idea. And people have here and elsewhere said "I believe that this is the way that the economy works." Well, when I was 8 years old, I believed in Santa Claus. It doesn't make him any more real.

Trickle-down economics does not

work. The idea of providing working-class people, working and middle-class people that spend every single day -- that spend on food, that spend on clothing, that spend, you know, every single day -- when you have these people spending, it spurs consumer demand, which means that more businesses get to operate. So that's the big issue that I have whenever we're talking about a tax break like this.

So I will be voting in the negative, Mr. President, because again, when we're having conversations about tax policy on the floor of the Senate, I do believe that we should talk about consumer demand, we should talk about how the spending of the middle- and working-class people are the ones that drive actual economic recovery, and not tax breaks for the wealthy. It has not worked before; it will not work now.

Thank you, Mr. President. I vote in the negative.

ACTING PRESIDENT GRIFFO: Seeing and hearing no other Senator wishing to be heard, the 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 GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Can I have some order in the chamber.

Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: I just wanted to respond to just a couple of points that were made.

First of all, I'm not a member of ALEC. I don't know what their legislative agenda is. This is part of my legislative agenda. And I'm not in the habit of taking the legislative agenda of any group and moving legislation.

This is a bill that I believe in, and I think my arguments are accurate. I know there's a difference of opinion.

Secondly, as far as it's a good thing that Tom Golisano left, I know that the Senator, Senator Rivera, said it tongue to

cheek. But I don't think it's ever a good situation when someone who does contribute substantially to the community in taxes, income taxes, as well as charitable contributions, leaves. And I think our policies have to be consistent with the policy that will keep these individuals here in the State of New York.

And I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 1411, those recorded in the negative are Senators Adams, Dilan, Gianaris, Hassell-Thompson, Krueger, Montgomery, Peralta, Perkins, Rivera, Savino, Serrano, Squadron, Stavisky and Stewart-Cousins.

Ayes, 46. Nays, 14.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number

1415, by Senator Ball, Senate Print 7165A, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: An explanation has been requested by Senator Krueger, Senator Ball.

SENATOR BALL: This bill is 7165A.

And as we all know, in 2011 the MTA tax was repealed for approximately 300,000 businesses. Unfortunately, those who are self-employed earning over $50,000 annually were left out. And this legislation would repeal, for a large percentage of those, the imposition of the MTA payroll tax on earnings specifically from self-employment.

ACTING PRESIDENT GRIFFO: I need some order in the chamber, please.

Senator Krueger.

SENATOR KRUEGER: Would the sponsor please yield.

ACTING PRESIDENT GRIFFO: Senator Ball, do you yield?

SENATOR BALL: Absolutely.

SENATOR KRUEGER: Could the sponsor let me know what the fiscal cost to

the MTA would be on an annual basis if this became law?

SENATOR BALL: So the estimate that we have right now is that the impact would be to provide tax relief to approximately 63,000 taxpayers. And we're looking at an impact to the MTA of approximately $21 million.

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

ACTING PRESIDENT GRIFFO: Senator Ball, do you yield?

SENATOR BALL: Yes.

SENATOR KRUEGER: Thank you.

So when the Senator was giving an explanation of the bill, he referenced back to the action earlier in this year when both houses of the Legislature -- perhaps it was last year, I'm confused -- where we actually did make a change in the MTA payroll tax for businesses. But we also followed through and had a correlated arrangement that the MTA would be made whole through other monies provided through the budget.

Would this bill in some way also make the MTA whole for the $21 million in revenue they would lose through this bill?

SENATOR BALL: No, it -- Mr. President, what we're talking about when we talk about the MTA payroll tax, a tax that was instituted during a time when our economy was and continues to be hemorrhaging jobs, the very idea of taxing payroll in the worst economic recession that we've seen since the Great Depression is absolutely beyond any order of common sense.

And it continues to amaze me how some on the other side continue to worry about government and authorities such as the MTA when really the focus needs to be on small businesses, on taxpayers, on seniors, on people who are losing their jobs.

We're talking about the MTA, an organization that at one point had two sets of books, $21 million. When we talk about the amount of waste and abuse and fraud, including corruption, including the construction of headquarters down at 2 Broadway, including mob infiltration, I think that it is within the

taxpayers' best interest that the MTA actually be put in a situation where they have to look at a closer set of details at their own books and find a way to save the $21 million, and at the same time deliver that tax relief to the 63,000 taxpayers right now, the self-employed, the little guys.

This bill helps the little guy, the guy who was caught in a hole in the initial repeal when some of the businesses had been taken out -- thank God, 80 percent of those paying. But it's the little guy, the self-employed, that has been left to pay this horrific and onerous tax.

So my focus and the focus on our side is to provide the tax relief to the self-employed, to small businesses, the taxpayers who are struggling. And I leave the savings of the $21 million to the MTA and to the new leadership there.

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

SENATOR BALL: Sure.

ACTING PRESIDENT GRIFFO: The

sponsor yields.

SENATOR KRUEGER: Thank you.

Can the sponsor tell me what the estimated or average tax saving would be to those 63,000 people, I believe the number that he said that would find relief under this bill?

SENATOR BALL: It's going to vary upon the individual. But the bill would provide a graduated rate of tax. For the self-employed with a net business income between $250,000 and $300,000, it would go to 0.11 percent. And then 0.23 percent on net business income from $300,000 to $350,000. And those paying between $50,000 to $250,000 would no longer have to pay.

So it would be a graded scale according to those percentages. But those paying currently, the self-employed between $50,000 to $250,000, those would be eliminated from the tax.

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

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

I appreciate the sponsor's answers to my questions.

And you know, I'm going to vote for his bill. I do think that there was an inequity when we made the change to the MTA payroll tax and lowered it for businesses below a certain amount but didn't do the same for individual self-employed people.

Now, I am very concerned that this bill isn't making up for the loss of $21 million, because I don't necessarily agree with the sponsor when he makes the argument that if the MTA's had a history of fraud, that the solution is to reduce money.

I actually think the stories of the MTA and fraud go back now to 2007-2008. And in fact the Office of the State Comptroller has audited them 18 times since then. There has been a total change in leadership of the MTA -- actually, several changes in leadership of the MTA since that time.

And the fact is this body, this government has a responsibility to ensure

quality public transportation for the 12-county region that the MTA covers. Because I think my colleague would agree with me that if we were to shut down Metro-North or significantly increase the price of the tickets on Metro-North or Long Island Railroad or the New York City subway and bus system, that we would have enormous impacts, far, far greater than a $21 million discussion.

So I'm torn between actually recognizing that the sponsor is attempting to correct an inequity between how the MTA payroll tax works for corporations versus independent self-employed people. But this is now multiple times that this body has ended up reducing revenue to the MTA without making up for it -- and frankly, we will all pay a very serious price for not making sure the MTA is adequately funded to be a 21st-century mass transit system.

But I will be voting yes. Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Seeing and hearing no other Senator wishing to be heard, the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Saland to explain his vote.

Please, order in the chamber.

SENATOR SALAND: Thank you, Mr. President. I rise in support of this bill.

The MTA's budget currently is about $13.8 billion, expected to be $15.6 or $15.7 billion within the next two to three years. It grows generally well at above the rate of inflation. It has a history of overestimating its expenses, underestimating its revenues.

This $21 million is such an infinitesimally small part of that $13.8 billion as to have such a string of zeros in front of it, as to defy the inability of that organization to come up with this

money.

This tax is a burden, it's a burden -- remains a burden on big business and it certainly a burden on smaller businesses. This tax shouldn't have been in the first place. This is yet another incremental step in removing it. We have to do more. We have to hold the MTA's feet to the fire.

Thank you, Mr. President. I vote in the affirmative.

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

Senator Ball to explain his vote.

SENATOR BALL: I would like to thank the leadership of the Majority Leader, Senator Dean Skelos, for allowing this to come to the floor.

And I know that many of us have been active on this, whether it be Senator Saland or Senator Zeldin, who is known as "the giant-slayer" on the MTA payroll tax, and Senator Martins and others. We have been fighting this for some time.

You know, it's absolutely

critical that those few people who are watching realize what has happened here. This is the problem with instituting any new tax. We now are in a position where we have to fight tooth and nail to get rid of this. And elections matter.

And we now have to fight every single moment. And what do we consistently hear? We consistently hear -- and the quote was, and the concern is, "Well, we're reducing revenue to the MTA without making up for it."

First, it's not revenue, folks. It's not a business. It's tax dollars. New York State government is not a business. If it was, it would have been bankrupt a long time ago.

Reducing revenue to the MTA without making up for it -- making up for it, what does that mean? Another tax increase. No, we're not doing that. The MTA needs to make up for it by balancing their books and doing right by the taxpayers in the State of New York.

And if we consistently made decisions like that in this chamber and over

there, this state would be in a better position and be more fiscally responsible, and more people would be staying here, young and old, than leaving and leading this nation in out-migration, as we do today.

So thank you, everybody. It was a team effort for working on this and getting this done. And let's continue the fight to kill this horrific tax.

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

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Mr. President.

You know, the MTA has a $14 billion budget. We're talking about $21 million that's going to impact 63,000 small businesses; actually, the quintessential small business, the self-employed individual.

We can impact the economy in a way that actually makes sense. And what we're talking about here is $21 million out of a $14 billion budget, which is 1.5 percent.

You know, we talk about how we need to make the MTA whole. I want to congratulate my colleague Senator Ball, because he's put the focus where it should be. It's not about making the MTA whole to the tune of 1.5 percent of their overall budget, it's about looking at it realistically and making the taxpayer whole.

Because when you think about it, that's what we're doing here. We've asked our taxpayers to dip into their pockets, we've asked our small businesses to dip into their pockets time and time again. And we should start thinking about those efforts that we need to take as a government to make our taxpayers whole.

And if that means the MTA has to tighten its belt to the tune of 1.5 percent of their overall budget, I'm all for it.

Mr. President, I vote aye.

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

Senator Zeldin to explain his vote.

SENATOR ZELDIN: I also want to rise and commend Senator Ball for bringing this bill to the floor. I rise in strong support.

I made a commitment to the voters of my particular Senate district when I ran in 2010 that I would work as hard as I could every day on the job to fight for repeal of the MTA payroll tax. And I'm so proud that I've been able to join my fellow freshmen and other colleagues who have helped guide this issue along its way this last year and a half.

But I made a commitment to them that I'd fight as hard as I could, and my colleagues made a commitment that they would fight as hard as they could to their constituents, to the taxpayers.

This was a bad idea in the first place. It was a bonehead decision. The federal government's busy bailing out Bear Stearns and Fannie Mae and Freddie Mac and AIG -- and when the MTA needed money and they were in need of a handout, they came to Albany. And instead of asking them, How are

you going to tighten your belts, how can you find a way to come up with this money on your own, instead, we never asked the tough questions.

Yes, Comptroller DiNapoli was. He does have a dozen and a half audits where he finds the hundreds of millions of dollars in the personal and miscellaneous service contracts that could be saved, the hundreds of millions of dollars in overtime abuse that could be saved. The money was there.

And this body, instead of asking those tough questions, just gave a handout to the MTA.

It's important that we support our nation's largest mass transit system, and we will continue to do that, because that is our commitment. But on top of that commitment, this conference has a commitment that we made to the taxpayers. Because that's important too.

This bill can be implemented, the MTA payroll tax can be repealed, and we can do it without increasing fares and cutting services. And that is why I am here in this

particular seat, that's why Senator Ball is in his, Senator Martins is in his, because of our commitment to the voters.

I vote aye.

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

Senator Squadron to explain his vote.

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

You know, it's really a shame, because I think that despite the very excited conversation that we've had here, this is a one-house bill. So we're not actually solving the freelancers' penalty that was imposed in December when the MTA payroll tax was modified. And it wasn't modified sufficiently for freelancers. And this bill is something that might do that.

And I actually don't agree with Senator Ball's explanation that the way the MTA should continue to provide bus and commuter rail and subway service is through magical thinking. I think they need to do it

through some form of revenue. Unfortunately, but that's reality.

I do think that reforming the freelancers' penalty that was imposed in December is an important thing to do. It's Something I've been working with Senator Lanza on since that time. And this doesn't actually do it in a complete way, but it is certainly a nod to it, it's a one-house nod to it. That's why I'm going to vote yes.

I think that we do need to fund the MTA. It needs to work. It is the key to our economy. And I'll vote yes on this today because the freelancers' penalty on the reformed payroll tax that continues doesn't make sense. But this, unfortunately, is not going to solve the problem.

Thank you, Mr. President. I vote aye.

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

Senator LaValle to explain his vote.

SENATOR LaVALLE: Thank you,

Mr. President.

It's very simple. This tax is toxic to a region, has hurt a region economically. It should never have been passed, never. And I don't know what we're debating.

This is very simple. This is $21 million, and that $21 million would help a lot of the taxpayers in the downstate region.

So, Senator Squadron, this should pass both houses, because if something is wrong, it is wrong. And it's our job to make it right. I vote aye.

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

Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Mr. President.

I want to thank Senator Ball for bringing this legislation to the floor and for raising a debate that's really important for us and really talking about small business development and thus job creation. I think

everybody in this chamber really wants to see jobs grow, and we certainly want to see businesses, particularly microbusinesses, grow in our communities.

And none of us like to pay taxes. However, the harsh reality is that government has to provide some services that cannot be provided by the market. And it's as simple as that. There's certain things like roads and transportation -- rich people would be able to get around, of course, without mass transit. But you need people to come and clean your homes and, you know, deliver your Chinese food and whatever else things that people get delivered. Right?

And so how do those people get out to be your nannies and your housekeepers and those kinds of things? They have to take mass transit. And somebody has to pay for that. And the people who -- we have to figure out how this happens.

I mean, you know, I keep hearing people say that we can take away this money and it's not going to have an impact. But if it's not going to have an impact, then someone

needs to show me how we replace that money in the system.

Or maybe we should check everybody as they come into New York City and say, Well, if you live in Hudson or Nassau or Suffolk, you know, or Westchester, that you can't ride mass transit, because you don't pay any taxes to help supplement the system.

ACTING PRESIDENT GRIFFO: Senator Parker.

SENATOR PARKER: I just think this bill is well-meaning but it doesn't get us to the right place, and so I vote nay.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 1415, those recorded in the negative are Senators Adams, Dilan, Gianaris, Parker, Perkins, Rivera and Stavisky.

Ayes, 53. Nays, 7.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President,

could we return to motions, please.

ACTING PRESIDENT GRIFFO: We will return to motions.

SENATOR LIBOUS: Mr. President, on behalf of Senator Robach, I call up his print, 7519A, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1429, by Senator Robach, Senate Print 7519A, an act to amend the Education Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

SENATOR LIBOUS: Is there a substitution at the desk?

ACTING PRESIDENT GRIFFO: The bill is before the house.

There is a substitution, and the Secretary will read.

THE SECRETARY: In relation to

Calendar Number 1429, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 10216A and substitute it for the identical Senate Bill Number 7519A, Third Reading Calendar 1429.

ACTING PRESIDENT GRIFFO: The Substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1429, by Member of the Assembly Gantt, Assembly Print Number 10216A, 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. If we could return to motions.

ACTING PRESIDENT GRIFFO: Returning to motions, Senator Libous.

SENATOR LIBOUS: On behalf of Senator Zeldin, Mr. President, on page 17 I offer the following amendments to Calendar Number 616, Senate Print 7087, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe at this time, if you would call on Senator Hassell-Thompson, she would like to make an announcement.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. There will be a meeting of the Democratic Conference at 8:00 p.m. in Room 315.

ACTING PRESIDENT GRIFFO: There will be a meeting of the Democrat Conference at 8:00 p.m. in Room 315.

Senator Libous.

SENATOR LIBOUS: And thank you, Senator Hassell-Thompson.

Mr. President, there will be a meeting of the Rules Committee at 8:45 in Room 332.

ACTING PRESIDENT GRIFFO: There will be a meeting of the Rules Committee in Room 332 at 8:45 p.m. promptly.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 6:53 a.m.)

(Whereupon, the Senate reconvened at 9:50 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Mr. President, if we could return to reports of standing committees, I believe there's a report of the Rules Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT GRIFFO: We will return to 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 1789, by Senator Stavisky, an act to amend the Education Law;

3193A, by Senator Ranzenhofer, an act to amend the Tax Law;

4225B, by Senator Lanza, an act to amend the Judiciary Law;

6029, by Senator Lanza, an act to amend the Public Health Law;

6156, by Senator Ritchie, an act to amend the Executive Law;

6526A, by Senator Marcellino, an act to amend the Navigation Law;

7013C, by Senator Little, an act to amend the Public Health Law;

7312B, by Senator Seward, an act to amend the Insurance Law;

7359A, by Senator Ball, an act to amend the Tax Law;

7384A, by Senator Hannon, an act to amend the Social Services Law;

7424, by Senator O'Mara, an act to amend the Real Property Tax Law;

7467, by Senator Lanza, an act to amend the Navigation Law;

7700, by Senator Larkin, an act to amend the Uniform City Court Act;

7734, by Senator O'Mara, an act to amend the Navigation Law;

7756, by Senator Golden, an act to amend the Vehicle and Traffic Law;

7766, by Senator Golden, an act to amend the Executive Law;

7773, by Senator Hannon, an act to amend the Public Health Law;

7775, by Senator Golden, an act to amend the Executive Law;

7778, by Senator Ritchie, an act to amend the Public Health Law;

7783, by Senator Flanagan, an act to amend the Education Law;

7798, by Senator Zeldin, an act to amend a chapter of the Laws of 2012;

And Senate 7800, by Senator Libous, an act to amend the Education Law.

All bills reported direct to

third reading.

ACTING PRESIDENT GRIFFO: Senator Libous.

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

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 Rules Committee report is accepted.

Senator Libous.

SENATOR LIBOUS: Thank you. Thank you, Mr. President. Could we please take up Supplemental Active List Number 2, please.

ACTING PRESIDENT GRIFFO: The Secretary will read Supplemental Active List Number 2.

THE SECRETARY: Calendar Number 73, by Senator Griffo, Senate Print 5019D, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect December 31, 2013.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 18, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 9020B and substitute it for the identical Senate Bill Number 6429A, Third Reading Calendar 635.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 635, by Member of the Assembly Jaffee, Assembly Print 9020B, an act to amend the Labor 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 919, by Senator Golden, Senate Print 2212A, 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 941, by Senator Gallivan, Senate Print 7249, an act to amend the Criminal Procedure 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 941, those recorded in the negative are Senators Dilan, Duane, Hassell-Thompson, Krueger, Montgomery, Perkins and Rivera.

Ayes, 53. Nays, 7.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: On page 33, Senator Little moves to discharge, from the Committee on Rules, Assembly Bill Number 8604B and substitute it for the identical Senate Bill Number 4988B, Third Reading Calendar 1018.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: On page 33, Senator Ritchie moves to discharge, from the Committee on Rules, Assembly Bill Number 9960 and substitute it for the identical Senate Bill Number 6778, Third Reading Calendar 1024.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1024, by Member of the Assembly Magee, Assembly Print 9960, an act to amend the Agriculture and Markets 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 35, Senator Savino moves to discharge, from the Committee on Rules, Assembly Bill Number 7508 and substitute it for the identical Senate Bill Number 4112, Third Reading Calendar 1055.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1055, by Member of the Assembly Wright, Assembly Print Number 7508, an act to amend the Workers' Compensation 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, 3. Senators Farley, Gallivan, and O'Mara recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 36, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 9832 and substitute it for the identical Senate Bill Number 6923A, Third Reading Calendar 1076.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1076, by Member of the Assembly Wright, Assembly Print Number 9832, an act to amend Chapter 678 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. Nays, 1. Senator Ranzenhofer recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 37, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 10622 and substitute it for the identical Senate Bill Number 7517, Third Reading Calendar 1087.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

There is a home-rule message at the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 1087, by the Assembly Committee on Rules, Assembly Print 10622, an act to --

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

Senator Libous, that completes the noncontroversial reading of Supplemental Active List Number 2.

SENATOR LIBOUS: Mr. President, at this time could we have the controversial reading of that calendar.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1018, by Member of the Assembly Rosenthal, Assembly Print 8604B, an act to amend the Arts and Cultural Affairs Law.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT GRIFFO: An explanation has been requested by Senator Breslin, Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

This bill is so that a person, an artist or craftsperson who has given their artwork to a consignment, or a person who is the consignor, would not lose the ownership of that should the person die and move on.

And such trust property and trust

fund shall be considered property held in statutory trust, and no such trust property or trust funds, meaning the artworks, shall become the property of the consignee or be subject or subordinate to any claims, liens or security interest of any kind or nature whatsoever of the consignee's creditors.

So that should the person who is the cosigner who is selling, you know, the artwork of an artist, should they come into financial problems, should they die, should they have estate problems, that it does not fall on the craftsman or the artist who brought their art there.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Thank you, Mr. President. Would the sponsor yield?

ACTING PRESIDENT GRIFFO: Senator Little, do you yield to Senator Duane?

SENATOR LITTLE: Yes, I do.

SENATOR DUANE: Why does this legislation only protect fine art being consigned by the artist or the artist's heir?

SENATOR LITTLE: I believe that the reason for that is that's where the deficiency was created and where the problem arose.

And we're talking about art galleries being an important art outlet for such artist's work. The galleries are compensated for selling the artist's work, usually by taking a percentage of the sale proceeds as a commission. And those commissions are such, you know, can range in different amounts. But many galleries do not segregate the portion of the sales proceeds that belong to the artist from the portion of the sales proceeds that is owed to the gallery.

So it's probably more complicated than we see happen very often. But when it does happen, the artist in question loses out and loses control of their artwork.

SENATOR DUANE: And through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR LITTLE: I will try to answer.

ACTING PRESIDENT GRIFFO: Yes.

SENATOR DUANE: The sponsor referred to that there was a deficiency in the law presently. And, I'm sorry, I didn't hear what exactly that deficiency is.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: I believe it's when they lose ownership of and they lose the money that they would be -- should be getting for that work.

And I might not have explained it -- I know I didn't explain it very well in the beginning. It is the work of fine art, craft, or print from the artist or craftsperson. Or it could even come from the beneficiary or the heir of that artist or craftsperson.

SENATOR DUANE: If the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Senator Little, do you yield?

SENATOR LITTLE: I will continue

to yield.

ACTING PRESIDENT GRIFFO: Senator Little yields.

May I have some quiet, please, in the chamber.

SENATOR DUANE: I'm just having a little problem, and I'm just confused. I was hopeful that the sponsor could just -- instead of saying "they," to just be more specific as to who "they" refers to. When "they" is said, who is "they"? Because it's -- the sponsor used it several times in a row, and I'm not sure whether "they" are the same they or different theys.

SENATOR LITTLE: It's the artist or the heirs of the artist who, in an estate or a trust, would no longer have the benefits from that piece of art or control of that art if they had had it commissioned to a sales place.

SENATOR DUANE: So through you, Mr. President, the "they" refers to the heirs of the artist?

SENATOR LITTLE: Or the artist.

ACTING PRESIDENT GRIFFO: Yes?

SENATOR LITTLE: Yes. Yes. Heirs of the artist. Or the artist him or herself.

SENATOR DUANE: Why, if we're fixing a law -- why are we not protecting all consignors?

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Well, I think it's all consignments that come under the guise of art, crafts, or fine art, whatever.

This is a result -- there was a case called the Salander-O'Reilly Galleries case in which the successor to the artist who created the art that was in the gallery could not get the benefits nor the control of that piece of art.

And this is trying to clearly define who has standing under the law. And by cross-referencing the EPTL definitions, the bill will help avoid confusion and needless costly litigation while protecting the consignors who may otherwise forgo their rights.

SENATOR DUANE: And through you,

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

SENATOR LITTLE: Yes, I will continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR DUANE: If the purpose of the legislation -- I believe I heard the sponsor say is -- well, I heard the sponsor say two things, the artist's heir and then also all consignors. But the consignor may not be the heir.

So explicitly, does not this legislation only protect the artist's heir and not all consignors?

SENATOR LITTLE: It protects -- to my understanding, it protects the artist or the artist's heir in an estate in trust case.

The bill will add teeth to the existing trust property and trust fund provisions of Article 11 and 12 of the New York ACAL. In addition, the bill will provide clarity to prevent unintended interpretations of certain provisions from interfering with the intended application of

these provisions.

SENATOR DUANE: Through you, Mr. President. Although I must admit I don't understand all the references to the statute as per they're being initialed -- you know, referred to by their initials and not their complete titles.

When I say all consignors, let me try to give an example and follow it up with a question, if the sponsor would so yield.

SENATOR LITTLE: Yes, I continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR DUANE: Suppose Jasper Johns, who is one of my favorite artists, has consigned to a gallery and -- say both are consigned to a gallery, but one is consigned by a Jasper Johns heir and the other is consigned by another individual, not an heir or -- an institution of some sort, a museum or school, St. Ambrose's School or a hospital, whatever.

The way I understand or read this law, only the heir would be protected and not

the entity that was consigned the other Jasper Johns work of art. Is that correct?

SENATOR LITTLE: Mr. President, yes, I'll try to explain.

It is for the artist who consigns their art to a dealer. And if that artist dies or has beneficiaries, it goes to their heirs or it goes to their trust and whoever is involved in their trust.

So that the dealer -- what happened in this particular case is apparently the dealer was using that art, that piece of art that had value, against their debt. And it does not belong to them. It is only consigned to them. It is still in the control of the artist and the heirs, even if it's not the artist himself.

Now, if someone goes into that dealership and purchases that art, then the commission goes back to the artist and they have no control over it after that; the art has been sold.

And it is particular. It doesn't cover antiques. It's covering art and crafts, fine art by the artists. Who apparently have

been taken advantage of, particularly if the artist themself dies.

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR DUANE: I understand that we're talking about pieces of art or crafts from a craftsperson. However -- I understand that this protects the heir. However, for instance, the sponsor just brought up an example, the heir might be in debt.

Well, suppose Jasper Johns gave a piece of art to an heir who was in debt and gave another piece of art to, you know, a private Lutheran elementary school that was in debt. Why is it that only the human heir is protected and not -- for instance, although there could be many other possibilities, why not the other entity, like an elementary school that also needed the proceeds, perhaps even more than the heir?

Why is it only the heir and not

other circumstances of which the artist may have had in mind that they wanted that entity to get the proceeds as well, to be the beneficiaries?

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

If I may, I believe you have confused the debt. We're talking about if the dealer, who is the one you have consigned the piece of art to, and the artist dies, they use that value against their debt. Not the artist's. So the artist has lost control, they do not own that piece of art.

And this is to clarify that. That piece of art is only there for consignment.

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR LITTLE: Yes, I do.

SENATOR DUANE: Why is it only

one category that's being protected and not another potential category, which -- of which could equally deserve the protection that this legislation endeavors to provide?

SENATOR LITTLE: As far as a category of art, you mean like an antique? Is the Senator asking for something different than art?

The reason that it's art and crafts is because that's where the need occurred and where the clarification needed to be made.

We're trying to protect the beneficiary of the estate. So an artist leaves all of this art or prints that are in a consignment shop, the artist dies, the family, the heirs or the person that has been given -- the representative, they are the successor of interest here. They do not lose control or ownership of that art.

SENATOR DUANE: Mr. President, let me -- if I may continue to ask the sponsor to yield.

ACTING PRESIDENT GRIFFO: Senator Little, do you continue to yield?

SENATOR LITTLE: Yes, I continue to yield.

ACTING PRESIDENT GRIFFO: Senator Duane, maybe you can be specific to the question?

SENATOR DUANE: I believe I am being specific. But I'll try to be even -- razor-sharply specific.

The consignor in this bill is the heir. The heir, as the consignor, is being protected. But if the consignor is St. Ambrose Lutheran Parochial School, then it is not being protected. And why is that?

SENATOR LITTLE: Probably because they didn't die and go into a trust. If they owned the art, they would still be getting the commission. They are still the consignor to the consignee, who is the dealer.

I don't understand the differential. We're talking about trying to maintain the ownership from the artist and the persons of interest and the successor of interest and the trust, should that artist die.

Now, if it's owned by a school, I

am sure there is a trust of the school or a board of the school or an ownership of the school that continues to own that art and would be protected.

SENATOR DUANE: Through you, Mr. President, if the sponsor would yield on that point.

ACTING PRESIDENT GRIFFO: Senator Little, do you yield?

SENATOR LITTLE: Yes, I yield.

ACTING PRESIDENT GRIFFO: Senator Little yields.

SENATOR DUANE: That is not specifically referenced in the bill.

In other words, the heir could be a person but the heir could also be an entity, which should have as much right to control it -- if that was the artist's desire -- as the person heir.

SENATOR LITTLE: If the title has passed to the school, then they do not need protection, they own it.

The successor in interest -- and I would repeat this, this is in the bill. This bill has passed the Assembly. It

has the support of the art groups. The successor in interest shall mean a personal representative, testamentary beneficiary, trustee or beneficiary of a lifetime trust or an heir, including heirs who acquire the work of fine art, craft, or print from the artist or craftsperson or from another heir or beneficiary of the artist or craftsperson, which terms shall have the same meanings as set forth in the Estates, Powers and Trusts Law. Which is what we're talking about.

And in the interests of time, I believe I've explained the bill as best I can, and I will not yield again. Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Little.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President. Then on the bill.

ACTING PRESIDENT GRIFFO: Senator Duane on the bill.

SENATOR DUANE: I understand that the sponsor uses the word "heir," and that immediately conjures up a human. But the beneficiary or heir, H-E-I-R, does not

necessarily have to be a person.

Now, the case that the sponsor refers to and uses the example happens to be a person. I get that. But there is another scenario by which an artist has the right to have a nonperson, some kind of entity, be the heir, the beneficiary. And why are they not as protected?

I believe there's a famous candidate running for a very big office that said -- and I'm talking about not-for-profit corporations -- but this person said that corporations were people. Not-for-profit corporations can be left things, art. They are not protected by this. Only a person would be protected by this, and not the other intended, potential intended beneficiary, which may not be a person but some other kind of institution.

So my point is, if we are opening up this law, why are we only doing this? Is it because this particular family came to the sponsor and said, "Our family has this problem"? Or is that just a random example? It's unclear.

The law -- this legislation only protects -- by the way, it only protects consignors of fine art but not other tangible property. I don't know, even costume jewelry that's of value these days is not -- well, I guess that would be art. But something that may be not considered -- a book or, I don't know, we can think of -- an album. You know. Remember albums? Okay, furniture. Well, it could be art. A wig.

But someone consigns a piece of art and a diamond ring or a Herkimer diamond, a Herkimer diamond, for instance. This law doesn't cover the Herkimer diamond.

So if we are to open this bill up, why is it only for Jasper Johns or whoever, I don't know who this family is, and not for the poor widow who leaves her Herkimer diamond to, say, Dominican Commercial High School -- which it's too late for them. So the Mary Louis Academy. Why are we only protecting one and not the other?

So well-intentioned though the bill is, I don't know, I feel as if we should do a more -- if we're going to open up the

legislation, let's just do it once and cover all of the potential impacts.

And so I'm not recommending how people should vote, but I am encouraging people to have a sleepless night thinking about the dilemma that this piece of legislation has now put on all of us as Senators.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Duane.

Hearing and seeing no other Senator, debate is closed. The Secretary will ring the bell.

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: In relation to Calendar Number 1018: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

Absent from voting: Senator Diaz.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1087, by the Assembly Committee on Rules, Assembly Print 10622, an act to authorize.

SENATOR BRESLIN: Explanation.

ACTING PRESIDENT GRIFFO: Senator Breslin has requested -- Senator Gianaris?

SENATOR GIANARIS: I would like to thank Senator Breslin for his question and explain the purpose of this bill.

It is a parkland alienation in my district that will move certain parkland from the control of the Parks Department to the New York City Housing Authority. And it is for the purposes of allowing a development to go forward that will actually enhance the property which is being alienated and will not result in any reduction in parkland either.

It is an issue on which I've been working since my first days in the Senate and does have the support of all of the community representatives in the affected area. And for

that reason, I believe it's a good bill.

ACTING PRESIDENT GRIFFO:

Senator Squadron, why do you rise?

SENATOR SQUADRON: Thank you.

If the sponsor would yield for a question.

SENATOR GIANARIS: Yes, I will.

ACTING PRESIDENT GRIFFO:

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe it's a Rules bill. Senator Gianaris stood up and said he would like to explain it, which he did, but I don't believe he's the sponsor of the bill.

SENATOR GIANARIS: If I may, Mr. President, on the Open Senate website I am listed as the sponsor. On LRS I am also listed as the Senator who requested this legislation. So I believe on all the official records I am the only Senator listed on this legislation.

SENATOR LIBOUS: It's before the house as a Rules bill. Senator Gianaris may have a similar bill, but the bill that is before us is a Rules bill, and it is Number 1087, Senate Print --

ACTING PRESIDENT GRIFFO:

Senator Gianaris, it is --

SENATOR GIANARIS: -- 7517.

ACTING PRESIDENT GRIFFO:

Senator Gianaris, it is -- Senator Gianaris, it is a Rules bill. You had the opportunity, because Senator Breslin asked for an explanation, to rise to provide input on the bill. But if Senator Squadron is going to ask questions, I would ask Senator Libous to designate someone from the Rules Committee to answer those questions.

SENATOR GIANARIS: If I may, I'm respectful of the President's decision, but would like to point out that Senator Libous and I are discussing the same bill. I have documentation from our own Senate's website that lists my name as the only name of a Senator on the bill. The Legislative Retrieval research services also lists my name as the only name on this exact bill, 7517 in the Senate.

So I'll ask for forgiveness if I misunderstood, but it seems like I'm the sponsor, according to all the official

records.

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, let him debate the bill.

ACTING PRESIDENT GRIFFO: Okay.

SENATOR GIANARIS: Thank you.

SENATOR SQUADRON: If Senator Gianaris would yield for a question.

SENATOR GIANARIS: Yes, I will.

ACTING PRESIDENT GRIFFO: Senator Gianaris yields.

SENATOR SQUADRON: Thank you. This actually is related to the point that was just being discussed, the parliamentary point that was just being discussed.

I actually do want to understand, because I have a long-standing practice of voting against bills sponsored by Senator Rules, since Senator Rules doesn't exist, doesn't represent anyone, and doesn't have the sort of accountability that we have here.

And it's something I've discussed many times before. The hour is late. If

anyone is interested in further conversation, I'm available to discuss it, but I have a long-standing policy on that.

You did describe the bill. I know it's in your district. I also know that the Senate has a long-standing sort of prerogative for people within their district for issues like this: changes in parkland, property tax issues, other hyperlocal issues.

So I just want to understand before the vote, Senator Gianaris, since this is -- through you, Mr. President, since this is Senator Gianaris's district and he is listed, that he supports this and that it makes sense and, if so, why Senator Rules is involved here.

ACTING PRESIDENT GRIFFO: Senator Gianaris -- you rose, Senator Squadron, to ask a question specific to the bill. So if there's a question relative to the bill, ask the question. Not relative to the procedures of the house.

So what is your question relative to the bill?

SENATOR GIANARIS: I understood

his question.

SENATOR SQUADRON: Thank you. Thank you.

ACTING PRESIDENT GRIFFO: You will speak -- Senator Gianaris, under Rule 3 and the authority vested in the chair, you will speak to the germaneness of the bill. So it's the bill in chief that's in question, not the procedure.

SENATOR SQUADRON: Thank you, Mr. President. I understand.

I'm asking since the parcel of land in question lies within Senator Gianaris's district and there's a long-standing prerogative of this house for the Senator who represents an area on a local bill of this sort, if Senator Gianaris supports this bill.

ACTING PRESIDENT GRIFFO: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

The short answer is I do not know. This is a project I've been working on for some time. I had language very similar to

this drafted and ready to go. And much to my chagrin, it was introduced as a Rules bill without my consultation.

In fact, I do need to give thanks to Senator Lanza, who's not in the chamber at the moment. But I believe when this passed through Cities, he made a point on the record of noting that this is an issue on which I had worked and that he suggested that it be a bill that bore my name, before the Rules designation on this bill.

So it was a decision made by others. Nonetheless, I'm glad the bill is getting done, because I do support it, Mr. President.

SENATOR SQUADRON: Thank you. On the bill.

ACTING PRESIDENT GRIFFO: Senator Squadron on the bill.

SENATOR SQUADRON: Thank you.

So as I said, I have a long-standing policy against voting for bills sponsored by Senator Rules. I appreciate Senator Gianaris describing his view on this. I believe last year there was a bill affecting

something in Senator Krueger's district where, similarly, Senator Krueger stood up and said that this was in her district and she thought it made sense.

So I will be voting yes on this bill despite my broader opposition to bills sponsored by the Rules Committee.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Squadron.

Seeing and hearing no other Senator, the debate is closed and the Secretary will ring the bell.

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.

Absent from voting: Senator Diaz.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous, that completes

the controversial reading of Supplemental Active List Number 2.

SENATOR LIBOUS: Thank you, Mr. President. Can we take up the noncontroversial reading of Supplemental Calendar Number 60C, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1430, by Senator Stavisky, Senate Print 1789, 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1431, by Senator Ranzenhofer --

SENATOR LIBOUS: Lay the bill aside for the day.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1432, by Senator Lanza, Senate Print 4225B, an act to amend the Judiciary 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1433, by Senator Lanza, Senate Print 6029, 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: In relation to Calendar 1433, those recorded in the negative are Senators Montgomery, Parker and Perkins.

Ayes, 57. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1434, by Senator Ritchie, Senate Print 6156, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 1434, those recorded in the negative are Senators Avella, Breslin, Dilan, Duane, Gianaris, Hassell-Thompson, Krueger, Montgomery, Oppenheimer, Parker, Peralta, Perkins, Rivera, Squadron, Stavisky and Stewart-Cousins. Also Senator Serrano.

Ayes, 43. Nays, 17.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: In relation to Calendar Number 1435, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 10592 and substitute it for the identical Senate Bill Number 6526A, Third Reading Calendar 1435.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1435, by the Assembly Committee on Rules, Assembly Print 10592, an act to amend 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 1438, Senator Little moves to discharge, from the Committee on Rules, Assembly Bill Number 9943C and substitute it for the identical Senate Bill Number 7013C, Third Reading Calendar 1438.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1438, by Member of the Assembly Brindisi, Assembly Print 9943C, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 1438, those recorded in the negative are Senators Adams, Ball, Bonacic, Breslin, Carlucci, DeFrancisco, Dilan, Duane,

Farley, Hassell-Thompson, Krueger, Larkin, Montgomery, Parker, Perkins, Ritchie, Sampson, Serrano, Seward and Stewart-Cousins. Also Senator Oppenheimer.

SENATOR LIBOUS: Mr. President, can we have some order on the roll call, please.

ACTING PRESIDENT GRIFFO: I ask for order in the house.

SENATOR DUANE: Mr. President. Mr. President, point of order.

ACTING PRESIDENT GRIFFO: One second, Senator Duane.

Senator Duane, what is your point of order?

SENATOR DUANE: I'm just wondering, are we going to hear the vote results?

ACTING PRESIDENT GRIFFO: The Secretary is tallying the votes. We had some noise in the chamber; the Secretary is attempting to --

(Laughter.)

ACTING PRESIDENT GRIFFO: The Secretary is counting the roll, Senator Duane.

Announce the results.

THE SECRETARY: In relation to Calendar 1438, those recorded in the negative are Senators Adams, Addabbo, Avella, Bonacic, Breslin, Carlucci, DeFrancisco, Dilan, Duane, Gianaris, Hassell-Thompson, Kennedy, Krueger, Montgomery, Oppenheimer, Parker, Peralta, Perkins, Ritchie, Rivera, Sampson, Serrano, Seward, Smith, Squadron, Stavisky and Stewart-Cousins.

Ayes, 33. Nays, 27.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1439, by Senator Seward, Senate Print --

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

ACTING PRESIDENT GRIFFO: Senator Seward's bill is high and will be laid aside for the day.

THE SECRETARY: Calendar Number 1440, by Senator Ball, Senate Print 7359A, an act to amend the 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1441, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill 10248B and substitute it for the identical Senate Bill Number 7384A, Third Reading Calendar 1441.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1441, by Member of the Assembly Rivera, Assembly Print 10248B, an act to amend the Social Services 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1442, Senator O'Mara moves to discharge, from the Committee on Rules, Assembly Bill 10107 and substitute it for the identical Senate Bill Number 7424, Third Reading Calendar 1442.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1442, by Member of the Assembly Palmesano, Assembly Print 10107, 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1443, Senator Lanza moves to discharge, from the Committee on Rules, Assembly Bill Number 10573 and substitute it for the identical Senate Bill Number 7467, Third Reading Calendar 1443.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1443, by the Assembly Committee on Rules, Assembly Print Number 10573, an act to amend 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1444, by Senator Larkin, Senate Print 7700, an act to amend the Uniform City Court Act.

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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1445, by Senator O'Mara, Senate Print 7734, an act to amend the Navigation Law.

ACTING PRESIDENT GRIFFO: A home-rule message has not been received.

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

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

THE SECRETARY: In relation to

Calendar Number 1446, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 10719 and substitute it for the identical Senate Bill Number 7756, Third Reading Calendar 1446.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1446, by the Assembly Committee on Rules, Assembly Print 10719, 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 same date and in the same manner as a chapter of the Laws of 2012.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 1447, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 8932A and substitute it for the identical Senate Bill Number 7766, Third Reading Calendar 1447.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1447, by Member of the Assembly Scarborough, Assembly Print 8932A, 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.

SENATOR RIVERA: Mr. President, point of order.

ACTING PRESIDENT GRIFFO: Senator Rivera, what is your point of order?

SENATOR RIVERA: Maybe I'm unclear, but these bills that we've been voting on, the last two or three are marked as high in our calendar. Is that correct or is that incorrect?

ACTING PRESIDENT GRIFFO: That is correct, Senator Rivera. However, the Assembly bills have been substituted. And the Assembly bills have aged and were eligible for consideration before the house.

SENATOR RIVERA: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: The Secretary will continue.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe from Calendar Number 1448 through 1453, unless something has changed with the Assembly, they are also all high.

ACTING PRESIDENT GRIFFO: That is correct, Senator Libous.

SENATOR LIBOUS: So then if the bills are high, we can --

ACTING PRESIDENT GRIFFO: They

will be laid aside for the day.

SENATOR LIBOUS: -- lay them aside.

Mr. President, at this point the Senate will stand at ease. There will be another active list coming out shortly. And we're at ease.

ACTING PRESIDENT GRIFFO: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 10:49 p.m.)

(Whereupon, the Senate reconvened at 11:13 p.m.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Mr. President, is there any further business at the desk?

ACTING PRESIDENT GRIFFO: There is no further business at the desk.

SENATOR LIBOUS: Then I have a very important announcement.

There being no further business, Mr. President, I move that the Senate adjourn

until Thursday, June 21st, at 10:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Thursday, June 21st, at 10:00 a.m.

Senate adjourned.

(Whereupon, at 11:14 p.m., the Senate adjourned.)