

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 June 20, 2012

11 10:19 a.m.

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13
14 REGULAR SESSION

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18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

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

13 Rabbi?

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

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

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

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

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

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

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

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

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

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

1 convictions and sound moral judgment always
2 govern our actions.

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

10 And let us say amen.

11 ACTING PRESIDENT GRIFFO: Thank
12 you, Rabbi.

13 The reading of the Journal.

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

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: On page 7,

1 Senator Hannon moves to discharge, from the
2 Committee on Rules, Assembly Bill Number
3 9664B and substitute it for the identical
4 Senate Bill Number 6493B, Third Reading
5 Calendar 240.

6 ACTING PRESIDENT GRIFFO:
7 Substitution ordered.

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

13 ACTING PRESIDENT GRIFFO:
14 Substitution ordered.

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

20 ACTING PRESIDENT GRIFFO:
21 Substitution ordered.

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

1 Bill Number 6719A, Third Reading Calendar 622.

2 ACTING PRESIDENT GRIFFO:

3 Substitution ordered.

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

9 ACTING PRESIDENT GRIFFO:

10 Substitution ordered.

11 THE SECRETARY: On page 26,
12 Senator Carlucci moves to discharge, from the
13 Committee on Rules, Assembly Bill Number
14 10039B and substitute it for the identical
15 Senate Bill Number 7103A, Third Reading
16 Calendar 876.

17 ACTING PRESIDENT GRIFFO:

18 Substitution ordered.

19 THE SECRETARY: On page 31,
20 Senator Seward moves to discharge, from the
21 Committee on Rules, Assembly Bill Number
22 10532A and substitute it for the identical
23 Senate Bill Number 7306B, Third Reading
24 Calendar 998.

25 ACTING PRESIDENT GRIFFO:

1 Substitution ordered.

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

8 ACTING PRESIDENT GRIFFO:
9 Substitution ordered.

10 Messages from the Governor.
11 Reports of standing committees.
12 Reports of select committees.
13 Communications and reports from
14 state officers.

15 Motions and resolutions.
16 Senator Libous.

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

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

1 ACTING PRESIDENT GRIFFO: The
2 Secretary will read.

3 THE SECRETARY: Calendar Number
4 240, substituted earlier by Member of the
5 Assembly Brindisi, Assembly Print Number
6 9664B, an act to amend the Public Health Law.

7 ACTING PRESIDENT GRIFFO: Read
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 50.

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 289, substituted earlier by Member of the
19 Assembly Magee, Assembly Print Number 8329A,
20 an act to amend the Agriculture and Markets
21 Law.

22 ACTING PRESIDENT GRIFFO: Read
23 the last section.

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

1 ACTING PRESIDENT GRIFFO: Call
2 the roll.

3 (The Secretary called the roll.)

4 SENATOR LIBOUS: Lay the bill
5 aside for the day.

6 ACTING PRESIDENT GRIFFO: Lay it
7 aside for the day.

8 THE SECRETARY: Calendar Number
9 315, by Senator Smith, Senate Print 3781B, an
10 act to amend the Banking Law.

11 ACTING PRESIDENT GRIFFO: Read
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 50.

19 ACTING PRESIDENT GRIFFO: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 328, by Senator Ball --

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

25 ACTING PRESIDENT GRIFFO: Lay it

1 aside for the day.

2 THE SECRETARY: Calendar Number
3 356, by Senator Martins, Senate Print --

4 SENATOR BRESLIN: Lay it aside.

5 ACTING PRESIDENT GRIFFO: Lay it
6 aside.

7 THE SECRETARY: Calendar Number
8 360, by Senator Hannon, Senate Print 6550B, an
9 act to authorize.

10 ACTING PRESIDENT GRIFFO: Read
11 the last section.

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

14 ACTING PRESIDENT GRIFFO: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 43. Nays,
18 2. Senators Bonacic and Larkin recorded in
19 the negative.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 377, by Senator Golden, Senate Print 2708, an
24 act to amend Chapter 912 of the Laws of 1920.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 48. Nays,
8 2. Senators Lanza and Ranzenhofer recorded in
9 the negative.

10 ACTING PRESIDENT GRIFFO: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 434, by Senator LaValle, Senate Print 1856A,
14 an act to amend the Correction Law.

15 ACTING PRESIDENT GRIFFO: Read
16 the last section.

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

19 ACTING PRESIDENT GRIFFO: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 48. Nays,
23 2. Senators Hassell-Thompson and Rivera
24 recorded in the negative.

25 ACTING PRESIDENT GRIFFO: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 465, by Senator Hannon, Senate Print 6742A, an
4 act to amend Chapter 56 of the Laws of 2012.

5 ACTING PRESIDENT GRIFFO: Read
6 the last section.

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

9 ACTING PRESIDENT GRIFFO: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 50.

13 ACTING PRESIDENT GRIFFO: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 534, substituted earlier by Member of the
17 Assembly Bronson, Assembly Print Number 8620C,
18 an act to amend the Public Health Law.

19 ACTING PRESIDENT GRIFFO: Read
20 the last section.

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

23 ACTING PRESIDENT GRIFFO: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT GRIFFO:

2 Senator Griffo to explain his vote.

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

5 You know, this legislation,
6 especially for New York State, is one of a
7 kind, and it requires that central service
8 technicians in healthcare facilities be
9 certified.

10 And people don't realize this,
11 because these people work behind the scenes,
12 but these central service technicians are
13 responsible for ensuring that the
14 instrumentation and equipment used in
15 medical-surgical procedures is actually clean,
16 disinfected, inspected and sterilized, to
17 protect the safety of the patients.

18 So the goal of this legislation
19 is to make sure they have up-to-date
20 continuing education, and really to protect
21 patients. I mean, it cost hospitals in
22 New Jersey that started this before almost
23 \$27 million a year in infections that happened
24 as a result of the equipment not being
25 sterilized properly.

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

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

10 Announce the results.

11 THE SECRETARY: Ayes, 50.

12 ACTING PRESIDENT GRIFFO: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 564, by Senator Ranzenhofer, Senate Print
16 6614A, an act to amend the Education Law.

17 ACTING PRESIDENT GRIFFO: Read
18 the last section.

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

21 ACTING PRESIDENT GRIFFO: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT GRIFFO:
25 Announce the results.

1 THE SECRETARY: Ayes, 49. Nays,

2 1. Senator Zeldin recorded in the negative.

3 ACTING PRESIDENT GRIFFO: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 613, by Senator Marcellino, Senate Print
7 6194D, an act to amend the Arts and Cultural
8 Affairs Law.

9 ACTING PRESIDENT GRIFFO: Read
10 the last section.

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

13 ACTING PRESIDENT GRIFFO: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 50.

17 ACTING PRESIDENT GRIFFO: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 622, substituted earlier by the Assembly
21 Committee on Rules, Assembly Print Number
22 10546, an act to amend the Parks, Recreation
23 and Historic Preservation Law.

24 ACTING PRESIDENT GRIFFO: Read
25 the last section.

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

3 ACTING PRESIDENT GRIFFO: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 50.

7 ACTING PRESIDENT GRIFFO: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 637, substituted earlier by Member of the
11 Assembly Brennan, Assembly Print Number 9941,
12 an act to amend the Public Authorities Law.

13 ACTING PRESIDENT GRIFFO: Read
14 the last section.

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

17 ACTING PRESIDENT GRIFFO: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 50.

21 ACTING PRESIDENT GRIFFO: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 724, by Senator Marcellino, Senate Print
25 3674A, an act to amend the Tax Law.

1 ACTING PRESIDENT GRIFFO: Read
2 the last section.

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

5 ACTING PRESIDENT GRIFFO: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 50.

9 ACTING PRESIDENT GRIFFO: The
10 bill is passed.

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

13 The Secretary will read Calendar
14 761.

15 THE SECRETARY: Calendar Number
16 761, by Senator LaValle, Senate Print 7055A,
17 an act to amend the Environmental Conservation
18 Law.

19 ACTING PRESIDENT GRIFFO: Read
20 the last section.

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

23 ACTING PRESIDENT GRIFFO: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 50.

2 ACTING PRESIDENT GRIFFO: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 827, by Senator Seward, Senate Print 6578B, an
6 act in relation to authorizing.

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

9 The Secretary will read the last
10 section.

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

13 ACTING PRESIDENT GRIFFO: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT GRIFFO:
17 Announce the results.

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

25 Ayes, 34. Nays, 17.

1 ACTING PRESIDENT GRIFFO: The
2 bill is passed.

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

5 The Secretary will read Calendar
6 876.

7 THE SECRETARY: Calendar Number
8 876, substituted earlier today by Member of
9 the Assembly Ortiz, Assembly Print 10039B, an
10 act to amend the Public Health Law.

11 ACTING PRESIDENT GRIFFO: Read
12 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 51.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 884, by Senator Ranzenhofer --

24 SENATOR BRESLIN: Lay it aside.

25 ACTING PRESIDENT GRIFFO: Lay

1 the bill aside.

2 THE SECRETARY: Calendar Number
3 907, by Senator Hannon, Senate Print 6701, an
4 act to authorize the assessor.

5 ACTING PRESIDENT GRIFFO: Read
6 the last section.

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

9 ACTING PRESIDENT GRIFFO: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 49. Nays,
13 2. Senators Bonacic and Larkin recorded in
14 the negative.

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 938, by Senator Klein, Senate Print 6725, an
19 act to amend the Penal Law.

20 ACTING PRESIDENT GRIFFO: Read
21 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT GRIFFO:

4 Senator Klein to explain his vote.

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

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

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

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

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

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

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

11 Announce the results.

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

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 939, by Senator Carlucci, Senate Print 6746A,
19 an act to amend the Penal Law.

20 ACTING PRESIDENT GRIFFO: Read
21 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 52.

4 ACTING PRESIDENT GRIFFO: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 996, by Senator Seward, Senate Print 5024, an
8 act to amend the Insurance Law.

9 ACTING PRESIDENT GRIFFO: Read
10 the last section.

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

13 ACTING PRESIDENT GRIFFO: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 52.

17 ACTING PRESIDENT GRIFFO: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 998, substituted earlier by the Assembly
21 Committee on Rules, Assembly Print Number
22 10532A, an act to amend the Insurance Law.

23 ACTING PRESIDENT GRIFFO: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 52.

6 ACTING PRESIDENT GRIFFO: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 999, by Senator Seward, Senate Print 7314A, an
10 act to amend the Insurance Law.

11 ACTING PRESIDENT GRIFFO: Read
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 52.

19 ACTING PRESIDENT GRIFFO: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 1006, substituted earlier by Member of the
23 Assembly Abbate, Assembly Print Number 9423,
24 an act to amend the Civil Service Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 50. Nays,
8 2. Senators Dilan and Rivera recorded in the
9 negative.

10 ACTING PRESIDENT GRIFFO: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1034, by Senator Hannon, Senate Print --

14 SENATOR BRESLIN: Lay it aside.

15 ACTING PRESIDENT GRIFFO: Lay it
16 aside.

17 THE SECRETARY: Calendar Number
18 1128, by Senator Ranzenhofer, Senate Print
19 7191, an act to incorporate the Main-Transit
20 Volunteer Exempt Firefighter's Benevolent
21 Association.

22 ACTING PRESIDENT GRIFFO: Read
23 the last section.

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

1 ACTING PRESIDENT GRIFFO: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 52.

5 ACTING PRESIDENT GRIFFO: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 1298, by Senator Libous, Senate Print 7686, an
9 act to amend the Alcoholic Beverage Control
10 Law.

11 ACTING PRESIDENT GRIFFO: Read
12 the last section.

13 SENATOR BRESLIN: Lay it aside.

14 ACTING PRESIDENT GRIFFO: Lay
15 the bill aside.

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

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

1 controversial calendar and debate whatever
2 bills are on the floor.

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

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

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

19 SENATOR LIBOUS: Mr. President.

20 ACTING PRESIDENT GRIFFO:
21 Senator Libous.

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

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

5 The Secretary will read.

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

8 THE SECRETARY: Calendar Number
9 884, by Senator Ranzenhofer, Senate Print
10 3999A, an act to amend the Tax Law.

11 SENATOR KRUEGER: Explanation.

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

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

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

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

24 ACTING PRESIDENT GRIFFO: Is the
25 explanation complete?

1 SENATOR RANZENHOFER: Yes.

2 SENATOR KRUEGER: Thank you.

3 Through you, Mr. President, if
4 the sponsor would yield.

5 ACTING PRESIDENT GRIFFO:

6 Senator Ranzenhofer, do you yield?

7 SENATOR RANZENHOFER: Yes, I
8 will, Mr. President.

9 SENATOR KRUEGER: Thank you.

10 ACTING PRESIDENT GRIFFO: The
11 sponsor yields.

12 SENATOR KRUEGER: What does the
13 fiscal note cost for this bill?

14 SENATOR RANZENHOFER: This will
15 actually be a net gain. Because if you put
16 somebody back on the tax rolls, they will then
17 be employed, earning income and paying taxes
18 far in excess of the credit that will be
19 received by the employer.

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

23 SENATOR RANZENHOFER: Yes,
24 Mr. President.

25 ACTING PRESIDENT GRIFFO:

1 Senator Ranzenhofer yields.

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

7 So this is a tax credit for
8 hiring somebody who was on unemployment for
9 two months at least, and so then you would get
10 the tax credit after having them employed for
11 24 months. So one could make the argument
12 that somebody was coming to work and therefore
13 they would pay taxes and that would be
14 revenue.

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

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

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

3 ACTING PRESIDENT GRIFFO:
4 Senator Ranzenhofer.

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

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

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

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR KRUEGER: Thank you.

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

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

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

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

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

22 SENATOR RANZENHOFER: I did
23 complete the answer.

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

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

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

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

11 SENATOR RANZENHOFER: Of course.

12 ACTING PRESIDENT GRIFFO: The
13 sponsor yields.

14 SENATOR KRUEGER: Thank you.

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

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

1 SENATOR RANZENHOFER:

2 Mr. President, I didn't hear the question.

3 ACTING PRESIDENT GRIFFO:

4 Senator Krueger, would you please repeat the
5 question?

6 SENATOR KRUEGER: Certainly. I
7 think our mics are a little low today.

8 ACTING PRESIDENT GRIFFO: I'm
9 going to again ask for a little order in the
10 chamber. Please, may we have order in the
11 chamber.

12 And perhaps the members could
13 continue to discuss succinctly, Senator
14 Krueger.

15 SENATOR KRUEGER: Thank you.

16 So to repeat, I believe, my
17 question, since this is a bill to incentivize
18 employers to choose to hire someone who is
19 unemployed for at least two months, over
20 someone who's currently employed, to jobs --
21 that's the specific purpose of the bill -- why
22 is this bill retroactive?

23 Because this bill would apply to
24 people who have already been hired. Hence, I
25 don't think we need the incentive for that

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

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

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

10 ACTING PRESIDENT GRIFFO: The
11 sponsor yields.

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

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

24 ACTING PRESIDENT GRIFFO:
25 Senator Krueger.

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

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

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

12 ACTING PRESIDENT GRIFFO:
13 Senator Krueger.

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

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

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

23 SENATOR KRUEGER: I'm getting to
24 the question.

25 -- over interpretation over how

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

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

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

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR KRUEGER: Thank you.

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

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

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

6 ACTING PRESIDENT GRIFFO:
7 Senator Ranzenhofer.

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

13 SENATOR KRUEGER: Through you,
14 Mr. President --

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

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

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

22 ACTING PRESIDENT GRIFFO: The
23 sponsor yields.

24 SENATOR KRUEGER: Thank you.
25 We've passed in the last couple

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

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

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

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

1 question.

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

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

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

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

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

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

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

10 ACTING PRESIDENT GRIFFO: The
11 sponsor yields.

12 SENATOR KRUEGER: Thank you.
13 What's the minimum number of
14 hours an employee would need to work per week
15 for them to be defined as eligible for the
16 business to take the credit? I see that they
17 need to work for two years.

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

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

1 ACTING PRESIDENT GRIFFO:

2 Senator Krueger on the bill.

3 SENATOR KRUEGER: Thank you.

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

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

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

25 So if there are 811,000 or

1 800,000 people receiving unemployment
2 benefits, the ability to calculate what the
3 cost to the State of New York would be -- if
4 it was an open-ended 24-month, \$2400 credit
5 for any unemployed worker who's hired, it in
6 fact can be a very large sum of money in any
7 given year.

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

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

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

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

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

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

3 Thank you, Mr. President.

4 ACTING PRESIDENT GRIFFO:
5 Senator Ranzenhofer.

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

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

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

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

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

3 Thank you, Mr. President.

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

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

9 Senator Breslin.

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

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

18 ACTING PRESIDENT GRIFFO: The
19 bell is being rung.

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

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator Libous.

2 (Pause.)

3 ACTING PRESIDENT GRIFFO: Read
4 the last section.

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

7 ACTING PRESIDENT GRIFFO: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT GRIFFO: May I
11 have some order in the chamber, please.

12 Senator Stewart-Cousins to
13 explain her vote.

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

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

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

1 for any length of time.

2 There was an ad on Craigslist --

3 ACTING PRESIDENT GRIFFO:

4 Senator Stewart-Cousins, excuse me.

5 {Gaveling.}

6 SENATOR STEWART-COUSINS: Thank
7 you so much.

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

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

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

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

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

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

14 Announce the results.

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

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

20 Ayes, 56. Nays, 1.

21 ACTING PRESIDENT GRIFFO: The
22 bill is passed.

23 Senator Libous.

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

1 Crime and Corrections Committee in Room 332.

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

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

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

9 Mr. President.

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

14 Senator Libous.

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

18 ACTING PRESIDENT GRIFFO: The
19 Secretary will read Calendar 1298.

20 THE SECRETARY: Calendar Number
21 1298, by Senator Libous, Senate Print 7686, an
22 act to amend the Alcoholic Beverage Control
23 Law.

24 ACTING PRESIDENT GRIFFO:
25 Senator Krueger.

1 SENATOR KRUEGER: Explanation,
2 please.

3 ACTING PRESIDENT GRIFFO: An
4 explanation has been requested.

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

9 Senator Libous, an explanation.

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

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

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

20 SENATOR LIBOUS: Sure.

21 ACTING PRESIDENT GRIFFO: The
22 sponsor yields.

23 SENATOR KRUEGER: Thank you.

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

1 would apply.

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

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

11 SENATOR LIBOUS: I will,
12 Mr. President.

13 ACTING PRESIDENT GRIFFO: The
14 sponsor yields.

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

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

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

4 SENATOR LIBOUS: I would yield.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR KRUEGER: Thank you.

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

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

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

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

1 ACTING PRESIDENT GRIFFO: The
2 sponsor yields.

3 SENATOR LIBOUS: I will.

4 SENATOR KRUEGER: Thank you.

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

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

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

17 SENATOR LIBOUS: Yes, I will.

18 SENATOR KRUEGER: Thank you.

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

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

1 existing exemptions.

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

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

12 ACTING PRESIDENT GRIFFO: The
13 sponsor yields.

14 SENATOR LIBOUS: Sure,
15 Mr. President.

16 SENATOR KRUEGER: So the sponsor
17 believes that if this bill became law, the
18 option would be there at the State Liquor
19 Authority, as opposed to this law taking away
20 the power of the Liquor Authority to apply the
21 200-foot rule?

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

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

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

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

11 ACTING PRESIDENT GRIFFO: The
12 sponsor yields.

13 SENATOR KRUEGER: Thank you.

14 Well, I know of one example.

15 It's in my district --

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

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

21 ACTING PRESIDENT GRIFFO: Please
22 pose the question.

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

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

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

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

11 SENATOR LIBOUS: I will.

12 ACTING PRESIDENT GRIFFO: The
13 sponsor yields.

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

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

1 what this amendment does.

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

5 SENATOR LIBOUS: Yes,
6 Mr. President.

7 ACTING PRESIDENT GRIFFO: The
8 sponsor yields.

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

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

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

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

1 to yield.

2 SENATOR LIBOUS: I will.

3 ACTING PRESIDENT GRIFFO: The
4 sponsor yields.

5 SENATOR KRUEGER: Thank you.

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

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

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

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

22 ACTING PRESIDENT GRIFFO: The
23 sponsor yields.

24 SENATOR LIBOUS: I will.

25 SENATOR KRUEGER: Thank you.

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

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

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

17 So again -- I'm sorry, I've lost
18 track of the question. Would the sponsor
19 agree that it should be the situation where
20 the neighboring church or school within
21 200 feet should have the right to say "No,
22 this is not acceptable"?

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

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

8 SENATOR LIBOUS: Mr. President.

9 ACTING PRESIDENT GRIFFO:
10 Senator Libous.

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

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

19 SENATOR LIBOUS: Yes.

20 ACTING PRESIDENT GRIFFO: The
21 sponsor yields.

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

1 the sponsor hopes to pass?

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

4 ACTING PRESIDENT GRIFFO:
5 Senator Krueger.

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

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

10 SENATOR LIBOUS: Sure.

11 ACTING PRESIDENT GRIFFO: The
12 sponsor yields.

13 SENATOR KRUEGER: Thank you.

14 Is the sponsor aware that in the
15 case of the Rose Group Catering Company at
16 583 Park Avenue that they actually went to
17 court to try to overturn the SLA denial of
18 their license and lost their case at the
19 Supreme Court level, at the appellate level,
20 and the Court of Appeals refused to take the
21 appeal? Is the sponsor aware of this fact?

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

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

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

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

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

16 ACTING PRESIDENT GRIFFO:
17 Senator Krueger on the bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 The decision is many pages long.

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

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

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

25 ACTING PRESIDENT GRIFFO: One

1 second, Senator Krueger.

2 SENATOR KRUEGER: Certainly.

3 ACTING PRESIDENT GRIFFO:

4 Senator Libous, do you yield?

5 SENATOR LIBOUS: For a few
6 questions.

7 SENATOR KRUEGER: Thank you.

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

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

21 ACTING PRESIDENT GRIFFO:

22 Senator Libous.

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

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

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

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

11 ACTING PRESIDENT GRIFFO: The
12 sponsor yields.

13 SENATOR LIBOUS: Yeah, sure.

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

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

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

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

4 SENATOR LIBOUS: Sure.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

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

11 SENATOR LIBOUS: Could she
12 repeat the question?

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

15 SENATOR KRUEGER: Certainly.
16 There was a law review commission
17 recommending changes in the ABC Law or SLA law
18 several years ago. Does the sponsor believe
19 this bill is consistent with the commission
20 recommendations for changes in our SLA law?

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

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

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

4 SENATOR KRUEGER: Thank you.
5 On the bill, Mr. President.

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

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

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

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

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

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

25 So on the bill, Mr. President.

1 ACTING PRESIDENT GRIFFO:

2 Senator Krueger on the bill.

3 SENATOR KRUEGER: Thank you.

4 I'm asking my colleagues to think
5 about how they would vote on the bill if they
6 actually thought they had the situation in
7 their district where their neighboring church
8 said they were opposed, the community said
9 they were opposed, the equivalent of the local
10 government -- in my case, a community board --
11 said they were opposed, the operation had gone
12 to court and tried but lost.

13 Knowing all that, would they
14 actually want to support a bill that would
15 negate all those community historical
16 participatory supports or opposition to
17 specific situations in their community?

18 I would argue I don't know too
19 many of my colleagues who would submit a bill
20 allowing this or even vote for a bill allowing
21 this if they didn't get the support of the
22 community.

23 We have passed this session --
24 well, of course I had to lose a week in here,
25 but I think in this session we have passed at

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

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

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

20 Thank you, Mr. President.

21 ACTING PRESIDENT GRIFFO: Thank
22 you, Senator Krueger.

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

1 Senator Libous.

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

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

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

14 ACTING PRESIDENT GRIFFO: Thank
15 you, Senator Libous.

16 The bell has been rung. The
17 Secretary will read the last section.

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

20 ACTING PRESIDENT GRIFFO: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT GRIFFO:
24 Announce the results.

25 THE SECRETARY: In relation to

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

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

11 Ayes, 35. Nays, 17.

12 ACTING PRESIDENT GRIFFO: The
13 bill is passed.

14 SENATOR LIBOUS: Mr. President.

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

17 THE SECRETARY: Also Senator
18 McDonald in the negative.

19 Ayes, 34. Nays, 18.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 Senator Libous.

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

25 Mr. President, at this time could

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

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

7 THE SECRETARY: Calendar Number
8 23, by Senator Dilan, Senate Print 1362A, an
9 act to amend the Vehicle and Traffic Law.

10 ACTING PRESIDENT GRIFFO: Read
11 the last section.

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

14 ACTING PRESIDENT GRIFFO: Call
15 the roll.

16 (The Secretary called the roll.)

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

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 122, by Senator DeFrancisco --

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

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

3 THE SECRETARY: On page 30,
4 Senator Libous moves to discharge, from the
5 Committee on Judiciary, Assembly Bill Number
6 9390B and substitute it for the identical
7 Senate Bill Number 6522B, Third Reading
8 Calendar 985.

9 ACTING PRESIDENT GRIFFO: The
10 substitution is so ordered.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 985, by Member of the Assembly Morelle,
14 Assembly Print Number 9390B, an act to amend
15 the Real Property Law.

16 ACTING PRESIDENT GRIFFO: Read
17 the last section.

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

20 ACTING PRESIDENT GRIFFO: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT GRIFFO: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 1050, by Senator Little, Senate Print 346A, an
3 act to amend the Tax Law.

4 ACTING PRESIDENT GRIFFO: Read
5 the last section.

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

8 ACTING PRESIDENT GRIFFO: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT GRIFFO: The
13 bill is passed.

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

19 ACTING PRESIDENT GRIFFO: The
20 substitution is so ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 1111, by the Assembly Committee on Rules,
24 Assembly Print 10543, an act to amend the
25 Public Authorities Law.

1 ACTING PRESIDENT GRIFFO: Read
2 the last section.

3 THE SECRETARY: Section 2. This
4 act shall take effect on the same date and in
5 the same manner as a chapter of the Laws of
6 2012.

7 ACTING PRESIDENT GRIFFO: Call
8 the roll.

9 (The Secretary called the roll.)

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

12 ACTING PRESIDENT GRIFFO: The
13 bill is passed.

14 THE SECRETARY: On page 39,
15 Senator Zeldin moves to discharge, from the
16 Committee on Rules, Assembly Bill Number 7837C
17 and substitute it for the identical Senate
18 Bill Number 5420C, Third Reading Calendar
19 1114.

20 ACTING PRESIDENT GRIFFO: The
21 substitution is so ordered.

22 There is a home-rule message at
23 the desk.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 1114, by Member of the Assembly Murray,
2 Assembly Print Number 7837C, an act in
3 relation to authorizing.

4 ACTING PRESIDENT GRIFFO: Read
5 the last section.

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

8 ACTING PRESIDENT GRIFFO: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT GRIFFO:
12 Senator Oppenheimer to explain her vote.

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

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

25 It is definitely the major source

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

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

11 Thank you. I'll be voting no.

12 ACTING PRESIDENT GRIFFO:

13 Senator Oppenheimer to be recorded in the
14 negative.

15 Announce the results.

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

22 Ayes, 45. Nays, 15.

23 ACTING PRESIDENT GRIFFO: The
24 bill is passed.

25 Senator Libous, that completes

1 the noncontroversial reading of Supplemental
2 Active List Number 1.

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

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

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

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

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

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

25 (Whereupon, the Senate reconvened

1 at 12:36 p.m.)

2 SENATOR LIBOUS: Mr. President.

3 ACTING PRESIDENT GRIFFO:

4 Senator Libous.

5 SENATOR LIBOUS: Can we return
6 to motions and resolutions.

7 Can we close the door, please.

8 Sergeant-at-Arms, close the door, please.

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

11 SENATOR LIBOUS: Close the door,
12 please.

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

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

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

24 ACTING PRESIDENT GRIFFO: The
25 Secretary will read.

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

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

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

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

1 of Long Island; and

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

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

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

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

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

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

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

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

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

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

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

22 ACTING PRESIDENT GRIFFO:
23 Senator Zeldin.

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

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

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

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

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

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

1 or from their businesses, to help their
2 community.

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

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

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

21 (Applause.)

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

25 As noted, the resolution had been

1 previously adopted.

2 Senator Libous.

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

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

10 ACTING PRESIDENT GRIFFO: So
11 ordered.

12 SENATOR LIBOUS: We'll remain
13 at ease.

14 ACTING PRESIDENT GRIFFO: The
15 Senate remains at ease.

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

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

20 SENATOR LIBOUS: Mr. President.

21 ACTING PRESIDENT GRIFFO:
22 Senator Libous.

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

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

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

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

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

12 ACTING PRESIDENT GRIFFO:
13 Senator DeFrancisco.

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

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

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

1 ACTING PRESIDENT GRIFFO: Thank
2 you, Senator DeFrancisco.

3 Senator Robach.

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

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

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

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

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

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

6 Thank you, Mr. President.

7 ACTING PRESIDENT GRIFFO:

8 Senator Klein.

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

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

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

19 (Laughter.)

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

1 good background and truly a commitment to
2 public service.

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

11 I'm proud to second the
12 nomination.

13 ACTING PRESIDENT GRIFFO:
14 Senator Marcellino.

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

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

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

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

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

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

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

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

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

4 Mr. President, I proudly vote
5 aye.

6 ACTING PRESIDENT GRIFFO:
7 Senator Libous.

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

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

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

1 but throughout the state.

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

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

6 Senator Diaz.

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

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

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

25 Another reason that I should be

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

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

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

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

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

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

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

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

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

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

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

12 Thank you.

13 ACTING PRESIDENT GRIFFO:
14 Senator Fuschillo.

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

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

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

1 We just approved his nomination
2 in the Finance Committee, and Senator Nozzolio
3 raised some very important issues facing
4 statewide for the labor, building trades and
5 other trade unions throughout New York State.
6 And I echoed his sentiments because of what
7 we're facing on Long Island with some of the
8 building trades and members that have 30, 40,
9 50 percent unemployment, and it's of great
10 concern to us.

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

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

18 Mr. President, I vote yes on this
19 nomination.

20 ACTING PRESIDENT GRIFFO:
21 Senator Hassell-Thompson.

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

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

1 use the term very restrictively.

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

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

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

1 those who are voiceless.

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

9 Thank you, Mr. President.

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

15 (Response of "Aye.")

16 ACTING PRESIDENT GRIFFO:
17 Opposed?

18 (Response of "Nay.")

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

23 (Standing ovation.)

24 ACTING PRESIDENT GRIFFO:
25 Assemblyman Rivera is joined today by his

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

3 The Secretary will read.

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

7 ACTING PRESIDENT GRIFFO:
8 Senator DeFrancisco.

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

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

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

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

1 and I proudly move his nomination.

2 ACTING PRESIDENT GRIFFO:

3 Senator Farley.

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

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

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

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

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

24 (Response of "Aye.")

25 ACTING PRESIDENT GRIFFO:

1 Opposed?

2 (No response.)

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

7 (Applause.)

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

12 The Secretary will read.

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

16 ACTING PRESIDENT GRIFFO:
17 Senator DeFrancisco.

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

21 ACTING PRESIDENT GRIFFO: One.

22 SENATOR DeFRANCISCO: Okay. And
23 that is Christina Hernandez?

24 ACTING PRESIDENT GRIFFO:
25 Correct.

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

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

6 ACTING PRESIDENT GRIFFO:
7 Senator Nozzolio.

8 SENATOR NOZZOLIO: Thank you,
9 Mr. President. Thank you, Senator
10 DeFrancisco.

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

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

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

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

14 ACTING PRESIDENT GRIFFO:
15 Senator Rivera.

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

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

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

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

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

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

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator Rivera.

2 Senator Gallivan.

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

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

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

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

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

25 Thank you, Mr. President.

1 ACTING PRESIDENT GRIFFO: Thank
2 you, Senator Gallivan.

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

8 (Response of "Aye.")

9 ACTING PRESIDENT GRIFFO:
10 Opposed?

11 (No response.)

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

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

18 (Applause.)

19 ACTING PRESIDENT GRIFFO: The
20 Secretary will read.

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

24 ACTING PRESIDENT GRIFFO:
25 Senator DeFrancisco.

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

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

9 ACTING PRESIDENT GRIFFO:
10 Senator Nozzolio.

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

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

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

25 That Kevin has been no stranger

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

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

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

20 ACTING PRESIDENT GRIFFO: Thank
21 you, Senator Nozzolio.

22 Senator Seward.

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

25 I too would like to rise to

1 second the confirmation of Kevin Ludlow to
2 continue as a member of the Parole Board.
3 I've known Kevin for some 35 years. It's hard
4 to imagine two young guys like us would have a
5 35-year friendship, but it's true. And I can
6 personally attest to his good character, his
7 keen abilities, and just an overall good guy.

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

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

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

1 stand to second his confirmation.

2 All the best, Kevin.

3 ACTING PRESIDENT GRIFFO: Thank
4 you, Senator Seward.

5 Senator Farley.

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

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

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

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

1 (Response of "Aye.")

2 ACTING PRESIDENT GRIFFO:

3 Opposed?

4 (No response.)

5 ACTING PRESIDENT GRIFFO:

6 G. Kevin Ludlow, of Sauquoit, is hereby
7 reappointed and confirmed as a member of the
8 New York State Board of Parole.

9 Congratulations, Kevin.

10 (Applause.)

11 ACTING PRESIDENT GRIFFO: The
12 Secretary will read.

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

16 ACTING PRESIDENT GRIFFO:
17 Senator DeFrancisco.

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

22 ACTING PRESIDENT GRIFFO: Thank
23 you, Senator DeFrancisco.

24 Senator Nozzolio.

25 SENATOR NOZZOLIO: Thank you,

1 Mr. President. Thank you, Senator
2 DeFrancisco.

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

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

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

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

25 ACTING PRESIDENT GRIFFO: The

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

5 (Response of "Aye.")

6 ACTING PRESIDENT GRIFFO:

7 Opposed?

8 (No response.)

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

12 Congratulations.

13 (Applause.)

14 ACTING PRESIDENT GRIFFO: The
15 Secretary will read.

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

19 ACTING PRESIDENT GRIFFO:

20 Senator DeFrancisco.

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

1 ACTING PRESIDENT GRIFFO:

2 Senator Nozzolio.

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

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

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

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

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

1 service on the Board of Parole.

2 Thank you, Mr. President.

3 ACTING PRESIDENT GRIFFO:

4 Senator Klein.

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

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

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

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

22 ACTING PRESIDENT GRIFFO:

23 Senator Rivera.

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

1 nomination of Commissioner Ferguson.

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

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

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

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

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

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

8 Thank you, Mr. President.

9 ACTING PRESIDENT GRIFFO: Thank
10 you, Senator Rivera.

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

16 (Response of "Aye.")

17 ACTING PRESIDENT GRIFFO:

18 Opposed?

19 (No response.)

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

24 Congratulations, Mr. Ferguson.

25 (Applause.)

1 ACTING PRESIDENT GRIFFO: The
2 Secretary will read.

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

6 ACTING PRESIDENT GRIFFO:
7 Senator DeFrancisco.

8 SENATOR DeFRANCISCO: Yes, I
9 move the nomination.

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

19 He was an assistant DA for Erie
20 County. I was an assistant DA for Onondaga
21 County. He was a captain in the U.S. Air
22 Force. I was a captain in the U.S. Air
23 Force.

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

1 and we should be all supporting his
2 nomination.

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

6 ACTING PRESIDENT GRIFFO:
7 Senator Young.

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

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

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

17 (Laughter.)

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

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

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

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

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

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

25 ACTING PRESIDENT GRIFFO:

1 Senator Nozzolio.

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

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

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

16 (Laughter.)

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

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

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

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

4 (Response of "Aye.")

5 ACTING PRESIDENT GRIFFO:

6 Opposed?

7 (No response.)

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

11 Congratulations, Mr. Sharkey.

12 (Applause.)

13 ACTING PRESIDENT GRIFFO:

14 Joining Mr. Sharkey today is his wife,
15 Elizabeth. We welcome you to the gallery.

16 The Secretary will read.

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

20 ACTING PRESIDENT GRIFFO:

21 Senator DeFrancisco.

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

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

5 ACTING PRESIDENT GRIFFO:
6 Senator Nozzolio.

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

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

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

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

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

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

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

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

20 ACTING PRESIDENT GRIFFO:
21 Senator Grisanti.

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

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

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

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

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

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

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

25 And congratulations, Marc.

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

3 ACTING PRESIDENT GRIFFO:
4 Senator Ranzenhofer.

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

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

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

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

18 ACTING PRESIDENT GRIFFO:
19 Senator Kennedy.

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

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

1 always a Senator.

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

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

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

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

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

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

13 Thank you very much,
14 Mr. President.

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

20 (Response of "Aye.")

21 ACTING PRESIDENT GRIFFO:
22 Opposed?

23 (No response.)

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

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

3 Congratulations, Marc.

4 (Appause.)

5 ACTING PRESIDENT GRIFFO:

6 Joining Marc in the chambers today is his
7 wife, Denise. We welcome you, Denise.

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

11 The Secretary will continue to
12 read.

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

17 ACTING PRESIDENT GRIFFO:

18 Senator DeFrancisco.

19 SENATOR DeFRANCISCO: I move the
20 nominations.

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

1 favor signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT GRIFFO:

4 Opposed?

5 (No response.)

6 ACTING PRESIDENT GRIFFO: The
7 nominees are hereby confirmed.

8 The Secretary will read.

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

12 ACTING PRESIDENT GRIFFO:

13 Senator DeFrancisco.

14 SENATOR DeFRANCISCO: Move the
15 nomination.

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

21 (Response of "Aye.")

22 ACTING PRESIDENT GRIFFO:

23 Opposed?

24 (No response.)

25 ACTING PRESIDENT GRIFFO:

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

3 The Secretary will read.

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

7 ACTING PRESIDENT GRIFFO:
8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: Move the
10 nomination.

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

16 (Response of "Aye.")

17 ACTING PRESIDENT GRIFFO:
18 Opposed?

19 (No response.)

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

23 The Secretary will read.

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

1 Corporation, Robert R. Dyson, of Millbrook.

2 ACTING PRESIDENT GRIFFO:

3 Senator DeFrancisco.

4 SENATOR DeFRANCISCO: Move the
5 nomination.

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

11 (Response of "Aye.")

12 ACTING PRESIDENT GRIFFO:

13 Opposed?

14 (No response.)

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

19 The Secretary will read.

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

24 ACTING PRESIDENT GRIFFO:

25 Senator DeFrancisco.

1 SENATOR DeFRANCISCO: Move the
2 nomination.

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

8 (Response of "Aye.")

9 ACTING PRESIDENT GRIFFO:
10 Opposed?

11 (No response.)

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

16 The Secretary will read.

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

21 ACTING PRESIDENT GRIFFO:
22 Senator DeFrancisco.

23 SENATOR DEFRANCISCO: Move the
24 nomination.

25 ACTING PRESIDENT GRIFFO: The

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

6 (Response of "Aye.")

7 ACTING PRESIDENT GRIFFO:

8 Opposed?

9 (No response.)

10 ACTING PRESIDENT GRIFFO:

11 Mr. Burgett is hereby confirmed as a member
12 and chair of the Allegany State Park,
13 Recreation and Historic Preservation
14 Commission.

15 The Secretary will read.

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

22 ACTING PRESIDENT GRIFFO:

23 Senator DeFrancisco.

24 SENATOR DeFRANCISCO: Move the
25 nominations.

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

7 (Response of "Aye.")

8 ACTING PRESIDENT GRIFFO:
9 Opposed?

10 (No response.)

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

15 The Secretary will read.

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

21 ACTING PRESIDENT GRIFFO:
22 Senator DeFrancisco.

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

1 ACTING PRESIDENT GRIFFO:

2 Senator Bonacic.

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

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

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

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

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

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

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

10 Thank you, Mr. President.

11 ACTING PRESIDENT GRIFFO:

12 Senator Seward.

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

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

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

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

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

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

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

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

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

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

10 ACTING PRESIDENT GRIFFO:
11 Senator Little.

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

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

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

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

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

9 ACTING PRESIDENT GRIFFO:
10 Senator Larkin.

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

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

18 (Laughter.)

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

25 And I think for an operation like

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

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

10 God bless you.

11 ACTING PRESIDENT GRIFFO:

12 Senator DeFrancisco.

13 SENATOR DeFRANCISCO:

14 Mr. Parete is not only a great nominee, he has
15 helped me substantially by being nominated by
16 the Governor.

17 I've been in political life for
18 35 years. I've been elected since school
19 board all the way on for 20 years in the
20 Senate. That's 35 years. And people have
21 always asked me, "Why do you do it? People
22 are always going after you for something. The
23 paper never finds anything right that you do."

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

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

2 (Laughter.)

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

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

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

10 (Laughter.)

11 SENATOR DeFRANCISCO: Thank you.

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

17 (Response of "Aye.")

18 ACTING PRESIDENT GRIFFO:
19 Opposed?

20 (No response.)

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

25 Congratulations, Mr. Parete, and

1 welcome.

2 (Applause.)

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will read.

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

11 ACTING PRESIDENT GRIFFO:
12 Senator DeFrancisco.

13 SENATOR DeFRANCISCO: Move the
14 nominations.

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

21 (Response of "Aye.")

22 ACTING PRESIDENT GRIFFO:
23 Opposed?

24 (No response.)

25 ACTING PRESIDENT GRIFFO: The

1 nominees are hereby confirmed.

2 The Secretary will read.

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

7 ACTING PRESIDENT GRIFFO:
8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: Move the
10 nomination.

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

16 (Response of "Aye.")

17 ACTING PRESIDENT GRIFFO:
18 Opposed?

19 (No response.)

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

23 The Secretary will read.

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

1 Carroll, of Oswego.

2 ACTING PRESIDENT GRIFFO:

3 Senator DeFrancisco.

4 SENATOR DeFRANCISCO: Move the
5 nomination.

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

11 (Response of "Aye.")

12 ACTING PRESIDENT GRIFFO:

13 Opposed?

14 (No response.)

15 ACTING PRESIDENT GRIFFO:

16 Mr. Carroll has been confirmed as a member of
17 the Port of Oswego Authority.

18 The Secretary will read.

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

22 ACTING PRESIDENT GRIFFO:

23 Senator DeFrancisco.

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

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

5 And I proudly move the
6 nomination.

7 ACTING PRESIDENT GRIFFO:
8 Senator Fuschillo.

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

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

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

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

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

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

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

12 ACTING PRESIDENT GRIFFO:
13 Senator Farley.

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

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

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

1 person of integrity and honor.

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

6 ACTING PRESIDENT GRIFFO:
7 Senator Perkins.

8 SENATOR PERKINS: Thank you very
9 much.

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

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

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

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

6 ACTING PRESIDENT GRIFFO: Thank
7 you, Senator Perkins.

8 Senator Krueger.

9 SENATOR KRUEGER: Thank you so
10 much.

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

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

25 Thank you, Mr. President.

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

6 (Response of "Aye.")

7 ACTING PRESIDENT GRIFFO:
8 Opposed?

9 (No response.)

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

13 Senator DeFrancisco, that
14 completes the nominations before the Senate.

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

18 ACTING PRESIDENT GRIFFO:
19 Senator Squadron.

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

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

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

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

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

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

25 It has basically free and clear

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

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

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

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

21 Thank you, Mr. President.

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

25 Senator Libous.

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

3 Could you please call on Senator
4 Carlucci for a statement.

5 ACTING PRESIDENT GRIFFO:
6 Senator Carlucci.

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

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

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

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

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

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

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

12 Thank you, Mr. President.

13 ACTING PRESIDENT GRIFFO: Thank
14 you, Senator Carlucci.

15 Senator Libous.

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

19 ACTING PRESIDENT GRIFFO:
20 Senator Ruth Hassell-Thompson.

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

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

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

4 Senator Libous.

5 SENATOR LIBOUS: Mr. President,
6 there will be a Rules Committee promptly at
7 2:40 in Room 332.

8 ACTING PRESIDENT GRIFFO: There
9 will be a Rules Committee meeting promptly at
10 2:40, promptly at 2:40 p.m. in Room 332.

11 Until such time, the Senate
12 stands at ease.

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

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

17 SENATOR LIBOUS: Mr. President.

18 ACTING PRESIDENT GRIFFO:
19 Senator Libous.

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

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

1 ACTING PRESIDENT GRIFFO:

2 Reports of standing committees.

3 The Secretary will read the
4 report of the Rules Committee.

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

8 Senate Print 489, by Senator
9 Robach, an act to amend the Real Property Tax
10 Law;

11 1583A, by Senator Oppenheimer, an
12 act to amend the Education Law;

13 2554, by Senator Maziarz, an act
14 to amend the General Business Law;

15 4119, by Senator Lanza, an act to
16 amend the Penal Law;

17 4357, by Senator Young, an act to
18 amend the Education Law;

19 5104, by Senator Ball, an act to
20 amend the Penal Law;

21 5693, by Senator Griffo, an act
22 to amend the Vehicle and Traffic Law;

23 6132A, by Senator Klein, an act
24 to amend the Penal Law;

25 6726, by Senator Larkin, an act

1 to amend the Public Health Law;
2 6967A, by Senator McDonald, an
3 act to amend the Highway Law;
4 7032A, by Senator McDonald, an
5 act to amend the Highway Law;
6 7246, by Senator Flanagan, an act
7 to amend Chapter 658 of the Laws of 2002;
8 7252, by Senator Marcellino, an
9 act to amend the Alcoholic Beverage Control
10 Law;
11 7255C, by Senator McDonald, an
12 act to authorize;
13 7279A, by Senator Martins, an act
14 to amend the Education Law;
15 7427A, by Senator McDonald, an
16 act in relation to authorizing;
17 7469, by Senator Bonacic, an act
18 to amend Chapter 672 of the Laws of 1993;
19 7498, by Senator Young, an act
20 making certain findings;
21 7534, by Senator Golden, an act
22 to amend the Tax Law;
23 7548, by Senator Saland, an act
24 to amend the Domestic Relations Law;
25 7561, by Senator McDonald, an act

1 to amend the Insurance Law;
2 7629, by Senator Maziarz, an act
3 to amend the Public Officers Law;
4 7633, by Senator Bonacic, an act
5 to amend the Vehicle and Traffic Law;
6 7636, by Senator Alesi, an act to
7 amend the Public Health Law;
8 7657, by Senator Savino, an act
9 directing;
10 7659, by Senator Little, an act
11 to amend the Environmental Conservation Law;
12 7695, by Senator Little, an act
13 to amend Chapter 138 of the Laws of 1998;
14 7698, by Senator LaValle, an act
15 to amend the Education Law;
16 7731, by Senator Bonacic, an act
17 to amend the State Finance Law;
18 7746, by Senator Golden, an act
19 to amend the Insurance Law;
20 7747, by Senator Robach, an act
21 to amend the Civil Service Law;
22 And Senate 7749, by Senator
23 McDonald, an act to amend the Executive Law.
24 All bills reported direct to
25 third reading.

1 ACTING PRESIDENT GRIFFO:

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President,
4 I move we accept the report of the Rules
5 Committee.

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

9 (Response of "Aye.")

10 ACTING PRESIDENT GRIFFO:
11 Opposed?

12 (No response.)

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

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President,
17 could we go back to the active list earlier
18 today.

19 ACTING PRESIDENT GRIFFO: We
20 may.

21 SENATOR LIBOUS: And without
22 objection, I would like to go to Calendar
23 Number 356 and move it to noncontroversial and
24 then call the roll.

25 ACTING PRESIDENT GRIFFO:

1 Without objection, so ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 356, by Senator Martins, Senate Print 1824A,
5 an act to amend the General Municipal Law.

6 ACTING PRESIDENT GRIFFO: Read
7 the last section.

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

10 ACTING PRESIDENT GRIFFO: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT GRIFFO:
14 Senator Krueger to explain her vote.

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

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

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

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

12 Thank you.

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

16 Senator Martins to explain his
17 vote.

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

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

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

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

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

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

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

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

3 Thank you, Mr. President.

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

7 Senator Stewart-Cousins to
8 explain her vote.

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

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

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

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

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

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

12 Announce the results.

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

21 Ayes, 35. Nays, 25.

22 ACTING PRESIDENT GRIFFO: The
23 bill is passed.

24 Senator Libous.

25 SENATOR LIBOUS: Mr. President,

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

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

8 THE SECRETARY: Calendar Number
9 1034, by Senator Hannon, Senate Print 7144, an
10 act to amend the Education Law.

11 ACTING PRESIDENT GRIFFO: Read
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call
16 the roll.

17 (The Secretary called the roll.)

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

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

25 But there are examples -- lots of

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

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

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

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

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

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

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

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

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

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

21 Announce the results.

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

1 Ayes, 54. Nays, 6.

2 ACTING PRESIDENT GRIFFO: The
3 bill is passed.

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

6 SENATOR LIBOUS: It's actually
7 this afternoon.

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

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

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

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

19 THE SECRETARY: Calendar Number
20 1352, by Senator Robach, Senate Print 489, an
21 act to amend the Real Property Tax Law.

22 ACTING PRESIDENT GRIFFO: Read
23 the last section.

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

1 ACTING PRESIDENT GRIFFO: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 60.

5 ACTING PRESIDENT GRIFFO: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 1373, by Senator Oppenheimer, Senate Print
9 1583A, an act to amend the Education Law.

10 ACTING PRESIDENT GRIFFO: Read
11 the last section.

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

14 ACTING PRESIDENT GRIFFO: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT GRIFFO:
18 Announce the results.

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

22 ACTING PRESIDENT GRIFFO: The
23 bill is passed.

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

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

5 ACTING PRESIDENT GRIFFO: The
6 substitution is so ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 1374, by Member of the Assembly Dinowitz,
10 Assembly Print Number 8965, an act to amend
11 the General Business Law.

12 ACTING PRESIDENT GRIFFO: Read
13 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1375, by Senator Lanza, Senate Print 4119, an
24 act to amend the Penal Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

5 ACTING PRESIDENT GRIFFO: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT GRIFFO: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 1376, by Senator Young --

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

16 ACTING PRESIDENT GRIFFO: Lay it
17 aside for the day.

18 THE SECRETARY: Calendar Number
19 1377, by Senator Ball, Senate Print 5104, an
20 act to amend the Penal Law.

21 ACTING PRESIDENT GRIFFO: Read
22 the last section.

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

1 ACTING PRESIDENT GRIFFO: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 58. Nays,
5 2. Senators Duane and Dilan recorded in the
6 negative.

7 ACTING PRESIDENT GRIFFO: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 1379, by Senator Griffo, Senate Print 5693, an
11 act to amend the Vehicle and Traffic Law.

12 ACTING PRESIDENT GRIFFO: Read
13 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT GRIFFO:
20 Senator Ritchie to explain her vote.

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

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

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

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

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

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

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

20 Announce the results.

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT GRIFFO: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 1380, by Senator Klein, Senate Print 6132A, an

1 act to amend the Penal Law.

2 ACTING PRESIDENT GRIFFO: Read
3 the last section.

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

7 ACTING PRESIDENT GRIFFO: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT GRIFFO: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 1381, by Senator Larkin, Senate Print 6726, an
15 act to amend the Public Health Law.

16 ACTING PRESIDENT GRIFFO: Read
17 the last section.

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

20 ACTING PRESIDENT GRIFFO: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT GRIFFO: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 1382, by Senator McDonald, Senate Print 6967A,
3 an act to amend the Highway Law.

4 ACTING PRESIDENT GRIFFO: Read
5 the last section.

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

8 ACTING PRESIDENT GRIFFO: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT GRIFFO: The
13 bill is passed.

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

20 ACTING PRESIDENT GRIFFO: The
21 substitution is so ordered.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number
24 1383, by Member of the Assembly Jordan,
25 Assembly Print 10263A, an act to amend the

1 Highway Law.

2 ACTING PRESIDENT GRIFFO: Read
3 the last section.

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

6 ACTING PRESIDENT GRIFFO: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT GRIFFO: The
11 bill is passed.

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

18 ACTING PRESIDENT GRIFFO: The
19 substitution is so ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 1384, by Member of the Assembly Nolan,
23 Assembly Print Number 9472, an act to amend
24 Chapter 658 of the Laws of 2002.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 58. Nays,
8 2. Senators Lanza and LaValle recorded in the
9 negative.

10 ACTING PRESIDENT GRIFFO: The
11 bill is passed.

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

18 ACTING PRESIDENT GRIFFO: The
19 substitution is so ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 1385, by Member of the Assembly Schimminger,
23 Assembly Print Number 10096, an act to amend
24 the Alcoholic Beverage Control Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT GRIFFO: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1386, by Senator McDonald, Senate Print 7255C,
12 an act to authorize.

13 ACTING PRESIDENT GRIFFO: Read
14 the last section.

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

17 ACTING PRESIDENT GRIFFO: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT GRIFFO: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 1387, by Senator Martins, Senate Print 7279A,
25 an act to amend the Education Law.

1 ACTING PRESIDENT GRIFFO: Read
2 the last section.

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

5 ACTING PRESIDENT GRIFFO: Call
6 the roll.

7 (The Secretary called the roll.)

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

11 ACTING PRESIDENT GRIFFO: The
12 bill is passed.

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

19 ACTING PRESIDENT GRIFFO: The
20 substitution is so ordered.

21 There is a home-rule message at
22 the desk.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 1388, by Member of the Assembly Reilly,

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

3 ACTING PRESIDENT GRIFFO: Read
4 the last section.

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

7 ACTING PRESIDENT GRIFFO: Call
8 the roll.

9 (The Secretary called the roll.)

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

12 ACTING PRESIDENT GRIFFO: The
13 bill is passed.

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

20 ACTING PRESIDENT GRIFFO: The
21 substitution is so ordered.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number
24 1389, by Member of the Assembly Gunther,
25 Assembly Print Number 10305A, an act to amend

1 Chapter 672 of the Laws of 1993.

2 ACTING PRESIDENT GRIFFO: Read
3 the last section.

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

6 ACTING PRESIDENT GRIFFO: Call
7 the roll.

8 (The Secretary called the roll.)

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

11 ACTING PRESIDENT GRIFFO: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 1390, by Senator Young, Senate Print 7498, an
15 act making certain findings.

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

18 The Secretary will read.

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

21 ACTING PRESIDENT GRIFFO: Call
22 the roll.

23 (The Secretary called the roll.)

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

1 ACTING PRESIDENT GRIFFO: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 1391, by Senator Golden, Senate Print 7534, an
5 act to amend the Tax Law.

6 ACTING PRESIDENT GRIFFO: Read
7 the last section.

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

10 ACTING PRESIDENT GRIFFO: Call
11 the roll.

12 (The Secretary called the roll.)

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

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

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

23 ACTING PRESIDENT GRIFFO: The
24 substitution is so ordered.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 1392, by Member of the Assembly Lavine,
3 Assembly Print 10179A, an act to amend the
4 Domestic Relations Law.

5 ACTING PRESIDENT GRIFFO: Read
6 the last section.

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

9 ACTING PRESIDENT GRIFFO: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT GRIFFO: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 1393, by Senator McDonald, Senate Print
17 7561 --

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

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

22 THE SECRETARY: Calendar Number
23 1394, by Senator Maziarz, Senate Print 7629,
24 an act to amend the Public Officers Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

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

9 ACTING PRESIDENT GRIFFO: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 1395, by Senator Bonacic, Senate Print 7633,
13 an act to amend the Vehicle and Traffic Law.

14 ACTING PRESIDENT GRIFFO: Read
15 the last section.

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

18 ACTING PRESIDENT GRIFFO: Call
19 the roll.

20 (The Secretary called the roll.)

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

23 ACTING PRESIDENT GRIFFO: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1396, by Senator Alesi, Senate Print 7636, an
2 act to amend the Public Health Law.

3 ACTING PRESIDENT GRIFFO: Read
4 the last section.

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

7 ACTING PRESIDENT GRIFFO: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT GRIFFO: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 1398, by Senator Savino, Senate Print 7657, an
15 act directing the Department of
16 Transportation.

17 ACTING PRESIDENT GRIFFO: Read
18 the last section.

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

21 ACTING PRESIDENT GRIFFO: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT GRIFFO: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1399, by Senator Little, Senate Print 7659, an
4 act to amend the Environmental Conservation
5 Law.

6 ACTING PRESIDENT GRIFFO: Read
7 the last section.

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

12 ACTING PRESIDENT GRIFFO: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT GRIFFO: The
17 bill is passed.

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

24 ACTING PRESIDENT GRIFFO: The
25 substitution is so ordered.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 1400, by Member of the Assembly Markey,
4 Assembly Print Number 10198, an act to amend
5 Chapter 138 of the Laws of 1998.

6 ACTING PRESIDENT GRIFFO: Read
7 the last section.

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

10 ACTING PRESIDENT GRIFFO: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT GRIFFO: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 1401, by Senator LaValle --

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

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

22 THE SECRETARY: Calendar Number
23 1402, by Senator Bonacic, Senate Print 7731,
24 an act to amend the State Finance Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT GRIFFO: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1403, by Senator Golden, Senate Print 7746, an
12 act to amend the Insurance Law.

13 ACTING PRESIDENT GRIFFO: Read
14 the last section.

15 THE SECRETARY: Section 9. This
16 act shall take effect 270 days after it shall
17 have become a law.

18 ACTING PRESIDENT GRIFFO: Call
19 the roll.

20 (The Secretary called the roll.)

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

23 ACTING PRESIDENT GRIFFO: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1404, by Senator Robach, Senate Print 7747, an
2 act to amend the Civil Service Law.

3 ACTING PRESIDENT GRIFFO: Read
4 the last section.

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

7 ACTING PRESIDENT GRIFFO: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT GRIFFO: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 1405, by Senator McDonald, Senate Print 7749,
15 an act to amend the Executive Law.

16 ACTING PRESIDENT GRIFFO: Read
17 the last section.

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

20 ACTING PRESIDENT GRIFFO: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT GRIFFO:
24 Senator McDonald to explain his vote.

25 SENATOR McDONALD: Thank you,

1 Mr. President.

2 I want to thank everybody in this
3 body for supporting this bill and caring about
4 this bill so much, thank the people in the
5 Assembly for the same, and our Governor.

6 This is very important. It's
7 just the beginning. It's had the support of
8 so many people throughout the mental health
9 and disabilities community -- people all over
10 this state, in the big cities and the small
11 towns, in the villages and the rural areas.

12 And I stress again, it's just the
13 beginning, but you folks have done a great
14 job. I'm especially grateful to my leader,
15 Dean Skelos, for being such a strong
16 proponent. And I know the Democrats on the
17 other side are equally as strong, and so is
18 the Assembly.

19 When people ask us if we can work
20 together to benefit our great state and the
21 people who need so much help in this state,
22 they can look at this bill, this legislation,
23 and know that we can work together, we will
24 work together, and we have worked together and
25 we're going to work together on a lot of good

1 things.

2 Thank you, sir.

3 ACTING PRESIDENT GRIFFO:

4 Senator McDonald to be recorded in the
5 affirmative.

6 Senator Kennedy to explain his
7 vote.

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

10 First of all, I want to thank the
11 bill's sponsor for bringing this to the
12 floor. I also want to thank the Governor for
13 his leadership in regards to The Justice
14 Center for the protection of people with
15 special needs.

16 New York State must protect our
17 most vulnerable populations. Whether it's
18 providing support services or ensuring
19 individuals' safety, our state needs to step
20 up its efforts. The Justice Center for the
21 Protection of People with Special Needs is an
22 absolutely vital initiative that will protect
23 the safety of people with disabilities who
24 rely on state care.

25 As an occupational therapist

1 myself, I've worked with individuals with
2 disabilities. I understand the great
3 struggles that people with special needs are
4 forced to endure. I've seen firsthand people
5 living with disabilities make great leaps and
6 bounds in their treatments to more fully
7 participate in everyday life.

8 It's such a moving experience to
9 see people live full, happy, independent lives
10 regardless of any disability they may live
11 with. That's why so it's so troubling to hear
12 such traumatic cases of abuse and neglect at
13 care facilities.

14 People with disabilities spend
15 every day living with challenges that none of
16 us have ever fully experienced and some of us
17 never will. For people charged with their
18 care to then abuse and neglect them, it is
19 absolutely unacceptable. It must be stopped.

20 The focus of The Justice Center
21 will be the prevention of abuse and neglect.
22 It will protect people with developmental
23 disabilities and ensure that they have access
24 to the high-quality care that they need and
25 that they deserve.

1 We're talking about 1 million
2 New Yorkers. When 1 million New Yorkers are
3 left unprotected from injustice, pain and
4 suffering, this state is failing the
5 population. It's long overdue for the state
6 to enact real protections for our most
7 vulnerable populations.

8 This is the right thing to do for
9 New Yorkers with disabilities and for all
10 people who reside in New York State.

11 Mr. President, I vote aye.

12 ACTING PRESIDENT GRIFFO:
13 Senator Kennedy to be recorded in the
14 affirmative.

15 Senator LaValle to explain his
16 vote.

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

19 I want to thank Senator McDonald,
20 who has been dogged in protecting those who
21 have disabilities and are frail and really
22 can't speak for themselves or protect
23 themselves.

24 And this bill is the beginning,
25 in my estimation, of sending out a very strong

1 signal to those who are caregivers that you
2 cannot abuse, either by omission or
3 commission, those who are in your charge.

4 And again, to the Governor,
5 Senator McDonald, our Majority Leader and
6 members of the Assembly, this legislation is
7 going to be one of the highlights of what
8 we've done during this session.

9 I vote aye.

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

13 Announce the results.

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 Senator Libous, that completes
18 the noncontroversial reading of Senate
19 Supplemental Calendar 60A.

20 ACTING PRESIDENT GRIFFO: Thank
21 you, Mr. President.

22 At this time could you please
23 call on Senator Ruth Hassell-Thompson.

24 ACTING PRESIDENT GRIFFO:
25 Senator Hassell-Thompson.

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

3 There will be a meeting at 4:20
4 of the Democratic Conference in Room 315.

5 ACTING PRESIDENT GRIFFO: There
6 will be meeting of the Democratic Conference
7 in Room 315 at 4:20.

8 Senator Libous.

9 SENATOR LIBOUS: Mr. President,
10 could we return to motions, please.

11 ACTING PRESIDENT GRIFFO: We
12 will return to motions.

13 SENATOR LIBOUS: Call on Senator
14 Breslin, please.

15 ACTING PRESIDENT GRIFFO:
16 Senator Breslin.

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

19 On behalf of Senator Peralta, I
20 move to amend Senate Bill Number 6722B by
21 striking out the amendments made on 6/14/12
22 and restoring it to its previous print, 6722A.

23 ACTING PRESIDENT GRIFFO: So
24 ordered.

25 SENATOR BRESLIN: Thank you,

1 Mr. President.

2 ACTING PRESIDENT GRIFFO:

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President,
5 there will be a Rules Committee meeting at
6 4:45 in Room 332.

7 ACTING PRESIDENT GRIFFO: There
8 will be a Rules Committee meeting in Room 332
9 promptly at 4:45.

10 SENATOR LIBOUS: That's
11 correct. And we'll stand at ease.

12 ACTING PRESIDENT GRIFFO: The
13 Senate stands at ease.

14 (Whereupon, the Senate stood at
15 ease at 3:59 p.m.)

16 (Whereupon, the Senate reconvened
17 at 5:47 p.m.)

18 ACTING PRESIDENT GRIFFO: The
19 Senate will come to order.

20 Senator Libous.

21 SENATOR LIBOUS: Mr. President,
22 I believe there's a report of the
23 Rules Committee at the desk.

24 ACTING PRESIDENT GRIFFO: The
25 Secretary will read.

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

4 Senate Print 2005A, by Senator
5 Skelos, an act to amend the Correction Law;

6 2935B, by Senator LaValle, an act
7 to amend the Education Law;

8 3760, by Senator DeFrancisco, an
9 act to amend the Navigation Law;

10 3808B, by Senator Fuschillo, an
11 act to amend the Education Law;

12 5224B, by Senator Ranzenhofer, an
13 act to amend the Public Health Law;

14 5356D, by Senator Young, an act
15 to amend the Education Law;

16 5404A, by Senator Martins, an act
17 to amend the Alcoholic Beverage Control Law;

18 6015A, by Senator DeFrancisco, an
19 act to amend the Tax Law;

20 6328, by Senator Kennedy, an act
21 to legalize, validate and ratify;

22 6932, by Senator Kennedy, an act
23 to amend the Racing, Pari-Mutuel Wagering and
24 Breeding Law;

25 6998, by Senator O'Mara, an act

1 to legalize, validate, ratify and confirm;

2 7165A, by Senator Ball, an act to
3 amend the Tax Law;

4 7189, by Senator Dilan, an act to
5 amend the Family Court Act;

6 7343, by Senator DeFrancisco, an
7 act in relation to authorizing;

8 7499A, by Senator Flanagan, an
9 act to amend the Civil Service Law;

10 7500, by Senator Breslin, an act
11 to authorize the County of Albany;

12 7617, by Senator Squadron, an act
13 authorizing and validating;

14 7682, by Senator Nozzolio, an act
15 to amend the Correction Law;

16 7722A, by Senator Flanagan, an
17 act to amend the Education Law;

18 7735A, by Senator Maziarz, an act
19 to amend the Public Health Law;

20 7745, by Senator Hannon, an act
21 to amend the Insurance Law;

22 7769, by Senator Ranzenhofer, an
23 act to amend the State Finance Law;

24 7787, by Senator Seward, an act
25 to amend the Insurance Law;

1 7790, by Senator Young, an act to
2 amend the Labor Law;

3 149B, by Senator Maziarz, an act
4 to amend the Tax Law;

5 And Senate 7519A, by Senator
6 Robach, an act to amend the Education Law.

7 All bills reported direct to
8 third reading.

9 SENATOR LIBOUS: Mr. President.

10 ACTING PRESIDENT GRIFFO:
11 Senator Libous.

12 SENATOR LIBOUS: I move to
13 accept the report of the Rules Committee.

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

17 (Response of "Aye.")

18 ACTING PRESIDENT GRIFFO:
19 Opposed?

20 (No response.)

21 ACTING PRESIDENT GRIFFO: The
22 Rules Committee report is accepted.

23 Senator Libous.

24 SENATOR LIBOUS: Mr. President,
25 at this time if we could have the

1 noncontroversial reading of Supplemental
2 Calendar 60B, please.

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 1378, by Senator Skelos, Senate Print 2005A,
7 an act to amend the Correction Law.

8 ACTING PRESIDENT GRIFFO: Read
9 the last section.

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

12 ACTING PRESIDENT GRIFFO: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 59. Nays,
16 1. Senator Montgomery recorded in the
17 negative.

18 ACTING PRESIDENT GRIFFO: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1397, by Senator LaValle, Senate Print 2935B,
22 an act to amend the Education Law.

23 ACTING PRESIDENT GRIFFO: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 180th day.

2 ACTING PRESIDENT GRIFFO: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 59. Nays,
6 1. Senator Ritchie recorded in the negative.

7 ACTING PRESIDENT GRIFFO: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 1406, by Senator DeFrancisco, Senate Print
11 3760, an act to amend the Navigation Law.

12 ACTING PRESIDENT GRIFFO: Read
13 the last section.

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

17 ACTING PRESIDENT GRIFFO: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT GRIFFO: The
22 bill is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 1407, Senator Fuschillo moves
25 to discharge, from the Committee on Rules,

1 Assembly Bill Number 6301D and substitute it
2 for the identical Senate Bill Number 3808B,
3 Third Reading Calendar 1407.

4 ACTING PRESIDENT GRIFFO: The
5 substitution is so ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 1407, by Member of the Assembly Paulin,
9 Assembly Print Number 6301D, an act to amend
10 the Education Law.

11 ACTING PRESIDENT GRIFFO: Read
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT GRIFFO: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 1408, by Senator Ranzenhofer --

23 SENATOR LIBOUS: Mr. President,
24 I believe the Ranzenhofer bill is high.

25 ACTING PRESIDENT GRIFFO: The

1 bill is high and will be laid aside for the
2 day.

3 SENATOR LIBOUS: Thank you.

4 ACTING PRESIDENT GRIFFO: The
5 Secretary will continue to read.

6 THE SECRETARY: Calendar Number
7 1409, by Senator Young --

8 SENATOR LIBOUS: Mr. President,
9 I believe the Young bill is also high.

10 ACTING PRESIDENT GRIFFO: That
11 is correct, Senator Libous. The Young bill is
12 high and will be laid aside for the day.

13 The Secretary will read.

14 THE SECRETARY: In relation to
15 Calendar Number 1410, Senator Martins moves to
16 discharge, from the Committee on Rules,
17 Assembly Bill Number 5565A and substitute it
18 for the identical Senate Bill Number 5404A,
19 Third Reading Calendar 1410.

20 ACTING PRESIDENT GRIFFO: The
21 substitution is so ordered.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number
24 1410, by Member of the Assembly Heastie,
25 Assembly Print 5565A, an act to amend the

1 Alcoholic Beverage Control Law.

2 ACTING PRESIDENT GRIFFO: Read
3 the last section.

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

6 ACTING PRESIDENT GRIFFO: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 58. Nays,
10 2. Senators Diaz and Duane recorded in the
11 negative.

12 ACTING PRESIDENT GRIFFO: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 1411, by Senator DeFrancisco, Senate Print --

16 SENATOR BRESLIN: Lay it aside.

17 ACTING PRESIDENT GRIFFO: Lay
18 the bill aside.

19 THE SECRETARY: In relation to
20 Calendar Number 1412, Senator Kennedy moves to
21 discharge, from the Committee on Local
22 Government, Assembly Bill Number 7929A and
23 substitute it for the identical Senate Bill
24 Number 6328, Third Reading Calendar 1412.

25 ACTING PRESIDENT GRIFFO: The

1 substitution is so ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 1412, by Member of the Assembly Smardz,
5 Assembly Print Number 7929A, an act to
6 legalize, validate, ratify and confirm.

7 ACTING PRESIDENT GRIFFO: Read
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call
12 the roll.

13 (The Secretary called the roll.)

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

16 ACTING PRESIDENT GRIFFO: The
17 bill is passed.

18 THE SECRETARY: In relation to
19 Calendar Number 1413, Senator Kennedy moves to
20 discharge, from the Committee on Racing,
21 Gaming and Wagering, Assembly Print Number
22 9260 and substitute it for the identical
23 Senate Bill Number 6932, Third Reading
24 Calendar 1413.

25 ACTING PRESIDENT GRIFFO: The

1 substitution is so ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 1413, by Member of the Assembly Pretlow,
5 Assembly Print 9260, an act to amend the
6 Racing, Pari-Mutuel Wagering and Breeding Law.

7 ACTING PRESIDENT GRIFFO: Read
8 the last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect September 1, 2012.

11 ACTING PRESIDENT GRIFFO: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 59. Nays,
15 1. Senator Diaz recorded in the negative.

16 ACTING PRESIDENT GRIFFO: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 1414, by Senator O'Mara, Senate Print 6998, an
20 act to legalize, validate, ratify and confirm.

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

23 The Secretary will read the last
24 section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 60.

6 ACTING PRESIDENT GRIFFO: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 1415, by Senator Ball --

10 SENATOR BRESLIN: Lay it aside.

11 ACTING PRESIDENT GRIFFO: Lay it
12 aside.

13 THE SECRETARY: Calendar Number
14 1416, by Senator Dilan, Senate Print 7189, an
15 act to amend the Family Court Act.

16 ACTING PRESIDENT GRIFFO: Read
17 the last section.

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

20 ACTING PRESIDENT GRIFFO: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT GRIFFO: The
25 bill is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 1417, Senator DeFrancisco
3 moves to discharge, from the Committee on
4 Rules, Assembly Bill Number 10086 and
5 substitute it for the identical Senate Bill
6 Number 7343, Third Reading Calendar 1417.

7 ACTING PRESIDENT GRIFFO: The
8 Substitution is so ordered.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 1417, by Member of the Assembly Magnarelli,
12 Assembly Print Number 10086, an act in
13 relation to authorizing.

14 ACTING PRESIDENT GRIFFO: Read
15 the last section.

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

18 ACTING PRESIDENT GRIFFO: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT GRIFFO: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 1418, by Senator Flanagan, Senate Print 7499A,

1 an act to amend the --

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

4 ACTING PRESIDENT GRIFFO: The
5 bill will be laid aside for the day.

6 The Secretary will continue.

7 THE SECRETARY: Calendar Number
8 1419, by Senator Breslin, Senate Print 7500,
9 an act to authorize the County of Albany.

10 ACTING PRESIDENT GRIFFO: Read
11 the last section.

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

14 ACTING PRESIDENT GRIFFO: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 58. Nays,
18 2. Senators Larkin and O'Mara recorded in the
19 negative.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 THE SECRETARY: In relation to
23 Calendar Number 1420, Senator Squadron moves
24 to discharge, from the Committee on Rules,
25 Assembly Bill Number 10586 and substitute it

1 for the identical Senate Bill Number 7617,
2 Third Reading Calendar 1420.

3 ACTING PRESIDENT GRIFFO: The
4 substitution is so ordered.

5 There is a home-rule message at
6 the desk.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 1420, by the Assembly Committee on Rules,
10 Assembly Print Number 10586, an act
11 authorizing and validating.

12 ACTING PRESIDENT GRIFFO: Read
13 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call
17 the roll.

18 (The Secretary called the roll.)

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

21 ACTING PRESIDENT GRIFFO: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 1421, by Senator Nozzolio, Senate Print 7682,
25 an act to amend the Correction Law.

1 ACTING PRESIDENT GRIFFO: Read
2 the last section.

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

5 ACTING PRESIDENT GRIFFO: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT GRIFFO: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 1422, by Senator Flanagan, Senate Print 7722A,
13 an act --

14 SENATOR LIBOUS: This bill is
15 high, Mr. President.

16 ACTING PRESIDENT GRIFFO: The
17 bill is high and will be laid aside for the
18 day.

19 THE SECRETARY: Calendar Number
20 1423, by Senator --

21 SENATOR LIBOUS: Mr. President,
22 this bill by Senator Maziarz is also high.

23 ACTING PRESIDENT GRIFFO: Yes,
24 Senator Libous, Calendar 1423 is also high and
25 will be laid aside for the day.

1 Calendar Number 1424, the
2 Secretary will continue.

3 THE SECRETARY: Calendar Number
4 1424, by Senator Hannon, Senate Print 7745, an
5 act to amend the Insurance Law.

6 ACTING PRESIDENT GRIFFO: Read
7 the last section.

8 THE SECRETARY: Section 27.
9 This act shall take effect January 1, 2013.

10 ACTING PRESIDENT GRIFFO: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT GRIFFO:
14 Announce the results.

15 THE SECRETARY: In relation to
16 Calendar Number 1424, those recorded in the
17 negative are Senators Griffo, Nozzolio,
18 O'Mara, Seward and Young.

19 Ayes, 55. Nays, 5.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1425, by Senator Ranzenhofer, Senate Print --

24 SENATOR LIBOUS: Mr. President,
25 I believe that the Ranzenhofer bill is also

1 high.

2 ACTING PRESIDENT GRIFFO: The
3 bill is high and will be laid aside for the
4 day.

5 THE SECRETARY: Calendar Number
6 1426, by Senator Seward, Senate Print --

7 SENATOR LIBOUS: And I believe,
8 Mr. President, if I may, the Seward bill is
9 high.

10 ACTING PRESIDENT GRIFFO: The
11 Seward bill is high and will be laid aside for
12 the day.

13 THE SECRETARY: Calendar Number
14 1427, by Senator Young --

15 SENATOR LIBOUS: And,
16 Mr. President, I believe the Young bill is
17 high.

18 ACTING PRESIDENT GRIFFO: The
19 Young bill is high and will be laid aside for
20 the day.

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

23 THE SECRETARY: In relation to
24 Calendar Number 1428, Senator Maziarz moves to
25 discharge, from the Committee on

1 Investigations and Government Operations,
2 Assembly Print Number 34B and substitute it
3 for the identical Senate Bill Number 149B,
4 Third Reading Calendar 1428.

5 ACTING PRESIDENT GRIFFO: The
6 substitution is so ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 1428, by Member of the Assembly Cahill,
10 Assembly Print Number 34B, an act to amend the
11 Tax Law.

12 ACTING PRESIDENT GRIFFO: Read
13 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 Can we have some order in the
23 chamber, please.

24 THE SECRETARY: Calendar Number
25 1429, by Senator Robach, Senate Print 7519A,

1 an act to amend the Education Law.

2 ACTING PRESIDENT GRIFFO: Read
3 the last section.

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

6 ACTING PRESIDENT GRIFFO: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT GRIFFO: The
11 bill is passed.

12 Senator Libous, that completes
13 the noncontroversial reading of Senate
14 Supplemental Calendar 60B.

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

17 At this time we want to go to the
18 controversial reading of the calendar. And we
19 will start with Calendar Number 1411, by
20 Senator DeFrancisco.

21 ACTING PRESIDENT GRIFFO: The
22 Secretary will ring the bell.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 1411, by Senator DeFrancisco, Senate

1 Print 6015A, an act to amend the Tax Law.

2 SENATOR KRUEGER: Explanation,
3 please.

4 ACTING PRESIDENT GRIFFO: A
5 request from Senator Krueger for an
6 explanation has been made, Senator
7 DeFrancisco.

8 SENATOR DeFRANCISCO: This is a
9 modification of the estate tax law in the
10 State of New York which sets the limits
11 comparable to what the federal government is
12 as far as the various exclusions from federal
13 estate tax. The federal government is at
14 \$5 million for the taxable year 2015; ours is
15 less.

16 And if we don't change it to
17 conform to the feds, then we will lose more
18 people to the State of Florida and other
19 states that have lower estate tax returns.

20 We've had a flight from New York
21 State by many wealthy individuals obviously
22 looking to pay less taxes as one of the
23 reasons. And in order to make sure that we
24 won't exacerbate that flight, we need to have
25 this changed in the estate tax law.

1 SENATOR KRUEGER: Through you,
2 Mr. President, if the sponsor would yield for
3 some questions.

4 SENATOR DeFRANCISCO: I would.

5 ACTING PRESIDENT GRIFFO:

6 Senator DeFrancisco yields.

7 SENATOR KRUEGER: Thank you.

8 If this bill became law and it
9 does phase in over the next few years, what
10 would be the estimated annual loss in revenue
11 to the State of New York at its final year?

12 SENATOR DeFRANCISCO: I will
13 quote from Senator Ranzenhofer in an earlier
14 debate. Namely, we believe there will be an
15 increase in taxes because these people will be
16 less likely to flee the State of New York, pay
17 income taxes on their high incomes, for fear
18 of having to get unreasonably taxed on their
19 estate tax.

20 So it's to make certain that we
21 retain high-income people to continue to pay
22 taxes in the State of New York.

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

1 SENATOR DeFRANCISCO: Yes.

2 ACTING PRESIDENT GRIFFO: The
3 sponsor yields.

4 SENATOR KRUEGER: Thank you.

5 Unlike my earlier discussion with
6 Senator Ranzenhofer, which involved hiring
7 people and tax credits, this is a tax that
8 applies after you're deceased. So you can't
9 argue it creates jobs.

10 So again, based on the current
11 law compared to this law, can you estimate
12 what the loss specifically in estate-tax
13 revenue to the State of New York would be?

14 SENATOR DeFRANCISCO: Well,
15 Senator, individuals who make their decision
16 where to live usually make those decisions
17 before they die. And they do that to plan on
18 what's best for their family.

19 And so people flee the State of
20 New York before they die to take advantage of
21 lower estate taxes. While they're still
22 living, if we could keep them here,
23 presumably, if they're not working, they're at
24 least paying taxes on whatever income they're
25 receiving, and if not that, at least sales

1 taxes, property taxes and other taxes.

2 So I still believe in the long
3 run you have an increase in the tax base by
4 keeping these individuals in the State of
5 New York.

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

9 SENATOR DeFRANCISCO: Yes.

10 ACTING PRESIDENT GRIFFO: The
11 sponsor yields.

12 SENATOR KRUEGER: So I can
13 accept my colleague's analysis that there may
14 be cause and effect with other tax revenue or
15 population numbers with tax policy.

16 But will he, just for the record,
17 agree with me that on the actual estate tax
18 currently collected by the State of New York,
19 which is approximately \$1.1 billion, that his
20 bill would cut that revenue approximately in
21 half by 2015 and after?

22 SENATOR DeFRANCISCO: Well, I do
23 not know the number. And it would depend on
24 the wealth of the individual at the time of
25 their death. I don't know the number. I

1 would assume that there should be some
2 reduction in the estate tax, but the offset of
3 the other taxes outweighs what reductions in
4 the estate tax would be.

5 And I would ask if Senator
6 Krueger would yield to a question.

7 ACTING PRESIDENT GRIFFO:
8 Senator Krueger, would you yield?

9 Let me ask the chamber to please
10 come to order -- it's getting a little noisy
11 here -- so the members can hear each other.

12 Senator Krueger, do you yield?

13 SENATOR KRUEGER: Happily.

14 ACTING PRESIDENT GRIFFO:
15 Senator DeFrancisco, Senator Krueger yields.

16 SENATOR DeFRANCISCO: Senator
17 Krueger, your district is probably one of if
18 not the highest-wealth district in the state.
19 Have you ever run into a situation where
20 people left the State of New York and one of
21 the considerations was the high estate tax
22 that would substantially reduce the estate
23 that would be passed on to their families?

24 SENATOR KRUEGER: Through you,
25 Mr. President, sometimes I hear people say

1 that they might do that to me.

2 But if you look at the data, not
3 just for my own district but for the State of
4 New York, we are actually not losing
5 millionaires to flight. We are actually --
6 certainly in my district, and I believe it's a
7 statewide statistic, we are gaining
8 millionaires, even though we currently have an
9 estate tax.

10 So I think that for wealthy
11 people as well as other people, they just love
12 New York so much and they love my district so
13 much that they stay here. And I hear far more
14 from people who say "I care about the state, I
15 care about public services, I'm rich, I can
16 afford to pay the taxes, it's okay." I hear
17 far more from them than constituents who tell
18 me that's it, they're moving out of state
19 because of estate taxes.

20 SENATOR DeFRANCISCO: I'd love
21 to see the study that you're talking about in
22 general terms, if you can could provide it to
23 me at some point.

24 SENATOR KRUEGER: Through you,
25 Mr. President, I would be happy to share

1 various studies -- probably not here on the
2 floor tonight -- about the population changes
3 and the demographics of where the wealthy in
4 this country live and the reasons that they go
5 from Point A to Point B, because there
6 actually have been some very good economic
7 studies done.

8 But for the record, the sponsor's
9 own memo to his bill agrees with me that it
10 would cost the State of New York \$500 million
11 when fully phased in. So it wasn't my number,
12 it's actually the sponsor's memo's number.

13 If the sponsor would continue to
14 yield.

15 ACTING PRESIDENT GRIFFO:
16 Senator DeFrancisco, do you yield?

17 SENATOR DeFRANCISCO: Yes.

18 And I'd love to see the memo that
19 she's referring to, because it's not the memo
20 that I have.

21 SENATOR KRUEGER: We can show
22 you on the iPad. I don't have the paper, but
23 it's the --

24 ACTING PRESIDENT GRIFFO: If the
25 members could please direct through the chair.

1 SENATOR KRUEGER: I'm sorry. I
2 was saying --

3 SENATOR LIBOUS: Mr. President,
4 if I may, there's a lot of chatter going on
5 back here. We've got a lot of business to
6 do. I know that it's very important; we want
7 to hear the debate between Senator Krueger and
8 Senator DeFrancisco.

9 So if meetings that are taking
10 place in the chamber by members could be
11 placed outside the chamber -- because I know
12 members don't mind leaving the chamber -- and
13 we'll proceed.

14 (Laughter.)

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

17 SENATOR KRUEGER: I'm sorry,
18 Mr. President, through you. I have handed the
19 Senator an iPad that has the call-up of the
20 memo that said that it would cost
21 \$500 million. It might not be the same as
22 what's printed out.

23 SENATOR DeFRANCISCO: No, it
24 is. Mine was cut off. And you are correct.

25 But again, that is offset by the

1 increases in income by keeping these people in
2 the State of New York.

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

6 SENATOR DeFRANCISCO: Yes,
7 please.

8 SENATOR KRUEGER: Thank you.
9 There has been concerns raised by
10 organizations, not-for-profit organizations,
11 that reducing the estate tax -- which this
12 bill would do -- actually discourages
13 charitable donations, since there's no
14 motivation to reduce an estate because there's
15 not an estate tax to be paid.

16 Has the Senator taken into
17 consideration the impact on New York's great
18 not-for-profit philanthropic and charitable
19 institutions if we were to pass this law
20 decreasing the motivation to make charitable
21 gifts prior to becoming deceased?

22 SENATOR DeFRANCISCO: Again, I
23 don't know how you'd compute that. And I
24 don't know how you'd get in someone's head and
25 determine that they are more likely to give

1 charitable donations by way of their wills and
2 at the time of their death.

3 I would think there would be more
4 of an incentive to try to keep these people in
5 the State of New York so again, while they're
6 living, they donate to various charities.

7 One example in upstate New York
8 is Tom Golisano, who was a candidate for
9 governor at one time. He didn't even live in
10 Syracuse, but he gave a million-dollar
11 donation and he's the naming individual for a
12 children's hospital in Syracuse.

13 He left. He's now in Florida,
14 giving, during his lifetime, because he's
15 still alive -- and again, people make these
16 decisions during their lifetime -- giving
17 donations to various charitable organizations
18 in the State of Florida now, because now he's
19 a Florida resident. That's what I'm trying to
20 avoid.

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

24 SENATOR DeFRANCISCO: Yes.

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR KRUEGER: I know the
3 political consultants in the state are also
4 very upset that Mr. Golisano left New York
5 State and no longer is running for office,
6 because he was spreading quite a bit of his
7 money around in political campaigns.

8 SENATOR DeFRANCISCO: There you
9 go.

10 SENATOR KRUEGER: There you go.
11 So --

12 SENATOR DeFRANCISCO: There you
13 go. And the consultants pay taxes on their
14 income.

15 ACTING PRESIDENT GRIFFO:
16 Members -- members, please direct comments
17 through the chair.

18 SENATOR KRUEGER: I apologize,
19 Mr. President.

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

22 SENATOR KRUEGER: No, I'm still
23 asking questions of my colleague Senator
24 DeFrancisco, if he is willing to yield.

25 SENATOR DeFRANCISCO: Yes.

1 ACTING PRESIDENT GRIFFO:

2 Senator DeFrancisco yields.

3 SENATOR KRUEGER: Thank you.

4 How many people in the State of
5 New York would this bill affect?

6 SENATOR DeFRANCISCO: Presently,
7 the people that would have a federal taxable
8 estate presently in this year is about 4,000.

9 But we would like to think that
10 because of the great policies of this Governor
11 and this body and the rest of the Legislature,
12 that we would create more millionaires by
13 providing a good business climate, so that
14 they would be paying even more taxes in
15 future.

16 And in addition, it's not only
17 millionaires, it's individuals with lesser
18 estates that would be taxed if this bill did
19 not pass.

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

23 SENATOR DeFRANCISCO: Yes.

24 ACTING PRESIDENT GRIFFO: The
25 sponsor yields.

1 SENATOR KRUEGER: I'm confused
2 by my colleague's last answer because my
3 understanding is the estate tax only kicks in
4 currently for estates above a million dollars
5 a year. So how would it affect people who
6 were not millionaires?

7 SENATOR DeFRANCISCO: Well, it
8 depends on what your definition of
9 millionaire -- if you say that it's simply the
10 assets, the amount of assets they have, then
11 you're absolutely right.

12 I would think that individuals,
13 although at the time of their death they may
14 own a million dollars of assets, we would hope
15 that there would be more in that pool that --
16 if we maintain the ability to keep these
17 people here.

18 And aspiring millionaires. Some
19 people that may not be in that category may
20 decide when they're moving in that direction
21 that they'd like to leave the State of
22 New York if they're acquiring more and more
23 assets.

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

1 ACTING PRESIDENT GRIFFO:

2 Senator Krueger on the bill.

3 SENATOR KRUEGER: Thank you.

4 Just to deal with some of the
5 facts. This bill would reduce our revenue by
6 approximately half a billion dollars a year.
7 It would be a tax reduction for the very
8 wealthiest children of the very wealthiest
9 New Yorkers. Because remember, this would not
10 apply to the person's estate until they were
11 deceased and wouldn't actually kick in until
12 the person and their spouse was deceased.

13 So we're really talking about a
14 significant tax reduction for the offspring of
15 the wealthiest 2, 3 percent of the citizens of
16 New York State.

17 Now, I understand why they would
18 like a reduction in their estate taxes or why
19 their offspring would very much like a
20 reduction in the tax on their parent or
21 parents' estate.

22 But we're going to pay for it.
23 Or the 96, 97, 98 percent of New Yorkers who
24 don't fall into this category are actually
25 going to pay for it. Because if we reduce the

1 estate tax revenue to our coffers by
2 \$500 million -- and by the way, I think this
3 is the third bill we've done this week
4 reducing our tax revenue by \$500 million.

5 So when we're doing all these
6 bills to reduce revenue, somebody's going to
7 pay for it. Either the rest of us are going
8 to pay higher taxes to make up for that lost
9 revenue, or we're going to be asked, as the
10 state, to cut our education funding, our
11 healthcare funding, our human services
12 funding, our aid to localities funding.
13 Because that's how it works: Either you've
14 got the revenue or you've got to cut the
15 budget.

16 So in the bigger picture, I'm not
17 sure that really the best plan for New York
18 State at the moment is to actually give a
19 whopping tax reduction to the children of the
20 wealthiest members of New York State.

21 Now, there's been a national
22 argument about this, and in fact nationally
23 the federal estate tax has gone down. And so
24 there's already, in my opinion, been a
25 generous giveaway at the federal level on the

1 estate tax. So this would be just adding to
2 that largesse, where the estate tax at the
3 federal government level has dropped
4 significantly. Although there might be
5 something done about that soon enough.

6 So in addition to my concerns
7 from the public policy perspective about
8 New York State not reducing the estate tax
9 revenue that we need at this point in history,
10 it also disturbs me that when I go looking for
11 the organizations who have been proposing
12 these kinds of bills around the country, I
13 find that this is a model bill for ALEC, the
14 American Legislative Exchange Council.

15 Now, I could not make the hearing
16 last week, but my colleague Senator Daniel
17 Squadron did have a hearing about the concerns
18 around the organization ALEC and the types of
19 bills that they are aggressively lobbying,
20 writing, submitting through state houses all
21 over the country.

22 So I am equally concerned that
23 this house should not be encouraging that
24 organization by supporting or voting for their
25 bills. That we can't afford to reduce the

1 revenue needed to the State of New York by yet
2 another \$500 million through the passage of
3 this bill.

4 Now, I'm pretty sure this is not
5 a bill that would go through both houses, but
6 I don't know. I don't believe it's moved in
7 the Assembly as of tonight. But we still have
8 through tomorrow.

9 But again -- and we don't know
10 which of the many, many bills at the end of
11 session might actually ever become laws. But
12 I think when we add up -- perhaps by tomorrow
13 I'll be able to do this for my colleagues --
14 the costs, not within the budget, but outside
15 of the budget process in the last few days of
16 session, the total dollar value of bills that
17 will have passed this house with costs of lost
18 revenue without any countervailing explanation
19 of what we will do or how we will make up for
20 that revenue, it's going to add up to billions
21 of dollars.

22 Now, some of those bills I'll
23 take a look at and I will tell you I will have
24 voted for, even though I would have had and do
25 have concern about how you do bills that cost

1 large sums of money without explaining how
2 you're going to balance your budget when you
3 lose that money.

4 But again, this is an example to
5 me of exactly the kind of law that should not
6 go on our books at this point in time. We
7 should not be losing \$500 million in revenue
8 to the State of New York by a gift, so to
9 speak, to the estates of the wealthiest
10 New Yorkers.

11 And I am confident that people
12 who love New York, who love living here in
13 New York, and who love spending their
14 retirement years here in New York, even if
15 it's past their earning stages in their lives,
16 are not going to choose to leave the State of
17 New York because we don't pass this bill into
18 law.

19 I'm urging my colleagues to vote
20 no, Mr. President. Thank you very much.

21 ACTING PRESIDENT GRIFFO:
22 Senator Rivera.

23 SENATOR RIVERA: On the bill,
24 Mr. President.

25 ACTING PRESIDENT GRIFFO:

1 Senator Rivera on the bill.

2 SENATOR RIVERA: I seem to
3 remember about a year ago, maybe a little bit
4 more than that, we were having a very vigorous
5 bill on the floor of the Senate, Senator
6 DeFrancisco and I, a very similar
7 conversation. And I remember then how many of
8 the same things that Senator DeFrancisco said
9 now in this debate were said then.

10 First of all, I'll state for the
11 record that yes, Mr. Golisano has left our
12 great state, and I believe we are the better
13 for it. I said it last year, I'll say it
14 again.

15 But more importantly than that,
16 there is no evidence besides belief that says
17 that higher taxes lead to people going away.
18 Certainly folks like Golisano, it does lead to
19 certain individuals like that.

20 But when wealthy individuals --
21 and there's plenty of evidence that points to
22 this -- make decisions about where to live,
23 they make decisions based on where educational
24 institutions are, or cultural institutions
25 are, or where access is to other wealthy folks

1 that are in their same social strata.

2 So I believe that there's again
3 plenty of evidence that points to the fact
4 that there are people that are going to remain
5 in New York. And a tax break like this is not
6 going to just -- because this exists now
7 doesn't mean that they're going to flee the
8 state.

9 But one more point that I'd like
10 to make is that we constantly speak about the
11 idea that we are going to cut taxes so that
12 the job creators -- not a phrase that's been
13 used on the floor of the Senate, but certainly
14 a phrase that's been used in the overall
15 debate about taxes -- the job creators need
16 tax breaks so they can create jobs.

17 And as the evidence has pointed
18 out time and time again, this is the idea of
19 trickle-down economics. It is an idea. And
20 people have here and elsewhere said "I believe
21 that this is the way that the economy works."
22 Well, when I was 8 years old, I believed in
23 Santa Claus. It doesn't make him any more
24 real.

25 Trickle-down economics does not

1 work. The idea of providing working-class
2 people, working and middle-class people that
3 spend every single day -- that spend on food,
4 that spend on clothing, that spend, you know,
5 every single day -- when you have these people
6 spending, it spurs consumer demand, which
7 means that more businesses get to operate. So
8 that's the big issue that I have whenever
9 we're talking about a tax break like this.

10 So I will be voting in the
11 negative, Mr. President, because again, when
12 we're having conversations about tax policy on
13 the floor of the Senate, I do believe that we
14 should talk about consumer demand, we should
15 talk about how the spending of the middle- and
16 working-class people are the ones that drive
17 actual economic recovery, and not tax breaks
18 for the wealthy. It has not worked before; it
19 will not work now.

20 Thank you, Mr. President. I vote
21 in the negative.

22 ACTING PRESIDENT GRIFFO: Seeing
23 and hearing no other Senator wishing to be
24 heard, the debate is closed.

25 The Secretary will ring the bell.

1 Read the last section.

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

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT GRIFFO: Can I
8 have some order in the chamber.

9 Senator DeFrancisco to explain
10 his vote.

11 SENATOR DeFRANCISCO: I just
12 wanted to respond to just a couple of points
13 that were made.

14 First of all, I'm not a member of
15 ALEC. I don't know what their legislative
16 agenda is. This is part of my legislative
17 agenda. And I'm not in the habit of taking
18 the legislative agenda of any group and moving
19 legislation.

20 This is a bill that I believe in,
21 and I think my arguments are accurate. I know
22 there's a difference of opinion.

23 Secondly, as far as it's a good
24 thing that Tom Golisano left, I know that the
25 Senator, Senator Rivera, said it tongue to

1 cheek. But I don't think it's ever a good
2 situation when someone who does contribute
3 substantially to the community in taxes,
4 income taxes, as well as charitable
5 contributions, leaves. And I think our
6 policies have to be consistent with the policy
7 that will keep these individuals here in the
8 State of New York.

9 And I vote aye.

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

13 Announce the results.

14 THE SECRETARY: In relation to
15 Calendar Number 1411, those recorded in the
16 negative are Senators Adams, Dilan, Gianaris,
17 Hassell-Thompson, Krueger, Montgomery,
18 Peralta, Perkins, Rivera, Savino, Serrano,
19 Squadron, Stavisky and Stewart-Cousins.

20 Ayes, 46. Nays, 14.

21 ACTING PRESIDENT GRIFFO: The
22 bill is passed.

23 The Secretary will continue to
24 read.

25 THE SECRETARY: Calendar Number

1 1415, by Senator Ball, Senate Print 7165A, an
2 act to amend the Tax Law.

3 ACTING PRESIDENT GRIFFO: An
4 explanation has been requested by Senator
5 Krueger, Senator Ball.

6 SENATOR BALL: This bill is
7 7165A.

8 And as we all know, in 2011 the
9 MTA tax was repealed for approximately 300,000
10 businesses. Unfortunately, those who are
11 self-employed earning over \$50,000 annually
12 were left out. And this legislation would
13 repeal, for a large percentage of those, the
14 imposition of the MTA payroll tax on earnings
15 specifically from self-employment.

16 ACTING PRESIDENT GRIFFO: I need
17 some order in the chamber, please.

18 Senator Krueger.

19 SENATOR KRUEGER: Would the
20 sponsor please yield.

21 ACTING PRESIDENT GRIFFO:
22 Senator Ball, do you yield?

23 SENATOR BALL: Absolutely.

24 SENATOR KRUEGER: Could the
25 sponsor let me know what the fiscal cost to

1 the MTA would be on an annual basis if this
2 became law?

3 SENATOR BALL: So the estimate
4 that we have right now is that the impact
5 would be to provide tax relief to
6 approximately 63,000 taxpayers. And we're
7 looking at an impact to the MTA of
8 approximately \$21 million.

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

12 ACTING PRESIDENT GRIFFO:
13 Senator Ball, do you yield?

14 SENATOR BALL: Yes.

15 SENATOR KRUEGER: Thank you.

16 So when the Senator was giving an
17 explanation of the bill, he referenced back to
18 the action earlier in this year when both
19 houses of the Legislature -- perhaps it was
20 last year, I'm confused -- where we actually
21 did make a change in the MTA payroll tax for
22 businesses. But we also followed through and
23 had a correlated arrangement that the MTA
24 would be made whole through other monies
25 provided through the budget.

1 Would this bill in some way also
2 make the MTA whole for the \$21 million in
3 revenue they would lose through this bill?

4 SENATOR BALL: No, it --
5 Mr. President, what we're talking about when
6 we talk about the MTA payroll tax, a tax that
7 was instituted during a time when our economy
8 was and continues to be hemorrhaging jobs, the
9 very idea of taxing payroll in the worst
10 economic recession that we've seen since the
11 Great Depression is absolutely beyond any
12 order of common sense.

13 And it continues to amaze me how
14 some on the other side continue to worry about
15 government and authorities such as the MTA
16 when really the focus needs to be on small
17 businesses, on taxpayers, on seniors, on
18 people who are losing their jobs.

19 We're talking about the MTA, an
20 organization that at one point had two sets of
21 books, \$21 million. When we talk about the
22 amount of waste and abuse and fraud, including
23 corruption, including the construction of
24 headquarters down at 2 Broadway, including mob
25 infiltration, I think that it is within the

1 taxpayers' best interest that the MTA actually
2 be put in a situation where they have to look
3 at a closer set of details at their own books
4 and find a way to save the \$21 million, and at
5 the same time deliver that tax relief to the
6 63,000 taxpayers right now, the self-employed,
7 the little guys.

8 This bill helps the little guy,
9 the guy who was caught in a hole in the
10 initial repeal when some of the businesses had
11 been taken out -- thank God, 80 percent of
12 those paying. But it's the little guy, the
13 self-employed, that has been left to pay this
14 horrific and onerous tax.

15 So my focus and the focus on our
16 side is to provide the tax relief to the
17 self-employed, to small businesses, the
18 taxpayers who are struggling. And I leave the
19 savings of the \$21 million to the MTA and to
20 the new leadership there.

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

24 SENATOR BALL: Sure.

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR KRUEGER: Thank you.

3 Can the sponsor tell me what the
4 estimated or average tax saving would be to
5 those 63,000 people, I believe the number that
6 he said that would find relief under this
7 bill?

8 SENATOR BALL: It's going to
9 vary upon the individual. But the bill would
10 provide a graduated rate of tax. For the
11 self-employed with a net business income
12 between \$250,000 and \$300,000, it would go to
13 0.11 percent. And then 0.23 percent on net
14 business income from \$300,000 to \$350,000.
15 And those paying between \$50,000 to \$250,000
16 would no longer have to pay.

17 So it would be a graded scale
18 according to those percentages. But those
19 paying currently, the self-employed between
20 \$50,000 to \$250,000, those would be eliminated
21 from the tax.

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

24 ACTING PRESIDENT GRIFFO:
25 Senator Krueger on the bill.

1 SENATOR KRUEGER: Thank you.

2 I appreciate the sponsor's
3 answers to my questions.

4 And you know, I'm going to vote
5 for his bill. I do think that there was an
6 inequity when we made the change to the MTA
7 payroll tax and lowered it for businesses
8 below a certain amount but didn't do the same
9 for individual self-employed people.

10 Now, I am very concerned that
11 this bill isn't making up for the loss of
12 \$21 million, because I don't necessarily agree
13 with the sponsor when he makes the argument
14 that if the MTA's had a history of fraud, that
15 the solution is to reduce money.

16 I actually think the stories of
17 the MTA and fraud go back now to 2007-2008.
18 And in fact the Office of the State
19 Comptroller has audited them 18 times since
20 then. There has been a total change in
21 leadership of the MTA -- actually, several
22 changes in leadership of the MTA since that
23 time.

24 And the fact is this body, this
25 government has a responsibility to ensure

1 quality public transportation for the
2 12-county region that the MTA covers. Because
3 I think my colleague would agree with me that
4 if we were to shut down Metro-North or
5 significantly increase the price of the
6 tickets on Metro-North or Long Island Railroad
7 or the New York City subway and bus system,
8 that we would have enormous impacts, far, far
9 greater than a \$21 million discussion.

10 So I'm torn between actually
11 recognizing that the sponsor is attempting to
12 correct an inequity between how the MTA
13 payroll tax works for corporations versus
14 independent self-employed people. But this is
15 now multiple times that this body has ended up
16 reducing revenue to the MTA without making up
17 for it -- and frankly, we will all pay a very
18 serious price for not making sure the MTA is
19 adequately funded to be a 21st-century
20 mass transit system.

21 But I will be voting yes. Thank
22 you, Mr. President.

23 ACTING PRESIDENT GRIFFO: Seeing
24 and hearing no other Senator wishing to be
25 heard, the debate is closed.

1 The Secretary will ring the bell.

2 Read the last section.

3 THE SECRETARY: Section 2. This
4 act shall take effect on the first of July.

5 ACTING PRESIDENT GRIFFO: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT GRIFFO:
9 Senator Saland to explain his vote.

10 Please, order in the chamber.

11 SENATOR SALAND: Thank you,
12 Mr. President. I rise in support of this
13 bill.

14 The MTA's budget currently is
15 about \$13.8 billion, expected to be \$15.6 or
16 \$15.7 billion within the next two to three
17 years. It grows generally well at above the
18 rate of inflation. It has a history of
19 overestimating its expenses, underestimating
20 its revenues.

21 This \$21 million is such an
22 infinitesimally small part of that
23 \$13.8 billion as to have such a string of
24 zeros in front of it, as to defy the inability
25 of that organization to come up with this

1 money.

2 This tax is a burden, it's a
3 burden -- remains a burden on big business and
4 it certainly a burden on smaller businesses.
5 This tax shouldn't have been in the first
6 place. This is yet another incremental step
7 in removing it. We have to do more. We have
8 to hold the MTA's feet to the fire.

9 Thank you, Mr. President. I vote
10 in the affirmative.

11 ACTING PRESIDENT GRIFFO:
12 Senator Saland to be recorded in the
13 affirmative.

14 Senator Ball to explain his vote.

15 SENATOR BALL: I would like to
16 thank the leadership of the Majority Leader,
17 Senator Dean Skelos, for allowing this to come
18 to the floor.

19 And I know that many of us have
20 been active on this, whether it be Senator
21 Saland or Senator Zeldin, who is known as "the
22 giant-slayer" on the MTA payroll tax, and
23 Senator Martins and others. We have been
24 fighting this for some time.

25 You know, it's absolutely

1 critical that those few people who are
2 watching realize what has happened here. This
3 is the problem with instituting any new tax.
4 We now are in a position where we have to
5 fight tooth and nail to get rid of this. And
6 elections matter.

7 And we now have to fight every
8 single moment. And what do we consistently
9 hear? We consistently hear -- and the quote
10 was, and the concern is, "Well, we're reducing
11 revenue to the MTA without making up for it."

12 First, it's not revenue, folks.
13 It's not a business. It's tax dollars.
14 New York State government is not a business.
15 If it was, it would have been bankrupt a long
16 time ago.

17 Reducing revenue to the MTA
18 without making up for it -- making up for it,
19 what does that mean? Another tax increase.
20 No, we're not doing that. The MTA needs to
21 make up for it by balancing their books and
22 doing right by the taxpayers in the State of
23 New York.

24 And if we consistently made
25 decisions like that in this chamber and over

1 there, this state would be in a better
2 position and be more fiscally responsible, and
3 more people would be staying here, young and
4 old, than leaving and leading this nation in
5 out-migration, as we do today.

6 So thank you, everybody. It was
7 a team effort for working on this and getting
8 this done. And let's continue the fight to
9 kill this horrific tax.

10 ACTING PRESIDENT GRIFFO:

11 Senator Ball to be recorded in the
12 affirmative.

13 Senator Martins to explain his
14 vote.

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

17 You know, the MTA has a
18 \$14 billion budget. We're talking about
19 \$21 million that's going to impact 63,000
20 small businesses; actually, the quintessential
21 small business, the self-employed individual.

22 We can impact the economy in a
23 way that actually makes sense. And what we're
24 talking about here is \$21 million out of a
25 \$14 billion budget, which is 1.5 percent.

1 You know, we talk about how we
2 need to make the MTA whole. I want to
3 congratulate my colleague Senator Ball,
4 because he's put the focus where it should
5 be. It's not about making the MTA whole to
6 the tune of 1.5 percent of their overall
7 budget, it's about looking at it realistically
8 and making the taxpayer whole.

9 Because when you think about it,
10 that's what we're doing here. We've asked our
11 taxpayers to dip into their pockets, we've
12 asked our small businesses to dip into their
13 pockets time and time again. And we should
14 start thinking about those efforts that we
15 need to take as a government to make our
16 taxpayers whole.

17 And if that means the MTA has to
18 tighten its belt to the tune of 1.5 percent of
19 their overall budget, I'm all for it.

20 Mr. President, I vote aye.

21 ACTING PRESIDENT GRIFFO:
22 Senator Martins will be recorded in the
23 affirmative.

24 Senator Zeldin to explain his
25 vote.

1 SENATOR ZELDIN: I also want to
2 rise and commend Senator Ball for bringing
3 this bill to the floor. I rise in strong
4 support.

5 I made a commitment to the voters
6 of my particular Senate district when I ran in
7 2010 that I would work as hard as I could
8 every day on the job to fight for repeal of
9 the MTA payroll tax. And I'm so proud that
10 I've been able to join my fellow freshmen and
11 other colleagues who have helped guide this
12 issue along its way this last year and a
13 half.

14 But I made a commitment to them
15 that I'd fight as hard as I could, and my
16 colleagues made a commitment that they would
17 fight as hard as they could to their
18 constituents, to the taxpayers.

19 This was a bad idea in the first
20 place. It was a bonehead decision. The
21 federal government's busy bailing out Bear
22 Stearns and Fannie Mae and Freddie Mac and
23 AIG -- and when the MTA needed money and they
24 were in need of a handout, they came to
25 Albany. And instead of asking them, How are

1 you going to tighten your belts, how can you
2 find a way to come up with this money on your
3 own, instead, we never asked the tough
4 questions.

5 Yes, Comptroller DiNapoli was.
6 He does have a dozen and a half audits where
7 he finds the hundreds of millions of dollars
8 in the personal and miscellaneous service
9 contracts that could be saved, the hundreds of
10 millions of dollars in overtime abuse that
11 could be saved. The money was there.

12 And this body, instead of asking
13 those tough questions, just gave a handout to
14 the MTA.

15 It's important that we support
16 our nation's largest mass transit system, and
17 we will continue to do that, because that is
18 our commitment. But on top of that
19 commitment, this conference has a commitment
20 that we made to the taxpayers. Because that's
21 important too.

22 This bill can be implemented, the
23 MTA payroll tax can be repealed, and we can do
24 it without increasing fares and cutting
25 services. And that is why I am here in this

1 particular seat, that's why Senator Ball is in
2 his, Senator Martins is in his, because of our
3 commitment to the voters.

4 I vote aye.

5 ACTING PRESIDENT GRIFFO:

6 Senator Zeldin to be recorded in the
7 affirmative.

8 Senator Squadron to explain his
9 vote.

10 SENATOR SQUADRON: Thank you
11 very much, Mr. President.

12 You know, it's really a shame,
13 because I think that despite the very excited
14 conversation that we've had here, this is a
15 one-house bill. So we're not actually solving
16 the freelancers' penalty that was imposed in
17 December when the MTA payroll tax was
18 modified. And it wasn't modified sufficiently
19 for freelancers. And this bill is something
20 that might do that.

21 And I actually don't agree with
22 Senator Ball's explanation that the way the
23 MTA should continue to provide bus and
24 commuter rail and subway service is through
25 magical thinking. I think they need to do it

1 through some form of revenue. Unfortunately,
2 but that's reality.

3 I do think that reforming the
4 freelancers' penalty that was imposed in
5 December is an important thing to do. It's
6 Something I've been working with Senator Lanza
7 on since that time. And this doesn't actually
8 do it in a complete way, but it is certainly a
9 nod to it, it's a one-house nod to it. That's
10 why I'm going to vote yes.

11 I think that we do need to fund
12 the MTA. It needs to work. It is the key to
13 our economy. And I'll vote yes on this today
14 because the freelancers' penalty on the
15 reformed payroll tax that continues doesn't
16 make sense. But this, unfortunately, is not
17 going to solve the problem.

18 Thank you, Mr. President. I vote
19 aye.

20 ACTING PRESIDENT GRIFFO:
21 Senator Squadron to be recorded in the
22 affirmative.

23 Senator LaValle to explain his
24 vote.

25 SENATOR LaVALLE: Thank you,

1 Mr. President.

2 It's very simple. This tax is
3 toxic to a region, has hurt a region
4 economically. It should never have been
5 passed, never. And I don't know what we're
6 debating.

7 This is very simple. This is
8 \$21 million, and that \$21 million would help a
9 lot of the taxpayers in the downstate region.

10 So, Senator Squadron, this should
11 pass both houses, because if something is
12 wrong, it is wrong. And it's our job to make
13 it right. I vote aye.

14 ACTING PRESIDENT GRIFFO:
15 Senator LaValle to be recorded in the
16 affirmative.

17 Senator Parker to explain his
18 vote.

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

21 I want to thank Senator Ball for
22 bringing this legislation to the floor and for
23 raising a debate that's really important for
24 us and really talking about small business
25 development and thus job creation. I think

1 everybody in this chamber really wants to see
2 jobs grow, and we certainly want to see
3 businesses, particularly microbusinesses, grow
4 in our communities.

5 And none of us like to pay
6 taxes. However, the harsh reality is that
7 government has to provide some services that
8 cannot be provided by the market. And it's as
9 simple as that. There's certain things like
10 roads and transportation -- rich people would
11 be able to get around, of course, without mass
12 transit. But you need people to come and
13 clean your homes and, you know, deliver your
14 Chinese food and whatever else things that
15 people get delivered. Right?

16 And so how do those people get
17 out to be your nannies and your housekeepers
18 and those kinds of things? They have to take
19 mass transit. And somebody has to pay for
20 that. And the people who -- we have to figure
21 out how this happens.

22 I mean, you know, I keep hearing
23 people say that we can take away this money
24 and it's not going to have an impact. But if
25 it's not going to have an impact, then someone

1 needs to show me how we replace that money in
2 the system.

3 Or maybe we should check
4 everybody as they come into New York City and
5 say, Well, if you live in Hudson or Nassau or
6 Suffolk, you know, or Westchester, that you
7 can't ride mass transit, because you don't pay
8 any taxes to help supplement the system.

9 ACTING PRESIDENT GRIFFO:
10 Senator Parker.

11 SENATOR PARKER: I just think
12 this bill is well-meaning but it doesn't get
13 us to the right place, and so I vote nay.

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

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 1415, those recorded in the
19 negative are Senators Adams, Dilan, Gianaris,
20 Parker, Perkins, Rivera and Stavisky.

21 Ayes, 53. Nays, 7.

22 ACTING PRESIDENT GRIFFO: The
23 bill is passed.

24 Senator Libous.

25 SENATOR LIBOUS: Mr. President,

1 could we return to motions, please.

2 ACTING PRESIDENT GRIFFO: We
3 will return to motions.

4 SENATOR LIBOUS: Mr. President,
5 on behalf of Senator Robach, I call up his
6 print, 7519A, which is now at the desk.

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 1429, by Senator Robach, Senate Print 7519A,
11 an act to amend the Education Law.

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

15 ACTING PRESIDENT GRIFFO: Call
16 the roll on reconsideration.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60.

19 SENATOR LIBOUS: Is there a
20 substitution at the desk?

21 ACTING PRESIDENT GRIFFO: The
22 bill is before the house.

23 There is a substitution, and the
24 Secretary will read.

25 THE SECRETARY: In relation to

1 Calendar Number 1429, Senator Robach moves to
2 discharge, from the Committee on Rules,
3 Assembly Bill Number 10216A and substitute it
4 for the identical Senate Bill Number 7519A,
5 Third Reading Calendar 1429.

6 ACTING PRESIDENT GRIFFO: The
7 Substitution is so ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1429, by Member of the Assembly Gantt,
11 Assembly Print Number 10216A, an act to amend
12 the Education Law.

13 ACTING PRESIDENT GRIFFO: Read
14 the last section.

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

17 ACTING PRESIDENT GRIFFO: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT GRIFFO: The
22 bill is passed.

23 Senator Libous.

24 SENATOR LIBOUS: Thank you,
25 Mr. President. If we could return to motions.

1 ACTING PRESIDENT GRIFFO:

2 Returning to motions, Senator Libous.

3 SENATOR LIBOUS: On behalf of
4 Senator Zeldin, Mr. President, on page 17 I
5 offer the following amendments to Calendar
6 Number 616, Senate Print 7087, and ask that
7 said bill retain its place on the Third
8 Reading Calendar.

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

12 Senator Libous.

13 SENATOR LIBOUS: Mr. President,
14 I believe at this time, if you would call on
15 Senator Hassell-Thompson, she would like to
16 make an announcement.

17 ACTING PRESIDENT GRIFFO:
18 Senator Hassell-Thompson.

19 SENATOR HASSELL-THOMPSON: Thank
20 you, Mr. President. There will be a meeting
21 of the Democratic Conference at 8:00 p.m. in
22 Room 315.

23 ACTING PRESIDENT GRIFFO: There
24 will be a meeting of the Democrat Conference
25 at 8:00 p.m. in Room 315.

1 Senator Libous.

2 SENATOR LIBOUS: And thank you,
3 Senator Hassell-Thompson.

4 Mr. President, there will be a
5 meeting of the Rules Committee at 8:45 in
6 Room 332.

7 ACTING PRESIDENT GRIFFO: There
8 will be a meeting of the Rules Committee in
9 Room 332 at 8:45 p.m. promptly.

10 The Senate stands at ease.

11 (Whereupon, the Senate stood at
12 ease at 6:53 a.m.)

13 (Whereupon, the Senate reconvened
14 at 9:50 p.m.)

15 ACTING PRESIDENT GRIFFO: The
16 Senate will come to order.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President,
19 if we could return to reports of standing
20 committees, I believe there's a report of the
21 Rules Committee at the desk. I ask that it be
22 read at this time.

23 ACTING PRESIDENT GRIFFO: We
24 will return to reports of standing
25 committees.

1 The Secretary will read the
2 report of the Rules Committee.

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

6 Senate Print 1789, by Senator
7 Stavisky, an act to amend the Education Law;
8 3193A, by Senator Ranzenhofer, an
9 act to amend the Tax Law;
10 4225B, by Senator Lanza, an act
11 to amend the Judiciary Law;
12 6029, by Senator Lanza, an act to
13 amend the Public Health Law;
14 6156, by Senator Ritchie, an act
15 to amend the Executive Law;
16 6526A, by Senator Marcellino, an
17 act to amend the Navigation Law;
18 7013C, by Senator Little, an act
19 to amend the Public Health Law;
20 7312B, by Senator Seward, an act
21 to amend the Insurance Law;
22 7359A, by Senator Ball, an act to
23 amend the Tax Law;
24 7384A, by Senator Hannon, an act
25 to amend the Social Services Law;

1 7424, by Senator O'Mara, an act
2 to amend the Real Property Tax Law;

3 7467, by Senator Lanza, an act to
4 amend the Navigation Law;

5 7700, by Senator Larkin, an act
6 to amend the Uniform City Court Act;

7 7734, by Senator O'Mara, an act
8 to amend the Navigation Law;

9 7756, by Senator Golden, an act
10 to amend the Vehicle and Traffic Law;

11 7766, by Senator Golden, an act
12 to amend the Executive Law;

13 7773, by Senator Hannon, an act
14 to amend the Public Health Law;

15 7775, by Senator Golden, an act
16 to amend the Executive Law;

17 7778, by Senator Ritchie, an act
18 to amend the Public Health Law;

19 7783, by Senator Flanagan, an act
20 to amend the Education Law;

21 7798, by Senator Zeldin, an act
22 to amend a chapter of the Laws of 2012;

23 And Senate 7800, by Senator
24 Libous, an act to amend the Education Law.

25 All bills reported direct to

1 third reading.

2 ACTING PRESIDENT GRIFFO:

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President,
5 could I move to accept the Rules report.

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

9 (Response of "Aye.")

10 ACTING PRESIDENT GRIFFO:

11 Opposed?

12 (No response.)

13 ACTING PRESIDENT GRIFFO: The
14 Rules Committee report is accepted.

15 Senator Libous.

16 SENATOR LIBOUS: Thank you.
17 Thank you, Mr. President. Could we please
18 take up Supplemental Active List Number 2,
19 please.

20 ACTING PRESIDENT GRIFFO: The
21 Secretary will read Supplemental Active List
22 Number 2.

23 THE SECRETARY: Calendar Number
24 73, by Senator Griffo, Senate Print 5019D, an
25 act to amend the Public Authorities Law.

1 ACTING PRESIDENT GRIFFO: Read
2 the last section.

3 THE SECRETARY: Section 3. This
4 act shall take effect December 31, 2013.

5 ACTING PRESIDENT GRIFFO: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT GRIFFO: The
10 bill is passed.

11 THE SECRETARY: On page 18,
12 Senator Robach moves to discharge, from the
13 Committee on Rules, Assembly Bill Number 9020B
14 and substitute it for the identical Senate
15 Bill Number 6429A, Third Reading Calendar 635.

16 ACTING PRESIDENT GRIFFO: The
17 substitution is so ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 635, by Member of the Assembly Jaffee,
21 Assembly Print 9020B, an act to amend the
22 Labor Law.

23 ACTING PRESIDENT GRIFFO: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 60.

6 ACTING PRESIDENT GRIFFO: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 725, by Senator Martins, Senate Print 3778D,
10 an act to amend the Public Authorities Law.

11 ACTING PRESIDENT GRIFFO: Read
12 the last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the 30th day.

15 ACTING PRESIDENT GRIFFO: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT GRIFFO: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 919, by Senator Golden, Senate Print 2212A, an
23 act to amend the Real Property Tax Law.

24 ACTING PRESIDENT GRIFFO: Read
25 the last section.

1 THE SECRETARY: Section 2. This
2 act shall take effect immediately.

3 ACTING PRESIDENT GRIFFO: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 60.

7 ACTING PRESIDENT GRIFFO: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 941, by Senator Gallivan, Senate Print 7249,
11 an act to amend the Criminal Procedure Law.

12 ACTING PRESIDENT GRIFFO: Read
13 the last section.

14 THE SECRETARY: Section 2. This
15 act shall take effect immediately.

16 ACTING PRESIDENT GRIFFO: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: In relation to
20 Calendar Number 941, those recorded in the
21 negative are Senators Dilan, Duane,
22 Hassell-Thompson, Krueger, Montgomery, Perkins
23 and Rivera.

24 Ayes, 53. Nays, 7.

25 ACTING PRESIDENT GRIFFO: The

1 bill is passed.

2 THE SECRETARY: On page 33,
3 Senator Little moves to discharge, from the
4 Committee on Rules, Assembly Bill Number 8604B
5 and substitute it for the identical Senate
6 Bill Number 4988B, Third Reading Calendar
7 1018.

8 ACTING PRESIDENT GRIFFO: The
9 substitution is so ordered.

10 SENATOR BRESLIN: Lay it aside.

11 ACTING PRESIDENT GRIFFO: Lay
12 the bill aside.

13 THE SECRETARY: On page 33,
14 Senator Ritchie moves to discharge, from the
15 Committee on Rules, Assembly Bill Number 9960
16 and substitute it for the identical Senate
17 Bill Number 6778, Third Reading Calendar 1024.

18 ACTING PRESIDENT GRIFFO: The
19 substitution is so ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 1024, by Member of the Assembly Magee,
23 Assembly Print 9960, an act to amend the
24 Agriculture and Markets Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

2 THE SECRETARY: Section 2. This
3 act shall take effect immediately.

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT GRIFFO: The
9 bill is passed.

10 THE SECRETARY: On page 35,
11 Senator Savino moves to discharge, from the
12 Committee on Rules, Assembly Bill Number 7508
13 and substitute it for the identical Senate
14 Bill Number 4112, Third Reading Calendar 1055.

15 ACTING PRESIDENT GRIFFO: The
16 substitution is so ordered.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 1055, by Member of the Assembly Wright,
20 Assembly Print Number 7508, an act to amend
21 the Workers' Compensation Law.

22 ACTING PRESIDENT GRIFFO: Read
23 the last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect immediately.

1 ACTING PRESIDENT GRIFFO: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 57. Nays,
5 3. Senators Farley, Gallivan, and O'Mara
6 recorded in the negative.

7 ACTING PRESIDENT GRIFFO: The
8 bill is passed.

9 THE SECRETARY: On page 36,
10 Senator Golden moves to discharge, from the
11 Committee on Rules, Assembly Bill Number 9832
12 and substitute it for the identical Senate
13 Bill Number 6923A, Third Reading Calendar
14 1076.

15 ACTING PRESIDENT GRIFFO: The
16 substitution is so ordered.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 1076, by Member of the Assembly Wright,
20 Assembly Print Number 9832, an act to amend
21 Chapter 678 of the Laws of 2007.

22 ACTING PRESIDENT GRIFFO: Read
23 the last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect immediately.

1 ACTING PRESIDENT GRIFFO: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 59. Nays,
5 1. Senator Ranzenhofer recorded in the
6 negative.

7 ACTING PRESIDENT GRIFFO: The
8 bill is passed.

9 THE SECRETARY: On page 37,
10 Senator Skelos moves to discharge, from the
11 Committee on Rules, Assembly Bill Number 10622
12 and substitute it for the identical Senate
13 Bill Number 7517, Third Reading Calendar
14 1087.

15 ACTING PRESIDENT GRIFFO: The
16 substitution is so ordered.

17 There is a home-rule message at
18 the desk.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 1087, by the Assembly Committee on Rules,
22 Assembly Print 10622, an act to --

23 SENATOR GIANARIS: Lay it aside.

24 ACTING PRESIDENT GRIFFO: Lay
25 the bill aside.

1 Senator Libous, that completes
2 the noncontroversial reading of Supplemental
3 Active List Number 2.

4 SENATOR LIBOUS: Mr. President,
5 at this time could we have the controversial
6 reading of that calendar.

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will ring the bell.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 1018, by Member of the Assembly Rosenthal,
12 Assembly Print 8604B, an act to amend the Arts
13 and Cultural Affairs Law.

14 SENATOR BRESLIN: Explanation.

15 ACTING PRESIDENT GRIFFO: An
16 explanation has been requested by
17 Senator Breslin, Senator Little.

18 SENATOR LITTLE: Thank you,
19 Mr. President.

20 This bill is so that a person, an
21 artist or craftsperson who has given their
22 artwork to a consignment, or a person who is
23 the consignor, would not lose the ownership of
24 that should the person die and move on.

25 And such trust property and trust

1 fund shall be considered property held in
2 statutory trust, and no such trust property or
3 trust funds, meaning the artworks, shall
4 become the property of the consignee or be
5 subject or subordinate to any claims, liens or
6 security interest of any kind or nature
7 whatsoever of the consignee's creditors.

8 So that should the person who is
9 the cosigner who is selling, you know, the
10 artwork of an artist, should they come into
11 financial problems, should they die, should
12 they have estate problems, that it does not
13 fall on the craftsman or the artist who
14 brought their art there.

15 ACTING PRESIDENT GRIFFO:
16 Senator Duane.

17 SENATOR DUANE: Thank you,
18 Mr. President. Would the sponsor yield?

19 ACTING PRESIDENT GRIFFO:
20 Senator Little, do you yield to Senator
21 Duane?

22 SENATOR LITTLE: Yes, I do.

23 SENATOR DUANE: Why does this
24 legislation only protect fine art being
25 consigned by the artist or the artist's heir?

1 SENATOR LITTLE: I believe that
2 the reason for that is that's where the
3 deficiency was created and where the problem
4 arose.

5 And we're talking about art
6 galleries being an important art outlet for
7 such artist's work. The galleries are
8 compensated for selling the artist's work,
9 usually by taking a percentage of the sale
10 proceeds as a commission. And those
11 commissions are such, you know, can range in
12 different amounts. But many galleries do not
13 segregate the portion of the sales proceeds
14 that belong to the artist from the portion of
15 the sales proceeds that is owed to the
16 gallery.

17 So it's probably more complicated
18 than we see happen very often. But when it
19 does happen, the artist in question loses out
20 and loses control of their artwork.

21 SENATOR DUANE: And through you,
22 Mr. President, if the sponsor would continue
23 to yield.

24 ACTING PRESIDENT GRIFFO: The
25 sponsor yields.

1 SENATOR LITTLE: I will try to
2 answer.

3 ACTING PRESIDENT GRIFFO: Yes.

4 SENATOR DUANE: The sponsor
5 referred to that there was a deficiency in the
6 law presently. And, I'm sorry, I didn't hear
7 what exactly that deficiency is.

8 ACTING PRESIDENT GRIFFO:
9 Senator Little.

10 SENATOR LITTLE: I believe it's
11 when they lose ownership of and they lose the
12 money that they would be -- should be getting
13 for that work.

14 And I might not have explained
15 it -- I know I didn't explain it very well in
16 the beginning. It is the work of fine art,
17 craft, or print from the artist or
18 craftsperson. Or it could even come from the
19 beneficiary or the heir of that artist or
20 craftsperson.

21 SENATOR DUANE: If the sponsor
22 would continue to yield.

23 ACTING PRESIDENT GRIFFO:
24 Senator Little, do you yield?

25 SENATOR LITTLE: I will continue

1 to yield.

2 ACTING PRESIDENT GRIFFO:

3 Senator Little yields.

4 May I have some quiet, please, in
5 the chamber.

6 SENATOR DUANE: I'm just having
7 a little problem, and I'm just confused. I
8 was hopeful that the sponsor could just --
9 instead of saying "they," to just be more
10 specific as to who "they" refers to. When
11 "they" is said, who is "they"? Because
12 it's -- the sponsor used it several times in a
13 row, and I'm not sure whether "they" are the
14 same they or different theys.

15 SENATOR LITTLE: It's the artist
16 or the heirs of the artist who, in an estate
17 or a trust, would no longer have the benefits
18 from that piece of art or control of that art
19 if they had had it commissioned to a sales
20 place.

21 SENATOR DUANE: So through you,
22 Mr. President, the "they" refers to the heirs
23 of the artist?

24 SENATOR LITTLE: Or the artist.

25 ACTING PRESIDENT GRIFFO: Yes?

1 SENATOR LITTLE: Yes. Yes.
2 Heirs of the artist. Or the artist him or
3 herself.

4 SENATOR DUANE: Why, if we're
5 fixing a law -- why are we not protecting all
6 consignors?

7 ACTING PRESIDENT GRIFFO:
8 Senator Little.

9 SENATOR LITTLE: Well, I think
10 it's all consignments that come under the
11 guise of art, crafts, or fine art, whatever.

12 This is a result -- there was a
13 case called the Salander-O'Reilly Galleries
14 case in which the successor to the artist who
15 created the art that was in the gallery could
16 not get the benefits nor the control of that
17 piece of art.

18 And this is trying to clearly
19 define who has standing under the law. And by
20 cross-referencing the EPTL definitions, the
21 bill will help avoid confusion and needless
22 costly litigation while protecting the
23 consignors who may otherwise forgo their
24 rights.

25 SENATOR DUANE: And through you,

1 Mr. President, if the sponsor would continue
2 to yield.

3 SENATOR LITTLE: Yes, I will
4 continue to yield.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR DUANE: If the purpose
8 of the legislation -- I believe I heard the
9 sponsor say is -- well, I heard the sponsor
10 say two things, the artist's heir and then
11 also all consignors. But the consignor may
12 not be the heir.

13 So explicitly, does not this
14 legislation only protect the artist's heir and
15 not all consignors?

16 SENATOR LITTLE: It protects --
17 to my understanding, it protects the artist or
18 the artist's heir in an estate in trust case.

19 The bill will add teeth to the
20 existing trust property and trust fund
21 provisions of Article 11 and 12 of the
22 New York ACAL. In addition, the bill will
23 provide clarity to prevent unintended
24 interpretations of certain provisions from
25 interfering with the intended application of

1 these provisions.

2 SENATOR DUANE: Through you,
3 Mr. President. Although I must admit I don't
4 understand all the references to the statute
5 as per they're being initialed -- you know,
6 referred to by their initials and not their
7 complete titles.

8 When I say all consignors, let me
9 try to give an example and follow it up with a
10 question, if the sponsor would so yield.

11 SENATOR LITTLE: Yes, I continue
12 to yield.

13 ACTING PRESIDENT GRIFFO: The
14 sponsor yields.

15 SENATOR DUANE: Suppose Jasper
16 Johns, who is one of my favorite artists, has
17 consigned to a gallery and -- say both are
18 consigned to a gallery, but one is consigned
19 by a Jasper Johns heir and the other is
20 consigned by another individual, not an heir
21 or -- an institution of some sort, a museum or
22 school, St. Ambrose's School or a hospital,
23 whatever.

24 The way I understand or read this
25 law, only the heir would be protected and not

1 the entity that was consigned the other Jasper
2 Johns work of art. Is that correct?

3 SENATOR LITTLE: Mr. President,
4 yes, I'll try to explain.

5 It is for the artist who consigns
6 their art to a dealer. And if that artist
7 dies or has beneficiaries, it goes to their
8 heirs or it goes to their trust and whoever is
9 involved in their trust.

10 So that the dealer -- what
11 happened in this particular case is apparently
12 the dealer was using that art, that piece of
13 art that had value, against their debt. And
14 it does not belong to them. It is only
15 consigned to them. It is still in the control
16 of the artist and the heirs, even if it's not
17 the artist himself.

18 Now, if someone goes into that
19 dealership and purchases that art, then the
20 commission goes back to the artist and they
21 have no control over it after that; the art
22 has been sold.

23 And it is particular. It doesn't
24 cover antiques. It's covering art and crafts,
25 fine art by the artists. Who apparently have

1 been taken advantage of, particularly if the
2 artist themself dies.

3 SENATOR DUANE: Through you,
4 Mr. President, if the sponsor would continue
5 to yield.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR DUANE: I understand
9 that we're talking about pieces of art or
10 crafts from a craftsperson. However -- I
11 understand that this protects the heir.
12 However, for instance, the sponsor just
13 brought up an example, the heir might be in
14 debt.

15 Well, suppose Jasper Johns gave a
16 piece of art to an heir who was in debt and
17 gave another piece of art to, you know, a
18 private Lutheran elementary school that was in
19 debt. Why is it that only the human heir is
20 protected and not -- for instance, although
21 there could be many other possibilities, why
22 not the other entity, like an elementary
23 school that also needed the proceeds, perhaps
24 even more than the heir?

25 Why is it only the heir and not

1 other circumstances of which the artist may
2 have had in mind that they wanted that entity
3 to get the proceeds as well, to be the
4 beneficiaries?

5 ACTING PRESIDENT GRIFFO:
6 Senator Little.

7 SENATOR LITTLE: Thank you,
8 Mr. President.

9 If I may, I believe you have
10 confused the debt. We're talking about if the
11 dealer, who is the one you have consigned the
12 piece of art to, and the artist dies, they use
13 that value against their debt. Not the
14 artist's. So the artist has lost control,
15 they do not own that piece of art.

16 And this is to clarify that.
17 That piece of art is only there for
18 consignment.

19 SENATOR DUANE: Through you,
20 Mr. President, if the sponsor would continue
21 to yield.

22 ACTING PRESIDENT GRIFFO: The
23 sponsor yields.

24 SENATOR LITTLE: Yes, I do.

25 SENATOR DUANE: Why is it only

1 one category that's being protected and not
2 another potential category, which -- of which
3 could equally deserve the protection that this
4 legislation endeavors to provide?

5 SENATOR LITTLE: As far as a
6 category of art, you mean like an antique? Is
7 the Senator asking for something different
8 than art?

9 The reason that it's art and
10 crafts is because that's where the need
11 occurred and where the clarification needed to
12 be made.

13 We're trying to protect the
14 beneficiary of the estate. So an artist
15 leaves all of this art or prints that are in a
16 consignment shop, the artist dies, the family,
17 the heirs or the person that has been given --
18 the representative, they are the successor of
19 interest here. They do not lose control or
20 ownership of that art.

21 SENATOR DUANE: Mr. President,
22 let me -- if I may continue to ask the sponsor
23 to yield.

24 ACTING PRESIDENT GRIFFO:
25 Senator Little, do you continue to yield?

1 SENATOR LITTLE: Yes, I continue
2 to yield.

3 ACTING PRESIDENT GRIFFO:
4 Senator Duane, maybe you can be specific to
5 the question?

6 SENATOR DUANE: I believe I am
7 being specific. But I'll try to be even --
8 razor-sharply specific.

9 The consignor in this bill is the
10 heir. The heir, as the consignor, is being
11 protected. But if the consignor is
12 St. Ambrose Lutheran Parochial School, then it
13 is not being protected. And why is that?

14 SENATOR LITTLE: Probably
15 because they didn't die and go into a trust.
16 If they owned the art, they would still be
17 getting the commission. They are still the
18 consignor to the consignee, who is the dealer.

19 I don't understand the
20 differential. We're talking about trying to
21 maintain the ownership from the artist and the
22 persons of interest and the successor of
23 interest and the trust, should that artist
24 die.

25 Now, if it's owned by a school, I

1 am sure there is a trust of the school or a
2 board of the school or an ownership of the
3 school that continues to own that art and
4 would be protected.

5 SENATOR DUANE: Through you,
6 Mr. President, if the sponsor would yield on
7 that point.

8 ACTING PRESIDENT GRIFFO:
9 Senator Little, do you yield?

10 SENATOR LITTLE: Yes, I yield.

11 ACTING PRESIDENT GRIFFO:
12 Senator Little yields.

13 SENATOR DUANE: That is not
14 specifically referenced in the bill.

15 In other words, the heir could be
16 a person but the heir could also be an entity,
17 which should have as much right to control
18 it -- if that was the artist's desire -- as
19 the person heir.

20 SENATOR LITTLE: If the title
21 has passed to the school, then they do not
22 need protection, they own it.

23 The successor in interest -- and
24 I would repeat this, this is in the bill.
25 This bill has passed the Assembly. It

1 has the support of the art groups. The
2 successor in interest shall mean a personal
3 representative, testamentary beneficiary,
4 trustee or beneficiary of a lifetime trust or
5 an heir, including heirs who acquire the work
6 of fine art, craft, or print from the artist
7 or craftsperson or from another heir or
8 beneficiary of the artist or craftsperson,
9 which terms shall have the same meanings as
10 set forth in the Estates, Powers and Trusts
11 Law. Which is what we're talking about.

12 And in the interests of time, I
13 believe I've explained the bill as best I can,
14 and I will not yield again. Thank you.

15 ACTING PRESIDENT GRIFFO: Thank
16 you, Senator Little.

17 Senator Duane.

18 SENATOR DUANE: Thank you,
19 Mr. President. Then on the bill.

20 ACTING PRESIDENT GRIFFO:
21 Senator Duane on the bill.

22 SENATOR DUANE: I understand
23 that the sponsor uses the word "heir," and
24 that immediately conjures up a human. But the
25 beneficiary or heir, H-E-I-R, does not

1 necessarily have to be a person.

2 Now, the case that the sponsor
3 refers to and uses the example happens to be a
4 person. I get that. But there is another
5 scenario by which an artist has the right to
6 have a nonperson, some kind of entity, be the
7 heir, the beneficiary. And why are they not
8 as protected?

9 I believe there's a famous
10 candidate running for a very big office that
11 said -- and I'm talking about not-for-profit
12 corporations -- but this person said that
13 corporations were people. Not-for-profit
14 corporations can be left things, art. They
15 are not protected by this. Only a person
16 would be protected by this, and not the other
17 intended, potential intended beneficiary,
18 which may not be a person but some other kind
19 of institution.

20 So my point is, if we are opening
21 up this law, why are we only doing this? Is
22 it because this particular family came to the
23 sponsor and said, "Our family has this
24 problem"? Or is that just a random example?
25 It's unclear.

1 The law -- this legislation only
2 protects -- by the way, it only protects
3 consignors of fine art but not other tangible
4 property. I don't know, even costume jewelry
5 that's of value these days is not -- well, I
6 guess that would be art. But something that
7 may be not considered -- a book or, I don't
8 know, we can think of -- an album. You know.
9 Remember albums? Okay, furniture. Well, it
10 could be art. A wig.

11 But someone consigns a piece of
12 art and a diamond ring or a Herkimer diamond,
13 a Herkimer diamond, for instance. This law
14 doesn't cover the Herkimer diamond.

15 So if we are to open this bill
16 up, why is it only for Jasper Johns or
17 whoever, I don't know who this family is, and
18 not for the poor widow who leaves her Herkimer
19 diamond to, say, Dominican Commercial High
20 School -- which it's too late for them. So
21 the Mary Louis Academy. Why are we only
22 protecting one and not the other?

23 So well-intentioned though the
24 bill is, I don't know, I feel as if we should
25 do a more -- if we're going to open up the

1 legislation, let's just do it once and cover
2 all of the potential impacts.

3 And so I'm not recommending how
4 people should vote, but I am encouraging
5 people to have a sleepless night thinking
6 about the dilemma that this piece of
7 legislation has now put on all of us as
8 Senators.

9 Thank you, Mr. President.

10 ACTING PRESIDENT GRIFFO: Thank
11 you, Senator Duane.

12 Hearing and seeing no other
13 Senator, debate is closed. The Secretary will
14 ring the bell.

15 Read the last section.

16 THE SECRETARY: Section 3. This
17 act shall take effect on the 60th day.

18 ACTING PRESIDENT GRIFFO: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: In relation to
22 Calendar Number 1018: Ayes, 58. Nays, 1.
23 Senator Duane recorded in the negative.

24 Absent from voting: Senator
25 Diaz.

1 ACTING PRESIDENT GRIFFO: The
2 bill is passed.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 1087, by the Assembly Committee on Rules,
6 Assembly Print 10622, an act to authorize.

7 SENATOR BRESLIN: Explanation.

8 ACTING PRESIDENT GRIFFO:
9 Senator Breslin has requested -- Senator
10 Gianaris?

11 SENATOR GIANARIS: I would like
12 to thank Senator Breslin for his question and
13 explain the purpose of this bill.

14 It is a parkland alienation in my
15 district that will move certain parkland from
16 the control of the Parks Department to the
17 New York City Housing Authority. And it is
18 for the purposes of allowing a development to
19 go forward that will actually enhance the
20 property which is being alienated and will not
21 result in any reduction in parkland either.

22 It is an issue on which I've been
23 working since my first days in the Senate and
24 does have the support of all of the community
25 representatives in the affected area. And for

1 that reason, I believe it's a good bill.

2 ACTING PRESIDENT GRIFFO:

3 Senator Squadron, why do you rise?

4 SENATOR SQUADRON: Thank you.

5 If the sponsor would yield for a question.

6 SENATOR GIANARIS: Yes, I will.

7 ACTING PRESIDENT GRIFFO:

8 Senator Libous.

9 SENATOR LIBOUS: Mr. President,
10 I believe it's a Rules bill. Senator Gianaris
11 stood up and said he would like to explain it,
12 which he did, but I don't believe he's the
13 sponsor of the bill.

14 SENATOR GIANARIS: If I may,
15 Mr. President, on the Open Senate website I am
16 listed as the sponsor. On LRS I am also
17 listed as the Senator who requested this
18 legislation. So I believe on all the official
19 records I am the only Senator listed on this
20 legislation.

21 SENATOR LIBOUS: It's before the
22 house as a Rules bill. Senator Gianaris may
23 have a similar bill, but the bill that is
24 before us is a Rules bill, and it is Number
25 1087, Senate Print --

1 ACTING PRESIDENT GRIFFO:

2 Senator Gianaris, it is --

3 SENATOR GIANARIS: -- 7517.

4 ACTING PRESIDENT GRIFFO:

5 Senator Gianaris, it is -- Senator Gianaris,
6 it is a Rules bill. You had the opportunity,
7 because Senator Breslin asked for an
8 explanation, to rise to provide input on the
9 bill. But if Senator Squadron is going to ask
10 questions, I would ask Senator Libous to
11 designate someone from the Rules Committee to
12 answer those questions.

13 SENATOR GIANARIS: If I may, I'm
14 respectful of the President's decision, but
15 would like to point out that Senator Libous
16 and I are discussing the same bill. I have
17 documentation from our own Senate's website
18 that lists my name as the only name of a
19 Senator on the bill. The Legislative
20 Retrieval research services also lists my name
21 as the only name on this exact bill, 7517 in
22 the Senate.

23 So I'll ask for forgiveness if I
24 misunderstood, but it seems like I'm the
25 sponsor, according to all the official

1 records.

2 ACTING PRESIDENT GRIFFO:

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President,
5 let him debate the bill.

6 ACTING PRESIDENT GRIFFO: Okay.

7 SENATOR GIANARIS: Thank you.

8 SENATOR SQUADRON: If Senator
9 Gianaris would yield for a question.

10 SENATOR GIANARIS: Yes, I will.

11 ACTING PRESIDENT GRIFFO:

12 Senator Gianaris yields.

13 SENATOR SQUADRON: Thank you.

14 This actually is related to the point that was
15 just being discussed, the parliamentary point
16 that was just being discussed.

17 I actually do want to understand,
18 because I have a long-standing practice of
19 voting against bills sponsored by
20 Senator Rules, since Senator Rules doesn't
21 exist, doesn't represent anyone, and doesn't
22 have the sort of accountability that we have
23 here.

24 And it's something I've discussed
25 many times before. The hour is late. If

1 anyone is interested in further conversation,
2 I'm available to discuss it, but I have a
3 long-standing policy on that.

4 You did describe the bill. I
5 know it's in your district. I also know that
6 the Senate has a long-standing sort of
7 prerogative for people within their district
8 for issues like this: changes in parkland,
9 property tax issues, other hyperlocal issues.

10 So I just want to understand
11 before the vote, Senator Gianaris, since this
12 is -- through you, Mr. President, since this
13 is Senator Gianaris's district and he is
14 listed, that he supports this and that it
15 makes sense and, if so, why Senator Rules is
16 involved here.

17 ACTING PRESIDENT GRIFFO:
18 Senator Gianaris -- you rose, Senator
19 Squadron, to ask a question specific to the
20 bill. So if there's a question relative to
21 the bill, ask the question. Not relative to
22 the procedures of the house.

23 So what is your question relative
24 to the bill?

25 SENATOR GIANARIS: I understood

1 his question.

2 SENATOR SQUADRON: Thank you.

3 Thank you.

4 ACTING PRESIDENT GRIFFO: You
5 will speak -- Senator Gianaris, under Rule 3
6 and the authority vested in the chair, you
7 will speak to the germaneness of the bill. So
8 it's the bill in chief that's in question, not
9 the procedure.

10 SENATOR SQUADRON: Thank you,
11 Mr. President. I understand.

12 I'm asking since the parcel of
13 land in question lies within Senator
14 Gianaris's district and there's a
15 long-standing prerogative of this house for
16 the Senator who represents an area on a local
17 bill of this sort, if Senator Gianaris
18 supports this bill.

19 ACTING PRESIDENT GRIFFO:
20 Senator Gianaris.

21 SENATOR GIANARIS: Thank you,
22 Mr. President.

23 The short answer is I do not
24 know. This is a project I've been working on
25 for some time. I had language very similar to

1 this drafted and ready to go. And much to my
2 chagrin, it was introduced as a Rules bill
3 without my consultation.

4 In fact, I do need to give thanks
5 to Senator Lanza, who's not in the chamber at
6 the moment. But I believe when this passed
7 through Cities, he made a point on the record
8 of noting that this is an issue on which I had
9 worked and that he suggested that it be a bill
10 that bore my name, before the Rules
11 designation on this bill.

12 So it was a decision made by
13 others. Nonetheless, I'm glad the bill is
14 getting done, because I do support it,
15 Mr. President.

16 SENATOR SQUADRON: Thank you.
17 On the bill.

18 ACTING PRESIDENT GRIFFO:
19 Senator Squadron on the bill.

20 SENATOR SQUADRON: Thank you.

21 So as I said, I have a
22 long-standing policy against voting for bills
23 sponsored by Senator Rules. I appreciate
24 Senator Gianaris describing his view on this.
25 I believe last year there was a bill affecting

1 something in Senator Krueger's district where,
2 similarly, Senator Krueger stood up and said
3 that this was in her district and she thought
4 it made sense.

5 So I will be voting yes on this
6 bill despite my broader opposition to bills
7 sponsored by the Rules Committee.

8 Thank you, Mr. President.

9 ACTING PRESIDENT GRIFFO: Thank
10 you, Senator Squadron.

11 Seeing and hearing no other
12 Senator, the debate is closed and the
13 Secretary will ring the bell.

14 Read the last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect immediately.

17 ACTING PRESIDENT GRIFFO: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 59.

21 Absent from voting: Senator
22 Diaz.

23 ACTING PRESIDENT GRIFFO: The
24 bill is passed.

25 Senator Libous, that completes

1 the controversial reading of Supplemental
2 Active List Number 2.

3 SENATOR LIBOUS: Thank you,
4 Mr. President. Can we take up the
5 noncontroversial reading of Supplemental
6 Calendar Number 60C, please.

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 1430, by Senator Stavisky, Senate Print 1789,
11 an act to amend the Education Law.

12 ACTING PRESIDENT GRIFFO: Read
13 the last section.

14 THE SECRETARY: Section 2. This
15 act shall take effect immediately.

16 ACTING PRESIDENT GRIFFO: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1431, by Senator Ranzenhofer --

24 SENATOR LIBOUS: Lay the bill
25 aside for the day.

1 ACTING PRESIDENT GRIFFO: Lay it
2 aside for the day.

3 THE SECRETARY: Calendar Number
4 1432, by Senator Lanza, Senate Print 4225B, an
5 act to amend the Judiciary Law.

6 ACTING PRESIDENT GRIFFO: Read
7 the last section.

8 THE SECRETARY: Section 4. This
9 act shall take effect immediately.

10 ACTING PRESIDENT GRIFFO: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT GRIFFO: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 1433, by Senator Lanza, Senate Print 6029, an
18 act to amend the Public Health Law.

19 ACTING PRESIDENT GRIFFO: Read
20 the last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect immediately.

23 ACTING PRESIDENT GRIFFO: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: In relation to
2 Calendar 1433, those recorded in the negative
3 are Senators Montgomery, Parker and Perkins.

4 Ayes, 57. Nays, 3.

5 ACTING PRESIDENT GRIFFO: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 1434, by Senator Ritchie, Senate Print 6156,
9 an act to amend the Executive Law.

10 ACTING PRESIDENT GRIFFO: Read
11 the last section.

12 THE SECRETARY: Section 5. This
13 act shall take effect on the 180th day.

14 ACTING PRESIDENT GRIFFO: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: In relation to
18 Calendar Number 1434, those recorded in the
19 negative are Senators Avella, Breslin, Dilan,
20 Duane, Gianaris, Hassell-Thompson, Krueger,
21 Montgomery, Oppenheimer, Parker, Peralta,
22 Perkins, Rivera, Squadron, Stavisky and
23 Stewart-Cousins. Also Senator Serrano.

24 Ayes, 43. Nays, 17.

25 ACTING PRESIDENT GRIFFO: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 1435, Senator Marcellino moves
4 to discharge, from the Committee on Rules,
5 Assembly Bill Number 10592 and substitute it
6 for the identical Senate Bill Number 6526A,
7 Third Reading Calendar 1435.

8 ACTING PRESIDENT GRIFFO: The
9 substitution is so ordered.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 1435, by the Assembly Committee on Rules,
13 Assembly Print 10592, an act to amend the
14 Navigation Law.

15 ACTING PRESIDENT GRIFFO: Read
16 the last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect immediately.

19 ACTING PRESIDENT GRIFFO: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT GRIFFO: The
24 bill is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 1438, Senator Little moves to
2 discharge, from the Committee on Rules,
3 Assembly Bill Number 9943C and substitute it
4 for the identical Senate Bill Number 7013C,
5 Third Reading Calendar 1438.

6 ACTING PRESIDENT GRIFFO: The
7 substitution is so ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1438, by Member of the Assembly Brindisi,
11 Assembly Print 9943C, an act to amend the
12 Public Health Law.

13 ACTING PRESIDENT GRIFFO: Read
14 the last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect immediately.

17 ACTING PRESIDENT GRIFFO: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO:
21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar Number 1438, those recorded in the
24 negative are Senators Adams, Ball, Bonacic,
25 Breslin, Carlucci, DeFrancisco, Dilan, Duane,

1 Farley, Hassell-Thompson, Krueger, Larkin,
2 Montgomery, Parker, Perkins, Ritchie, Sampson,
3 Serrano, Seward and Stewart-Cousins. Also
4 Senator Oppenheimer.

5 SENATOR LIBOUS: Mr. President,
6 can we have some order on the roll call,
7 please.

8 ACTING PRESIDENT GRIFFO: I ask
9 for order in the house.

10 SENATOR DUANE: Mr. President.
11 Mr. President, point of order.

12 ACTING PRESIDENT GRIFFO: One
13 second, Senator Duane.

14 Senator Duane, what is your point
15 of order?

16 SENATOR DUANE: I'm just
17 wondering, are we going to hear the vote
18 results?

19 ACTING PRESIDENT GRIFFO: The
20 Secretary is tallying the votes. We had some
21 noise in the chamber; the Secretary is
22 attempting to --

23 (Laughter.)

24 ACTING PRESIDENT GRIFFO: The
25 Secretary is counting the roll, Senator Duane.

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar 1438, those recorded in the negative
4 are Senators Adams, Addabbo, Avella, Bonacic,
5 Breslin, Carlucci, DeFrancisco, Dilan, Duane,
6 Gianaris, Hassell-Thompson, Kennedy, Krueger,
7 Montgomery, Oppenheimer, Parker, Peralta,
8 Perkins, Ritchie, Rivera, Sampson, Serrano,
9 Seward, Smith, Squadron, Stavisky and
10 Stewart-Cousins.

11 Ayes, 33. Nays, 27.

12 ACTING PRESIDENT GRIFFO: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 1439, by Senator Seward, Senate Print --

16 SENATOR LIBOUS: The bill is
17 high, Mr. President.

18 ACTING PRESIDENT GRIFFO:
19 Senator Seward's bill is high and will be laid
20 aside for the day.

21 THE SECRETARY: Calendar Number
22 1440, by Senator Ball, Senate Print 7359A, an
23 act to amend the Tax Law.

24 ACTING PRESIDENT GRIFFO: Read
25 the last section.

1 THE SECRETARY: Section 2. This
2 act shall take effect immediately.

3 ACTING PRESIDENT GRIFFO: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 60.

7 ACTING PRESIDENT GRIFFO: The
8 bill is passed.

9 THE SECRETARY: In relation to
10 Calendar Number 1441, Senator Hannon moves to
11 discharge, from the Committee on Rules,
12 Assembly Bill 10248B and substitute it for the
13 identical Senate Bill Number 7384A, Third
14 Reading Calendar 1441.

15 ACTING PRESIDENT GRIFFO: The
16 substitution is so ordered.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 1441, by Member of the Assembly Rivera,
20 Assembly Print 10248B, an act to amend the
21 Social Services Law.

22 ACTING PRESIDENT GRIFFO: Read
23 the last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect immediately.

1 ACTING PRESIDENT GRIFFO: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 60.

5 ACTING PRESIDENT GRIFFO: The
6 bill is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 1442, Senator O'Mara moves to
9 discharge, from the Committee on Rules,
10 Assembly Bill 10107 and substitute it for the
11 identical Senate Bill Number 7424, Third
12 Reading Calendar 1442.

13 ACTING PRESIDENT GRIFFO: The
14 substitution is so ordered.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 1442, by Member of the Assembly Palmesano,
18 Assembly Print 10107, an act to amend the Real
19 Property Tax Law.

20 ACTING PRESIDENT GRIFFO: Read
21 the last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect immediately.

24 ACTING PRESIDENT GRIFFO: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 60.

3 ACTING PRESIDENT GRIFFO: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 1443, Senator Lanza moves to
7 discharge, from the Committee on Rules,
8 Assembly Bill Number 10573 and substitute it
9 for the identical Senate Bill Number 7467,
10 Third Reading Calendar 1443.

11 ACTING PRESIDENT GRIFFO: The
12 substitution is so ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 1443, by the Assembly Committee on Rules,
16 Assembly Print Number 10573, an act to amend
17 the Navigation Law.

18 ACTING PRESIDENT GRIFFO: Read
19 the last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect immediately.

22 ACTING PRESIDENT GRIFFO: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT GRIFFO: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 1444, by Senator Larkin, Senate Print 7700, an
5 act to amend the Uniform City Court Act.

6 ACTING PRESIDENT GRIFFO: Read
7 the last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect immediately.

10 ACTING PRESIDENT GRIFFO: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT GRIFFO: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 1445, by Senator O'Mara, Senate Print 7734, an
18 act to amend the Navigation Law.

19 ACTING PRESIDENT GRIFFO: A
20 home-rule message has not been received.

21 SENATOR LIBOUS: Lay it aside
22 for the day, please.

23 ACTING PRESIDENT GRIFFO: Lay
24 the bill aside for the day.

25 THE SECRETARY: In relation to

1 Calendar Number 1446, Senator Golden moves to
2 discharge, from the Committee on Rules,
3 Assembly Bill Number 10719 and substitute it
4 for the identical Senate Bill Number 7756,
5 Third Reading Calendar 1446.

6 ACTING PRESIDENT GRIFFO: The
7 substitution is so ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1446, by the Assembly Committee on Rules,
11 Assembly Print 10719, an act to amend the
12 Vehicle and Traffic Law.

13 ACTING PRESIDENT GRIFFO: Read
14 the last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect on the same date and in
17 the same manner as a chapter of the Laws of
18 2012.

19 ACTING PRESIDENT GRIFFO: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT GRIFFO: The
24 bill is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 1447, Senator Golden moves to
2 discharge, from the Committee on Rules,
3 Assembly Bill Number 8932A and substitute it
4 for the identical Senate Bill Number 7766,
5 Third Reading Calendar 1447.

6 ACTING PRESIDENT GRIFFO: The
7 substitution is so ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1447, by Member of the Assembly Scarborough,
11 Assembly Print 8932A, an act to amend the
12 Executive Law.

13 ACTING PRESIDENT GRIFFO: Read
14 the last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect on the 90th day.

17 SENATOR RIVERA: Mr. President,
18 point of order.

19 ACTING PRESIDENT GRIFFO:
20 Senator Rivera, what is your point of order?

21 SENATOR RIVERA: Maybe I'm
22 unclear, but these bills that we've been
23 voting on, the last two or three are marked as
24 high in our calendar. Is that correct or is
25 that incorrect?

1 ACTING PRESIDENT GRIFFO: That
2 is correct, Senator Rivera. However, the
3 Assembly bills have been substituted. And the
4 Assembly bills have aged and were eligible for
5 consideration before the house.

6 SENATOR RIVERA: Thank you,
7 Mr. President.

8 ACTING PRESIDENT GRIFFO: The
9 Secretary will continue.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT GRIFFO:
12 Announce the results.

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT GRIFFO: The
15 bill is passed.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President,
18 I believe from Calendar Number 1448 through
19 1453, unless something has changed with the
20 Assembly, they are also all high.

21 ACTING PRESIDENT GRIFFO: That
22 is correct, Senator Libous.

23 SENATOR LIBOUS: So then if the
24 bills are high, we can --

25 ACTING PRESIDENT GRIFFO: They

1 will be laid aside for the day.

2 SENATOR LIBOUS: -- lay them
3 aside.

4 Mr. President, at this point the
5 Senate will stand at ease. There will be
6 another active list coming out shortly. And
7 we're at ease.

8 ACTING PRESIDENT GRIFFO: The
9 Senate stands at ease.

10 (Whereupon, the Senate stood at
11 ease at 10:49 p.m.)

12 (Whereupon, the Senate reconvened
13 at 11:13 p.m.)

14 SENATOR LIBOUS: Mr. President.

15 ACTING PRESIDENT GRIFFO: The
16 Senate will come to order.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President,
19 is there any further business at the desk?

20 ACTING PRESIDENT GRIFFO: There
21 is no further business at the desk.

22 SENATOR LIBOUS: Then I have a
23 very important announcement.

24 There being no further business,
25 Mr. President, I move that the Senate adjourn

1 until Thursday, June 21st, at 10:00 a.m.

2 ACTING PRESIDENT GRIFFO: On

3 motion, the Senate stands adjourned until

4 Thursday, June 21st, at 10:00 a.m.

5 Senate adjourned.

6 (Whereupon, at 11:14 p.m., the

7 Senate adjourned.)

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