

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 21, 2012

11 11:08 a.m.

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13
14 REGULAR SESSION

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18 SENATOR DAVID STOROBIN, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask everyone present to please
5 rise and repeat the Pledge of Allegiance.

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

8 ACTING PRESIDENT STOROBIN: We
9 are joined here today by Reverend Peter Young,
10 of the Mother Teresa Community. He will give
11 us our invocation.

12 REVEREND YOUNG: Thank you,
13 Senator.

14 Let us pray.

15 As we gather in this final day of
16 the regular session, we will thank You, O God,
17 for Your blessing of the Senators and their
18 dedication, and their staff, combined with all
19 administrative personnel, for the bipartisan
20 cooperation, and pray that they will have time
21 for their family and relaxing then in good
22 health during the summer time off.

23 We are very proud of being a
24 New Yorker, because New Yorkers saw the
25 christening of the American flag when the

1 Stars and Stripes was first flown in battle at
2 the defense of Fort Stanwix in Rome.

3 It's with great pride that you
4 are able to serve as a Senator in this
5 patriotic tradition, in the elected
6 leadership, to fulfill the call of God, of
7 leadership.

8 We are proud of our elected
9 leaders as we were, of course, of Presidents
10 Van Buren, Fillmore, Arthur, Cleveland,
11 Theodore and Franklin Roosevelt. May we
12 continue in the greatness of their dedicated
13 public service to all of our New York State
14 citizens.

15 May we follow in the rich
16 tradition of the Senate that first met in
17 Kingston five days after the Declaration of
18 Independence.

19 You, O God, have provided
20 Senators with outstanding examples of
21 inspiring leadership. We pray that they will
22 be able to enjoy the good times that this time
23 of relaxation will offer.

24 Amen.

25 ACTING PRESIDENT STOROBIN: The

1 reading of the Journal.

2 THE SECRETARY: In Senate,
3 Wednesday, June 20th, the Senate met pursuant
4 to adjournment. The Journal of Tuesday,
5 June 19th, was read and approved. On motion,
6 the Senate adjourned.

7 ACTING PRESIDENT STOROBIN:
8 Without objection, the Journal stands approved
9 as read.

10 Presentation of petitions.

11 Messages from the Assembly.

12 The Secretary will read.

13 THE SECRETARY: On page 4,
14 Senator Golden moves to discharge, from the
15 Committee on Consumer Protection, Assembly
16 Bill Number 8614B and substitute it for the
17 identical Senate Bill Number 5576B, Third
18 Reading Calendar 72.

19 On page 5, Senator Flanagan moves
20 to discharge, from the Committee on Rules,
21 Assembly Bill Number 7591C and substitute it
22 for the identical Senate Bill Number 5650D,
23 Third Reading Calendar 125.

24 On page 7, Senator Libous moves
25 to discharge, from the Committee on Civil

1 Service and Pensions, Assembly Bill Number 6830A
2 and substitute it for the identical Senate Bill
3 Number 3136A, Third Reading Calendar 256.

4 On page 12, Senator Little moves to
5 discharge, from the Committee on Civil Service
6 and Pensions, Assembly Bill Number 9222 and
7 substitute it for the identical Senate Bill
8 Number 6394, Third Reading Calendar
9 487.

10 On page 12, Senator Valesky moves
11 to discharge, from the Committee on Civil Service
12 and Pensions, Assembly Bill Number 9450 and
13 substitute it for the identical Senate Bill
14 Number 6428, Third Reading Calendar 488.

15 On page 13, Senator Fuschillo moves
16 to discharge, from the Committee on Education,
17 Assembly Bill Number 9267A and substitute it for
18 the identical Senate Bill Number 595A, Third
19 Reading Calendar 513.

20 On page 22, Senator Marcellino
21 moves to discharge, from the Committee on Rules,
22 Assembly Bill Number 10102B and substitute it for
23 the identical Senate Bill Number 6999B, Third
24 Reading Calendar 832.

25 On page 24, Senator Griffo moves to

1 discharge, from the Committee on Rules, Assembly
2 Bill Number 10567A and substitute it for the
3 identical Senate Bill Number 6777B, Third Reading
4 Calendar 898.

5 On page 27, Senator Stewart-Cousins
6 moves to discharge, from the Committee on Rules,
7 Assembly Bill Number 9432 and substitute it for
8 the identical Senate Bill Number 6566, Third
9 Reading Calendar 1005.

10 On page 28, Senator Bonacic moves
11 to discharge, from the Committee on Civil Service
12 and Pensions, Assembly Bill Number 9566 and
13 substitute it for the identical Senate Bill
14 Number 6780, Third Reading Calendar 1007.

15 On page 28, Senator Bonacic moves
16 to discharge, from the Committee on Civil Service
17 and Pensions, Assembly Bill Number 9588 and
18 substitute it for the identical Senate Bill
19 Number 6781, Third Reading Calendar 1008.

20 On page 28, Senator Martins moves
21 to discharge, from the Committee on Civil Service
22 and Pensions, Assembly Bill Number 9998 and
23 substitute it for the identical Senate Bill
24 Number 7146, Third Reading Calendar 1011.

25 On page 28, Senator Farley moves to

1 discharge, from the Committee on Civil Service
2 and Pensions, Assembly Bill Number 10164 and
3 substitute it for the identical Senate Bill
4 Number 7416, Third Reading Calendar 1013.

5 On page 36, Senator Fuschillo moves
6 to discharge, from the Committee on Rules,
7 Assembly Bill Number 4365A and substitute it for
8 the identical Senate Bill Number 7595A, Third
9 Reading Calendar 1319.

10 On page 38, Senator Seward moves to
11 discharge, from the Committee on Rules, Assembly
12 Bill Number 10784 and substitute it for the
13 identical Senate Bill Number 7787, Third Reading
14 Calendar 1426.

15 On page 38, Senator Golden moves to
16 discharge, from the Committee on Rules, Assembly
17 Bill Number 9380B and substitute it for the
18 identical Senate Bill Number 7775, Third Reading
19 Calendar 1449.

20 And on page 36, Senator Martins
21 moves to discharge, from the Committee on Rules,
22 Assembly Bill Number 10685A and substitute it for
23 the identical Senate Bill Number 7706A, Third
24 Reading Calendar 1346.

25 ACTING PRESIDENT STOROBIN:

1 Substitutions ordered.

2 Messages from the Governor.

3 Reports of standing committees.

4 Reports of select committees.

5 Communications and reports from
6 state officers.

7 Motions and resolutions.

8 Senator Libous.

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

11 At this time I would call an
12 immediate meeting of the Judiciary Committee in
13 Room 332. There's an immediate meeting of the
14 Judiciary Committee.

15 The Senate will continue to pass
16 bills. The members of the Judiciary Committee,
17 if any bills are laid aside, will be able to vote
18 pursuant to Rule 9. And that way we can keep
19 things flowing.

20 So if members of the Judiciary
21 Committee would go to Room 332.

22 ACTING PRESIDENT STOROBIN:
23 Immediate meeting of the Judiciary Committee in
24 Room 332.

25 SENATOR LIBOUS: Thank you.

1 Mr. President, we'll just hang on a
2 second. We'll get a little order in the
3 chamber. We're going to take up the active list.

4 Okay, Mr. President, at this time
5 we will go to today's active list, the
6 noncontroversial reading.

7 ACTING PRESIDENT STOROBIN: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number 5,
10 by Senator Kennedy, Senate Print 3330A, an act
11 authorizing.

12 ACTING PRESIDENT STOROBIN: There
13 is a home-rule message at the desk.

14 Read the last section.

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

17 ACTING PRESIDENT STOROBIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 47. Nays,
21 1. Senator Ball recorded in the negative.

22 ACTING PRESIDENT STOROBIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 72, substituted earlier by Member of the Assembly

1 Titone, Assembly Print Number 8614B, an act to
2 amend the General Business Law.

3 ACTING PRESIDENT STOROBIN: Read
4 the last section.

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

7 ACTING PRESIDENT STOROBIN: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 48.

11 ACTING PRESIDENT STOROBIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 85, by Senator Ritchie, Senate Print 5160B, an
15 act to amend the Agriculture and Markets Law.

16 ACTING PRESIDENT STOROBIN: Read
17 the last section.

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

20 ACTING PRESIDENT STOROBIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 48.

24 ACTING PRESIDENT STOROBIN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 91, by Senator Little, Senate Print 5525C, an act
3 to amend the General Municipal Law.

4 ACTING PRESIDENT STOROBIN: Read
5 the last section.

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

8 ACTING PRESIDENT STOROBIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 48.

12 ACTING PRESIDENT STOROBIN: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 125, substituted earlier by Member of the
16 Assembly Nolan, Assembly Print 7591C, an act in
17 relation.

18 ACTING PRESIDENT STOROBIN: Read
19 the last section.

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

22 ACTING PRESIDENT STOROBIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 48.

1 ACTING PRESIDENT STOROBIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 256, substituted earlier by Member of the
5 Assembly Crouch, Assembly Print Number 6830A, an
6 act to authorize.

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

9 Read the last section.

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

12 ACTING PRESIDENT STOROBIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 48.

16 ACTING PRESIDENT STOROBIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 347, by Senator Young, Senate Print 4020C, an act
20 to amend the Highway Law.

21 ACTING PRESIDENT STOROBIN: Read
22 the last section.

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

25 ACTING PRESIDENT STOROBIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 48.

4 ACTING PRESIDENT STOROBIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 374, by Senator Flanagan --

8 SENATOR BRESLIN: Lay it aside.

9 ACTING PRESIDENT STOROBIN: The
10 bill is laid aside.

11 THE SECRETARY: Calendar Number
12 487, substituted earlier by Member of the
13 Assembly Sayward, Assembly Print 9222, an act to
14 authorize.

15 ACTING PRESIDENT STOROBIN: There
16 is a home-rule message at the desk.

17 Read the last section.

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

20 ACTING PRESIDENT STOROBIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 48.

24 ACTING PRESIDENT STOROBIN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 488, substituted earlier by Member of the
3 Assembly Roberts, Assembly Print 9450, an act to
4 authorize.

5 ACTING PRESIDENT STOROBIN: There
6 is a home-rule message at the desk.

7 Read the last section.

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

10 ACTING PRESIDENT STOROBIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 48.

14 ACTING PRESIDENT STOROBIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 513, substituted earlier by Member of the
18 Assembly Hooper, Assembly Print 9267A, an act to
19 amend the Education Law.

20 ACTING PRESIDENT STOROBIN: Read
21 the last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect on the first of July.

24 ACTING PRESIDENT STOROBIN: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 48.

3 ACTING PRESIDENT STOROBIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 558, by Senator Seward, Senate Print 6811A, an
7 act to amend Chapter 585 of the Laws of 2011.

8 ACTING PRESIDENT STOROBIN: There
9 is a home-rule message at the desk.

10 Read the last section.

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

13 ACTING PRESIDENT STOROBIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 47. Nays,
17 1. Senator Ball recorded in the negative.

18 ACTING PRESIDENT STOROBIN: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 594, by Senator Grisanti --

22 SENATOR LIBOUS: Mr. President,
23 lay this bill aside temporarily, please.

24 ACTING PRESIDENT STOROBIN: The
25 bill is laid aside temporarily.

1 THE SECRETARY: Calendar Number
2 615, by Senator Zeldin, Senate Print 6872B --

3 SENATOR BRESLIN: Lay it aside.

4 ACTING PRESIDENT STOROBIN: Lay
5 the bill aside.

6 THE SECRETARY: Calendar Number
7 746, by Senator Valesky, Senate Print 4767A, an
8 act granting retroactive Tier IV membership.

9 ACTING PRESIDENT STOROBIN: There
10 is a home-rule message at the desk.

11 Read the last section.

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

14 ACTING PRESIDENT STOROBIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 48.

18 ACTING PRESIDENT STOROBIN: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 832, substituted earlier by Member of the
22 Assembly Conte, Assembly Print 10102B, an act to
23 authorize.

24 ACTING PRESIDENT STOROBIN: Read
25 the last section.

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

3 ACTING PRESIDENT STOROBIN: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 50.

7 ACTING PRESIDENT STOROBIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 898, substituted earlier by the Assembly
11 Committee on Rules, Assembly Print 10567A, an act
12 to amend the Banking Law.

13 ACTING PRESIDENT STOROBIN: Read
14 the last section.

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

17 ACTING PRESIDENT STOROBIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 49. Nays,
21 1. Senator Ball recorded in the negative.

22 ACTING PRESIDENT STOROBIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 1005, substituted earlier by Member of the

1 Assembly Abinanti, Assembly Print 9432, an act to
2 authorize.

3 ACTING PRESIDENT STOROBIN: Read
4 the last section.

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

7 ACTING PRESIDENT STOROBIN: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 50.

11 ACTING PRESIDENT STOROBIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 1007, by substituted earlier Member of the
15 Assembly Gunther, Assembly Print 9566, an act
16 relating to authorizing.

17 ACTING PRESIDENT STOROBIN: There
18 is a home-rule message at the desk.

19 Please read the last section.

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

22 ACTING PRESIDENT STOROBIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 50.

1 ACTING PRESIDENT STOROBIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 1008, substituted earlier by Member of the
5 Assembly Cahill, Assembly Print 9588, an act to
6 authorize.

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

9 Please read the last section.

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

12 ACTING PRESIDENT STOROBIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 50.

16 ACTING PRESIDENT STOROBIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 1010, by Senator Ritchie, Senate Print 7089, an
20 act to authorize.

21 SENATOR BRESLIN: Lay it aside.

22 ACTING PRESIDENT STOROBIN: The
23 bill is laid aside.

24 SENATOR GRIFFO: Mr. President,
25 please lay Calendar 1010 aside for the day.

1 Calendar 1010, we would like the bill laid aside
2 for the day.

3 ACTING PRESIDENT STOROBIN:

4 Calendar Number 1010 is laid aside for the day.

5 The Secretary will continue to
6 read.

7 THE SECRETARY: Calendar Number
8 1011, substituted earlier today by Member of the
9 Assembly Schimel, Assembly Print 9998, an act in
10 relation to authorizing.

11 ACTING PRESIDENT STOROBIN: Read
12 the last section.

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

15 ACTING PRESIDENT STOROBIN: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 50.

19 ACTING PRESIDENT STOROBIN: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 1013, by Member of the Assembly Butler, Assembly
23 Print 10164, an act to allow.

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

1 Read the last section.

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

4 ACTING PRESIDENT STOROBIN: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 50.

8 ACTING PRESIDENT STOROBIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1067, by Senator Farley, Senate Print 6909A, an
12 act to amend the Alcoholic Beverage Control Law.

13 ACTING PRESIDENT STOROBIN: Read
14 the last section.

15 THE SECRETARY: Section 6. This
16 act shall take effect June 30, 2012.

17 ACTING PRESIDENT STOROBIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: In relation to
21 Calendar Number 1067, those recorded in the
22 negative are Senators Fuschillo, Hannon, Little
23 and Zeldin.

24 Ayes, 46. Nays, 4.

25 ACTING PRESIDENT STOROBIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1109, by Senator Flanagan, Senate Print 7288 --

4 SENATOR BRESLIN: Lay it aside.

5 ACTING PRESIDENT STOROBIN: The
6 bill is laid aside.

7 THE SECRETARY: Calendar Number
8 1224, by Senator Lanza, Senate Print 5573D, an
9 act to amend the Not-For-Profit Corporation Law.

10 ACTING PRESIDENT STOROBIN: Read
11 the last section.

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

14 ACTING PRESIDENT STOROBIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 49. Nays,
18 1. Senator Ball recorded in the negative.

19 ACTING PRESIDENT STOROBIN: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 1319, substituted earlier by Member of the
23 Assembly Perry, Assembly Print 4365A, an act to
24 amend the General Business Law.

25 ACTING PRESIDENT STOROBIN: Read

1 the last section.

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

4 ACTING PRESIDENT STOROBIN: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 50.

8 ACTING PRESIDENT STOROBIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1325, by Senator Ritchie, Senate Print 7631B, an
12 act to amend the Highway Law.

13 ACTING PRESIDENT STOROBIN: Read
14 the last section.

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

17 ACTING PRESIDENT STOROBIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 50.

21 ACTING PRESIDENT STOROBIN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 1336, by Senator Flanagan, Senate Print 7718A, an
25 act to amend the Education Law.

1 ACTING PRESIDENT STOROBIN: Read
2 the last section.

3 THE SECRETARY: Section 2. This
4 act shall take effect July 1, 2012.

5 ACTING PRESIDENT STOROBIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 52.

9 ACTING PRESIDENT STOROBIN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 1342, by Senator Little, Senate Print 7656A, an
13 act to amend the Highway Law.

14 ACTING PRESIDENT STOROBIN: Read
15 the last section.

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

18 ACTING PRESIDENT STOROBIN: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 51. Nays,
22 1. Senator Fuschillo recorded in the negative.

23 ACTING PRESIDENT STOROBIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1346, substituted earlier by the Assembly
2 Committee on Rules, Assembly Print 10685A, an act
3 in relation to authorizing.

4 ACTING PRESIDENT STOROBIN: Read
5 the last section.

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

8 ACTING PRESIDENT STOROBIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: In relation to
12 Calendar Number 1346: Ayes, 50. Nays, 2.
13 Senators Larkin and O'Mara recorded in the
14 negative.

15 ACTING PRESIDENT STOROBIN: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 1409, by Senator Young, Senate Print 5356D, an
19 act to amend the Education Law.

20 ACTING PRESIDENT STOROBIN: Read
21 the last section.

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

24 ACTING PRESIDENT STOROBIN: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 51. Nays,

3 1. Senator Rivera recorded in the negative.

4 ACTING PRESIDENT STOROBIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 1422, by Senator Flanagan, Senate Print 7722A, an
8 act to amend the Education Law.

9 ACTING PRESIDENT STOROBIN: Read
10 the last section.

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

13 ACTING PRESIDENT STOROBIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: In relation to
17 Calendar Number 1422, those recorded in the
18 negative are Senators Ball, Griffo, Maziarz,
19 Nozzolio, O'Mara, Ritchie, Saland, Seward,
20 Stewart-Cousins and Young.

21 Ayes, 42. Nays, 10.

22 ACTING PRESIDENT STOROBIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 1423, by Senator Maziarz, Senate Print 7735A, an

1 act to amend the Public Health Law.

2 ACTING PRESIDENT STOROBIN: Read
3 the last section.

4 THE SECRETARY: Section 4. This
5 act shall take effect October 1, 2012.

6 ACTING PRESIDENT STOROBIN: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT STOROBIN:
10 Senator Maziarz to explain his vote.

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

13 Just very briefly, this
14 legislation enacts the Safe Patient Handling
15 Act. This bill has been a long, long time being
16 worked out and coming to fruition here. It's
17 going to result, I think, in better care for
18 patients and also going to result in better
19 treatment of employees in nursing homes and
20 hospitals across this state.

21 I want to give a special shout-out
22 to Roger Cook of WNYCOSH. His advocacy on behalf
23 of this legislation has been invaluable.

24 Also to Kaleida Health, a major
25 healthcare delivery system in Western New York.

1 Kaleida Health implemented the provisions of this
2 legislation voluntarily several years ago, and it
3 has resulted in the savings of hundreds of
4 thousands of dollars in workers' compensation
5 costs. It has resulted in a steep reduction in
6 the number of injuries to healthcare workers, and
7 it has resulted in an immeasurable amount of
8 workdays that were not lost due to worker injury.

9 Mr. President, I vote in the
10 affirmative. Thank you.

11 ACTING PRESIDENT STOROBIN:

12 Senator Maziarz to be recorded in the
13 affirmative.

14 Senator DeFrancisco to explain his
15 vote.

16 SENATOR DeFRANCISCO: Thank you.

17 This bill has been a priority of
18 nurses for a long, long time, and the logic
19 behind it is inescapable. If you have the
20 correct equipment, you're not only going to be
21 more safely handle patients, but you're going to
22 eliminate some of the injuries that nurses
23 experience as a result of not having that
24 equipment to move patients from one place to the
25 other, from the bed to a chair or whatever it

1 might be.

2 And what was excellent about this
3 bill -- it was not an easy lift, because
4 obviously some hospitals, some of the most
5 powerful hospitals, the ones in the New York City
6 area, had fought it for years. And I want to
7 commend Senator Maziarz for listening not only to
8 the New York hospitals, other hospitals, nursing
9 homes, also to some suggestions that I had to
10 make the bill better, I thought -- to come to
11 this bill and actually get it to the point where
12 it's going to pass this house.

13 So it's an excellent joint effort.
14 It will save money in the long run, in reducing
15 workers' compensation claims. And most
16 importantly, it will help patients. So an
17 excellent bill, and I am proud to vote yes.

18 ACTING PRESIDENT STOROBIN:
19 Senator DeFrancisco's vote will be recorded in
20 the affirmative.

21 Senator Kennedy to explain his
22 vote.

23 SENATOR KENNEDY: Thank you very
24 much, Mr. President.

25 This is a major victory for

1 healthcare workers across New York State as well
2 as those who rely on high-quality care in the
3 healthcare field.

4 The Safe Patient Handling bill is a
5 win/win for New Yorkers. I want to thank the
6 sponsor, Senator Maziarz, for his leadership on
7 bringing this to the floor today.

8 This bill is going to improve care
9 for patients, and it's going to improve working
10 conditions for nurses and other healthcare
11 workers.

12 Prior to joining the Senate, I
13 worked in the healthcare industry as an
14 occupational therapist for a number of years
15 ago. As I grew up in the healthcare industry, I
16 also lived in the home where my mother is a nurse
17 and has worked for many years as a career in
18 nursing.

19 Nursing is one of the most
20 physically demanding jobs one can take up. The
21 heavy lifting, the running, the patients in need,
22 the split-second decision-making -- we expect a
23 lot out of our nurses. Yet time and time again,
24 their work successfully leads to improved health
25 consequences and lives saved.

1 By empowering nurses with safe
2 patient handling tools such as engineering
3 controls, lifting and transfer aids, as well as
4 assistive devices, we're going to help them
5 improve patient care and ensure better health for
6 the patients as well as better health for the
7 workers.

8 Patient are going to enjoy safer,
9 more comfortable healthcare experiences and see
10 dramatic reductions in the risk of falls, drops,
11 cuts and bruises.

12 There's also great benefits for the
13 healthcare facilities: Improved quality of care,
14 higher worker retention rates, fewer on-the-job
15 injuries. That means even greater reputations
16 for our healthcare institutions and reduced
17 costs.

18 Again, Mr. President, this is
19 important legislation for New Yorkers who work in
20 the healthcare field as well as those who rely on
21 high-quality healthcare.

22 I vote aye. Thank you.

23 ACTING PRESIDENT STOROBIN:

24 Senator Kennedy's vote to be recorded in the
25 affirmative.

1 Senator Hannon to explain his vote.

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

4 I rise to support this Safe Patient
5 Handling legislation. It's been a long time
6 coming. For one thing, it marks a really
7 difficult chore of different unions who represent
8 healthcare workers coming together and agreeing
9 upon a common cause. And for that we owe really
10 a debt of thanks to the AFL-CIO for bringing that
11 together.

12 That being said, I must put a word
13 of caution in. Because while the patients will
14 be benefited, while the workers will be
15 benefited, and ultimately while the healthcare
16 system will benefit because of lower costs, there
17 is a difficulty in implementing this that I've
18 heard from nursing homes, I've heard from
19 hospitals. They are surprised, some are saying
20 "We're doing this already," some are saying
21 "We'll never be able to do it."

22 We have a challenged healthcare
23 system. It's short of money, it's short of
24 personnel, it's short of cash, notwithstanding
25 the fact that people think there's a lot of

1 people going and using the healthcare system
2 right now. So this is a good step forward, but
3 we're also going to make a commitment that we'll
4 have to support it as we go forward.

5 The Kaleida system has had
6 spectacular numbers in improving things in its
7 system because of safe patient handling, but that
8 was because the Legislature appropriated money in
9 HEAL grants to help the Kaleida system
10 reconstruct part of what they were doing. So
11 we're going to have to remember that as we go
12 forward in our budget-making process in the next
13 several years.

14 And I rise in support. Thank you,
15 Mr. President.

16 ACTING PRESIDENT STOROBIN:
17 Senator Hannon's vote to be recorded in the
18 affirmative.

19 Announce the results.

20 THE SECRETARY: Ayes, 51. Nays,
21 1. Senator O'Mara recorded in the negative.

22 ACTING PRESIDENT STOROBIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 1425, by Senator Ranzenhofer, Senate Print 7769,

1 an act to amend the State Finance Law.

2 ACTING PRESIDENT STOROBIN: Read
3 the last section.

4 THE SECRETARY: Section 21. This
5 act shall take effect on the 120th day.

6 ACTING PRESIDENT STOROBIN: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 52.

10 ACTING PRESIDENT STOROBIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1426, substituted earlier by the Assembly
14 Committee on Rules, Assembly Bill Number 10784,
15 an act to amend the Insurance Law.

16 ACTING PRESIDENT STOROBIN: Read
17 the last section.

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

20 ACTING PRESIDENT STOROBIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT STOROBIN:

24 Senator Young to explain her vote.

25 SENATOR YOUNG: Thank you,

1 Mr. President.

2 I've been working on a wage
3 deduction bill for the past nearly three years,
4 and this piece of -- oh, sorry. Wrong bill.

5 ACTING PRESIDENT STOROBIN:
6 Announce the results.

7 THE SECRETARY: Ayes, 53.

8 ACTING PRESIDENT STOROBIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1427 --

12 SENATOR LIBOUS: Lay it aside
13 temporarily.

14 ACTING PRESIDENT STOROBIN: The
15 bill is laid aside temporarily.

16 THE SECRETARY: Calendar Number
17 1448, by Senator Hannon, Senate Print 7773, an
18 act to amend the Public Health Law.

19 ACTING PRESIDENT STOROBIN: Read
20 the last section.

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

23 ACTING PRESIDENT STOROBIN: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 53.

2 ACTING PRESIDENT STOROBIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 1449, substituted earlier by Member of the
6 Assembly DenDekker, Assembly Print 9380B, an act
7 to amend the Executive Law.

8 ACTING PRESIDENT STOROBIN: Read
9 the last section.

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

12 ACTING PRESIDENT STOROBIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT STOROBIN:
16 Senator DeFrancisco to explain his vote.

17 SENATOR DeFRANCISCO: Yes, I'm
18 going to vote no.

19 I fully understand that this bill
20 establishes a voluntarily surveillance access
21 database and that it's voluntary. I understand
22 that. But whenever we pass one of these bills,
23 whether it's cameras for buses, whether it's
24 cameras for stoplights, whether it's cameras for
25 some other law enforcement purpose, I can't help

1 but remembering a book I read in the early '60s
2 that seemed so far in the future, called 1984.

3 And we're getting closer and closer
4 to this George Orwellian state where we're going
5 to have so many video cameras, even though it's
6 voluntary, people whose legitimate actions,
7 legitimate movements are going to be recorded by
8 so many different people and so many different
9 agencies -- that's not a good thing, in my mind.

10 So whether this is voluntary or
11 not, I vote nay.

12 ACTING PRESIDENT STOROBIN:
13 Senator DeFrancisco's vote is recorded in the
14 negative.

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar 1449, those recorded in the negative are
18 Senators Avella, Breslin, DeFrancisco, Dilan,
19 Gianaris, Griffo, Hannon, Kennedy, Krueger,
20 Larkin, LaValle, Nozzolio, Oppenheimer, Parker,
21 Peralta, Perkins, Ranzenhofer, Rivera, Saland,
22 Serrano, Squadron, Stavisky and Stewart-Cousins.

23 Ayes, 34. Nays, 23.

24 ACTING PRESIDENT STOROBIN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 1450, by Senator Ritchie, Senate Print 7778, an
3 act to amend the Public Health Law.

4 ACTING PRESIDENT STOROBIN: Read
5 the last section.

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

8 ACTING PRESIDENT STOROBIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 57.

12 ACTING PRESIDENT STOROBIN: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 1451, by Senator Flanagan, Senate Print 7783, an
16 act to amend the Education Law.

17 ACTING PRESIDENT STOROBIN: Read
18 the last section.

19 THE SECRETARY: Section 22. This
20 act shall take effect July 1, 2012.

21 ACTING PRESIDENT STOROBIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 57.

25 ACTING PRESIDENT STOROBIN: The

1 bill is passed.

2 Senator Krueger, why do you rise?

3 SENATOR KRUEGER: Please excuse
4 me; I don't need to speak. I can fill out a form
5 for Rule 9. Thank you.

6 ACTING PRESIDENT STOROBIN:
7 Senator Libous, that completes the reading of the
8 noncontroversial calendar. Thank you.

9 SENATOR LIBOUS: Thank you.

10 At this time, Mr. President, we
11 will take up the controversial calendar. No, no,
12 no, noncontroversial. Hang on a second.

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

15 SENATOR LIBOUS: Yeah, that would
16 be helpful.

17 Mr. President, earlier we laid
18 aside, temporarily, Calendar Number 594. So
19 could we have the noncontroversial reading of
20 that.

21 ACTING PRESIDENT GRIFFO: The
22 Secretary will read.

23 THE SECRETARY: On page 14,
24 Senator Grisanti moves to discharge, from the
25 Committee on Rules, Assembly Bill Number 10585A

1 and substitute it for the identical Senate Bill
2 Number 6268D, Third Reading Calendar 594.

3 ACTING PRESIDENT GRIFFO: The
4 substitution is so ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 594, by the Assembly Committee on Rules, Assembly
8 Print 10585A, an act to amend the Environmental
9 Conservation Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

12 THE SECRETARY: Section 3. This
13 act shall take effect May 1, 2013.

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT GRIFFO: Senator
18 Grisanti to explain his vote.

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

21 My fellow colleagues, this is an
22 important piece of legislation that's passed the
23 Assembly. And the premise is quite simple. Our
24 constituents across the state need to know how
25 safe it is to use the water.

1 In this day and age, it's almost
2 unthinkable that New Yorkers would be allowed to
3 swim, fish, kayak without receiving any warning
4 of any recent discharge of sewage into the water,
5 yet this happens all too frequently.

6 This bill creates a mechanism to
7 alert the people of any sewage spills into the
8 water that people use for recreational or
9 commercial activities. This will be achieved
10 without, and I stress without imposing any
11 burden, financial burden on municipalities.

12 While the purpose of this bill is
13 notification, the larger issue is the discharge
14 in municipalities, the overflow in the sewer
15 infrastructures. Combined sewer overflow
16 discharge, tens of billions of gallons of dirty
17 water each year. Municipalities across the state
18 are making substantial improvements and managing
19 the stormwater runoff and reducing these
20 discharges in compliance with their permits with
21 the DEC.

22 But this legislation will serve to
23 educate the public on the need for continued
24 investment to improve our sewage delivery system
25 and ultimately prevent pollutage of our public

1 waters.

2 I want to thank Senate counsel, I
3 want to thank my staff for their time and effort
4 from this legislation.

5 We have no opposition from the
6 New York Conference of Mayors, New York State
7 Association of Counties, New York State
8 Association of Towns, NYWEA, New York Water
9 Associates.

10 We have support from the DEP, DEC,
11 Riverkeeper, New York League of Conservation
12 Voters, Adirondack Council, Citizens Campaign for
13 the Environment, and Long Island Lobby
14 Coalition.

15 This is an important step to
16 protect our public about sewer discharges. I
17 vote aye, Mr. President.

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

20 Senator LaValle to explain his
21 vote.

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

24 I want to compliment Senator
25 Grisanti for this legislation and the hard work

1 by the staff to put this together.

2 Every year I host an environmental
3 roundtable in my district, and it's quite an
4 event. As a matter of fact, it has grown each
5 year. The discussion each year is usually about
6 open space. This year it was about water, sewage
7 discharge, and what this bill is all about.

8 So I vote in the affirmative,
9 Mr. President.

10 ACTING PRESIDENT GRIFFO: Senator
11 LaValle to be recorded in the affirmative.

12 Announce the results.

13 THE SECRETARY: Ayes, 53. Nays,
14 4. Senators Farley, Griffio, Little and Seward
15 recorded in the negative.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 Senator Libous.

19 SENATOR LIBOUS: Mr. President,
20 there was another bill laid aside earlier today
21 on the noncontroversial reading, temporarily. It
22 would be Calendar Number 1427, by Senator Young.
23 If we could take that up right now.

24 ACTING PRESIDENT GRIFFO: The
25 Secretary will read.

1 THE SECRETARY: On page 38,
2 Senator Young moves to discharge, from the
3 Committee on Rules, Assembly Bill Number 10785
4 and substitute it for the identical Senate Bill
5 Number 7790, Third Reading Calendar 1427.

6 ACTING PRESIDENT GRIFFO: The
7 substitution is ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1427, by the Assembly Committee on Rules,
11 Assembly Print Number 10785, an act to amend the
12 Labor Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: Senator
21 Young to explain her vote.

22 I'm going to ask for order in the
23 chamber so we can hear the Senator explain her
24 vote.

25 Senator Young.

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

3 This is an issue that I've been
4 working on for nearly three years. It's great
5 for employers and great for employees.

6 And we've been working very hard in
7 the Senate to change the direction of the state,
8 to grow the economy and make our state even more
9 competitive from a business sense. We've made
10 great progress by working closely with Governor
11 Cuomo. And through our partnership, we are
12 sending a clear message that New York State
13 indeed is open for business.

14 It's my belief that this bill will
15 give the Commissioner of Labor the ability to
16 exercise regulatory action to encourage a more
17 business-friendly environment in our state.

18 So I'd like to thank everyone for
19 their support on this measure. It will be passed
20 by the Assembly, it's my belief. So I
21 enthusiastically vote yes and urge all of my
22 colleagues to do the same.

23 Thank you, Mr. President.

24 ACTING PRESIDENT GRIFFO: Senator
25 Young will be recorded in the affirmative.

1 Announce the results.

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 Senator Libous, that's the end of
6 the noncontroversial temporary lay-asides.

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

9 Could we go back to reports of
10 standing committees. I believe there's a report
11 of the Judiciary Committee at the desk.

12 ACTING PRESIDENT GRIFFO: Reports
13 of standing committees.

14 There is a report of the Judiciary
15 Committee at the desk. The Secretary will read.

16 THE SECRETARY: Senator Bonacic,
17 from the Committee on Judiciary, reports the
18 following nominations.

19 As a judge of the Court of Claims,
20 April A. Newbauer, of Brooklyn.

21 ACTING PRESIDENT GRIFFO: Senator
22 Bonacic.

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

25 The Judiciary Committee met

1 earlier, and we reviewed --

2 SENATOR LIBOUS: Excuse me,
3 Senator Bonacic, if I may.

4 SENATOR BONACIC: Sure.

5 SENATOR LIBOUS: If I could.

6 This is very important, these
7 nominations. If I could ask staff to leave the
8 chamber if you're not discussing something with a
9 member. If members need to discuss business,
10 we've got tables outside of the chamber.

11 These nominations are extremely
12 important to this house. We need to have order
13 and move forward.

14 Thank you, Mr. President.

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

17 Senator Bonacic.

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

20 We've had six excellent people come
21 before us this morning in the Judiciary Committee
22 with exemplary qualifications. The Governor has
23 nominated all six of them. And I want to thank
24 the Governor for putting these excellent people
25 before this house.

1 I'd like to now briefly speak on
2 April Newbauer. She's here with her husband,
3 Nicholas, and also her children, Rachel, Justin
4 and Simon. And we welcome them all today.

5 I move the nomination for
6 Ms. Newbauer for the Court of Claims.

7 ACTING PRESIDENT GRIFFO: Thank
8 you, Senator Bonacic.

9 Senator Adams.

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

12 I just want to second and join my
13 colleague on his comments on comments about Judge
14 Newbauer. She lives in my district, and I
15 interact with her frequently. And I really
16 appreciate what she was done around being a
17 member of Legal Services, and we look forward to
18 having her on the bench.

19 And I appreciate and commend the
20 Governor on this appointment.

21 Thank you, Mr. President.

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

24 Senator Krueger.

25 SENATOR KRUEGER: Thank you.

1 I would also like to second the
2 nomination of April Newbauer. I have known April
3 for many years in her work on behalf of the Legal
4 Aid Society in a number of different functions.

5 She is an extraordinary attorney.
6 She has enormous compassion for people in need of
7 appropriate response from our judicial system. I
8 can't think of a better person to be joining the
9 court.

10 And I know that she will give
11 everyone who comes before her in her courtroom
12 her full attention and ensure that the laws of
13 the State of New York are administered correctly,
14 fairly, and with heart. I'm very pleased to see
15 her becoming a judge in the Court of Claims.

16 Thank you, Mr. President.

17 ACTING PRESIDENT GRIFFO: Thank
18 you, Senator Krueger.

19 Senator Smith.

20 SENATOR SMITH: Thank you very
21 much, Mr. President.

22 And I also rise to second the
23 nomination of April Newbauer. Just as some of my
24 colleagues before me have indicated, her work
25 with Legal Aid, what she has done, she provides

1 the kind of temperament that is necessary to
2 dispense justice from the bench.

3 I congratulate our chairman,
4 Senator Bonacic, for reviewing her background
5 through the committee, and also the Governor on
6 her selection.

7 And to April Newbauer, I say good
8 luck to you. And if you continue to do the work
9 as you've done for many people throughout the
10 City of New York -- and we've had firsthand
11 experience with you -- I'm quite sure you will do
12 a great job. So congratulations to you.

13 ACTING PRESIDENT GRIFFO: The
14 question is on the nomination of April A.
15 Newbauer, of Brooklyn, to serve as a judge of the
16 Court of Claims. All in favor signify by saying
17 aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT GRIFFO: Opposed?

20 (No response.)

21 ACTING PRESIDENT GRIFFO: April A.
22 Newbauer has been confirmed as a judge of the
23 Court of Claims.

24 Congratulations. We welcome you to
25 the chamber.

1 (Applause.)

2 ACTING PRESIDENT GRIFFO: The
3 Secretary will read.

4 THE SECRETARY: As a judge of the
5 Court of Claims, Stephen J. Lynch, of Speonk.

6 ACTING PRESIDENT GRIFFO: Senator
7 Bonacic.

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

10 Mr. Lynch is up for the Court of
11 Claims for a term that would expire March 22nd in
12 2021. Again, he was unanimously approved by the
13 members of the Judiciary Committee, and I would
14 move the nomination to the floor.

15 And I'd like you, Mr. President, to
16 recognize Senator LaValle.

17 ACTING PRESIDENT GRIFFO: Senator
18 LaValle.

19 SENATOR LaVALLE: Thank you very
20 much, Senator Bonacic.

21 It is with great pleasure that I
22 rise to second the nomination of Stephen J.
23 Lynch, for Court of Claims, who lives in the town
24 of Southampton. He is well-qualified by
25 education, experience -- 17½ years as the

1 principal law clerk to two Supreme Court justices
2 in the 10th Judicial District -- and he is also
3 qualified by temperament.

4 I second his nomination.

5 ACTING PRESIDENT GRIFFO: The
6 question is on the nomination of Stephen J. Lynch
7 as a judge of the Court of Claims. All in favor
8 signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT GRIFFO: Opposed?

11 (No response.)

12 ACTING PRESIDENT GRIFFO: Stephen
13 J. Lynch has been confirmed as a judge of the
14 Court of Claims.

15 Congratulations, and we wish you
16 the best of luck.

17 (Applause.)

18 ACTING PRESIDENT GRIFFO: The
19 Secretary will read.

20 THE SECRETARY: As interim justice
21 of the Supreme Court, Ninth Judicial District,
22 Martin I. Efman, of Huntington.

23 ACTING PRESIDENT GRIFFO: Senator
24 Bonacic.

25 SENATOR BONACIC: Thank you,

1 Mr. President.

2 Again, I know I'm repeating myself,
3 but this gentleman was unanimously approved by
4 the Judiciary Committee. Exemplary
5 qualifications. And I'd like to move the
6 nomination for confirmation to the floor.

7 And I'd like to refer it to Senator
8 Marcellino for comments.

9 ACTING PRESIDENT GRIFFO: Senator
10 Marcellino.

11 SENATOR MARCELLINO: Thank you,
12 Mr. President.

13 I rise to second the nomination of
14 Martin I. Efman for a term at the Supreme Court
15 in the Ninth Judicial District.

16 While I must admit that Judge Efman
17 is a resident of Huntington, and I represent
18 Huntington -- for many years -- he and I have
19 never met. However, I have heard of him, and I
20 have heard about him through reputation and
21 through the legal community, in which he is
22 well-respected. He's also well-qualified to do
23 this very job in a very important court in our
24 state.

25 So it's with pleasure that I second

1 the nomination of Martin I. Efman for the Supreme
2 Court of the State of New York.

3 ACTING PRESIDENT GRIFFO: The
4 question is on the nomination, as interim justice
5 of the Supreme Court, of Martin I. Efman. All in
6 favor signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT GRIFFO: Opposed?

9 (No response.)

10 ACTING PRESIDENT GRIFFO: Martin
11 I. Efman has been confirmed as an interim justice
12 of the Supreme Court, Ninth Judicial District.

13 (Applause.)

14 ACTING PRESIDENT GRIFFO: Senator
15 Bonacic.

16 SENATOR BONACIC: Mr. President, I
17 was remiss, I did not introduce the judge's
18 bride, Allison, that's with him today. Welcome.

19 ACTING PRESIDENT GRIFFO: we
20 welcome you to the chamber.

21 (Applause.)

22 ACTING PRESIDENT GRIFFO: The
23 Secretary will read.

24 THE SECRETARY: As judge of the
25 Court of Claims, Jeffrey A. Goodstein, of

1 Rockville Centre.

2 ACTING PRESIDENT GRIFFO: Senator
3 Bonacic.

4 SENATOR BONACIC: Thank you.

5 Judge Goodstein is up for the Court
6 of Claims. He's from Rockville Centre. He's a
7 constituent of Senator Skelos. His term is going
8 to expire on July 31, 2014.

9 And again, we move his nomination
10 to the floor for confirmation.

11 ACTING PRESIDENT GRIFFO: Senator
12 Skelos.

13 SENATOR SKELOS: Mr. President, I
14 rise to second the nomination of Jeff Goodstein
15 for a position on the Court of Claims.

16 I've had the opportunity to know
17 Jeff and his family -- I know Alyce and Alex and
18 Max -- for many years. And he is not just a good
19 citizen within the community of Rockville Centre,
20 president of his temple, he's also worked within
21 the court system for years, really has
22 distinguished himself. And I know with certainty
23 that he will be an excellent judge of the Court
24 of Claims.

25 So it's my pleasure to second the

1 nomination.

2 ACTING PRESIDENT GRIFFO: Thank
3 you, Senator Skelos.

4 The question is on the nomination
5 of Jeffrey A. Goodstein as a judge of the Court
6 of Claims. All in favor signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT GRIFFO: Opposed?

9 (No response.)

10 ACTING PRESIDENT GRIFFO: Jeffrey
11 A. Goodstein has been confirmed as a judge of the
12 Court of Claims.

13 Congratulations, Judge.

14 (Applause.)

15 ACTING PRESIDENT GRIFFO: The
16 Secretary will read.

17 THE SECRETARY: As a judge of the
18 Court of Claims, Joseph A. Zayas, of Little Neck.

19 ACTING PRESIDENT GRIFFO: Senator
20 Bonacic.

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

23 I want to talk a little bit about
24 Judge Zayas. He's with his bride, Catherine,
25 today, and their kids, Nicole and Zachary. He

1 also brought some friends, Appellate Judge
2 Rolando Acosta and a guest, Rosalie Vasquez. We
3 welcome you all to Albany.

4 Judge Zayas is from Little Neck.
5 His term will expire on May 6, 2019, if
6 confirmed, which we expect.

7 And I move the nomination at this
8 time.

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

11 Senator Smith.

12 SENATOR SMITH: Thank you very
13 much, Mr. President.

14 I rise to second the nomination of
15 Judge Zayas. Again, someone who has represented
16 the temperament of judicial excellence. I think
17 he will do a fine job in the State of New York
18 and we'll be very proud of his record.

19 His wife, Catherine, is with him.

20 And I would say congratulations to
21 Judge Zayas. I look forward to you doing some
22 great work as you have done in the past.

23 ACTING PRESIDENT GRIFFO: Thank
24 you, Senator Smith.

25 Senator Perkins.

1 SENATOR PERKINS: Thank you very
2 much.

3 I also want to rise to second the
4 nomination of Mr. Zayas and want to welcome him
5 and his family, and especially he is joined with
6 Supreme Court Justice Rolando T. Acosta.

7 And I want to recognize him
8 especially because of the work that he has done
9 with the Harlem Community Justice Center, a
10 multi-jurisdictional problem-solving court
11 serving the communities of El Barrio and
12 East Harlem. And in that capacity he was
13 responsible for reviewing motions, researching
14 the law, and collaborating with Justice Acosta in
15 writing the court's draft and final opinions and
16 orders resulting in the publication of over
17 45 decisions in the New York Law Journal, 24 of
18 which have been published in the Official
19 Reporter, quote, the Miscellaneous Reports,
20 Second Series.

21 He was responsible for conducting
22 settlement conferences, supervising law students,
23 advising Justice Acosta's clerks and
24 administrative staff on legal facts and other
25 issues.

1 So it's an honor for him to be
2 nominated by us, and I want to second that
3 nomination. I hope we all support it.

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

6 The question is on the nomination
7 of Joseph A. Zayas as a judge of the Court of
8 Claims. All in favor signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT GRIFFO: Opposed?

11 (No response.)

12 ACTING PRESIDENT GRIFFO: Joseph
13 A. Zayas has been confirmed as a judge of the
14 Court of Claims.

15 Congratulations, Judge.

16 (Applause.)

17 ACTING PRESIDENT GRIFFO: The
18 Secretary will read.

19 THE SECRETARY: As interim justice
20 of the Supreme Court, Tenth Judicial District,
21 George R. Peck, of Williston Park.

22 ACTING PRESIDENT GRIFFO: Senator
23 Bonacic.

24 SENATOR BONACIC: Thank you,
25 Mr. President.

1 And our last nominee is Judge
2 Peck. He's here with his bride, Patricia.

3 And let me explain, I've been using
4 the word "bride" -- I don't want you to think
5 that all of these nominees just got married.
6 They didn't. It's a term I use. They've
7 probably been married a long time.

8 Judge Peck comes with extensive
9 experience, having extended himself in public
10 service for many, many years. And we move the
11 nomination to the floor to be confirmed.

12 I'd like Senator Martins to
13 comment.

14 ACTING PRESIDENT GRIFFO: Senator
15 Martins.

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

18 I rise to second the nomination of
19 George Peck. I have had the pleasure of knowing
20 Judge Peck for, gosh, probably close to 30 years,
21 which is a long time.

22 I am pleased to second his
23 nomination. Judge Peck graduated from Hofstra
24 University, went on to St. John's University
25 School of Law and also New York University School

1 of Law. He's a great community member.

2 He's here with his wife, Patricia.

3 I know him as also not only a wonderful husband,
4 father, but also a great grandfather, a person
5 who gives back to the community.

6 But he is the jurist's jurist.

7 He's a person who's committed his life to public
8 service. He has tried more homicide cases in
9 Nassau County than any other assistant district
10 attorney in the history of Nassau County. He's
11 been an exemplary judge on the bench, not only as
12 a District Court judge but as an acting
13 Supreme Court judge for the past 10 years.

14 I am proud and privileged to second
15 his nomination and looking forward to our
16 colleagues' support and a quick confirmation.

17 Congratulations.

18 ACTING PRESIDENT GRIFFO: Thank
19 you, Senator Martins.

20 The question is on the nomination
21 of George R. Peck as an interim justice of the
22 Supreme Court, Tenth Judicial District. All in
23 favor signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT GRIFFO: Opposed?

1 (No response.)

2 ACTING PRESIDENT GRIFFO: Judge
3 George R. Peck has been confirmed as an interim
4 justice of the Supreme Court.

5 Congratulations.

6 (Applause.)

7 ACTING PRESIDENT GRIFFO: Senator
8 Libous, that completes the Judiciary report.

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

11 Could you call on Senator Breslin
12 at this time.

13 ACTING PRESIDENT GRIFFO: Senator
14 Breslin.

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

17 There will be an immediate meeting
18 of the Democratic Conference in Room 315,
19 immediate and important.

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

23 Senator Libous.

24 SENATOR LIBOUS: Mr. President,
25 there will be a Rules Committee meeting at 12:30

1 promptly in Room 332.

2 ACTING PRESIDENT GRIFFO: There
3 will be a Rules Committee meeting at 12:30
4 promptly in Room 332.

5 The Senate should stand at ease.

6 (Whereupon, the Senate stood at ease
7 at 12:10 p.m.)

8 (Whereupon, the Senate reconvened at
9 1:05 p.m.)

10 ACTING PRESIDENT GRIFFO: The
11 Senate will come to order.

12 Senator Libous.

13 SENATOR LIBOUS: Mr. President, if
14 we can go to reports of standing committees, I
15 believe there's a report of the Rules Committee
16 at the desk.

17 ACTING PRESIDENT GRIFFO: Reports
18 of standing committees.

19 There is a report of the Rules
20 Committee, and the Secretary will read.

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

24 Senate Print 2160B, by Senator
25 McDonald, an act to amend the Highway Law;

1 2640A, by Senator LaValle, an act
2 in relation to authorizing;
3 2926B, by Senator Johnson, an act
4 to amend the Public Health Law;
5 3809A, by Senator Golden, an act to
6 amend the Penal Law;
7 4082, by Senator Ranzenhofer, an
8 act to amend the Education Law;
9 4605A, by Senator LaValle, an act
10 to amend the Town Law;
11 4847B, by Senator Klein, an act to
12 amend the Insurance Law;
13 4934, by Senator Bonacic, an act to
14 amend the State Finance Law;
15 5023A, by Senator Addabbo, an act
16 to amend the General City Law;
17 5336A, by Senator Savino, an act to
18 amend the Town Law;
19 5500A, by Senator Ranzenhofer, an
20 act to amend the Education Law;
21 5707, by the Committee on Rules, an
22 act to amend the Civil Service Law;
23 6224A, by Senator Golden, an act to
24 amend the Administrative Code of the City of
25 New York;

1 6228B, by Senator Hannon, an act to
2 amend the Public Health Law;

3 6487, by Senator Lanza, an act to
4 amend the Tax Law;

5 6581, by Senator Grisanti, an act
6 to authorize;

7 6833, by Senator Ball, an act to
8 amend the Vehicle and Traffic Law;

9 6900, by Senator Young, an act to
10 amend Chapter 208 of the Laws of 2010;

11 6905, by Senator McDonald, an act
12 to authorize;

13 6983, by Senator Ball, an act to
14 repeal Title 8 of Article 15-B of the General
15 Municipal Law;

16 7001A, by Senator Lanza, an act to
17 amend the Labor Law;

18 7071B, by Senator Hannon, an act to
19 amend the Insurance Law;

20 7074A, by Senator Golden, an act to
21 amend Chapter 735 of the Laws of 2006;

22 7120A, by Senator Flanagan, an act
23 to amend the Education Law;

24 7170B, by Senator Carlucci, an act
25 authorizing;

1 7212A, by Senator Saland, an act to
2 amend the Penal Law;

3 7456B, by Senator Saland, an act to
4 amend the Education Law;

5 7484A, by Senator Saland, an act in
6 relation to certain agreements;

7 7502, by Senator Nozzolio, an act
8 granting retroactive Tier IV membership;

9 7523A, by Senator Golden, an act to
10 amend the Public Authorities Law;

11 7526, by Senator Grisanti, an act
12 to authorize;

13 7553, by Senator Ranzenhofer, an
14 act relating to part-time police officer
15 positions;

16 7559, by Senator Larkin, an act to
17 authorize;

18 7579, by Senator Gallivan, an act
19 to amend the Family Court Act;

20 7587B, by Senator McDonald, an act
21 to amend the Correction Law;

22 7611A, by Senator Ritchie, an act
23 to amend the Agriculture and Markets Law;

24 7644, by Senator Fuschillo, an act
25 to amend the Vehicle and Traffic Law;

1 7651, by Senator Stewart-Cousins,
2 an act to authorize;

3 7705A, by Senator Marcellino, an
4 act to amend Section 17 of Chapter 483 of the
5 Laws of 2010;

6 7707, by Senator McDonald, an act
7 to authorize;

8 7715, by Senator Alesi, an act to
9 amend the Public Health Law;

10 7721, by Senator Zeldin, an act to
11 amend the Criminal Procedure Law;

12 7751, by Senator Ritchie, an act to
13 authorize;

14 7753, by Senator Larkin, an act
15 making appropriations;

16 7757, by Senator Ball, an act
17 extending the provisions;

18 7768A, by Senator Little, an act
19 providing;

20 7782, by Senator Robach, an act to
21 amend the State Finance Law;

22 7799, by Senator Breslin, an act
23 granting retroactive Tier IV membership;

24 7812, by Senator Storobin, an act
25 to amend the Election Law;

1 And 7792, by the Senate Committee
2 on Rules, an act to amend the Education Law.

3 All bills reported direct to third
4 reading.

5 ACTING PRESIDENT GRIFFO: Senator
6 Libous.

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

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

12 (Response of "Aye.")

13 ACTING PRESIDENT GRIFFO: Opposed?

14 (No response.)

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

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President,
19 give me about 60 seconds. (Pause.)

20 Mr. President.

21 ACTING PRESIDENT GRIFFO: Senator
22 Libous.

23 SENATOR LIBOUS: We're going to do
24 the noncontroversial reading of the supplemental
25 calendar, Calendar Number 61A, but we're going to

1 do it in a different order. I'm going to ask if
2 we could please take up Number 1502 first.

3 ACTING PRESIDENT GRIFFO: We can,
4 Senator Libous. And the Secretary will read.

5 THE SECRETARY: Calendar Number
6 1502, by the Senate Committee on Rules, Senate
7 Print 7792, an act to amend the Education Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect July 1, 2012.

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT GRIFFO: Senator
16 Flanagan to explain his vote.

17 SENATOR FLANAGAN: Thank you,
18 Mr. President.

19 This is a very significant, very
20 important, critical bill for the State of
21 New York, for education, for students, teachers,
22 parents. And I'm glad that we are moving on this
23 bill, I'm glad we're passing this bill. But I
24 want to briefly put this in context.

25 I think every one of us recognizes

1 that we have very significant challenges in the
2 area of education in the State of New York. As
3 we move ahead, we have to look at some of the
4 things we've done well and places where we can
5 improve.

6 When you look at teacher
7 evaluations, you look at student outcomes, you
8 look at test scores, when you look at the status
9 of education in the State of New York, it's kind
10 of like moving a hitting target. There's a lot
11 of things going on at once, and there's a lot of
12 very significant changes coming from the federal
13 government that affect how we operate here in the
14 State of New York.

15 So I don't think that we should be
16 looking at this in isolation in any way, shape or
17 form. If you look at the law that we passed
18 regarding evaluations, the idea is to improve
19 teacher performance to ultimately enhance student
20 outcomes in a variety of different ways -- test
21 scores, college readiness, many things that
22 anyone can think of.

23 I believe this bill strikes a good
24 balance, but we have to be very careful and
25 judicious in two ways. Number one, we have to be

1 prepared that this is fluid and that some of
2 these things are going to change over the next
3 six months to a year and thereafter. And
4 everyone has acknowledged that, including the
5 Executive.

6 This is a work in progress, which
7 is frustrating to a lot of us as well as to the
8 people who are affected by it. But we got
9 talking about student outcomes; it is very, very
10 important that we continue to focus on this.

11 Second, perhaps more important
12 thing, many of our colleagues have shared
13 concerns about how do you find and strike that
14 appropriate balance: How do you advocate for
15 disclosure to give information to the public and
16 parents, and how do you protect the privacy
17 interests and the rights of teachers who we're
18 asking to stand in front of a classroom and do a
19 very good job for our kids?

20 In this legislation we often talk
21 about legislative intent. I believe the intent
22 regarding this is to strike that balance. And I
23 want to focus on one area.

24 This isn't so much for the City of
25 New York and bigger school districts, but when we

1 talk about disclosing information to the public
2 and looking about not releasing personally
3 identifying information, I would like to state
4 for the record that the State Education
5 Department has to work very hard to make sure
6 that in our rural schools, when you're talking
7 about class, subject, grade and things of that
8 nature, that we don't have people's names out
9 there floating out in the public.

10 That is a potential issue. And I
11 am very hopeful, having spoken with the Executive
12 and working closely with the State Education
13 Department, that they will interpret that
14 properly so we do achieve that balance.

15 Again, teacher performance,
16 ultimately what do we do about student outcomes.
17 And this is a step in the right direction. I am
18 voting in the affirmative.

19 Thank you, Mr. President.

20 ACTING PRESIDENT GRIFFO: Senator
21 Flanagan to be recorded in the affirmative.

22 Senator Smith to explain his vote.

23 SENATOR SMITH: Thank you very
24 much, Mr. President.

25 Let me first rise to congratulate

1 the Governor on a bill that I believe will be
2 quite transformational for the school system in
3 this state. I think it's also important that we
4 recognize the information that will be gathered
5 by this law. I do hope that it will be used for
6 the right purposes.

7 As we all know, the most important
8 thing, as Senator Flanagan indicated earlier, is
9 how best this is utilized for the purpose of
10 educating our children. Our children today
11 compete on a world stage. They are competing
12 with everyone around the world. In order for us
13 to be competitive with other students around the
14 world as we look for the future of this state and
15 this country, our students have to be
16 well-educated.

17 Our teachers, who do a great job,
18 and from time to time are not thanked for the job
19 they do, also need to know that we are here for
20 the benefit of what they do and to help them.
21 They should not look at this as a challenge to
22 their performance, but one in which we all are
23 coming together to find that appropriate mix.

24 As Senator Flanagan did say
25 earlier, there are a number of pieces, a number

1 of moving parts to this particular legislation.
2 It clearly will go through some morphing over the
3 next six months to a year. As you know, there
4 was a lawsuit last year where UFT had lost, and
5 it became a full disclosure of information. And
6 now that particular decision that was rendered by
7 the court system is now being superseded by this
8 bill.

9 I'm not sure if that will
10 withstand. I do hope it does. But at the end of
11 the day I would hope, as we move through this
12 particular law and it does go through some
13 morphing over the next six to seven months, that
14 we are all very open-minded. The goal here is to
15 have a first-class educational system where the
16 teachers perform well, where the students receive
17 the academic instruction very well so they can go
18 on and perform their particular duties in life,
19 whether they're going to be senators, doctors and
20 lawyers.

21 But again, for the benefit of our
22 society, I'll be voting aye, Mr. President.
23 Thank you very much.

24 ACTING PRESIDENT GRIFFO: Senator
25 Smith to be recorded in the affirmative.

1 Senator Squadron to explain his
2 vote.

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

5 This bill is obviously one of the
6 most talked about here at the end of this year's
7 session that is actually seeing the light of
8 day. And I'm glad it is. And I think it's
9 another reminder that we need to really invest in
10 an evaluation and testing system in this state
11 more than we have. And we need a better one than
12 we have, frankly, as its importance increases due
13 to the issues Senator Flanagan and Senator Smith
14 have talked about.

15 So let's take this as a reminder,
16 as we go into next year's budget, as we continue
17 to think about education policy in this state,
18 that we don't have tests or an evaluation system
19 that live up to our goals for our education
20 system.

21 In addition, it's a real shame that
22 such an important bill is sponsored by the
23 Rules Committee. It is being voted on on the
24 floor, which is an improvement over some other
25 important issues here at the end of session. But

1 I wish we had a sponsor on it who actually had
2 voters and existed.

3 So I will vote aye today,
4 disappointed that it is Rules bill. Thank you.

5 ACTING PRESIDENT GRIFFO: Senator
6 Squadron to be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: Ayes, 58. Nays,
9 1. Senator Lanza recorded in the negative.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 SENATOR LIBOUS: Mr. President.

13 ACTING PRESIDENT GRIFFO: Senator
14 Libous.

15 SENATOR LIBOUS: I will call an
16 immediate meeting of the Higher Education
17 Committee in Room 332, an immediate meeting of
18 the Higher Education Committee in 332. And we
19 will continue with the supplemental list in a
20 second.

21 ACTING PRESIDENT GRIFFO: There
22 will be an immediate meeting of the Higher
23 Education Committee in Room 332.

24 Session will continue. And we will
25 invoke Rule 9, Senator Libous, for those members

1 attending the committee meetings?

2 SENATOR LIBOUS: Thank you,
3 Mr. President. We will invoke Rule 9 for the
4 committee meeting members if there are any
5 controversial votes or any no votes that need to
6 take place.

7 Mr. President, can I have some
8 order in the chamber.

9 ACTING PRESIDENT GRIFFO: Some
10 order in the chamber, please {gaveling}.

11 Senator Libous.

12 SENATOR LIBOUS: Earlier today,
13 Mr. President, there were some bills laid aside,
14 and we'd like to take those bills up at this
15 time.

16 And we are on the active list from
17 earlier this morning. And we are calling up
18 Calendar Number 374, by Senator Flanagan. The
19 bill was laid aside earlier today. We are on the
20 controversial reading.

21 ACTING PRESIDENT GRIFFO: The
22 Secretary will ring the bell.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 374, by Senator Flanagan, Senate Print 4690A, an

1 act to amend the Public Authorities Law.

2 SENATOR BRESLIN: Explanation.

3 ACTING PRESIDENT GRIFFO: Senator
4 Flanagan, Senator Breslin has requested an
5 explanation on Calendar 374.

6 SENATOR FLANAGAN: Senator
7 Breslin, very simply, this bill requires that if
8 a public authority is going to form a subsidiary,
9 that they have to come back to the Legislature to
10 get approval before doing so.

11 ACTING PRESIDENT GRIFFO: Seeing
12 and hearing no other Senator wishing to be heard,
13 the debate is closed and the Secretary will ring
14 the bell.

15 Senator Libous.

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

18 ACTING PRESIDENT GRIFFO: Can I
19 have some order in the chamber, please
20 {gaveling}.

21 SENATOR LIBOUS: Are we ringing
22 the bell, Mr. President?

23 ACTING PRESIDENT GRIFFO: The bell
24 has been rung. We are on a controversial
25 calendar vote. We urge members to stay in the

1 chamber.

2 And we've also invoked Rule 9 for
3 those who are attending the Higher Education
4 Committee meeting.

5 The Secretary will read the last
6 section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT GRIFFO: Announce
13 the results.

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 SENATOR LIBOUS: Mr. President.

18 ACTING PRESIDENT GRIFFO: Senator
19 Libous.

20 SENATOR LIBOUS: We are now going
21 to take up Calendar Number 615, controversial, by
22 Senator Zeldin.

23 ACTING PRESIDENT GRIFFO: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 615, by Senator Zeldin, Senate Print 6872B, an
2 act to amend the General Business Law.

3 SENATOR BRESLIN: Explanation.

4 ACTING PRESIDENT GRIFFO: An
5 explanation has been requested by Senator
6 Breslin, Senator Zeldin.

7 SENATOR ZELDIN: This bill is in
8 relation to the refunds to a consumer of money
9 from a used-car dealership for failing to correct
10 a malfunction or defect.

11 ACTING PRESIDENT GRIFFO: Senator
12 Squadron.

13 SENATOR SQUADRON: Would the
14 sponsor yield to a couple of questions.

15 ACTING PRESIDENT GRIFFO: Senator
16 Zeldin, do you yield to couple of questions?

17 SENATOR ZELDIN: Yes.

18 ACTING PRESIDENT GRIFFO: The
19 sponsor yields.

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

22 So thank you for that exhaustive
23 explanation of the bill. But just for somewhat
24 further explanation -- sorry, through you -- if
25 the sponsor would describe the way in which the

1 so-called Lemon Law would be applied for a
2 consumer's refund if this bill became law.

3 SENATOR ZELDIN: Once you are --
4 through you, Mr. President, once you are outside
5 the warranty period, you have a statute of
6 limitations to bring an action. There will be a
7 depreciation based on the federal limits. Right
8 now, it's about 22, 23 cents. It was 22 cents in
9 2011.

10 So that if you deliberately wait
11 and you're driving the car for a long period of
12 time to get the use out of the car, you're not
13 getting a full refund. So that it's a fairer
14 reimbursement if you choose to wait to bring your
15 action.

16 SENATOR SQUADRON: If the sponsor
17 would continue to yield.

18 ACTING PRESIDENT GRIFFO: The
19 sponsor yields.

20 SENATOR SQUADRON: Thank you. How
21 is "lemon" defined in the current law? Meaning
22 under what circumstance can a consumer return
23 their car and get a refund under the Lemon Law?

24 SENATOR ZELDIN: Well, the
25 warranty, right now it's based on -- through you,

1 Mr. President, the warranty is based on the
2 amount of mileage when you purchase the vehicle.
3 So if the vehicle is between 18,000 miles and
4 36,000 miles, you have a warranty for 90 days or
5 4,000 miles. If the vehicle was purchased
6 between 36,001 to 79,999, you have a warranty of
7 60 days or 3,000 miles. If it's 80,000 to
8 100,000 miles, it's 30 days or 1,000 miles.

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

11 ACTING PRESIDENT GRIFFO: The
12 sponsor yields.

13 SENATOR SQUADRON: And within that
14 period of time, under the Lemon Law you need to
15 either have the car out of service for 15 days or
16 have the problem not fixed on three separate
17 service calls.

18 So in other words, if this bill
19 passed and you were to have a car for any one of
20 those periods and you were trying to use the car
21 for that period in order to take your kids to
22 childcare or to school, in order to go to the
23 supermarket, go to a doctor's appointment, do any
24 of the things that folks depend on their cars
25 for, and you went over the mileage standard that

1 you laid out, and then you tried to return your
2 car, you would not get back the full purchase
3 price of that car even though you had been sold a
4 lemon?

5 SENATOR ZELDIN: Through you,
6 Mr. President, there would be a recommendation
7 that you would just return your car. If you
8 choose to continue driving it and not return your
9 car, that's your own choice as a consumer. But
10 the recommendation, if you're not happy with your
11 car and you're entitled to a refund, then just
12 return it.

13 This applies to those people that
14 choose to continue to drive their car for a long
15 time.

16 SENATOR SQUADRON: If the sponsor
17 would continue to yield.

18 SENATOR ZELDIN: Yes.

19 ACTING PRESIDENT GRIFFO: The
20 sponsor yields.

21 SENATOR SQUADRON: So in other
22 words, under the Lemon Law you can just go
23 ahead -- if the car is in the service station for
24 15 days or three separate incidents, you can just
25 go return your car and get a new car. You don't

1 have to go through any other additional process
2 before you're able to return that car, during
3 which time you depend on your car in order to do
4 some of the basic things that folks do in order
5 to live their lives.

6 SENATOR ZELDIN: Through you,
7 Mr. President, I thought you were referring to
8 once you're entitled to get a refund for the
9 car. You're talking about the process before
10 then.

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

13 ACTING PRESIDENT GRIFFO: The
14 sponsor yields.

15 SENATOR SQUADRON: But under this
16 legislation, even in the period before you
17 actually return the car, if you go over these
18 warranty numbers, that will be reduced from what
19 you get back when you return the lemon?

20 SENATOR ZELDIN: Yes.

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

23 SENATOR ZELDIN: Yes.

24 ACTING PRESIDENT GRIFFO: The
25 sponsor yields.

1 SENATOR SQUADRON: And in addition
2 to the standards we've talked about -- 15 days,
3 three calls -- there's also an arbitration or
4 court proceeding provision that I think is
5 75 days. So you're talking about a pretty
6 significant period of time before you can prove
7 that the car you bought was a lemon and you can
8 go back to the car dealership and try to get that
9 refund; is that correct?

10 SENATOR ZELDIN: Through you,
11 Mr. President, once you go to the arbitrator, you
12 would not be responsible for any further
13 depreciation.

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

16 ACTING PRESIDENT GRIFFO: Sponsor,
17 do you yield?

18 SENATOR ZELDIN: Yes.

19 SENATOR SQUADRON: I believe
20 it's -- and, actually, let's get into this. I
21 believe it's after the arbitrator's decision and
22 then you go to the car dealership itself and you
23 actually ask the car dealer who sold you the
24 lemon and is required to now take the car back
25 and give you a refund, they actually need to sign

1 off subsequent to the arbitrator's decision on
2 the number of miles that will be reduced; isn't
3 that correct?

4 SENATOR ZELDIN: Through you,
5 Mr. President, regardless of whether or not the
6 dealership signs off on it, the consumer would
7 not be responsible for any further depreciation.

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

10 ACTING PRESIDENT GRIFFO: Sponsor,
11 do you continue to yield?

12 SENATOR ZELDIN: Yes.

13 SENATOR SQUADRON: Doesn't the
14 bill require the consumer to go back to the
15 dealer who they were just in an adversarial
16 proceeding with and, outside of that adversarial
17 proceeding, get the dealer to sign off on the
18 mileage for the reduction?

19 SENATOR ZELDIN: Yes. Regardless,
20 the consumer will not be responsible for any
21 further depreciation.

22 SENATOR SQUADRON: And if the
23 sponsor would yield for a final question.

24 ACTING PRESIDENT GRIFFO: Final
25 question?

1 SENATOR ZELDIN: Yes.

2 SENATOR SQUADRON: Thank you. So
3 under current law, if you're sold a lemon and you
4 want to return the lemon and get your money back,
5 there's a process for that.

6 Under this law, if you're sold a
7 lemon and then you have to depend on that for the
8 period of time before you can get your refund,
9 you lose some of the money that you put out on
10 that lemon that you were sold that you have a
11 right to a refund on; is that correct?

12 SENATOR ZELDIN: Through you,
13 Mr. President. Only if you are outside of your
14 warranty. You're not responsible for any
15 depreciation when you're within your warranty.

16 SENATOR SQUADRON: Thank you. On
17 the bill, Mr. President.

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

20 SENATOR SQUADRON: So under the
21 new-car Lemon Law, a purchaser has 12,000 miles
22 to drive that lemon during the period of time
23 that they are discovering it's a lemon, they're
24 trying to get it fixed, they're in a proceeding
25 in order to get their refund. Twelve thousand

1 miles. Which sort of, based on an average usage
2 if you look at leases, is about a year's worth of
3 potential usage.

4 Under this law, folks could have as
5 little as 30 days and a thousand miles in a
6 process that requires 15 days out of service and
7 then like a 75-day arbitration proceeding. So
8 the odds of being out of warranty while you're
9 just proving that you were sold a lemon are
10 incredibly high.

11 Unless we're asking people who went
12 out and purchased a car that was a lemon to also
13 not use that car in the period of time they're
14 trying to get their refund. Which means we're
15 asking people who go out and are sold a lemon to
16 not go to the hospital, not take their kids to
17 daycare or school, not go to the supermarket, not
18 drive to and from their job, because in doing so
19 they're actually losing money on the purchase of
20 their lemon. That doesn't make sense.

21 Now, Senator Zeldin did talk about
22 the need to make sure that folks aren't abusing
23 the Lemon Law, that folks aren't driving around
24 after a decision has been rendered, they get a
25 refund on the car and they spend 30 days, which

1 the law allows, driving around or taking a road
2 trip down to New Orleans or Chicago or wherever
3 they want to go.

4 That is a problem, and I would
5 actually agree with Senator Zeldin that's a
6 problem in the existing law that we do need to
7 deal with. The Lemon Law is not "a free car for
8 a couple of months" law, it is a law to protect
9 consumers from being sold lemons.

10 Unfortunately, this law makes it
11 impossible for the consumer who is sold a lemon
12 to then go get the replacement car. Because
13 what's all too likely to happen -- we're talking
14 about a used-car purchaser, someone who is likely
15 on a budget, someone who is choosing to buy a
16 used car because they can't afford a more
17 expensive option or a new option -- we're asking
18 them to lose some of the cost of that car when
19 they get their refund.

20 Which means not only were you sold
21 a lemon, not only do you have to suffer with that
22 lemon through the process defined in current law,
23 not only do you then have to go to the dealer and
24 get the dealer to agree and validate the number
25 of miles you drove -- but at the end of all of

1 this, you return your car and you get less money
2 back than you paid in the first place, so then
3 you have to go buy a worse car.

4 So in other words, you have someone
5 buying a used car in the first place, someone
6 getting sold a lemon, someone eventually getting
7 some of the money back on their lemon, and then
8 that poor consumer who's had to suffer through
9 this for the whole time, the only option they
10 have is a worse car? That doesn't make sense.

11 Again, I agree with the sponsor
12 that there is a fix needed in the Lemon Law. I
13 would be happy to work with him and others on
14 it. I think that the idea that folks would abuse
15 the system, that folks would abuse what is really
16 a great consumer protection we have in this state
17 for both new and used cars needs to be dealt
18 with. The amount that you drive that lemon
19 outside of sort of these core needs -- going to
20 the hospital, going to daycare, going to your
21 job, going to the supermarket -- should be a
22 factor, I agree with that.

23 But unfortunately, because of the
24 way warranties work on used cars and because of
25 the way this bill is written, it doesn't solve

1 that problem. What it really does is it says to
2 a consumer: If you get sold a lemon, the
3 likelihood is you'll have to buy an even worse
4 car next time around.

5 I vote no and urge others to vote
6 no, Mr. President. Thank you.

7 ACTING PRESIDENT GRIFFO: Seeing
8 and hearing no other Senator wishing to speak,
9 the debate is closed.

10 The Secretary will ring the bell.
11 Read the last section.

12 THE SECRETARY: Section 7. This
13 act shall take effect on the 90th day.

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT GRIFFO: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 615, those recorded in the negative are
21 Senators Addabbo, Avella, DeFrancisco, Duane,
22 Gianaris, Hassell-Thompson, Montgomery, Peralta,
23 Perkins, Saland, Smith, Squadron and
24 Stewart-Cousins. Also Senator Sampson.

25 Ayes, 46. Nays, 14.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President,
5 can we also take up now on this list, the
6 controversial calendar, Number 1109, by
7 Senator Flanagan.

8 ACTING PRESIDENT GRIFFO: The
9 Secretary will read.

10 THE SECRETARY: Calendar Number
11 1109, by Senator Flanagan, Senate Print 7288, an
12 act to amend the Navigation Law.

13 SENATOR BRESLIN: Explanation.

14 ACTING PRESIDENT GRIFFO: An
15 explanation has been requested by Senator
16 Breslin, Senator Flanagan.

17 SENATOR FLANAGAN: Thank you,
18 Mr. President.

19 Senator Breslin, this is a change
20 in the law that basically, under present law, in
21 you are under the age of 12 you have to wear a
22 personal flotation device year-round. If you are
23 over the age of 12, you have to wear a personal
24 flotation device from November 1st through
25 May 1st. The change in this law brings that

1 November 1st to May 1st to year-round.

2 Right now as well, under present
3 law if you are in a rowboat, a canoe or a kayak,
4 you are required to have a personal flotation
5 device on board for each person that is in that
6 vessel.

7 ACTING PRESIDENT GRIFFO: Seeing
8 and hearing no other Senator wishing to be heard,
9 the debate is closed.

10 The Secretary will ring the bell.

11 Read the last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT GRIFFO: Senator
18 Martins to explain his vote.

19 SENATOR MARTINS: Mr. President, I
20 rise to support this bill.

21 This bill stems directly from a
22 tragedy that happened on Long Island, off of Long
23 Island, where a New York City police officer, off
24 duty, was out on a kayak, the kayak capsized. He
25 wasn't wearing his vest, his child was. The

1 child survived, the father did not. It's a
2 tragedy.

3 And when we talk about wearing a
4 flotation device under these circumstances, we
5 all immediately envision some bulky piece of
6 equipment. And the reality is today they have
7 all kinds of flotation devices that are less
8 intrusive.

9 But the fact remains, if we can
10 require them to wear them under these
11 circumstances, we can save a life. Very simply.
12 Unobtrusive, not these enormous flotation
13 devices, but specifically those that are now
14 developed and will allow for people under
15 difficult circumstances to simply be able to
16 survive.

17 The child did survive.
18 Unfortunately, the father did not. And now we
19 have a family, an extended family and a community
20 that has to deal with that.

21 This is a small, small measure to
22 protect life. So I'll be voting aye,
23 Mr. President.

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

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar Number 1109, those recorded in the
4 negative are Senators Ball, Dilan, Farley,
5 Gallivan, Griffio, Little, O'Mara, Robach and
6 Zeldin.

7 Ayes, 51. Nays, 9.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 Senator Libous, that completes the
11 controversial reading of the former active list.

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

14 Just so everybody can follow what
15 we are doing, in front of you you have a
16 Supplemental Active List 1 and a Supplemental
17 Active List 2. We will now attack Supplemental
18 Active List 1, noncontroversial.

19 ACTING PRESIDENT GRIFFO: The
20 Secretary will read Supplemental Active List 1.

21 THE SECRETARY: On page 8, Senator
22 DeFrancisco moves to discharge, from the
23 Committee on Rules, Assembly Bill Number 7822A
24 and substitute it for the identical Senate Bill
25 Number 2899A, Third Reading Calendar 332.

1 ACTING PRESIDENT GRIFFO: The
2 substitution is so ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 332, by Member of the Assembly Magnarelli,
6 Assembly Print Number 7822A, an act to amend the
7 New York State Printing and Public Documents Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: On page 9, Senator
19 Saland moves to discharge, from the Committee on
20 Rules, Assembly Bill Number 10664 and substitute
21 it for the identical Senate Bill Number 6548A,
22 Third Reading Calendar 343.

23 ACTING PRESIDENT GRIFFO: The
24 substitution is so ordered.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 343, by the Assembly Committee on Rules, Assembly
3 Print 10664, an act to amend the Criminal
4 Procedure Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: On page 9, Senator
16 Zeldin moves to discharge, from the Committee on
17 Rules, Assembly Bill Number 9539D and substitute
18 it for the identical Senate Bill Number 5634F,
19 Third Reading Calendar 358.

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

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

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 358, by Member of the Assembly Ramos, Assembly
2 Print 9539D, an act to amend the General
3 Municipal Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

6 THE SECRETARY: Section 13. This
7 act shall take effect April 1, 2013.

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT GRIFFO: Senator
12 Zeldin to explain his vote.

13 SENATOR ZELDIN: I rise in support
14 of this legislation.

15 This particular bill was a top
16 legislative priority of the new county executive
17 in Suffolk County, Steve Bellone.

18 We're joined in the chamber by Jon
19 Schneider and Luis Montes from County Executive
20 Bellone's office, as well as many members of the
21 law enforcement community in the gallery. This
22 piece of legislation shows a commitment on the
23 part of the delegation representing Suffolk, all
24 the Senators here, my fellow colleagues, and
25 Senate Majority Leader Dean Skelos.

1 This is a good piece of legislation
2 that helps Suffolk County, just as we need to
3 support all of our counties and local governments
4 all throughout the state.

5 I thank the Senate Majority Leader
6 for his support. We wish the new county
7 executive very well in his efforts to improve
8 Suffolk County.

9 I vote aye.

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

12 Announce the results.

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

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 448, by Senator Stewart-Cousins, Senate Print
19 6405A, an act to repeal Title 12 of Article 15-B
20 of the General Municipal Law.

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

23 The Secretary will read.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 60.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: On page 19,
8 Senator Ranzenhofer moves to discharge, from the
9 Committee on Corporations, Authorities and
10 Commissions, Assembly Bill Number 10002 and
11 substitute it for the identical Senate Bill
12 Number 6980, Third Reading Calendar 741.

13 ACTING PRESIDENT GRIFFO: The
14 substitution is so ordered.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 741, by Member of the Assembly Brennan, Assembly
18 Print Number 10002, an act to amend the
19 Not-For-Profit Corporation Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 60.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: On page 19,
6 Senator LaValle moves to discharge, from the
7 Committee on Civil Service and Pensions, Assembly
8 Bill Number 9182 and substitute it for the
9 identical Senate Bill Number 6382, Third Reading
10 Calendar 747.

11 ACTING PRESIDENT GRIFFO: The
12 substitution is so ordered.

13 There is a home-rule message at the
14 desk.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 747, by Member of the Assembly Thiele, Assembly
18 Print 9182, an act to amend Chapter 365 of the
19 Laws of 2011.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 60.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 765, by Senator Sampson, Senate Print 1659, an
7 act to amend the Penal Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 848, by Senator Valesky, Senate Print 6866B, an
20 act to amend the General Business Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 59. Nays,

4 1. Senator Perkins recorded in the negative.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: On page 27,
8 Senator Seward moves to discharge, from the
9 Committee on Rules, Assembly Bill Number 9845B,
10 and substitute it for the identical Senate Bill
11 Number 6943A, Third Reading Calendar 997.

12 ACTING PRESIDENT GRIFFO: The
13 substitution is so ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 997, by Member of the Assembly Morelle,
17 Assembly Print Number 9845B, an act to amend the
18 Insurance Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: On page 27,
5 Senator McDonald moves to discharge, from the
6 Committee on Rules, Assembly Bill Number 8291A
7 and substitute it for the identical Senate Bill
8 Number 5771A, Third Reading Calendar 1004.

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

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 1004, by Member of the Assembly Abbate, Assembly
14 Print Number 8291A, an act to amend the Civil
15 Service Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: On page 32,
2 Senator DeFrancisco moves to discharge, from the
3 Committee on Rules, Assembly Bill Number 8389 and
4 substitute it for the identical Senate Bill
5 Number 5014A, Third Reading Calendar 1081.

6 ACTING PRESIDENT GRIFFO: The
7 substitution is so ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1081, by Member of the Assembly Lavine, Assembly
11 Print Number 8389, an act to amend the Public
12 Health Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

15 THE SECRETARY: Section 3. This
16 act shall take effect on the 120th day.

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: On page 33,
24 Senator Alesi moves to discharge, from the
25 Committee on Rules, Assembly Bill Number 9666A

1 and substitute it for the identical Senate Bill
2 Number 6249B, Third Reading Calendar 1090.

3 ACTING PRESIDENT GRIFFO: The
4 substitution is so ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 1090, by Member of the Assembly Bronson, Assembly
8 Print Number 9666A, an act to amend the Criminal
9 Procedure Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: In relation to
18 Calendar Number 1090, those recorded in the
19 negative are Senators Ball, Dilan, Duane,
20 Montgomery and Perkins.

21 Ayes, 55. Nays, 5.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1126, by Senator Marcellino, Senate Print 7033C,

1 an act to amend the General Municipal Law.

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

4 The Secretary will read the last
5 section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

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

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: On page 35,
16 Senator Martins moves to discharge, from the
17 Committee on Rules, Assembly Bill Number 7144B
18 and substitute it for the identical Senate Bill
19 Number 5235A, Third Reading Calendar 1193.

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

22 The Secretary will read.

23 THE SECRETARY: Calendar Number
24 1193, by Member of the Assembly Morelle, Assembly
25 Print Number 7144B, an act relating to the sales

1 and compensating use tax.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1408, by Senator Ranzenhofer, Senate Print 5224B,
14 an act to amend the Public Health Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

17 THE SECRETARY: Section 15. This
18 act shall take effect on the 180th day.

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: On page 38,

1 Senator Seward moves to discharge, from the
2 Committee on Rules, Assembly Bill Number 10090B
3 and substitute it for the identical Senate Bill
4 Number 7312B, Third Reading Calendar 1439.

5 ACTING PRESIDENT GRIFFO: The
6 substitution is so ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 1439, by Member of the Assembly Morelle, Assembly
10 Print Number 10090B, an act to amend the
11 Insurance Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 Senator Libous, that completes the
23 Supplemental Active List Number 1 reading.

24 SENATOR LIBOUS: Thank you,
25 Mr. President. We will now go to the

1 noncontroversial reading of Supplemental Active
2 List Number 2.

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will read.

5 THE SECRETARY: On page 18,
6 Senator Golden moves to discharge, from the
7 Committee on Rules, Assembly Bill Number 9367A
8 and substitute it for the identical Senate Bill
9 Number 6436, Third Reading Calendar 689.

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

12 There is a home-rule message at the
13 desk.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 689, by Member of the Assembly Abbate, Assembly
17 Print 9367A, an act to amend the General
18 Municipal Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: On page 28,
5 Senator Libous moves to discharge, from the
6 Committee on Rules, Assembly Bill Number 5739A
7 and substitute it for the identical Senate Bill
8 Number 7209, Third Reading Calendar 1012.

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

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 1012, by Member of the Assembly Abbate, Assembly
14 Print 5739A, an act to amend the Retirement and
15 Social Security Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1089, by Senator LaValle, Senate Print 3442, an
3 act to amend the Education Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 Senator Libous, that completes the
15 Supplemental Active List Number 2 reading.

16 SENATOR LIBOUS: Mr. President,
17 we're just going to pause -- we're not going to
18 be at ease -- because very soon we're going to go
19 into the Supplemental Calendar Number 61A, but
20 we're waiting for some paperwork. So if we could
21 just pause. Everybody could use a pause that
22 refreshes. But don't leave the chamber.

23 ACTING PRESIDENT GRIFFO: We are
24 paused momentarily.

25 SENATOR LIBOUS: Mr. President.

1 ACTING PRESIDENT GRIFFO: Senator
2 Libous.

3 SENATOR LIBOUS: I believe we have
4 everything in order at the desk?

5 ACTING PRESIDENT GRIFFO: We do.

6 SENATOR LIBOUS: Thank you. At
7 this time if we could read the noncontroversial
8 reading of Supplemental Calendar Number 61A,
9 please.

10 ACTING PRESIDENT GRIFFO: The
11 Secretary will read Supplemental Senate Calendar
12 61A.

13 THE SECRETARY: Calendar Number
14 1436, by Senator McDonald, Senate Print 2160B, an
15 act to amend the Highway Law.

16 SENATOR LIBOUS: Is there a
17 substitution for this bill?

18 ACTING PRESIDENT GRIFFO: Not
19 currently, Senator Libous.

20 SENATOR LIBOUS: Then it's high.

21 ACTING PRESIDENT GRIFFO: The bill
22 is high and will be laid aside.

23 THE SECRETARY: Calendar Number
24 1437, by Senator LaValle, Senate Print 2640A, an
25 act in relation to authorizing.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 1454, Senator Johnson moves to
13 discharge, from the Committee on Health, Assembly
14 Print Number 9044B and substitute it for the
15 identical Senate Bill Number 2926B, Third Reading
16 Calendar 1454.

17 ACTING PRESIDENT GRIFFO: The
18 substitution is so ordered.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 1454, by Member of the Assembly Rosenthal,
22 Assembly Print Number 9044B, an act to amend the
23 Public Health Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 60.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: In relation to
10 Calendar Number 1455, Senator Golden moves to
11 discharge, from the Committee on Rules, Assembly
12 Bill Number 6062A and substitute it for the
13 identical Senate Bill Number 3809A, Third Reading
14 Calendar 1455.

15 ACTING PRESIDENT GRIFFO: The
16 substitution is so ordered.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 1455, by Member of the Assembly Lentol, Assembly
20 Print Number 6062A, an act to amend the Penal
21 Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT GRIFFO: Senator
5 DeFrancisco to explain his vote.

6 SENATOR DeFRANCISCO: Yes, I think
7 I've -- there's an assault third degree for minor
8 assaults. Assault second degree, it's either a
9 serious physical injury or you're one of the
10 protected class.

11 I've said this for every one of
12 these bills that come up, I can't understand why
13 a sanitation worker in this case is any different
14 than someone who may be a passenger on a subway
15 or whether it's some other human being. If you
16 look at the list in the bill, it's gotten to the
17 point of absurdity where we've almost got every
18 class except two or three that are now part of
19 this bill.

20 And I would hope that someday we'd
21 just make assault second degree for everybody,
22 and that's why I vote no on these consistently.
23 And I vote no.

24 ACTING PRESIDENT GRIFFO: Senator
25 DeFrancisco to be recorded in the negative.

1 Announce the results.

2 THE SECRETARY: Ayes, 59. Nays,

3 1. Senator DeFrancisco recorded in the negative.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 The Secretary will continue.

7 THE SECRETARY: Calendar Number
8 1456, by Senator Ranzenhofer --

9 SENATOR LIBOUS: Lay the bill
10 aside for the day.

11 ACTING PRESIDENT GRIFFO: Lay it
12 aside for the day.

13 THE SECRETARY: In relation to
14 Calendar Number 1457, Senator LaValle moves to
15 discharge, from the Committee on Local
16 Government, Assembly Bill Number 7119A and
17 substitute it for the identical Senate Bill
18 Number 4605A, Third Reading Calendar 1457.

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

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 1457, by Member of the Assembly Thiele, Assembly
24 Print Number 7119A, an act to amend the Town Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1458, by Senator Klein, Senate Print 4847B --

12 SENATOR LIBOUS: Mr. President, is
13 there a substitution for this bill?

14 ACTING PRESIDENT GRIFFO: There is
15 no substitution.

16 SENATOR LIBOUS: Then it is high
17 at the present time.

18 ACTING PRESIDENT GRIFFO: The bill
19 is high and will be laid aside.

20 THE SECRETARY: Calendar Number
21 1459, by Senator Bonacic, Senate Print 4934, an
22 act to amend the State Finance Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 SENATOR LIBOUS: Lay it aside for
3 the day.

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

6 THE SECRETARY: Calendar Number
7 1460, by Senator Addabbo --

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

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

12 THE SECRETARY: In relation to
13 Calendar Number 1461, Senator Savino moves to
14 discharge, from the Committee on Rules, Assembly
15 Bill Number 7761A and substitute it for the
16 identical Senate Bill Number 5336A, Third Reading
17 Calendar 1461.

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

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 1461, by Member of the Assembly Abbate, Assembly
23 Print Number 7761A, an act to amend the Town Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 60.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1462, by Senator Ranzenhofer, Senate Print 5500A,
11 an act to amend the Education Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: In relation to
23 Calendar Number 1463, Senator Skelos moves to
24 discharge, from the Committee on Civil Service
25 and Pensions, Assembly Bill Number 8110 and

1 substitute it for the identical --

2 SENATOR LIBOUS: Mr. President,
3 lay it aside temporarily.

4 ACTING PRESIDENT GRIFFO: The bill
5 will be laid aside temporarily, but we're going
6 to do the substitution.

7 Go ahead, Secretary.

8 THE SECRETARY: In relation to
9 Calendar Number 1463, Senator Skelos moves to
10 discharge, from the Committee on Civil Service
11 and Pensions, Assembly Bill Number 8110 and
12 substitute it for the identical Senate Bill
13 Number 5707, Third Reading Calendar 1463.

14 ACTING PRESIDENT GRIFFO: The
15 substitution is so ordered.

16 The bill is laid aside temporarily.

17 THE SECRETARY: In relation to
18 Calendar Number 1464, Senator Golden moves to
19 discharge, from the Committee on Rules, Assembly
20 Bill Number 9157A and substitute it for the
21 identical Senate Bill Number 6224A, Third Reading
22 Calendar 1464.

23 ACTING PRESIDENT GRIFFO: The
24 substitution is so ordered.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 1464, by Member of the Assembly Abbate, Assembly
3 Print Number 9157A, an act to amend the
4 Administrative Code of the City of New York.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: In relation to
16 Calendar Number 1465, Senator Hannon moves to
17 discharge from the Committee on Rules, Assembly
18 Bill Number 8869B and substitute it for the
19 identical Senate Bill Number 6228B, Third Reading
20 Calendar 1465.

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

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 1465, by Member of the Assembly Gottfried,

1 Assembly Print Number 8869B, an act to amend the
2 Public Health Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1466, by Senator Lanza, Senate Print 6487, an act
15 to amend the Tax Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

18 THE SECRETARY: Section 2. This
19 act shall take effect on the same date and in the
20 same manner as Section 1 of Part B of Chapter 56
21 of the Laws of 2011.

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 59. Nays,

1 1. Senator Dilan recorded in the negative.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1467, by Senator Grisanti, Senate Print 6581, an
6 act to authorize.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1468, by Senator Ball, Senate Print 6833, an act
19 to amend the Vehicle and Traffic Law.

20 SENATOR LIBOUS: Is there a
21 home-rule message at the desk?

22 ACTING PRESIDENT GRIFFO: There is
23 no home-rule message before the house.

24 SENATOR LIBOUS: Then lay it aside
25 for the day.

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

3 THE SECRETARY: In relation to
4 Calendar Number 1469, Senator Young moves to
5 discharge, from the Committee on Corporations,
6 Authorities and Commissions, Assembly Bill Number
7 10049 and substitute it for the identical Senate
8 Bill Number 6900, Third Reading Calendar 1469.

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

11 The Secretary will read.

12 SENATOR LIBOUS: Mr. President,
13 will you lay this bill by Senator Young aside
14 temporarily.

15 ACTING PRESIDENT GRIFFO: Calendar
16 Number 1469 is laid aside temporarily.

17 The Secretary will continue to
18 read.

19 THE SECRETARY: In relation to
20 Calendar Number 1470, Senator McDonald moves to
21 discharge, from the Committee on Local
22 Government, Assembly Bill Number 9800 and
23 substitute it for the identical Senate Bill
24 Number 6905, Third Reading Calendar 1470.

25 ACTING PRESIDENT GRIFFO: The

1 substitution is so ordered.

2 There is a home-rule message at the
3 desk.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number
6 1470, by Member of the Assembly Sayward, Assembly
7 Print Number 9800, an act authorizing the County
8 of Saratoga.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: In relation to
20 Calendar Number 1471, Senator Ball moves to
21 discharge, from the Committee on Rules, Assembly
22 Bill Number 8880 and substitute it for the
23 identical Senate Bill Number 6983, Third Reading
24 Calendar 1471.

25 ACTING PRESIDENT GRIFFO: The

1 substitution is so ordered.

2 There is a home-rule message at the
3 desk.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number
6 1471, by Member of the Assembly Castelli,
7 Assembly Print Number 8880, an act to repeal
8 Title 8 of Article 15-B of the General Municipal
9 Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 60.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 1472, Senator Lanza moves to
22 discharge, from the Committee on Rules, Assembly
23 Bill Number 9963A and substitute it for the
24 identical Senate Bill Number 7001A, Third Reading
25 Calendar 1472.

1 ACTING PRESIDENT GRIFFO: The
2 substitution is so ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 1472, by Member of the Assembly Abbate, Assembly
6 Print Number 9963A, an act to amend the Labor
7 Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect upon the enactment into law
12 by the State of New Jersey.

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 Senator Libous.

20 SENATOR LIBOUS: Mr. President, in
21 the effort of moving forward here, there will be
22 an immediate meeting of the Energy Committee in
23 Room 332, an immediate meeting of the Energy
24 Committee in Room 332.

25 And as we have done continually, we

1 will invoke Rule 9 for those members.

2 The Secretary can continue to read.

3 ACTING PRESIDENT GRIFFO: There is
4 an immediate meeting of the Energy Committee in
5 Room 332.

6 We will invoke Rule 9 for the
7 members attending the committee meeting.

8 The Secretary will read Calendar
9 Number 1474.

10 THE SECRETARY: In relation to
11 Calendar Number 1474, Senator Hannon moves to
12 discharge, from the Committee on Rules, Assembly
13 Bill Number 9946B and substitute it for the
14 identical Senate Bill Number 7071B, Third Reading
15 Calendar 1474.

16 ACTING PRESIDENT GRIFFO: The
17 substitution is so ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 1474, by Member of the Assembly Morelle, Assembly
21 Print 9946B, an act to amend the Insurance Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

24 THE SECRETARY: Section 5. This
25 act shall take effect July 1, 2013.

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 60.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 1475, Senator Golden moves to
9 discharge, from the Committee on Rules, Assembly
10 Bill Number 9889A and substitute it for the
11 identical Senate Bill Number 7074A, Third Reading
12 Calendar 1475.

13 ACTING PRESIDENT GRIFFO: The
14 substitution is so ordered.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 1475, by Member of the Assembly Abbate, Assembly
18 Print Number 9889A, an act to amend Chapter 735
19 of the Laws of 2006.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 60.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 1476, Senator Flanagan moves to
7 discharge, from the Committee on Rules, Assembly
8 Bill Number 10205A and substitute it for the
9 identical Senate Bill Number 7120A, Third Reading
10 Calendar 1476.

11 ACTING PRESIDENT GRIFFO: The
12 substitution is so ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 1476, by Member of the Assembly Nolan, Assembly
16 Print Number 10205A, an act to amend the
17 Education Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1477, by Senator Carlucci, Senate Print 7170B, an
5 act authorizing.

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

8 Read the last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1478, by Senator Saland, Senate Print 7212A, an
19 act to amend the Penal Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

22 THE SECRETARY: Section 35. This
23 act shall take effect on the 90th day.

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 60.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 1479, Senator Saland moves to
7 discharge, from the Committee on Rules, Assembly
8 Bill Number 10336B and substitute it for the
9 identical Senate Bill Number 7456B, Third Reading
10 Calendar 1479.

11 ACTING PRESIDENT GRIFFO: The
12 substitution is so ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 1479, by Member of the Assembly Paulin, Assembly
16 Print 10336B, an act to amend the Education Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1480, by Senator Saland, Senate Print 7484A, an
4 act in relation.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT GRIFFO: Announce
13 the results.

14 THE SECRETARY: Ayes, 59. Nays,
15 1. Senator Krueger recorded in the negative.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: In relation to
19 Calendar Number 1481, Senator Nozzolio moves to
20 discharge, from the Committee on Civil Service
21 and Pensions, Assembly Bill Number 8672A and
22 substitute it for the identical Senate Bill
23 Number 7502, Third Reading Calendar 1481.

24 ACTING PRESIDENT GRIFFO: The
25 substitution is so ordered.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 1481, by Member of the Assembly Kolb, Assembly
4 Print Number 8672A, an act granting retroactive
5 Tier IV membership.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1482, by Senator Golden, Senate Print 7523A, an
18 act to amend the Public Authorities Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: In relation to
5 Calendar Number 1483, Senator Grisanti moves to
6 discharge, from the Committee on Rules, Assembly
7 Bill Number 10227A and substitute it for the
8 identical Senate Bill Number 7526, Third Reading
9 Calendar 1483.

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

12 There is a home-rule message at the
13 desk.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 1483, by Member of the Assembly Ceretto, Assembly
17 Print 10227A, an act to authorize the City of
18 Niagara Falls.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: In relation to
5 Calendar Number 1484, Senator Ranzenhofer moves
6 to discharge, from the Committee on Rules,
7 Assembly Bill Number 10575 and substitute it for
8 the identical Senate Bill Number 7553, Third
9 Reading Calendar 1484.

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

12 There is a home-rule message at the
13 desk.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 1484, by the Assembly Committee on Rules,
17 Assembly Print Number 10575, an act relating to
18 part-time police officer positions.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: In relation to
5 Calendar Number 1485, Senator Larkin moves to
6 discharge, from the Committee on Rules, Assembly
7 Bill Number 2709A and substitute it for the
8 identical Senate Bill Number 7559, Third Reading
9 Calendar 1485.

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

12 There is a home-rule message at the
13 desk.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 1485, by Member of the Assembly Rabbitt, Assembly
17 Print Number 2709A, an act to authorize.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: In relation to
4 Calendar Number 1486, Senator Gallivan moves to
5 discharge, from the Committee on Rules, Assembly
6 Bill Number 10345 and substitute it for the
7 identical Senate Bill Number 7579, Third Reading
8 Calendar 1486.

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

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 1486, by Member of the Assembly O'Donnell,
14 Assembly Print Number 10345, an act to amend the
15 Family Court Act.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 1487, Senator McDonald moves to
3 discharge, from the Committee on Rules, Assembly
4 Bill Number 10608A and substitute it for the
5 identical Senate Bill Number 7587B, Third Reading
6 Calendar 1487.

7 ACTING PRESIDENT GRIFFO: The
8 substitution is so ordered.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 1487, by the Assembly Committee on Rules,
12 Assembly Print Number 10608A, an act to amend the
13 Correction Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1488, by Senator Ritchie, Senate Print 7611A, an

1 act to amend the Agriculture and Markets Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

4 THE SECRETARY: Section 8. This
5 act shall take effect on the 60th day.

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1489, by Senator Fuschillo, Senate Print 7644, an
14 act to amend the Vehicle and Traffic Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 1490, Senator Stewart-Cousins
2 moves to discharge, from the Committee on Rules,
3 Assembly Bill Number 10454 and substitute it for
4 the identical Senate Bill Number 7651, Third
5 Reading Calendar 1490.

6 ACTING PRESIDENT GRIFFO: The
7 substitution is so ordered.

8 There is a home-rule message at the
9 desk.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 1490, by Member of the Assembly Abinanti,
13 Assembly Print Number 10454, an act to authorize.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: In relation to
25 Calendar Number 1491, Senator Marcellino moves to

1 discharge, from the Committee on Rules, Assembly
2 Bill Number 10583A and substitute it for the
3 identical Senate Bill Number 7705A, Third Reading
4 Calendar 1491.

5 ACTING PRESIDENT GRIFFO: The
6 substitution is so ordered.

7 There is a home-rule message at the
8 desk.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 1491, by the Assembly Committee on Rules,
12 Assembly Print Number 10583A, an act to amend
13 Section 17 of Chapter 483 of the Laws of 2010.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT GRIFFO: Senator
22 Gallivan to explain his vote.

23 SENATOR GALLIVAN: Thank you,
24 Mr. President. I want to make sure we are on
25 Calendar Number 1491.

1 ACTING PRESIDENT GRIFFO: 1491.

2 SENATOR GALLIVAN: Thank you.

3 I'd like to first thank Senator
4 Marcellino for his sponsorship of this
5 legislation that will extend for an additional
6 two-year period the opportunity for sportsmen
7 throughout this state to use crossbows during a
8 limited season.

9 I do feel obligated, though, to
10 think of -- to go back to my obligation
11 representing the sportsmen in my district and
12 throughout the state. In just briefly talking
13 about what this bill does not completely do, I do
14 not think that it represents the interests of
15 sportsmen throughout the state. It does not
16 provide for acknowledgment or representation and
17 support of the DEC deer management plan. We're a
18 long way from providing additional opportunities
19 for elderly and disabled hunters.

20 And finally, I think, with an
21 expansion of crossbow hunting, we provide great
22 ability to stimulate the New York State economy.
23 I will continue to try to work to pursue that.

24 I do thank Senator Marcellino, as I
25 said, and others for supporting the opportunities

1 for sportsmen. I vote aye.

2 ACTING PRESIDENT GRIFFO: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar Number 1491, those recorded in the
6 negative are Senators Griffio, Libous, Montgomery,
7 Perkins, Serrano and Seward.

8 Ayes, 54. Nays, 6.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1492, by Senator McDonald, Senate Print 7707, an
13 act to authorize.

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

16 The Secretary will read the last
17 section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1493, by Senator Alesi, Senate Print 7715, an act
3 to amend the Public Health Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: In relation to
15 Calendar Number 1494, Senator Zeldin moves to
16 discharge, from the Committee on Rules, Assembly
17 Bill Number 10731 and substitute it for the
18 identical Senate Bill Number 7721, Third Reading
19 Calendar 1494.

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

22 The Secretary will read.

23 THE SECRETARY: Calendar Number
24 1494, by the Assembly Committee on Rules,
25 Assembly Print Number 10731, an act to amend the

1 Criminal Procedure Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: In relation to
10 Calendar Number 1494, those recorded in the
11 negative are Senators Duane, Hassell-Thompson,
12 Krueger, Montgomery, Perkins and Rivera.

13 Ayes, 54. Nays, 6.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: In relation to
17 Calendar Number 1495, Senator Ritchie moves to
18 discharge, from the Committee on Rules, Assembly
19 Bill Number 10017A and substitute it for the
20 identical Senate Bill Number 7751, Third Reading
21 Calendar 1495.

22 ACTING PRESIDENT GRIFFO: The
23 substitution is so ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 1495, by Member of the Assembly Russell, Assembly
2 Print 10017A, an act to authorize.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: In relation to
14 Calendar Number 1496, Senator Larkin moves to
15 discharge, from the Committee on Rules, Assembly
16 Bill Number 10723 and substitute it for the
17 identical Senate Bill Number 7753, Third Reading
18 Calendar 1496.

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

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 1496, by the Assembly Committee on Rules,
24 Assembly Print 10723, an act making
25 appropriations.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 1497, Senator Ball moves to
13 discharge, from the Committee on Rules, Assembly
14 Bill Number 9470 and substitute it for the
15 identical Senate Bill Number 7757, Third Reading
16 Calendar 1497.

17 ACTING PRESIDENT GRIFFO: The
18 substitution is so ordered.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 1497, by Member of the Assembly Katz, Assembly
22 Print Number 9470, an act extending the
23 provisions.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 60.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1498, by Senator Little, Senate Print 7768A, an
11 act providing for the elimination.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT GRIFFO: Senator
20 Little to explain her vote.

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

23 As we all go back to our districts,
24 I'm pretty certain we're going to be asked the
25 question "And what did you do for mandate

1 relief?" There are several bills that have been
2 passed this week and throughout this session that
3 will help our counties, our local municipalities,
4 and our school districts with mandate relief.

5 This particular bill is kind of a
6 new idea for helping with mandate relief, in that
7 it will eliminate some of the reporting
8 requirements that are imposed on school districts
9 and local governments.

10 This bill requires all agencies to
11 look at the reports that they require from a
12 school district or a local municipality, to make
13 a list of those reports and to justify the need
14 for those reports and the value and are they
15 still necessary, to make a recommendation whether
16 this report should be continued because it is
17 valuable, or to eliminate that report because it
18 is no longer necessary and it is burdensome. It
19 also allows for the electronic transmission of
20 those reports that it deems to be necessary,
21 which would be continued past April 1st of next
22 year.

23 It does not eliminate the need for
24 the activity that is being reported on, it only
25 eliminates -- it may eliminate in some instances

1 the requirement for an actual report to be
2 submitted to that agency.

3 So I think that this is a good bill
4 that will help with some mandate relief. I look
5 forward to it moving forward, and I vote aye.
6 Thank you.

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

9 Announce the results.

10 THE SECRETARY: Ayes, 59. Nays,
11 1. Senator Hassell-Thompson recorded in the
12 negative.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1499, by Senator Robach, Senate Print 7782 --

17 SENATOR BRESLIN: Lay it aside.

18 ACTING PRESIDENT GRIFFO: The bill
19 is laid aside.

20 THE SECRETARY: Calendar Number
21 1500, by Senator Breslin, Senate Print 7799, an
22 act granting retroactive Tier IV membership.

23 ACTING PRESIDENT GRIFFO: Senator
24 Libous, the bill is high and there's a home-rule
25 message at the desk.

1 SENATOR LIBOUS: The bill is high;
2 please lay it aside.

3 ACTING PRESIDENT GRIFFO: Lay the
4 bill aside.

5 THE SECRETARY: In relation to
6 Calendar Number 1501, Senator Storobin moves to
7 discharge, from the Committee on Rules, Assembly
8 Bill Number 10609 and substitute it for the
9 identical Senate Bill Number 7812, Third Reading
10 Calendar 1501.

11 ACTING PRESIDENT GRIFFO: The
12 substitution is so ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 1501, by the Assembly Committee on Rules,
16 Assembly Bill Number 10609, an act to amend the
17 Election Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT GRIFFO: Can I

1 have some order in the chamber, please.

2 Senator Storobin to explain his
3 vote.

4 SENATOR STOROBIN: Thank you,
5 Mr. President.

6 I would just like to thank everyone
7 who make this possible. This is a very important
8 bill. There are a lot of people in the community
9 that I come from, the Russian community, who came
10 to the United States at the age of 60, 70, 80,
11 who want to participate in American democracy who
12 came from a place without opportunities to
13 participate and to vote and to make a
14 difference. And unfortunately, a lot of them are
15 not able to do so because they don't speak enough
16 English.

17 And this is very exciting, you
18 know, to have all these people who lived through
19 communism, through Stalinism, to finally be able
20 to participate in full and to understand exactly
21 what they are doing.

22 So I'm going to vote in the
23 affirmative. Thank you very much.

24 ACTING PRESIDENT GRIFFO: Senator
25 Storobin to be recorded in the affirmative.

1 Senator Stavisky to explain her
2 vote.

3 SENATOR STAVISKY: Yes, thank you,
4 Mr. President. I too applaud this legislation.

5 I represent a considerable number
6 of Russian immigrants from the former Soviet
7 Union -- not just from Russia, but from other
8 parts of Central Asia, such as Uzbekistan, and
9 they have to be given the same opportunity to
10 vote as any other citizen. And for that reason,
11 I vote aye.

12 ACTING PRESIDENT GRIFFO: Senator
13 Stavisky to be recorded in the affirmative.

14 Announce the results.

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

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 SENATOR SKELOS: Mr. President.

20 ACTING PRESIDENT GRIFFO: Can I
21 have some order in the chamber, please.

22 Senator Skelos.

23 SENATOR SKELOS: I just want to
24 take a moment and congratulate Senator Storobin
25 for the first bill that he's passed as a State

1 Senator.

2 (Applause.)

3 ACTING PRESIDENT GRIFFO: Senator
4 Libous, that completes the noncontroversial
5 reading of Supplemental Senate Calendar 61A.

6 SENATOR LIBOUS: Mr. President,
7 we're going to take up the controversial reading
8 in a second.

9 ACTING PRESIDENT GRIFFO: The
10 Secretary will ring the bell.

11 SENATOR LIBOUS: Mr. President, at
12 this time could we take up the controversial
13 reading of the calendar that we're on. And it
14 would be 1499, by Senator Robach.

15 ACTING PRESIDENT GRIFFO: The
16 Secretary will read.

17 THE SECRETARY: Calendar Number
18 1499, by Senator Robach, Senate Print 7782, an
19 act to amend the State Finance Law.

20 ACTING PRESIDENT GRIFFO: Senator
21 Breslin.

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

24 I believe there's an amendment at
25 the desk. And I ask that the reading of the

1 amendment be waived and Senator Kennedy be
2 allowed to be heard on the amendment.

3 ACTING PRESIDENT GRIFFO: Senator
4 Breslin, we have reviewed the amendment here and
5 find the amendment, in accordance with Senate
6 rules, to be nongermane.

7 SENATOR BRESLIN: Mr. President, I
8 appeal the ruling of the chair and ask that
9 Senator Kennedy be allowed to speak on that
10 appeal.

11 ACTING PRESIDENT GRIFFO: there
12 has been an appeal of the ruling of the chair
13 requested. Senator Kennedy, you may be heard on
14 the appeal.

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

17 First of all, I want to thank the
18 bill's sponsor, Senator Robach, for bringing this
19 important legislation to the floor.

20 My amendment to Senator Robach's
21 bill is germane for the following reasons.
22 Senator Robach's bill requires state agencies to
23 do a cost/benefit analysis before it enters into
24 a contract for consultant services which are
25 anticipated to cost more than \$500,000 in a

1 single year, to ensure that the services it is
2 contracting to do cannot be done at the same or
3 lesser cost in-house.

4 It in effect seeks to safeguard
5 taxpayers' money by making that procurement
6 process as efficient as possible and ensuring
7 that taxpayers get the greatest bang for their
8 dollars.

9 My amendment also deals with state
10 procurement; specifically, with the agency
11 procurement of call-center services. It ensures
12 that all state business-related call centers and
13 customer service work be performed by state
14 contractors or other agents or subcontractors
15 entirely within the State of New York.

16 My amendment enhances Senator
17 Robach's bill by ensuring that taxpayer money
18 goes to employers who create jobs here in
19 New York. It also provides that contractors who
20 currently perform such work outside the State of
21 New York have two years to comply with this
22 provision by hiring New York workers.

23 Over the past four years, the
24 United States has lost at least 500,000
25 call-center jobs as businesses have opted to

1 relocate offshore. In addition to limiting the
2 employment opportunities for struggling families,
3 the use of foreign call centers presents a number
4 of security concerns with respect to protecting
5 New Yorkers' personal confidential information.

6 This amendment holds companies that
7 outsource jobs accountable. It directs the
8 Commissioner of Labor to compile a semiannual
9 list of all call-center employers in New York
10 that relocate jobs overseas and publicly
11 discloses this information to all state
12 agencies.

13 In light of the current economic
14 climate, it is fiscally irresponsible to continue
15 to reward, with taxpayer dollars and state
16 subsidies, businesses that relocate jobs.

17 Mr. President, it is for those
18 reasons that I call this amendment to the floor
19 as germane. Thank you.

20 ACTING PRESIDENT GRIFFO: Thank
21 you for your explanation, Senator Kennedy.

22 The question is on the appeal of
23 the ruling of the chair. All those in favor of
24 overruling the ruling of the chair signify by
25 saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT GRIFFO: Opposed?

3 (Response of "Nay.")

4 ACTING PRESIDENT GRIFFO: Senator

5 Breslin, why do you rise?

6 SENATOR BRESLIN: Mr. President,
7 can we have a show on hands on the vote, please.

8 ACTING PRESIDENT GRIFFO: A show
9 of hands has been requested and so ordered.

10 Announce the results.

11 THE SECRETARY: Ayes, 22.

12 ACTING PRESIDENT GRIFFO: The
13 ruling of the chair is sustained.

14 Is there any Senator wishing to be
15 heard?

16 (No response.)

17 ACTING PRESIDENT GRIFFO: Seeing
18 none, hearing none, the debate is closed and the
19 Secretary will ring the bell.

20 Read the last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 Senator Libous, that completes the
5 controversial reading of Supplemental Senate
6 Calendar 61A. We have two remaining that were
7 laid aside.

8 SENATOR LIBOUS: We can't go back
9 to them right now; we're going to do some other
10 business so that we can move the process along.

11 I'm going to call Senator Robach;
12 there's going to be an immediate meeting of the
13 Labor Committee in Room 332.

14 And then, Mr. President, since
15 Senator Robach is going to move that meeting
16 along quickly with the members of the Labor
17 Committee, then there will be an immediate
18 meeting of the Finance Committee in Room 332.

19 And then we will come back into the
20 chamber and take up all of the nominations that
21 will have gone through the various committees and
22 Finance.

23 So at this time there will be an
24 immediate meeting of the Labor Committee,
25 followed by an immediate meeting of the

1 Finance Committee, and we will then come back in
2 and reconvene. So we will stand at ease for a
3 little bit.

4 ACTING PRESIDENT GRIFFO: There's
5 an immediate meeting of the Labor Committee in
6 Room 332. That will be followed by a meeting of
7 the Finance Committee in Room 332.

8 Until such time as the Finance
9 Committee returns, the Senate stands at ease.

10 (Whereupon, the Senate stood at ease
11 at 2:39 p.m.)

12 (Whereupon, the Senate reconvened at
13 3:31 p.m.)

14 ACTING PRESIDENT GRIFFO: The
15 Senate will come to order.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President,
18 can we ask members to come into the chamber and
19 have others sit down so -- Senator DeFrancisco, I
20 believe there will be a report of the Finance
21 Committee. We have a number of nominees we're
22 taking up, and we certainly want to give Senator
23 DeFrancisco and other members the attention that
24 these nominations deserve.

25 And at this time I believe,

1 Mr. President, there's a report of the Finance
2 Committee at the desk.

3 ACTING PRESIDENT GRIFFO: There is
4 a report of the Finance Committee at the desk.

5 The Secretary will read.

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

9 As a member of New York State
10 Workers' Compensation Board, Ellen O. Paprocki,
11 of Baldwinsville.

12 ACTING PRESIDENT GRIFFO: Senator
13 DeFrancisco.

14 SENATOR DeFRANCISCO: Yes, I
15 proudly move the nomination for the reappointment
16 of Ellen O. Paprocki for this position.

17 I've known her for some time, and
18 all of you know at least one member of her
19 family. And I can say unequivocally that of her
20 siblings, she was clearly the most likely to
21 succeed and has obviously reached a higher
22 calling than someone who we know very well, her
23 brother, Senator O'Mara.

24 (Laughter.)

25 SENATOR DeFRANCISCO: In any

1 event, she's a great person, a very hardworking
2 individual, greatly qualified, and she's a
3 terrific member of the board. And we're very
4 happy to move this nomination and confirm her
5 today.

6 Thank you, Mr. President.

7 ACTING PRESIDENT GRIFFO: Thank
8 you, Senator DeFrancisco.

9 Senator O'Mara.

10 SENATOR O'MARA: Yes, thank you,
11 Mr. President. I would love to have a few nice
12 things to say about my sister up there. However,
13 I do seek permission to abstain from this vote
14 given the special interest that I have in this
15 nomination.

16 Thank you.

17 ACTING PRESIDENT GRIFFO: In
18 accordance with Senate rules and your request,
19 permission is hereby granted.

20 The question is on the
21 reappointment of Ellen O. Paprocki, of
22 Baldwinsville, as a member of the New York State
23 Workers' Compensation Board. All in favor
24 signify by saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT GRIFFO: Opposed?

2 (No response.)

3 ACTING PRESIDENT GRIFFO: Ellen O.
4 Paprocki, of Baldwinsville, is hereby confirmed.

5 Thank you. Congratulations.

6 (Appause.)

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will read.

9 THE SECRETARY: As a commissioner
10 of the Public Service Commission, Gregg C. Sayre,
11 of Fairport.

12 ACTING PRESIDENT GRIFFO: Senator
13 DeFrancisco.

14 SENATOR DeFRANCISCO: Yes, I move
15 the nomination of Gregg C. Sayre, of Fairport, as
16 a commissioner of the Public Service Commission.

17 Those of you who were at any of the
18 committee meetings, either Energy or Finance, or
19 have had the chance to review his resume, I can
20 only say that it's outstanding. He's got an
21 incredible background for this particular
22 position, and he will be a great addition to this
23 commission. So I proudly move his nomination.

24 (Pause.)

25 SENATOR DeFRANCISCO: Do you want

1 me to say some more or --

2 (Laughter.)

3 ACTING PRESIDENT GRIFFO: No, no,
4 I was just trying to determine if there was any
5 other member that wishes to speak.

6 The question is on the nomination
7 of Gregg C. Sayre, of Fairport, as a commissioner
8 of the Public Safety Commission. All in favor
9 signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT GRIFFO: Opposed?

12 (No response.)

13 ACTING PRESIDENT GRIFFO: Gregg
14 Sayre is hereby confirmed as commissioner of the
15 Public Service Commission.

16 Congratulations.

17 (Applause.)

18 ACTING PRESIDENT GRIFFO: The
19 Secretary will read.

20 THE SECRETARY: As members of the
21 Board of Trustees of the State University of
22 New York: Richard Socarides, of New York City;
23 Henrik N. Dullea, Ph.D., of Ithaca; Angelo Fatta,
24 Ph.D., of Lake View; and Marshall A. Lichtman, of
25 Rochester.

1 ACTING PRESIDENT GRIFFO: Senator
2 DeFrancisco.

3 SENATOR DeFRANCISCO: Yes, I move
4 each of these nominations.

5 And I just want to say, like I've
6 said many times this year, is the nominations
7 that the Governor has made on all of these
8 positions are truly outstanding. And we are very
9 fortunate to have the individuals who are willing
10 to serve at the SUNY board, willing to take these
11 nominations, and willing to serve in this
12 capacity.

13 They all have outstanding
14 backgrounds, a great breadth of experience, from
15 the highest levels of government in Washington
16 and the White House to the prior administrations
17 in this State of New York for a couple of
18 different governors. So we've got experience,
19 we've got qualifications, and we've got strong
20 people to lead the State University of the State
21 of New York, and I would move each of the
22 nominations.

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

25 Senator Grisanti.

1 SENATOR GRISANTI: Yes, thank you,
2 Mr. President, just briefly.

3 I too want to commend the Governor
4 for the four appointments to the State University
5 of New York Board of Trustees; in particular,
6 Angelo Fatta, who is from Lake View, which is in
7 my neck of the woods.

8 And something that a lot of people
9 may not know, but he was a pioneer of
10 bio-informatics for the University of Buffalo,
11 and that is something that became the second
12 phase of the UB 2020 program with that school.

13 So with that expense and the
14 experience that he's had with start-up companies
15 and knowledge and how that school is moving
16 forward to be a leader and a pioneer in these
17 types of technologies and studies for the
18 students, I think it's a tremendous appointment,
19 and I move the nomination as well.

20 Thank you, Mr. President.

21 ACTING PRESIDENT GRIFFO: Senator
22 Marcellino.

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

25 I'd also, as my colleague Senator

1 DeFrancisco did, like to thank the nominees for
2 their willingness to serve. These are not easy
3 times, and especially going into the public
4 sector and working in the public sector. And if
5 you're going into either the -- especially in the
6 educational field, because as a former teacher
7 myself, I have a feel for that and I know that
8 education is at a crossroads. There's a lot to
9 do and a lot of changes to be made.

10 And our State University system is
11 a great university system, but it is also in need
12 of, in my mind, a breath of fresh air. And I'm
13 hoping that this group of nominees will do just
14 that and not be afraid to innovate, not be afraid
15 to make change and not just to leave it because
16 it seems to be working.

17 And the system is a good system,
18 but I think it could be a lot better. And I
19 think we could challenge our students a lot more
20 and we could bring in new programs and new ideas
21 and new ways of doing things. We just don't have
22 to continue the way we've been going.

23 So I urge you to strike out, look
24 for new things, look for new ideas, and don't be
25 afraid to innovate. It's not a curse, it's a

1 good idea.

2 So again, I wish you the best, and
3 again I thank you for your willingness to serve.
4 I know it's not easy. God bless you. And I vote
5 aye on these nominations.

6 ACTING PRESIDENT GRIFFO: Senator
7 Ranzenhofer.

8 SENATOR RANZENHOFER: I'd also
9 like to commend the Governor on all four
10 nominations, and in particular just mention that
11 I've known Angelo Fatta for over 20 years.

12 He has excellent experience in
13 terms of the educational field, the business
14 field, the technology and scientific field. I
15 think he'll be a great addition to the Board of
16 Trustees, and I'd like to add my good wishes to
17 his service as well as the others.

18 Thank you, Mr. President.

19 ACTING PRESIDENT GRIFFO: Senator
20 Squadron.

21 SENATOR SQUADRON: Thank you very
22 much.

23 I want to add my voice to a
24 particularly well-qualified group of nominees who
25 will do an incredibly important job for the

1 future of the state and opportunity in the
2 state.

3 I want to particularly acknowledge
4 that Richard Socarides, who I've known since well
5 before adulthood, is among those nominees and is
6 one who brings particular judgment, commitment to
7 public service, and intellectual heft. And so
8 I'm very glad that he's agreed to do this and
9 honored to vote yes on all the nominees,
10 Mr. Socarides and the rest.

11 Thank you.

12 ACTING PRESIDENT GRIFFO: Senator
13 Stavisky.

14 SENATOR STAVISKY: Thank you.

15 I too congratulate the Governor on
16 four outstanding appointments. Each individual
17 brings a different perspective to service as a
18 SUNY trustee.

19 I particularly congratulate
20 Dr. Hank Dullea, who has known many of the people
21 here for many, many years. And he brings a
22 combination of academic excellence, government
23 service, and a commitment to higher education.
24 That passion for public service is still there,
25 and we thank our friend Hank Dullea and wish him

1 continued service, as he started with the other
2 house, he worked for the Governor, he worked for
3 SUNY, and he understands each perspective.

4 And we congratulate all of them.

5 Thank you.

6 ACTING PRESIDENT GRIFFO: Senator
7 Farley.

8 SENATOR FARLEY: Yes, thank you,
9 Mr. President.

10 I rise as somebody that has been a
11 professor at the state university for 35 years
12 and somebody who's been very interested in SUNY.

13 I think that these candidates are
14 outstanding, but I do have to call attention
15 again to Hank Dullea, somewhat of a relative of
16 mine, but somebody that has served this state in
17 every capacity that you can imagine. And we're
18 so fortunate to have him be willing to serve as a
19 trustee.

20 And I'm very excited about these
21 appointments, and I applaud the Governor for
22 being able to reach out to get New York's finest
23 to represent us on the finest university system
24 in the nation.

25 Thank you, Mr. President.

1 ACTING PRESIDENT GRIFFO: Senator
2 Seward.

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

5 I want to add my voice to the
6 chorus and congratulate the Governor on this
7 outstanding group of new trustees that have been
8 nominated.

9 The State University, in my
10 estimation, is one of New York State's greatest
11 assets. And with the appointment of these three
12 new trustees and the reappointment of Marshall
13 Lichtman, I believe that our State University of
14 New York will be even more of an asset for us in
15 New York State.

16 And I see we've been joined by our
17 great Chancellor here today with us as well.

18 And I want to single out Hank
19 Dullea, who had a distinguished career, as has
20 been pointed out, with the State University and
21 as director of state operations under both
22 Governors Carey and the first Governor Cuomo, and
23 then went down to Cornell, part of which is a
24 part of our State University system, as a vice
25 president.

1 In those days I was representing
2 the campus itself -- I still have four towns in
3 Tompkins County in my district -- and worked
4 very, very closely with Hank Dullea in those
5 years he was at Cornell, and we did some good
6 things together on behalf of that university and
7 the people of the region and people of the State
8 of New York.

9 So congratulations to all of these
10 nominees. We look forward to even greater things
11 from a great university.

12 ACTING PRESIDENT GRIFFO: The
13 question is on the nominees -- Richard Socarides,
14 Henrik Dullea, Angelo Fatta, and Marshall
15 Lichtman -- as members of the Board of Trustees
16 for the State University of New York. All in
17 favor signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT GRIFFO: Opposed?

20 (No response.)

21 ACTING PRESIDENT GRIFFO: The
22 nominees as read have been confirmed.

23 Congratulations. Please rise and
24 be acknowledged.

25 (Applause.)

1 ACTING PRESIDENT GRIFFO: The
2 Secretary will read.

3 THE SECRETARY: As a member of the
4 Board of Trustees of the City University of
5 New York, Brian D. Obergfell, of Brooklyn.

6 ACTING PRESIDENT GRIFFO: Senator
7 DeFrancisco.

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

10 And without repeating myself, this
11 individual is well-qualified for this high-level
12 position at CUNY, and I proudly move his
13 nomination.

14 ACTING PRESIDENT GRIFFO: The
15 question is on the nomination of Brian D.
16 Obergfell, of Brooklyn, as a member of the Board
17 of Trustees of the City University of New York.
18 All in favor signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT GRIFFO: Opposed?

21 (No response.)

22 ACTING PRESIDENT GRIFFO: The
23 nominee is hereby confirmed.

24 Congratulations, Brian.

25 (Applause.)

1 ACTING PRESIDENT GRIFFO: The
2 Secretary will read.

3 THE SECRETARY: As a member of the
4 Lake George Park Commission, Bruce E. Young, of
5 Huletts Landing.

6 ACTING PRESIDENT GRIFFO: Senator
7 DeFrancisco.

8 SENATOR DeFRANCISCO: Move the
9 nomination.

10 ACTING PRESIDENT GRIFFO: The
11 question is on the nomination of Bruce E. Young
12 as a member of the Lake George Park Commission.
13 All in favor signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT GRIFFO: Opposed?

16 (No response.)

17 ACTING PRESIDENT GRIFFO: Bruce E.
18 Young is hereby confirmed as a member of the Lake
19 George Park Commission.

20 Congratulations.

21 (Applause.)

22 ACTING PRESIDENT GRIFFO: Senator
23 Libous, that completes the confirmation of the
24 nominations before the house.

25 SENATOR LIBOUS: Thank you,

1 Mr. President.

2 I have a little housekeeping at
3 this time.

4 ACTING PRESIDENT GRIFFO: Sure.

5 SENATOR LIBOUS: At this time
6 Senator Skelos hands up the following committee
7 assignments to be filed in the Journal.

8 ACTING PRESIDENT GRIFFO: So
9 ordered. They will be filed in the Journal.

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

12 Mr. President, I would call on
13 Senator Ruth Hassell-Thompson at this time.

14 ACTING PRESIDENT GRIFFO: Senator
15 Ruth Hassell-Thompson.

16 SENATOR HASSELL-THOMPSON:
17 Mr. President, thank you.

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

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

23 SENATOR LIBOUS: Mr. President,
24 there will be a prompt meeting of the Rules
25 Committee at 4:30 in Room 332.

1 ACTING PRESIDENT GRIFFO: There
2 will be a prompt meeting of the Rules Committee
3 in Room 332 at 4:30 sharp.

4 SENATOR HASSELL-THOMPSON: Point
5 of order.

6 ACTING PRESIDENT GRIFFO: Senator
7 Hassell-Thompson, what is your point of order?

8 SENATOR HASSELL-THOMPSON: Senator
9 Libous, I appreciate the fact that you'd like to
10 set a time, but I would like to hope that we have
11 received the materials in time so that we will
12 not be late keeping your deadline.

13 SENATOR LIBOUS: The Rules
14 Committee will meet after the materials have been
15 received.

16 SENATOR HASSELL-THOMPSON: Thank
17 you. Thank you. That's been one of the issues.

18 Thank you, Mr. President.

19 ACTING PRESIDENT GRIFFO: The
20 Senate stands at ease.

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

23 ACTING PRESIDENT ROBACH: Senator
24 Libous.

25 SENATOR LIBOUS: Thank you,

1 Mr. President. I just want to make an amendment
2 on the Rules Committee meeting. It will now be
3 held promptly at 5:00 p.m. in Room 332.

4 ACTING PRESIDENT ROBACH: The
5 Rules Committee meeting time has been changed to
6 5:00 p.m. We request that all members on the
7 Rules Committee be in Room 332 promptly at
8 5:00 p.m.

9 The Senate continues to stand at
10 ease.

11 (Whereupon, the Senate reconvened at
12 5:32 p.m.)

13 ACTING PRESIDENT GRIFFO: The
14 Senate will come to order.

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President,
17 can we go back to reports of standing
18 committees.

19 I believe there's a report of the
20 Rules Committee at the desk, and I ask that it be
21 read at this time.

22 ACTING PRESIDENT GRIFFO: We will
23 return to reports of standing committees.

24 There is a report of the
25 Rules Committee at the desk, and the Secretary

1 will read.

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

5 Senate Print 6092B, by Senator
6 DeFrancisco, an act to amend the Education Law;

7 7125, by Senator McDonald, an act
8 to amend the Racing, Pari-Mutuel Wagering and
9 Breeding Law;

10 7435, by Senator Skelos, an act to
11 amend the Local Finance Law;

12 7552, by the Committee on Rules, an
13 act to amend the Local Finance Law;

14 7672, by Senator Skelos, an act to
15 amend the Local Finance Law;

16 7713, by Senator Hannon, an act to
17 amend Chapter 401 of the Laws of 2002;

18 7774, by Senator Hannon, an act to
19 amend the Real Property Tax Law;

20 7804, by Senator Golden, an act to
21 amend the Administrative Code of the City of
22 New York;

23 3872C, by Senator Maziarz, an act
24 to amend the Public Authorities Law;

25 4912, by Senator Nozzolio, an act

1 to amend the Public Authorities Law;
2 5228A, by Senator Grisanti, an act
3 to amend the Environmental Conservation Law;
4 5313B, by Senator Golden, an act to
5 amend the General Business Law;
6 6898, by Senator Young, an act to
7 amend Chapter 246 of the Laws of 2010;
8 7147, by Senator Young, an act to
9 amend the Tax Law;
10 7525, by Senator Grisanti, an act
11 to amend the Environmental Conservation Law;
12 7592A, by Senator Saland, an act to
13 amend Chapter 367 of the Laws of 1999;
14 7641B, by Senator Martins, an act
15 to amend the Civil Practice Law and Rules;
16 7711, by Senator Lanza, an act to
17 amend the Real Property Tax Law;
18 7743A, by Senator Maziarz, an act
19 to amend the Public Service Law;
20 7767, by Senator Young, an act to
21 require the Power Authority;
22 7788, by the Committee on Rules, an
23 act to amend Part H of Chapter 1 of the Laws of
24 2003;
25 And Senate Print 7789, by Senator

1 Maziarz, an act directing the Power Authority.

2 All bills reported direct to third
3 reading.

4 ACTING PRESIDENT GRIFFO: Senator
5 Libous.

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

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

11 (Response of "Aye.")

12 ACTING PRESIDENT GRIFFO: Opposed?

13 (No response.)

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

16 SENATOR LIBOUS: Mr. President.

17 ACTING PRESIDENT GRIFFO: Senator
18 Libous.

19 SENATOR LIBOUS: If everybody
20 could go to Supplemental Active List Number 3.

21 ACTING PRESIDENT GRIFFO: We will
22 go to Supplemental Active List Number 3.

23 SENATOR LIBOUS: Do the
24 noncontroversial reading, please.

25 ACTING PRESIDENT GRIFFO: The

1 Secretary will read Calendar Number 1088.

2 THE SECRETARY: Calendar Number
3 1088, by Senator LaValle, Senate Print 1940, an
4 act to amend the Education Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: On page 33,
16 Senator LaValle moves to discharge, from the
17 Committee on Higher Education, Assembly Bill
18 Number 10118 and substitute it for the identical
19 Senate Bill Number 7175, Third Reading Calendar
20 1093.

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

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 1093, by Member of the Assembly Canestrari,

1 Assembly Print 10118, an act to amend the
2 Education Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 Senator Libous, that completes the
14 noncontroversial reading of Supplemental Active
15 List Number 3.

16 SENATOR LIBOUS: Mr. President,
17 could we please go Supplemental Active List
18 Number 4, noncontroversial reading.

19 ACTING PRESIDENT GRIFFO: The
20 Secretary will read.

21 THE SECRETARY: In relation to
22 Calendar Number 44, Senator Nozzolio moves to
23 discharge, from the Committee on Rules, Assembly
24 Bill 9103C and substitute it for the identical
25 Senate Bill Number 5208C, Third Reading Calendar

1 44.

2 SENATOR BRESLIN: Lay it aside.

3 ACTING PRESIDENT GRIFFO: The
4 substitution is so ordered.

5 The bill is laid aside.

6 The Secretary will continue to
7 read.

8 THE SECRETARY: Calendar Number
9 554, by Senator Marcellino, Senate Print 4229, an
10 act to amend the Suffolk County Tax Act.

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

13 SENATOR LIBOUS: Excuse me,
14 Mr. President. It appears that we may not have
15 this list on some of the desks.

16 ACTING PRESIDENT GRIFFO: The
17 Senate will pause momentarily.

18 SENATOR LIBOUS: Anyone who
19 doesn't have Supplemental Active List Number 4,
20 please raise your hand and they'll bring you the
21 list.

22 I would ask members, there's a lot
23 of papers on the desks. And certainly the desk
24 does its best job and does a darn good job at
25 getting the stuff out. So I know sometimes -- I

1 know the other day I was looking for mine, and it
2 was in between a couple of bills. And I know
3 that all of you are reading the bills intently,
4 so you should pay attention.

5 Mr. President, I think everybody
6 now has it; we can proceed. Thank you.

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will read. We are on Calendar 554.

9 THE SECRETARY: Calendar Number
10 554, by Senator Marcellino, Senate Print 4229, an
11 act to amend the Suffolk County Tax Act.

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

14 Read the last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1041, by Senator Grisanti, Senate Print 5418B, an
25 act to amend the Navigation Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

3 SENATOR BRESLIN: Lay it aside.

4 ACTING PRESIDENT GRIFFO: Lay the
5 bill aside.

6 Senator Libous, that completes the
7 noncontroversial reading of Supplemental Active
8 List Number 4.

9 SENATOR LIBOUS: Mr. President,
10 can we now take up the controversial list on
11 Supplemental Calendar Number 4. I believe the
12 first one, by Senator Nozzolio.

13 ACTING PRESIDENT GRIFFO: The
14 Secretary will ring the bell.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 44, substituted earlier by Member of the Assembly
18 Finch, Assembly Print Number 9103C, an act to
19 amend the Real Property Tax Law.

20 SENATOR BRESLIN: Explanation.

21 ACTING PRESIDENT GRIFFO: An
22 explanation has been requested by Senator
23 Breslin, Senator Nozzolio.

24 SENATOR NOZZOLIO: Thank you,
25 Mr. President.

1 Mr. President, this is a
2 legislative measure put forward at the request of
3 the City of Auburn, New York, which is concerned
4 with the upkeep of rental property within the
5 city boundaries.

6 That the involvement with receiving
7 partial tax exemptions for that construction and
8 improvement, allowing the city to encourage
9 reinvestment into the housing stock of that
10 community. They are private investments. And
11 they are asking, the city, to have the authority
12 to present that additional tax incentives to
13 enhance the value of the housing stock within the
14 City of Auburn.

15 ACTING PRESIDENT GRIFFO: Thank
16 you, Senator Nozzolio.

17 Seeing and hearing no other Senator
18 wishing to speak, debate is closed. The
19 Secretary will ring the bell.

20 Read the last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1041, by Senator Grisanti, Senate Print 5418B, an
6 act to amend the Navigation Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT GRIFFO: Senator
15 Krueger to explain her vote.

16 SENATOR KRUEGER: I would, as long
17 as I can just clarify. This is S5418B?

18 ACTING PRESIDENT GRIFFO: This is
19 S5418B, by Senator Grisanti.

20 SENATOR KRUEGER: Thank you.
21 Involving petroleum-contaminated sites. I
22 thought I might have heard something about a
23 different title that was read, so that's why I
24 was confused.

25 So I would like to explain my vote,

1 thank you.

2 ACTING PRESIDENT GRIFFO: Senator
3 Krueger to explain her vote.

4 SENATOR KRUEGER: Thank you.

5 I am voting no on this bill. I
6 have heard from a number of environmental
7 organizations who are pointing out that by
8 removing strict liability and forcing DEC to
9 investigate whether a third party is involved, it
10 takes money away from the agency's program to
11 clean up the spill.

12 They also have noted to us that if
13 DEC cannot make the determination of who the
14 responsible party is within 30 days, there may be
15 no way for the state to recoup payments from
16 polluters.

17 I would hate to imagine we made a
18 timeline so short that we lost our opportunity to
19 hold the guilty parties responsible. And
20 therefore, I am voting no.

21 Thank you, Mr. President.

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

24 Senator LaValle to explain his
25 vote.

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

3 While I'm not going to support this
4 legislation, I did want to say that we need to
5 engage with the Environmental Advocates. Because
6 cleaning up brownfields is in everyone's best
7 interest for a whole variety of reasons. We're
8 taking properties that are polluting and we need
9 to clean those properties up to make communities
10 a safe place and have a safe use.

11 Senator Grisanti is moving in the
12 right direction. I don't think we're quite there
13 yet, but I think through some dialogue, I think
14 we can get there and have a good bill.

15 So I'm in the negative on this
16 bill.

17 ACTING PRESIDENT GRIFFO: Senator
18 LaValle to be recorded in the negative.

19 Senator Grisanti to explain his
20 vote.

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

23 You know, I've read the opposition
24 memo by the Environmental Advocates of New York,
25 and the opposition is without merit.

1 I can tell you right now that what
2 we amended from last year to this year, it helps
3 you find the responsible party and have a right
4 of action.

5 Right now, if somebody buys one of
6 these sites, they are the responsible party.
7 This bill allows them, by a preponderance of
8 evidence, to show and to have an arbitration
9 hearing that there's another faulted party to go
10 after. So it's going to allow more people to be
11 chargeable. It's going to be less fiscal impact
12 to the state.

13 And just to answer Senator
14 Krueger's question, because a mere preponderance
15 of the evidence is required to apportion
16 liability, 30 days is more than adequate for the
17 DEC to examine the evidence given to them and
18 make a determination, even in complicated
19 situations where it may be difficult to find the
20 responsible party.

21 So from an amendment last year, an
22 endorsement from the New York State Association
23 of Service Stations and Repair Shops and from the
24 New York State Bar Association that were not on
25 this bill last year, we made the amendments

1 necessary.

2 This is important to clean up these
3 sites. It's important to find the responsible
4 parties, not just one person that buys the site.
5 You can go back; the evidence will help you do
6 that.

7 So I vote aye, Mr. President.
8 Thank you very much.

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

11 Announce the results.

12 THE SECRETARY: In relation to
13 Calendar Number 1041, those recorded in the
14 negative are Senators Addabbo, Avella, Ball,
15 Dilan, Gianaris, Hassell-Thompson, Krueger,
16 LaValle, Montgomery, Oppenheimer, Peralta,
17 Perkins, Rivera, Serrano, Squadron, Stavisky and
18 Stewart-Cousins. Also Senator Sampson.

19 Ayes, 42. Nays, 18.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 Senator Libous, that completes the
23 supplemental active list, controversial reading.

24 SENATOR LIBOUS: I'm sorry?

25 ACTING PRESIDENT GRIFFO: I

1 believe that completes the reading of
2 Supplemental Active List Number 4, the
3 controversial reading.

4 SENATOR LIBOUS: Mr. President, it
5 does.

6 Mr. President, we are now going to
7 take up the noncontroversial reading of
8 Supplemental Senate Calendar 61B.

9 ACTING PRESIDENT GRIFFO: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 1473, by Senator DeFrancisco, Senate Print 6092B,
13 an act to amend the Education Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect on the 545th day after it
18 shall have become a law.

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 1503, Senator McDonald moves to
2 discharge from the Committee on Racing, Gaming
3 and Wagering, Assembly Bill Number 9392 and
4 substitute it for the identical Senate Bill
5 Number 7125, Third Reading Calendar 1503.

6 ACTING PRESIDENT GRIFFO: The
7 substitution is so ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1503, by Member of the Assembly Pretlow, Assembly
11 Print 9392, an act to amend the Racing,
12 Pari-Mutuel Wagering and Breeding Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 1504, Senator Skelos moves to
25 discharge, from the Committee on Rules, Assembly

1 Bill Number 10261 and substitute it for the
2 identical Senate Bill Number 7435, Third Reading
3 Calendar 1504.

4 ACTING PRESIDENT GRIFFO: The
5 substitution is so ordered.

6 There is a home-rule message at the
7 desk.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1504, by Member of the Assembly Curran, Assembly
11 Print Number 10261, an act to amend the Local
12 Finance Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: Senator
21 Krueger to explain her vote.

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

24 I will be voting no on this bill
25 and the following two bills. These are

1 amortizations for pension payouts for people who
2 leave their jobs. This is the equivalent of
3 towns choosing to take payday loans to make their
4 obligatory pension payments. It may seem to be a
5 good idea today, but then when you realize you're
6 actually paying interest over 10 years, through
7 borrowing, just to make your pension payments, I
8 think that people would realize this is not a
9 very good plan for them.

10 And I understand these three towns
11 have sent home-rule messages, but I cannot
12 endorse this model of borrowing now to make your
13 daily payments.

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

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

18 Announce the results.

19 THE SECRETARY: Ayes, 58. Nays,
20 2. Senators Avella and Krueger recorded in the
21 negative.

22 ACTING PRESIDENT GRIFFO: Senator
23 Oppenheimer, why do you rise?

24 SENATOR OPPENHEIMER: I was going
25 to say I unfortunately wasn't here for the prior

1 vote.

2 (Discussion off the record.)

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will continue to read.

5 THE SECRETARY: In relation to
6 Calendar Number 1505, Senator Skelos moves to
7 discharge, from the Committee on Rules, Assembly
8 Bill Number 10552 and substitute it for the
9 identical Senate Bill Number 7552, Third Reading
10 Calendar 1505.

11 ACTING PRESIDENT GRIFFO: The
12 substitution is so ordered.

13 There is a home-rule message at the
14 desk.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 1505, by the Assembly Committee on Rules,
18 Assembly Print 10552, an act to amend the Local
19 Finance Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57. Nays,
3 3. Senators Avella, Krueger and Squadron
4 recorded in the negative.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1506, by Senator Skelos, Senate Print 7672, an
9 act to amend the Local Finance Law.

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

12 Read the last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 58. Nays,
19 2. Senators Avella and Krueger recorded in the
20 negative.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 1507, Senator Hannon moves to
25 discharge, from the Committee on Rules, Assembly

1 Bill Number 10690 and substitute it for the
2 identical Senate Bill Number 7713, Third Reading
3 Calendar 1507.

4 ACTING PRESIDENT GRIFFO: The
5 substitution is so ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 1507, by the Assembly Committee on Rules,
9 Assembly Print 10690, an act to amend Chapter 401
10 of the Laws of 2002.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1508, by Senator Hannon, Senate Print 7774, an
23 act to amend the Real Property Tax Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

1 THE SECRETARY: Section 7. This
2 act shall take effect January 3, 2013.

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 60.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1509, by Senator Golden, Senate Print 7804 --

11 SENATOR LIBOUS: Mr. President,
12 the bill is high.

13 ACTING PRESIDENT GRIFFO: The bill
14 is high and will be laid aside.

15 THE SECRETARY: In relation to
16 Calendar Number 1510, Senator Maziarz moves to
17 discharge, from the Committee on Finance,
18 Assembly Bill Number 6114C and substitute it for
19 the identical Senate Bill Number 3872C, Third
20 Reading Calendar 1510.

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

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 1510, by Member of the Assembly Hevesi --

1 SENATOR LIBOUS: Lay it aside
2 temporarily.

3 ACTING PRESIDENT GRIFFO: Lay the
4 bill aside temporarily.

5 THE SECRETARY: In relation to
6 Calendar Number 1511, Senator Nozzolio moves to
7 discharge, from the Committee on Rules, Assembly
8 Bill Number 5095 and substitute it for the
9 identical Senate Bill Number 4912, Third Reading
10 Calendar 1511.

11 ACTING PRESIDENT GRIFFO: The
12 substitution is so ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 1511, by Member of the Assembly Oaks, Assembly
16 Print Number 5095, an act to amend the Public
17 Authorities Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1512, by Senator Grisanti, Senate Print 5228A, an
5 act to amend the Environmental Conservation Law.

6 SENATOR LIBOUS: Lay it aside
7 temporarily.

8 ACTING PRESIDENT GRIFFO: Lay the
9 bill aside temporarily.

10 THE SECRETARY: Calendar Number
11 1513, by Senator Golden, Senate Print 5313B, an
12 act to amend the General Business Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 59. Nays,
21 1. Senator Little recorded in the negative.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: In relation to
25 Calendar Number 1514, Senator Young moves to

1 discharge, from the Committee on Corporations,
2 Authorities and Commissions, Assembly Bill Number
3 10048 and substitute it for the identical Senate
4 Bill Number 6898, Third Reading Calendar 1514.

5 ACTING PRESIDENT GRIFFO: The
6 substitution is so ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 1514, by Member of the Assembly Jeffries,
10 Assembly Print 10048, an act to amend Chapter 246
11 of the Laws of 2010.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1515, by Senator Young, Senate Print 7147, an act
24 to amend the Tax Law.

25 SENATOR LIBOUS: Lay it aside

1 temporarily.

2 ACTING PRESIDENT GRIFFO: Lay the
3 bill aside temporarily.

4 THE SECRETARY: Senator Grisanti
5 moves to discharge, from the Committee on Rules,
6 Assembly Bill Number 10519 and substitute it for
7 the identical Senate Bill Number 7525, Third
8 Reading Calendar 1516.

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

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 1516, by the Assembly Committee on Rules,
14 Assembly Print 10519, an act to amend the
15 Environmental Conservation Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT GRIFFO: Senator
24 Grisanti to explain his vote.

25 SENATOR GRISANTI: Yes, thanks

1 once again, Mr. President.

2 My fellow colleagues, this is
3 much-needed legislation. As we talked about
4 earlier, the EPF fund for the last couple of
5 years has stayed at a rate of \$134 million. We
6 need to increase that rate, and this bill does
7 just that. It's a phase-in over the next six
8 years, and it adds funds received under the
9 Bottle Bill on a gradual and well-balanced
10 schedule.

11 It supports a wide variety of
12 programs throughout the state and is something
13 that is much-needed. A study done this year
14 shows there's a direct seven-to-one return on
15 investments for this program. It supports jobs
16 and industries, it supports tourism, agriculture,
17 and also helps to protect our drinking water.

18 It's a very important piece of
19 legislation. I vote aye and urge all my
20 colleagues to do the same.

21 Thank you, Mr. President.

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

24 Announce the results.

25 THE SECRETARY: Ayes, 59. Nays,

1 1. Senator Little recorded in the negative.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: In relation to
5 Calendar Number 1517, Senator Saland moves to
6 discharge, from the Committee on Rules, Assembly
7 Bill Number 10706 and substitute it for the
8 identical Senate Bill Number 7592A, Third Reading
9 Calendar 1517.

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

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 1517, by the Assembly Committee on Rules,
15 Assembly Print 10706, an act to amend Chapter 367
16 of the Laws of 1999.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 59. Nays,

25 1. Senator Seward recorded in the negative.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1518, by Senator Martins, Senate Print 7641B, an
5 act to amend the Civil Practice Law and Rules.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

8 THE SECRETARY: Section 79. This
9 act shall take effect on the 180th day.

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT GRIFFO: Announce
14 the results.

15 THE SECRETARY: In relation to
16 Calendar Number 1518, those recorded in the
17 negative are Senators Ball, Bonacic, Griffio,
18 Grisanti, Lanza, Larkin, Little, Maziarz,
19 McDonald, O'Mara, Ranzenhofer, Ritchie, Saland,
20 Seward, Valesky and Zeldin.

21 Ayes, 44. Nays, 16.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: In relation to
25 Calendar Number 1519, Senator Lanza moves to

1 discharge, from the Committee on Rules, Assembly
2 Bill Number 10620 and substitute it for the
3 identical Senate Bill Number 7711, Third Reading
4 Calendar 1519.

5 ACTING PRESIDENT GRIFFO: It's
6 getting a little loud in the chamber. Some
7 order, please. {Gaveling.}

8 SENATOR LIBOUS: Lay it aside
9 temporarily.

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

12 The bill is laid aside temporarily.

13 THE SECRETARY: Calendar Number
14 1520, by Senator Maziarz, Senate Print 7743A, an
15 act to amend the Public Service Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1521, by Senator Young, Senate Print 7767, an act
3 to require the Power Authority.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

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

13 SENATOR KRUEGER: Very simply, the
14 State of New York should not be subsidizing
15 polluting, coal-burning energy generation.

16 I vote no. Thank you,
17 Mr. President.

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

20 Senator Maziarz to explain his
21 vote.

22 SENATOR MAZIARZ: Thank you very
23 much. Just briefly to explain my vote.

24 I want to thank Senator Young for
25 bringing forth this legislation. This is

1 excellent legislation. It's going to save
2 hundreds of IBEW jobs in upstate New York,
3 particularly in the western part of the state.
4 It's going to help communities who have been
5 devastated by power plants that are either idle
6 or going offline with property taxes.

7 The potentials of this bill are all
8 positive, and they're all good. And thank you,
9 Senator Young.

10 I vote aye.

11 ACTING PRESIDENT GRIFFO: Senator
12 Maziarz to be recorded in the affirmative.

13 Senator Young to explain her vote.

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

16 This bill is an excellent piece of
17 legislation. Because what it does, it helps
18 provide for a transition plan in New York State
19 so that we can keep the power that we need to
20 supply our homes and our businesses. At the same
21 time, we can focus on innovation, technology,
22 green energy, repowering plants.

23 And also the purchase power
24 agreements that could be established with the
25 New York Power Authority would have energy go to

1 supply the Recharge New York program. There are
2 about a thousand companies across New York State
3 that were interested in getting Recharge New York
4 benefits. This would solve that issue. It would
5 grow jobs. It would preserve jobs in facilities
6 such as the one that's in my district.

7 So I thank the people who are
8 voting yes on this. This really is a crucial
9 piece of legislation. It's all about jobs, the
10 economy, and a cleaner environment. And so I
11 proudly vote yes.

12 Thank you.

13 ACTING PRESIDENT GRIFFO: Senator
14 Young to be recorded in the affirmative.

15 Senator Nozzolio to explain his
16 vote.

17 SENATOR NOZZOLIO: Thank you,
18 Mr. President.

19 I rise to thank my colleagues
20 Senator Young and Senator Maziarz for their
21 leadership in putting forth this legislation,
22 legislation that's absolutely necessary as we
23 begin a very important transition process.

24 And this transition process, as
25 required by the legislation, will ensure the

1 focus be placed on the upstate economy, the
2 development of that economy, the creation of
3 jobs, and the continuation of our tax base.

4 Those issues are all extremely
5 important to the taxpayers of this state,
6 especially the property taxpayers of this state,
7 and this analysis is absolutely essential. And I
8 thank the sponsors for their support. I was
9 pleased to support the measure as a sponsor and
10 look forward to its enactment.

11 Thank you, Mr. President.

12 ACTING PRESIDENT GRIFFO: Senator
13 Nozzolio to be recorded in the affirmative.

14 Announce the results.

15 THE SECRETARY: In relation to
16 Calendar 1521, those recorded in the negative are
17 Senators Addabbo, Avella, Ball, Dilan, Gianaris,
18 Hassell-Thompson, Krueger, Montgomery,
19 Oppenheimer, Peralta, Perkins, Rivera, Serrano,
20 Squadron, Stavisky and Stewart-Cousins.

21 Ayes, 44. Nays, 16.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: In relation to
25 Calendar Number 1522, Senator Skelos moves to

1 discharge, from the Committee on Rules, Assembly
2 Bill Number 10593 and substitute it for the
3 identical Senate Bill Number 7788, Third Reading
4 Calendar 1522.

5 ACTING PRESIDENT GRIFFO: The
6 substitution is so ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 1522, by the Assembly Committee on Rules,
10 Assembly Print 10593, an act to amend Part H of
11 Chapter 1 of the Laws of 2003.

12 SENATOR LIBOUS: Lay that bill
13 aside temporarily.

14 ACTING PRESIDENT GRIFFO: Lay it
15 aside temporarily.

16 THE SECRETARY: Calendar Number
17 1523, by Senator Maziarz, Senate Print 7789, an
18 act directing the Power Authority.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT GRIFFO: Senator
2 Gianaris to explain his vote.

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

5 I'm going to be voting against this
6 bill. What this legislation does is purport to
7 have the Power Authority sell generators that
8 were placed throughout New York City over a
9 decade ago under the administration of
10 Governor Pataki.

11 At the time, I was serving in the
12 Assembly, and I remember that the communities in
13 which these facilities are located were promised
14 that they would be temporary. Obviously that's
15 not been the case for the last decade.

16 But to now suggest that we should
17 sell them to private entities, meaning they would
18 be permanently ensconced in our communities,
19 that's something that would be a complete
20 betrayal of what these neighborhoods were
21 promised, and it would continue to contribute to
22 the poor air quality and increased lung ailments
23 that many of our communities experience.

24 Without any safeguards that certain
25 of these facilities would be moved, as promised,

1 or closed, as promised, I cannot support this
2 legislation. I'll be voting in the negative and
3 urge my colleagues to do the same.

4 ACTING PRESIDENT GRIFFO: Senator
5 Gianaris to be recorded in the negative.

6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar 1523, those recorded in the negative are
9 Senators Addabbo, Avella, Ball, Gianaris,
10 Hassell-Thompson, Krueger, Lanza, Perkins,
11 Rivera, Serrano, Squadron, Stavisky and
12 Stewart-Cousins.

13 Ayes, 47. Nays, 13.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 SENATOR LIBOUS: Mr. President.

17 ACTING PRESIDENT GRIFFO: Senator
18 Libous.

19 SENATOR LIBOUS: Can we go back to
20 motions and resolutions, please.

21 ACTING PRESIDENT GRIFFO: We most
22 certainly can. On motions and resolutions,
23 Senator Libous.

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

1 At this time I would like to move
2 to adopt the Resolution Calendar that's before
3 us, with the exception of Resolution Number 5556.

4 ACTING PRESIDENT GRIFFO: All in
5 favor of adopting the Resolution Calendar, with
6 the exception of Resolution 5556, signify by
7 saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT GRIFFO: Opposed?

10 (No response.)

11 ACTING PRESIDENT GRIFFO: The
12 Resolution Calendar is adopted.

13 Senator Libous.

14 SENATOR LIBOUS: Thank you.

15 I believe that Senator Maziarz has
16 a resolution at the desk. It is Number 5556. He
17 would like just the title read, and then could
18 you please call on Senator Maziarz.

19 ACTING PRESIDENT GRIFFO: The
20 Secretary will read.

21 THE SECRETARY: Legislative
22 Resolution Number 5556, by Senator Maziarz,
23 honoring Nikolas Wallenda for his accomplishments
24 as an American high-wire artist, acrobat and
25 daredevil.

1 (Loud reaction from Senators.)

2 SENATOR LIBOUS: Mr. President,
3 can we have some order on behalf of Nik Wallenda.

4 ACTING PRESIDENT GRIFFO:

5 {Gaveling.} It's a tightrope.

6 (Laughter.)

7 ACTING PRESIDENT GRIFFO: Senator
8 Maziarz.

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

11 I know there are very few
12 resolutions that we could do at 6 o'clock on the
13 last day of session, but this is certainly one.

14 If you were watching last Friday
15 night on ABC, or if you had the privilege of
16 being in Niagara Falls, you saw an event that
17 hadn't taken place in over 100 years.

18 And I had the privilege of walking
19 to the lift with Nik Wallenda, the lift that
20 lifted him up to the wire when he stepped out on
21 it. And he said to me, as we walked out there,
22 he said, "I fully understand that there are going
23 to be two careers on this wire tonight." And I
24 said, "No, there were 61 other votes in the
25 Senate, so there are a lot of careers on that

1 wire."

2 (Laughter.)

3 SENATOR MAZIARZ: But this event
4 that all of you voted for, every one of you voted
5 for -- and my colleagues Senator Grisanti was
6 there, Senator Gallivan was there in person --
7 really brought a new life to the city of
8 Niagara Falls, a city that has gone through some
9 very, very difficult times. Over 120,000 people
10 were there in person. Over 13 million people
11 watched on ABC. It was the highest-rated
12 non-sports programming on ABC in over six years.

13 It made the people of Niagara Falls
14 feel good about themselves and good about their
15 city. And we are going to work together and
16 carry that momentum on. Nik Wallenda and
17 Niagara Falls are inextricably tied together now,
18 forever. And he is going to come back every
19 season -- and not do a wire walk across the
20 gorge, that can only be done once every century.
21 But he's going to establish a presence there in
22 Niagara Falls that's going to be good for all of
23 us.

24 And not any of it would have
25 happened, and I said this in interview after

1 interview, not any of it would have happened
2 without the unanimous support of the Senators in
3 this room. Because we kicked it off, we did it.
4 When we did it, the Assembly said, "Well, we're
5 going to do it because, you know, the Governor
6 will never approve it." And then the Governor
7 did approve it.

8 And the Governor approved it, he
9 took a leap of faith in the fact that this would
10 help Niagara Falls. And when we did it, the
11 Canadian government didn't want to be left
12 behind, so they did it. And they thought
13 certainly there will be bad weather or something
14 like that. They didn't realize that where he was
15 going to walk, the weather is always bad.

16 But thank each and every one of
17 you. And, Mr. President, I ask all of you to
18 join me in supporting and signing onto this
19 resolution. Which Nik is going to visit here,
20 this chamber, and thank us all personally.
21 Obviously we won't be able to do that until
22 sometime next year. But thank you all very much.

23 ACTING PRESIDENT GRIFFO: Senator
24 Little.

25 SENATOR LITTLE: Thank you.

1 As chair of the Tourism Committee,
2 I do want to commend Senator Maziarz and everyone
3 who voted for this and put this together.

4 One of the things that happens, I
5 think, when you watch a program -- and I did
6 watch it. I think he made it look a lot easier
7 than I'm sure it was. But you could see what an
8 enormous event it was for Niagara Falls.

9 And a thought went through my head,
10 I haven't been to Niagara Falls in many, many
11 years, I'd like to go again. And hopefully
12 people throughout the country had the same
13 thought.

14 And it will improve tourism in
15 Niagara Falls and in all of New York State. So
16 thank you to everyone for their efforts.

17 ACTING PRESIDENT GRIFFO: Senator
18 Serrano.

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

21 I also want to add my voice to the
22 congratulations of Senator Maziarz for putting
23 this together and making sure that it passed here
24 in the Senate.

25 I watched, as 13 million others did

1 on television, and with my son and my wife and my
2 daughter. And we were just riveted. And I think
3 it was a very innovative program, because it was
4 the first time you're watching someone walk a
5 tightrope while giving an interview and
6 explaining what's going through his head. And I
7 thought it was very innovative.

8 But I think most importantly, as
9 the Democratic ranking member on the Tourism
10 Committee, as Senator Little said, this is a
11 major boost to the Niagara Falls area. And those
12 of us who care about tourism, we care it about
13 throughout the entire State of New York.

14 And I think many people's
15 recollections of what they thought Niagara Falls
16 was, it's so much -- I think it's a new way of
17 looking at it after that evening's programming,
18 the way that it looked at night, all lit up and
19 everything. And I think people should rediscover
20 Niagara Falls and go visit. And I think it's a
21 great boon for the economy in Western New York.

22 Thank you.

23 ACTING PRESIDENT GRIFFO: Senator
24 Kennedy.

25 SENATOR KENNEDY: Thank you,

1 Mr. President.

2 I too just want to, first and
3 foremost, reiterate everything that's already
4 been said.

5 You know, when Nik Wallenda walked
6 that wire, it was not just a feat of humankind,
7 it was a reminder of the beauty of humankind and
8 the beauty of the state that we live in, our
9 proximity to Canada, the beauty of Western
10 New York.

11 And quite frankly, as Senator
12 Serrano and others have mentioned, a reminder of
13 how beautiful Niagara Falls is and, quite
14 frankly, that we have such an incredible,
15 wonderful place to visit right here in the State
16 of New York out in Western New York.

17 While Senator Maziarz carried the
18 bill in the Senate, we all voted on it, I know it
19 was with great relief that Senator Maziarz saw
20 that Nik Wallenda had that tether on him.
21 Because we all knew that if he in fact fell, so
22 in fact would have fallen the wonderful political
23 career of Senator Maziarz.

24 (Laughter.)

25 SENATOR KENNEDY: So with that, we

1 want to congratulate Nik Wallenda, and look
2 forward to working with him in the future as he
3 continues to bring that feat and his greatness to
4 Western New York.

5 Thank you.

6 ACTING PRESIDENT GRIFFO: Senator
7 Grisanti.

8 SENATOR GRISANTI: Yes, just
9 briefly, Mr. President.

10 You know, I had the pleasure of
11 witnessing this firsthand with my family. And I
12 would say the most touching moment is when, with
13 my family and Nik's family, we all got together
14 with some of his staff and they said a prayer.
15 They had a pastor there, they said a prayer. His
16 son was very nervous. His son actually said,
17 "Dad, don't do it" -- when his son, who's 5 years
18 old, actually does these walks himself. Not at
19 that great length, it's just from one sandbox to
20 another.

21 But I'll tell you something. He is
22 such a humble individual that, you know, not only
23 was it perfect for New York State, but it
24 solidified the peace and the relationship we have
25 between the United States and Canada. Which is a

1 perfect timing, because as you know, the War of
2 1812, it's 200 years of peace between New York
3 State, the United States, and Canada, and that
4 just solidified it.

5 So, appreciate it, Mr. President,
6 and it was an excellent time.

7 ACTING PRESIDENT GRIFFO: Thank
8 you, Senator Grisanti.

9 The question is on the resolution.
10 All in favor signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT GRIFFO: Opposed?

13 (No response.)

14 ACTING PRESIDENT GRIFFO: The
15 resolution is adopted.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President,
18 before, at Senator Maziarz's request, we open
19 this up, Senator Maziarz, I would just ask --
20 through you, Mr. President -- when Nik Wallenda
21 comes, Senator Maziarz, will you be walking the
22 tightrope from one end of the gallery to the
23 other?

24 (Laughter.)

25 ACTING PRESIDENT GRIFFO: Without

1 objection?

2 (Laughter.)

3 SENATOR LIBOUS: I didn't think
4 so.

5 (Laughter.)

6 SENATOR LIBOUS: Senator Maziarz,
7 Mr. President, would like to open this up to all
8 the members. And certainly if someone for
9 whatever reason doesn't want to be on it, they
10 could let the desk know.

11 ACTING PRESIDENT GRIFFO: The
12 resolution is open for cosponsorship. If you
13 choose not to be a cosponsor, please notify the
14 desk.

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President,
17 there are three privileged resolutions at the
18 desk by Senator Skelos. Could we take them up at
19 this time.

20 And I believe that Senator Flanagan
21 will address the first one if there are any
22 questions.

23 ACTING PRESIDENT GRIFFO: The
24 Secretary will read.

25 THE SECRETARY: Senate Resolution,

1 by Senator Skelos, establishing a plan setting
2 forth an itemized list of grantees for certain
3 appropriations in the 2012-2013 state fiscal
4 year.

5 ACTING PRESIDENT GRIFFO: The
6 question is on the resolution. All in favor
7 signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT GRIFFO: Opposed?
10 (No response.)

11 ACTING PRESIDENT GRIFFO: The
12 resolution is adopted.

13 The Secretary will continue to
14 read.

15 THE SECRETARY: Senate Resolution,
16 by Senator Skelos, establishing a plan setting
17 forth an itemized list of grantees for a certain
18 appropriation for the 2012-2013 state fiscal year
19 for grants in aid for drug violence and crime
20 control and prevention programs.

21 ACTING PRESIDENT GRIFFO: All in
22 favor signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT GRIFFO: Opposed?
25 (No response.)

1 ACTING PRESIDENT GRIFFO: The
2 resolution is adopted.

3 The Secretary will continue to
4 read.

5 THE SECRETARY: Senate Resolution,
6 by Senator Skelos, amending Senate Resolutions
7 2697, 2698, 2699, 2700, 2701 and 2702 of 2011,
8 establishing a plan setting forth an itemized
9 list of grantees for the New York State Economic
10 Development Assistance Program established
11 pursuant to an appropriation in the 2008-2009
12 state fiscal year and in Part QQ of Chapter 57 of
13 the Laws of 2008 relating to such itemized list
14 of grantees.

15 ACTING PRESIDENT GRIFFO: The
16 question is on the resolution before the house.
17 All in favor say aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT GRIFFO: Opposed?

20 (No response.)

21 ACTING PRESIDENT GRIFFO: The
22 resolution is adopted.

23 SENATOR LIBOUS: Mr. President.

24 ACTING PRESIDENT GRIFFO: Senator
25 Libous.

1 SENATOR LIBOUS: As I said earlier
2 today, there are times that the Senate will have
3 to stand at pause. And "pause" would mean that
4 we don't want to leave the chamber for a few
5 minutes. Just give us a couple of seconds.
6 Procedurally here, there's some things that we're
7 waiting on.

8 So the Senate will be at pause.
9 That is different than being at ease,
10 Mr. President. When you're at ease, that means
11 that members can go and do what they need to do
12 in their offices or whatever. But when we're at
13 pause, it means I'm stalling until we find out
14 what's going on next.

15 ACTING PRESIDENT GRIFFO: Senator
16 Libous, we will pause for a few minutes in order
17 to accommodate your request.

18 SENATOR LIBOUS: Counsel advises
19 me it could be suspended animation.

20 We do have more work to do this
21 evening, and we want to get it done. But
22 unfortunately, procedurally it takes time to put
23 some of these things together. And it's very
24 important that we get the hand-downs from the
25 Assembly and do what we need to do.

1 So give us a minute, please.

2 (Pause.)

3 SENATOR LIBOUS: Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator
5 Libous.

6 SENATOR LIBOUS: I said earlier
7 the Senate was at pause. The Senate will now
8 stand at ease.

9 And I hope to come back in shortly
10 and to let everybody know what the schedule will
11 be for the remainder of the evening.

12 ACTING PRESIDENT GRIFFO: The
13 Senate stands temporarily at ease.

14 (Whereupon, the Senate stood at ease
15 at 6:24 p.m.)

16 SENATOR LIBOUS: Mr. President.

17 ACTING PRESIDENT GRIFFO: Senator
18 Libous.

19 SENATOR LIBOUS: Now that we've
20 paused and stood at ease, I think Senator
21 Hassell-Thompson might want to make an
22 announcement.

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

25 There will be a meeting of the

1 Democratic Conference at 7:00 p.m. in Room 315.

2 ACTING PRESIDENT GRIFFO: There
3 will be a meeting of the Democrat Conference in
4 Room 315 at 7:00 p.m.

5 Senator Libous.

6 SENATOR LIBOUS: Mr. President,
7 there will be a meeting of the Rules Committee in
8 Room 332 at 7:30 p.m.

9 ACTING PRESIDENT GRIFFO: Rules
10 Committee meeting promptly at 7:30 p.m. in
11 Room 332.

12 The Senate will continue to stand
13 at ease.

14 (Whereupon, the Senate reconvened at
15 8:28 p.m.)

16 ACTING PRESIDENT GRIFFO: The
17 Senate will come to order.

18 Senator Libous.

19 SENATOR LIBOUS: Mr. President, if
20 we could return to reports of standing
21 committees, I believe there's a report of the
22 Rules Committee at the desk. Could we have it
23 read at this time.

24 ACTING PRESIDENT GRIFFO: Reports
25 of standing committees.

1 There is a report of the Rules
2 Committee at the desk. The Secretary will read.

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

6 Senate Print 618, by Senator Klein,
7 an act to amend the Penal Law;

8 2842, by Senator Klein, an act to
9 amend the Alcoholic Beverage Control Law;

10 3134B, by Senator Grisanti, an act
11 to amend the Criminal Procedure Law;

12 5054A, by Senator Lanza, an act to
13 amend the Racing, Pari-Mutuel Wagering and
14 Breeding Law;

15 5149F, by Senator Bonacic, an act
16 to amend the Labor Law;

17 6511A, by Senator Savino, an act to
18 amend the Public Health Law;

19 6868, by Senator Lanza, an act to
20 amend the Racing, Pari-Mutuel Wagering and
21 Breeding Law;

22 7015, by Senator Flanagan, an act
23 to amend the Education Law;

24 7256A, by Senator McDonald, an act
25 to amend the General Municipal Law;

1 7522A, by Senator Robach, an act to
2 amend the Education Law;

3 7576A, by Senator Gallivan, an act
4 to amend the Executive Law;

5 7719, by Senator LaValle, an act to
6 amend the Education Law; and

7 7752, by Senator Rivera, an act to
8 amend the Insurance Law.

9 All bills reported direct to third
10 reading.

11 ACTING PRESIDENT GRIFFO: Senator
12 Libous.

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

15 I move to accept the report of the
16 Rules Committee.

17 ACTING PRESIDENT GRIFFO: All in
18 favor of accepting the Committee on Rules report
19 say aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT GRIFFO: Opposed?

22 (No response.)

23 ACTING PRESIDENT GRIFFO: The
24 Rules Committee report is accepted.

25 Senator Libous.

1 SENATOR LIBOUS: Mr. President, at
2 this time could we go back to Supplemental
3 Calendar 61A.

4 ACTING PRESIDENT GRIFFO: We'll
5 return to Supplemental 61A.

6 SENATOR LIBOUS: Can we have the
7 noncontroversial reading of Calendar Number 1463.

8 ACTING PRESIDENT GRIFFO: We will
9 have the noncontroversial reading. The Secretary
10 will read.

11 THE SECRETARY: Calendar Number
12 1463, substituted earlier by Member of the
13 Assembly Abbate, Assembly Print 8110, an act to
14 amend the Civil Service Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Announce
23 the results.

24 THE SECRETARY: Ayes, 59. Nays,
25 1. Senator Kennedy recorded in the negative.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President,
5 can we now take up the noncontroversial reading
6 of 1469 on that same calendar, which is
7 Supplemental 61A.

8 ACTING PRESIDENT GRIFFO: We're on
9 Supplemental Calendar 61A, Calendar Number 1469.
10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 1469, substituted earlier by Member of the
13 Assembly Lopez, Assembly Print 10049, an act to
14 amend Chapter 208 of the Laws of 2010.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Announce
23 the results.

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 SENATOR LIBOUS: Mr. President, at
3 this time if the members would follow with me,
4 Calendar Number 61B was the calendar we worked on
5 earlier today.

6 ACTING PRESIDENT GRIFFO: We are
7 returning to Calendar 61B.

8 SENATOR LIBOUS: And we're going
9 to go to the noncontroversial reading of 1510, by
10 Senator Maziarz.

11 ACTING PRESIDENT GRIFFO: The
12 Secretary will read Calendar Number 1510.

13 THE SECRETARY: Calendar Number
14 1510, substituted earlier by Member of the
15 Assembly Hevesi, Assembly Print 6114C, an act to
16 amend the Public Authorities Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 59. Nays,
25 1. Senator Martins recorded in the negative.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 Senator Libous.

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

6 We now are going to take up
7 Calendar Number 1512 on that same calendar.
8 We're still on Calendar 61B.

9 ACTING PRESIDENT GRIFFO: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 1512, by Senator Grisanti, Senate Print 5228A, an
13 act to amend the Environmental Conservation Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT GRIFFO: Senator
22 Krueger to explain her vote.

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

25 This is an enormously complex bill

1 that would change the brownfields law. It is
2 tonight a one-house bill, although I suppose
3 since technically the Assembly left already, it's
4 a one-house bill for the year.

5 There might be some good things in
6 it; there might be some terrible things in it.
7 We have no idea how much it would cost the
8 state.

9 And so even if I believe there were
10 some changes that ought to be made to the
11 Brownfields Tax Credit Program, this could not
12 possibly be the right way to handle the situation
13 or the right bill to pass at this late date, this
14 late hour. I am voting no.

15 Thank you, Mr. President.

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

18 Senator Grisanti to explain his
19 vote.

20 SENATOR GRISANTI: Yes, briefly,
21 Mr. President, thank you.

22 As my colleagues are aware, there
23 was an extender that was passed earlier that
24 matched in the Assembly of nine months.

25 However, this bill -- and I want to

1 thank Dean Skelos for bringing it to the floor on
2 my behalf -- is important because it gets the
3 conversation started that brownfields continue to
4 cause blight across this state. Local economies
5 suffer contamination. It's also a public health
6 threat.

7 So the brownfields law has worked
8 to an extent but needs improvement. This is what
9 this does. It provides clear, tighter statutory
10 requirements. And we need to move it forward.

11 So I vote aye, Mr. President.
12 Thank you very much.

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

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar Number 1512, those recorded in the
18 negative are Senators Addabbo, Avella, Ball,
19 Breslin, Dilan, Duane, Gianaris,
20 Hassell-Thompson, Krueger, LaValle, Montgomery,
21 Parker, Peralta, Perkins, Rivera, Serrano,
22 Squadron, Stavisky, and Stewart-Cousins.

23 Ayes, 41. Nays, 19.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 SENATOR LIBOUS: Mr. President,
2 can we go to 1515, by Senator Young.

3 ACTING PRESIDENT GRIFFO: We're on
4 Calendar 61B. The Secretary will read Calendar
5 Number 1515.

6 THE SECRETARY: Calendar Number
7 1515, by Senator Young, Senate Print 7147, an act
8 to amend the Tax Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 SENATOR LIBOUS: Mr. President,
20 1519, by Senator Lanza.

21 ACTING PRESIDENT GRIFFO: The
22 Secretary will read.

23 THE SECRETARY: Calendar Number
24 1519, substituted earlier by the Assembly
25 Committee on Rules, Assembly Print 10620, an act

1 to amend the Real Property Tax Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 SENATOR LIBOUS: Mr. President,
13 we'll go to 1522, please.

14 ACTING PRESIDENT GRIFFO: On
15 Calendar 61B, the Secretary will read Number
16 1522.

17 THE SECRETARY: Calendar Number
18 1522, substituted earlier by the Assembly
19 Committee on Rules, Assembly Print 10593, an act
20 to amend Part H of Chapter 1 of the Laws of 2003.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 SENATOR LIBOUS: Mr. President, at
7 this time can we go to the Senate Supplemental
8 Calendar 61C and have the noncontroversial
9 reading.

10 ACTING PRESIDENT GRIFFO: Senate
11 Supplemental Calendar 61C. The Secretary will
12 read.

13 THE SECRETARY: Calendar Number
14 1524, by Senator Klein, Senate Print 618, an act
15 to amend the Penal Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT GRIFFO: Announce
24 the results.

25 THE SECRETARY: Ayes, 58. Nays,

1 2. Senators Avella and Montgomery recorded in
2 the negative.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 The Secretary will continue to
6 read.

7 THE SECRETARY: Calendar Number
8 1525, by Senator Klein, Senate Print 2842, an act
9 to amend the Alcoholic Beverage Control Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT GRIFFO: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar Number 1525, those recorded in the
21 negative are Senators Dilan, Duane, Little,
22 Montgomery, Parker and Perkins.

23 Ayes, 54. Nays, 6.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 1526, Senator Grisanti moves to
3 discharge, from the Committee on Rules, Assembly
4 Bill Number 948B and substitute it for the
5 identical Senate Bill Number 3134B, Third Reading
6 Calendar 1526.

7 ACTING PRESIDENT GRIFFO: The
8 substitution is so ordered.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 1526, by Member of the Assembly Peoples-Stokes,
12 Assembly Print 948B, an act to amend the Criminal
13 Procedure Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: In relation to
22 Calendar Number 1526, those recorded in the
23 negative are Senators Dilan, Duane,
24 Hassell-Thompson, Krueger, Montgomery, Perkins,
25 Rivera. Also Senator Parker.

1 Ayes, 52. Nays, 8.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: In relation to
5 Calendar Number 1527, Senator Lanza moves to
6 discharge, from the Committee on Rules, Assembly
7 Bill Number 7301B and substitute it for the
8 identical Senate Bill Number 5054A, Third Reading
9 Calendar 1527.

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

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 1527, by Member of the Assembly Pretlow, Assembly
15 Print 7301B, an act to amend the Racing,
16 Pari-Mutuel Wagering and Breeding Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: In relation to
25 Calendar 1527, those recorded in the negative are

1 Senators Ball, Bonacic, Duane, LaValle, Little,
2 Saland, Seward and Zeldin.

3 Ayes, 52. Nays, 8.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1528, by Senator Bonacic, Senate Print 5149F, an
8 act to amend the Labor Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT GRIFFO: Announce
17 the results.

18 THE SECRETARY: In relation to
19 Calendar Number 1528, those recorded in the
20 negative are Senators DeFrancisco, Gallivan,
21 Griffo, LaValle, Little, Marcellino, Maziarz,
22 Nozzolio, O'Mara, Ranzenhofer, Saland, Seward and
23 Zeldin.

24 Ayes, 47. Nays, 13.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 1529, Senator Savino moves to
4 discharge, from the Committee on Rules, Assembly
5 Bill Number 9303A and substitute it for the
6 identical Senate Bill Number 6511A, Third Reading
7 Calendar 1529.

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

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 1529, by Member of the Assembly Cahill, Assembly
13 Print Number 9303A, an act to amend the Public
14 Health Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect on the first day of the
19 18th month after it shall have become a law.

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 1530, Senator Lanza moves to
3 discharge, from the Committee on Rules, Assembly
4 Bill Number 9869 and substitute it for the
5 identical Senate Bill Number 6868, Third Reading
6 Calendar 1530.

7 ACTING PRESIDENT GRIFFO: The
8 substitution is so ordered.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 1530, by Member of the Assembly Abbate, Assembly
12 Print Number 9869, an act to amend the Racing,
13 Pari-Mutuel Wagering and Breeding Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: In relation to
22 Calendar Number 1530, those recorded in the
23 negative are Senators Ball, Bonacic, Ranzenhofer
24 and Saland.

25 Ayes, 56. Nays, 4.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: In relation to
4 Calendar Number 1531, Senator Flanagan moves to
5 discharge, from the Committee on Finance,
6 Assembly Bill Number 9861 and substitute it for
7 the identical Senate Bill Number 7015, Third
8 Reading Calendar 1531.

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

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 1531, by Member of the Assembly Nolan, Assembly
14 Print Number 9861, an act to amend the Education
15 Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

18 THE SECRETARY: Section 2. This
19 act shall take effect on the first of July.

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 59. Nays,
24 1. Senator Montgomery recorded in the negative.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 1532, Senator McDonald moves to
4 discharge, from the Committee on Rules, Assembly
5 Bill Number 9648A and substitute it for the
6 identical Senate Bill Number 7256A, Third Reading
7 Calendar 1532.

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

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 1532, by Member of the Assembly Paulin, Assembly
13 Print Number 9648A, an act to amend the General
14 Municipal Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 1533, Senator Robach moves to
2 discharge, from the Committee on Rules, Assembly
3 Bill Number 10292A and substitute it for the
4 identical Senate Bill Number 7522A, Third Reading
5 Calendar 1533.

6 ACTING PRESIDENT GRIFFO: The
7 substitution is so ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1533, by Member of the Assembly Arroyo, Assembly
11 Print 10292A, an act to amend the Education Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

14 THE SECRETARY: Section 3. This
15 act shall take effect on the first of September.

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 58. Nays,
20 2. Senators Ball and O'Mara recorded in the
21 negative.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1534, by Senator Gallivan, Senate Print 7576A, an

1 act to amend the Executive Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 58. Nays,
10 2. Senators Krueger and Rivera recorded in the
11 negative.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1535, by Senator LaValle, Senate Print 7719, an
16 act to amend the Education Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT GRIFFO: Can I
25 have some order in the chamber, please.

1 Senator LaValle to explain his
2 vote.

3 SENATOR LaVALLE: Thank you,
4 Mr. President. Very briefly.

5 This bill is in response to the
6 security breakdown during SAT exams where there
7 was cheating by individuals hiring imposters to
8 take exams for them.

9 This bill probably, in terms of a
10 committee process, was very, very thorough. Two
11 hearings, an open discussion that had almost
12 every single member of the committee scoping out
13 the kind of bill that they wanted to bring before
14 this house, bringing the SAT and ACT people,
15 College Board, before the committee for
16 discussion, and then again a very thorough
17 vetting by the committee.

18 And the committee made decisions on
19 whether they wanted penalties or not penalties.
20 This is a bill that does not have penalties but
21 addresses the major issues.

22 And I would tell you, I'm very
23 proud of the committee members and their
24 participation, because this bill has the
25 committee's imprint before it.

1 I vote yes.

2 ACTING PRESIDENT GRIFFO: Senator
3 LaValle to be recorded in the affirmative.

4 Senator Stavisky to explain her
5 vote.

6 I'm going to ask for some quiet in
7 the chamber, please.

8 SENATOR STAVISKY: Very briefly,
9 Mr. President, I participated in each of the
10 hearings of the Higher Education Committee. And
11 I am happy to vote for this bill.

12 I was not too pleased with the
13 previous version, because I don't think making it
14 a felony is a good way for someone -- I don't
15 think this merits a felony record.

16 But on the other hand, this is all
17 left out. This is a good bill. It really
18 codifies what the SAT and ACT people agreed to
19 verbally at the committee meetings.

20 And I thank Senator LaValle for the
21 work that he and his staff did on this bill. It
22 was an extensive job, and tonight it will bear
23 fruit.

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Senator

1 Stavisky to be recorded in the affirmative.

2 Senator Martins to explain his
3 vote.

4 SENATOR MARTINS: Thank you,
5 Mr. President.

6 You know, as we close out this
7 session, I think it's only appropriate that we
8 take a bill like this, which for all intents and
9 purposes is as close to a no-brainer as they come
10 in this house. I want to commend Senator LaValle
11 for his hard work in putting this bill together.

12 It makes sense. If we want to
13 protect the integrity of our SATs and how
14 important these tests are for the best interests
15 of our young adults going on to college, it makes
16 sense to at least ensure that we have proper
17 identification, we provide the proper framework
18 within which we can protect the integrity of this
19 test.

20 Senator LaValle took the lead on
21 this not only for New York State but nationwide,
22 and I think that should be recognized. He's been
23 a wonderful leader when it comes to higher
24 education. This bill is his brainchild, and it
25 took into consideration not only the input from

1 our teachers, our principals and administrators,
2 but from SAT officials and the College Boards.

3 I'll be voting aye, but I want to
4 take the opportunity to commend Senator LaValle
5 on a great bill.

6 Thank you.

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

9 Announce the results.

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: In relation to
14 Calendar Number 1536, Senator Rivera moves to
15 discharge, from the Committee on Rules, Assembly
16 Bill Number 10640B and substitute it for the
17 identical Senate Bill Number 7752, Third Reading
18 Calendar 1536.

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

21 SENATOR DeFRANCISCO: Lay it
22 aside -- just kidding.

23 (Laughter.)

24 ACTING PRESIDENT GRIFFO: The
25 substitution is so ordered.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 1536, by the Assembly Committee on Rules,
4 Assembly Print 10640B, an act to amend the
5 Insurance Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

8 THE SECRETARY: Section 6. This
9 act shall take effect on the 90th day.

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT GRIFFO: Senator
14 Rivera to explain his vote.

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

17 I will give Senator DeFrancisco a
18 second. If you want to really do this, we can do
19 this.

20 (Laughter.)

21 SENATOR RIVERA: No, but thank
22 you, Mr. President.

23 This is a bill that passed
24 unanimously in this house last year and in the
25 Assembly as well. It was vetoed by the Governor

1 because of some technical concerns.

2 And I'd like to thank both
3 Assemblymember Aubry, who is my sponsor in the
4 Assembly, as well as the Governor and the
5 Governor's staff for working diligently with us
6 over the last couple of months to address the
7 concerns.

8 But the intent of the bill is still
9 the same, and I'm very happy that we're voting on
10 it today.

11 What this bill does is that it
12 authorizes and regulates charitable bail
13 organizations across the State of New York, like
14 the one in the Bronx that called the Bronx
15 Freedom Fund. This is a private revolving fund
16 that is there to provide bail for the indigent
17 and for first-time offenders.

18 Just to give you an example of the
19 type of situation that this type of bill can help
20 us to assist in, there was a gentleman by the
21 name of Oscar who was in the Bronx. He visited
22 his cousin in a NYCHA project, was arrested, went
23 through a process, was put before a judge because
24 the cops did not hear him when he was saying that
25 he was visiting his cousin.

1 The judge gave him \$1,000 worth of
2 bail. He could not afford that. The Bronx
3 Freedom Fund posted the bail on his behalf. A
4 couple of weeks later, he came back, the charges
5 were dropped.

6 In the three years that the pilot
7 program was working in the Bronx, 95 percent of
8 the individuals came back for every single court
9 date, and 54 percent of them got their charges
10 dropped.

11 I believe that this a good,
12 commonsensical bill. It has been made better by
13 the involvement of the Governor in making sure
14 that we have a bill that can have this type of
15 organization exist all over the State of New
16 York.

17 And I'm extremely happy to be
18 voting for it today, and I thank my colleagues
19 for voting for this bill as well. I vote in the
20 affirmative.

21 Thank you, Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator
23 Rivera to be recorded in the affirmative.

24 Announce the results.

25 THE SECRETARY: Ayes, 59. Nays,

1 1. Senator Ball recorded in the negative

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 Senator Libous, that will complete
5 the noncontroversial reading of Senate
6 Supplemental Calendar 61C.

7 SENATOR LIBOUS: Mr. President,
8 can we go to messages from the Assembly, please.

9 ACTING PRESIDENT GRIFFO: We will
10 return to messages from the Assembly.

11 The chair hands down a message from
12 the Assembly. The Secretary will read.

13 THE SECRETARY: The Assembly sent
14 for concurrence the following bill. On motion by
15 Senator Skelos, the rules were suspended and said
16 bill ordered to a third reading: Assembly Bill
17 10094B.

18 ACTING PRESIDENT GRIFFO: The
19 chair orders the bill to third reading. The
20 Secretary will read.

21 THE SECRETARY: Calendar Number
22 1537, by Member of the Assembly Russell, Assembly
23 Print 10094B, an act to amend the Public Health
24 Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 Senator Libous.

11 SENATOR LIBOUS: Mr. President,
12 can we now take up the Supplemental Active List
13 Number 5.

14 ACTING PRESIDENT GRIFFO: We will
15 take up Senate Supplemental Active List Number 5,
16 and the Secretary will read.

17 THE SECRETARY: On page 12,
18 Senator Seward moves to discharge, from the
19 Committee on Rules, Assembly Bill Number 9820A
20 and substitute it for the identical Senate Bill
21 Number 6738A, Third Reading Calendar 476.

22 ACTING PRESIDENT GRIFFO: The
23 substitution is so ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 476, by Member of the Assembly Robinson, Assembly
2 Print 9820A, an act to amend the Banking Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: On page 13,
14 Senator Flanagan moves to discharge, from the
15 Committee on Rules, Assembly Bill Number 6300B
16 and substitute it for the identical Senate Bill
17 Number 5691B, Third Reading Calendar 502.

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

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 502, by Member of the Assembly Nolan, Assembly
23 Print Number 6300B, an act to amend the Education
24 Law.

25 SENATOR LIBOUS: Mr. President,

1 can we have a little order in the chamber. I'd
2 like to hear what bills I'm voting on. Thank
3 you.

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

6 Again, I will ask for order in the
7 chamber.

8 The substitution is so ordered.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 502, by Member of the Assembly Nolan, Assembly
12 Print Number 6300B, an act to amend the Education
13 Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: On page 14,
25 Senator Seward moves to discharge, from the

1 Committee on Rules, Assembly Bill Number 9711B
2 and substitute it for the identical Senate Bill
3 Number 6810B, Third Reading Calendar 569.

4 ACTING PRESIDENT GRIFFO: The
5 substitution is so ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 569, by Member of the Assembly Morelle, Assembly
9 Print Number 9711B, an act to amend the Insurance
10 Law.

11 ACTING PRESIDENT GRIFFO: The
12 Secretary will read the last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: On page 16,
22 Senator Flanagan moves to discharge, from the
23 Committee on Rules, Assembly Bill Number 7216A
24 and substitute it for the identical Senate Bill
25 Number 5510A, Third Reading Calendar 638.

1 ACTING PRESIDENT GRIFFO: The
2 substitution is so ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 638, by Member of the Assembly Benedetto,
6 Assembly Print Number 7216A, an act to amend the
7 Education Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: On page 23,
19 Senator Oppenheimer moves to discharge, from the
20 Committee on Rules, Assembly Bill Number 8556C
21 and substitute it for the identical Senate Bill
22 Number 5902B, Third Reading Calendar 856.

23 ACTING PRESIDENT GRIFFO: The
24 substitution is so ordered.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 856, by Member of the Assembly Latimer, Assembly
3 Print Number 8556C, an act to amend Chapter 89 of
4 the Laws of 2009.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

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

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: On page 23,
17 Senator Oppenheimer moves to discharge, from the
18 Committee on Rules, Assembly Bill Number 8555A
19 and substitute it for the identical Senate Bill
20 Number 5903, Third Reading Calendar 857.

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

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

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 857, by Member of the Assembly Latimer, Assembly
3 Print Number 8555A, an act to amend Chapter 88 of
4 the Laws of 2009.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT GRIFFO: Senator
13 Martins to explain his vote.

14 SENATOR MARTINS: I just want to
15 take the opportunity, since we are all here, and
16 since this is in all likelihood Senator
17 Oppenheimer's final bill, to truly tell you that
18 I've enjoyed the last two years. We've shared
19 committees together.

20 And, Senator Oppenheimer, God bless
21 you, Godspeed.

22 (Extended standing ovation.)

23 SENATOR OPPENHEIMER: We have come
24 out of the same experiences, being mayors, so we
25 have certainly forged a friendship around that.

1 And I thank you, Jack.

2 And, you know, people ask me am I
3 going to miss this place. And I'd answer I
4 didn't know. I don't think so. I don't think
5 I'll miss the place; I think I'll miss many of
6 the people on both sides of the aisle.

7 Yeah, my buddies in the house,
8 they're all grinning. You know, we share a
9 house. There's six Senators in an
10 eight-apartment co-op, and we've all become close
11 through the years because we've lived there for,
12 gosh, maybe 20 years together and helped each
13 other out when we needed help. Our illustrious
14 counsel, who saved us all kinds of money, John
15 DeFrancisco. He got our assessment reduced and
16 other wonderful things.

17 (Laughter.)

18 SENATOR OPPENHEIMER: And George
19 Maziarz with his vacuum, after I messed up the
20 hallway. There's just many funny stories with
21 all of you.

22 And my dear colleagues on this side
23 of the aisle. And some of you are newer friends,
24 and some have been friends for many, many years
25 now.

1 So there's no question I will miss
2 the people. But I'll be back to haunt you.

3 (Laughter.)

4 SENATOR OPPENHEIMER: I've already
5 gone on the Audubon New York board, stewardship
6 board, so I'll be here on my environmental
7 messages.

8 And I hope that some of you will
9 also take up the plight of the school boards. I
10 know a lot of you folks laugh at me for being
11 such a school board advocate, but you must
12 remember that's what I'm out of, as well as the
13 League of Women Voters.

14 And so between environment -- I
15 hope all of you will keep considering that -- and
16 considering all sides in the school issue. Not
17 just the teachers, which are so important to us,
18 but also the principals, who are even equally
19 important, if not more. And then of course the
20 school boards, who try to run our schools as
21 efficiently as possible. And of course let's not
22 forget the women's issues.

23 So I leave that up to all of you.
24 You're very bright, you're very dedicated, and I
25 know you'll do right by all those issues.

1 So thank you so much. You really
2 had me near tears. But I appreciate so much all
3 of you. Thanks.

4 (Appause.)

5 ACTING PRESIDENT GRIFFO: Senator
6 Libous.

7 SENATOR LIBOUS: Mr. President,
8 how did Senator Oppenheimer vote on that bill?

9 (Laughter.)

10 ACTING PRESIDENT GRIFFO: Announce
11 the results.

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

14 (Booing; catcalls.)

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 (Laughter.)

18 ACTING PRESIDENT GRIFFO: The
19 Secretary will continue to read.

20 THE SECRETARY: On page 24,
21 Senator Stewart-Cousins moves to discharge, from
22 the Committee on Rules, Assembly Bill Number
23 10015 and substitute it for the identical Senate
24 Bill Number 3905, Third Reading Calendar 902.

25 ACTING PRESIDENT GRIFFO: The

1 substitution is so ordered.

2 There is a home-rule message at the
3 desk.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number
6 902, by Member of the Assembly Mayer, Assembly
7 Print Number 10015, an act to amend the General
8 Municipal Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

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

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: On page 28,
21 Senator Golden moves to discharge, from the
22 Committee on Civil Service and Pensions, Assembly
23 Bill Number 7780B and substitute it for the
24 identical Senate Bill Number 7443, Third Reading
25 Calendar 1015.

1 ACTING PRESIDENT GRIFFO: The
2 substitution is so ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 1015, by Member of the Assembly Abbate, Assembly
6 Print Number 7780B, an act to amend the Civil
7 Service Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1038, by Senator Grisanti, Senate Print 4345C, an
20 act to amend the Environmental Conservation Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

23 THE SECRETARY: Section 13. This
24 act shall take effect immediately.

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT GRIFFO: Senator
4 Grisanti to explain his vote.

5 SENATOR GRISANTI: Mr. President,
6 as we saw here tonight, we've had a flurry of
7 environmental bills. A lot of them had
8 controversy; a lot of them had controversies
9 taken care of with a lot of support. In
10 particular, this one, the mercury thermostat
11 bill, from NYPIRG, Environmental Advocates, NEMA,
12 Covanta Energy and many others.

13 But, you know -- and this is
14 something we take for granted -- it could not
15 have been done without the staff from the
16 conference, and the staff that I have, and
17 counsel. And it's very important. Because to
18 get these bills through and to get negotiations
19 started, it's important, because these are
20 protections for the environment.

21 This one, dealing with mercury, for
22 those who don't know, we lag far behind other
23 states. There are over 300,000 mercury
24 thermostats discarded each year, and we only
25 collect 1.3 percent. The rest of that is in

1 landfills, it's getting into our water system,
2 and it's just destructive. And it's dangerous --
3 harmful to pregnant women, developing infants and
4 children.

5 So we need to take these things
6 seriously. We need to have a program set up;
7 that's what this bill does, a statewide
8 collection goal. To meet those goals, it
9 provides a system of shared responsibility among
10 manufacturers, wholesalers and others which will
11 they are properly disposed of after they're taken
12 off the walls.

13 So think about it. These are
14 important environment bills. Senator Oppenheimer
15 I know was on many of these bills. And I
16 appreciate the support and am looking forward to
17 moving more of these in the future.

18 I vote aye, Mr. President.

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

21 Announce the results.

22 THE SECRETARY: Ayes, 56. Nays,
23 4. Senators Griffo, Little, Ranzenhofer and
24 Zeldin recorded in the negative.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: On page 32,
3 Senator Young moves to discharge, from the
4 Committee on Rules, Assembly Bill Number 10304
5 and substitute it for the identical Senate Bill
6 Number 6948, Third Reading Calendar 1083.

7 ACTING PRESIDENT GRIFFO: The
8 substitution is so ordered.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 1083, by Member of the Assembly Goodell, Assembly
12 Print Number 10304, an act to amend the Social
13 Services Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: On page 32,
25 Senator Griffio moves to discharge, from the

1 Committee on Cities, Assembly Bill Number 7764
2 and substitute it for the identical Senate Bill
3 Number 5461, Third Reading Calendar 1086.

4 ACTING PRESIDENT GRIFFO: The
5 substitution is so ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 1086, by Member of the Assembly Farrell, Assembly
9 Print Number 7764, an act to amend the
10 Administrative Code of the City of New York.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1445, by Senator O'Mara, Senate Print 7734, an
23 act to amend the Navigation Law.

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

1 The Secretary will read the last
2 section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Senator Libous
12 moves to discharge, from the Committee on Rules,
13 Assembly Bill Number 9293A and substitute it for
14 the identical Senate Bill Number 7800, Third
15 Reading Calendar 1453.

16 ACTING PRESIDENT GRIFFO: The
17 substitution is so ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 1453, by Member of the Assembly Pretlow, Assembly
21 Print Number 9293A, an act to amend the Education
22 Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 6. This

1 act shall take effect 18 months after it shall
2 have become a law.

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: In relation to
7 Calendar 1453, those recorded in the negative are
8 Senators Ball, DeFrancisco, Gallivan, Hannon,
9 Kennedy, Martins and Ranzenhofer.

10 Ayes, 53. Nays, 7.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1509, by Senator Golden, Senate Print 7804, an
15 act to amend the Administrative Code of the City
16 of New York.

17 ACTING PRESIDENT GRIFFO: The bill
18 is high. The bill will be laid aside.

19 Senator Libous, that completes the
20 noncontroversial reading of New York Senate
21 Supplemental Active List 5.

22 SENATOR LIBOUS: Mr. President,
23 before we get into remarks by the leaders and
24 members, is there any other business at the desk
25 to be cleaned up at this time?

1 ACTING PRESIDENT GRIFFO: One
2 minute, Senator Libous.

3 SENATOR LIBOUS: Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator
5 Libous.

6 SENATOR LIBOUS: I believe there's
7 an Assembly bill at the desk. I move to
8 reconsider the substitution and have the Senate
9 bill restored to the Third Reading Calendar.

10 ACTING PRESIDENT GRIFFO: The
11 Secretary will read.

12 THE SECRETARY: Calendar Number
13 289, by Member of the Assembly Magee, Assembly
14 Print 8329A, an act to amend the Agriculture and
15 Markets Law.

16 ACTING PRESIDENT GRIFFO: So
17 ordered. The substitution is reconsidered and
18 the bill is restored to the Third Reading
19 Calendar.

20 Senator Libous.

21 SENATOR LIBOUS: Thank you,
22 Mr. President. I now move to recommit the
23 calendar.

24 ACTING PRESIDENT GRIFFO: So
25 ordered, Senator Libous. The calendar is

1 recommitted.

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

4 At this time would you please call
5 on Senator Tom Duane.

6 ACTING PRESIDENT GRIFFO: Senator
7 Duane.

8 SENATOR DUANE: Thank you,
9 Mr. President, and Senators Libous and Skelos.
10 And Senators Sampson, Breslin, maybe you had a
11 hand in this.

12 I think by now most of you know
13 that I am a person of strong convictions. And I
14 believe I have made them known to all of you. I
15 am proud to say that whether or not a bill had my
16 name on it or didn't have my name on it, whether
17 I was the sponsor or someone else sponsored it on
18 my behalf, that there was never a bill that I
19 cared about that was not passed without
20 bipartisan support and without buy-in from people
21 on both sides of the aisle.

22 And what that meant was that
23 working together, agreeing to compromise, I was
24 able to convince people of the righteousness of
25 some of the things that I believed in, and many

1 of you were able to convince me of the
2 righteousness of what you believed.

3 And I always tried to think about
4 what it felt like to sit in your seat, to see how
5 the world looked from where you sit, and I
6 encourage you to do that. Because the world does
7 in fact look different whether it's in Senator
8 Montgomery's district or my district or Senator
9 Maziarz's district. The world looks different to
10 us from where we sit, and we bring our own world
11 experience to the table.

12 And when I first came here, the
13 New York State Senate was the only agency in the
14 state that didn't offer domestic partner
15 benefits. And I was able to change that. And
16 look how far we've come now. And that's in a
17 mere 14 years, just a blink in the infinity of
18 time.

19 When I first came here, I spent so
20 much time stopping horrible HIV bills. Some of
21 you veterans may remember that I was probably the
22 first Senator to say "unprotected anal, oral and
23 vaginal sex" on this very floor. And sometimes I
24 think those bills just didn't appear anymore
25 because you didn't want me to say it anymore.

1 (Laughter.)

2 SENATOR DUANE: But whatever it
3 was, things have changed. And working with many
4 members here, we did an amazing HIV Testing
5 Modernization Act and we got the New York State
6 Department of Health to go into correctional
7 facilities to make sure that incarcerated people
8 had access to the best possible protocols for
9 HIV/AIDS and hepatitis C. And that's real
10 progress. And that's -- I'm very happy about
11 that.

12 And by the way, again, the vast
13 majority of people in this body, my colleagues,
14 voted for those bills. And thank you. Thank you
15 for that.

16 I did get to fit it in one last
17 time, though, did you notice?

18 (Laughter.)

19 SENATOR DUANE: It was not really
20 planned that way.

21 You know, the big-ticket item, I
22 guess it will be part of what -- you know, my --
23 listen, I know it's a very D-list legacy. But,
24 you know, I know marriage is going to be the big
25 thing. But I am equally proud of the day when I

1 was invited into the press conference of
2 Timothy's Law. Because that really helps
3 people. And the Second Chance for Victims of
4 Human and Sex Trafficking. Just a very few
5 people, but it really helps them. And the vast
6 majority of you voted for that one too.

7 And I've invited you to come to my
8 district, and many of you have. And there was --
9 Mr. President, your predecessor came to my
10 district, and I showed him how a work-study
11 internship worked in my district. And he
12 realized that -- I was able to help him to
13 understand that we weren't doing anything
14 special, we just weren't holding people back by
15 not allowing them to get an education and real
16 work experience for jobs that really exist. And
17 he liked it so much, he started one in his own
18 county.

19 And I visited healthcare facilities
20 around the state. I'll never forget when I went
21 to Syracuse. And I saw Syracuse urban hospitals,
22 and I saw Madison County rural hospitals and
23 realized -- I kind of already knew it, but it was
24 proof positive that rural New York State has the
25 same issues as urban New York State and pockets

1 of suburban New York State.

2 And so I encourage you all to do
3 that. I think I have visited -- I would bet I
4 visited as many farms as any Senator here, dairy
5 farms and flower farms -- F-L-O-U-R and
6 F-L-O-W-E-R. And so please enjoy not just
7 Duaneburg, but enjoy what all of our districts
8 have to offer, because it is an amazing and a
9 beautiful, wonderful state.

10 And I think what I -- the most
11 personal legacies for those here are please treat
12 your staffs and each other's staffs and central
13 staffs and each individual Senator's staffs with
14 dignity and respect, because they work incredibly
15 hard and they do amazing work.

16 And you know, they even -- I
17 shouldn't say it this way. Let me think how to
18 say it. Because I was going to say they make
19 even me look good, but I don't want to say it
20 that way. They help us to be better Senators.
21 They make us better Senators. So they're
22 amazing. And they are overworked and underpaid.

23 And my staff especially, here and
24 in New York City, just amazing people that were
25 willing to make enormous sacrifice to be a part

1 of my strong convictions and help me in my own
2 small way to try to make New York State a better
3 place.

4 And the most important idea I want
5 to convey to you is, please, treat each other
6 with the dignity and respect with which you would
7 like to be treated. That would be the greatest
8 gift of all you could give to this not retiring
9 Senator, just moving on to another chapter
10 Senator.

11 And to the great times and the
12 trials and the tribulations, you know, for this
13 kid from Queens, with stuff, I got to serve as a
14 New York State Senator. Not everyone gets to
15 achieve a dream like that.

16 And I am thankful on so many
17 levels. And there are lots of people -- everyone
18 in this room now has been a part of it, and there
19 are many people who have been in this room over
20 the past 14 years that have been a part of it.
21 And from the deepest, most sincere possible
22 place, thank you. Thank you.

23 (Extended standing ovation.)

24 ACTING PRESIDENT GRIFFO: Senator
25 Libous.

1 SENATOR LIBOUS: Mr. President,
2 would you please at this time call on Senator Jim
3 Alesi.

4 ACTING PRESIDENT GRIFFO: Senator
5 Alesi.

6 SENATOR ALESI: Thank you,
7 Mr. President, my friends.

8 Earlier, maybe about an hour or so
9 ago, I was in my car. I had left, and I thought
10 probably that's the way I wanted to go, just
11 quietly. And then the real me emerged, I drove
12 right around, parked my car out in front, and
13 came back in.

14 I hadn't thought, really, about
15 speaking at what feels like it's my own wake
16 here. You know?

17 (Laughter.)

18 SENATOR ALESI: But in a way it
19 is. It is.

20 You don't get to do that,
21 obviously, when you're really gone. But I
22 thought, I've been to two funerals in the last
23 couple of days and a third one when I get home,
24 so you start to put things in perspective, how
25 much things mean to you in real life and what

1 seeps out of our political life, what goes
2 through the sieve of politics in the Senate.

3 And the real-life part actually
4 does, once in a while, tap us on the shoulder and
5 you see the value not only of the things that
6 we've done at home politically, here politically,
7 but how we have touched the lives of people that
8 we'll never meet, the lives of people that we
9 would never expect to have touched.

10 Last year for me was probably the
11 biggest year I could have had personally,
12 politically. This year I knew I was on the glide
13 path. And I hadn't thought about this as a
14 political wake, but in a way, as I said, it's the
15 only time you get to say the things you wish you
16 could say if you were really laid out.

17 And I thought about it: If I
18 could, what would I say from the grave, you
19 know? What could I do if I were going to send a
20 postcard? I know what I'd say in a postcard:
21 "Wish you were here."

22 (Laughter.)

23 SENATOR ALESI: Why not? Or "Wish
24 I weren't." But either way.

25 You know, it was -- it's been, as a

1 county legislator, an Assemblymember and a member
2 of the Senate, having been in the minority and
3 the majority, I can tell you we survived some
4 really rough times a couple of years ago. And it
5 tested us not only as members of the Senate, it
6 tested us as human beings. It tested us and it
7 will continue to test you and those that come
8 after all of us.

9 At the end of the day, how we
10 relate to each other and, as Senator Duane said,
11 how we treat each other is critically important
12 to the survival of this fantastic institution
13 that we've had the honor and privilege of serving
14 in.

15 And think about 62 of us having
16 such influence over the lives of almost
17 20 million people in our state. And personally,
18 I've seen now, in my career, Governor Pataki,
19 Governor Spitzer, Governor Paterson, Governor
20 Cuomo.

21 I remember when Pataki came in and
22 the Business Council called New York "the
23 comeback state." And then we all remember what
24 happened in the meantime: a roller-coaster
25 ride.

1 And now Andrew Cuomo is the
2 Governor, and we feel as though things have
3 turned around. We're working well together.
4 We're showing mutual respect and friendship.

5 And yes, when it's time to throw
6 the grenades, you throw the grenades, if you're
7 on the other side, just as we did when we were on
8 the other side. But when we're in the lounge
9 over here, the minute we walk through the door we
10 become who we really are. We become friends and,
11 in some cases, admirers of each other.

12 I am so awestruck by so many of
13 you. Democrats, Republicans, doesn't matter.
14 And the things I've seen that people don't know
15 about politicians, the human things that I have
16 seen.

17 I'll go across the whole room
18 today, looking at all my friends. The kids that
19 sit behind us. No more candy here; I'm all out.
20 The sergeants. For 17 years I've walked through
21 those doors, that somebody holds the door for me,
22 for you, for the staff members.

23 People up at the front desk, the
24 people in our offices, my staff -- they have all
25 made us the successes that we are. And they're

1 the ones that hold us up when we fail. They
2 stand with us. They're our families.

3 I think about the job and who could
4 want a job like this in their own minds and
5 imagine that someday you'd have the honor of
6 being a member of the Senate. It really is kind
7 of hard to believe.

8 I operated a business most of my
9 life, and I was pretty good at it. I think for
10 the most part I've been pretty good at being a
11 Senator. Not perfect. We all have moments in
12 our careers or personal lives when we wish we
13 could go back, but we don't get that chance. So
14 what we do is, as we're moving forward, we do a
15 better job.

16 And right now as I look at this
17 Senate and I look at the way that this
18 institution has recovered, we are doing a better
19 job. Individually, it's up to each one of us to
20 do a better job. And as I leave here, that's
21 what I'll be striving to do.

22 But I don't know if my dream ever
23 came true or if this is just something that
24 happened. I know when I was younger, in my early
25 twenties, right after college, there was a job I

1 desperately wanted. I found it in a magazine.
2 It was international travel, with all the
3 glamorous parts about international travel that
4 appeared to a young man that was 23 years old.

5 And so I filled out an application,
6 and it asked some basic questions. And it said
7 "Are you fluent in Spanish?" And I checked the
8 box that said "yes." And I wish Senator Diaz
9 were here tonight. All those years he would
10 speak Spanish in front of me, never knew I
11 understood every word.

12 (Laughter; applause.)

13 SENATOR ALESI: And I wish Ray
14 would come out with the apple that I had ready,
15 because, Senator Parker, I know you're big and
16 strong -- and you'd see me take that apple in my
17 hand, and I'd squeeze it and break it in half.
18 And I know you can't do it.

19 (Laughter.)

20 SENATOR ALESI: And I know nobody
21 else in this room can do it. Unless they cut it
22 into the core before I bring it out and break it
23 open. Now you know.

24 (Laughter.)

25 SENATOR ALESI: But I went after

1 this job, and I got the response to my
2 application. And it asked some questions about
3 my health and some other things, and it said,
4 again, this is international travel and you must
5 be fluent in Spanish. And I checked the box
6 "yes" again. And I got an interview.

7 And when I arrived, the person that
8 interviewed me was very congenial. We sat in an
9 office, and he started rattling off, and he's
10 nodding at me and smiling. And I nodded back at
11 him, and I said "Sí." And he was very pleased.
12 And he said a few more things, and he nodded his
13 head and smiled, and I said "Sí." And he asked
14 me something, and I looked at him and I got
15 pensive, and I went "Sí."

16 And he looked at me and he said in
17 English, "You know that you have to speak Spanish
18 to have this job." Well, what else could I do?
19 I said "Sí."

20 He continued in English, and he
21 said, "If you can speak Spanish fluently, then
22 say something to me in Spanish, or else you can't
23 have this job." So I said it to him: "Adiós."

24 (Laughter; applause.)

25 SENATOR ALESI: There just comes a

1 time when you know, when you know, you have to
2 leave.

3 For me, it's here, it's now. And
4 the right way to say it, as I know from my
5 studies, "adiós," is "a Dios," to God. A Dios.
6 A Dios.

7 (Extended standing ovation.)

8 ACTING PRESIDENT GRIFFO: Our
9 sincere best wishes for good health and happiness
10 to Senators Alesi, Duane, and Oppenheimer.

11 For closing comments for the 2012
12 session, I'll first call upon Democrat Leader
13 John Sampson.

14 Senator Sampson.

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

17 I just really want to again say
18 thank you to our esteemed colleagues,
19 Senator Alesi, Senator Oppenheimer, and
20 Senator Duane, for the phenomenal job that they
21 have shown as true leaders here in the State of
22 New York.

23 You talk about being an elected
24 official, but these individuals are true
25 statespersons. And I want to commend you for

1 your commitment, your dedication, but most of all
2 your love for the people here in the State of
3 New York. And once again, congratulations to all
4 three of you.

5 (Applause.)

6 SENATOR SAMPSON: Also, before I
7 even get into remarks, I want to also -- and we
8 all need to extend congratulations to our
9 phenomenal staff, who have done a fantastic job
10 during trying times. And, you know, they are
11 overworked and underpaid, but we truly do
12 appreciate all the work that you have done on our
13 behalf and also on behalf of the citizens of the
14 State of New York.

15 And I want to congratulate all
16 staff members here this evening. They deserve a
17 round of applause.

18 (Applause.)

19 SENATOR SAMPSON: Thank you very
20 much, Mr. President. And thank you to all my
21 colleagues.

22 And when I think about this
23 legislative term, I think about a tale of two
24 sessions. And what I mean by that is, in 2011,
25 we accomplished some amazing things. We had some

1 amazing progressive accomplishments such as
2 marriage equality, a property tax cap, renewed
3 and reformed rent regulations, a new tax code for
4 the State of New York, and an economic recovery
5 plan which helped create jobs, strengthen our
6 economy, and reduce unemployment in our most
7 vulnerable communities. These are
8 accomplishments that were supported, long
9 supported by us, but most of all supported by
10 everyone.

11 But while I sit here today, at the
12 end of this session, we see a different tale.
13 And what I mean is yes, we passed an on-time
14 budget. Yes, we passed some important
15 legislation like The Justice Center -- again,
16 looking out for the most vulnerable. Yes, we
17 passed cyberbullying, helping to protect our
18 children, because they deserve to be protected.
19 Yes, we passed teacher evaluations, bringing
20 accountability to our school systems and telling
21 our parents that we have heard their cries.

22 Yes, the trains seem to be running
23 on time. But, my colleagues, sometimes
24 appearances are deceiving. Left at the station
25 are the hardworking people of New York.

1 And what do I mean by that?

2 New York is a progressive state that looks out
3 for every single New Yorker. Yes, this body in
4 one year has dramatically moved away from the
5 great progressive agenda that we passed last
6 year. And what I'm talking about is when I look
7 at the way we failed to help over 1 million
8 hardworking New Yorkers to rise out of
9 bone-crushing poverty because of political
10 posturing. And what I mean is not raising the
11 minimum wage.

12 This is not a political issue, this
13 is a moral issue. Raising the minimum wage will
14 put money in the pockets of low-income workers,
15 provide a much-needed boost to local economies,
16 and restore New York's standing as a leader on
17 economic fairness.

18 Yet this chamber voted against
19 hardworking people and refused to raise the
20 minimum wage despite the overwhelming statewide
21 support. But what is most disheartening to me is
22 when I read an article in the paper this week
23 that talked about giving legislators raises. And
24 do we deserve raises? We do deserve raises, but
25 we need to be talking about raising the minimum

1 wage before we talk about legislative raises.

2 My colleagues, this is not the only
3 failure. Another failure is the ongoing attack
4 in the war we have seen against women throughout
5 this country. And unfortunately, we have our
6 issues here, not only in New York State but here
7 in this chamber, by not really pushing
8 legislation that can crucially help women in
9 New York State. Women are facing increased
10 pressure and continued assault on their
11 hard-fought rights for equality and reproductive
12 health. These actions have been spearheaded by a
13 radical agenda that has no place here in New York
14 State.

15 My colleagues, we also have failed
16 to protect the air we breathe and the water we
17 drink. We have turned our backs on common-sense
18 legislation to protect our environment. I find
19 it hard to believe that anyone in this chamber
20 disagrees with the idea that before we allow
21 companies to start drilling for gas and pumping
22 chemicals near our watersheds we should conduct a
23 study to understand the possible consequences.

24 While there is no doubt we need to
25 find new energy resources, we cannot afford to

1 extract them while destroying our health. We
2 don't want to wake up one morning saying we could
3 have, we should have, but we didn't, to avoid a
4 natural disaster. We don't want a repeat of
5 Love Canal II.

6 My colleagues, we have also failed
7 to bring government back to the people. And what
8 I mean is that we have pushed for campaign
9 finance reform. And the reason we push it is
10 because we see the way big money, big donors play
11 in pushing forth legislation not only here but
12 throughout this country. Our constituents
13 deserve better.

14 We have also failed when we talk
15 about providing equal access to educational
16 opportunities to all New Yorkers regardless of
17 immigration status. What we fail to realize is
18 this country has been built on the backs of
19 immigrants. Every New Yorker deserves the same
20 access to financial aid as they pursue a higher
21 education. It is not just the right thing to do,
22 it is a smart way to ensure New York has a
23 better-educated workforce in the future so we can
24 compete in the global economy and allow our
25 children to realize their dreams.

1 We have witnessed a failure with
2 respect to public safety when we talk about gun
3 violence. We need to pass common-sense gun
4 control measures like microstamping.

5 My colleagues, what it's come to
6 and what we have realized is the difference
7 between the privileged versus the people, the
8 haves versus the have-nots. And this is how
9 everyday New Yorkers are feeling. If they don't
10 have enough money, if they can't hire the best
11 lobbyists, they feel they're left out of
12 government. We have to do more to assure them
13 that their voices are truly heard.

14 This is about what we talk about a
15 progressive agenda. Because people are not
16 concerned about party affiliations. They're not
17 concerned about a Democrat or Republican. What
18 they're concerned about is the ability to have
19 hope, the ability to provide a future for their
20 children.

21 We have had an opportunity, we have
22 done phenomenal work, and we must continue to do
23 phenomenal work as long as we're working
24 together. I want to thank the Governor, I want
25 to thank Speaker Silver, and also I want to thank

1 you, Senator Skelos. You have provided an
2 opportunity for all of us to be all we can, and I
3 want to thank you for your commitment and
4 dedication, not only to your colleagues here but
5 also to the people of the State of New York.

6 So, my colleagues, our work is far
7 from done. We have a lot of work ahead of us.
8 But tonight is a night that we say thank you to
9 our staff, thank you to our colleagues, and thank
10 you to our colleagues who are leaving the
11 New York State Senate.

12 This is a phenomenal chamber. We
13 have done great work. But, my colleagues, people
14 out there are watching us, because there is a lot
15 of work left undone.

16 Thank you very much, everyone.
17 Godspeed, and everyone have a great and wonderful
18 summer. Thank you very much, Mr. President.

19 (Applause.)

20 ACTING PRESIDENT GRIFFO: We now
21 recognize our Majority Leader, Senator Dean
22 Skelos.

23 SENATOR SKELOS: Thank you very
24 much, Mr. President.

25 Let me start off by wishing the

1 best for our colleagues that are departing the
2 State Senate.

3 Senator Oppenheimer, you and I were
4 elected together, and I can't believe that we
5 just found out that you were living with George
6 Maziarz after all these years.

7 (Laughter.)

8 SENATOR SKELOS: Tom Duane. A
9 good friend, we've traveled together. I think
10 you've opened our minds a little bit. And
11 certainly you've served this chamber with great
12 distinction.

13 And I'll always consider you my
14 friend. Tom, thank you for your service.

15 And to my buddy, Jim Alesi. It's
16 very hard to say goodbye from the chamber to
17 somebody you love and care so much about. Jim
18 has not only been my political ally, but he's
19 also been my friend.

20 Jimmy, I can't top the comments you
21 made. But if we lived by those words, if we
22 reproduce them and read them every so often, this
23 chamber truly will be a better place and, as
24 individuals, we will be better people.

25 So, Jimmy, I salute you for your

1 great service also.

2 (Applause.)

3 SENATOR SKELOS: Today we conclude
4 one of the most productive and orderly
5 legislative sessions that I've been part of.
6 Working with Governor Cuomo, we have built on the
7 record of accomplishment we started last year and
8 have continued to move New York forward.

9 New York State residents can be
10 proud of a functioning state government. We
11 passed an early budget for the second year in a
12 row, a budget that did not include any taxes,
13 taxes of the past that hurt middle-income
14 families to the tune of \$14 billion and the
15 elimination of the STAR rebate checks that so
16 many people depended upon.

17 We closed a deficit of nearly
18 \$3 billion, and we enacted new programs to create
19 jobs in every part of the state.

20 We enacted pension reform to ease
21 the crunch on local governments and school
22 districts. We approved the takeover of the local
23 share of Medicaid growth that will save our
24 counties billions of dollars. We set an example
25 for spending restraint by reducing the Senate

1 budget by millions of dollars.

2 After three years of Senator
3 Lanza's and Senator Hannon's efforts, we passed
4 I-STOP and found a solution to help prevent
5 prescription drug abuse.

6 Senator Saland led the charge to
7 approve legislation to protect the victims of
8 domestic violence.

9 With Senator McDonald's leadership,
10 we acted boldly and urgently to create
11 The Justice Center for people with special
12 needs.

13 It was Senator Golden in this house
14 who provided the push to reach an agreement on
15 legislation to prohibit the viewing of child
16 pornography.

17 We won passage of legislation to
18 grow and expand the craft brewing industry in
19 New York State, thanks to the efforts of
20 Senators Zeldin, Ritchie and Griffo.

21 And all of our members supported a
22 measure to combat cyberbullying, a serious and
23 growing problem.

24 All of these good things happened
25 because Republicans in the Senate worked together

1 with Governor Cuomo and the Assembly to make
2 Albany function again for the benefit of the
3 people.

4 The Senate also approved our
5 New Jobs New York plan to help create thousands
6 of new private-sector jobs. Even though we did
7 not have a partner in the Assembly to enact the
8 plan, we have a partner in the residents of
9 New York who understand the need to help
10 businesses create jobs and to have public policy
11 decisions that are made to create jobs and not to
12 kill jobs.

13 That's why Senate Republicans will
14 continue to fight to cut taxes as well as to
15 provide property tax relief for homeowners, and
16 why we will continue to work to help people
17 afford the cost of college education and to
18 relieve mandates that drive up costs for local
19 governments and school districts.

20 Over the last two years our
21 priorities have been the people's priorities, and
22 I'm proud to say that we have accomplished the
23 vast majority of them. That would not have been
24 possible without the hard work of our members and
25 all of the people who make the Senate operate so

1 efficiently.

2 I want to start off by thanking the
3 Deputy Majority Leader, Senator Tom Libous, who
4 ran the floor operation and always made sure that
5 there was plenty of time for Senator Krueger to
6 ask questions.

7 (Laughter.)

8 SENATOR SKELOS: I want to thank
9 Rebecca Wood, floor counsel, who had so many
10 challenges in her own life. And we see how, with
11 the grace of God, her health is being restored.
12 A young woman of strength, of character.

13 And, Rebecca, we thank you very
14 much.

15 (Applause.)

16 SENATOR SKELOS: Senator John
17 DeFrancisco, who has done such an outstanding job
18 as chairman of our Finance Committee, who had to
19 endure so many hearings.

20 But he has really represented us so
21 well on the floor, John, and I thank you for your
22 hard work. We appreciate it.

23 Senate Minority Leader John
24 Sampson, for your cooperation. You know, we all
25 take credit for things that happen, but so many

1 of our accomplishments this year were done on a
2 bipartisan basis. And I thank you for your
3 friendship this year and for so many years.
4 John, I thank you.

5 And to Senator Jeff Klein,
6 Independent Democrat Conference leader, for your
7 friendship and support. Jeff, I thank you.

8 Robert Mujica. I don't know where
9 any of us would be, Republicans or Democrats,
10 without the intellect, the focus, delivering our
11 message, negotiating day and night, 24/7.

12 Robert, I personally thank you. I
13 could not function as Majority Leader of this
14 Senate chamber. And I know you make all of our
15 lives so much easier. And I thank you, Robert
16 Mujica.

17 (Applause.)

18 SENATOR SKELOS: Our counsel,
19 Diane Burman. Now, what many of you may not
20 know, when my son Adam was a little boy, Diane
21 babysat for him back in Rockville Centre. And
22 she certainly has, and I say this in a most
23 respectful way, has matured into an incredibly
24 fine chief counsel.

25 And, Diane, we all thank you for

1 your good work. Thank you, Diane.

2 (Applause.)

3 SENATOR SKELOS: Now, Frank
4 Patience, our Secretary of the Senate. Besides
5 saving the Senate and the taxpayers of the state
6 millions and millions of dollars, he's also made
7 sure that we've been well-fed.

8 (Laughter.)

9 SENATOR SKELOS: So, Frank, I
10 thank you for that.

11 (Applause.)

12 ACTING PRESIDENT GRIFFO: Tom
13 Dunham, Director of Majority Operations, who has
14 been at my side so for so many years, came to me
15 as a young man. He's worked so hard to make this
16 a successful session.

17 And, Tom, I thank you very much for
18 your hard work.

19 (Applause.)

20 SENATOR SKELOS: Kelli Cummings,
21 Director of Communications, who so often says to
22 me, "Why the heck did you say that?"

23 (Laughter.)

24 SENATOR SKELOS: But she has made
25 me look good. She communicates our message in

1 such a great way.

2 And, Kelli, I thank you very much
3 for your hard work.

4 (Applause.)

5 SENATOR SKELOS: To all the
6 members of our Finance, Counsel, and
7 Communications staff, to everyone in Bill
8 Drafting, Senate Revision, the Document Room, and
9 to everyone in this chamber who works tirelessly
10 to help us do our jobs, we say thank you to you.

11 On behalf of myself and all of the
12 members here, I know that we have had a historic
13 year, and we thank you for making that possible.

14 And as we conclude this session, we
15 move from building our record to running on it.
16 I wish all of my colleagues a great summer.

17 To my Republican members, work hard
18 in your district, meeting with your
19 constituents. And to my Democrat colleagues, if
20 there's a convention you would like to go to, we
21 will make sure that the Senate will take care of
22 that.

23 (Laughter.)

24 SENATOR SAMPSON: Will you pay for
25 it too? If you want to pay for it, we'll go.

1 SENATOR SKELOS: Only in the
2 state.

3 (Laughter.)

4 SENATOR SKELOS: But again, thank
5 you to everybody, both Republicans, Democrats.
6 You have made this, I know personally for me, an
7 outstanding year. You've made it an outstanding
8 two years for me as Majority Leader. But even
9 more important, you've made it an outstanding,
10 successful two years for the people of the State
11 of New York.

12 I look forward to joining with all
13 of us again in 2013, if not sooner, as we
14 continue to work so hard for the people of the
15 State of New York.

16 Thank you, and God bless you all.

17 (Standing ovation.)

18 SENATOR LIBOUS: Mr. President, at
19 this time I move that the Senate adjourn to the
20 call of the Majority Leader and Temporary
21 President, intervening days being legislative
22 days.

23 ACTING PRESIDENT GRIFFO: On
24 motion, the Senate stands adjourned until the
25 call of the Temporary President of the Senate,

1 intervening days being legislative days.

2 Senate adjourned.

3 (Whereupon, at 9:59 p.m., the Senate
4 adjourned.)

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