

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9
10 February 27, 2013

11 3:09 p.m.

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13
14 REGULAR SESSION

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18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

9 ACTING PRESIDENT GRIFFO: With us
10 today to give the invocation is Bishop Julius
11 Abiola, of Christ Life Ministries in Brooklyn.

12 Bishop Abiola.

13 BISHOP ABIOLA: Thank you,
14 Senator.

15 Almighty God, unto Whom all hearts
16 are open, all desires known, from Whom no
17 secrets are hid and from Whom all blessings
18 flow, we come before You today and we thank You
19 for the blessings that You have given unto us,
20 especially that You have given unto these
21 honorable men and women of our Senate of the
22 greatest state in the union.

23 Cleanse our thoughts, O God, and
24 every thought of our hearts by the inspiration
25 of the Holy Spirit, that we may perfectly love

1 You and worthily magnify Your holy name.

2 Bless our differences and us, and
3 under God our courage to stand together in the
4 fear and reverence of You as we fulfill our
5 civic responsibilities.

6 Our Father, maker of heaven and
7 earth, possessor of the whole universe, as we
8 gather in Your glorious presence we pray that
9 You make us worthy to stand before You with a
10 clear conscience that is void of offense,
11 through the sacrifice of Your son Jesus Christ,
12 in whose name we pray.

13 Amen.

14 ACTING PRESIDENT GRIFFO: Thank
15 you, Bishop Abiola.

16 The reading of the Journal.

17 THE SECRETARY: In Senate,
18 Tuesday, February 26th, the Senate met pursuant
19 to adjournment. The Journal of Monday,
20 February 25th, was read and approved. On
21 motion, Senate adjourned.

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

24 Presentation of petitions.

25 Messages from the Assembly.

1 The Secretary will read.

2 THE SECRETARY: On page 10,
3 Senator Maziarz moves to discharge, from the
4 Committee on Energy and Telecommunications,
5 Assembly Bill Number 1887 and substitute it for
6 the identical Senate Bill Number 2340,
7 Third Reading Calendar 25.

8 ACTING PRESIDENT GRIFFO:
9 Substitution so ordered.

10 THE SECRETARY: On page 10,
11 Senator Griffio moves to discharge, from the
12 Committee on Corporations, Authorities and
13 Commissions, Assembly Bill Number 2295, and
14 substitute it for the identical Senate Bill
15 Number 2154, Third Reading Calendar 30.

16 ACTING PRESIDENT GRIFFO:
17 Substitution so ordered.

18 THE SECRETARY: On page 10,
19 Senator LaValle moves to discharge, from the
20 Committee on Corporations, Authorities and
21 Commissions, Assembly Bill Number 1052 and
22 substitute it for the identical Senate Bill
23 Number 2898, Third Reading Calendar 31.

24 ACTING PRESIDENT GRIFFO:
25 Substitution so ordered.

1 THE SECRETARY: On page 11,
2 Senator O'Mara moves to discharge, from the
3 Committee on Investigations and Government
4 Operations, Assembly Bill Number 914 and
5 substitute it for the identical Senate Bill
6 Number 2859, Third Reading Calendar 40.

7 ACTING PRESIDENT GRIFFO:
8 Substitution so ordered.

9 THE SECRETARY: On page 11,
10 Senator Ball moves to discharge, from the
11 Committee on Investigations and Government
12 Operations, Assembly Bill Number 1833 and
13 substitute it for the identical Senate Bill
14 Number 2907, Third Reading Calendar 41.

15 ACTING PRESIDENT GRIFFO:
16 Substitution so ordered.

17 THE SECRETARY: And on page 12,
18 Senator Skelos moves to discharge, from the
19 Committee on Health, Assembly Bill Number 2087
20 and substitute it for the identical Senate Bill
21 Number 2889A, Third Reading Calendar 51.

22 ACTING PRESIDENT GRIFFO:
23 Substitution so ordered.

24 That completes the messages from the
25 Assembly.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.

7 Senator Libous.

8 SENATOR LIBOUS: Mr. President, if
9 you would call on Senator Gianaris, I believe he
10 has a motion.

11 ACTING PRESIDENT GRIFFO: Can I
12 have some order in the chamber, please.

13 Senator Gianaris.

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

16 On behalf of Senator O'Brien, I move
17 that the following bill be discharged from its
18 respective committee and be recommitted with
19 instructions to strike the enacting clause:
20 Senate Bill 3511.

21 ACTING PRESIDENT GRIFFO: So
22 ordered.

23 Senator Libous.

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

1 On behalf of Senator Little, I move
2 that the following bill be discharged from its
3 respective committee and be recommitted with
4 instructions to strike the enacting clause. That
5 would be Senate 3113, please.

6 ACTING PRESIDENT GRIFFO: So
7 ordered.

8 Senator Libous.

9 SENATOR LIBOUS: Mr. President,
10 there's a privileged resolution at the desk. May
11 we have the title read and move for its adoption.

12 ACTING PRESIDENT GRIFFO: The
13 Secretary will read.

14 THE SECRETARY: Senate Resolution
15 by Senators Skelos and Klein, establishing a
16 Select Committee on Science, Technology,
17 Incubation and Entrepreneurship.

18 ACTING PRESIDENT GRIFFO: All in
19 favor of the resolution signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT GRIFFO: Opposed?

22 (No response.)

23 ACTING PRESIDENT GRIFFO: The
24 resolution is adopted.

25 Senator Libous.

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

3 May we now have the reading of the
4 noncontroversial calendar, please.

5 ACTING PRESIDENT GRIFFO: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number 12,
8 by Senator Dilan, Senate Print 392, an act to
9 amend the Highway Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 56.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number 25,
21 substituted earlier by Member of the Assembly
22 Englebright, Assembly Print 1887, an act to amend
23 the Tax Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 57.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number 30,
10 substituted earlier by Member of the Assembly
11 Brindisi, Assembly Print 2295, an act to amend
12 Chapter 503 of the Laws of 2012.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

15 THE SECRETARY: Section 3. This
16 act shall take effect on the same date as
17 Chapter 503 of the Laws of 2012.

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 57.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number 31,
25 substituted earlier by Member of the Assembly

1 Lupardo, Assembly Print Number 1052, an act to
2 amend the Business Corporation 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, 57.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number 35,
14 by Senator LaValle, Senate Print 1762, an act to
15 amend the 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 THE SECRETARY: Ayes, 56. Nays,
24 1. Senator Gipson recorded in the negative.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number 37,
3 by Senator Young, Senate Print 2203, an act to
4 amend the Environmental Conservation 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, 57.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number 38,
16 by Senator Marcellino, Senate Print 2524, an act
17 to amend the Environmental Conservation 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, 57.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number 40,
4 substituted earlier by Member of the Assembly
5 Lifton, Assembly Print 914, an act to amend the
6 Public Officers Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 57.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number 41,
18 substituted earlier by Member of the Assembly
19 Skartados, Assembly Print 1833, an act to amend
20 Chapter 430 of the Laws of 2012.

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, 56. Nays,

4 1. Senator Rivera recorded in the negative.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number 43,
8 by Senator Larkin, Senate Print 271, an act to
9 remove.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 57.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number 45,
21 by Senator Marcellino, Senate Print 1526, an act
22 to amend the Real Property Tax Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 57.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number 46,
9 by Senator LaValle, Senate Print 1759, an act in
10 relation in including the trustees.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

13 THE SECRETARY: Section 3. 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, 57.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number 51,
22 substituted earlier by Member of the Assembly
23 Lavine, Assembly Print 2087, an act to amend the
24 Public Health 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, 57.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

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

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

14 At this time, in consultation with
15 Senator Stewart-Cousins, Senator Klein,
16 Senator Skelos, I'd like to hand up the following
17 Democratic Conference assignments and committee
18 assignments.

19 ACTING PRESIDENT GRIFFO: They are
20 received and filed.

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

23 And, Mr. President, on behalf of
24 Senator Klein and Senator Skelos, I hand up the
25 following committee assignments and ask that such

1 assignments be filed in the Journal, please.

2 ACTING PRESIDENT GRIFFO: Also
3 received and filed.

4 SENATOR LIBOUS: Mr. President, at
5 this time is there any further business at the
6 desk?

7 ACTING PRESIDENT GRIFFO: There is
8 no further business before the desk.

9 SENATOR LIBOUS: There being no
10 further business, I move that the Senate adjourn
11 until Thursday, February 28th, at 11:00 a.m.

12 ACTING PRESIDENT GRIFFO: Upon
13 motion, the Senate stands adjourned until
14 Thursday, February 28, at 11:00 a.m.

15 Senate adjourned.

16 (Whereupon, at 3:19 p.m., the Senate
17 adjourned.)

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