

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 April 22, 2013

11 3:17 p.m.

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13
14 REGULAR SESSION

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18 SENATOR DIANE J. SAVINO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

8 ACTING PRESIDENT SAVINO: Today's
9 invocation will be delivered by Rabbi Michael
10 Miller, the executive vice president and CEO of
11 the Jewish Community Relations Council of
12 New York.

13 RABBI MILLER: On the six Sabbaths
14 between Passover and Shavuot/Pentecost, it is
15 customary in traditional Jewish homes to study
16 the six chapters of Ethics of the Fathers,
17 written by our Rabbinic sages 2,000 years ago.

18 This past Sabbath we read in the
19 third chapter the Rabbi Chanina, the deputy high
20 priest, said: "Pray for the welfare of the
21 government, for absent our awe of those setting
22 and maintaining social order, the fabric of
23 society would unravel and anarchy would
24 prevail."

25 Indeed, Rabbi Shimon, the son of

1 Gamliel, said in the first chapter, "The world
2 endures on three things: Justice, truth and
3 peace. Without those three cardinal values,
4 society would crumble."

5 As I pray today for the welfare of
6 the government, it is clearly evident that it is
7 this Senate, in this chamber, which ensures for
8 the citizens of this state that the rule of
9 law -- justice -- based on self-evident
10 realities -- truth -- will provide for a safe,
11 just and harmonious social climate -- peace --
12 so as to guarantee a bright today and even
13 brighter tomorrow for all New Yorkers.

14 We pray that the Lord of the
15 Universe bestow His abundant blessings upon you,
16 the men and women of the New York State Senate,
17 as you labor to attain that indispensable and
18 sacred mission. May your deliberations be sound
19 and your decisions be wise, and may all your
20 actions be dedicated to the advancement of the
21 welfare of humankind.

22 Amen.

23 ACTING PRESIDENT SAVINO: The
24 reading of the Journal.

25 THE SECRETARY: In Senate, Friday,

1 April 19th, the Senate met pursuant to
2 adjournment. The Journal of Thursday,
3 April 18th, was read and approved. On motion,
4 Senate adjourned.

5 ACTING PRESIDENT SAVINO: Without
6 objection, the Journal stands approved as read.

7 Presentation of petitions.

8 Messages from the Assembly.

9 Messages from the Governor.

10 Reports of standing committees.

11 Reports of select committees.

12 Communications and reports from
13 state officers.

14 Motions and resolutions.

15 Senator Libous.

16 SENATOR LIBOUS: Thank you,
17 Madam President. I have a couple of motions.

18 On behalf of Senator Nozzolio, on
19 page 22 I offer the following amendments to
20 Calendar Number 235, Senate Print Number 3593A,
21 and ask that said bill retain its place on the
22 Third Reading Calendar.

23 ACTING PRESIDENT SAVINO: The
24 amendments are accepted, and the bill will
25 retain its place on the Third Reading Calendar.

1 SENATOR LIBOUS: Thank you,
2 Madam President.

3 On behalf of Senator Little, on
4 page 23 I offer the following amendments to
5 Calendar Number 245, Senate Print 1013, and ask
6 that said bill retain its place on the Third
7 Reading Calendar.

8 ACTING PRESIDENT SAVINO: The
9 amendments are accepted, and the bill will retain
10 its place on the Third Reading Calendar.

11 SENATOR LIBOUS: And, Madam
12 President, at this time if I could call an
13 immediate meeting of the Rules Committee -- oh,
14 I'm sorry, we're not going to call an immediate
15 meeting of the Rules Committee.

16 We are going to pull up a resolution
17 by Senator DeFrancisco. It's Resolution
18 Number 634. I believe it has been previously
19 adopted. I would ask at this time that you read
20 its title and call on the good Senator.

21 ACTING PRESIDENT SAVINO: The
22 Secretary will read.

23 THE SECRETARY: Legislative
24 Resolution Number 634, by Senator DeFrancisco,
25 honoring Mari DeTota upon the occasion of

1 capturing First Place in the Elks Area 1 National
2 Soccer Shoot-Out.

3 ACTING PRESIDENT SAVINO: Senator
4 DeFrancisco.

5 SENATOR DeFRANCISCO: Thank you,
6 Madam President.

7 This was previously adopted, and we
8 wanted to make sure that Mari was able to be here
9 to see the recognition that she's receiving from
10 the State Senate.

11 And sometimes people kind of groan
12 when I stand up, because we have all the athletes
13 in Central New York. And we feel sorry for the
14 rest of the areas, but we want to keep showcasing
15 those athletes.

16 Mari won the Elks Area 1 National
17 Soccer Shoot-Out in October of last year in
18 Poughkeepsie, New York. She got her ticket to
19 the nationals by beating Maine, New Hampshire,
20 Vermont, Connecticut, Massachusetts and
21 Rhode Island, almost all of the original 13
22 states. But she went further than that and won
23 the National Shoot-Out, an 11-year-old girl who I
24 understand is a good student.

25 And she's going to get to be a

1 better student, correct, as she goes through the
2 rest of her schoolwork.

3 And I just wanted to honor Mari for
4 her accomplishment. It's an incredible
5 accomplishment when anyone at any age, let alone
6 11, wins a national competition. So
7 congratulations.

8 And she's here with her parents, Ron
9 and Michelle; her sister, Veronica -- who didn't
10 win a shoot-out yet, but maybe later;
11 grandparents Joe and Marianne Granteed, Ron and
12 Kathy DeTota. The whole family's here. And
13 cousin Megan skipped school today too.

14 (Laughter.)

15 CHAIRMAN DeFRANCISCO: So
16 congratulations to this fine work.

17 And I'd ask you to recognize
18 Senator Valesky. Mari was in my district when
19 she won the championship. With redistricting, we
20 thought it would be fair for Senator Valesky to
21 have some athletes as well, so she's in
22 Senator Valesky's current district.

23 Thank you, Madam President.

24 ACTING PRESIDENT SAVINO: Senator
25 Valesky on the resolution.

1 SENATOR VALESKY: Thank you,
2 Madam President.

3 And thank you, Senator DeFrancisco,
4 for being so kind and sharing your champions with
5 me and the rest of the state.

6 I want to certainly offer my
7 personal congratulations to Mari and her entire
8 family. It's a very special thing that you've
9 done for yourself, for your family, for the
10 community.

11 And it gives us great honor as
12 members of this New York State Senate to
13 recognize you and your efforts. You are already
14 a role model at a very young age. And certainly
15 with status as a role model comes responsibility,
16 and I know you know that. And you're certainly
17 well-prepared and well-suited to show your
18 classmates what it means to be a champion.

19 So congratulations. Thank you for
20 joining us today. And we certainly look forward
21 to hearing more great things about you in a very
22 bright future that you have ahead, I'm sure of
23 that. Thank you.

24 Thank you, Madam President.

25 ACTING PRESIDENT SAVINO: Thank

1 you, Senator Valesky.

2 This resolution has been previously
3 adopted on March 7th.

4 But we welcome Mari DeTota and her
5 family here to the New York State Senate and
6 congratulate you on your first place in the Elks
7 Area 1 National Soccer Shoot-Out.

8 Congratulations.

9 (Applause.)

10 ACTING PRESIDENT SAVINO: Senator
11 Libous.

12 SENATOR LIBOUS: Madam President,
13 there will be an immediate meeting of the
14 Rules Committee in Room 332, an immediate meeting
15 of the Rules Committee in Room 323.

16 In the interim, the Senate will
17 stand at ease.

18 ACTING PRESIDENT SAVINO: There
19 will be an immediate meeting of the Rules
20 Committee in Room 332.

21 The Senate will stand at ease
22 pending the return of the Rules Committee.

23 (Whereupon, the Senate stood at ease
24 at 3:36 p.m.)

25 (Whereupon, the Senate reconvened at

1 3:49 p.m.)

2 ACTING PRESIDENT SAVINO: Senator
3 Libous.

4 SENATOR LIBOUS: Thank you,
5 Madam President.

6 I believe there's a report of the
7 Rules Committee at the desk. Could we have the
8 report read at this time.

9 ACTING PRESIDENT SAVINO: There is
10 a report of the Rules Committee at the desk. The
11 Secretary will read.

12 SENATOR GIANARIS: Madam President.

13 ACTING PRESIDENT SAVINO: Senator
14 DeGianaris, why do you rise?

15 (Laughter.)

16 SENATOR GIANARIS: We meet again,
17 Madam President.

18 ACTING PRESIDENT SAVINO: Oh, I
19 just made you an Italian. Senator Gianaris, why
20 do you rise?

21 SENATOR GIANARIS: Thank you,
22 Madam President.

23 Can the appropriate member yield for
24 questions about the Rules report?

25 SENATOR LIBOUS: Madam President,

1 could we have the report read first before any
2 questions are asked on it, so it's before the
3 house.

4 ACTING PRESIDENT SAVINO: The
5 Secretary will read.

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

9 Senate Print 1456, by Senator
10 Flanagan, an act to amend the Penal Law;

11 Senate 1721A, by Senator Grisanti,
12 an act to amend the Penal Law;

13 Senate 2135A, by Senator Lanza, an
14 act to amend the Penal Law;

15 Senate 2180, by Senator Golden, an
16 act to amend the Penal Law;

17 Senate 2237A, by Senator Golden, an
18 act to amend the Penal Law;

19 Senate 2431, by Senator Klein, an
20 act to amend the Penal Law;

21 Senate 2458, by Senator Lanza, an
22 act to amend the Penal Law;

23 Senate 3639, by Senator O'Mara, an
24 act to amend the Penal Law;

25 Senate 3710A, by Senator Young, an

1 act to amend the Penal Law;

2 Senate 4342, by Senator Gallivan, an

3 act to amend the Corrections Law;

4 Senate 4444, by Senator Golden, an

5 act to amend the Penal Law;

6 Senate 4445A, by Senator Golden, an

7 act to amend the Penal Law;

8 And Senate 4600, by Senator Golden,

9 an act to amend the Real Property Tax Law.

10 All bills reported direct to third
11 reading.

12 SENATOR LIBOUS: Madam President,
13 could I move to accept the Rules report.

14 SENATOR GIANARIS: Madam President,
15 again, I would ask if the appropriate member
16 would yield for questions on the adoption of the
17 report.

18 ACTING PRESIDENT SAVINO: Senator
19 Gianaris, first we have to accept the Rules
20 report so that you can debate the Rules report.

21 SENATOR GIANARIS: I believe we're
22 debating its acceptance.

23 SENATOR LIBOUS: He's right.

24 ACTING PRESIDENT SAVINO: Senator
25 Libous.

1 SENATOR LIBOUS: We'll debate its
2 acceptance.

3 ACTING PRESIDENT SAVINO: Senator
4 Gianaris.

5 SENATOR GIANARIS: Thank you. I
6 assume Senator Libous is yielding.

7 SENATOR LIBOUS: I assume.

8 SENATOR GIANARIS: I ask, Madam
9 President, if the Senator can answer the question
10 whether or not the makeup of the Rules Committee
11 in terms of its membership has changed in any way
12 from last week.

13 ACTING PRESIDENT SAVINO: Are you
14 asking Senator Libous to yield?

15 SENATOR GIANARIS: I believe I
16 already asked him to yield.

17 ACTING PRESIDENT SAVINO: Senator
18 Libous.

19 (Pause.)

20 SENATOR LIBOUS: I want to get
21 Senator Gianaris an exact answer to his question
22 in one second.

23 Madam President, through you, the
24 makeup of the Rules Committee hasn't changed.

25 SENATOR GIANARIS: If Senator

1 Libous would continue to yield, Madam President.

2 ACTING PRESIDENT SAVINO: Senator
3 Libous, do you continue to yield?

4 SENATOR LIBOUS: I will. I will,
5 Madam President.

6 SENATOR GIANARIS: Is Senator
7 Libous aware that the makeup of the Majority
8 Coalition has in fact changed from last week?

9 SENATOR LIBOUS: I am.

10 SENATOR GIANARIS: If the Senator
11 would continue to yield.

12 ACTING PRESIDENT SAVINO: Senator
13 Libous, do you continue to yield?

14 SENATOR LIBOUS: Through you,
15 Madam President, I will.

16 SENATOR GIANARIS: Is the Senator
17 further aware that Rule 8 requires the makeup of
18 committees to match the percentage as closely as
19 possible that each conference has within this
20 body?

21 SENATOR LIBOUS: Madam President,
22 through you. And in answer to Senator Gianaris's
23 question, it's not a match, it's a minimum.

24 SENATOR GIANARIS: Would Senator
25 Libous continue to yield.

1 SENATOR LIBOUS: Through you,
2 Madam President, I will.

3 ACTING PRESIDENT SAVINO: Senator
4 Libous continues to yield.

5 SENATOR GIANARIS: I would ask
6 Senator Libous if he could point me to the rule
7 that indicates that the membership is a minimum
8 and not a match. And I believe the quote from
9 the rules is "as nearly as may be."

10 SENATOR LIBOUS: Madam President,
11 through you, what I would share with
12 Senator Gianaris is the custom of the house is
13 that when Rule 8 was put into place in 2009, that
14 the committee allocations under Rule 8 are
15 designed to give conferences a guaranteed number
16 of spots, acting as a minimum requirement.

17 The Senate rules have ordered that,
18 at a minimum, the Democratic Conference and the
19 Majority Coalition shall be represented in
20 committees in the same proportion as the members
21 of the Majority Coalition or the Democratic
22 Conference. The rule was put into place in 2009
23 and stands before us today.

24 SENATOR GIANARIS: If the Senator
25 would continue to yield, I would appreciate it if

1 he could cite precisely from which rule he just
2 quoted from, because I cannot find that language.

3 ACTING PRESIDENT SAVINO: Senator
4 Libous, do you continue to yield?

5 SENATOR LIBOUS: I would. I would
6 tell you that would be Senate Rule 8. Madam
7 President, through you.

8 SENATOR GIANARIS: If the Senator
9 would continue to yield, I would request some
10 more specificity. Is there a paragraph, a
11 subdivision?

12 Because the rule I'm looking at,
13 8(c), says that "The membership of all committees
14 shall be composed as nearly as may be of Majority
15 Coalition and Democratic Conference members in
16 the same proportion as the number of Majority
17 Coalition and Democratic Conference members in
18 the Senate bears to the total membership of the
19 Senate." The word "at a minimum" does not appear
20 anywhere that in that rule.

21 SENATOR LIBOUS: Through you,
22 Madam President, it was set up that way --
23 because I was involved in setting the rule up at
24 that time in 2009 -- to give each conference a
25 minimum. And it is doing that.

1 And, Senator Gianaris, I guess if
2 you would get to your specific point, maybe I
3 could be more specific in my answer.

4 SENATOR GIANARIS: Well, if the
5 Senator would continue to yield, my point is
6 whether the rules are being followed. So the
7 clarity as to whether we can agree on what the
8 rule says is important to determining that point.

9 As I understand it, is it the
10 Senator's contention that the rule does not in
11 fact say that it's a minimum, but that is how
12 Senator Libous believes it was adopted four years
13 ago and therefore that's how we're reading it?

14 SENATOR LIBOUS: Madam President,
15 it doesn't say "maximum" either, but it -- the
16 rules are being followed, to answer Senator
17 Gianaris's question specifically.

18 SENATOR GIANARIS: If the Senator
19 would continue to yield, it neither says
20 "maximum" nor "minimum," it says "as nearly as
21 may be."

22 And we are now not in a situation
23 where the committee membership matches the
24 coalition membership as nearly as may be.

25 SENATOR LIBOUS: Madam President,

1 that really has no factor on the committee
2 membership makeup.

3 The Democratic Conference is
4 42 percent. That has not changed. That has
5 remained the same. Unless the Democratic
6 Conference membership is going to change, then
7 there might be some factor that would need to be
8 addressed, Madam President.

9 SENATOR GIANARIS: Madam President,
10 if Senator Libous would continue to yield, is it
11 his contention that the percentages only count as
12 it relates to one conference and not the others?

13 SENATOR LIBOUS: I'm sorry,
14 Madam President, could you ask the good Senator
15 to repeat his question.

16 ACTING PRESIDENT SAVINO: Senator,
17 please repeat your question.

18 SENATOR GIANARIS: I'll be happy
19 to.

20 I was asking if it was the Senator's
21 contention that the formula specified very
22 clearly and very specifically in the rules
23 applies only mathematically to one conference and
24 not the others. Because as I understood your
25 previous answer, you said if the Democratic

1 Conference membership changed, then we would
2 change committees, but if the Republican or other
3 conference changed, that we would not.

4 SENATOR LIBOUS: Madam President,
5 through you, this system was set up to protect
6 the minority conference. So I don't know why
7 Senator Gianaris would be, you know, would be
8 arguing the rule at this point in time.

9 SENATOR GIANARIS: Madam President,
10 if Senator Libous would continue to yield, the
11 point is that the rule is established to protect
12 all conferences, and the rule is not being
13 followed. Which is why the objection has been
14 raised.

15 SENATOR LIBOUS: Madam President,
16 through you, I would disagree with that.

17 I would point Senator Gianaris to
18 Rule 3, where the Temporary President makes the
19 decisions in designating officers of the
20 Senate -- the chair, vice chair, members of all
21 committees, subcommittees, and as otherwise
22 stated. That has been the rule of this house in
23 the 25 years that I've been here, and that has
24 not changed.

25 SENATOR GIANARIS: If Senator

1 Libous would continue to yield, Madam President.

2 Whether there's another rule --

3 SENATOR LIBOUS: Madam President, I
4 will.

5 SENATOR GIANARIS: Thank you, sir.

6 Another rule that does not
7 specifically address the percentage of committee
8 conference members in committees does not
9 preclude a more specific rule that specifically
10 discusses how committee memberships will be
11 allotted among the conferences.

12 Now, whether something has been
13 there 25 years or a few months is partially the
14 point. These rules were adopted to create a
15 unique situation in this body, and now when that
16 unique situation doesn't fit the desires of the
17 Majority, they're ignored.

18 So I ask again why Rule 8(c),
19 through its very clear language that "committee
20 membership shall be composed as nearly as may be
21 in the same proportion as the number of
22 conference members bears to the total membership
23 of the Senate," is not being followed with
24 respect to the Rules Committee.

25 SENATOR LIBOUS: Madam President,

1 maybe I could answer Senator Gianaris's question
2 with a question.

3 And, Senator, are you advocating
4 leaving the committee seats, the four committee
5 vacancies, vacant?

6 SENATOR GIANARIS: Madam President,
7 I am advocating that the rules of the Senate,
8 which were drafted by the Majority, are
9 followed. And if those rules are followed, the
10 Majority Coalition membership on the
11 Rules Committee should be 14 members, not 15.

12 I didn't draft these rules, I only
13 ask that the Majority follows the rules that it
14 drafted itself.

15 SENATOR LIBOUS: Madam President,
16 again, in all due respect to my colleague, I
17 would refer him to Rule 3. I won't read it
18 again; I read it once already.

19 I think Rule 3 is self-explanatory.
20 It gives the Temporary President that option.
21 As, again, this house has always given the
22 Temporary President that option, sir.

23 SENATOR GIANARIS: Madam President,
24 if the Senator would continue to yield, I'll ask
25 a broader question, which is what is the effect,

1 what is the practical effect of membership within
2 a conference or of ejection from membership
3 within a conference to this body?

4 Because it seems to me that a member
5 has been ejected from a conference and yet there
6 is no consequence on the functioning of the
7 Senate other than a PR victory for those who
8 ejected him.

9 SENATOR LIBOUS: It also -- Madam
10 President, through you, it protects those members
11 who decide to leave a conference on their own.
12 So if any particular member here was not happy,
13 Senator, with their respective conference and
14 they wanted to decide to go off on their own, it
15 would protect them also.

16 SENATOR GIANARIS: Madam President,
17 if the Senator would continue to yield, we're
18 going a little off-topic, but with --

19 ACTING PRESIDENT SAVINO: Do you
20 continue to yield, Senator Libous?

21 SENATOR LIBOUS: He gets ahead of
22 me, Madam President. I will continue to yield.

23 SENATOR GIANARIS: Thank you.

24 I respectfully disagree, because
25 there's a rule in here that also says that the

1 memberships of conferences must be approved by
2 the leaders. So in fact an individual member
3 does not have the latitude, according to these
4 rules, to leave at will.

5 SENATOR LIBOUS: Madam President, I
6 respectfully disagree with Senator Gianaris.

7 SENATOR GIANARIS: As it relates to
8 which issue?

9 SENATOR LIBOUS: The statement you
10 just made, sir.

11 SENATOR GIANARIS: If Senator
12 Libous will continue to yield on this.

13 SENATOR LIBOUS: I will,
14 Madam President.

15 ACTING PRESIDENT SAVINO: The
16 Senator continues to yield.

17 SENATOR GIANARIS: I will try and
18 wrap this up, because it's not my intention to
19 delay; I just want to get clarity.

20 I'll ask again, because I don't
21 believe my previous question was answered, which
22 is: What is the practical consequence of a
23 member being ejected from their conference?

24 SENATOR LIBOUS: Madam President,
25 through you. And Senator, I think that's pretty

1 clear. Again, if you read Rule 8 and you read
2 Senate Rule 3, I think it's very clear as to how
3 the makeup of committees are structured and how
4 we move forward as a Senate.

5 Those committees have never been
6 structured here on the floor, they have always
7 been structured through the Temporary President,
8 and decisions have been made by the Temporary
9 President in the makeup of those committees.

10 SENATOR GIANARIS: If the Senator
11 would continue to yield.

12 If it's the Senator's contention
13 that the Majority can do what it wishes when it
14 wishes, I would prefer you just say that and we
15 could end this debate.

16 But the rules are very clear. The
17 leaders get to choose which members of their
18 conference belong to certain committees, but the
19 rules provide a very specific formula for how
20 many of their conference members get to be
21 appointed. And right now we are functioning in
22 violation of that rule.

23 If it is the Majority's contention
24 that the rules are irrelevant, then please state
25 so and we could move on with the business of the

1 Senate.

2 But we adopted these rules that the
3 Majority drafted, we are operating now in
4 violation of these rules. And the best answer I
5 seem to get, if I'm understanding you correctly,
6 is that the leaders can choose to do what they
7 wish when they wish.

8 SENATOR LIBOUS: Madam President,
9 although Senator Gianaris's discussion is not
10 germane to accepting the Rules report, I will
11 still try to refer him to Rule 8 and Rule 3.

12 I think the rules that were drafted
13 and accepted by this house earlier this year and
14 the proportions that were designed back in 2009
15 were set up to protect every individual member in
16 this house. And I'm quite confident and
17 comfortable that if we stand by Rule 8 and stand
18 by Rule 3, that when the leaders decide to make
19 whatever decision -- the Temporary President
20 decides to make the decision to reassign whomever
21 on those committees, that it would be
22 appropriately made.

23 SENATOR GIANARIS: If the Senator
24 will continue to yield, Madam President.

25 SENATOR LIBOUS: If the question is

1 germane to accepting the Rules report.

2 ACTING PRESIDENT SAVINO: Senator
3 Gianaris, if we could try and bring it back to
4 the acceptance of the Rules report. It's
5 apparent that the two of you are never going to
6 agree on Rule 8 or Rule 3.

7 SENATOR GIANARIS: Madam President,
8 I would respectfully point out that the adoption
9 of a Rules report from a Rules Committee that was
10 illegally composed is relevant and germane to
11 whether or not we accept this Rules report.

12 But I would agree with
13 Senator Libous insofar as the rules are clear and
14 the rules are there to provide protections to all
15 the members, and if they're followed, they will
16 do so.

17 The problem is we are very clearly
18 and directly ignoring the very straight math
19 required in Rule 8(c), and all I'm getting back
20 is Rule 8 says something different because it's a
21 minimum -- where the word "minimum" never appears
22 in that rule.

23 So I understand we're not going to
24 reach agreement here, but I would simply say that
25 the Majority shouldn't try and have it both ways.

1 SENATOR LIBOUS: Are you asking me
2 a question?

3 SENATOR GIANARIS: Yes.

4 SENATOR LIBOUS: Through you,
5 Madam President, I believe he's asking me a
6 question.

7 ACTING PRESIDENT SAVINO: Senator
8 Gianaris, are you in fact asking a question of
9 Senator Libous?

10 SENATOR GIANARIS: I am.

11 ACTING PRESIDENT SAVINO: Could you
12 restate the question?

13 SENATOR GIANARIS: I'll be happy
14 to.

15 ACTING PRESIDENT SAVINO: Thank
16 you.

17 SENATOR GIANARIS: Madam President,
18 I would ask Senator Libous if he would agree that
19 in fact what the Majority is trying to do here is
20 both eject a member to give the facade of action
21 and maintain their committee membership as if
22 that member were still a part of their
23 conference. Because that is the only practical
24 effect of what's going on right now.

25 SENATOR LIBOUS: Mr. President --

1 Madam President, absolutely not. I am stating on
2 the floor here that we are following Rule 3 and
3 we are following Rule 8, and I stand by those
4 rules.

5 SENATOR GIANARIS: Madam President,
6 obviously we have a disagreement on that point.

7 But I do object to the acceptance of
8 this Rules report on the grounds that the rules
9 of the Senate are very clearly being violated,
10 the Rules Committee is itself operating
11 illegally. Tomorrow when the Banks, Insurance,
12 and Labor Committees meet, they will also be
13 operating illegally.

14 And I would urge the Majority to
15 heed its own rules, because we're going to be
16 having this conversation many more times between
17 now and the end of June if the rules continue to
18 be violated.

19 ACTING PRESIDENT SAVINO: Thank
20 you, Senator Gianaris.

21 There is a motion to accept the
22 report of the Rules Committee. All those in
23 favor signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT SAVINO: Opposed,

1 nay.

2 (Response of "Nay.")

3 ACTING PRESIDENT SAVINO: All those
4 in favor signify by saying aye.

5 (Loud response of "Aye.")

6 ACTING PRESIDENT SAVINO: All those
7 opposed?

8 (Loud response of "Nay.")

9 (Laughter.)

10 ACTING PRESIDENT SAVINO: The ayes
11 have it.

12 Senator Libous.

13 SENATOR LIBOUS: Thank you,
14 Madam President.

15 At this time I would like to take up
16 the noncontroversial reading of the calendar.

17 ACTING PRESIDENT SAVINO: Can we
18 have order in the chamber, please.

19 At this time we will take up the
20 reading of the noncontroversial calendar.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number 61,
23 by Senator Fuschillo, Senate Print 761, an act to
24 amend the Vehicle and Traffic Law.

25 ACTING PRESIDENT SAVINO: Read the

1 last section.

2 THE SECRETARY: Section 5. This
3 act shall take effect on the 90th day.

4 ACTING PRESIDENT SAVINO: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT SAVINO: Announce
8 the results.

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT SAVINO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number 81,
13 by Senator Flanagan, Senate Print 1195, an act to
14 amend the State Administrative Procedure Act.

15 ACTING PRESIDENT SAVINO: Read the
16 last section.

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

19 ACTING PRESIDENT SAVINO: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT SAVINO: Announce
23 the results.

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT SAVINO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 137, by Senator Marcellino, Senate Print 1499, an
4 act to amend the Vehicle and Traffic Law.

5 ACTING PRESIDENT SAVINO: Read the
6 last section.

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

9 ACTING PRESIDENT SAVINO: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT SAVINO: Announce
13 the results.

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT SAVINO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 159, by Senator Fuschillo, Senate Print 756, an
19 act to amend the Public Authorities Law.

20 ACTING PRESIDENT SAVINO: Read the
21 last section.

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

24 ACTING PRESIDENT SAVINO: Call the
25 roll.

1 (The Secretary called the roll.)
2 ACTING PRESIDENT SAVINO: Announce
3 the results.
4 THE SECRETARY: Ayes, 59. Nays,
5 1. Senator Gipson recorded in the negative.
6 ACTING PRESIDENT SAVINO: The bill
7 is passed.
8 THE SECRETARY: Calendar Number
9 212, by Senator Zeldin, Senate Print 2926A, an
10 act to amend the Criminal Procedure Law.
11 ACTING PRESIDENT SAVINO: Read the
12 last section.
13 THE SECRETARY: Section 2. This
14 act shall take effect on the first of November.
15 ACTING PRESIDENT SAVINO: Call the
16 roll.
17 (The Secretary called the roll.)
18 ACTING PRESIDENT SAVINO: Announce
19 the results.
20 THE SECRETARY: Ayes, 59. Nays,
21 1. Senator Montgomery recorded in the negative.
22 ACTING PRESIDENT SAVINO: The bill
23 is passed.
24 THE SECRETARY: Calendar Number
25 213, by Senator Zeldin, Senate Print 2927A, an

1 act to amend the Penal Law.

2 ACTING PRESIDENT SAVINO: Read the
3 last section.

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

6 ACTING PRESIDENT SAVINO: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT SAVINO: Announce
10 the results.

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT SAVINO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 214, by Senator Zeldin, Senate Print 2928, an act
16 to amend the Penal Law.

17 ACTING PRESIDENT SAVINO: Read the
18 last section.

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

21 ACTING PRESIDENT SAVINO: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT SAVINO: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar 214, those recorded in the negative are
3 Senators Hassell-Thompson, Hoylman, Krueger,
4 Montgomery, Perkins, Rivera, Serrano and
5 Tkaczyk. Also Senator Parker.

6 Ayes, 51. Nays, 9.

7 ACTING PRESIDENT SAVINO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 215, by Senator Zeldin, Senate Print 2929, an act
11 to amend the Penal Law.

12 ACTING PRESIDENT SAVINO: Read the
13 last section.

14 THE SECRETARY: Section 3. This
15 act shall take effect on the first of November.

16 ACTING PRESIDENT SAVINO: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT SAVINO: Announce
20 the results.

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT SAVINO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 216, by Senator Zeldin, Senate Print 2930, an act

1 to amend the Penal Law.

2 ACTING PRESIDENT SAVINO: Read the
3 last section.

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

6 ACTING PRESIDENT SAVINO: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT SAVINO: Announce
10 the results.

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT SAVINO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 257, by Senator Ball, Senate Print 2292, an act
16 to amend the Penal Law.

17 ACTING PRESIDENT SAVINO: Read the
18 last section.

19 THE SECRETARY: Section 3. This
20 act shall take effect on the first of November.

21 ACTING PRESIDENT SAVINO: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT SAVINO: Announce
25 the results.

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

3 ACTING PRESIDENT SAVINO: The bill
4 is passed.

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

7 SENATOR LIBOUS: Thank you,
8 Madam President.

9 Is there any further business at the
10 desk?

11 ACTING PRESIDENT SAVINO: There is
12 no further business at the desk.

13 SENATOR LIBOUS: There being no
14 further business, I move that the Senate adjourn
15 until Tuesday, April 23rd, at 3:00 p.m.

16 ACTING PRESIDENT SAVINO: On
17 motion, the Senate stands adjourned until
18 Tuesday, April 23rd, at 3:00 p.m.

19 (Whereupon, at 4:13 p.m., the Senate
20 adjourned.)

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