

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 May 22, 2013

11 3:34 p.m.

12
13
14 REGULAR SESSION

15
16
17
18 SENATOR DAVID J. VALESKY, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

9 ACTING PRESIDENT VALESKY: In the
10 absence of clergy, may we bow our heads in a
11 moment of silence.

12 (Whereupon, the assemblage
13 respected a moment of silence.)

14 ACTING PRESIDENT VALESKY: The
15 reading of the Journal.

16 The Secretary will read.

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

22 ACTING PRESIDENT VALESKY: 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 40,
3 Senator Little moves to discharge, from the
4 Committee on Codes, Assembly Bill Number 5011A
5 and substitute it for the identical Senate Bill
6 Number 3496A, Third Reading Calendar 607.

7 On page 42, Senator Latimer moves
8 to discharge, from the Committee on Rules,
9 Assembly Bill Number 3883 and substitute it for
10 the identical Senate Bill Number 3406, Third
11 Reading Calendar 728.

12 On page 43, Senator Avella moves to
13 discharge, from the Committee on Environmental
14 Conservation, Assembly Bill Number 6906 and
15 substitute it for the identical Senate Bill
16 Number 5067, Third Reading Calendar 739.

17 And on page 44, Senator Bonacic
18 moves to discharge, from the Committee on Rules,
19 Assembly Bill Number 7336 and substitute it for
20 the identical Senate Bill Number 5169, Third
21 Reading Calendar 740.

22 ACTING PRESIDENT VALESKY:
23 Substitutions ordered.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Libous.

6 SENATOR LIBOUS: Mr. President,
7 would you call on Senator Gianaris, please.

8 ACTING PRESIDENT VALESKY: Senator
9 Gianaris.

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

12 On behalf of Senator
13 Stewart-Cousins, on page number 32 I offer the
14 following amendments to Calendar Number 491,
15 Senate Print 4241, and ask that said bill retain
16 its place on Third Reading Calendar.

17 ACTING PRESIDENT VALESKY: The
18 amendments are received, and the bill will
19 retain its place on the Third Reading Calendar.

20 SENATOR GIANARIS: And on behalf
21 of Senator Rivera, on page number 24 I offer the
22 following amendments to Calendar Number 336,
23 Senate Print 2226, and ask that said bill retain
24 its place on Third Reading Calendar.

25 ACTING PRESIDENT VALESKY: Those

1 amendments are also received, and that bill will
2 retain its place on the Third Reading Calendar.

3 Senator Libous.

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

6 On behalf of Senator Grisanti, on
7 page 29 I offer up the following amendments to
8 Calendar Number 443, Senate Print 2076B, and ask
9 that said bill retain its place on the
10 Third Reading Calendar.

11 ACTING PRESIDENT VALESKY: The
12 amendments are received, and the bill will retain
13 its place on the Third Reading Calendar.

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

16 At this time, Mr. President -- and
17 members should pay attention, because there will
18 be an immediate meeting of the Corporations
19 Committee in Room 332, followed by a meeting of
20 the Finance Committee.

21 So I'll repeat it one more time
22 because there aren't a lot of members here.
23 There will be an immediate meeting of the
24 Corporations Committee in Room 332, followed by a
25 meeting of the Finance Committee.

1 In the interim, I believe we will
2 stand at ease.

3 ACTING PRESIDENT VALESKY: The
4 Senate will stand at ease pending the return of
5 the meeting of the Corporations Committee,
6 followed by the Finance Committee, in Room 332.

7 (Whereupon, the Senate stood at ease
8 at 3:38 p.m.)

9 (Whereupon, the Senate reconvened at
10 3:52 p.m.)

11 ACTING PRESIDENT VALESKY: Senator
12 Libous.

13 SENATOR LIBOUS: Mr. President, I
14 believe there's a report of the Finance Committee
15 at the desk. I ask that it be read at this time.

16 ACTING PRESIDENT VALESKY: The
17 Secretary will read the report of the Finance
18 Committee.

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

22 As a member of the Buffalo and
23 Fort Erie Public Bridge Authority, Anthony M.
24 Masiello, of Buffalo.

25 ACTING PRESIDENT VALESKY: Senator

1 DeFrancisco.

2 SENATOR DeFRANCISCO: Yes,
3 Mr. President, I would move the nomination of
4 Anthony Masiello for the position of board member
5 of the Buffalo and Fort Erie Public Bridge
6 Authority.

7 Tony has an incredible record. Many
8 of us had served with him in the Senate, but he's
9 also served as the mayor of the City of Buffalo
10 and on the Buffalo City Council. If anyone knows
11 the western part of this state, Anthony Masiello
12 does and will protect our interests of the State
13 of New York on this authority.

14 But the main reason I support him is
15 because of who he's associated with with his law
16 firm: Masiello, Martucci & Calabrese. I mean,
17 how can there be a better mix and more
18 diversity? They're all from different regions of
19 Italy.

20 (Laughter.)

21 SENATOR DeFRANCISCO: So that's
22 called sub -- sub -- what is it, sub -- I forgot
23 what it was. I don't want to bring that up.

24 But in any event, he's a great
25 nominee, a great person, and he'll do a wonderful

1 job.

2 ACTING PRESIDENT VALESKY: Thank
3 you, Senator DeFrancisco.

4 Senator Grisanti on the nomination.

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

7 Thirty-five years working in
8 government, Tony Masiello. And he truly does
9 understand the business of Western New York. The
10 bridge between Canada and Buffalo, vital
11 commerce, economic and trade with our partner,
12 Southern Ontario, that bring goods back and forth
13 not only in the State of New York but the entire
14 Southern Tier and the southern part of this
15 nation.

16 And there's issues going on right
17 now with the bridge, a five-person board.
18 Actually, a 10-person board, five on the Canadian
19 side, five on the American side. One has
20 resigned just recently, leaving only four on the
21 American side.

22 So I urge all my colleagues here to
23 unanimously support Tony Masiello to go onto this
24 bridge authority so you could have a five-on-five
25 as far as a voting bloc. He understands the

1 concepts, living in Western New York his entire
2 life, and what needs to be done with regards to
3 the Peace Bridge Authority and having a shared
4 revenue in a shared fashion not only on the
5 Canadian side but also on the American side.

6 So I urge his support, and I second
7 the nomination.

8 Thank you, Mr. President.

9 ACTING PRESIDENT VALESKY: Thank
10 you, Senator Grisanti.

11 Senator Maziarz on the nomination.

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

14 We have Senator DeFrancisco and
15 Senator Grisanti supporting former Senator
16 Masiello. Well, that's not diversity in my
17 book. From the Polish perspective, we support
18 Tony Masiello too.

19 This is a great appointment by the
20 Governor at a very critical moment in the history
21 of Western New York. We have waited for many
22 years for something to happen on our side of the
23 Peace Bridge, this major gateway into the whole
24 northeastern corridor of the United States.

25 And as Senator Grisanti pointed out,

1 Tony Masiello has the right background, the
2 knowledge about the importance of this and the
3 importance of getting our fair share of resources
4 from the Peace Bridge Authority.

5 They spent \$100 million on a
6 beautiful new entranceway on the Canadian side.
7 And clearly a lot of the walls on the U.S. side,
8 the barriers that had been put up before as far
9 as obtaining property, have come down recently.
10 And we have to take a large leap forward now on
11 the U.S. side. And Governor Cuomo is right,
12 Tony Masiello is the individual to do it.

13 So I second his nomination,
14 Mr. President.

15 ACTING PRESIDENT VALESKY: Thank
16 you, Senator Maziarz.

17 Senator Gallivan on the nomination.

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

20 I too rise in support of the
21 nomination of Tony Masiello as a member of the
22 Buffalo/Fort Erie Public Peace Bridge Authority.

23 Many of you have experience in
24 working with Tony in this chamber and in Buffalo
25 in his capacity as mayor. I too, back in my days

1 as sheriff, had a long-standing relationship with
2 Tony. And he's just truly an outstanding public
3 servant.

4 As Senator Maziarz mentioned, this
5 is a critical time. We've been waiting for years
6 and years and years to try to move something
7 forward that can help to contribute to
8 Western New York and New York State's economy,
9 and the Peace Bridge is vital to that.

10 And with the recent issues that
11 they've had there, I can't think of a better
12 person that grew up in the shadows, lives in the
13 shadows of the Peace Bridge and has the
14 relationships with the people to help advance our
15 interests.

16 So I will vote aye on this,
17 Mr. President, and I thank Tony for serving
18 again.

19 ACTING PRESIDENT VALESKY: Thank
20 you, Senator Gallivan.

21 Senator Nozzolio on the nomination.

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

24 Mr. President and my colleagues, all
25 I know is that when Tony Masiello served in the

1 Senate, the Bills were in the Super Bowl. And
2 Gallivan, Grisanti, Kennedy have not stood to
3 that task as following in the legacy of
4 Senator Masiello.

5 (Laughter.)

6 SENATOR NOZZOLIO: But a great
7 appointment, Mr. President. As my colleagues
8 have well stated, it's an important job, and I
9 couldn't think of anyone more qualified for this
10 position than the nominee, Anthony "Tony"
11 Masiello.

12 We call him Senator, we call him
13 Mayor. He's a public servant through and
14 through. And we believe certainly this will be a
15 very, very important role in the next step as he
16 moves forward in this position. I only hope that
17 he can counsel Senators Kennedy, Gallivan and
18 Grisanti on how to get those Bills, the
19 Buffalo Bills, back in the Super Bowl.

20 Thank you, Mr. President.

21 ACTING PRESIDENT VALESKY: Thank
22 you, Senator Nozzolio.

23 Senator Ranzenhofer on the
24 nomination.

25 SENATOR RANZENHOFER: Thank you,

1 Mr. President.

2 I also rise in support of the
3 nominee and commend the Governor for an excellent
4 choice.

5 As I mentioned during our
6 confirmation hearing before the Corporations
7 Committee, I think that the former mayor, former
8 Senator, and an individual with great
9 private-sector experience brings the right level
10 of maturity and professionalism and gravitas to a
11 very delicate situation which is going on there
12 right now.

13 I think his years of public service,
14 his knowledge of the issues, his likability and
15 ability to get along with everybody -- with,
16 again, his seasoned approach in the Senate and as
17 mayor -- will certainly be very good for the
18 Peace Bridge Authority, it will be very good for
19 the United States. And I'm very glad to join in
20 the recommendation and seconding of Mr. Masiello
21 for this position.

22 Thank you.

23 ACTING PRESIDENT VALESKY: Thank
24 you, Senator Ranzenhofer.

25 Senator Kennedy on the nomination.

1 SENATOR KENNEDY: Thank you very
2 much, Mr. President.

3 It is with great pride and
4 tremendous privilege that I stand here to second
5 the nomination of Tony Masiello to the Peace
6 Bridge Authority. Just an incredible man -- a
7 statesman, a gentleman, a diplomat, somebody that
8 has the right demeanor to get to the Peace Bridge
9 Authority at the right time to, pun intended,
10 create a bridge between the nations, the
11 United States and Canada.

12 Over the course of his tremendous
13 career, he has gone out of his way to help
14 people. He's a civic-minded individual that
15 cares deeply about the City of Buffalo, about
16 Western New York, about New York State. And no
17 one can argue against that.

18 Between being the mayor of Buffalo,
19 a New York State Senator, a councilman, a
20 basketball star on the courts at Canisius
21 College, Tony Masiello has what it takes to lead
22 our community of New York State, our community in
23 Western New York, and really our nation on the
24 Peace Bridge Authority.

25 It is a tremendous honor to be able

1 to stand on this floor to vote for him today. I
2 congratulate the Governor on a very, very good
3 nomination.

4 I also want to make a very important
5 announcement that with former Mayor Masiello's
6 leadership, the Buffalo Bills will be winning the
7 Super Bowl this upcoming season with a new GM, a
8 new coach, a new quarterback, and now a new
9 appointee to the Peace Bridge Authority.

10 So thanks for pointing that out, and
11 I'm happy that we in Buffalo can once again
12 deliver for the people of New York State.

13 Thank you.

14 ACTING PRESIDENT VALESKY: Thank
15 you, Senator Kennedy.

16 The question is on the nomination of
17 Anthony M. Masiello as a member of the Buffalo
18 and Fort Erie Public Bridge Authority. All in
19 favor signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT VALESKY: Opposed,
22 nay.

23 (No response.)

24 ACTING PRESIDENT VALESKY: Anthony
25 M. Masiello is hereby confirmed as a member of

1 the Buffalo and Fort Erie Public Bridge
2 Authority.

3 Congratulations.
4 (Standing ovation.)

5 ACTING PRESIDENT VALESKY: Senator
6 Libous.

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

9 At this time could we have the
10 reading of the noncontroversial calendar, please.

11 ACTING PRESIDENT VALESKY: The
12 Secretary will read.

13 THE SECRETARY: Calendar Number
14 338, by Senator Nozzolio, Senate Print 3298 --

15 SENATOR LIBOUS: Lay the bill aside
16 for the day.

17 ACTING PRESIDENT VALESKY: The bill
18 is laid aside for the day.

19 THE SECRETARY: Calendar Number
20 500, by Senator Fuschillo, Senate Print 750, an
21 act to amend the Vehicle and Traffic Law.

22 ACTING PRESIDENT VALESKY: Read the
23 last section.

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

1 ACTING PRESIDENT VALESKY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT VALESKY: Senator
5 Fuschillo to explain his vote.

6 SENATOR FUSCHILLO: Thank you,
7 Mr. President.

8 I just want to thank my colleagues
9 for their support of this legislation. This is
10 another measure to combat drinking and driving in
11 the State of New York.

12 In the last ten years, there have
13 been almost a half a billion arrests in the
14 State of New York for those who choose to drink
15 and drive. In the last eight years, there's been
16 almost 3,000 fatalities, and in the last nine
17 years, about 65,000 alcohol-related injuries in
18 the State of New York.

19 While we have some of the strongest
20 anti-drunk driving laws in the nation, we need to
21 continually review this issue and we need to do
22 more. I vote yes.

23 ACTING PRESIDENT VALESKY: Senator
24 Fuschillo to be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: Ayes, 58. Nays,
2 2. Senators Montgomery and Perkins recorded in
3 the negative.

4 ACTING PRESIDENT VALESKY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 562, by Senator Bonacic, Senate Print 2039, an
8 act to amend the Environmental Conservation Law.

9 ACTING PRESIDENT VALESKY: Read the
10 last section.

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

13 ACTING PRESIDENT VALESKY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT VALESKY: Announce
17 the results.

18 THE SECRETARY: In relation to
19 Calendar Number 562, those recorded in the
20 negative are Senators Espaillat, Gipson, Hoylman,
21 Kennedy, Perkins and Serrano.

22 Ayes, 54. Nays, 6.

23 ACTING PRESIDENT VALESKY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 572, by Senator Hannon, Senate Print 3912A, an
2 act to amend the Public Health Law.

3 ACTING PRESIDENT VALESKY: Read the
4 last section.

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

7 ACTING PRESIDENT VALESKY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT VALESKY: Announce
11 the results.

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT VALESKY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 575, by Senator Marcellino, Senate Print 3616, an
17 act to amend the Alcoholic Beverage Control Law.

18 ACTING PRESIDENT VALESKY: Read the
19 last section.

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

22 ACTING PRESIDENT VALESKY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT VALESKY: Announce

1 the results.

2 THE SECRETARY: Ayes, 60. Nays,

3 1. Senator Diaz recorded in the negative.

4 ACTING PRESIDENT VALESKY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 586, by Senator Little, Senate Print 3766A, an
8 act to amend the General Municipal Law.

9 ACTING PRESIDENT VALESKY: Read the
10 last section.

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

13 ACTING PRESIDENT VALESKY: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT VALESKY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 596, by Senator Hannon, Senate Print 4838, an act
21 to limit the reduction of the mental health
22 census.

23 ACTING PRESIDENT VALESKY: Read the
24 last section.

25 THE SECRETARY: Section 7. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT VALESKY: Announce
6 the results.

7 THE SECRETARY: In relation to
8 Calendar Number 596, those recorded in the
9 negative are Senators Dilan, Espaillat, Gianaris,
10 Gipson, Hassell-Thompson, Hoylman, Krueger,
11 Perkins, Rivera, Sanders, Serrano, Squadron and
12 Tkaczyk.

13 Ayes, 48. Nays, 13.

14 ACTING PRESIDENT VALESKY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 598, by Senator Larkin, Senate Print 285, an act
18 to amend the Criminal Procedure Law.

19 ACTING PRESIDENT VALESKY: Read the
20 last section.

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

23 ACTING PRESIDENT VALESKY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT VALESKY: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar Number 598, those recorded in the
5 negative are Senators Dilan, Krueger, Montgomery,
6 Perkins and Rivera.

7 Ayes, 56. Nays, 5.

8 ACTING PRESIDENT VALESKY: The bill
9 is passed.
10 Senator DeFrancisco.

11 SENATOR DeFRANCISCO: I'm just
12 standing because we have a very distinguished
13 guest in the gallery and I'd like to recognize
14 him: Senator George Maziarz.

15 (Laughter.)

16 ACTING PRESIDENT VALESKY: The
17 Secretary will continue to read.

18 THE SECRETARY: Calendar Number
19 599, by Senator Fuschillo, Senate Print 746, an
20 act to amend the Penal Law.

21 ACTING PRESIDENT VALESKY: Read the
22 last section.

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

25 ACTING PRESIDENT VALESKY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT VALESKY: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar Number 599, those recorded in the
7 negative are Senators Espaillat,
8 Hassell-Thompson, Montgomery and Perkins.

9 Ayes, 57. Nays, 4.

10 ACTING PRESIDENT VALESKY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 600, by Senator LaValle, Senate Print 767, an act
14 to amend the Criminal Procedure Law.

15 ACTING PRESIDENT VALESKY: Read the
16 last section.

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

19 ACTING PRESIDENT VALESKY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT VALESKY: Announce
23 the results.

24 THE SECRETARY: In relation to
25 Calendar Number 600, those recorded in the

1 negative are Senators Dilan, Gipson,
2 Hassell-Thompson, Krueger, Montgomery, Perkins,
3 Rivera and Tkaczyk.

4 Ayes, 53. Nays, 8.

5 ACTING PRESIDENT VALESKY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 603, by Senator Golden, Senate Print 2248A, an
9 act to amend the Civil Rights Law.

10 ACTING PRESIDENT VALESKY: Read the
11 last section.

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

14 ACTING PRESIDENT VALESKY: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT VALESKY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 604, by Senator Klein, Senate Print 2368B, an act
22 to amend the Penal Law.

23 ACTING PRESIDENT VALESKY: Read the
24 last section.

25 THE SECRETARY: Section 11. This

1 act shall take effect on the first of November.

2 ACTING PRESIDENT VALESKY: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 60. Nays,

6 1. Senator Montgomery recorded in the negative.

7 ACTING PRESIDENT VALESKY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 605, by Senator Ball, Senate Print 2583, an act
11 to amend the Penal Law.

12 ACTING PRESIDENT VALESKY: Read the
13 last section.

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

16 ACTING PRESIDENT VALESKY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT VALESKY: Announce
20 the results.

21 THE SECRETARY: Ayes, 59. Nays,

22 2. Senators Montgomery and Perkins recorded in
23 the negative.

24 ACTING PRESIDENT VALESKY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 607, substituted earlier by Member of the
3 Assembly Stec, Assembly Print Number 5011A, an
4 act to amend the Criminal Procedure Law.

5 ACTING PRESIDENT VALESKY: Read the
6 last section.

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

9 ACTING PRESIDENT VALESKY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT VALESKY: Announce
13 the results.

14 THE SECRETARY: In relation to
15 Calendar Number 607, those recorded in the
16 negative are Senators Gipson, Krueger,
17 Montgomery, Perkins, Rivera and Tkaczyk.

18 Ayes, 55. Nays, 6.

19 ACTING PRESIDENT VALESKY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 608, by Senator Larkin, Senate Print 3530, an act
23 to amend the Criminal Procedure Law.

24 ACTING PRESIDENT VALESKY: Read the
25 last section.

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

3 ACTING PRESIDENT VALESKY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT VALESKY: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar Number 608, those recorded in the
10 negative are Senators Gipson, Krueger,
11 Montgomery, Perkins and Rivera.

12 Ayes, 56. Nays, 5.

13 ACTING PRESIDENT VALESKY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 609, by Senator Lanza, Senate Print 3600, an act
17 to amend the Criminal Procedure Law.

18 ACTING PRESIDENT VALESKY: Read the
19 last section.

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

22 ACTING PRESIDENT VALESKY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT VALESKY: Announce

1 the results.

2 THE SECRETARY: In relation to
3 Calendar Number 609, those recorded in the
4 negative are Senators Boyle, Dilan, Montgomery,
5 Perkins and Tkaczyk.

6 Ayes, 56. Nays, 5.

7 ACTING PRESIDENT VALESKY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 610, by Senator Young, Senate Print 3894A, an act
11 to amend the Criminal Procedure Law.

12 ACTING PRESIDENT VALESKY: Read the
13 last section.

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

16 ACTING PRESIDENT VALESKY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT VALESKY: Announce
20 the results.

21 THE SECRETARY: In relation to
22 Calendar Number 610, those recorded in the
23 negative are Senators Gipson, Krueger,
24 Montgomery, Perkins, Rivera and Tkaczyk.

25 Ayes, 55. Nays, 6.

1 ACTING PRESIDENT VALESKY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 611, by Senator Grisanti, Senate Print 4003, an
5 act to amend the Criminal Procedure Law.

6 ACTING PRESIDENT VALESKY: Read the
7 last section.

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

10 ACTING PRESIDENT VALESKY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT VALESKY: Announce
14 the results.

15 THE SECRETARY: In relation to
16 Calendar Number 611, those recorded in the
17 negative are Senators Griffo, Little, Montgomery,
18 Perkins, Rivera, Tkaczyk and Young. Also Senator
19 Krueger.

20 Ayes, 53. Nays, 8.

21 ACTING PRESIDENT VALESKY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 612, by Senator LaValle, Senate Print 4580, an
25 act to amend the Criminal Procedure Law.

1 ACTING PRESIDENT VALESKY: Read the
2 last section.

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

5 ACTING PRESIDENT VALESKY: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT VALESKY: Announce
9 the results.

10 THE SECRETARY: In relation to
11 Calendar Number 612, those recorded in the
12 negative are Senators Krueger, Montgomery,
13 Perkins, Rivera and Tkaczyk.

14 Ayes, 56. Nays, 5.

15 ACTING PRESIDENT VALESKY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 613, by Senator Skelos, Senate Print 4790, an act
19 to amend the Criminal Procedure Law.

20 ACTING PRESIDENT VALESKY: Read the
21 last section.

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

24 ACTING PRESIDENT VALESKY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT VALESKY: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar Number 613, those recorded in the
6 negative are Senators Dilan, Espaillat,
7 Hassell-Thompson, Krueger, Montgomery, Perkins,
8 Rivera, Serrano and Tkaczyk.

9 Ayes, 52. Nays, 9.

10 ACTING PRESIDENT VALESKY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 614, by Senator Skelos, Senate Print 4791, an act
14 to amend the Penal Law.

15 ACTING PRESIDENT VALESKY: Read the
16 last section.

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

19 ACTING PRESIDENT VALESKY: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 59. Nays,
23 2. Senators Montgomery and Perkins recorded in
24 the negative.

25 ACTING PRESIDENT VALESKY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 615, by Senator Nozzolio, Senate Print 4893, an
4 act to amend the Criminal Procedure Law.

5 ACTING PRESIDENT VALESKY: Read the
6 last section.

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

9 ACTING PRESIDENT VALESKY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT VALESKY: Senator
13 Krueger to explain her vote.

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

16 Today we've had a series of
17 expansion of peace officer status bills. I'm
18 voting no on all of them, as a number of my
19 colleagues are. One starts to wonder if it would
20 be smarter to simply pass a bill saying everyone
21 in New York State is a peace officer unless they
22 opt out.

23 I think this is bad public policy.
24 My understanding is the Governor has taken the
25 position that he vetoes these bills because he

1 shares our recognition and concern that this has
2 all gotten a little out of hand, and I'm hoping
3 that he will veto these as well.

4 And perhaps there can be a broader
5 statewide discussion of who in fact are police
6 officers and why would we need to expand the
7 number of career paths that apparently also lead
8 to some definition of the ability to arrest and
9 chase criminals.

10 I will be voting no. Thank you,
11 Mr. President.

12 ACTING PRESIDENT VALESKY: Senator
13 Krueger to be recorded in the negative.

14 Announce the results.

15 THE SECRETARY: In relation to
16 Calendar Number 615, those recorded in the
17 negative are Senators Gipson, Krueger,
18 Montgomery, Perkins, Rivera, Sanders and Tkaczyk.

19 Ayes, 54. Nays, 7.

20 ACTING PRESIDENT VALESKY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 708, by Senator DeFrancisco, Senate Print 339, an
24 act to amend the Navigation Law.

25 ACTING PRESIDENT VALESKY: Read the

1 last section.

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

4 ACTING PRESIDENT VALESKY: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT VALESKY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 709, by Senator Kennedy, Senate Print 371, an act
12 to amend the Penal Law.

13 ACTING PRESIDENT VALESKY: Read the
14 last section.

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

17 ACTING PRESIDENT VALESKY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT VALESKY: Senator
21 Kennedy to explain his vote.

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

24 Members of our nation's armed forces
25 make great sacrifices in service to the

1 United States of America. They leave their
2 families, their friends, their entire lives
3 behind in order to protect our freedom and defend
4 our democracy. They put their lives on the line
5 to ensure our nation remains safe.

6 We can never thank our veterans and
7 active-duty servicemembers enough for their
8 valiant acts of courage on behalf of this great
9 nation. And when the soldiers complete their
10 duties and return home from their service, it
11 becomes our duty to stand up and do all we can to
12 protect them and their families. Our work on
13 behalf of veterans needs to start with connecting
14 them to good-paying job opportunities and
15 protecting their opportunities to achieve success
16 in business.

17 This bill aims to do just that. It
18 seeks to prevent criminals from deceiving
19 veterans out of business opportunities they've
20 earned through their service. It makes the
21 impersonation of a disabled veteran vendor a
22 punishable offense. Committing this truly
23 shameful act not only deceives the buying public,
24 it also inflicts serious economic pain upon the
25 men and women who make great sacrifices in

1 service to our country.

2 Today we take a step toward
3 establishing a real deterrent to this criminal
4 activity. It will stop people who try to cheat
5 the system and steal from veterans. Today we
6 seek to deliver this message: In New York State
7 you won't get away with defrauding veterans out
8 of benefits they've earned. We protect our
9 veterans, and this legislation is an important
10 next step.

11 As we prepare this week for
12 Memorial Day, in communities across our state
13 there will be celebrations and commemorations.
14 There is no better time to reflect on the service
15 and sacrifices of our veterans and to take action
16 on legislation that protects their interests.

17 I thank my colleagues for your
18 support on this important measure, and I extend
19 my deepest gratitude to the brave men and women
20 who have served our nation in the armed forces.

21 Thank you, Mr. President. I vote
22 aye.

23 ACTING PRESIDENT VALESKY: Senator
24 Kennedy to be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT VALESKY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 711, by Senator Dilan, Senate Print 410, an act
6 to amend the General Municipal Law.

7 ACTING PRESIDENT VALESKY: Read the
8 last section.

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

11 ACTING PRESIDENT VALESKY: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 60. Nays,
15 1. Senator Ball recorded in the negative.

16 ACTING PRESIDENT VALESKY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 712, by Senator Grisanti, Senate Print 698, an
20 act to amend the Labor Law.

21 ACTING PRESIDENT VALESKY: Read the
22 last section.

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

25 ACTING PRESIDENT VALESKY: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT VALESKY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 715, by Senator Maziarz, Senate Print 1064, an
8 act to amend the Vehicle and Traffic Law.

9 ACTING PRESIDENT VALESKY: Read the
10 last section.

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

13 ACTING PRESIDENT VALESKY: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT VALESKY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 716, by Senator Robach, Senate Print 1174, an act
21 to amend the Domestic Relations Law.

22 ACTING PRESIDENT VALESKY: Read the
23 last section.

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

1 ACTING PRESIDENT VALESKY: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT VALESKY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 717, by Senator Flanagan, Senate Print 1452, an
9 act to amend the Correction Law.

10 ACTING PRESIDENT VALESKY: Read the
11 last section.

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

14 ACTING PRESIDENT VALESKY: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Senators Montgomery
18 and Perkins recorded in the negative.

19 Ayes, 59. Nays, 2.

20 ACTING PRESIDENT VALESKY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 718, by Senator Grisanti, Senate Print 1703, an
24 act to amend the Education Law.

25 ACTING PRESIDENT VALESKY: Read the

1 last section.

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

4 ACTING PRESIDENT VALESKY: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT VALESKY: Senator
8 Grisanti to explain his vote.

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

11 You know, this is the third year in
12 the Senate that this bill is going to pass. Now,
13 I don't know what else we can do, but I'm asking
14 every single Senator in this chamber to talk to
15 your Assemblymembers and tell them to get this
16 bill onto the floor and get it passed.

17 This is a no-brainer. This is about
18 instructing -- having instructions in school to
19 expand letting individuals know why you should
20 not pick on other individuals that have
21 disabilities. Rather than stopping at 6th grade,
22 going to 12th grade. People Inc. has already
23 done the curriculum. They have pilot programs in
24 Western New York, and it works. It prevents
25 bullying.

1 So it passes noncontroversial all
2 the time here. This is a no-brainer. You know,
3 ask your Assemblypeople. There is no reason why
4 this is not going to the floor.

5 And basically, with your help, I
6 think we can get this done. I think the Governor
7 will get this signed into law. And it's not
8 going to have any impact fiscally on the state.

9 So I vote aye, Mr. President. Thank
10 you very much. Thank you, my colleagues, and
11 please do that. Thank you.

12 ACTING PRESIDENT VALESKY: Senator
13 Grisanti to be recorded in the affirmative.

14 Results.

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT VALESKY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 719, by Senator Ranzenhofer, Senate Print 1862,
20 an act to amend the Elder Law.

21 ACTING PRESIDENT VALESKY: Read the
22 last section.

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

25 ACTING PRESIDENT VALESKY: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT VALESKY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 720, by Senator Nozzolio, Senate Print 1894 --

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

10 ACTING PRESIDENT VALESKY: The bill
11 is laid aside for the day.

12 THE SECRETARY: Calendar Number
13 721, by Senator Skelos, Senate Print 2017, an act
14 to amend the Correction Law.

15 ACTING PRESIDENT VALESKY: Read the
16 last section.

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

19 ACTING PRESIDENT VALESKY: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 58. Nays,
23 3. Senators Montgomery, Perkins and Sampson
24 recorded in the negative.

25 ACTING PRESIDENT VALESKY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 723, by Senator Golden, Senate Print 2108, an act
4 to amend the Executive Law.

5 ACTING PRESIDENT VALESKY: Read the
6 last section.

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

9 ACTING PRESIDENT VALESKY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT VALESKY: Senator
13 Hassell-Thompson to explain her vote.

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

16 While I agree with the intent of
17 this legislation, I am voting against its
18 adoption because I believe that the language of
19 the bill should be strengthened.

20 Other states with similar
21 legislation more clearly define and enunciate and
22 list those who would qualify as a law enforcement
23 officer. It's strange to me that in looking at
24 all the states who have a blue light law, that
25 our bills should be so different and rendered

1 inadequate because it does not in fact include
2 the major criteria that should be developed to
3 ensure that there are no mistakes.

4 One of the things that I think that
5 I would prefer to see this bill do is to mirror
6 those states that in my opinion better ensure
7 that our law enforcement is not given too much
8 authority that might be subject to potential
9 abuse.

10 So, Mr. President, I will be voting
11 no, and I encourage my colleagues to do so as
12 well.

13 ACTING PRESIDENT VALESKY: Senator
14 Hassell-Thompson to be recorded in the negative.

15 Results.

16 THE SECRETARY: Ayes, 58. Nays,
17 3. Senators Hassell-Thompson, Montgomery and
18 Perkins recorded in the negative.

19 ACTING PRESIDENT VALESKY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 724, by Senator Golden, Senate Print 2169, an act
23 to amend the Real Property Tax Law.

24 ACTING PRESIDENT VALESKY: Read the
25 last section.

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

3 ACTING PRESIDENT VALESKY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT VALESKY: Announce
7 the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT VALESKY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 725, by Senator Ball, Senate Print 2584, an act
13 to amend the Alcoholic Beverage Control Law.

14 ACTING PRESIDENT VALESKY: Read the
15 last section.

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

18 ACTING PRESIDENT VALESKY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT VALESKY: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar Number 725, those recorded in the
25 negative are Senators Avella, Diaz, Fuschillo,

1 Gipson, Krueger, Perkins, Rivera, Sanders and
2 Serrano.

3 Ayes, 52. Nays, 9.

4 ACTING PRESIDENT VALESKY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 726, by Senator Young, Senate Print 2619, an act
8 to amend the General Municipal Law.

9 ACTING PRESIDENT VALESKY: Read the
10 last section.

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

13 ACTING PRESIDENT VALESKY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT VALESKY:
17 Announce the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT VALESKY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 727, by Senator Young, Senate Print 2687, an act
23 to amend the Education Law.

24 ACTING PRESIDENT VALESKY: Read the
25 last section.

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

3 ACTING PRESIDENT VALESKY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT VALESKY: Announce
7 the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT VALESKY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 728, substituted earlier by Member of the
13 Assembly Buchwald, Assembly Print Number 3883, an
14 act to amend the Tax Law.

15 ACTING PRESIDENT VALESKY: Read the
16 last section.

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

19 ACTING PRESIDENT VALESKY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT VALESKY: Announce
23 the results.

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT VALESKY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 732, by Senator Libous --

4 SENATOR GIANARIS: Lay it aside,
5 please.

6 ACTING PRESIDENT VALESKY: The bill
7 is laid aside.

8 THE SECRETARY: Calendar Number
9 733, by Senator Martins, Senate Print 4065,
10 Concurrent Resolution of the Senate and Assembly.

11 ACTING PRESIDENT VALESKY: Call the
12 roll on the concurrent resolution.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT VALESKY: The
16 resolution is adopted.

17 THE SECRETARY: Calendar Number
18 734, by Senator Golden, Senate Print 4113, an act
19 to amend the Social Services Law.

20 ACTING PRESIDENT VALESKY: Read the
21 last section.

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

24 ACTING PRESIDENT VALESKY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT VALESKY: Senator
3 Krueger to explain her vote.

4 SENATOR KRUEGER: Thank you.

5 I find myself voting no on this bill
6 not because of a concern with the underlying
7 intention of the bill, which is to make sure that
8 people are not employed in daycare centers or
9 volunteer in daycare centers if they have
10 particular kinds of criminal convictions -- I
11 agree with that.

12 But it is also my understanding that
13 this bill would apply to the kinds of care
14 centers that operate out of people's homes which
15 are providing childcare to under six children at
16 a time, and that this bill would also apply to
17 any member of the household even if they are not
18 working in or volunteering in the childcare
19 provision.

20 So my concern is that there would be
21 an unintended consequence from this law actually
22 disallowing many residences from being able to
23 continue their functions as non-center-based
24 childcare.

25 And for example, you could have a

1 three-generation household with a grandmother who
2 had a historic felony involving prostitution and
3 who has absolutely nothing to do with the care of
4 the children, nor is she an employee or a
5 volunteer. But because it was in the home that
6 she also resided in, they'd no longer be able to
7 be licensed.

8 So I'm hoping that before this
9 actually moves into perhaps being passed in both
10 houses, the sponsor will consider reinterpreting
11 the definitions for this bill so as not to
12 actually prevent people from continuing home-care
13 services in childcare.

14 Thank you, Mr. President.

15 ACTING PRESIDENT VALESKY: Senator
16 Krueger to be recorded in the negative.

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar Number 734, those recorded in the
20 negative are Senators Espaillat, Krueger,
21 Montgomery and Perkins.

22 Ayes, 57. Nays, 4.

23 ACTING PRESIDENT VALESKY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 735, by Senator Golden, Senate Print 4249, an act
2 to amend the Labor Law.

3 ACTING PRESIDENT VALESKY: Read the
4 last section.

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

7 ACTING PRESIDENT VALESKY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT VALESKY: Announce
11 the results.

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT VALESKY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 736, by Senator Young, Senate Print 4331, an act
17 to amend the Agriculture and Markets Law.

18 ACTING PRESIDENT VALESKY: Read the
19 last section.

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

22 ACTING PRESIDENT VALESKY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT VALESKY: Announce

1 the results.

2 THE SECRETARY: Ayes, 60. Nays,
3 1. Senator Espaillat recorded in the negative.

4 ACTING PRESIDENT VALESKY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 737, by Senator Gallivan, Senate Print 4341, an
8 act to amend the Executive Law.

9 ACTING PRESIDENT VALESKY: Read the
10 last section.

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

13 ACTING PRESIDENT VALESKY: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT VALESKY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 738, by Senator Gallivan, Senate Print 4343, an
21 act to amend the Correction Law.

22 ACTING PRESIDENT VALESKY: Read the
23 last section.

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

1 ACTING PRESIDENT VALESKY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT VALESKY: Announce
5 the results.

6 THE SECRETARY: Ayes, 60. Nays, 1.
7 Senator Hassell-Thompson recorded in the
8 negative.

9 ACTING PRESIDENT VALESKY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 739, substituted earlier by Member of the
13 Assembly Thiele, Assembly Print Number 6906, an
14 act to amend the Environmental Conservation Law.

15 ACTING PRESIDENT VALESKY: Read the
16 last section.

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

19 ACTING PRESIDENT VALESKY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT VALESKY: Announce
23 the results.

24 THE SECRETARY: Ayes, 60. Nays,
25 1. Senator LaValle recorded in the negative.

1 ACTING PRESIDENT VALESKY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 740, substituted earlier by Member of the
5 Assembly Pretlow, Assembly Print Number 7336, an
6 act to amend the Racing, Pari-Mutuel Wagering and
7 Breeding Law.

8 ACTING PRESIDENT VALESKY: Read the
9 last section.

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

12 ACTING PRESIDENT VALESKY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT VALESKY: Announce
16 the results.

17 THE SECRETARY: Ayes, 60. Nays,
18 1. Senator Espaillat recorded in the negative.

19 ACTING PRESIDENT VALESKY: The bill
20 is passed.

21 Senator Libous, that completes the
22 noncontroversial reading of the calendar.

23 Senator Gianaris.

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

1 We neglected to mention when we
2 passed Calendar Number 728 that I believe that
3 was Senator Latimer's first bill passed in the
4 house.

5 ACTING PRESIDENT VALESKY:
6 Congratulations, Senator Latimer.

7 (Applause.)

8 ACTING PRESIDENT VALESKY: Senator
9 Libous.

10 SENATOR LIBOUS: Mr. President, I'm
11 disappointed that I have to stand before you and
12 say could we have the reading of the
13 controversial calendar.

14 (Laughter.)

15 ACTING PRESIDENT VALESKY: The
16 secretary will place Calendar Number 732 before
17 the Senate on the controversial calendar and ring
18 the bells.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 732, by Senator Libous, Senate Print 4001, an act
22 to authorize.

23 ACTING PRESIDENT VALESKY: Senator
24 Krueger.

25 SENATOR KRUEGER: If the sponsor

1 would please yield for a question.

2 ACTING PRESIDENT VALESKY: Senator
3 Libous, do you yield?

4 SENATOR LIBOUS: I sure will.

5 ACTING PRESIDENT VALESKY: The
6 sponsor yields.

7 SENATOR KRUEGER: Thank you.

8 So I was looking through a whole
9 package of other land transference bills that
10 have moved through this house in the past, and
11 each and every one of them describes the actual
12 parcel of land that is going to be transferred or
13 sold.

14 And so I am wondering where that
15 information is in your bill. Through you,
16 Mr. President.

17 SENATOR LIBOUS: Senator Krueger, I
18 didn't draft this bill myself. But I would tell
19 you that it's a pretty simple bill, and I'll
20 share with you what I know.

21 BOCES of Broome, Tioga, Chenango and
22 Delaware came to me and said: IBM gave us a
23 parcel of property. The property's value is I
24 believe about \$4,000. And even upstate, that's
25 not a lot. It must be a shed.

1 They would like very much to get rid
2 of the property, because it's costing them
3 money. And they wanted to avoid the public vote
4 because that would cost more money.

5 That's pretty much what I could
6 offer you, Senator Krueger, at this time. I
7 can't offer you any more. And I don't know how
8 the other bills are drafted. That's how this
9 bill is drafted, and I think it's pretty
10 self-explanatory.

11 I'm not sure that we have any
12 pro forma on how we draft certain kinds of bills,
13 but I would hope that that would give you enough
14 information to make a judgment on this.

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

17 ACTING PRESIDENT VALESKY: Senator
18 Krueger on the bill.

19 SENATOR KRUEGER: I appreciate the
20 Senator's explanation of describing the specific
21 property and the market value.

22 Again, for the record, I do think
23 there is a history in both houses that land
24 transfer bills and land sale bills between
25 counties and private entities or the state or a

1 municipality of the state and a private entity
2 have in history laid out explicitly what the
3 property is or what the history of the property
4 is for identification purposes.

5 And I, like the Senator, don't know
6 why it wasn't in this bill. But I would
7 encourage in the future people who are bringing
8 these bills to the floor should have the
9 information about the specific piece of land, the
10 description of who, what, where included in the
11 legislation.

12 Because not only does it I think
13 address our answers without having to ask them on
14 the floor, but I think it's an important record
15 of why this Legislature is making specific
16 decisions about the transfer and sale of other
17 governments' lands here in the Senate and the
18 Assembly.

19 I will be voting yes. Thank you,
20 Mr. President.

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

23 Seeing no other Senator who wishes
24 to be heard, the debate is closed.

25 The Secretary will ring the bells.

1 Senators are asked to proceed immediately to the
2 chamber for a vote.

3 Read the last section.

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

6 ACTING PRESIDENT VALESKY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT VALESKY: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar Number 732, absent from voting:
13 Senators Adams, Flanagan, Hannon and Sampson.

14 Ayes, 56.

15 ACTING PRESIDENT VALESKY: The bill
16 is passed.

17 Senator Libous, that completes the
18 controversial reading of the calendar.

19 SENATOR LIBOUS: Mr. President, at
20 this time, if you can go back to motions, I
21 believe Senator DeGianaris has a motion before
22 the house.

23 (Laughter.)

24 ACTING PRESIDENT VALESKY: Senator
25 Gianaris.

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

3 On behalf of Senator DeEspaillat,
4 please place a sponsor's star on Calendar
5 Number 729.

6 (Laughter.)

7 ACTING PRESIDENT VALESKY: So
8 ordered.

9 Senator Libous.

10 SENATOR LIBOUS: Mr. President, at
11 this time is there any further business before
12 the Senate?

13 ACTING PRESIDENT VALESKY: There is
14 no further business at the desk.

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

17 There being no further business, I
18 move that the Senate adjourn until Thursday,
19 May 23rd, at 11:00 a.m.

20 ACTING PRESIDENT VALESKY: On
21 motion, the Senate stands adjourned until
22 Thursday, May 23rd, at 11:00 a.m.

23 (Whereupon, at 4:58 p.m., the Senate
24 adjourned.)

25