

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 May 29, 2013

11 3:26 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 join with me as we recite the Pledge of
6 Allegiance to our Flag.

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

9 ACTING PRESIDENT GRIFFO: Senator
10 Libous.

11 SENATOR LIBOUS: Mr. President,
12 before we do our prayer today, we lost a dear
13 friend and a former member of this chamber,
14 Senator Caesar Trunzo. Could we please have a
15 moment of silence in honor of Senator Trunzo.

16 ACTING PRESIDENT GRIFFO: I would
17 ask all members and those in the audience to
18 continue to stand and to reflect on the memory
19 of the late Senator Caesar Trunzo.

20 (Whereupon, the assemblage
21 respected a moment of silence.)

22 ACTING PRESIDENT GRIFFO: Today's
23 prayer will be offered by Rabbi Josh Joseph, of
24 Yeshiva University in New York City.

25 Rabbi?

1 RABBI JOSEPH: Almighty and most
2 merciful God, thank You for the gift of memory.

3 Henry Molaison was a man with no
4 memory. After suffering multiple epileptic
5 seizures, he underwent an experimental procedure
6 which effectively terminated his ability to form
7 memories. Imagine just for a moment such an
8 existence -- trapped forever in one singular
9 moment in time, unable to understand the context
10 of one's life, the history of one's reality, the
11 past of one's present.

12 Father in heaven, You have blessed
13 us with the sacred gift of our memory. Allow us
14 to never take it for granted. You in Your
15 infinite wisdom designed memory as a reminder of
16 not only who we are but why we are. We remember
17 as individuals, as peoples, as countries.

18 Dear and benevolent God, just two
19 short days ago this country observed its
20 Memorial Day, a day in which we recalled the
21 lives lost of those who valiantly defended this
22 country -- our country -- from its enemies. We
23 remembered those who willingly paid the ultimate
24 sacrifice in securing and advancing freedom.

25 More than just a day off from work

1 spent shopping or at a barbecue, Americans took
2 the time to recall the foundational values of
3 freedom, tolerance and opportunity, which define
4 this magnificent country and the tremendous cost
5 at which that freedom has been protected and
6 maintained.

7 Almighty God, allow us to never
8 forget where we came from. In this age of
9 constant communication, in which constantly
10 updated Twitter feeds and news cycles compel us
11 to live in the now, in which anything and
12 everything is rendered obsolete without a
13 moment's notice, allow us to appreciate the
14 context of our existence which our faith and
15 values afford us.

16 Kahlil Gibran, a Lebanese-American
17 artist, poet and writer, once remarked that
18 yesterday is but today's memory and tomorrow is
19 today's dream.

20 Merciful God, enable the men and
21 women of this Senate to do their important work
22 with skill, passion, and reason, with eyes aimed
23 towards dreams of tomorrow while informed by the
24 memory of yesterday. Allow them to lead us into
25 the future while forever learning from the

1 lessons of our past.

2 And let us say amen.

3 ACTING PRESIDENT GRIFFO: Thank
4 you, Rabbi Joseph.

5 The reading of the Journal.

6 THE SECRETARY: In Senate, Tuesday,
7 May 28th, the Senate met pursuant to adjournment.
8 The Journal of Monday, May 27th, was read and
9 approved. On motion, Senate adjourned.

10 ACTING PRESIDENT GRIFFO: Without
11 objection, the Journal stands approved as read.

12 Presentation of petitions.

13 Messages from the Assembly.

14 The Secretary will read.

15 THE SECRETARY: On page 9, Senator
16 Fuschillo moves to discharge, from the Committee
17 on Transportation, Assembly Bill Number 31 and
18 substitute it for the identical Senate Bill
19 Number 776, Third Reading Calendar 62.

20 ACTING PRESIDENT GRIFFO: So
21 ordered.

22 THE SECRETARY: On page 23, Senator
23 Griffio moves to discharge, from the Committee on
24 Consumer Protection, Assembly Bill Number 6234
25 and substitute it for the identical Senate Bill

1 Number 4363, Third Reading Calendar 450.

2 ACTING PRESIDENT GRIFFO: So
3 ordered.

4 THE SECRETARY: On page 33, Senator
5 Lanza moves to discharge, from the Committee on
6 Education, Assembly Bill Number 833 and
7 substitute it for the identical Senate Bill
8 Number 2283, Third Reading Calendar 643.

9 ACTING PRESIDENT GRIFFO: So
10 ordered.

11 May I have some order in the
12 chamber, please.

13 The Secretary will continue.

14 THE SECRETARY: On page 33, Senator
15 Flanagan moves to discharge, from the Committee
16 on Education, Assembly Bill Number 6712 and
17 substitute it for the identical Senate Bill
18 Number 5134, Third Reading Calendar 645.

19 ACTING PRESIDENT GRIFFO: So
20 ordered.

21 THE SECRETARY: On page 34, Senator
22 Klein moves to discharge, from the Committee on
23 Finance, Assembly Bill Number 2893 and substitute
24 it for the identical Senate Bill Number 2439,
25 Third Reading Calendar 650.

1 ACTING PRESIDENT GRIFFO: So
2 ordered.

3 THE SECRETARY: On page 34,
4 Senator DeFrancisco moves to discharge, from the
5 Committee on Finance, Assembly Bill Number 4772C
6 and substitute it for the identical Senate Bill
7 Number 3435C, Third Reading Calendar 653.

8 ACTING PRESIDENT GRIFFO: So
9 ordered.

10 THE SECRETARY: On page 37,
11 Senator Nozzolio moves to discharge, from the
12 Committee on Housing, Construction and Community
13 Development, Assembly Bill Number 884 and
14 substitute it for the identical Senate Bill
15 Number 5071, Third Reading Calendar 676.

16 ACTING PRESIDENT GRIFFO: So
17 ordered.

18 THE SECRETARY: And on page 38,
19 Senator Bonacic moves to discharge, from the
20 Committee on Transportation, Assembly Bill Number
21 5176 and substitute it for the identical Senate
22 Bill Number 3935, Third Reading Calendar 686.

23 ACTING PRESIDENT GRIFFO: So
24 ordered.

25 Messages from the Governor.

1 Reports of standing committees.

2 Reports of select committees.

3 Communications and reports from
4 state officers.

5 Motions and resolutions.

6 Senator Libous.

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

9 ACTING PRESIDENT GRIFFO: Senator
10 Gianaris.

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

13 On behalf of Senator Montgomery, on
14 page number 23 I offer the following amendments
15 to Calendar Number 442, Senate Print 1420, and
16 ask that said bill retain its place on Third
17 Reading Calendar.

18 ACTING PRESIDENT GRIFFO: The
19 amendments are received, and the bill shall
20 retain its place on third reading.

21 SENATOR GIANARIS: On behalf of
22 Senator Addabbo, on page number 27 I offer the
23 following amendments to Calendar 512, Senate
24 Print 4403, and ask that said bill retain its
25 place on Third Reading Calendar.

1 ACTING PRESIDENT GRIFFO: The
2 amendments are also received, and the bill shall
3 retain its place on third reading.

4 SENATOR GIANARIS: On behalf of
5 Senator Dilan, on page number 8 I offer the
6 following amendments to Calendar Number 10,
7 Senate Print 390, and ask that said bill retain
8 its place on Third Reading Calendar.

9 ACTING PRESIDENT GRIFFO: The
10 amendments are received, and the bill shall
11 retain its place on third reading.

12 SENATOR GIANARIS: On behalf of
13 Senator Avella, on page number 30 I offer the
14 following amendments to Calendar Number 567,
15 Senate Print 4544A, and ask that said bill retain
16 its place on Third Reading Calendar.

17 ACTING PRESIDENT GRIFFO: The
18 amendments are received, and the bill shall
19 retain its place on third reading.

20 SENATOR GIANARIS: And finally,
21 Mr. President, on behalf of Senator Espaillat, on
22 page number 36 I offer the following amendments
23 to Calendar 674, Senate Print 1740, and ask that
24 said bill retain its place on Third Reading
25 Calendar.

1 ACTING PRESIDENT GRIFFO: The
2 amendments are also received, and the bill shall
3 retain its place on third reading.

4 Senator Libous.

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

7 On behalf of Senator Maziarz, on
8 page 10 I offer the following amendments to
9 Calendar Number 101, Senate Print 2512A, and ask
10 that said bill retain its place on the Third
11 Reading Calendar.

12 ACTING PRESIDENT GRIFFO: The
13 amendments are received, and the bill shall
14 retain its place on third reading.

15 SENATOR LIBOUS: On behalf of
16 Senator Maziarz, I wish to call up his bill,
17 Print Number 3806B, recalled from the Assembly,
18 which is now at the desk.

19 ACTING PRESIDENT GRIFFO: The
20 Secretary will read.

21 THE SECRETARY: Calendar Number
22 102, by Senator Maziarz, Senate Print 3806B, an
23 act to amend the Energy Law.

24 ACTING PRESIDENT GRIFFO: Senator
25 Libous.

1 SENATOR LIBOUS: Mr. President, I
2 now move to reconsider the vote by which this
3 bill was passed.

4 ACTING PRESIDENT GRIFFO: Call the
5 roll on reconsideration.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 53.

8 SENATOR LIBOUS: Mr. President, I
9 offer up the following amendments.

10 ACTING PRESIDENT GRIFFO: The
11 amendments are received.

12 Senator Libous.

13 SENATOR LIBOUS: Mr. President, I
14 have a number of amendments to send to the order
15 of third reading:

16 Senator Gallivan, on page 10,
17 Calendar Number 74, Senate Print 583B.

18 Senator Lanza, page 13, Calendar
19 Number 198, Senate Print 3702.

20 Senator Seward, page 13, Calendar
21 Number 206, Senate Print 4171A.

22 A very important one: Senator
23 Libous, page 13, Calendar Number 208, and it's
24 Senate Print 4191.

25 Senator Marcellino, page 17,

1 Calendar Number 314, Senate Print 4126.

2 Senator Nozzolio, page 18, Calendar
3 Number 338, Senate Print 3298.

4 Senator Golden, page 19, Calendar
5 Number 360, Senate Print 2094.

6 Senator Ritchie, page 21, Calendar
7 Number 406, Senate Print 4299.

8 Senator Golden, page 22, Calendar
9 Number 436, Senate Print 3851.

10 Senator LaValle, page 36, Calendar
11 Number 669, Senate Print 4873.

12 And last but not least, Senator
13 Lanza, page 39, Calendar 700, Senate Print 4960.

14 Mr. President, I move that these
15 bills retain their place on the Third Reading
16 Calendar.

17 ACTING PRESIDENT GRIFFO: All the
18 amendments have been received, and the bills
19 shall retain their place on third reading.

20 Senator Libous.

21 SENATOR LIBOUS: Mr. President,
22 there will be an immediate meeting of the
23 Finance Committee in Room 332. There will be an
24 immediate meeting of the Finance Committee in
25 Room 332.

1 The Senate will not stand at ease.
2 We have some resolutions that we will take up
3 while the Finance Committee is meeting.

4 So when Finance is complete, we
5 would ask members to come back to the chamber.

6 ACTING PRESIDENT GRIFFO: There's
7 an immediate meeting of the Senate Finance
8 Committee in Room 332. The Senate will continue
9 in session on resolutions.

10 Senator Libous.

11 SENATOR LIBOUS: Mr. President, we
12 will just pause a moment to let members leave the
13 chamber because sometimes that's a little noisy,
14 their shoes squeak, and the doors are open.

15 Mr. President.

16 ACTING PRESIDENT GRIFFO: Senator
17 Libous.

18 SENATOR LIBOUS: If we could have a
19 little order in the house, I'd like to proceed.

20 ACTING PRESIDENT GRIFFO: Can we
21 have some order in the chamber, please.

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

24 There's a resolution at the desk by
25 Senator Marchione. It is Resolution Number

1 1769. It was previously adopted by this house on
2 May 21st. Could we call the resolution up, read
3 it in its entirety, and call on the good Senator,
4 please.

5 ACTING PRESIDENT GRIFFO: The
6 Secretary will read.

7 THE SECRETARY: Legislative
8 Resolution Number 1769, by Senator Marchione,
9 commending Jimmy Landry of Stillwater, New York,
10 in recognition of his heroic action in performing
11 the live saving Heimlich maneuver to save a
12 fellow classmate.

13 "WHEREAS, It is the custom of this
14 Legislative Body to acknowledge the heroic acts
15 of young citizens who voluntarily take immediate
16 and appropriate action to safeguard the health
17 and safety of others; and

18 "WHEREAS, Jimmy Landry of
19 Stillwater, New York, is a sixth grader at
20 Stillwater Middle School; and

21 "WHEREAS, In his first-period class
22 at Stillwater Middle School, 12-year-old Jimmy
23 Landry heard a cough from a nearby classmate and
24 observed the classmate clutching his throat,
25 strangling and gasping 'Help me'; and

1 "WHEREAS, Jimmy Landry immediately
2 hurried to his classmate's assistance and
3 performed a life-saving Heimlich maneuver; and

4 "WHEREAS, The courageous and quick
5 actions of Jimmy Landry of Stillwater, New York,
6 accomplished with consummate skill and
7 distinguished bravery, are an inspiration to his
8 fellow New Yorkers; and

9 "WHEREAS, Through his voluntary
10 commitment to respond as a concerned citizen, and
11 to protect and safeguard the safety and welfare
12 of his neighbors and community, Jimmy Landry has
13 unselfishly contributed to the advancement of
14 that spirit of united purpose and shared concern
15 which is the cornerstone of community life in
16 this state and nation; and

17 "WHEREAS, It is the sense of this
18 Legislative Body that when an act of such heroism
19 is brought to our official attention, the same
20 should be memorialized for the edification and
21 emulation of all; now, therefore, be it

22 "RESOLVED, That this Legislative
23 Body pause in its deliberations to commend
24 Jimmy Landry of Stillwater, New York, in
25 recognition of his heroic action in performing

1 the lifesaving Heimlich maneuver to save a fellow
2 classmate; and be it further

3 "RESOLVED, That a copy of this
4 resolution, suitably engrossed, be transmitted to
5 Jimmy Landry."

6 ACTING PRESIDENT GRIFFO: Senator
7 Marchione.

8 SENATOR MARCHIONE: Thank you,
9 Mr. President. I rise for the purposes of an
10 introduction.

11 They say a hero can come in many
12 shapes and sizes. We can now add ages to that
13 description of a hero. Joining us today is
14 Jimmy Landry, a 12-year-old constituent from my
15 43rd Senate District. Jimmy Landry is a very
16 bright, exceptional young man whose quick
17 thinking and quick action saved the life of a
18 classmate.

19 I share the following details of
20 Jimmy Landry's heroism courtesy of an article by
21 Jennie Grey, a reporter with The Saratogian
22 newspaper that serves my district. Jimmy Landry
23 is 12 years old and a 6th grader at Stillwater
24 Middle School in my Senate district. Back in
25 March, Jimmy was in first period with 20 other

1 children when a friend who was finishing
2 breakfast began to cough and clutch his throat.

3 While some of his classmates were
4 unaware, confused and scared, Jimmy took quick
5 and decisive action that saved his friend's
6 life. Jimmy quickly went to his friend and
7 performed the Heimlich maneuver, a lifesaving
8 technique that has saved countless choking
9 victims, as described and depicted by posters in
10 the school cafeteria. Jimmy performed the
11 lifesaving move perfectly and saved the life of
12 his friend who previously had been choking.
13 Afterward, Jimmy's friend kept telling him "Thank
14 you, thank you, thank you," a sentiment that we
15 all share.

16 As part of his reward for saving his
17 friend's life, Jimmy received hot cocoa and two
18 doughnuts from his high school principal. Jimmy
19 gave one of those doughnuts to his friend whose
20 life he had saved, but he did tell him that he'd
21 better not choke on it.

22 Jimmy's mother, Jen Colarusso,
23 described Jimmy as "a 40-year-old-man in a
24 12-year-old body," in that he is incredibly aware
25 of what is happening around him. Jimmy's

1 aptitude testing shows he is very bright and
2 could work in challenging fields such as
3 mechanical or nuclear engineering, although his
4 mother says Jimmy should own a business since, in
5 her words, "he likes to be in charge."

6 Whatever career path Jimmy takes,
7 one thing is certain. He is a true hero with a
8 bright and promising future ahead of him. I have
9 no doubt that Jimmy Landry will be very
10 successful at whatever he sets his mind to.
11 Jimmy enjoys Ski Club, Outdoor Club and LEGOs.
12 He also likes cars and he enjoys building
13 things.

14 Jimmy Landry is visiting us today
15 with his grandfather, Rick Pellett, and his mom
16 and dad.

17 Mr. President and my colleagues,
18 please join me in offering our deepest
19 appreciation and praise for my constituent
20 Jimmy Landry for his bravery and decisiveness
21 that saved a friend's life.

22 Jimmy, you are a true hero. Thank
23 you for making a positive difference.

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator Marchione.

2 (Standing ovation.)

3 ACTING PRESIDENT GRIFFO: The
4 resolution was adopted on May 21st.

5 We welcome Jimmy and his family to
6 the chambers today. Congratulations, Jimmy, very
7 well done. And good luck to you.

8 Senator Libous.

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

11 Mr. President, I believe there are
12 three previously adopted resolutions by
13 Senator O'Brien. They are numbers 1992, 1993 and
14 1994. And we would like the three of them read
15 in their entirety, and then I believe Senator
16 O'Brien would like to speak on them.

17 ACTING PRESIDENT GRIFFO: The
18 Secretary will read.

19 THE SECRETARY: Legislative
20 Resolution Number 1992, by Senator O'Brien,
21 commending Mawia Elawad of the School of Arts
22 High School in Rochester, New York, upon the
23 occasion of her outstanding scholarship and
24 pursuit of higher education.

25 "WHEREAS, It is the sense of this

1 Legislative Body to act in accord with its
2 long-standing traditions, honoring the youth of
3 today and leaders of tomorrow, whose character
4 and achievements best exemplify ideals and values
5 cherished by this great state and nation; and

6 "WHEREAS, It is also the custom of
7 this Legislative Body to commend and pay tribute
8 to those people who, by achieving outstanding
9 success in their educational endeavors, have
10 inspired and brought pride to our majestic
11 Empire State; and

12 "WHEREAS, Mawia Elawad will graduate
13 from the School of Arts High School in Rochester,
14 New York, in June of 2013, and will be attending
15 Alfred University in the fall; and

16 "WHEREAS, An international student
17 from Sudan, Mawia Elawad is a recipient of an
18 acceptance to an excellent institution of higher
19 learning; she will be the first person in her
20 family to attend college; and

21 "WHEREAS, Mawia Elawad has so
22 eminently displayed ability, talent and maturity
23 so rarely attained in youthful years; and

24 "WHEREAS, This occasion presents a
25 unique opportunity for this Legislative Body to

1 commend Mawia Elawad upon the occasion of her
2 outstanding scholarship and pursuit of higher
3 education; and

4 "WHEREAS, Recognizing the value of
5 her learning experience, as well as the fruits of
6 her dedicated labor, Mawia Elawad now stands with
7 poise and purpose to face the challenges of an
8 exciting and meaningful new experience in higher
9 education; and

10 "WHEREAS, It is appropriate to
11 celebrate the individual accomplishments of
12 remarkable students in this great Empire State;
13 and

14 "WHEREAS, This Legislative Body is
15 justly proud to recognize and applaud Mawia
16 Elawad on her noteworthy educational endeavors;
17 now, therefore, be it

18 "RESOLVED, That this Legislative
19 Body pause in its deliberations to commend
20 Mawia Elawad of the School of Arts High School in
21 Rochester, New York, upon the occasion of her
22 outstanding scholarship and pursuit of higher
23 education; and be it further

24 "RESOLVED, That a copy of this
25 resolution, suitably engrossed, be transmitted to

1 Mawia Elawad."

2 ACTING PRESIDENT GRIFFO: The
3 Secretary will continue to read.

4 THE SECRETARY: Legislative
5 Resolution 1993, by Senator O'Brien, commending
6 Junwan Ge of the School of Arts High School of
7 Rochester, New York, upon the occasion of her
8 outstanding scholarship and pursuit of higher
9 education.

10 "WHEREAS, It is the sense of this
11 Legislative Body to act in accord with its
12 long-standing traditions, honoring the youth of
13 today and leaders of tomorrow, whose character
14 and achievements best exemplify ideals and values
15 cherished by this great state and nation; and

16 "WHEREAS, It is also the custom of
17 this Legislative Body to commend and pay tribute
18 to those people who, by achieving outstanding
19 success in their educational endeavors, have
20 inspired and brought pride to our majestic
21 Empire State; and

22 "WHEREAS, Junwan Ge will graduate
23 from the School of Arts High School in
24 Rochester, New York, in June of 2013, and will be
25 attending University at Buffalo in the fall; she

1 maintained a 4.0 grade point average in high
2 school; and

3 "WHEREAS, An international student
4 from China, Junwan Ge is a recipient of an
5 acceptance to an excellent institution of higher
6 learning; she will be the second child in her
7 family to attend college; and

8 "WHEREAS, Junwan Ge has so eminently
9 displayed ability, talent and maturity so rarely
10 attained in youthful years; and

11 "WHEREAS, This occasion presents a
12 unique opportunity for this Legislative Body to
13 commend Junwan Ge upon the occasion of her
14 outstanding scholarship and pursuit of higher
15 education; and

16 "WHEREAS, Recognizing the value of
17 her learning experience, as well as the fruits of
18 her dedicated labor, Junwan Ge now stands with
19 poise and purpose to face the challenges of an
20 exciting and meaningful new experience in higher
21 education; and

22 "WHEREAS, It is appropriate to
23 celebrate the individual accomplishments of
24 remarkable students in this great Empire State;
25 and

1 "WHEREAS, This Legislative Body is
2 justly proud to recognize and applaud Junwan Ge
3 for her noteworthy educational endeavors; now,
4 therefore, be it

5 "RESOLVED, That this Legislative
6 Body pause in its deliberations to commend
7 Junwan Ge of the School of Arts High School in
8 Rochester, New York, upon the occasion of her
9 outstanding scholarship and pursuit of higher
10 education; and be it further

11 "RESOLVED, That a copy of this
12 resolution, suitably engrossed, be transmitted to
13 Junwan Ge."

14 ACTING PRESIDENT GRIFFO: The
15 Secretary will continue to read.

16 THE SECRETARY: Legislative
17 Resolution Number 1994, by Senator O'Brien,
18 commending Julia Otchych of the School of Arts
19 School in Rochester, New York, upon the occasion
20 of her outstanding scholarship and pursuit of
21 higher education.

22 "WHEREAS, It is the sense of this
23 Legislative Body to act in accord with its
24 long-standing traditions, honoring the youth of
25 today and leaders of tomorrow, whose character

1 and achievements best exemplify ideals and values
2 cherished by this great state and nation; and

3 "WHEREAS, It is also the custom of
4 this Legislative Body to commend and pay tribute
5 to those people who, by achieving outstanding
6 success in their educational endeavors, have
7 inspired and brought pride to our majestic
8 Empire State; and

9 "WHEREAS, Julia Otchych will
10 graduate from the School of Arts High School in
11 Rochester, New York, in June of 2013, and will be
12 attending SUNY Oswego in the fall; and

13 "WHEREAS, An international student
14 from the Ukraine, Julia Otchych is a recipient of
15 an acceptance to an excellent institution of
16 higher learning; she will be the first person in
17 her family to attend college; and

18 "WHEREAS, Julia Otchych has so
19 eminently displayed ability, talent and maturity
20 so rarely attained in youthful years; and

21 "WHEREAS, This occasion presents a
22 unique opportunity for this Legislative Body to
23 commend Julia Otchych upon the occasion of her
24 outstanding scholarship and pursuit of higher
25 education; and

1 "WHEREAS, Recognizing the value of
2 her learning experience, as well as the fruits of
3 her dedicated labor, Julia Otchych now stands
4 with poise and purpose to face the challenges of
5 an exciting and meaningful new experience in
6 higher education; and

7 "WHEREAS, It is appropriate to
8 celebrate the individual accomplishments of
9 remarkable students in this great Empire State;
10 and

11 "WHEREAS, This Legislative Body is
12 justly proud to recognize and applaud
13 Julia Otchych for her noteworthy educational
14 endeavors; now, therefore, be it

15 "RESOLVED, That this Legislative
16 Body pause in its deliberations to commend Julia
17 Otchych of the School of Arts High School in
18 Rochester, New York, upon the occasion of her
19 outstanding scholarship and pursuit of higher
20 education; and be it further

21 "RESOLVED, That a copy of this
22 resolution, suitably engrossed, be transmitted to
23 Julia Otchych."

24 ACTING PRESIDENT GRIFFO: Senator
25 O'Brien.

1 SENATOR O'BRIEN: Thank you,
2 Mr. President.

3 I would like to take an additional
4 moment to acknowledge these three very special
5 young people who have traveled here from
6 Rochester today. I'm proud to present Mawia
7 Elawad, Junwan Ge, and Julia Otchych. All three,
8 as has been said, are students at Rochester
9 School of the Arts, a public magnet high school
10 in the City of Rochester.

11 They have something even more
12 important in common. All three are
13 first-generation Americans who worked hard and
14 studied to become naturalized citizens, and all
15 three are members of the first generation of
16 their families to go to college.

17 All three students are on track to
18 graduate high school in a few weeks and are
19 preparing to attend excellent New York State
20 institutions of higher learning this fall.
21 Mawia, whose family is Sudanese, will be
22 attending Alfred University. Junwan, whose
23 family is Chinese, is heading for the University
24 of Buffalo. And Julia, whose family is
25 Ukrainian, will study at SUNY Oswego.

1 It's truly inspiring to me to see
2 these three students following the American dream
3 by pursuing higher education at great
4 institutions of higher learning. Our modern
5 economy now demands knowledge workers, people
6 capable of creative problem-solving and
7 generating innovative new ideas. It is creative
8 problem-solvers who are going to help remake the
9 Empire State. And I feel confident that these
10 three friends here are on the right track towards
11 joining these ranks.

12 At every stage in our history,
13 newcomers to this country have been instrumental
14 in every major new field of study or
15 accomplishment. I am very proud to both
16 represent these outstanding young people and to
17 also call them fellow New Yorkers and Americans.
18 I wish them the best of luck in their studies and
19 ask you to all please join me in recognizing them
20 for their accomplishments.

21 (Standing ovation.)

22 ACTING PRESIDENT GRIFFO: Thank
23 you, Senator O'Brien.

24 As indicated, the resolutions have
25 previously been adopted.

1 We welcome the students,
2 congratulate them, and wish them the best of
3 luck.

4 Senator Libous.

5 SENATOR LIBOUS: Mr. President, if
6 Finance has concluded, which I just got the nod
7 that it has not, when it does conclude, we're
8 going to call an immediate meeting of the
9 Rules Committee.

10 Until then, we'll just kind of stand
11 at ease, and then we'll make the announcement
12 when Finance has concluded.

13 ACTING PRESIDENT GRIFFO: There
14 will be an immediate meeting of the
15 Rules Committee following the entrance of the
16 Finance Committee.

17 The Senate will stand temporarily at
18 ease.

19 (Whereupon, the Senate stood at ease
20 at 3:53 p.m.)

21 (Whereupon, the Senate reconvened at
22 4:04 p.m.)

23 ACTING PRESIDENT GRIFFO: The
24 Senate will come to order.

25 Senator Libous.

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

3 I'm told that the Finance Committee
4 has finished their meeting, and that the Rules
5 Committee will now meet in Room 332. So there
6 will be an immediate meeting of the
7 Rules Committee in Room 332.

8 ACTING PRESIDENT GRIFFO: There
9 will be an immediate meeting of the
10 Rules Committee in Room 332.

11 The Senate will stand at ease.

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

14 (Whereupon, the Senate stood at ease
15 at 4:05 p.m.)

16 (Whereupon, the Senate reconvened at
17 4:39 p.m.)

18 ACTING PRESIDENT GRIFFO: The
19 Senate will come to order.

20 SENATOR LIBOUS: Mr. President, can
21 we please go back to motions for a second.

22 ACTING PRESIDENT GRIFFO: I would
23 ask for some order in the chamber, please.

24 Senator Libous, we'll return to
25 motions and resolutions.

1 SENATOR LIBOUS: On behalf of
2 Senator Young, I wish to call up her bill, 4578,
3 recalled from the Assembly, which is now at the
4 desk.

5 ACTING PRESIDENT GRIFFO: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 472, by Senator Young, Senate Print 4578, an act
9 to amend Chapter 321 of the Laws of 2011.

10 SENATOR LIBOUS: Mr. President, I
11 move to reconsider the vote by which this bill
12 was passed.

13 ACTING PRESIDENT GRIFFO: Call the
14 roll on reconsideration.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61.

17 SENATOR LIBOUS: Mr. President, I
18 offer up the following amendments.

19 ACTING PRESIDENT GRIFFO: The
20 amendments are received.

21 SENATOR LIBOUS: Mr. President, I
22 believe there's a report of the Rules Committee
23 at the desk. Can we move to accept the report of
24 the Rules Committee.

25 ACTING PRESIDENT GRIFFO: The Rules

1 Committee report is at the desk.

2 The Secretary will read.

3 THE SECRETARY: Senator Skelos,
4 from the Committee on Rules, reports the
5 following bills:

6 Senate Print 552, by Senator
7 DeFrancisco, an act to amend the Social Services
8 Law;

9 Senate 918, by Senator Serrano, an
10 act to amend the Parks, Recreation and Historic
11 Preservation Law;

12 Senate 1885A, by Senator Bonacic, an
13 act to amend the Town Law;

14 Senate 2478, by Senator Lanza, an
15 act to amend the Judiciary Law;

16 Senate 2611, by Senator Young, an
17 act to amend the Social Services Law;

18 Senate 2617A, by Senator Young, an
19 act to amend the Social Services Law;

20 Senate 3037, by Senator DeFrancisco,
21 an act to amend the Judiciary Law;

22 Senate 3081, by Senator Young, an
23 act to amend the Municipal Home Rule Law;

24 Senate 4114, by Senator Golden, an
25 act to amend the Social Services Law;

1 Senate 4821, by Senator Gallivan, an
2 act to amend the Correction Law;

3 Senate 5066, by Senator Savino, an
4 act to amend Chapter 436 of the Laws of 1997;

5 Senate 5167, by Senator Grisanti, an
6 act to amend the Not-For-Profit Corporation Law;

7 Senate 5324A, by Senator Maziarz, an
8 act to amend the Social Services Law;

9 And Senate 5559, by Senator Martins,
10 an act to amend Part X of Chapter 62 of the
11 Laws of 2003.

12 All bills reported direct to third
13 reading.

14 ACTING PRESIDENT GRIFFO: All in
15 favor of accepting the Committee on Rules report
16 signify by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT GRIFFO: Opposed,
19 nay.

20 (No response.)

21 ACTING PRESIDENT GRIFFO: The Rules
22 report is accepted.

23 Senator Libous.

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

1 At this time I'd like to do the
2 reading of the noncontroversial calendar.

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number 17,
6 by Senator Marcellino, Senate Print 1511A, an act
7 to amend the Vehicle and Traffic Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number 33,
19 by Senator Grisanti, Senate Print 292, an act to
20 amend the Environmental Conservation Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

23 THE SECRETARY: Section 3. 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, 58. Nays,
4 3. Senators Espallat, Perkins and Serrano
5 recorded in the negative.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number 62,
9 substituted earlier by Member of the Assembly
10 Rosenthal, Assembly Print 31, an act to amend the
11 Public Authorities Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number 79,
23 by Senator Marcellino, Senate Print 1516A, an act
24 to amend the Education Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT GRIFFO: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar Number 79, those recorded in the
11 negative are Senators Dilan, Espaillat,
12 Hassell-Thompson, Hoylman, Montgomery, Parker,
13 Perkins, Rivera and Serrano.

14 Ayes, 52. Nays, 9.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number 90,
18 by Senator Hassell-Thompson, Senate Print 3338,
19 an act to amend the Correction Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 146, by Senator Seward, Senate Print 3084A, an
7 act to amend the Insurance Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

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

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 161, by Senator Flanagan, Senate Print 3726, an
21 act to amend the Highway Law.

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

24 The Secretary will read the last
25 section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 60. Nays,
7 1. Senator Ball recorded in the negative.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 162, by Senator Flanagan, Senate Print 3727, an
12 act to amend the Highway Law.

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

15 The Secretary will read the last
16 section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60. Nays,
23 1. Senator Ball recorded in the negative.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 165, by Senator Lanza, Senate Print 2177, an act
3 to amend Chapter 759 of the Laws of 1973.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 218, by Senator Libous, Senate Print 976, an act
16 to amend the Civil Service Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

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

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 286, by Senator Zeldin, Senate Print 3823B, an
5 act to amend the Environmental Conservation Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 59. Nays,
14 2. Senators Espaillat and Serrano recorded in
15 the negative.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Also Senator
19 Perkins. Ayes, 58. Nays, 3.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 303, by Senator Maziarz, Senate Print 1081A, an
24 act to amend the New York State Urban Development
25 Corporation Act.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT GRIFFO: Senator
9 Espaillat to explain his vote.

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

12 Once again we have another bill
13 before us, dozens of bills have been taken up to
14 assist the agricultural, in this case the dairy
15 farms in our state. Yet farmworkers continue not
16 to get a day's rest. They continue not to get
17 paid overtime in many of these farms. They
18 continue not to have the right to collectively
19 bargain. They work under very serious, very
20 damaging conditions.

21 And as we continue to assist in this
22 case the dairy farms by allowing them grants and
23 low-interest loans so they can have energy
24 efficient improvements, these men and women
25 continue to perish and live under inhumane

1 conditions in these farms. I will continue to
2 vote no on this bill until we take up the
3 farmworkers bill this session.

4 Thank you, Mr. President.

5 ACTING PRESIDENT GRIFFO: Senator
6 Espaillat to be recorded in the negative.

7 Announce the results.

8 THE SECRETARY: Ayes, 60. Nays,
9 1. Senator Espaillat recorded in the negative.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 323, by Senator Martins, Senate Print 932, an act
14 to amend the General Municipal Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

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

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 329, by Senator Nozzolio, Senate Print 3752, an
4 act authorizing.

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

7 The Secretary will read the last
8 section.

9 THE SECRETARY: Section 4. This
10 act shall take effect immediately.

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

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

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: In relation to
19 Calendar 329: Ayes, 61.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 342, by Senator Fuschillo, Senate Print 4245, an
24 act to amend the Vehicle and Traffic Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 60. Nays,
8 1. Senator Ball recorded in the negative.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 Calendar Number 360 was amended
12 earlier today. The bill is high and we will not
13 be acting on it. The Secretary will read --

14 SENATOR LIBOUS: Just say the bill
15 is high.

16 ACTING PRESIDENT GRIFFO: The bill
17 is high.

18 The Secretary will read Calendar
19 450.

20 THE SECRETARY: Calendar Number
21 450, substituted earlier by Member of the
22 Assembly Robinson, Assembly Print 6234, an act to
23 amend the General Business 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 ACTING PRESIDENT GRIFFO: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar Number 450, those recorded in the
10 negative are Senators Avella, Ball, Espaillat,
11 Felder, Fuschillo, Montgomery, Perkins, Robach,
12 Sanders and Serrano.

13 Ayes, 51. Nays, 10.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 451, by Senator Maziarz, Senate Print 4494A, an
18 act to amend the General Business Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 452, by Senator Young, Senate Print 2049B, an act
6 to amend the Agriculture and Markets 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, 61.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 471, by Senator Marchione, Senate Print 4553A, an
19 act to amend the Environmental Conservation Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 514, by Senator Martins, Senate Print 4681A, an
7 act to amend the Highway Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 519, by Senator Robach, Senate Print 1017, an act
20 to amend the Executive Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 525, by Senator O'Mara, Senate Print 3473, an act
8 to amend the Tax Law.

9 SENATOR GIANARIS: Lay it aside.

10 ACTING PRESIDENT GRIFFO: Lay the
11 bill aside.

12 THE SECRETARY: Calendar Number
13 550, by Senator Lanza, Senate Print 2142, an act
14 to prohibit the expenditure of state and local
15 funds.

16 SENATOR GIANARIS: Lay it aside.

17 ACTING PRESIDENT GRIFFO: Lay the
18 bill aside.

19 THE SECRETARY: Calendar Number
20 554, by Senator Klein, Senate Print 2372, an act
21 to amend the Agriculture and Markets Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 60. Nays, 1.
5 Senator Ball recorded in the negative.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 642, by Senator Grisanti, Senate Print 868, an
10 act to amend the Education Law.

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 ACTING PRESIDENT GRIFFO: Announce
19 the results.

20 THE SECRETARY: In relation to
21 Calendar Number 642, those recorded in the
22 negative are Senators Adams, Avella, Breslin,
23 Dilan, Espaillat, Gianaris, Gipson,
24 Hassell-Thompson, Hoylman, Kennedy, Krueger,
25 Latimer, Montgomery, O'Brien, Parker, Peralta,

1 Perkins, Rivera, Sanders, Serrano, Squadron,
2 Stavisky, Stewart-Cousins, and Tkaczyk.

3 Ayes, 37. Nays, 24.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 643, substituted earlier by Member of the
8 Assembly O'Donnell, Assembly Print Number 833, an
9 act to amend the Education Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 645, substituted earlier by Member of the
22 Assembly Maisel, Assembly Print Number 6712, an
23 act to amend Chapter 552 of the Laws of 1995.

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, 61.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 650, substituted earlier by Member of the
11 Assembly Crespo, Assembly Print Number 2893, an
12 act to amend the Public Health Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 651, by Senator Martins, Senate Print 3141, an
25 act to amend.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 653, substituted earlier by Member of the
13 Assembly Magnarelli, Assembly Print Number 4772C,
14 an act to amend Chapter 58 of the Laws of 2006.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60. Nays,
23 1. Senator Ball recorded in the negative.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 654, by Senator O'Mara, Senate Print 3471, an act
3 to amend the Tax Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

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

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

15 I am voting no on this bill because,
16 when we give a tax exemption, the message is
17 clear: We want to incentivize the use of that
18 product. And in fact in the 21st century we
19 don't want to incentivize the use of petroleum
20 products, we want to incentivize sustainable,
21 green, alternative energy options for
22 businesses. And in fact we offer quite an array
23 of NYSERDA grants and tax incentives for
24 businesses to retrofit and modernize their
25 facilities.

1 So in fact by creating a petroleum
2 product tax exemption, we are actually working
3 against our other pro-environmental models that
4 we have worked to create, so we are going to lose
5 the state money. We are going to offer a
6 counterproductive incentive for petroleum
7 products. And we're actually going to discourage
8 the use of the tax credits and grants and NYSERDA
9 programs we have created to help businesses
10 retrofit to alternative preferable options.

11 I think it's bad public policy for
12 the state to pass this law.

13 Thank you, Mr. President.

14 ACTING PRESIDENT GRIFFO: Senator
15 Krueger to be recorded in the negative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 654, those recorded in the
19 negative are Senators Avella, Dilan, Espaillat,
20 Gianaris, Hassell-Thompson, Hoylman, Kennedy,
21 Krueger, Montgomery, Parker, Perkins, Rivera,
22 Sanders, Serrano, Squadron, Stavisky and Tkaczyk.

23 Ayes, 44. Nays, 17.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 656, by Senator Addabbo, Senate Print 4402, an
3 act to amend the Executive Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 657, by Senator DeFrancisco, Senate Print 5189,
16 an act to amend the State Finance Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 661, by Senator Savino, Senate Print 4953, an act
4 to amend the Labor Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: In relation to
16 Calendar Number 666, on page 36 Senator
17 Marcellino moves to discharge, from the Committee
18 on Investigations and Government Operations,
19 Assembly Bill Number 6895 and substitute it for
20 the identical Senate Bill Number 4309, Third
21 Reading Calendar 666.

22 ACTING PRESIDENT GRIFFO:
23 Substitution so ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 666, by Member of the Assembly Englebright,
2 Assembly Print Number 6895, an act to amend
3 Chapter 674 of the Laws of 1993.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60. Nays,
12 1. Senator Ball recorded in the negative.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 671, by Senator Marcellino, Senate Print 5314, an
17 act to amend the Public Lands 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, 61.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 Calendar Number 674 has been amended
4 earlier today, and the bill is high.

5 The Secretary will read Calendar
6 676.

7 THE SECRETARY: Calendar Number
8 676, substituted earlier by Member of the
9 Assembly Lifton, Assembly Print Number 884, an
10 act to amend the Public Housing Law.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60. Nays,
19 1. Senator Ball recorded in the negative.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 679, by Senator Larkin, Senate Print 1489, an act
24 to amend the Highway Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

2 THE SECRETARY: Section 3. 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, 61.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 680, by Senator Marcellino, Senate Print 1506, an
12 act to amend the Vehicle and Traffic Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 683, by Senator DeFrancisco, Senate Print 2311,
25 an act to amend the Vehicle and Traffic Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 59. Nays,
9 2. Senators Ball and Dilan recorded in the
10 negative.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: In relation to
14 Calendar Number 683: Ayes, 58. Nays, 3.
15 Senators Ball, Dilan and Montgomery recorded in
16 the negative.

17 ACTING PRESIDENT GRIFFO: The bill
18 is still passed.

19 THE SECRETARY: Calendar Number
20 684, by Senator O'Mara, Senate Print 3725, an act
21 to amend the Highway Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 685, by Senator Marchione, Senate Print 3781A, an
9 act to amend the Highway Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

12 THE SECRETARY: Section 3. 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, 61.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 686, substituted earlier by Member of the
22 Assembly Cahill, Assembly Print Number 5176, an
23 act to amend the Highway 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 SENATOR LIBOUS: Mr. President.

7 ACTING PRESIDENT GRIFFO: Senator
8 Libous.

9 SENATOR LIBOUS: We're moving along
10 at a fast clip, but Senator Marchione wanted to
11 explain her vote. She had her hand up on the
12 last bill, and I don't believe anybody saw it.

13 ACTING PRESIDENT GRIFFO: We
14 apologize, Senator Marchione.

15 Without objection, Senator Marchione
16 to explain her vote on the previous bill.

17 SENATOR MARCHIONE: Thank you.

18 I rise to offer my thanks for your
19 support of my bill designating a portion of the
20 state highway system as the Saratoga County
21 Veterans Memorial Highway. On behalf of many
22 heroic veterans across Saratoga County, thank you
23 for supporting this wonderful and worthwhile
24 initiative.

25 My bill designates the portion of

1 State Highway Route Number 4 in the Village of
2 Schuylerville, past the Saratoga National
3 Cemetery and the Saratoga Battlefield, through
4 the Town of Stillwater, the City of
5 Mechanicville, continuing south into the Town of
6 Waterford and ending at the Saratoga County line,
7 now named as the Saratoga County Veterans
8 Memorial Highway.

9 My legislation calls for the state
10 DOT commissioner to provide for the installation
11 and maintenance of adequate signing on the state
12 highway system indicating the new naming of this
13 expanse of roadway intended to memorialize
14 Saratoga County veterans.

15 My bill was called for and supported
16 by local VFWs, the American Legion post that sent
17 letters of support for this designation of the
18 Saratoga County Veterans Memorial Highway. In
19 addition, the Saratoga County Board of
20 Supervisors and the Veterans Committee passed a
21 resolution for this designation.

22 My bill would help increase the
23 visibility of the historic corner in
24 Saratoga County which was the location of the
25 Battle of Saratoga and the turning point of the

1 Revolutionary War. It also would benefit the
2 Saratoga National Cemetery and the New York State
3 Military Museum.

4 Our nation recently observed
5 Memorial Day and offered its thoughts, prayers,
6 and eternal thanks to America's fallen heroes who
7 sacrificed so much so that we may be forever
8 free. My legislation designationing the Saratoga
9 County Veterans Memorial Highway is meant to
10 ensure that we always keep our veterans in our
11 thoughts and are mindful of the fact that our
12 freedoms are not free.

13 I want to recognize and thank the
14 Saratoga County Board of Supervisors' Veterans
15 Committee on our local and outstanding veterans
16 organizations who have so supportive of and
17 helpful towards this effort. Today's passage of
18 the Saratoga County Veterans Memorial legislation
19 isn't a victory for me; instead, it's a victory
20 for all of our veterans as it memorializes their
21 heroic service and sacrifice.

22 We can never do enough or say thank
23 you enough to our courageous veterans, but we
24 should try and do so every day to let these brave
25 men and women know how much we truly appreciate

1 their service and sacrifice.

2 Thank you, Mr. President. And thank
3 you to my colleagues.

4 ACTING PRESIDENT GRIFFO:
5 Reannounce the results.

6 THE SECRETARY: In relation to
7 Calendar 685: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 686, substituted earlier by Member of the
12 Assembly Cahill, Assembly Print Number 5176, an
13 act to amend the Highway Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

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

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

25 Anyone who loves music knows

1 Levon Helm. This was a world-renowned musician
2 both internationally and nationally. He was
3 known for his music. He also acted in several
4 movies: "Coal Miner's Daughter," "The Right
5 Stuff," "The Shooter." I think he won Grammy
6 Awards for the album "Dirt Farmer" and the song
7 "The Night They Drove Old Dixie Down."

8 He was from Woodstock. He used to
9 conduct in his barn the Midnight Rambles that
10 still go on in Woodstock. He was a gentleman who
11 was a wonderful humanitarian in addition to being
12 a terrific musician.

13 He had different episodes of
14 illness, and you would never know it the way he
15 would treat his fans and the people that always
16 wanted to come up to his him and get autographs.

17 This is a wonderful tribute to his
18 legacy, and I thank the members for approving
19 this bill.

20 Thank you, Mr. President.

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

23 Senator Bonacic to be recorded in
24 the affirmative.

25 Senator Tkaczyk to explain her vote.

1 SENATOR TKACZYK: I want to thank
2 Senator Bonacic for bringing this bill to the
3 floor.

4 As the representative for Woodstock,
5 I can think of no better tribute to a wonderful
6 musician from Arkansas who became a symbol of
7 Woodstock and who did so much for Ulster County
8 and upstate New York.

9 So thank you, Senator Bonacic. And
10 I join my colleagues in supporting this bill.

11 ACTING PRESIDENT GRIFFO: Senator
12 Tkaczyk to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 687, by Senator Larkin, Senate Print 3992, an act
19 to amend the Vehicle and Traffic Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 688, by Senator Tkaczyk, Senate Print 4455, an
7 act to amend the Highway Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Senator Tkaczyk to
16 explain her vote.

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

19 As this is my first bill on the
20 floor, I wanted to point out that I am very proud
21 of this bill and I want to thank my colleagues
22 for supporting it.

23 The Mountain Cloves Scenic Byway is
24 a 41-mile corridor that stretches through several
25 towns and villages of Green County. They've

1 worked for a very long time on this bill, since
2 2005. This designation helps them to apply for
3 federal funding to improve the roads, and I know
4 they have a terrific plan to improve the economic
5 vitality in this area.

6 And I just want to thank everyone
7 for supporting this bill. Thank you.

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

10 Senator Gianaris.

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

13 As Senator Tkaczyk mentioned, this
14 is her first bill passing in the Senate, so we
15 should recognize that.

16 (Applause.)

17 ACTING PRESIDENT GRIFFO: The
18 Secretary will announce the results.

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 689, by Senator LaValle, Senate Print 4686, an
24 act to amend the Highway 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, 61.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 690, by Senator Fuschillo, Senate Print 5216, an
12 act to amend the Vehicle and Traffic Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 701, by Senator Maziarz, Senate Print 4886, an
25 act directing the New York State Energy Research

1 and Development Authority.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 THE SECRETARY: Ayes, 60. Nays,
9 1. Senator Ball recorded in the negative.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 705, by Senator Maziarz, Senate Print 5110, an
14 act to amend the Public Service Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Senator
23 Maziarz to explain his vote.

24 SENATOR MAZIARZ: Thank you very
25 much, Mr. President. I just wanted to comment on

1 this bill.

2 This will vastly expand or give the
3 opportunity to vastly expand electric car
4 charging stations in the State of New York.

5 You know, the Governor recently
6 announced some incentives for electronic cars.
7 The Public Service Commission initially was
8 thinking that every electronic charging station
9 would be treated as a public utility, every one
10 would be regulated by them. This bill makes it
11 very clear that they are not regulated by the
12 PSC.

13 This is going to provide an
14 opportunity for electric cars to really take off
15 in the State of New York.

16 Thank you, Mr. President. I vote in
17 the affirmative.

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

20 Announce the results.

21 THE SECRETARY: Ayes, 61.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 706, by Senator Maziarz, Senate Print 5149, an

1 act to amend the Public Service Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 Senator Libous, that completes the
13 reading of the noncontroversial calendar.

14 SENATOR LIBOUS: Mr. President, can
15 we now do the reading of the controversial
16 calendar.

17 ACTING PRESIDENT GRIFFO: The
18 Secretary will ring the bell.

19 Can I have some order in the
20 chamber, please.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 525, by Senator O'Mara, Senate Print 3473, an act
24 to amend the Tax Law.

25 SENATOR KRUEGER: Explanation.

1 ACTING PRESIDENT GRIFFO: Senator
2 Krueger has asked for an explanation, Senator
3 O'Mara.

4 SENATOR O'MARA: Yes,
5 Mr. President.

6 The purpose of this pill is to
7 correct an inequity in our Tax Law wherein
8 foreign corporations, out-of-state
9 corporations are currently provided a tax
10 exemption when they do business with an in-state
11 fulfillment service entity.

12 Now, fulfillment services has to do
13 with an in-state company that provides packaging
14 services, stores merchandise, fulfills orders and
15 ships the merchandise out in a venture with a
16 foreign, out-of-state company.

17 What this law seeks to do is to
18 treat, as corporations are, out-of-state LLCs and
19 partnerships so that they are receiving the same
20 exemption and opening New York State for
21 business, as we all want to do, and providing a
22 level playing field for those out-of-state
23 partnerships and LLCs that would like to utilize
24 a New York State fulfillment service company.

25 ACTING PRESIDENT GRIFFO: Senator

1 Krueger.

2 SENATOR KRUEGER: Thank you.
3 Through you, if the sponsor would please yield
4 for some questions.

5 ACTING PRESIDENT GRIFFO: Senator
6 O'Mara, do you yield?

7 SENATOR O'MARA: Yes,
8 Mr. President.

9 ACTING PRESIDENT GRIFFO: Senator
10 Krueger.

11 SENATOR KRUEGER: Thank you.
12 First, Senator O'Mara has explained
13 that this would provide some kind of parity for
14 the LLCs from out of the country with other
15 corporations. Can he explain how much the state
16 is losing in tax money from having carved out the
17 non-LLCs and foreign partnerships? What are we
18 losing now under our current carve-out of the
19 other businesses that are not LLCs or foreign
20 partnerships?

21 SENATOR O'MARA: I don't understand
22 the question. Are you asking how much the
23 exemption is for corporations that are foreign
24 corporations that currently receive it now?

25 SENATOR KRUEGER: Yes.

1 SENATOR O'MARA: I do not know that
2 information.

3 I do know the Division of Budget has
4 provided a fiscal note that estimates that
5 providing this exemption for the LLCs and the
6 foreign partnerships would be approximately
7 \$10 million annually.

8 Now, I would clarify a statement you
9 said before. This isn't regarding just foreign
10 partnerships that are out of country. These are
11 foreign entities, meaning a different state than
12 New York State, that wish to utilize fulfillment
13 services in New York.

14 SENATOR KRUEGER: Thank you.

15 Through you, Mr. President, if the
16 sponsor would continue to yield.

17 ACTING PRESIDENT GRIFFO: Senator?

18 SENATOR O'MARA: Yes,
19 Mr. President.

20 ACTING PRESIDENT GRIFFO: Senator
21 O'Mara yields.

22 SENATOR KRUEGER: Thank you.

23 Does the Senator know how many
24 companies would then be exempted from the State
25 of New York foreign partnership and limited

1 liability company personal income tax?

2 SENATOR O'MARA: I do not know the
3 number of -- currently what number of in-state
4 fulfillment service companies are doing business
5 with a foreign LLC or partnership. I don't have
6 that number.

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

10 SENATOR O'MARA: Yes,
11 Mr. President.

12 ACTING PRESIDENT GRIFFO: The
13 sponsor yields.

14 SENATOR KRUEGER: Thank you.

15 He keeps referencing business-
16 function fulfillment services. But as I read
17 this bill, this would apply to any -- exempt any
18 foreign partnership or out-of-state LLC from
19 paying the personal income tax. Is that correct,
20 that it's broader than just the potential
21 examples of fulfillment services?

22 SENATOR O'MARA: No, that is not
23 correct. You would have to take a read of
24 Article 9A of the Tax Law, which currently
25 explicitly exempts the corporations doing

1 business with fulfillment services and just
2 expands that exemption for corporations to the
3 LLCs and partnerships. And it's clearly stated
4 that it's just for these fulfillment services.

5 ACTING PRESIDENT GRIFFO: Senator
6 Krueger.

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

10 SENATOR O'MARA: Yes,
11 Mr. President.

12 ACTING PRESIDENT GRIFFO: The
13 sponsor yields.

14 SENATOR KRUEGER: Do these types of
15 companies pay other taxes to the State of
16 New York, or is this the only tax and now we
17 would be exempting them?

18 SENATOR O'MARA: I know this only
19 applies to their business-entity income taxes.
20 Whatever other taxes would be applicable, this
21 does not provide any exemption for that.

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

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR KRUEGER: Thank you.

3 So we don't know how many businesses
4 would be impacted. Do we have any idea where
5 these businesses are located?

6 SENATOR O'MARA: I'm sorry, I
7 missed the question, Senator.

8 ACTING PRESIDENT GRIFFO: Could you
9 repeat the question, Senator Krueger?

10 SENATOR KRUEGER: Thank you.

11 Through you, Mr. President. Do we
12 know where any of these businesses are located?

13 SENATOR O'MARA: I know there are
14 fulfillment services I would assume in most
15 every one of our districts. How many of those
16 are doing business with out-of-state LLCs or
17 partnerships I couldn't tell you.

18 I know, for instance, that I have
19 one within my district that has brought the
20 situation to my attention.

21 SENATOR KRUEGER: Thank you.

22 Through you, Mr. President, if the
23 sponsor would continue to yield.

24 SENATOR O'MARA: Yes.

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR KRUEGER: Because you
3 describe the fulfillment services such as
4 acceptance of orders, consumer correspondence,
5 billing, collection activities and the shipment
6 of orders, could this apply to Internet sales
7 companies where they are selling product that is
8 neither warehoused in the State of New York nor
9 sold through stores in the State of New York but
10 is sales-taxed currently or should be sales-taxed
11 in the State of New York? Do we know if sales
12 taxes apply to some of these types of
13 businesses?

14 SENATOR O'MARA: Well, this applies
15 here to these out-of-state businesses that do not
16 have a nexus to New York for purposes of paying
17 their income taxes. If the sales would be
18 subject to that -- this bill does not attempt to
19 cover anything with regards to the sales taxes.

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

23 SENATOR O'MARA: Yes,
24 Mr. President.

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR KRUEGER: So I appreciate
3 that the sponsor says he doesn't know how many
4 businesses there are or where they're located,
5 although perhaps in all the districts, but he
6 estimates the loss of revenue to the state at
7 \$10 million a year.

8 Do we know how many jobs are
9 expected to be retained which are at risk of
10 being lost if we don't pass this bill?

11 SENATOR O'MARA: Mr. President, I
12 do not have that number.

13 However, I'm aware of a certain
14 advertising campaign in New York State that says
15 we are open for business. We need to do all we
16 can to make New York State open for business, and
17 not just say we're open for business but actually
18 do it, so we can do business with companies from
19 other states and provide these services so that
20 our fulfillment service companies in New York can
21 do business with these entities where they will
22 otherwise go elsewhere to avoid this tax
23 consequence.

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

1 ACTING PRESIDENT GRIFFO: Senator
2 Krueger on the bill.

3 SENATOR KRUEGER: I want to thank
4 the sponsor for his answers.

5 I am frustrated because the sponsor
6 says there are businesses that would like this
7 tax deduction. It will cost the state
8 \$10 million. We don't know how many people they
9 employ. We don't know where they are, we don't
10 know who they are. We don't even know that they
11 wouldn't continue to do business in the State of
12 New York.

13 We seem to have a theme going this
14 year that perhaps will be expanded on soon that
15 let's just cut everybody's business taxes.

16 (Appause from Republican side.)

17 ACTING PRESIDENT GRIFFO: Can we
18 have some order in the house, please.

19 Senator Krueger.

20 SENATOR KRUEGER: Thank you.

21 So while some of my colleagues
22 applaud, here's my dilemma. I actually think our
23 business and corporate taxes should be fair and
24 equitable, we should have an even playing field,
25 and that I would prefer to see us lower

1 everybody's business taxes rather than make some
2 businesses tax-free. Which, by the way, equals
3 others having to pay more taxes.

4 Because if you exempt some people
5 from taxes such as this bill would do, or you
6 create geographic areas that you call tax-free,
7 which some others are proposing we do, but you
8 still have the same ongoing state costs of
9 running the government, somebody else is going to
10 pay more taxes. Because we don't get to print
11 money in the basement.

12 And so I'm very concerned when we
13 continue a pattern of expanding tax expenditures
14 and exempting entities from paying taxes to the
15 State of New York. I'm particularly concerned
16 when we do it without even knowing who it's
17 affecting -- who, what, where, how many jobs,
18 where are the jobs, what are the risks if we
19 don't do it. I'm not learning that today on this
20 floor.

21 But I do know if you cut this
22 \$10 million, conceivably next year it's
23 \$20 million and the year after it's \$30 million,
24 if you follow the patterns of five-year tracking
25 in the annual tax report of the New York State

1 tax expenditure budget. And I do know every time
2 we cut somebody's taxes, we are increasing
3 somebody somewhere else, because that's how it
4 works when you don't reduce the budget.

5 And I think it's a dangerous
6 precedent for us -- it's not a new precedent,
7 it's a dangerous precedent for us to continue to
8 expand on and grow bigger and bigger, because I
9 actually believe in an even playing field where
10 everybody in the State of New York knows what
11 their tax rates are going to be and nobody gets
12 an advantage over somebody else -- because again,
13 when you give one business a tax exemption and
14 not the other nine, you're actually leaving the
15 other nine with an unfair playing field and a
16 business disadvantage.

17 And so I don't like these kinds of
18 tax expenditures. That's not new to anyone here
19 on the floor. But I think we make a serious
20 mistake continuing down this road without being
21 able to answer the questions who, what, where,
22 why. And we don't have the answers today, I
23 don't have the answers from the sponsor.

24 I recommend a no vote.

25 Thank you, Mr. President.

1 ACTING PRESIDENT GRIFFO: Seeing
2 and hearing no other Senator who wishes to be
3 heard, debate is closed.

4 The Secretary will ring the bell.
5 Read the last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

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

13 SENATOR BALL: You know, sometimes
14 politicians actually say what they mean. And if
15 people would just listen, it's very interesting.
16 I think that that back-and-forth was extremely
17 for the five or six people who are going to watch
18 this at home.

19 But, you know, unless I'm wrong or
20 something has changed, I'm pretty sure that the
21 one who is speaking for the other side is the
22 ranker on Finance. And the quote went: "Every
23 time we cut somebody's taxes, we have to increase
24 somebody else's taxes, because that's the way it
25 works in New York."

1 And that's why 2 million people have
2 left. And the 2 million people who have left are
3 the people that run businesses, pay taxes, trying
4 to live the American dream. And they're going to
5 other states.

6 And this needs to be a wake-up
7 call. Just because you cut somebody's taxes
8 doesn't mean you have to increase somebody
9 else's. You cut somebody's taxes, that
10 \$10 million, \$20 million, that will bring in more
11 business and more revenue. And it was a
12 conservative Republican named Jack Kennedy who
13 cut the capital gains tax and saw an increase in
14 tax revenue overall.

15 Wake up before you lose another
16 2 million people. Because the people that this
17 state is losing are the people paying the taxes
18 that are paying for all your jobs and all your
19 social programs.

20 I vote yes.

21 ACTING PRESIDENT GRIFFO: Senator
22 Ball, how do you vote?

23 SENATOR BALL: Yes.

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

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar Number 525, those recorded in the
4 negative are Senators Addabbo, Avella, Breslin,
5 Dilan, Espaillat, Gianaris, Hassell-Thompson,
6 Hoylman, Krueger, Montgomery, Parker, Peralta,
7 Perkins, Rivera, Sanders, Serrano, Squadron,
8 Stavisky and Tkaczyk. Also Senator Kennedy.

9 Absent from voting: Senator
10 Sampson.

11 Ayes, 40. Nays, 20.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 Calendar 550.

15 THE SECRETARY: Calendar Number
16 550, by Senator Lanza, Senate Print 2142, an act
17 to prohibit.

18 SENATOR SQUADRON: Explanation.

19 ACTING PRESIDENT GRIFFO: Senator
20 Squadron, an explanation?

21 SENATOR SQUADRON: Yes,
22 Mr. President.

23 ACTING PRESIDENT GRIFFO: An
24 explanation is requested by Senator Squadron,
25 Senator Lanza.

1 SENATOR LANZA: Yes,
2 Mr. President. This is a very simple bill which
3 seeks to prevent the taxpayers of the State of
4 New York from having to divert hundreds of
5 millions if not billions of dollars away from
6 education, healthcare, our parks, our roads, in
7 order to pay for the costs associated with
8 providing civil trials to the enemy combatants,
9 those who have waged war against America in order
10 to destroy it.

11 ACTING PRESIDENT GRIFFO: Thank
12 you, Senator Lanza.

13 Senator Squadron.

14 SENATOR SQUADRON: Will the sponsor
15 yield for a question.

16 ACTING PRESIDENT GRIFFO: Senator
17 Lanza, do you yield?

18 SENATOR LANZA: Yes.

19 ACTING PRESIDENT GRIFFO: The
20 sponsor yields.

21 SENATOR SQUADRON: Thank you.

22 So just so that I understand the
23 nature of the bill -- and I know we've discussed
24 it in the past. In other words, if there's a
25 trial in, let's say, the federal courthouse in

1 the Southern District -- which happens to lie in
2 my district in Lower Manhattan, the residential
3 district, business district, one of the largest
4 downtowns in the country, a core part of our
5 state's economic health -- and the federal
6 government decides to have a trial there of
7 someone deemed an enemy combatant, then the
8 New York City Police Department will not be
9 allowed to protect my district if this bill
10 becomes law?

11 SENATOR LANZA: Mr. President, the
12 motivation for the legislation is very simple, I
13 believe. It's intended to spare the people of
14 the State of New York, the people of this
15 country, from the expense and the peril of
16 providing jihadists with a civil trial here in
17 New York.

18 And so I think there are a couple of
19 potential outcomes if this bill becomes a law.
20 First, the administration, the Obama
21 administration, in recognition of the fact that
22 this law was in place, would decide against
23 providing a civil trial to enemy combatants,
24 would decide against providing more favorable
25 treatment to those who want to destroy us than it

1 does to the American soldiers who want to defend
2 us.

3 Another outcome is that in spite of
4 all that, the Obama administration would decide
5 to go ahead and to provide that civil trial. In
6 that case, it would be the federal government, I
7 would assume, that would bear the cost.
8 Remember, the attacks of 9/11 were not attacks
9 against buildings, they weren't attacks against
10 one state or one group of people. These were
11 attacks against our nation.

12 And it is the responsibility of the
13 federal government -- chief among its
14 responsibilities is national security and
15 defending our nation. And so that in case the
16 administration were to go ahead even in the face
17 of this law, it would be my expectation that the
18 federal government, much in the way they provided
19 aid in the wake of Superstorm Sandy, would pay
20 for the costs associated with holding these very
21 dangerous trials here in New York.

22 SENATOR SQUADRON: If the sponsor
23 would continue to yield.

24 SENATOR LANZA: Yes.

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR SQUADRON: Is the sponsor
3 suggesting that the aid provided by the federal
4 government in the wake of Sandy is a sufficient
5 model for sufficient funding for a major priority
6 in the city and the state?

7 SENATOR LANZA: Mr. President, I'm
8 not sure I really understand the question. I was
9 not holding the model of Sandy up as a model for
10 defending the nation.

11 But what I will say is this.
12 Certainly providing civil trials to enemy
13 combatants, jihadists that have pledged their
14 lives to the cause of destroying America,
15 providing them with a civil trial affording them
16 all the peacetime protections of the Constitution
17 and the civil discovery that they would have
18 access to certainly would not be the right
19 strategy, in my mind, in defending the country.

20 SENATOR SQUADRON: If the sponsor
21 would continue to yield.

22 SENATOR LANZA: Yes.

23 ACTING PRESIDENT GRIFFO: The
24 sponsor yields.

25 SENATOR SQUADRON: And I'm familiar

1 with the ideological and political arguments
2 around civil trials versus military tribunals,
3 around the definitions of enemy combatants versus
4 not. And I understand that sometimes the
5 ideology or the politics takes over and obscures
6 what really matters on the ground.

7 I represent about 200,000 people in
8 Lower Manhattan who live in the vicinity of the
9 courthouse of the Southern District. Since 2001,
10 there have been 67 foreign terror suspects
11 convicted in U.S. federal courts, many of them in
12 the Southern District. On March 8th of this
13 year, Suleiman Abu Ghaith was arraigned in a
14 Manhattan federal court in my district.

15 And I just want to understand, is it
16 the sponsor's view that the bomb-sniffing dogs
17 that were deployed by the NYPD at that
18 arraignment in order to protect my constituents
19 and all of Lower Manhattan should not have been
20 there because they should not have been funded by
21 the NYPD?

22 SENATOR LANZA: Mr. President, of
23 course not.

24 First of all, let me say this. The
25 difference between a military tribunal and an

1 Article 3 court civil trial is not an ideological
2 difference, it is a real difference with real
3 ramifications.

4 At a civil trial we would be
5 affording jihadist terrorists -- who have
6 pledged, as I've said, their lives to the cause
7 of destroying us -- with constitutional
8 protections that are not afforded American
9 soldiers. Through civil discovery, these
10 terrorists would gain access and insight to our
11 intelligence. In fact, they would gain insight
12 to the very game plan that we have in place to
13 defend this nation.

14 So these are not ideological
15 distinctions, these are real differences in the
16 way you treat the enemies of our country that
17 would have real impacts on our state and our
18 nation.

19 And given the fact, as my colleague
20 just mentioned, that we are presently trying the
21 mastermind of 9/11, Khalid Sheikh Mohammed, in a
22 military tribunal trial, to have a civil trial
23 happen at that same time would allow that
24 mastermind to be afforded with insight to our
25 intelligence that he is not afforded in that

1 tribunal.

2 So this is a very dangerous policy.
3 The Congress of the United States passed
4 legislation -- and the President signed -- which
5 would prevent federal dollars to be used to
6 transfer detainees from Gitmo to the mainland
7 here in America.

8 The administration has gone through
9 hoops to try to avoid that legislation by -- in
10 the case of Osama Bin Laden's son-in-law which
11 was just mentioned by my colleague, they diverted
12 from Gitmo, put him on a boat and sent him here
13 when nobody was watching.

14 I think it's a dangerous policy.
15 There are a number of tools that we have at our
16 disposal here in New York; there are many we
17 don't when it comes to national security.

18 But of course I'm not saying that in
19 the event that either federal law or the will of
20 the people of both my colleague Senator
21 Squadron's district and mine, and people across
22 the State of New York -- who have spoken very
23 loudly, they don't want these terrorists brought
24 here in America.

25 But in the event that that happens,

1 certainly it ought to be the federal government
2 that pays for the costs associated with providing
3 these trials for enemies of America. Not enemies
4 of you or me or New York, people who have
5 declared and who are waging war against our
6 country. Of course those costs ought to be borne
7 by the federal government, by the nation, and not
8 by only the taxpayers here in New York.

9 And by the way, Mayor Bloomberg has
10 estimated that in cases where you would provide a
11 trial to the likes of a Khalid Sheikh Mohammed --
12 not Osama Bin Laden's son-in-law -- but the costs
13 could exceed \$2 billion. That's \$2 billion less
14 than that we have for education and for
15 healthcare and for roads and a whole lot of other
16 noble causes that we here in the Senate grapple
17 with every day in order to provide services for
18 the people of the State of New York.

19 SENATOR SQUADRON: If the sponsor
20 would continue to yield.

21 SENATOR LANZA: Yes.

22 ACTING PRESIDENT GRIFFO: The
23 sponsor yields.

24 SENATOR SQUADRON: The good news is
25 we agree that the federal government should do

1 more for New York when it comes to protecting us
2 against terrorism and fighting terrorism.
3 However, I think the question is whether the
4 NYPD, the best at this in the world, should be
5 forced to do less.

6 Just from the first part of that
7 answer, the sponsor said that trying enemy
8 combatants would do this and would have the
9 effect of doing the other. Just to clarify, it's
10 not the sponsor's view that any enemy combatants
11 have or currently are being tried in civilian
12 courts?

13 SENATOR LANZA: I didn't say that,
14 Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator
16 Squadron.

17 SENATOR SQUADRON: Is it the
18 sponsor's view that any enemy combatants --

19 ACTING PRESIDENT GRIFFO: Senator
20 Squadron, do you want the sponsor to continue to
21 yield?

22 SENATOR SQUADRON: Oh, I'm sorry, I
23 thought the sponsor had asked for clarification.
24 I think it's --

25 SENATOR LANZA: No, no. I said I

1 did not say that.

2 SENATOR SQUADRON: Oh, I'm sorry, I
3 didn't hear that.

4 SENATOR LANZA: I did not say that.

5 SENATOR SQUADRON: Thank you. If
6 the sponsor would continue to yield.

7 SENATOR LANZA: Yes.

8 ACTING PRESIDENT GRIFFO: The
9 sponsor yields.

10 SENATOR SQUADRON: Thank you.

11 So is it the sponsor's view that
12 enemy combatants have or currently are being
13 tried in civilian courts?

14 SENATOR LANZA: Mr. President, my
15 views on the matter are really irrelevant. The
16 facts are the facts.

17 And if I had the ability, I would
18 ensure that we would never provide enemy
19 combatants, jihadists who want to destroy our
20 nation, who have waged war against us, if I had
21 the ability -- and that is the purpose of this
22 law, to do what we can do here in New York -- I
23 would make sure that we never provided these
24 terrorists with more rights than we provide
25 American soldiers, who put their lives on the

1 line every single day to defend this nation.

2 And it's not just about the rights,
3 it's about the implications. Providing civil
4 discovery to enemies of America who seek to
5 destroy us is not only outrageous, it's dangerous
6 and it's stupid.

7 And I've heard from my colleagues in
8 past debates that America is strong enough to be
9 able to do that. Well, it might be strong enough
10 to do it, but we shouldn't be stupid enough to do
11 it. We were probably strong enough in the days
12 before the D-Day invasion of World War II to
13 provide Hitler with the plan and the details, but
14 a lot more Americans would have been killed and
15 the war would have gone on longer and peace would
16 have had to wait a few more years.

17 So, you know, it's pretty simple.
18 The purpose of this bill is to do whatever we can
19 here in New York to make sure that we keep
20 America safe, to make sure that we don't hand
21 over to those who seek to destroy us with our
22 game plan, our battle strategy, with our
23 intelligence. That's the purpose of this
24 legislation, awkward as it is because of the
25 limitations we have here in our government in

1 New York State.

2 But I don't want to just sit by and
3 wait for another 9/11. I don't want to sit by
4 because there are those who are ideologically
5 blind to the terrorist reality, to the threat
6 that this nation faces. I don't want to sit by
7 and do nothing. I want to make sure that my
8 community doesn't have to go through another
9 9/11.

10 And it's my belief that by providing
11 civil trials to enemy combatants, we make it more
12 likely, we make it more likely that there will be
13 another attack here in New York.

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

16 SENATOR LANZA: Yes.

17 ACTING PRESIDENT GRIFFO: The
18 sponsor yields.

19 SENATOR SQUADRON: And I know that
20 the temptation to go far afield and to talk about
21 all sorts of other issues, from previous debates
22 to D-Day, is tempting.

23 But in the interests of time, just
24 very briefly -- and this will be my final
25 question -- in the sponsor's view, if this bill

1 were to pass -- the sponsor's opinion is relevant
2 as the author of the bill. If this bill were to
3 pass, are there any current trials happening in
4 the State of New York or any trials that have
5 happened since 2001 -- again, were this bill to
6 pass -- for which state or local dollars would be
7 prohibited from being used to protect
8 New Yorkers?

9 SENATOR LANZA: Mr. President,
10 talking about the implications of providing civil
11 trials to enemy combatants and the dangers
12 therein is not going far afield. These decisions
13 will have real consequences for the state and for
14 our country.

15 And so my colleague knows the answer
16 to his question. This is not about politics.
17 This is about protecting our state and our nation
18 from an enemy who is intent on destroying us.

19 So right now -- and there have been
20 civil trials afforded to some minor terrorists,
21 minor players on the other side, from the team
22 that's trying to destroy us. This bill, if it
23 becomes law, I believe will prevent that from
24 happening and will keep America safer than if we
25 were not to pass this bill.

1 ACTING PRESIDENT GRIFFO: Senator
2 Squadron.

3 SENATOR SQUADRON: I know I said it
4 was my last question. If the sponsor would just
5 yield for clarification because I think it got
6 lost.

7 In the sponsor's view, were this
8 bill law, there are trials that either have
9 occurred or are occurring in New York State for
10 which state and local dollars could not be used
11 to protect New Yorkers? I thought I heard a yes
12 at the end; I just want to make sure that I
13 understood it.

14 SENATOR LANZA: Mr. President, I'm
15 sorry my colleague is lost. I'll try to help him
16 find his way here --

17 SENATOR SQUADRON: It's just for
18 clarity on this one question.

19 SENATOR LANZA: I'll try to help
20 him find his way here.

21 So a couple of possible outcomes
22 here. Either, one, the federal government looks
23 at this law and says we cannot conduct civil
24 trials in New York because the people of New York
25 have said they don't want to be subjected to the

1 danger and the cost.

2 Two, they go ahead anyway. And in
3 that case, it's my assumption that the federal
4 government would pay for the costs associated
5 with the ridiculous policy of providing these
6 civil trials.

7 So the first outcome is the one that
8 I would rather see effectuated by this law. The
9 second would still be better for the people of
10 New York so that we would not have to divert
11 billions of dollars away from the things that we
12 talk about here every single day in the Senate.

13 SENATOR SQUADRON: Thank you. On
14 the bill.

15 ACTING PRESIDENT GRIFFO: Senator
16 Squadron on the bill.

17 SENATOR SQUADRON: I want to thank
18 the sponsor for the time and discussing this
19 bill. I know it's something we've done before.
20 And look, I know that this is a bill that doesn't
21 have a same-as in the Assembly, and that the
22 instinct to participate in the debate over
23 civilian trials and military tribunals is strong.

24 Unfortunately, and the reason that I
25 lay this bill aside every year, and the reason

1 that I think it's so important to debate and the
2 reason that I asked questions in good faith --
3 and I unfortunately, while I appreciate the
4 sponsor's engagement with me, don't think that
5 those answers were forthcoming today on any of
6 those clear questions.

7 The reason that that's all so
8 important is because we're not talking about a
9 theoretical idea. We're talking about a state
10 that was attacked. We're talking about a
11 community where that attack happened that I
12 represent. We're talking about hundreds of
13 thousands of residents who make their home in
14 that community. We're talking about a business
15 district that's one of the largest and most
16 important in the nation and certainly most
17 important in the state. And we have a bill that
18 would handcuff local law enforcement's ability to
19 protect my constituents.

20 Imagine a bill talking about a
21 county in Western New York or Central New York or
22 the Finger Lakes region in which we were told
23 "Your local law enforcement cannot protect your
24 citizens." It would be an outrage, for good
25 reason. Because the idea that politics, even

1 politics that is so often so appealing to be part
2 of, even an issue that is vastly beyond
3 politics -- and I agree with the sponsor on that,
4 and I know that his focus on and interest in what
5 happened on September 11th and the victims goes
6 well beyond politics and is a personal and
7 sincere and real and heartfelt thing. And I know
8 that he represents constituents who suffered
9 mightily and still are.

10 But despite all of that, the idea
11 that we would say to local law enforcement, to
12 the NYPD or any sheriff or police force anywhere
13 in the state, You can't protect your citizens
14 because there's this other issue out there, is
15 crazy. It's a crazy idea. Bomb-sniffing dogs
16 weren't theoretical on March 8th this year, they
17 were real. Their need to protect my constituents
18 wasn't theoretical, it was real. The idea that
19 there are police checkpoints and there are roads
20 that are still closed down because of the
21 courthouse in my district isn't theoretical, it's
22 real.

23 And this bill has some theory behind
24 it, and it's a theory about the consequence that
25 hopefully the federal government would take on.

1 But it's also very real. And the real effect of
2 this bill would be that the New York City Police
3 Department could not protect the citizens in
4 New York City and my constituents when they need
5 protection. And that's simply unacceptable.

6 So I urge my colleagues to vote
7 against this bill. Because the idea that we
8 would say that the best police force in the world
9 at protecting against terrorism isn't allowed to
10 do it makes no sense. Because the definition of
11 enemy combatants doesn't exist in the bill and
12 was not illuminated at all in today's debate,
13 despite my repeated questions.

14 And I would ask my colleagues to
15 vote against it because I have 200,000
16 constituents in Lower Manhattan who depend on the
17 protection that is provided by city and state tax
18 dollars against the kinds of events that we saw
19 on September 11th in my district, that affected
20 so many other districts around the state and so
21 many individuals and families across the country,
22 and the idea that we wouldn't be able to protect
23 them is simply unacceptable.

24 I urge my colleagues to join me in
25 voting no on this bill and allowing the NYPD to

1 protect our city. Thank you.

2 ACTING PRESIDENT GRIFFO: Seeing
3 and hearing no other Senator who wishes to be
4 heard, debate is closed.

5 The Secretary will ring the bell.

6 Read the last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT GRIFFO: Senator
13 Robach to explain his vote.

14 SENATOR ROBACH: Yes,
15 Mr. President, very quickly. I want to applaud
16 Senator Lanza for putting this bill forward.

17 I think this is one of those rare
18 times where the right thing can happen yet we can
19 protect New Yorkers from a huge cost. And also
20 at the same time I do think it's -- I guess
21 America could be better protected, yet give them
22 their day in court, but in a military tribunal
23 where clearly it belongs.

24 This is not an everyday crime.

25 Thank God it's a rare occurrence. And I think

1 Senator Lanza is right on target.

2 I'm also not so sure -- I listened
3 intently to the debate -- that even in the event
4 that they were to happen or the military tribunal
5 was done in New York, that we could not in fact
6 bill the federal government or they could
7 reimburse us for those services for taking care
8 of this.

9 So I really feel that to use our tax
10 dollars as beneficially as possible, a yes vote
11 is very warranted. And I do think -- I don't
12 call it ideology, I think we all were very, very
13 upset and saddened by the terrorisms of
14 September 11th. To go out of our way to treat
15 those perpetrators albeit with any extra -- I
16 don't know what you would call it -- courtesy,
17 when it could be done in a military tribunal,
18 makes absolutely no sense to me.

19 I'm very happy to vote yes for this
20 very, very important bill, Mr. President.

21 ACTING PRESIDENT GRIFFO: Senator
22 Robach to be recorded in the affirmative.

23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar Number 550, those recorded in the

1 negative are Senators Adams, Breslin, Dilan,
2 Espaillat, Gianaris, Hoylman, Krueger, Parker,
3 Perkins, Peralta, Rivera, Sanders, Serrano,
4 Squadron, Stavisky, Stewart-Cousins and Tkaczyk.
5 Also Senator Montgomery. Also Senator
6 Hassell-Thompson. Also Senator Avella.

7 ACTING PRESIDENT GRIFFO: Announce
8 the results.

9 THE SECRETARY: Absent from voting:
10 Senator Sampson.

11 Ayes, 40. Nays, 20.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 Senator LaValle, that completes the
15 controversial reading of the calendar.

16 SENATOR LaVALLE: Mr. President, is
17 there any other business at the desk?

18 ACTING PRESIDENT GRIFFO: May I
19 have some order, please, in the house.

20 There is no further business before
21 the desk, Senator LaValle.

22 SENATOR LaVALLE: There being no
23 further business, I move we adjourn until
24 Thursday, May the 30th, at 11:00 a.m.

25 ACTING PRESIDENT GRIFFO: On

1 motion, the Senate stands adjourned until

2 Thursday, May 30th, at 11:00 a.m.

3 Senate adjourned.

4 (Whereupon, at 5:55 p.m., the Senate

5 adjourned.)

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