

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 May 30, 2013

11 11:22 a.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: In the  
10 absence of clergy, I ask everyone present to  
11 please bow their head in a moment of silent  
12 prayer.

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

15 ACTING PRESIDENT GRIFFO: The  
16 reading of the Journal.

17 THE SECRETARY: In Senate,  
18 Wednesday, May 29th, the Senate met pursuant to  
19 adjournment. The Journal of Tuesday, May 28th,  
20 was read and approved. On motion, Senate  
21 adjourned.

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

24 Presentation of petitions.

25 Messages from the Assembly.

1                   The Secretary will read.

2                   THE SECRETARY:    On page 38,  
3   Senator Maziarz moves to discharge, from the  
4   Committee on Cultural Affairs and Tourism,  
5   Assembly Bill Number 5052 and substitute it for  
6   the identical Senate Bill Number 4870, Third  
7   Reading Calendar 748.

8                   ACTING PRESIDENT GRIFFO:    So  
9   ordered.

10                  THE SECRETARY:    On page 39,  
11   Senator Carlucci moves to discharge, from the  
12   Committee on Mental Health and Developmental  
13   Disabilities, Assembly Bill Number 5954 and  
14   substitute it for the identical Senate Bill  
15   Number 5005, Third Reading Calendar 750.

16                  ACTING PRESIDENT GRIFFO:    So  
17   ordered.

18                  Messages from the Governor.

19                  Reports of standing committees.

20                  Reports of select committees.

21                  Communications and reports from  
22   state officers.

23                  Motions and resolutions.

24                  Senator Fuschillo.

25                  SENATOR FUSCHILLO:    Mr. President,

1 on behalf of Senator Martins, on page number 40  
2 I offer the following amendments to Calendar  
3 Number 759, Senate Print Number 5024, and ask  
4 that said bill retain its place on Third Reading  
5 Calendar.

6 ACTING PRESIDENT GRIFFO: The  
7 amendments are received, and the bill shall  
8 retain its place on third reading.

9 SENATOR FUSCHILLO: On behalf of  
10 Senator DeFrancisco, I wish to call up Senate  
11 Print Number 337, recalled from the Assembly,  
12 which is now at the desk.

13 ACTING PRESIDENT GRIFFO: The  
14 Secretary will read.

15 THE SECRETARY: Calendar Number  
16 118, by Senator DeFrancisco, Senate Print 337,  
17 an act to amend the Penal Law.

18 SENATOR FUSCHILLO: I now move to  
19 reconsider the vote by which the bill was  
20 passed.

21 ACTING PRESIDENT GRIFFO: Call the  
22 roll on reconsideration.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 54.

25 SENATOR FUSCHILLO: I now offer

1 the following amendments.

2 ACTING PRESIDENT GRIFFO: The  
3 amendments are received.

4 SENATOR FUSCHILLO: Please  
5 recognize Senator Gianaris, please.

6 ACTING PRESIDENT GRIFFO: Senator  
7 Gianaris.

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

10 On behalf of Senator Dilan, I move  
11 that the following bill be discharged from its  
12 respective committee and be recommitted with  
13 instructions to strike the enacting clause:  
14 Senate Number 414.

15 ACTING PRESIDENT GRIFFO: It is so  
16 ordered.

17 Senator Fuschillo.

18 SENATOR FUSCHILLO: May we please  
19 adopt the Resolution Calendar.

20 ACTING PRESIDENT GRIFFO: All those  
21 in favor of adopting the Resolution Calendar  
22 that's before the house signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT GRIFFO: Opposed,  
25 nay.

1 (No response.)

2 ACTING PRESIDENT GRIFFO: The  
3 Resolution Calendar is adopted.

4 Senator Fuschillo.

5 SENATOR FUSCHILLO: Senator Breslin  
6 would like to open Resolution 3038 up for  
7 cosponsorship. Can we please place everyone on  
8 as a cosponsor. And if somebody does not want  
9 to, please notify the desk.

10 ACTING PRESIDENT GRIFFO: So  
11 instructed and so noted.

12 Senator Fuschillo.

13 SENATOR FUSCHILLO: There is a  
14 resolution before the house by Senator Bonacic,  
15 Number 2005. It was previously adopted by the  
16 house on May 23rd. May we have the resolution  
17 read in its entirety, and then please call on  
18 Senator Bonacic.

19 ACTING PRESIDENT GRIFFO: The  
20 Secretary will read.

21 THE SECRETARY: Legislative  
22 Resolution Number 2005, by Senator Bonacic,  
23 commending the Valedictorians, Salutatorians and  
24 Honored Students of the 42nd Senate District in  
25 recognition of their outstanding accomplishments,

1 at a celebration to be held at the State Capitol  
2 on May 30, 2013.

3 "WHEREAS, It is the sense of this  
4 Legislative Body to act in accord with its  
5 long-standing traditions to honor the youth of  
6 today -- the leaders of tomorrow -- whose  
7 character and achievements exemplify the ideals  
8 and values cherished by this great state and  
9 nation; and

10 "WHEREAS, This Legislative Body is  
11 justly proud to recognize and commend the high  
12 achievements of these dedicated students in the  
13 42nd Senate District on the occasion of a special  
14 celebratory visit to the State Capitol in Albany,  
15 New York, on Thursday, May 30, 2013; at this time  
16 the Valedictorians, Salutatorians and Honored  
17 Students who have been selected by their school  
18 leadership for outstanding community service will  
19 receive special recognition from the Senate in  
20 the Senate Chamber; lunch will be served in  
21 The Well of the Legislative Office Building,  
22 followed by a tour of the State Capitol; and

23 "WHEREAS, These Valedictorians,  
24 Salutatorians and Honored Students represent the  
25 best of developed potential inherent in our most

1 precious resource, our youth; their achievements  
2 have brought enduring honor to their families and  
3 communities and should be recognized and saluted;  
4 and

5 "WHEREAS, The Valedictorians who are  
6 being commended today for their outstanding  
7 academic performances and exemplary achievements  
8 include: Sara Clark, Chelsea Doig, Michael  
9 Freeman, Kevin O'Neill, Hannah De Los Santos,  
10 Allison Miller, Krushna Shah, Thomas Krahulik,  
11 Mikaela Balsano, Eugene William Doyle III,  
12 Samantha Scott, Brittany Rupp, Zachory Michael  
13 Park, Amanda Hulse, Victoria Tingley, Logan  
14 Rotolo, Joshua DeJoy, Skylar Kortright, Joshua  
15 Gehres, Nicholas Sullivan, Joan Climes, Hannah  
16 Kaplan, Elissa Terach, Mihai Andreca, Emily  
17 Swanson, Brooke Theresa Gonzalez, Ahmad Hasan,  
18 Priya Chilana, Alexis Lima, Andrew Seddon,  
19 Marchrista Jones, Kaitlyn Coviello, Carley  
20 Thomas, Marie Johnson, Isabel Noboa, Johanna  
21 Bermudez, David Anzini, Jorge Acevedo, Michele  
22 Galvin, Alundra Dhanantwari, Allison Sciucco,  
23 Samantha Woodward, Lina Perez, Veronika Jachimek,  
24 Bryan Spizuco, Sara Restrepo Cortes, Trinny  
25 Terrazas, Alexxa Guerrero, Arjun Malhotra; and



1                   "WHEREAS, The Salutatorians who are  
2 being commended today for their outstanding  
3 academic performances and exemplary achievements  
4 include: Ethan Jahn, Bethany Bierstine, Mikaelan  
5 Cucciarre-Stuligross, Wei Lyan Ng, Mary Brosnan,  
6 Katriona Blezy, Lauren Schneider, Samuel Sander  
7 Effron, Anja Loughman, Joshua Lieberman, Courtney  
8 Evans, Brooke Madnick, Callie Barrett Bullis,  
9 Adam Murphy, Christina Malissa Kackos, Kimberly  
10 Craft, Cora Butler, Makaela Stephens, Marley  
11 Leary, Alexis De La Rosa, Adam Dohrenwend Jr.;  
12 and

13                   "WHEREAS, The Honored Students who  
14 are being commended today and who have been  
15 selected by their school leadership for  
16 outstanding school or community service include:  
17 Joe Brown, Tabitha Snider, Ann Walker, Nora  
18 Petrucci, Abigail Ellert, Troy Johnstone, Andrew  
19 Cummings, Chase Israel, Cheyenne Morgan Woods,  
20 Melissa Goggin, Emily Rogers, Lincoln Kelly,  
21 Susanna Gerner, Nicole Derobertis; and

22                   "WHEREAS, These Valedictorians,  
23 Salutatorians and Honored Students may now stand  
24 with pride as they assess their achievements,  
25 experience the satisfaction of their labors and

1 the joy of their accomplishments, eager to face  
2 the new experiences of a challenging world; now,  
3 therefore, be it

4 "RESOLVED, That this Legislative  
5 Body pause in its deliberations to commend the  
6 Valedictorians, Salutatorians and Honored  
7 Students of the 42nd Senate District, in  
8 recognition of their outstanding accomplishments  
9 at a celebration to be held at the State Capitol  
10 on May 30, 2013; and be it further

11 "RESOLVED, That copies of this  
12 resolution, suitably engrossed, be transmitted to  
13 the aforementioned Valedictorians, Salutatorians  
14 and Honored Students."

15 ACTING PRESIDENT GRIFFO: Senator  
16 Bonacic.

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

19 And my congratulations to Chris Cook  
20 for doing a good job of pronouncing all of the  
21 names. And he does a good job every year.

22 This is an exciting day for me.  
23 It's an exciting day for all the Senators in the  
24 State of New York. And we welcome our honored  
25 and distinguished students that are in both sides

1 of the gallery.

2 The people that are up there are the  
3 valedictorians, salutatorians and a third student  
4 who's had an impact either on the school or the  
5 community that is being honored. These are the  
6 best and the brightest of our youth in the  
7 42nd Senate District.

8 I want to thank the parents that are  
9 here today, the superintendents, the teachers,  
10 and the school board members that accompanied our  
11 honored guests.

12 This morning we had a brief  
13 presentation by the Honorable Gail Prudenti and  
14 Provost Philip Mauceri from New Paltz that shared  
15 some of their life experiences with these  
16 students.

17 What we want to tell our students is  
18 that we want you to succeed. We want you to be  
19 leaders of tomorrow. We would hope that you  
20 would be the new generation of great inventions  
21 that would propel this nation to greater heights  
22 than it is today. And we are the greatest  
23 country in the world because of our intellectual  
24 capital, like you are.

25 So I would hope, when you've

1 finished your college days or if you went on to  
2 postgraduate school or whatever career you  
3 pursued, I would hope that you would come back to  
4 New York, to come back to work here, live here,  
5 raise your family here. Because this still is  
6 one of the greatest states if not the greatest  
7 state in the country.

8 Thank you, Mr. President.

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

11 We'd like to ask all those present  
12 to please stand and be recognized. We  
13 congratulate you, all the valedictorians and  
14 salutatorians that are here today from Senator  
15 Bonacic's district.

16 (Standing ovation.)

17 ACTING PRESIDENT GRIFFO: Well  
18 done, and we wish you the best of luck.

19 Senator Fuschillo.

20 SENATOR FUSCHILLO: Mr. President,  
21 there's a resolution at the desk by Senator  
22 Marchione, Number 1905. It was previously  
23 adopted on May 21st. May we have the resolution  
24 read in its entirety and please call on Senator  
25 Marchione.

1                   ACTING PRESIDENT GRIFFO:    The  
2   Secretary will read.

3                   THE SECRETARY:    Legislative  
4   Resolution Number 1905, by Senator Marchione,  
5   congratulating the Saratoga Springs High School  
6   NASA Club on the occasion of their designation as  
7   participants in the Team America Rocketry  
8   Challenge National Finals.

9                   "WHEREAS, It is the sense of this  
10   Legislative Body to commend and pay tribute to  
11   those who, by achieving outstanding success in  
12   their educational and scientific endeavors, have  
13   inspired and brought pride to our majestic Empire  
14   State; and

15                  "WHEREAS, It is also the sense of  
16   this Legislative Body to recognize the dedication  
17   and commitment of our young people who  
18   distinguish themselves through excellence in  
19   science competition; and

20                  "WHEREAS, Attendant to such concern,  
21   and in full accord with its long-standing  
22   traditions, this Legislative Body is justly proud  
23   to congratulate the Saratoga Springs High School  
24   NASA Club upon the occasion of their designation  
25   as participants in the Team America Rocketry

1 Challenge National Finals; and

2 "WHEREAS, Under the direction of  
3 Coach Charlotte Naples, the members of Saratoga  
4 Springs High School's NASA Club became  
5 celebrities as one of only two groups in the  
6 State of New York to qualify for the Team America  
7 Rocketry Challenge National Finals; and

8 "WHEREAS, There were 725 teams that  
9 competed nationally for the finals, and Saratoga  
10 Springs High School's NASA Club was one of 100  
11 teams selected to compete in the national  
12 rocketry competition on May 11, 2013, in  
13 The Plains, Virginia; to qualify for the national  
14 competition, the Saratoga Springs High School  
15 NASA Club acquired the necessary resources to  
16 design, build and fly a rocket carrying a raw egg  
17 to an altitude of 750 feet, and then land it  
18 without breaking the egg; and

19 "WHEREAS, After weeks of practicing,  
20 the Saratoga Springs High School NASA Club  
21 completed a successful flight under the  
22 observation of a mentor from the National  
23 Association of Rocketry; and

24 "WHEREAS, The Team America Rocketry  
25 Challenge (TARC) is the world's largest rocket

1 contest, sponsored by the Aerospace Industries  
2 Association and the National Association of  
3 Rocketry; and

4 "WHEREAS, Approximately 7,000  
5 students from across the nation compete in TARC  
6 each year; teams design, build and fly a model  
7 rocket that reaches a specific altitude and  
8 duration determined by a set of rules developed  
9 each year; the contest is designed to encourage  
10 students to study math and science and pursue  
11 careers in aerospace; and

12 "WHEREAS, The outstanding members of  
13 the Saratoga Springs High School NASA Club are:  
14 Connor McFarland, Charlie McCabe, Jay Murray,  
15 Steve Leonard, Mike Gregory and Michael Young;  
16 and

17 "WHEREAS, It is appropriate to  
18 celebrate the individual accomplishments of  
19 remarkable students in this great Empire State;  
20 and

21 "WHEREAS, This Legislative Body is  
22 justly proud to congratulate the Saratoga Springs  
23 High School NASA Club for their noteworthy  
24 educational and scientific endeavors and  
25 achievements; their outstanding performance has

1 clearly made a contribution to the spirit of  
2 excellence which is a tradition of their school  
3 and community; now, therefore, be it

4 "RESOLVED, That this Legislative  
5 Body pause in its deliberations to congratulate  
6 the Saratoga Springs High School NASA Club upon  
7 the occasion of their designation as participants  
8 in the Team America Rocketry Challenge National  
9 Finals; and be it further

10 "RESOLVED, That copies of this  
11 resolution, suitably engrossed, be transmitted to  
12 Coach Charlotte Naples, and the aforementioned  
13 members of the Saratoga Springs High School NASA  
14 Club."

15 ACTING PRESIDENT GRIFFO: Senator  
16 Marchione.

17 SENATOR MARCHIONE: Thank you,  
18 Mr. President. I rise to speak on the  
19 resolution.

20 You know, from the beginning of time  
21 scientific discovery has charted the upward  
22 trajectory of humankind. Scientific  
23 breakthroughs have improved our quality of life,  
24 helped people live longer, healthier lives, and  
25 inspired generations to explore not only our own



1 planet but the larger universe.

2 The spark of inspiration, the spark  
3 that ignites a fire of lifetime creativity,  
4 begins at an early age as youths are encouraged  
5 to learn, design and reach for the stars.

6 Today I have the honor of  
7 recognizing one such group that is doing exactly  
8 that, reaching for the stars. Today I honor the  
9 Saratoga Springs High School NASA Club. I honor  
10 the club in recognition of its participation in  
11 the Team America Rocketry Challenge National  
12 Finals.

13 Members of Saratoga Springs  
14 High School's NASA Club are among only two groups  
15 in all of New York to qualify for the Team  
16 America Rocketry Challenge National Finals. In  
17 total, there were 725 teams that competed  
18 nationally. Saratoga Springs High School's NASA  
19 Club was one of a hundred teams selected to  
20 compete in the National Rocketry Competition on  
21 May 11th in Virginia. To qualify for this  
22 prestigious competition, the Saratoga Springs  
23 High School NASA Club acquired the necessary  
24 resources to design, build and fly a rocket  
25 carrying a raw egg to an altitude of 750 feet and

1       then land it, all without breaking the egg.

2                   The Team America Rocketry Challenge  
3       is the world's largest rocket contest.  It's  
4       sponsored by the Aerospace Industries Association  
5       and the National Association of Rocketry.  Nearly  
6       7,000 students from across the country compete  
7       annually in the challenge.  The competition  
8       encourages students to study math and science and  
9       to pursue careers in aerospace.

10                  I'd ask the members of the Saratoga  
11       High School NASA Club to stand -- they are Connor  
12       McFarland, Charlie McCabe, Jay Murray, Steve  
13       Leonard, Mike Gregory and Michael Young -- along  
14       with their coach, Charlotte Naples.  And I  
15       believe they even have their rocket with them  
16       today.

17                  I congratulate the club on their  
18       accomplishments and wish them the very best of  
19       luck in all their future endeavors.

20                  Thank you, Mr. President.

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

23                  (Applause.)

24                  ACTING PRESIDENT GRIFFO:  We  
25       welcome you to the Senate chamber and extend our

1 best wishes to all of those young men.

2 Senator Fuschillo.

3 SENATOR FUSCHILLO: Mr. President,  
4 there's a resolution at the desk by Senator  
5 Kennedy, Number 2006, that was previously adopted  
6 by this house on May 23rd. May we have its title  
7 read and then please call on Senator Kennedy.

8 ACTING PRESIDENT GRIFFO: The  
9 Secretary will read.

10 THE SECRETARY: Legislative  
11 Resolution Number 2006, by Senator Kennedy,  
12 paying tribute to the many accomplishments of the  
13 late Coach Peter Odrobina by dedicating the  
14 baseball field at John F. Kennedy High School in  
15 his memory.

16 ACTING PRESIDENT GRIFFO: Senator  
17 Kennedy.

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

20 Stability, love, time and  
21 commitment -- that's what Peter Odrobina poured  
22 into his coaching jobs. Patience, integrity and  
23 sportsmanship -- that's what he instilled in the  
24 players who took the field for him.

25 Coach Odrobina, otherwise known as

1 Coach O, was more than a coach to the young men  
2 and women who played on teams under his  
3 leadership. Coach O was a father figure to those  
4 who needed one, a teacher who shared life's  
5 lessons, an enthusiastic leader, a shoulder to  
6 lean on, and a helping hand during times of need.

7 He coached a variety of sports over  
8 the years, impacting numerous students and  
9 players over that time. And while working for  
10 the Town of Cheektowaga's Youth Recreation  
11 Department, he had the chance to impact even more  
12 lives.

13 Coach O's baseball career would be  
14 envied by any coach. It is filled with multiple  
15 division titles, sectional finalists and  
16 champions, and an appearance in the New York  
17 State championship game.

18 However, wins and losses were not  
19 the hallmark of Coach O's legacy. I think  
20 retired Cheektowaga-Sloan Superintendent James  
21 Mazgajewski put it best. When asked what Peter  
22 Odrobina's win-loss record was as a coach,  
23 Mazgajewski confessed he did not know and that  
24 did not matter. He said: "Pete was a great  
25 human being and great person who cared about

1 people. It was never about him."

2           If you speak to any of his players,  
3 students or colleagues, they will tell you it was  
4 not Coach O's long white hair, his surfer style,  
5 or his dreaded fear of wearing a necktie that  
6 attracted everybody to him. Rather, it was his  
7 easygoing style, his passion for the game, his  
8 authentic kindness, and the care and love he had  
9 for all of his family, friends, students and  
10 players.

11           Coach O passed away on November 21,  
12 2012, at the age of 62. Although his legacy  
13 lives on through his family and former players,  
14 his life and his work will now be remembered  
15 every time someone visits the John F. Kennedy  
16 High School in Cheektowaga. This month Coach O's  
17 four children, Mandy, Nicole, Mindy and P.J.,  
18 threw the ceremonial first pitch dedicating the  
19 field at JFK High School to the coach who  
20 inspired so many. Their baseball field will now  
21 be known as the Peter Odrobina Memorial Field.

22           It is a fitting way to remember  
23 Coach O, because often some of life's most  
24 important lessons are learned on the ball field.  
25 If Coach O were here, he'd say: "Leave

1 everything on the field, but take all you can."

2 We often don't realize the  
3 experiences and lessons we took in this chamber  
4 we took off the field back as high school  
5 athletes. But at Cheektowaga-Sloan, Coach O's  
6 players and students know they learned as much on  
7 that field as they did that from the great man  
8 who coached them every single day. He gave  
9 everything he could, and he touched the lives of  
10 so many student athletes.

11 Today we remember Coach Peter  
12 Odrobina. We commend the Cheektowaga-Sloan  
13 School District for naming the ball field after  
14 him, and we send our sympathies and thoughts to  
15 his family, friends, former players and the  
16 community who hold Coach O's memory in their  
17 hearts.

18 Thank you, Mr. President.

19 ACTING PRESIDENT GRIFFO: Thank  
20 you, Senator Kennedy.

21 As noted, the resolution was passed  
22 in this house on May 23rd.

23 Senator Fuschillo.

24 SENATOR FUSCHILLO: May we please  
25 have the reading of the noncontroversial

1 calendar, Mr. President.

2 ACTING PRESIDENT GRIFFO: The  
3 Secretary will read.

4 THE SECRETARY: Calendar Number 16,  
5 by Senator Flanagan, Senate Print 1446, an act to  
6 amend the Vehicle and Traffic Law.

7 ACTING PRESIDENT GRIFFO: Read the  
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 59.

15 ACTING PRESIDENT GRIFFO: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number 75,  
18 by Senator Ritchie, Senate Print 1952, an act to  
19 amend the Agriculture and Markets 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, 59.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number 88,  
6 by Senator Nozzolio, Senate Print 3305, an act to  
7 amend the Correction 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 ACTING PRESIDENT GRIFFO: May we  
16 have some order in the chamber, please.

17 THE SECRETARY: Ayes, 57. Nays,  
18 2. Senators Hassell-Thompson and Montgomery  
19 recorded in the negative.

20 ACTING PRESIDENT GRIFFO: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 493, by Senator O'Brien, Senate Print 4285A, an  
24 act to authorize the City of Rochester.

25 ACTING PRESIDENT GRIFFO: There is



1 a home-rule message at the desk.

2 The Secretary will read the last  
3 section.

4 THE SECRETARY: Section 7. 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, 58. Nays, 1.  
10 Senator Ball recorded in the negative.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 Senator Gianaris, why do you rise?

14 SENATOR GIANARIS: Mr. President, I  
15 believe that was Senator O'Brien's first bill to  
16 pass through the Senate.

17 (Applause.)

18 ACTING PRESIDENT GRIFFO: The  
19 Secretary will continue.

20 THE SECRETARY: Calendar Number  
21 521, by Senator Valesky, Senate Print 2146, an  
22 act to amend the Agriculture and Markets Law.

23 ACTING PRESIDENT GRIFFO: Read the  
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first of January.

2 ACTING PRESIDENT GRIFFO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 58. Nays,  
6 1. Senator Espaillat recorded in the negative.

7 ACTING PRESIDENT GRIFFO: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 568, by Senator Fuschillo, Senate Print 4721A, an  
11 act to amend the Mental Hygiene Law.

12 ACTING PRESIDENT GRIFFO: Read the  
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the  
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 59.

20 ACTING PRESIDENT GRIFFO: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 682, by Senator Ritchie, Senate Print 1946, 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 30th day.

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 682, those recorded in the  
11 negative are Senators Addabbo, Avella, Ball,  
12 Breslin, Dilan, Espaillat, Gianaris, Gipson,  
13 Hassell-Thompson, Hoylman, Kennedy, Krueger,  
14 Latimer, LaValle, Marcellino, Montgomery,  
15 Perkins, Rivera, Sanders, Serrano, Squadron,  
16 Stavisky, Stewart-Cousins and Tkaczyk.

17 Ayes, 35. Nays, 24.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 722, by Senator Latimer, Senate Print 2060, an  
22 act in relation to authorizing.

23 ACTING PRESIDENT GRIFFO: Read the  
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 59.

6 ACTING PRESIDENT GRIFFO: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 741, by Senator Serrano, Senate Print 1025, an  
10 act requiring.

11 ACTING PRESIDENT GRIFFO: Read the  
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 59.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 742, by Senator Marcellino, Senate Print 1504, an  
23 act to amend the Navigation Law.

24 ACTING PRESIDENT GRIFFO: Read the  
25 last section.

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

3           ACTING PRESIDENT GRIFFO:   Call the  
4   roll.

5           (The Secretary called the roll.)

6           THE SECRETARY:   Ayes, 59.

7           ACTING PRESIDENT GRIFFO:   The bill  
8   is passed.

9           THE SECRETARY:   Calendar Number  
10   743, by Senator Maziarz, Senate Print 3646, an  
11   act to amend the Arts and Cultural Affairs Law.

12          ACTING PRESIDENT GRIFFO:   Read the  
13   last section.

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

16          ACTING PRESIDENT GRIFFO:   Call the  
17   roll.

18          (The Secretary called the roll.)

19          THE SECRETARY:   Ayes, 59.

20          ACTING PRESIDENT GRIFFO:   The bill  
21   is passed.

22          THE SECRETARY:   Calendar Number  
23   744, by Senator Larkin, Senate Print 3991 --

24          SENATOR FUSCHILLO:   Lay it aside  
25   for the day.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2   is laid aside for the day.

3                   THE SECRETARY:    Calendar Number  
4   745, by Senator Marcellino, Senate Print 4511, an  
5   act to amend the Arts and Cultural Affairs Law.

6                   ACTING PRESIDENT GRIFFO:    Read the  
7   last section.

8                   THE SECRETARY:    Section 24.  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.

14                  ACTING PRESIDENT GRIFFO:    The bill  
15   is passed.

16                  THE SECRETARY:    Calendar Number  
17   746, by Senator Zeldin, Senate Print 4757, an act  
18   to amend the Parks, Recreation and Historic  
19   Preservation 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, 59.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 748, substituted earlier by Member of the  
7 Assembly Peoples-Stokes, Assembly Print 5052, an  
8 act to amend Chapter 372 of the Laws of 2008.

9 ACTING PRESIDENT GRIFFO: Read the  
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT GRIFFO: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 749, by Senator Grisanti, Senate Print 4894, an  
21 act to amend Chapter 595 of the Laws of 2007.

22 ACTING PRESIDENT GRIFFO: Read the  
23 last section.

24 THE SECRETARY: Section 2. 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, 59.

5                   ACTING PRESIDENT GRIFFO:    The bill  
6   is passed.

7                   THE SECRETARY:    Calendar Number  
8   751, by Senator Little, Senate Print 996, an act  
9   to amend the Town Law.

10                  ACTING PRESIDENT GRIFFO:    Read the  
11   last section.

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

14                  ACTING PRESIDENT GRIFFO:    Call the  
15   roll.

16                  (The Secretary called the roll.)

17                  ACTING PRESIDENT GRIFFO:    Announce  
18   the results.

19                  THE SECRETARY:    In relation to  
20   Calendar Number 751, those recorded in the  
21   negative are Senators Avella, Breslin, Gianaris,  
22   Gipson, Hoylman, Krueger, Latimer, O'Brien,  
23   Rivera, Sanders, Serrano, Squadron,  
24   Stewart-Cousins and Tkaczyk.  Also Senator  
25   Stavisky.



1                   Ayes, 44.   Nays, 15.

2                   ACTING PRESIDENT GRIFFO:    The bill  
3 is passed.

4                   THE SECRETARY:    Calendar Number  
5 755, by Senator Carlucci, Senate Print 4872, an  
6 act in relation to providing.

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, 59.

15                   ACTING PRESIDENT GRIFFO:    The bill  
16 is passed.

17                   Calendar Number 759 was amended  
18 today.   The bill is high.

19                   So we will now move on to Calendar  
20 Number 805.   The Secretary will read.

21                   THE SECRETARY:    Calendar Number  
22 805, by Senator Bonacic, Senate Print 1885A, an  
23 act to amend the Town Law.

24                   ACTING PRESIDENT GRIFFO:    Read the  
25 last section.

1           THE SECRETARY:   Section 7.  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, 58.  Nays,  
7   1.  Senator Montgomery recorded in the negative.

8           ACTING PRESIDENT GRIFFO:   The bill  
9   is passed.

10          THE SECRETARY:   Calendar Number  
11   806, by Senator Lanza, Senate Print 2478, an act  
12   to amend the Judiciary Law.

13          ACTING PRESIDENT GRIFFO:   Read the  
14   last section.

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

17          ACTING PRESIDENT GRIFFO:   Call the  
18   roll.

19          (The Secretary called the roll.)

20          THE SECRETARY:   Ayes, 60.

21          ACTING PRESIDENT GRIFFO:   The bill  
22   is passed.

23          THE SECRETARY:   Calendar Number  
24   807, by Senator Young, Senate Print 2611, an act  
25   to amend the Social Services Law.

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                   ACTING PRESIDENT GRIFFO:   Announce  
9   the results.

10                  THE SECRETARY:   In relation to  
11   Calendar Number 807, those recorded in the  
12   negative are Senators Avella, Addabbo, Breslin,  
13   Dilan, Gipson, Hassell-Thompson, Krueger,  
14   Montgomery, Parker, Perkins, Rivera, Sanders,  
15   Serrano, Squadron, Stavisky and Tkaczyk.  Also  
16   Senator Gianaris.  Also Senator Hoylman.  Also  
17   Senator Stewart-Cousins.

18                  Ayes, 41.  Nays, 19.

19                  ACTING PRESIDENT GRIFFO:   The bill  
20   is passed.

21                  THE SECRETARY:   Calendar Number  
22   808, by Senator Young, Senate Print 2617A, an act  
23   to amend the Social Services Law.

24                  ACTING PRESIDENT GRIFFO:   Read the  
25   last section.

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

3           ACTING PRESIDENT GRIFFO:   Call the  
4   roll.

5           (The Secretary called the roll.)

6           THE SECRETARY:   Ayes, 60.

7           ACTING PRESIDENT GRIFFO:   The bill  
8   is passed.

9           Can I have some order in the  
10   chamber, please.

11          THE SECRETARY:   Calendar Number  
12   809, by Senator DeFrancisco, Senate Print 3037,  
13   an act to amend the Judiciary Law.

14          ACTING PRESIDENT GRIFFO:   Read the  
15   last section.

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

18          ACTING PRESIDENT GRIFFO:   Call the  
19   roll.

20          (The Secretary called the roll.)

21          THE SECRETARY:   Ayes, 60.

22          ACTING PRESIDENT GRIFFO:   The bill  
23   is passed.

24          THE SECRETARY:   Calendar Number  
25   810, by Senator Young, Senate Print 3081, an act

1 to amend the Municipal Home Rule Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT GRIFFO: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 811, by Senator Golden, Senate Print 4114, an act  
14 to amend the Social Services Law.

15 ACTING PRESIDENT GRIFFO: Read the  
16 last section.

17 THE SECRETARY: Section 3. 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 Krueger to explain her vote.

24 SENATOR KRUEGER: Thank you,  
25 Mr. President. I'd like to explain why I'm

1 voting no.

2 None of us want to see deadbeat  
3 parents fail to pay their child support. But  
4 this bill goes too far in how it's approaching  
5 this.

6 First of all, it uses an FBI  
7 reference to the Most Wanted. If it was a list  
8 that was going to be 10, 20, 100 of the "most  
9 wanted," perhaps it would get the name. But you  
10 can fall behind \$10,000 in child support actually  
11 fairly quickly in today's times.

12 It may be because you lost your job  
13 and can't find a new one; it may be that you went  
14 to prison and don't know about your right to try  
15 to petition a court to stop the obligation while  
16 you're in prison. You might have a medical  
17 situation that prevents you from working.

18 We don't want the courts to remove  
19 that obligation from the records. We want you to  
20 get a job, get out of prison and get a job, get  
21 healthy again, and make sure you continue and  
22 follow through on those payments of child  
23 support. But in fact, under this law, you would  
24 be on a publicly accessible website calling you  
25 the Most Wanted. I actually think it would make

1 it exceptionally difficult to find that job so  
2 that you can continue to pay that child support.

3 And I do think if you're talking  
4 about something that could impact tens of  
5 thousands or more people in the State of New York  
6 at any given time, we ought not be calling them  
7 the Most Wanted. They are not "wanted" in a  
8 criminal sense. We all want them to pay their  
9 child support. We want them to have the earnings  
10 to allow them to pay their child support.

11 So I think the intention is a good  
12 goal translated incorrectly in this piece of  
13 legislation. I'm voting no.

14 Thank you, Mr. President.

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

17 Senator Squadron to explain his  
18 vote.

19 SENATOR SQUADRON: Just briefly,  
20 Mr. President.

21 We've seen this bill before. I  
22 notice the title of the list has changed, but the  
23 substance of the bill is still the same. It's  
24 still a terrible idea whatever title is put on  
25 the bill every year when it comes out as a

1 one-house bill. It still is the "shame kids for  
2 their parents' failures" bill, and that's just a  
3 terrible idea across the state.

4 I vote no, Mr. President.

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

7 Announce the results.

8 THE SECRETARY: In relation to  
9 Calendar 811, those recorded in the negative are  
10 Senators Breslin, Dilan, Gianaris, Gipson,  
11 Hassell-Thompson, Krueger, Montgomery, Parker,  
12 Perkins, Rivera, Serrano, Squadron and Tkaczyk.  
13 Also Senator Hoylman. Also Senator Savino.

14 Ayes, 45. Nays, 15.

15 ACTING PRESIDENT GRIFFO: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 812, by Senator Gallivan, Senate Print 4821, an  
19 act to amend the Correction Law.

20 ACTING PRESIDENT GRIFFO: Read the  
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the  
25 roll.



1 (The Secretary called the roll.)

2 ACTING PRESIDENT GRIFFO: Senator  
3 Grisanti to explain his vote.

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

6 Briefly, I want to commend Senator  
7 Gallivan for bringing this situation to our  
8 attention here by this legislation.

9 My colleagues, we have sex offenders  
10 that are actually convicted and because of the  
11 backlog of the board of examiners, their risk  
12 level has not been ascertained, so they don't  
13 have to register along those lines.

14 So I think this legislation doesn't  
15 solve the problem completely, but what it will do  
16 is it will amend the process to provide that if a  
17 sex offender is sentenced to a specific definite  
18 sentence or time served, the district attorney  
19 who actually handled the case would then go ahead  
20 and make the recommendation, rather than the  
21 district attorney writing a letter to the board  
22 of examiners to make their recommendation. So I  
23 think it might speed up the process and get rid  
24 of some of the backlog.

25 I commend Senator Gallivan for

1 bringing this to our attention. I urge everybody  
2 to vote aye, as do I.

3 Thank you, Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator  
5 Grisanti to be recorded in the affirmative.

6 Announce the results.

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT GRIFFO: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 813, by Senator Savino, Senate Print 5066, an act  
12 to amend Chapter 436 of the Laws of 1997.

13 ACTING PRESIDENT GRIFFO: Read the  
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT GRIFFO: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 814, by Senator Grisanti, Senate Print 5167, an  
25 act to amend the Not-For-Profit Corporation Law.

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           THE SECRETARY:   Ayes, 60.

9           ACTING PRESIDENT GRIFFO:   The bill  
10   is passed.

11          THE SECRETARY:   Calendar Number  
12   815, by Senator Maziarz, Senate Print 5324A, an  
13   act to amend the Social Services Law.

14          ACTING PRESIDENT GRIFFO:   Read the  
15   last section.

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

18          ACTING PRESIDENT GRIFFO:   Call the  
19   roll.

20          (The Secretary called the roll.)

21          THE SECRETARY:   Ayes, 60.

22          ACTING PRESIDENT GRIFFO:   The bill  
23   is passed.

24          THE SECRETARY:   Calendar Number  
25   816, by Senator Martins, Senate Print 5559, an

1 act to amend Part X of Chapter 62 of the Laws of  
2 2003.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 Senator Fuschillo, that completes  
14 the noncontroversial reading of the current  
15 active list calendar.

16 SENATOR FUSCHILLO: Mr. President,  
17 could we have the reading of the noncontroversial  
18 supplemental calendar.

19 ACTING PRESIDENT GRIFFO: The  
20 Secretary will read the noncontroversial  
21 supplemental calendar.

22 THE SECRETARY: Calendar Number  
23 750, substituted earlier by Member of the  
24 Assembly Gunther, Assembly Print 5954, an act to  
25 amend the Mental Hygiene Law.

1                   ACTING PRESIDENT GRIFFO:   Read the  
2   last section.

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

5                   ACTING PRESIDENT GRIFFO:   Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:   Ayes, 60.

9                   ACTING PRESIDENT GRIFFO:   The bill  
10   is passed.

11                   Senator Fuschillo, that completes  
12   the reading, noncontroversial, of the  
13   supplemental calendar.

14                   SENATOR FUSCHILLO:   Mr. President,  
15   could we please return to motions and  
16   resolutions.

17                   ACTING PRESIDENT GRIFFO:   We will  
18   return to motions and resolutions.

19                   Senator Fuschillo.

20                   SENATOR FUSCHILLO:   On behalf of  
21   Senator LaValle, on page number 16 I offer the  
22   following amendments to Calendar Number 284,  
23   Senate Print Number 3059A, and ask that said bill  
24   retain its place on Third Reading Calendar.

25                   ACTING PRESIDENT GRIFFO:   The

1 amendments are received, and the bill shall  
2 retain its place on third reading.

3 Senator Fuschillo.

4 SENATOR FUSCHILLO: Mr. President,  
5 is there any other business at the desk?

6 ACTING PRESIDENT GRIFFO: There is  
7 no further business before the desk, Senator  
8 Fuschillo.

9 SENATOR FUSCHILLO: There being no  
10 further business, I move we adjourn until Monday,  
11 June 3rd, at 4:00 p.m., intervening days being  
12 legislative days.

13 ACTING PRESIDENT GRIFFO: On  
14 motion, the Senate stands adjourned until Monday,  
15 June 3rd, at 4:00 p.m., intervening days being  
16 legislative days.

17 Senate adjourned.

18 (Whereupon, at 12:03 p.m., the  
19 Senate adjourned.)  
20  
21  
22  
23  
24  
25