

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 June 10, 2013

11 3:33 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: In the
10 absence of clergy today, we will bow our heads
11 in a moment of silent reflection and prayer, and
12 also in a moment of silence to acknowledge the
13 loss of Lieutenant Colonel Todd Clark of the
14 10th Army Division, Fort Drum, Watertown. Let's
15 bow our heads in a moment of silent reflection
16 for Lieutenant Colonel Todd Clark.

17 (Whereupon, the assemblage
18 respected a moment of silence.)

19 ACTING PRESIDENT GRIFFO: The
20 reading of the Journal.

21 The Secretary will read.

22 THE SECRETARY: In Senate, Sunday,
23 June 9th, the Senate met pursuant to
24 adjournment. The Journal of Saturday, June 8th,
25 was read and approved. On motion, Senate

1 adjourned.

2 ACTING PRESIDENT GRIFFO: Without
3 objection, the Journal stands approved as read.

4 Presentation of petitions.

5 Messages from the Assembly.

6 The Secretary will read.

7 THE SECRETARY: On page 52,
8 Senator Libous moves to discharge, from the
9 Committee on Environmental Conservation,
10 Assembly Bill Number 7101 and substitute it for
11 the identical Senate Bill Number 4992, Third
12 Reading Calendar 819.

13 ACTING PRESIDENT GRIFFO:

14 Substitution so ordered.

15 Messages from the Governor.

16 Reports of standing committees.

17 Reports of select committees.

18 Communications and reports of state
19 officers.

20 Motions and resolutions.

21 Senator Libous.

22 SENATOR LIBOUS: Mr. President, I
23 believe that Senator Valesky and then Senator
24 Gianaris has a motion. So if you would call on
25 Senator Valesky.

1 ACTING PRESIDENT GRIFFO: Senator
2 Valesky.

3 SENATOR VALESKY: Thank you,
4 Mr. President.

5 On page 28 I offer the following
6 amendments to Calendar Number 180, Senate Print
7 2170A, my legislation. I ask that the bill
8 retain its place on the 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 Valesky.

13 SENATOR VALESKY: On behalf of
14 Senator Carlucci, on page 44 I offer the
15 following amendments to Calendar Number 597,
16 Senate Bill 4861, and ask that that bill retain
17 its place on the Third Reading Calendar.

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

21 Senator Valesky.

22 SENATOR VALESKY: And also on
23 behalf of Senator Carlucci, on page 47 I offer
24 the following amendments to Calendar Number 681,
25 Senate Print 1639, and ask that that bill retain

1 its place on the Third Reading Calendar.

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

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

7 ACTING PRESIDENT GRIFFO: Thank
8 you, Senator Valesky.

9 Senator Gianaris.

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

12 On behalf of Senator Latimer, I move
13 the following bill be discharged from its
14 respective committee and be recommitted with
15 instructions to strike the enacting clause:
16 Senate Bill 2065.

17 ACTING PRESIDENT GRIFFO: It is so
18 ordered.

19 Senator Libous.

20 SENATOR LIBOUS: Thank you,
21 Mr. President. I too have a number of motions.

22 On behalf of Senator Maziarz, I call
23 up his bill, Senate Print 1095, recalled from the
24 Assembly, which is now at the desk.

25 ACTING PRESIDENT GRIFFO: The

1 Secretary will read.

2 I would ask for some order in the
3 chamber, please.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number
6 136, by Senator Maziarz, Senate Print 1095, an
7 act to amend the Highway Law.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll on reconsideration.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 56.

15 SENATOR LIBOUS: Mr. President, I
16 offer up the following amendments.

17 ACTING PRESIDENT GRIFFO: The
18 amendments are received.

19 SENATOR LIBOUS: Mr. President,
20 behalf of Senator Larkin, I call up his bill,
21 Senate Print 2790, recalled from the Assembly,
22 which is now at the desk.

23 ACTING PRESIDENT GRIFFO: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 248, by Senator Larkin, Senate Print 2790, an act
2 to amend the Highway Law.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll on reconsideration.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 56.

10 SENATOR LIBOUS: Mr. President, I
11 offer up the following amendments.

12 ACTING PRESIDENT GRIFFO: The
13 amendments are received.

14 SENATOR LIBOUS: Mr. President, on
15 behalf of Senator DeFrancisco, I call up his
16 bill, Senate Print 3859, recalled from the
17 Assembly, which is now at the desk.

18 ACTING PRESIDENT GRIFFO: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 330, by Senator DeFrancisco, Senate Print 3859,
22 an act to authorize.

23 SENATOR LIBOUS: I now move to
24 reconsider the vote by which this bill was
25 passed.

1 ACTING PRESIDENT GRIFFO: Call the
2 roll on reconsideration.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 56.

5 SENATOR LIBOUS: Mr. President, I
6 offer up the following amendments.

7 ACTING PRESIDENT GRIFFO: The
8 amendments are received.

9 SENATOR LIBOUS: Mr. President, on
10 behalf of Senator Marcellino, I would like to
11 call up his bill, Senate Print 5314, recalled
12 from the Assembly, and it's now at the desk.

13 ACTING PRESIDENT GRIFFO: The
14 Secretary will read.

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

18 SENATOR LIBOUS: Mr. President, I
19 now move to reconsider the vote by which this
20 bill was passed.

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

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 56.

25 SENATOR LIBOUS: Mr. President, I

1 offer up the following amendments.

2 ACTING PRESIDENT GRIFFO: The
3 amendments are received.

4 SENATOR LIBOUS: On behalf of
5 Senator Grisanti, I wish to call up his bill,
6 Senate Print 5167, recalled from the Assembly,
7 which is now at the desk.

8 ACTING PRESIDENT GRIFFO: The
9 Secretary will read.

10 THE SECRETARY: Calendar Number
11 814, by Senator Grisanti, Senate Print 5167, an
12 act to amend the Not-For-Profit Corporation Law.

13 SENATOR LIBOUS: Mr. President, I
14 now move to reconsider the vote by which this
15 bill was passed.

16 ACTING PRESIDENT GRIFFO: Call the
17 roll on reconsideration.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 56.

20 SENATOR LIBOUS: Mr. President, I
21 offer up the following amendments.

22 ACTING PRESIDENT GRIFFO: The
23 amendments are received.

24 SENATOR LIBOUS: Mr. President, on
25 behalf of Senator DeFrancisco, I wish to call up

1 his bill, Senate Print Number 2318A, recalled
2 from the Assembly, and it is now at the desk.

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 826, by Senator DeFrancisco, Senate Print 2318A,
7 an act to amend the Vehicle and Traffic Law.

8 SENATOR LIBOUS: Mr. President, I'd
9 like to reconsider the vote by which this bill
10 was passed.

11 ACTING PRESIDENT GRIFFO: Call the
12 roll on reconsideration.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 56.

15 SENATOR LIBOUS: Mr. President, I
16 offer up the following amendments.

17 ACTING PRESIDENT GRIFFO: The
18 amendments are received.

19 SENATOR LIBOUS: Mr. President, on
20 behalf of Senator Zeldin, I'd like to call up
21 Senate Print 2926A, recalled from the Assembly,
22 and it's now at the desk.

23 ACTING PRESIDENT GRIFFO: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 212, by Senator Zeldin, Senate Print 2926A, an
2 act to amend the Criminal Procedure Law.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll on reconsideration.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 56.

10 SENATOR LIBOUS: I offer up the
11 following amendments.

12 ACTING PRESIDENT GRIFFO: The
13 amendments are received.

14 THE SECRETARY: On behalf of
15 Senator Ball, Mr. President, I wish to call up
16 his bill, Print Number 2287, recalled from the
17 Assembly, which is now at the desk.

18 ACTING PRESIDENT GRIFFO: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 414, by Senator Ball, Senate Print 2287, an act
22 to amend the Insurance Law.

23 SENATOR LIBOUS: Mr. President, I
24 now month to reconsider the vote by which the
25 bill was passed.

1 ACTING PRESIDENT GRIFFO: Call the
2 roll on reconsideration.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 56.

5 SENATOR LIBOUS: Mr. President, I
6 offer up the following amendments.

7 ACTING PRESIDENT GRIFFO: The
8 amendments are received.

9 SENATOR LIBOUS: Mr. President, on
10 behalf of Senator Ranzenhofer, I wish to call up
11 his bill, Senate Print Number 3795, recalled from
12 the Assembly, which is now at the desk.

13 ACTING PRESIDENT GRIFFO: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number
16 510, by Senator Ranzenhofer, Senate Print 3795,
17 an act to amend the Highway Law.

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

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

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 56.

25 SENATOR LIBOUS: I offer up the

1 following amendments.

2 ACTING PRESIDENT GRIFFO: The
3 amendments are received.

4 SENATOR LIBOUS: Mr. President, on
5 behalf of Senator Maziarz, I wish to call up his
6 bill, Senate Print Number 1186A, recalled from
7 the Assembly, which is now at the desk.

8 ACTING PRESIDENT GRIFFO: The
9 Secretary shall read.

10 THE SECRETARY: Calendar Number 99,
11 by Senator Maziarz, Senate Print 1186A, an act to
12 amend the Energy Law.

13 SENATOR LIBOUS: Mr. President, I
14 now move to reconsider the vote by which this
15 bill was passed.

16 ACTING PRESIDENT GRIFFO: Call the
17 roll on reconsideration.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 56.

20 SENATOR LIBOUS: Mr. President, I
21 offer up the following amendments.

22 ACTING PRESIDENT GRIFFO: The
23 amendments are received.

24 SENATOR LIBOUS: On behalf of
25 Senator Fuschillo, on page 37 I offer the

1 following amendments to Calendar Number 440,
2 Senate Print 777, and ask that said bill retain
3 its place on the Third Reading Calendar.

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

7 SENATOR LIBOUS: On behalf of
8 Senator Maziarz, on page 43 I offer the following
9 amendments to Calendar Number 573, Senate Print
10 1122A, and ask that said bill retain its place on
11 the Third 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: And last but not
16 least, Mr. President, on behalf of Senator
17 Maziarz, on page 48 I offer the following
18 amendments to Calendar Number 703, Senate Print
19 4948, and ask that said bill retain its place on
20 the Third Reading Calendar.

21 ACTING PRESIDENT GRIFFO: The
22 amendments are received, and the bill shall
23 retain its place on third reading.

24 Senator Libous, we'll continue on
25 motions and resolutions?

1 SENATOR LIBOUS: Thank you,
2 Mr. President. I was pausing because I was
3 hearing noises. Has that ever happened to you,
4 sir?

5 (Laughter.)

6 ACTING PRESIDENT GRIFFO: As long
7 as you're not seeing things.

8 SENATOR LIBOUS: Mr. President, at
9 this time we'd like to take up a previously
10 adopted resolution by Senator Skelos. It's
11 Resolution 1568. I would ask that you read it in
12 its entirety and, because Senator Skelos is at a
13 meeting with the Governor, I will speak on behalf
14 of Senator Skelos.

15 ACTING PRESIDENT GRIFFO: The
16 Secretary shall read.

17 THE SECRETARY: Legislative
18 Resolution Number 1568, by Senator Skelos,
19 honoring Andrew Krahm upon the occasion of being
20 named the 2013 Junior Firefighter of the Year by
21 the National Volunteer Fire Council.

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 the ideals and
2 values cherished by this great state and nation;
3 and

4 "WHEREAS, This Legislative Body is
5 proud to honor Andrew Krahm upon the occasion of
6 being named the 2013 Junior Firefighter of the
7 Year by the National Volunteer Fire Council; and

8 "WHEREAS, Andrew Krahm will be
9 recognized for this admirable designation during
10 a special banquet at the National Volunteer Fire
11 Council's spring meeting in Virginia; and

12 "WHEREAS, Andrew Krahm, a Rockville
13 Centre teenager, has been designated with this
14 auspicious recognition for his diligent efforts
15 in establishing a junior firefighter program in
16 his hometown; and

17 "WHEREAS, A senior at Holy Trinity
18 Diocesan High School in Hicksville, New York,
19 17-year-old Andrew Krahm received a training/
20 education stipend and a complimentary one-year
21 council membership; and

22 "WHEREAS, To launch the junior
23 program, Andrew Krahm spent many hours drafting
24 bylaws and presenting them to local fire
25 department and community officials between 2009

1 and 2011; and

2 "WHEREAS, He was elected the
3 program's first captain and organizes monthly
4 meetings and training and serves as a liaison
5 with parents and the department; and

6 "WHEREAS, Andrew Krahm is a member
7 of the varsity track and soccer teams, as well as
8 the Tri-M Music Honor Society; and

9 "WHEREAS, Poised eagerly with
10 enthusiasm and determined purpose, this Junior
11 Firefighter now stands honorably, with just pride
12 in his accomplishments and in eager anticipation
13 of future challenges, understanding and
14 appreciating the caring counsel and support
15 provided by Senior Firefighters, mentors, and his
16 parents; now, therefore, be it

17 "RESOLVED, That this Legislative
18 Body pause in its deliberations to honor
19 Andrew Krahm upon the occasion of being named the
20 2013 Junior Firefighter of the Year by the
21 National Volunteer Fire Council; and be it
22 further

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

1 ACTING PRESIDENT GRIFFO: Senator
2 Libous.

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

5 I'm told Andrew is with us today.
6 Is Andrew -- where is Andrew? Andrew, would you
7 please stand for a moment?

8 ACTING PRESIDENT GRIFFO: Senator
9 Libous, excuse me for a second.

10 Can I have some order in the
11 chamber, please? Thank you.

12 Senator Libous.

13 SENATOR LIBOUS: Andrew, I'm
14 pinch-hitting for your Senator and our leader,
15 Senator Skelos. He is in a meeting with the
16 Governor and he wanted me to make sure that you
17 knew that that was the only reason why that he
18 wouldn't be here to honor you.

19 So I'm going to do the best I can.
20 I know Senator Skelos well enough, and I know how
21 proud he is of your accomplishments. And I want
22 to speak on behalf of all our colleagues here.

23 Andrew is not just the Junior
24 Firefighter of the Year, he's the National Junior
25 Firefighter. I mean, at 17, that is an

1 incredible, incredible accomplishment. Those of
2 us who go to a lot of our fire companies on a
3 regular basis, you know that it's always
4 difficult for them to find intelligent, good
5 young people like Andrew to pick up and take over
6 for some of the folks who have given their life
7 to that fire company.

8 Andrew, it is indeed an honor for us
9 to have you here on the floor today. And you not
10 only do an outstanding job with the fire company,
11 but I see that you're an athlete. And if I could
12 just kind of mention to my colleagues, although
13 it was read in the resolution, he is on the
14 varsity track and soccer team and he also is
15 talented because he's on the Tri-M Music Honor
16 Society.

17 So along with all of the time that
18 he puts in at the fire company, he still is on
19 two varsity sports teams and is involved with I
20 would believe something that is his passion.

21 So, Andrew, on behalf of Senator
22 Skelos, on behalf of all of our colleagues here
23 who take out time to honor you for your
24 achievement, you are a remarkable young man. We
25 are very proud to have you before this chamber.

1 And I know that you will serve as a symbol to
2 others who hopefully will follow in your
3 footsteps and do some of the remarkable things.

4 So on behalf of my colleagues, I say
5 congratulations to you and welcome to the Senate.

6 (Standing ovation.)

7 ACTING PRESIDENT GRIFFO: We want
8 to welcome Andrew and his family to the Senate
9 today. Congratulations. Best wishes on behalf
10 of Senator Skelos and the members of the Senate
11 today.

12 The resolution was adopted on
13 April 30th.

14 Senator Libous.

15 SENATOR LIBOUS: Mr. President, I
16 would ask of Andrew that if he runs into
17 Senator Skelos, please tell him I did a good job,
18 okay, Andrew?

19 (Laughter.)

20 SENATOR LIBOUS: Thank you.

21 Mr. President, we have a number of
22 resolutions I want to get through today. And
23 then after we finish the resolutions, just to
24 give everybody a heads up, we're going to have
25 the active list and then we'll go to Rules.

1 Okay? Just to give everybody an idea of what
2 we're going to do today.

3 ACTING PRESIDENT GRIFFO: So noted.

4 SENATOR LIBOUS: Okay. So we now
5 have -- Senator Carlucci has a couple of
6 previously adopted resolutions.

7 Resolution 3122, we'd like the title
8 read only. Resolution 2215 is a privileged
9 resolution, and we would like that read in its
10 entirety.

11 ACTING PRESIDENT GRIFFO: The
12 Secretary will read.

13 THE SECRETARY: Legislative
14 Resolution Number 3122, by Senator Carlucci,
15 memorializing Governor Andrew M. Cuomo to
16 proclaim June 10, 2013, as Italian-American Day
17 in the State of New York.

18 ACTING PRESIDENT GRIFFO: Senator
19 Carlucci, we'll read the second resolution too.

20 THE SECRETARY: Legislative
21 Resolution Number 2215, by Senator Carlucci,
22 commending Annabella Sciorra upon the occasion of
23 being selected as the 2013 American-Italian Day
24 Honoree.

25 "WHEREAS, It is the sense of this

1 Legislative Body to pay tribute to those
2 individuals of true purpose and worthy
3 accomplishment that provide opportunities to
4 celebrate their rich ethnic flavor and which
5 strive to preserve their cultural heritage; and

6 "WHEREAS, Attendant to such concern,
7 and in full accord with its long-standing
8 traditions, this Legislative Body is justly proud
9 to commend Annabella Sciorra upon the occasion of
10 being selected as the 2013 Italian-American Day
11 Honoree; and

12 "WHEREAS, Born Annabella Gloria
13 Philomena Sciorra in Brooklyn, New York, to a
14 housewife mother and a veterinarian father,
15 Annabella Sciorra studied dance as a child and
16 began taking drama lessons as she grew older at
17 Hagen-Berghoff Studio and the American Academy of
18 Dramatic Arts, both in New York City; and

19 "WHEREAS, On November 5, 1981, at
20 the age of 21, Annabella Sciorra founded the
21 Brass Ring Theater Company. An American film,
22 television, and stage actress with strong Italian
23 roots, she received an Independent Spirit Award
24 nomination for Best Female Lead for the 1989 film
25 'True Love', and came to widespread attention in

1 her co-lead role in Spike Lee's 1991 film 'Jungle
2 Fever'; and

3 "WHEREAS, Annabella Sciorra starred
4 in the 1992 thriller 'The Hand That Rocks the
5 Cradle', and received critical acclaim for her
6 work in 'Cop Land.' She received an Emmy
7 nomination for her role as Gloria Trillo in the
8 HBO series 'The Sopranos'; and

9 "WHEREAS, It is the sense of this
10 Legislative Body, in keeping with its
11 time-honored traditions, to recognize and pay
12 tribute to those individuals who foster ethnic
13 pride and enhance the profile of cultural
14 diversity which strengthens the fabric of the
15 communities of New York State; now, therefore, be
16 it

17 "RESOLVED, That this Legislative
18 Body pause in its deliberations to commend
19 Annabella Sciorra upon the occasion of being
20 selected as the 2013 Italian-American Day
21 Honoree; and be it further

22 "RESOLVED, That a copy of this
23 resolution, suitably engrossed, be transmitted to
24 Annabella Sciorra."

25 ACTING PRESIDENT GRIFFO: Senator

1 Carlucci on the resolutions.

2 SENATOR CARLUCCI: Thank you,
3 Mr. President.

4 It's an honor to rise on behalf and
5 celebrate Italian-American Day here in the State
6 of New York. We have a rich history of so many
7 Italian-Americans contributing so much to our
8 communities around the State of New York, doing
9 so much to contribute towards improving the
10 quality of life of so many New Yorkers.

11 So it's an honor to rise on behalf
12 of the Italian-American Legislators Conference,
13 which is made up of both Assemblymembers and
14 Senators who work together in a bipartisan
15 fashion to make sure that we continue to educate
16 New Yorkers on the rich history that we have of
17 Italian-American history.

18 Today we have with us the consul
19 general from Italy, Natalia Quintavalle, who is
20 here by the clock over there. Please stand up.

21 Natalia has really dedicated her
22 career and her life to serving the people of
23 Italy and Italian-Americans here in New York
24 State to make sure that when they need help, that
25 they are being taken care of.

1 So we're so honored that you're here
2 with us today. We thank you for joining us. And
3 I think I speak on behalf of all my colleagues
4 that we look forward to working with you and the
5 consulate to make sure that we better the lives
6 of Italian-Americans here in New York State.

7 (Applause.)

8 SENATOR CARLUCCI: And,
9 Mr. President, we're so fortunate that we have
10 here with us today Annabella Sciorra, who we
11 heard the Secretary read about her lengthy
12 career.

13 She was born in Brooklyn, spent most
14 of her life in Brooklyn. And as the Secretary
15 read the resolution, we heard about her really
16 experienced career in cultural arts, starting at
17 the young age of starting her own theater, making
18 sure and working with other talented people to
19 really follow their dreams.

20 And that's why we're so excited to
21 honor Annabella today, because she's an
22 Italian-American who grew up in Brooklyn and
23 really followed her dream. And she has starred
24 in so many films that the Secretary had
25 mentioned, as well as films that have won awards,

1 and also TV shows, that you've probably seen her
2 before. She stays extremely busy.

3 But what's really exciting about
4 Annabella is that not only is she a distinguished
5 actress, but she gives back to the community and
6 spends so much time volunteering, particularly
7 for the needs of our children. And after
8 Hurricane Sandy she came to the aid of
9 New Yorkers in the metropolitan area, in helping
10 them.

11 And we're just so excited that
12 you're here today. We thank you for following
13 your dreams and being a role model for other
14 young people in the community, Italian-Americans
15 and all people around New York State, to follow
16 their dreams and, if you put your heart and
17 follow through, you can really achieve anything.

18 So, Annabella, we honor you and we
19 thank you for your commitment to our community

20 (Standing ovation.)

21 ACTING PRESIDENT GRIFFO: Madam
22 Consul General and Annabella, benvenuti {in
23 Italian}.

24 Senator Carlucci, thank you. The
25 first resolution was previously adopted,

1 Number 3122, on June 4th.

2 SENATOR LIBOUS: Mr. President,
3 would you please call on Senator LaValle.

4 ACTING PRESIDENT GRIFFO: I'm
5 sorry. Senator LaValle.

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

8 SENATOR LaVALLE: Thank you.

9 It's a great pleasure for me to
10 introduce to this body a person who I think is a
11 true, true renaissance man. And Nathaniel
12 D'Agati will just be graduating from high school
13 this very month, from Miller Place High School.
14 And he will be attending Stony Brook University
15 in the fall, and he will be majoring in
16 electrical engineering.

17 Nathaniel has a long list of
18 impressive accomplishments in a variety of areas,
19 which makes him an excellent candidate for our
20 award, as a scholarship award recipient from the
21 Italian-American Conference. He has received
22 honors in academics, athletics, music and
23 volunteerism.

24 To name a few of his
25 accomplishments -- because we'd be here for a

1 long, long time -- he's a member of the National
2 Honor Society, the National Foreign Language
3 Society, and he has attended summer programs in
4 engineering at both the University of Connecticut
5 and the University at Stony Brook. He has
6 received awards for academic excellence, has
7 remained on the high honor roll for 12
8 consecutive quarters and maintained a GPA of over
9 95 percent.

10 On top of that, he is the captain of
11 the Miller Place High School varsity tennis team,
12 the varsity soccer team, as well as being a
13 member of the varsity basketball team. And he
14 follows his father and uncle in that regard on
15 playing for the Miller Place High School team.

16 He's a skilled piano player and is
17 involved with the Music Association, New York
18 State Music Association, and has played six piano
19 solos.

20 And lastly, as I had said initially,
21 volunteerism is also on his scorecard. He
22 volunteers at our Long Island Veterans Home, is a
23 Miller Place Service Club member, and he's
24 participated in Safe Halloween and sending gifts
25 to soldiers overseas and also various charity

1 fundraisers.

2 Nathaniel, congratulations on all of
3 your accomplishments at such an early age. You
4 are Long Island's Italian renaissance man.

5 (Applause.)

6 ACTING PRESIDENT GRIFFO:
7 Congratulations, Nathaniel, and welcome to the
8 Senate chamber.

9 Senator O'Mara.

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

12 I rise this afternoon in honor of
13 another Italian-American State Legislator Society
14 scholarship winner. I have with us today, in the
15 balcony above, James Christopher Burdette. If
16 you could please stand.

17 James is accompanied by his mother,
18 Martha, his brother David, and his aunt
19 Mary Ellen here today. He's a senior at Penn Yan
20 Academy, right in the middle of the Finger Lakes,
21 and Penn Yan is right at the northern tip of
22 Keuka Lake, the center of wine country, an
23 absolutely gorgeous area. He's graduating this
24 June and will be attending the University of
25 Albany.

1 While he's receiving the athletic
2 scholarship from the Italian-American Society, I
3 would like to point out that James is ranked
4 fourth in his high school senior class. He's a
5 member of the National Honor Society, and he's an
6 Academic All-American. He's a member of the
7 debate club, he's varsity club president and
8 president of his high school class.

9 He has played three years of varsity
10 football, four years of varsity basketball, and
11 four years of varsity lacrosse. He's been a team
12 captain in all three of those sports. And while
13 he's excelled at all of those sports, he
14 particularly excels in lacrosse.

15 He's a Brine All-American. He
16 represented Team USA in the Brogden Cup. He's
17 leading his Penn Yan Mustangs high school team to
18 the state semifinals this week. And he has a
19 commitment to play Division I lacrosse right here
20 at the University of Albany.

21 Please join me in welcoming James
22 and his family with us here today.
23 Congratulations, James.

24 (Applause.)

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator O'Mara.

2 Congratulations, James, and welcome
3 to you and your family to the Senate chamber.

4 As I had indicated previously,
5 Senate Resolution 3122 was previously adopted on
6 June 4th.

7 All in favor of Senate Resolution
8 2215 signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT GRIFFO: Opposed?

11 (No response.)

12 ACTING PRESIDENT GRIFFO: The
13 resolution is adopted.

14 Senator Libous.

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

17 Let's see here. Senator Seward is
18 next. We'd like to take up a privileged
19 resolution by Senator Seward, have the title read
20 only, and move for its immediate adoption.

21 ACTING PRESIDENT GRIFFO: The
22 Secretary will read.

23 THE SECRETARY: Legislative
24 Resolution Number 2119, by Senator Seward,
25 honoring the Fireman's Fund Insurance Company

1 upon the occasion of celebrating its 150th year
2 of business in 2013.

3 ACTING PRESIDENT GRIFFO: All in
4 favor of the resolution signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT GRIFFO: Opposed?

7 (No response.)

8 ACTING PRESIDENT GRIFFO: The
9 resolution is adopted.

10 Senator Libous.

11 SENATOR LIBOUS: Mr. President,
12 next I'd like to take up a privileged resolution
13 by Senator Ranzenhofer, Number 2291. Please read
14 it in its entirety and then if you would call on
15 Senator Ranzenhofer.

16 ACTING PRESIDENT GRIFFO: The
17 Secretary will read.

18 THE SECRETARY: Legislative
19 Resolution Number 2291, by Senator Ranzenhofer,
20 honoring the Greater Rochester FIRST Robotics
21 Competition Team 340 upon the occasion of
22 capturing the Chairman's Award at the Finger
23 Lakes Regional Competition.

24 "WHEREAS, New York State's
25 commitment to education is unparalleled; its

1 history and stature are secured by the
2 superlative caliber of its educational
3 professionals and the students they inspire; and

4 "WHEREAS, It is the intent of this
5 Legislative Body to commend and pay tribute to
6 those young people who have inspired and brought
7 pride to their school and community by achieving
8 outstanding success in competition; and

9 "WHEREAS, Attendant to such concern,
10 and in full accord with its long-standing
11 traditions, this Legislative Body is justly proud
12 to honor the Greater Rochester FIRST Robotics
13 Competition Team 340 upon the occasion of
14 capturing the Chairman's Award at the
15 Finger Lakes Regional Competition; and

16 "WHEREAS, The Regional Chairman's
17 Award honors the team that best represents a
18 model for other teams to emulate and which
19 embodies the goals and purpose of FIRST (For
20 Inspiration and Recognition of Science and
21 Technology); and

22 "WHEREAS, The Greater Rochester
23 FIRST Robotics Competition Team 340 was founded
24 in 1999; the goal of FIRST is to encourage
25 students of all ages to become interested in and

1 to pursue careers in the fields of Science,
2 Technology, Engineering and Math (STEM); and

3 "WHEREAS, Created to keep the
4 central focus of the FIRST Robotics Competition
5 on the ultimate goal of transforming our culture
6 into one where youth aspire to careers in science
7 and technology, the Chairman's Award is the most
8 prestigious award presented by FIRST; and

9 "WHEREAS, The Greater Rochester
10 FIRST Robotics Competition Team 340 gives back to
11 its community through volunteering and community
12 service; this past year, the team completed
13 4,543 hours of community service; and

14 "WHEREAS, Through demonstrations and
15 volunteering, 21 of Greater Rochester FIRST
16 Robotics Competition Team 340 members received
17 the Presidential Volunteer Service Award this
18 year, including 11 Bronze (100-174 hours), four
19 Silver (175-249 hours) and six Gold (over 250
20 hours); in the past three years, the team has
21 completed 10,236 hours of community service; and

22 "WHEREAS, Recently, the Greater
23 Rochester FIRST Robotics Competition Team 340 was
24 one of 10 National Honorees for the National Make
25 a Difference Day Award sponsored by the USA

1 Weekend Magazine, Points of Light Foundation and
2 Newman's Own; Make a Difference Day is the
3 nation's largest day of giving back; and

4 "WHEREAS, The Greater Rochester
5 FIRST Robotics Competition Team 340 held a 'FIRST
6 Mega Drive' which included a food drive for
7 Foodlink, a children's book drive for National
8 Reach Out and Read, a blood drive for the
9 American Red Cross, and an electronics recycling
10 drive to help keep electronics out of the
11 landfills; these particular drives were held
12 simultaneously and were held in conjunction with
13 an off-season robotics competition hosted by
14 another FIRST Team in the Rochester area; and

15 "WHEREAS, For being one of the
16 10 National Honorees, the Greater Rochester FIRST
17 Robotics Competition Team 340 was awarded a
18 scholarship to be donated to a charity of its
19 choice; the scholarship was then given to
20 Rochester Community Robotics, a not-for-profit
21 organization, to help develop new FIRST teams in
22 the Rochester area; and

23 "WHEREAS, One of the Greater
24 Rochester FIRST Robotics Competition Team 340's
25 major goals is to help all schools in New York

1 State to have the opportunity to start FIRST
2 teams in their schools; and

3 "WHEREAS, Sponsored by Bausch and
4 Lomb and GE volunteers as well as other local
5 businesses, the Greater Rochester FIRST Robotics
6 Competition Team 340 has won the Chairman's Award
7 seven out of the last nine years at the Finger
8 Lakes Regional Competition, which is held at the
9 Rochester Institute of Technology every year; and

10 "WHEREAS, The distinguished members
11 of the Greater Rochester FIRST Robotics
12 Competition Team 340 include: Carlo Atene, Adam
13 Audycki, Laura Brunelle, Daniel Felix, Joel
14 Ferrigno, Pat Godard, Michelle Insalaco, Daniel
15 Keister, Tyler Lane, Christa Lawniczak, Courtney
16 Kuhn, Benjamin Meyers, Roger Miller, Melissa
17 Nellist, Taylor Nobles, Rachel Burnell, Darbi
18 Conradt, Allison Maus, Emily Moses, James
19 Buduson, Michael Burns, Joe Hunt, Anthony
20 Jaramillo, Sean Majchrzak, Tyler Pawlaczyk,
21 Taylor Pietruszeuski, Justin Sangiorgi, Shannon
22 Sweeney, Matt Stafford, Tyler Banker, Nick
23 Schell, Mike Cheesbro, Zach Cooper, Anna Doyle,
24 Katy Flynn, Abby Wasmer, Brett Harling, Mike
25 Bailey, Austin Husted, Caitlin Cumming, Connor

1 O'Neill, Dayle Steiner, Ashley Jaramillo,
2 Jeremy Yunker, and Jordan Melita; Team Leader
3 Jason Rees; Assistant Team Leaders Rob Heslin
4 and Ellen Swift; and Team Mentors Bruce Becker,
5 William Brunelle, Philip Cripps, Rex Hays,
6 Cheryl Lawniczak, Gary Lawniczak, John
7 Lawniczak, Kristen McConnell, Justin Montois,
8 Chuck Moon, Barry Nobles, Colin Nobles, Lisa
9 Nobles, and Mike Starke; and

10 "WHEREAS, It is the sense of this
11 Legislative Body to acknowledge outstanding
12 students who distinguish themselves through
13 their exceptional performance and stand as a
14 sterling example and inspiration to all who would
15 aspire to success; now, therefore, be it

16 "RESOLVED, That this Legislative
17 Body pause in its deliberations to honor the
18 Greater Rochester FIRST Robotics Competition Team
19 340 upon the occasion of capturing the Chairman's
20 Award at the Finger Lakes Regional Competition;
21 and be it further

22 "RESOLVED, That a copy of this
23 resolution, suitably engrossed, be transmitted to
24 the Greater Rochester FIRST Robotics Competition
25 Team 340."

1 ACTING PRESIDENT GRIFFO: Senator
2 Ranzenhofer.

3 SENATOR RANZENHOFER: Thank you,
4 Mr. President.

5 It gives me a great deal of
6 privilege to welcome to the chamber the members
7 of the Greater Rochester FIRST Robotics
8 Competition Team 340. This is an amazing group
9 of freshmen, sophomores, juniors and seniors who
10 do some truly incredible things. Not with us in
11 the chamber today, but at the Capitol -- and some
12 of you may have seen Argon earlier as you came to
13 the chamber. That is the robot that they
14 designed, constructed, computerized, maintain and
15 compete.

16 And as my colleague Senator Grisanti
17 said, "What was that crazy thing that I saw as I
18 was walking over here?" That crazy thing is this
19 robot which won in the Finger Lakes competition.

20 This robot, which they designed from
21 scratch, as you saw today, could throw Frisbees
22 with the accuracy of a first-string quarterback
23 in the NFL, could climb ladders which I could not
24 climb. And it's just amazing to see what they
25 can actually do, constructing from scratch this

1 computerized piece of metal which they designed.
2 And, as I said, they maintain and use it to
3 compete.

4 With them here today not only are
5 the students joining us in the balcony, but their
6 advisors, school advisors. And also one of the
7 things I learned is this is such a dedicated
8 group that they have students who have graduated
9 five, 10 years ago who still come back to the
10 school to work with the students.

11 These students are not only an
12 inspiration to us all, they are engaged in what's
13 called STEM -- science, technology, engineering
14 and math, which is the guts of this particular
15 program -- but these are exceptional students,
16 these are students who are graduating high school
17 and going on to some of our finer universities,
18 colleges and community colleges.

19 These students, as was read in the
20 resolution, combined for 10,236 community service
21 hours. They won the Presidential Volunteer
22 Service Award. And I couldn't begin to compute
23 the number of hours per student, but some of them
24 are over 500, some are over 250. But they're all
25 very, very involved in their community.

1 I'd like everybody here in the
2 chamber today to join me in welcoming the members
3 and the advisors from Greater Rochester FIRST
4 Robotics Competition Team 340. Welcome to our
5 chambers.

6 (Applause.)

7 ACTING PRESIDENT GRIFFO: We
8 welcome the Greater Rochester FIRST Robotics
9 Competition Team 340. Congratulations. Thanks
10 for being here.

11 Thank you, Senator Ranzenhofer.

12 The question is on the resolution.
13 All in favor of Resolution Number 2291 signify by
14 saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT GRIFFO: Opposed,
17 nay.

18 (No response.)

19 ACTING PRESIDENT GRIFFO: The
20 resolution is adopted. Thank you.

21 Senator Libous.

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

24 We have a previously adopted
25 resolution by Senator Marchione, Number 3086.

1 Could we read it in its entirety and call on
2 Senator Marchione.

3 ACTING PRESIDENT GRIFFO: Thank
4 you, Senator Libous. The resolution was adopted
5 on May 30th.

6 The Secretary will read.

7 THE SECRETARY: Legislative
8 Resolution Number 3086, by Senator Marchione,
9 congratulating Emily Stephen upon the occasion of
10 her designation for special recognition as a Gold
11 and Silver Medalist in the Special Olympics World
12 Games.

13 "WHEREAS, It is the sense of this
14 Legislative Body to extend its full recognition
15 and grateful tribute to the athletes of New York
16 State who have dedicated their purposeful lives
17 to athletic achievement and proudly represented
18 their great state and nation in Special Olympics
19 competition; and

20 "WHEREAS, This Legislative Body is
21 justly proud to join the Saratoga, New York,
22 community in honoring Emily Stephen, a young
23 woman of great skill, personal courage and
24 unparalleled dedication, whose character and
25 athletic achievements are world-renowned and

1 personify the highest ideals of the American
2 spirit and Special Olympics competition; and:

3 "WHEREAS, Attendant to such concern,
4 and in full accord with its long-standing
5 traditions, it is the intent of this Legislative
6 Body to congratulate Emily Stephen of Saratoga,
7 New York, upon the occasion of her designation
8 for special recognition as a Gold and Silver
9 Medalist in the Special Olympics World Games; and

10 "WHEREAS, Emily Stephen knows
11 first-hand as a 14-year veteran and a supremely
12 accomplished athlete in the Special Olympics;
13 skiing for 20 years and competing in equestrian
14 since age 14, she recently returned from her
15 first World Games held in Pyeongchang, South
16 Korea, where she won a gold medal in the super
17 giant slalom and took silver in the giant slalom;
18 and

19 "WHEREAS, More than 170 athletes
20 represented Team USA in South Korea, with
21 countries ranging from Norway, the Czech Republic
22 and Canada competing; Emily Stephen, who was
23 competing in her first World Games, qualified to
24 be nominated by coaches to attend the World Games
25 after winning a gold medal at States; and

1 "WHEREAS, Special Olympics has
2 played a huge part in Emily Stephen's growth; she
3 has been given so many opportunities and has
4 matured and gained confidence throughout; in
5 addition to alpine skiing, she excels in
6 equestrian; and

7 "WHEREAS, In October of 2012 at
8 Skidmore Stables, Emily Stephen earned the Gold
9 at the state games; to prepare for both skiing
10 and equestrian, she trains three nights a week at
11 Saratoga Health and Wellness; Emily gets a lot of
12 moral support from her mother, Kate, and she also
13 practices on her edging technique on the
14 mountains with her coach, Ken Ritzenburg; and

15 "WHEREAS, At 28 years of age, Emily
16 Stephen could reasonably compete at a high level
17 in skiing and equestrian for the foreseeable
18 future; the challenges of the future include the
19 Summer Games at Los Angeles in 2015 as well as
20 the Winter Games at Austria in 2017; and

21 "WHEREAS, A role model for all,
22 Emily Stephen is a talented, dedicated athlete
23 who has brought honor to her family, her coaches,
24 and her community of friends who have encouraged
25 her progress and commended her hard work; and

1 "WHEREAS, A gifted athlete, Emily
2 Stephen's character and achievements stand as a
3 sterling example and inspiration to all who would
4 aspire to such extraordinary success; and

5 "WHEREAS, Many will only dream of
6 competing in the Special Olympics World Games;
7 this young gifted athlete from the great State of
8 New York, through her hard work and tenacious
9 spirit, has made that vision a reality, and has
10 proudly represented her country in competition
11 among the world's finest athletes, an honor that
12 gives just cause for her family, community and
13 state to be exceedingly proud of her
14 achievements; now, therefore, be it

15 "RESOLVED, That this Legislative
16 Body pause in its deliberations to congratulate
17 Emily Stephen upon the occasion of her
18 designation for special recognition as a Gold and
19 Silver Medalist in the Special Olympics World
20 Games, and extend its heartfelt congratulations
21 on her athletic achievements, and wish her
22 continued success; and be it further

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

1 ACTING PRESIDENT GRIFFO: Senator
2 Marchione.

3 SENATOR MARCHIONE: Thank you,
4 Mr. President.

5 Today I have the privilege of
6 welcoming Special Olympian Emily Stephen, a skier
7 for over twenty years, as we've just heard, and
8 the winner of a gold and silver medal at the 2013
9 Olympic World Winter Games.

10 Emily is joined today by Neal
11 Johnson, who is the president and CEO of the
12 New York State Special Olympics. Welcome to both
13 of you, and thank you very much for being here
14 and for all of your efforts.

15 You know, at her first special
16 Olympics World Game held at the winter resort in
17 South Korea, Emily won the gold medal in the
18 super giant slalom and took home the silver in
19 the giant slalom. Emily was among 213 Special
20 Olympians and one of five New Yorkers on Team USA
21 who competed against athletes from 110 different
22 countries.

23 On February 2nd, Emily's gold-
24 medal-winning run in the Alpine skiing advanced
25 super giant slalom event took her 47.15 seconds.

1 She bested the second-place finisher from Norway
2 by a margin of over 6.2 seconds. Emily's winning
3 run was nearly 5 seconds faster than her
4 qualifying time of 52.7 seconds. The following
5 day Emily finished second in the advanced giant
6 slalom, taking home the silver medal with a time
7 of 1 minute 42 seconds.

8 Emily spent time training, as we've
9 heard, on Special Olympics in Lake Placid, and
10 she regularly skis at West Mountain in
11 Glens Falls. Additionally, Emily works out three
12 days a week with a personal trainer at Saratoga
13 Health and Wellness.

14 She thoroughly enjoyed her time in
15 South Korea with the rest of the USA ski team.
16 They thoroughly immersed themselves in
17 South Korean culture, although Emily admits that
18 she eventually developed quite a craving for
19 burgers and fries.

20 Emily keeps in touch, though, with
21 all of her teammates on Facebook, with whom she
22 shared this amazing experience. And she was
23 recently in the news as she helped to carry the
24 Special Olympics torch through Saratoga Spa State
25 Park on its way to the University of Buffalo,

1 where the caldron will be lit on June 14th to
2 signify the opening of the 2013 State Olympic
3 Summer Games.

4 Special Olympics of course made all
5 of this possible. In the words of Emily's mother
6 Kate, "Special Olympics played a huge part in
7 Emily's growth. She's more confident, outgoing,
8 and she really matured. It's been great. I
9 can't say enough about them. They've given her
10 so many opportunities."

11 We look forward to watching Emily
12 continue to compete at high levels. In addition
13 to skiing, she's also a dedicated and
14 accomplished equestrian. I know each of us will
15 be rooting for Emily to add to her impressive
16 medal collection in both events at future Special
17 Olympics competitions.

18 Mr. President and my colleagues,
19 please join me in offering our collective
20 congratulations to Special Olympian Emily
21 Stephen.

22 Emily, you are the definition of a
23 true champion. Congratulations.

24 (Standing ovation.)

25 ACTING PRESIDENT GRIFFO: Senator

1 Libous.

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

4 Emily, I know you don't know me, but
5 I can tell you that -- and Neal will tell you --
6 I have been blessed in my life because I have
7 been the honorary chairman of the New York State
8 Special Olympics twice. And I would say to you I
9 know a little bit about Special Olympics. And I
10 will say in front of everybody here, you are
11 awesome.

12 ACTING PRESIDENT GRIFFO: Welcome,
13 Emily, and our best wishes to you.

14 The resolution was previously
15 adopted on May 30th.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President, I
18 have a motion that I need to do.

19 On behalf of Senator Grisanti, on
20 page 38 I offer the following amendments to
21 Calendar Number 455, Senate Print 3753, and ask
22 that said bill retain its place on the Third
23 Reading Calendar.

24 ACTING PRESIDENT GRIFFO: The
25 amendments are received, and the bill shall

1 retain its place on third reading.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President, at
4 this time I would like to have the reading of the
5 noncontroversial calendar.

6 ACTING PRESIDENT GRIFFO: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number 74,
9 by Senator Gallivan, Senate Print 583D, an act to
10 amend the Agriculture and Markets Law.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

13 THE SECRETARY: Section 5. This
14 act shall take effect on the 30th day.

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
22 100, by Senator Maziarz, Senate Print 1342, an
23 act to amend the Public Authorities 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: In relation to
10 Calendar Number 100: Ayes, 58. Nays, 1.
11 Senator Espaillat recorded in the negative.

12 ACTING PRESIDENT GRIFFO: So
13 noted. The bill is passed.

14 THE SECRETARY: Calendar Number
15 101, by Senator Maziarz, Senate Print 2512B, an
16 act to amend the Public Service Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 59.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 117, by Senator Hannon, Senate Print 2937, an act
4 to amend the Real Property Tax Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 59.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 118, by Senator DeFrancisco, Senate Print 337A,
17 an act to amend the Penal 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, 59.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 155, by Senator Klein, Senate Print 2321A, an act
5 to amend the Alcoholic Beverage Control Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect on the 180th day.

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT GRIFFO: Announce
14 the results.

15 THE SECRETARY: In relation to
16 Calendar Number 155, those recorded in the
17 negative are Senators Avella, Diaz, Gianaris,
18 Hoylman, Krueger, Montgomery, Perkins, Rivera,
19 Sanders, Serrano and Squadron.

20 Ayes, 48. Nays, 11.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 206, by Senator Seward, Senate Print 4171B, an
25 act to amend the Insurance Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

3 THE SECRETARY: Section 5. 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, 59.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 208, by Senator Libous, Senate Print 4191B, an
13 act to amend the Insurance 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, 59.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 319, by Senator LaValle, Senate Print 1564, an

1 act to amend the Education 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 ACTING PRESIDENT GRIFFO: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar Number 319, those recorded in the
13 negative are Senators Avella, Dilan, Espaillat,
14 Hassell-Thompson, Hoylman, Krueger, Montgomery,
15 Perkins, Rivera, Sanders, Squadron, Stavisky and
16 Tkaczyk.

17 Ayes, 46. Nays, 13.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 362, by Senator Felder, Senate Print 4540, an act
22 to amend Chapter 415 of the Laws of 1913.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 26. 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
9 407, by Senator Ritchie, Senate Print 4302A, an
10 act to amend the Agriculture and Markets 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 THE SECRETARY: Ayes, 57. Nays,
19 2. Senators Avella and Espaillat recorded in the
20 negative.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 472, by Senator Young, Senate Print 4578A, an act
25 to amend Chapter 321 of the Laws of 2011.

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, 56. Nays,
9 3. Senators Espaillat, Perkins and Serrano
10 recorded in the negative.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 473, by Senator Carlucci, Senate Print 1784 --

15 SENATOR GIANARIS: Lay it aside.

16 ACTING PRESIDENT GRIFFO: Lay the
17 bill aside.

18 THE SECRETARY: Calendar Number
19 577, by Senator Seward, Senate Print 3657, an act
20 to amend the Alcoholic Beverage Control Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 58. Nays,

4 1. Senator Diaz recorded in the negative.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 582, by Senator Valesky, Senate Print 2160, an
9 act to amend the State Administrative Procedure
10 Act.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

13 SENATOR GIANARIS: Lay it aside.

14 ACTING PRESIDENT GRIFFO: The bill
15 is laid aside.

16 THE SECRETARY: Calendar Number
17 624, by Senator Felder, Senate Print 4529B, an
18 act to amend the Family Court Act.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

21 THE SECRETARY: Section 4. 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, 59.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 628, by Senator Gianaris, Senate Print 612, an
6 act to amend the Penal Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

9 THE SECRETARY: Section 2. 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
18 652, by Senator Carlucci, Senate Print 3245, an
19 act to amend the Executive Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

22 THE SECRETARY: Section 3. 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
6 655, by Senator Golden, Senate Print 4248A, an
7 act to amend the Executive Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 59.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 762, by Senator Bonacic, Senate Print 4644C, an
20 act to amend the Family Court Act and the Public
21 Health Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

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
8 769, by Senator Lanza, Senate Print 5145, an act
9 to amend the Banking Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

12 THE SECRETARY: Section 6. 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, 59.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 770, by Senator Squadron, Senate Print 218, an
22 act to amend the Penal Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 11. 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, 60.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 775, by Senator Marcellino, Senate Print 1521, an
10 act to amend the Penal Law.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the 180th day.

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT GRIFFO: Senator
19 Marcellino to explain his vote.

20 SENATOR MARCELLINO: Thank you,
21 Mr. President. I appreciate the opportunity to
22 explain my vote.

23 We keep talking about --

24 ACTING PRESIDENT GRIFFO: Excuse
25 me, Senator Marcellino.

1 Can we have some order in the house,
2 please.

3 Senator Marcellino.

4 SENATOR MARCELLINO: Thank you,
5 Mr. President. Appreciate the call for order.

6 We keep talking about a quality of
7 life. And the only way you can do that is to get
8 rid of these petty crimes that occur with some
9 frequency when you have people out there who have
10 a habit of getting into trouble and don't stop.
11 And it's a misdemeanor, so they figure, well,
12 it's no big deal. They don't go to jail. They
13 rarely serve any time. They rarely are taken off
14 the street for any period of time. So they're
15 out there all the time harassing people, creating
16 problems, causing people in communities to be
17 leery about walking down the street.

18 There was a time you didn't want to
19 drive down the street because of the so-called
20 squeegee people who were on the street and who
21 would rush your car when you stopped for a light
22 and start literally dirtying up your windshield
23 rather than cleaning it off, creating more
24 trouble than they resolved. Unless you bought
25 them off, unless you paid them, they didn't go

1 away.

2 So that was a problem, and it caused
3 difficulty and people just didn't come into the
4 city and wouldn't go places because of that
5 problem. When that was stopped, people began to
6 come back.

7 We see a loss of that. We see some
8 neighborhoods that are literally infested and
9 literally under siege by this what I call
10 professional criminal class. And we have to send
11 the message that this is intolerable.

12 This bill is the first step in doing
13 that. It simply says if you're a chronic
14 criminal, if you do this and you don't ever
15 learn, if you're a constant recidivist, we're
16 going to take you off the street after a certain
17 point in time for a period of time, and hopefully
18 teach you a lesson and hopefully get you back on
19 the straight and narrow.

20 That's the purpose of this. No
21 other purpose. It's to improve the quality of
22 life for the honest, hardworking citizens of this
23 state who are literally being harassed off their
24 streets. This has got to stop, and we're the
25 people who are charged with maintaining the

1 health and safety and welfare of the average
2 citizen and of the people of the state.

3 This bill, as I said, does that. I
4 thank my colleagues for their support. And
5 hopefully the other house will see the same light
6 and pass it as well,

7 Thank you, Mr. President. I vote
8 aye.

9 ACTING PRESIDENT GRIFFO: Senator
10 Marcellino to be recorded in the affirmative.

11 Senator Krueger to explain her vote.

12 SENATOR KRUEGER: Thank you,
13 Mr. President. I rise to explain why I have to
14 disagree with Senator Marcellino and vote no.

15 It is true that people find many
16 things irritating, including any number of
17 misdemeanors, but the truth is the people who are
18 most likely to get caught up in this new category
19 of misdemeanors shifting into a felony are the
20 poor, the mentally ill, the homeless. People who
21 may be found with misdemeanors for loitering
22 because they have nowhere else to go. People who
23 may in fact jump a turnstile to get on the trains
24 when it's cold in winter but they don't have the
25 money for a MetroCard. People who may be found

1 sleeping on a park bench because they have
2 nowhere else to be.

3 So I understand his frustration
4 about quality-of-life crimes. But I also
5 understand that at least in my city we're sending
6 thousands of mentally ill people to Rikers Island
7 already. We arrest people rather than provide
8 public services or affordable housing.

9 I do not think it is in the best
10 interests of the State of New York to end up with
11 a cost of \$50,000 to \$60,000 a year in prison
12 costs, not to mention court costs, because we are
13 not addressing the needs of our poorest citizens.

14 Certainly there is responsibility on
15 all sides, but I don't believe moving
16 misdemeanors into a felony, not by type of crime
17 but simply the frequency by which someone might
18 be hit with misdemeanors, is good public policy.

19 I'll be voting no, Mr. President.
20 Thank you.

21 ACTING PRESIDENT GRIFFO: Senator
22 Krueger to be recorded in the negative.

23 Senator Montgomery to explain her
24 vote.

25 SENATOR MONTGOMERY: Yes,

1 Mr. President, thank you.

2 I would certainly like to disagree
3 with Senator Marcellino, and I especially take
4 offense to referring to certain groups of people
5 as the criminal class. And I'll tell you why.

6 I have had many, many instances
7 where young people in particular, even students
8 who were protesting at their school, outside
9 their school, or students who happen to be
10 victims of stop-and-frisk contacts with police --
11 and one contact with police can end up with four
12 misdemeanor charges or more. I've seen that,
13 I've had it happen many times.

14 And so I know this is not
15 necessarily about a criminal class that we're
16 talking about. We're talking about the
17 possibility of automatically receiving a Class E
18 felony because of a number of misdemeanors that
19 you receive. And very often it doesn't require
20 five years, it very often could be a one-time
21 contact.

22 So I think this is a very, very bad
23 statement in terms of -- and policy as it relates
24 to how people receive an E felony, which is a
25 very serious and life-altering crime.

1 So, Mr. President, I vote no and I
2 invite my colleagues to join me in rejecting this
3 particular legislation that Senator Marcellino
4 has put forward. Thank you. I vote no.

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

7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar Number 775, those recorded in the
10 negative are Senators Adams, Dilan, Espaillat,
11 Gianaris, Hassell-Thompson, Hoylman, Krueger,
12 Montgomery, Peralta, Perkins, Rivera, Sanders,
13 Serrano, Squadron and Stavisky.

14 Ayes, 45. Nays, 15.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 776, by Senator Little, Senate Print 1756, an act
19 to amend the Penal Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

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

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 793, by Senator Carlucci, Senate Print 3246, an
9 act to amend the State Administrative Procedure
10 Act.

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, 60.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 819, substituted earlier by Member of the
23 Assembly Russell, Assembly Print 7101, an act to
24 amend Chapter 455 of the Laws of 2011.

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, 59. Nays,
8 1. Senator Serrano recorded in the negative.
9 Also Senator Hoylman. Also Senator Espaillat.

10 ACTING PRESIDENT GRIFFO:
11 Reannounce the results.

12 THE SECRETARY: Ayes, 57. Nays, 3.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 820, by Senator Grisanti, Senate Print 4997, an
17 act to amend the Environmental Conservation Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect on the same date and in the
22 same manner as Section 5 of Part R of Chapter 58
23 of the Laws of 2013.

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: In relation to
3 Calendar Number 820, those recorded in the
4 negative are Senators Espaillat, Hoylman,
5 Krueger, Perkins, and Serrano.

6 Ayes, 55. Nays, 5.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 821, by Senator Grisanti, Senate Print --

11 SENATOR LIBOUS: Lay it aside for
12 the day, please.

13 ACTING PRESIDENT GRIFFO: The bill
14 is laid aside for the day.

15 THE SECRETARY: Calendar Number
16 830, by Senator DeFrancisco, Senate Print 4451A,
17 an act to amend the Vehicle and Traffic 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, 60.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 836, by Senator Griffo --

5 SENATOR GIANARIS: Lay it aside.

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

8 THE SECRETARY: Calendar Number
9 911, by Senator Griffo, Senate Print 3907, an act
10 to amend the Education 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 ACTING PRESIDENT GRIFFO: Announce
19 the results.

20 THE SECRETARY: In relation to
21 Calendar Number 911, those recorded in the
22 negative are Senators Adams, Addabbo, Avella,
23 Breslin, Dilan, Espaillat, Gianaris, Gipson,
24 Kennedy, Krueger, Peralta, Perkins, Rivera,
25 Sanders, Serrano, Squadron, Stavisky and

1 Stewart-Cousins. Also Senator Hoylman.

2 Ayes, 41. Nays, 19.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 930, by Senator Marcellino, Senate Print 1520, an
7 act to amend the Penal Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 57. Nays,
16 3. Senators Hassell-Thompson, Montgomery and
17 Perkins recorded in the negative.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 947, by Senator Seward, Senate Print 2886, an act
22 to amend the Insurance Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT GRIFFO: Announce
6 the results.

7 THE SECRETARY: Ayes, 58. Nays,
8 2. Senators Avella and Diaz recorded in the
9 negative.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 950, by Senator Griffio, Senate Print 5121, an act
14 to amend the Insurance 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, 60.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 955, by Senator LaValle, Senate Print 1752, an
2 act to amend the Social Services Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 59. Nays,
11 1. Senator Dilan recorded in the negative.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1027, by Senator Griffo, Senate Print --

16 SENATOR GIANARIS: Lay it aside.

17 ACTING PRESIDENT GRIFFO: The bill
18 is laid aside.

19 THE SECRETARY: Calendar Number
20 1030, by Senator Seward, Senate Print 3462 --

21 SENATOR GIANARIS: Lay it aside.

22 ACTING PRESIDENT GRIFFO: The bill
23 is laid aside.

24 THE SECRETARY: Calendar Number
25 1031, by Senator Valesky, Senate Print 5009A, an

1 act to amend the Legislative Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

4 THE SECRETARY: Section 7. This
5 act shall take effect on the 30th day.

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT GRIFFO: Senator
10 Gianaris to explain his vote.

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

13 This bill is opposed by the New York
14 Civil Liberties Union as well as the founder of
15 the Brennan Center. Nor is it supported by
16 NYPIRG or the League of Women Voters. And the
17 reason is because it is unconstitutional -- it's
18 contrary to the First Amendment of the U.S.
19 Constitution -- as well as being overbroad.

20 Among the things this would prohibit
21 would be anyone who works for a labor or a
22 business group working on a campaign and then
23 turning around and having that group lobby its
24 government. It would actually prohibit any labor
25 organization or business organization from

1 lobbying government simply because one of their
2 employees chose to work on a political campaign.

3 In addition, it would prohibit cable
4 and phone companies from lobbying government
5 simply because they provide a campaign service
6 that's paid for when people take ads on
7 television or use the phone service to conduct
8 robocalls.

9 Other states that have tried this
10 have had it knocked down by the courts for
11 exactly this reason. New York City explored a
12 similar regulation and reversed course very
13 quickly when it realized that it was an issue
14 that's opposed by the good government community
15 and is contrary to the United States
16 Constitution.

17 It is an ill-advised piece of
18 legislation, and I urge my colleagues to join me
19 in voting in the negative.

20 ACTING PRESIDENT GRIFFO: Senator
21 Gianaris to be recorded in the negative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar Number 1031, those recorded in the
25 negative are Senators Adams, Addabbo, Bonacic,

1 Breslin, Dilan, Gianaris, Gipson,
2 Hassell-Thompson, Hoylman, Krueger, Latimer,
3 Montgomery, O'Brien, O'Mara, Parker, Peralta,
4 Perkins, Rivera, Sanders, Serrano, Squadron,
5 Stavisky, Stewart-Cousins and Tkaczyk.

6 Ayes, 36. Nays, 24.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1032, by Senator Marchione, Senate Print 5161, an
11 act to amend the Legislative Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 SENATOR GIANARIS: Lay it aside.

17 ACTING PRESIDENT GRIFFO: The bill
18 is laid aside.

19 THE SECRETARY: Calendar Number
20 1033, by Senator Marchione, Senate Print 5166, an
21 act --

22 SENATOR GIANARIS: Lay it aside.

23 ACTING PRESIDENT GRIFFO: The bill
24 is laid aside.

25 THE SECRETARY: Calendar Number

1 1036, by Senator Griffo, Senate Print 5519A, an
2 act to amend the Executive Law.

3 SENATOR GIANARIS: Lay it aside.

4 ACTING PRESIDENT GRIFFO: The bill
5 is laid aside.

6 THE SECRETARY: Calendar Number
7 1037, by Senator Maziarz, Senate Print 5536A, an
8 act to amend the Public Service Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

11 THE SECRETARY: Section 10. 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, 58. Nays,
17 2. Senators Avella and Tkaczyk recorded in the
18 negative.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1038, by Senator Valesky, Senate Print 5553, an
23 act to amend the State Administrative Procedure
24 Act.

25 SENATOR GIANARIS: Lay it aside.

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

3 THE SECRETARY: Calendar Number
4 1040, by Senator Gallivan, Senate Print 5657, an
5 act to amend the State Administrative Procedure
6 Act.

7 SENATOR GIANARIS: Lay it aside.

8 ACTING PRESIDENT GRIFFO: The bill
9 is laid aside.

10 Senator Libous, that completes the
11 noncontroversial reading of the active list of
12 June 10th.

13 SENATOR LIBOUS: I can see that,
14 Mr. President. And I see that we do have a
15 controversial calendar.

16 However, before we do the
17 controversial calendar, I am going to call an
18 immediate meeting of the Rules Committee in
19 Room 332 so that we can do more legislation and
20 move the process along this week.

21 So we'll have the Senate stand at
22 ease, but there will be an immediate meeting of
23 the Rules Committee. The sooner the members of
24 the Rules Committee get there, the sooner we can
25 get back and debate these bills.

1 ACTING PRESIDENT GRIFFO: There's
2 an immediate meeting of the Rules Committee in
3 Room 332.

4 The Senate shall stand at ease.

5 (Whereupon, the Senate stood at ease
6 at 4:43 p.m.)

7 (Whereupon, the Senate reconvened at
8 5:15 p.m.)

9 ACTING PRESIDENT O'MARA: The
10 Senate will come to order.

11 Senator Libous.

12 SENATOR LIBOUS: Mr. President, I
13 believe there's a report of the Rules Committee
14 at the desk. Could we have it read at this time.

15 ACTING PRESIDENT O'MARA: Reports
16 of standing committees.

17 The Secretary will read.

18 THE SECRETARY: Senator Skelos,
19 from the Committee on Rules, reports the
20 following bills:

21 Senate Print 731, by Senator Avella,
22 an act to amend the Religious Corporations Law;

23 Senate 1044, by Senator Grisanti, an
24 act to amend the Education Law;

25 Senate 1360, by Senator Little, an

1 act to amend the Real Property Law;

2 Senate 1445A, by Senator Flanagan,

3 an act to amend the Public Lands Law;

4 Senate 1948, by Senator Ritchie, an

5 act to amend the Vehicle and Traffic Law;

6 Senate 2312, by Senator DeFrancisco,

7 an act to amend the Real Property Law;

8 Senate 2489, by Senator Lanza, an

9 act to amend the Education Law;

10 Senate 2959A, by Senator Golden, an

11 act to amend the Correction Law;

12 Senate 3300, by Senator Nozzolio, an

13 act to amend the General Municipal Law;

14 Senate 3313, by Senator LaValle, an

15 act in relation to authorizing;

16 Senate 3591, by Senator O'Mara, an

17 act to amend the General Municipal Law;

18 Senate 3592, by Senator O'Mara, an

19 act to amend the General Municipal Law;

20 Senate 3626, by Senator Lanza, an

21 act to amend the Tax Law;

22 Senate 3668, by Senator Martins, an

23 act in relation to the sales and compensating use

24 tax;

25 Senate 3701, by Senator Valesky, an

1 act in relation to qualifying;

2 Senate 3769, by Senator Robach, an
3 act to amend the Vehicle and Traffic Law;

4 Senate 3852, by Senator DeFrancisco,
5 an act to amend the Civil Practice Law and Rules;

6 Senate 4104, by Senator LaValle, an
7 act to amend the Town Law;

8 Senate 4188, by Senator Flanagan, an
9 act to amend the Vehicle and Traffic Law;

10 Senate 4311, by Senator Golden, an
11 act to amend the Tax Law;

12 Senate 4335, by Senator Young, an
13 act to amend the Tax Law;

14 Senate 4379, by Senator Boyle, an
15 act to amend the Tax Law;

16 Senate 4418A, by Senator LaValle, an
17 act authorizing;

18 Senate 4558, by Senator Little, an
19 act to amend the Tax Law;

20 Senate 4634, by Senator Carlucci, an
21 act to authorize;

22 Senate 4636, by Senator Carlucci, an
23 act to authorize;

24 Senate 4640, by Senator Carlucci, an
25 act to authorize;

1 Senate 4688, by Senator Little,
2 Concurrent Resolution of the Senate and Assembly;

3 Senate 4753, by Senator Robach, an
4 act in relation to a certain agreement;

5 Senate 4763, by Senator Bonacic, an
6 act to amend the Civil Practice Law and Rules;

7 Senate 4824, by Senator Savino, an
8 act to amend the Town Law;

9 Senate 4856, by Senator DeFrancisco,
10 an act to amend the General Municipal Law;

11 Senate 5002, by Senator Lanza, an
12 act to amend the Transportation Law;

13 Senate 5011A, by Senator Savino, an
14 act to amend Chapter 879 of the Laws of 1939;

15 Senate 5030, by Senator Carlucci, an
16 act to amend the Executive Law;

17 Senate 5139, by Senator Little, an
18 act to amend the Retirement and Social Security
19 Law;

20 Senate 5222, by Senator Marchione,
21 an act to amend the Tax Law;

22 Senate 5317, by Senator Marcellino,
23 an act to amend the General Municipal Law;

24 Senate 5585, by Senator Golden, an
25 act to amend the Civil Service Law;

1 And Senate 5680, by Senator Maziarz,
2 an act to amend the Correction Law.

3 All bills reported direct to third
4 reading.

5 SENATOR LIBOUS: Mr. President, I
6 move to accept the report of the Rules Committee.

7 ACTING PRESIDENT O'MARA: All in
8 favor of accepting the report of the Rules
9 Committee signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT O'MARA: Those
12 opposed, nay.

13 (No response.)

14 ACTING PRESIDENT O'MARA: The
15 report of the Rules Committee is accepted.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President,
18 we're going to go to the reading of the
19 controversial calendar, and I just want to take
20 it out of order, if we can.

21 We'll go to the reading of the
22 controversial calendar, and I'd like to take up
23 Calendar Number 582, by Senator Valesky, first.

24 ACTING PRESIDENT O'MARA: The
25 Secretary will ring the bell.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 582, by Senator Valesky, Senate Print 2160, an
4 act to amend the State Administrative Procedure
5 Act.

6 SENATOR KRUEGER: Explanation.

7 ACTING PRESIDENT O'MARA: Senator
8 Valesky, an explanation has been requested.

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

11 This bill that is before us is the
12 first in a series of measures in a legislative
13 package that the Majority Coalition is advancing
14 today to address the issue of regulatory reform
15 in New York State.

16 As I'm sure many of my colleagues
17 know, our small businesses, the backbone of our
18 economy, have been overburdened with, in many
19 cases, unnecessary and costly regulation that
20 impacts directly their ability to be successful
21 and has contributed to New York State being
22 listed 50th out of 50 in terms of tax and
23 regulatory climate.

24 So the bill that we see before us
25 today simply maintains that through the State

1 Administrative Procedure Act it will be the
2 affirmative duty upon state agencies that, when
3 they are promulgating any rule or regulation, to
4 institute outreach efforts on the front end to
5 those regulated persons or those persons about to
6 be regulated through this proposed regulation,
7 and solicit from them on the front end any
8 impact, any administrative burden that they would
9 deem likely to be in effect, in addition to any
10 costs associated with those administrative
11 burdens, at the beginning of the regulatory
12 process.

13 ACTING PRESIDENT O'MARA: Senator
14 Krueger.

15 SENATOR KRUEGER: Thank you.
16 Through you, Mr. President, if the sponsor would
17 please yield.

18 ACTING PRESIDENT O'MARA: Will you
19 yield, Senator Valesky?

20 SENATOR VALESKY: Certainly.
21 Certainly.

22 SENATOR KRUEGER: Thank you.

23 So we do already have a State
24 Administrative Procedure Act in place, SAPA. And
25 my understanding is that they do publish proposed

1 regulations with a comment period and try to make
2 that publicly available.

3 So how would this bill change the
4 process that they go through?

5 SENATOR VALESKY: Mr. President,
6 through you. This measure is designed to make
7 clear in the State Administrative Procedure
8 Act -- and we've gone through SAPA and amended
9 the act accordingly -- that it is incumbent first
10 and foremost upon the state agency to seek out,
11 to the best of their ability, and gather input
12 from any regulated person or persons as to the
13 potential impact of the rule that they would be
14 about to consider.

15 SENATOR KRUEGER: Through you,
16 Mr. President, if the sponsor would continue to
17 yield.

18 SENATOR VALESKY: Yes.

19 ACTING PRESIDENT O'MARA: Proceed.

20 SENATOR KRUEGER: Thank you.

21 So the sponsor answered and in his
22 explanation of the bill he was talking about
23 wanting to ensure that we don't hurt businesses
24 and that we understand the impact on the cost.
25 But I didn't hear the sponsor talk about

1 evaluating the impact for the good on people from
2 regulations.

3 So just to clarify, under this bill
4 would the SAPA entity have the same obligation
5 to reach out to people whose children might be
6 helped by cleaner air that this regulation might
7 lead to, or the elderly or vulnerable would in
8 fact be more protected because of this
9 regulation?

10 So is this a one-sided approach to
11 the question, or is it in fact also to reach out
12 to understand the positive impacts that would
13 come about by implementation of a law this house
14 passed and an agency regulated?

15 SENATOR VALESKY: Certainly. Well,
16 Mr. President, this bill, if it were to become
17 law, would seek to obtain comments and input from
18 all regulated persons.

19 So this is not one side or the
20 other, this is from anyone who in the state
21 agency's opinion could be affected in any way,
22 shape or form -- positively or negatively, to
23 your point -- and seek out input as to the impact
24 of that proposed rule.

25 SENATOR KRUEGER: Through you,

1 Mr. President, on the bill.

2 ACTING PRESIDENT O'MARA: On the
3 bill, Senator Krueger.

4 SENATOR KRUEGER: Thank you. I
5 appreciate the sponsor's answer.

6 See, my dilemma is when you read the
7 bill, the sections only talk about the negative
8 impact, the prior to promulgating such rule,
9 agency has an affirmative duty to reach out to
10 the regulated persons who may be adversely
11 affected and obtain from such persons their
12 comments and cost estimates. That's on page 2,
13 line 40 through 43.

14 It then to some degree repeats and
15 expands upon that on page 3, lines 7 through 11,
16 12 through 14, 22 to 26, 32 to 34, 46 to 49.
17 These are the lines. On page 4, 18 through 22,
18 23 through 25. I think those highlight the
19 lines.

20 If this was a bill that said we have
21 a SAPA process, we don't think it's adequate, we
22 think there should be more outreach to the public
23 so they could comment upon the impact of these
24 new rules and regulations and give us the pros
25 and cons and the impact on them, I actually would

1 think that was a good thing.

2 Of course an agency, any agency
3 dealing with SAPA isn't going to be creating
4 rules or regulations unless we in this house,
5 plus the other house, plus the Governor, passed a
6 law requiring that the agencies play some role in
7 expanding upon or creating or changing their
8 rules or regulations.

9 So I certainly like very much the
10 idea of bringing the public into the dialogue
11 more. Even before we pass the law, I like the
12 idea of bringing the public in more. My problem
13 with this specific bill and the reason I would
14 have to vote no tonight is because this only says
15 the adverse consequences.

16 I seriously doubt there's one person
17 in this house who has ever voted for a bill who
18 didn't think there's probably a regulation to go
19 along with that bill. And I doubt anyone here in
20 this house, whoever voted for a bill, imagined
21 that the only consequences would be negative. I
22 would actually think most of us think, when we
23 vote for a new law, believe in good faith that we
24 are making an improvement in the laws of New York
25 State.

1 And when you change a law, you need
2 to modify, change or add rules or regulations.
3 And again, if most of us think the bills we pass
4 are for the good and do require government
5 implementation of the laws we pass, then it seems
6 to me we'd want to find out, once we pass the
7 law, who actually likes this for what reasons,
8 how will it be helpful to communities, to
9 families, to people's health, to our
10 environmental health, to improve actually the
11 quality of life in New York State to increase the
12 reason for businesses to come here and people to
13 want to raise their families here.

14 So it's an interesting proposal to
15 expand, but it's too one-sided, Mr. President.
16 We want to hear from everyone, not just the
17 people who think they'd be adversely impacted.
18 But I know you and I both would want to hear from
19 the people who are glad to see a Senator O'Mara
20 or a Senator Krueger bill pass because they
21 actually believe it will improve the quality of
22 their lives, of their communities, and lead to
23 the betterment of the State of New York.

24 So what I ask for is fair play in
25 how we evaluate our regulations. And right now I

1 believe that the sponsor needs to go back and
2 balance the language in the bill. Because it's
3 all about the costs and the negative impacts.

4 So I would recommend a no vote,
5 Mr. President. Thank you.

6 ACTING PRESIDENT O'MARA: Thank
7 you, Senator.

8 Seeing no other Senator wishing to
9 be heard, the Secretary will ring the bell.

10 Read the last section.

11 THE SECRETARY: Section 10. This
12 act shall take effect on the first of January.

13 ACTING PRESIDENT O'MARA: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT O'MARA: Announce
17 the results.

18 THE SECRETARY: In relation to
19 Calendar Number 582, those recorded in the
20 negative are Senators Adams, Avella, Gianaris,
21 Gipson, Hoylman, Krueger, Montgomery, Perkins,
22 Rivera, Sanders, Serrano and Stavisky.

23 Absent from voting: Senators Parker
24 and Squadron.

25 Ayes, 47. Nays, 12.

1 ACTING PRESIDENT O'MARA: The bill
2 is passed.

3 Senator Libous.

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

6 Let's go back to Senator Carlucci's
7 bill, Number 473, please.

8 ACTING PRESIDENT O'MARA: The
9 Secretary will read.

10 THE SECRETARY: Calendar Number
11 473, by Senator Carlucci, Senate Print 1784, an
12 act to amend the State Administrative Procedure
13 Act.

14 SENATOR KRUEGER: Explanation,
15 please.

16 ACTING PRESIDENT O'MARA: Senator
17 Carlucci, an explanation has been requested.

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

20 This bill will amend SAPA, the State
21 Administrative Procedure Act, to allow for
22 regulated businesses in the State of New York to
23 petition the state agencies to allow them to
24 implement best practices.

25 This would allow the state agency,

1 give them a formal process to hear new best
2 practices that have been developed and allow that
3 state agency to determine the best practice
4 moving forward.

5 SENATOR KRUEGER: Through you,
6 Mr. President, if the sponsor would yield.

7 ACTING PRESIDENT O'MARA: Senator
8 Carlucci, will you yield?

9 SENATOR CARLUCCI: Yes.

10 ACTING PRESIDENT O'MARA: Proceed.

11 SENATOR KRUEGER: Why does the
12 sponsor think a state agency wouldn't use best
13 practices when writing its rules and regulations
14 today?

15 SENATOR CARLUCCI: This would be an
16 unintended consequence. This has to do with new
17 rules and old rules.

18 As we know, in the 21st century best
19 practices change rapidly. And who better to know
20 than the experts or the people working in that
21 industry. If there is a new technology, if there
22 is a breakthrough, let's allow that process to
23 unfold and make sure that these business
24 entities are communicating with our state
25 agencies to make sure that we are equipped to

1 compete in a global economy in the 21st century.

2 SENATOR KRUEGER: Through you,
3 Mr. President, if the sponsor would continue to
4 yield.

5 SENATOR CARLUCCI: Yes, I yield.

6 ACTING PRESIDENT O'MARA: Proceed.

7 SENATOR KRUEGER: Thank you.

8 So using any hypothetical, let's say
9 the natural gas industry, does the sponsor
10 believe the natural gas industry is in a better
11 position to determine the appropriate rules and
12 regulations for itself, say compared to the
13 Department of Health or the Department of
14 Environmental Conservation?

15 SENATOR CARLUCCI: In the language
16 of the bill we exempt environmental and health
17 and safety issues from being susceptible to a
18 petition. And the state agencies, of course,
19 would deny those flat out if it was jeopardizing
20 health and safety or environmental issues.

21 SENATOR KRUEGER: Through you,
22 Mr. President, I'm a little lost right now. Can
23 the sponsor cite the section of his bill that
24 exempts environment, health and safety rules and
25 regulations?

1 SENATOR CARLUCCI: Mr. President,
2 yes, I found the section of the legislation.
3 It's on page 3, line 7, section 4A.

4 SENATOR KRUEGER: Mr. President, if
5 through you the sponsor would continue to yield.

6 ACTING PRESIDENT O'MARA: Do you
7 yield, Senator?

8 SENATOR CARLUCCI: Yes.

9 ACTING PRESIDENT O'MARA: Proceed.

10 SENATOR KRUEGER: So just
11 double-checking, the sponsor is saying that
12 because there is diminution and abatement added,
13 that nothing can be done to change the
14 regulations vis-a-vis -- I'm just going to read
15 the whole sentence, if I might.

16 "Or regulated businesses establish
17 that the alternate method is consistent with and
18 will effectively carry out the objective of the
19 regulatory mandate, provided, however, that no
20 petition shall be approved which shall result in
21 the diminution or abatement of environmental
22 health or safety standards or reduce any benefits
23 or rights accorded by the law to third parties."

24 Is that the sentence of the bill
25 that the sponsor meant here?

1 SENATOR CARLUCCI: Yes, that's the
2 section.

3 SENATOR KRUEGER: I appreciate the
4 sponsor's answer because I think actually it's
5 important, because it was an important question,
6 to highlight that agencies are not supposed to do
7 this.

8 If the sponsor would continue to
9 yield, please.

10 SENATOR CARLUCCI: Yes.

11 ACTING PRESIDENT O'MARA: Proceed.

12 SENATOR KRUEGER: Thank you.

13 How will the state under this law
14 establish which agency the businesses want to go
15 to, and how will that be decided? Because I'm a
16 little concerned that it's a bit like venue
17 shopping in court. You're looking for an agency
18 that might not look at the same questions as the
19 agency that it was assigned to when the law was
20 passed.

21 What will be the process for that?

22 SENATOR CARLUCCI: Well, that is
23 defined in the bill. In order to file the
24 petition, like the municipalities and the
25 regulated businesses, they will have to clearly

1 define which mandate they were referring to. And
2 that mandate would have to have been promulgated
3 by a specific agency in which they would send the
4 petition.

5 SENATOR KRUEGER: Through you,
6 Mr. President, if the sponsor will continue to
7 yield.

8 SENATOR CARLUCCI: Yes.

9 ACTING PRESIDENT O'MARA: Proceed.

10 SENATOR KRUEGER: Thank you.

11 So if I don't like a regulation that
12 an agency has written, I petition SAPA to give it
13 to a different agency to rewrite the regulation?
14 Am I understanding that correctly?

15 SENATOR CARLUCCI: No. It clearly
16 states in this legislation what the criteria will
17 be for a regulated business to submit a
18 petition. And one of them is, as the previous
19 speaker had asked, how will we know which agency
20 it goes to.

21 They have to specifically state
22 which regulation they are looking to amend, to
23 bring in to an alternative method. And that
24 would be defined by which agency promulgated that
25 regulation. So it will have to go to that

1 agency.

2 Therefore, that agency will decide
3 whether they agree or and they want to approve it
4 as is, deny it outright, or make a combination of
5 taking some of those ideas and implementing them
6 into a new regulation.

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

10 SENATOR CARLUCCI: Yes.

11 ACTING PRESIDENT O'MARA: Proceed.

12 SENATOR KRUEGER: Thank you.

13 This bill seems to specifically
14 describe a mechanism to petition for businesses.
15 But what if people who are impacted by the law
16 also believe the regulations are wrong, not the
17 business per se? Because probably most
18 regulations we pass in the state impact
19 businesses, consumers, citizens, clients,
20 patients, et cetera.

21 So what if the patients -- let's
22 move away from natural gas and move into a
23 regulation on healthcare. What if -- unlike the
24 businesses, which would be, I suppose, hospitals,
25 nursing homes, healthcare providers. They would

1 be the businesses. But suppose the patients
2 believed that these regulations were not written
3 correctly to protect their interests as
4 consumers.

5 Under this law, are they allowed to
6 also file a petition with SAPA, and would the
7 same process apply? And could the sponsor share
8 with me where it clarifies that in the law?

9 SENATOR CARLUCCI: Yes. Under --
10 Section 204 of SAPA allows for an individual to
11 ask for a declaratory hearing or ruling.

12 SENATOR KRUEGER: Mr. President,
13 through you, I am reading, I think, the section
14 of the law, 204. Can the sponsor find the
15 sentence for me that cites that?

16 SENATOR CARLUCCI: Well, it's right
17 there in the front of the State Administrative
18 Procedure Act. I have it in front of me.
19 Section 204, "Declaratory Rulings by Agencies."
20 And the first sentence says: "On petition of any
21 person." And I can go further, but I think that
22 states it right there.

23 SENATOR KRUEGER: Through you,
24 Mr. President. So the sponsor believes that we
25 already have in -- asking.

1 ACTING PRESIDENT O'MARA: Are you
2 asking the sponsor to yield or are you on the
3 bill?

4 SENATOR KRUEGER: Thank you. I
5 would like the sponsor to yield. Thank you,
6 Mr. President.

7 ACTING PRESIDENT O'MARA: Do you
8 yield, Senator?

9 SENATOR CARLUCCI: Yes.

10 ACTING PRESIDENT O'MARA: Proceed,
11 Senator Krueger.

12 SENATOR KRUEGER: Thank you.

13 So the sponsor believes that under
14 existing law local governments can already file
15 petitions -- municipalities -- and that
16 individuals can, but that businesses cannot. So
17 he believes that this bill is providing an
18 additional clarification of people's rights to
19 come to SAPA. Is that his understanding?

20 SENATOR CARLUCCI: Well, actually
21 the current law under SAPA, which we're trying to
22 amend in this legislation, is only afforded to
23 municipalities in the State of New York. The
24 declaratory ruling is a separate issue.

25 What we're trying to do in this

1 legislation is allow for not only municipalities
2 when they find an opportunity to bring in new
3 best practices, but also for businesses in the
4 State of New York. And the idea there is to make
5 sure that we can save money, that we can be on a
6 competitive footing to be able to attract quality
7 employers and make sure that businesses in our
8 state are thriving.

9 SENATOR KRUEGER: Through you,
10 Mr. President, on the bill.

11 ACTING PRESIDENT O'MARA: On the
12 bill, Senator Krueger.

13 SENATOR KRUEGER: Thank you.

14 I appreciate the sponsor's answers.
15 I'm glad he did point out to me that this cannot
16 apply to health, safety, and environmental
17 regulations. I'm glad that he clarified the
18 difference between municipalities and local
19 governments asking for state clarification for
20 best practice.

21 And his answer that individuals have
22 certain rights under existing Section 204 of SAPA
23 only partially answers my concern. It would
24 still not allow individuals or groups of
25 individuals who believe that they were negatively

1 impacted by regulations or the proposed
2 alternatives provided by businesses. It would
3 not give them equal standing to say "No, this
4 might help them, but it could hurt us."

5 Again, like the previous bill, my
6 concern is that these bills -- which could be
7 written to be equally balanced in interests of
8 both sides of the debate -- give an advantage to
9 one side over the other.

10 Again, there is no bill we pass that
11 we don't believe has a reason to exist, a reason
12 to become a law and protect the citizens of
13 New York State, whether they are private
14 individuals, whether they are groups of
15 consumers, whether they are members of a
16 particular town or whether they are owners of
17 particular business.

18 I feel very strongly that when we
19 make changes to our administrative and regulatory
20 laws, we need to make sure that we keep
21 everybody's rights and interests balanced in the
22 proposals.

23 And again, with this bill, since it
24 does not explicitly expand on and provide the
25 right to petition for groups of consumers, people

1 impacted by the regulations that might be changed
2 for groups of businesses, I do not think I can
3 support this bill. Although I do think that the
4 sponsor could amend his bill in a way that I
5 actually could be comfortable with it in the
6 future.

7 I feel very strongly that the rules,
8 the regulations, the process by which we create
9 not just law but by the regulations that are the
10 interpretation of the agencies of the law, need
11 to make sure they're factoring in with equal
12 weight everyone's rights and the impact on
13 everyone and anyone who could have their lives
14 affected by a change in a rule or the creation of
15 a new regulation.

16 I'll be voting no, Mr. President.
17 Thank you.

18 ACTING PRESIDENT O'MARA: Thank
19 you, Senator Krueger.

20 Seeing no other Senator wishing to
21 be heard, the Secretary will ring the bell.

22 Read the last section.

23 THE SECRETARY: Section 3. This
24 act shall take effect on the first of January.

25 ACTING PRESIDENT O'MARA: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT O'MARA: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar Number 473, those recorded in the
7 negative are Senators Adams, Addabbo, Avella,
8 Gianaris, Hassell-Thompson, Hoylman, Krueger,
9 Montgomery, Parker, Perkins, Rivera, Sanders,
10 Serrano and Stavisky.

11 Absent from voting: Senator
12 Squadron.

13 Ayes, 47. Nays, 14.

14 ACTING PRESIDENT O'MARA: The bill
15 is passed.

16 SENATOR LIBOUS: Mr. President, can
17 we just pause for one second. I want to give
18 Senator Krueger time to get ready for the next
19 debate.

20 (Laughter.)

21 SENATOR LIBOUS: That's a joke,
22 Mr. President.

23 ACTING PRESIDENT O'MARA: The
24 Secretary will read.

25 SENATOR LIBOUS: No, no.

1 Seriously, can we pause?

2 ACTING PRESIDENT O'MARA: Oh, you
3 want to pause?

4 SENATOR LIBOUS: That was a joke; I
5 was trying to be lighthearted. But we do need to
6 pause.

7 ACTING PRESIDENT O'MARA: You want
8 to pause regardless.

9 (Pause.)

10 SENATOR LIBOUS: All right, at this
11 time we will now do -- Senator Krueger says she's
12 ready, and we will do Number 836. And you can go
13 in regular order.

14 ACTING PRESIDENT O'MARA: The
15 Secretary will read Calendar 836.

16 THE SECRETARY: Calendar Number
17 836, by Senator Griffo, Senate Print 3556, an act
18 to amend the Legislative Law.

19 SENATOR GIANARIS: Explanation.

20 ACTING PRESIDENT O'MARA: Senator
21 Griffo, an explanation has been requested.

22 SENATOR GRIFFO: Mr. President,
23 thank you.

24 Well, this bill is pretty
25 self-explanatory. I actually brought it to the

1 house upon being first elected and discussing it
2 with my conference, as an opportunity to
3 reinvigorate the process, to continue to provide
4 for innovative and fresh ideas through
5 leadership, to empower members.

6 Now, we are fortunate in my
7 conference because we have leaders who are
8 attentive and responsive to the members and
9 involve the members. But I wanted to ensure that
10 that was happening in this house and in the other
11 house, because I believe the people of the State
12 of New York deserve that opportunity.

13 Fortunately, we passed it in this
14 house, but it went nowhere in the Assembly. But
15 I persisted and began to gain some support in
16 that house and did find a majority sponsor in the
17 Assembly to carry the bill.

18 But in the meantime, we were able to
19 lead by example in this house. We got together
20 bipartisanly to discuss rules changes and there
21 was a consensus that we would try to change this
22 chamber and that we would impose limits on the
23 length of time and tenure of chairmen of
24 committees and the leaders. In fact, we went
25 further in the rules of the Senate than this

1 particular piece of legislation does.

2 This legislation pertains
3 specifically to the Speaker and the Temporary
4 President and Minority Leader. But the Senate
5 rules I believe are a great reflection of what we
6 can and should do. But in order to get this in
7 the Assembly, working with a partner and a
8 colleague in the majority there, this is the
9 nature of this particular bill, which puts a
10 12-year limit on the leaders and eight years on
11 the chairs.

12 SENATOR GIANARIS: Will the sponsor
13 yield, Mr. President?

14 SENATOR GRIFFO: I most certainly
15 yield to Senator Gianaris.

16 ACTING PRESIDENT O'MARA: The
17 sponsor yields.

18 SENATOR GIANARIS: Thank you.

19 First of all, I appreciate that the
20 sponsor recognized that a rules change that took
21 place when the Democrats had the chamber is
22 something he supports, because it's my
23 understanding that these limitations on
24 leadership positions were established at that
25 time.

1 But my question is why this bill
2 would seek to actually lengthen the amount of
3 time that either the Temporary President of the
4 Senate or the Minority Leader of the Senate can
5 serve in that position, since as he pointed out,
6 the rules require an eight-year limit.

7 SENATOR GRIFFO: Well,
8 Mr. President, through you. Senator Gianaris, I
9 appreciate that, and I think I indicated that,
10 but I'll reiterate it to you.

11 First, I want to accept the
12 acknowledgment from you that this was an idea
13 that I first proposed as a member of this
14 conference and advocated and passed in this house
15 in 2007 under Republican leadership. And I
16 appreciate the fact that we were able to convince
17 and to do that in a very deliberative process,
18 working collectively together, that we should try
19 to do something different.

20 And yes, those rules were first
21 incorporated in 2009, so that we could lead by
22 example so the other house might follow through
23 and do something similar.

24 At the same time, I had an
25 opportunity to meet with -- because I believe

1 that in order to be effective here, we should try
2 to find sponsors in the other house to try to
3 truly get results. So I worked with another
4 member of the Assembly in this particular
5 instance, Assemblywoman Galef, and we were able
6 to put together a bill. And this bill is a
7 reflection of a compromise between what the
8 Assembly thought they could get passed and what
9 we really wanted to get done.

10 I would like to see the rules of the
11 Senate applied statutorily in this state, but I
12 recognize that any opportunity to put some limits
13 on the tenure of leaders is important. So if the
14 Assembly felt that this was a more plausible and
15 feasible way to get that done, then I agreed.
16 But I would be open and amenable if the
17 Assemblywoman would agree, through further
18 consultation and conversations, to bring it to
19 mirror the Senate rules.

20 SENATOR GIANARIS: Does the sponsor
21 yield?

22 ACTING PRESIDENT O'MARA: Do you
23 yield, Senator Griffo?

24 SENATOR GRIFFO: I do.

25 SENATOR GIANARIS: Does the sponsor

1 have any indication that the Assembly would look
2 more favorably on a 12 or an 8 or a 20 or a 5 or
3 an any-year limit? Has there been any progress
4 on this proposal in the Assembly at all?

5 SENATOR GRIFFO: Mr. President,
6 through you. Senator Gianaris, I can't speak to
7 what takes place in the Assembly, and these days
8 I'm glad I can't speak to that.

9 But I believe that, after consulting
10 with the member of the Assembly who is carrying
11 the bill, that this was the compromise that she
12 envisioned and believed could be attainable, and
13 that's why we chose this approach. Because I do
14 believe that this should be a statute of the
15 State of New York, not just merely a rule of one
16 particular house.

17 SENATOR GIANARIS: Would the
18 sponsor continue to yield, Mr. President?

19 SENATOR GRIFFO: I do.

20 SENATOR GIANARIS: The bill as
21 proposed, would that limit be cumulative or
22 consecutive years only? In other words, would
23 someone be limited to these positions if they
24 served 12 consecutive years and then take a break
25 and come back? Or is it a cumulative amount of

1 time in the position?

2 SENATOR GRIFFO: Mr. President,
3 through you. Senator Gianaris, it's my
4 understanding that if the bill were to become
5 law, it would be prospective, and then from there
6 it would be consecutive. So eight consecutive
7 years, 12 consecutive years.

8 SENATOR GIANARIS: Would the
9 sponsor continue to yield?

10 SENATOR GRIFFO: I do.

11 SENATOR GIANARIS: How would that
12 proposal, if it were enacted, affect the
13 situation where the president of the Senate
14 alternates on a daily basis? Would the
15 consecutive limit have any application in that
16 scenario whatsoever? Or because it would be one
17 day at a time, there would be effectively no
18 limit?

19 SENATOR GRIFFO: Mr. President,
20 through you. Senator Gianaris, it would be my
21 understanding, because we are in different times
22 and have different situations that arise,
23 obviously, that I would yield to counsel on
24 making a determination.

25 But I believe that it would all

1 actually just add up, and that's how you would
2 make the determination, based on the amount of
3 time on a particular number of days in a year.
4 Or if you were splitting the year in half, I
5 guess we would have to look at it that way.

6 But it is a good point to consider
7 and to -- as I indicated earlier, I want to see
8 the concept embraced here and moved forward. I
9 would like to see the current Senate rules become
10 the ultimate goal and objective. But I want to
11 work with the other house because I believe
12 statute is more important than just a particular
13 rule of the house.

14 SENATOR GIANARIS: Would the
15 sponsor continue to yield?

16 SENATOR GRIFFO: I do.

17 SENATOR GIANARIS: I appreciate the
18 answer, but I think this is an important point.
19 And your answer just now seemed to contradict
20 your immediately previous answer.

21 So in a situation like that in which
22 we are experiencing today in the Senate, where
23 the presidency of the Senate alternates, would it
24 be a 24-year limit for the two of them? Would it
25 be effectively no limit? Would it in fact be

1 cumulative and not consecutive, as you just
2 indicated?

3 SENATOR GRIFFO: Mr. President,
4 through you. Senator Gianaris, it's my
5 understanding that the rule would apply as is,
6 that they've been both elected copresidents. So
7 in that category, the individual would serve that
8 amount of time based upon the limit that's
9 established in law. If something were to change
10 or if -- if one particular conference were the
11 majority of the body at that time. So it would
12 be a clock ticking then.

13 So whoever is there now, even in a
14 copresidency, it would be for -- it's a
15 copresidency for 24 months. So they would be
16 under the rule and regulation here. Both
17 individuals would be both subject to the rule.

18 SENATOR GIANARIS: Would the
19 sponsor continue to yield?

20 SENATOR GRIFFO: I do.

21 SENATOR GIANARIS: Just so I
22 understand, would that be two years attributed to
23 each of them? Or would that be split in half and
24 be one year attributed to each of them?

25 SENATOR GRIFFO: Mr. President,

1 through you. Senator Gianaris, it would be my
2 impression that it would be attributed to each of
3 them as president of the Senate. It's a
4 copresidency, so the same limit would occur. It
5 would be two years. If you're serving for two
6 years as copresident, that means it's two years
7 coming off the clock of the 12.

8 SENATOR GIANARIS: Would the
9 sponsor continue to yield?

10 SENATOR GRIFFO: I do.

11 SENATOR GIANARIS: Is the sponsor
12 aware that in fact the way that the resolution
13 was drafted and adopted establishing the
14 presidency of the Senate, that it is not
15 permissible for two people to share the
16 presidency, which is why individual dates were
17 selected for each of them to serve as president?
18 So in effect there is no copresidency, it's an
19 alternating presidency.

20 SENATOR GRIFFO: Mr. President,
21 through you. I understand what you're saying,
22 Senator Gianaris. But I think still the concept
23 of the limit of time and service applies here.

24 So it is my understanding, and I
25 would yield to a further definition or

1 delineation from counsel, but it would be my
2 understanding that the individual, regardless of
3 the fact -- and I understand that there's only
4 one president at a time. But holding the title
5 of president regardless of how you're sharing
6 that time would limit you to 12 years in office.

7 And as far as it is considered right
8 now, they are copresidents, so I think the clock
9 begins. For each member.

10 SENATOR GIANARIS: Would the
11 sponsor continue to yield?

12 SENATOR GRIFFO: I do.

13 SENATOR GIANARIS: And I believe
14 you had indicated it was consecutive in the way
15 the clock is run. So if the rotating presidency
16 went from Skelos and Klein to Libous and Krueger
17 and then back to Skelos and Klein -- you like
18 that? -- how would that affect the clock running
19 in terms of the limitation on the term?

20 SENATOR GRIFFO: Mr. President,
21 through you. Senator Gianaris, as I look
22 further, it is cumulative, not consecutive.

23 SENATOR GIANARIS: It's cumulative,
24 okay. And if the sponsor would continue to
25 yield.

1 SENATOR GRIFFO: I do.

2 SENATOR GIANARIS: The question I
3 then have is, in the alternating presidency
4 scenario, would the sponsor stick by his claim
5 that they each get the full two years credited to
6 them? Or now since it's a cumulative number,
7 will we just take the days on which they are
8 serving as president for purposes of tabulating?

9 SENATOR GRIFFO: Mr. President,
10 through you. I would base it on the calendar.

11 SENATOR GIANARIS: So just to
12 clarify, if the sponsor would continue to yield.
13 So assuming it was split evenly, which I haven't
14 done the math on that recently, it would be
15 presumably one year credited to each of them?

16 SENATOR GRIFFO: Mr. President,
17 through you, I would think that at this point in
18 time that it would be two years each. That is a
19 term of office.

20 SENATOR GIANARIS: If the sponsor
21 would continue to yield, only because I'm
22 confused with the contradictory answers.

23 SENATOR GRIFFO: The sponsor
24 yields.

25 SENATOR GIANARIS: If we go by the

1 calendar, then you're tabulating the days that
2 each of them is serving. That would seem to be
3 one year each.

4 If you're just treating them as
5 somehow sharing an office which is not allowed to
6 be shared, then I guess it would be two years.
7 But -- I'm just trying to get a clear answer on
8 this.

9 SENATOR GRIFFO: Mr. President,
10 through you. Senator Gianaris, I'm going to
11 speak to the concept here. And I think it's from
12 my perspective, and you can have lawyers look at
13 this and we can determine it later. Because I
14 think what we want to discuss here is
15 philosophically do you agree with me -- and
16 that's what I'd ask all of you today -- whether
17 or not we should have limitations on the
18 leaders.

19 Regardless of what the title is or
20 who's holding the position and all of the nuances
21 of any new rules that are incorporated, what do
22 you want to accomplish today? Do you agree with
23 me that we should have limitations on the leaders
24 and on the chairs of this house?

25 I would say to you, to answer your

1 question, Senator Gianaris -- not that it's
2 inconsistent, but I'm trying -- I see where
3 you're attempting to go here, but I want to
4 discuss this particular concept. And I would say
5 that it's for the two-year term.

6 Again, I will yield to counsel and
7 let counsel, if they feel differently -- and
8 ultimately I want to achieve something -- this is
9 a bill that I think is timely because of the
10 incidents that have happened. I think that all
11 of us are disappointed and disgusted, I would
12 hope, with things that have occurred in both
13 houses under some of the leadership. And I think
14 that's unfortunate, unnecessary, and I think it's
15 got to change.

16 And the question to you is, do you
17 agree or don't you agree? Regardless of some of
18 the technical aspects, that's what we're talking
19 about today. I am willing, ready and amenable to
20 make any type of amendments in order to put in
21 statute limitations on leaders and chairs of
22 committees.

23 SENATOR GIANARIS: Would the
24 sponsor continue to yield?

25 SENATOR GRIFFO: Yes.

1 SENATOR GIANARIS: Thank you.

2 I appreciate the sponsor's
3 comments. And he will learn where everyone
4 stands on this when we take a vote on it at the
5 conclusion of this debate.

6 But I will also say there's a great
7 many things that have disgusted a great many of
8 us on both sides of the Capitol and on both sides
9 of the aisle, including -- and which is why this
10 line of questioning is relevant -- including a
11 leadership structure that is preventing things
12 from coming to the floor for a vote that have a
13 majority support of the members in this Senate.

14 And so when I ask about this
15 leadership structure and how it would be
16 affected, I find it extremely relevant to what's
17 going on. Because the women of this state are
18 waiting for a vote, people who support public
19 financing are waiting for a vote, and this hybrid
20 leadership structure is preventing that.

21 So I ask whether or not this
22 proposal would apply equally in a situation where
23 we have a shared presidency or whether they get
24 twice as much time under this scenario than
25 another leader.

1 SENATOR GRIFFO: Mr. President,
2 through you. Senator Gianaris, on the specifics,
3 I believe -- and I would be willing to stand
4 corrected if that's the case -- but I believe
5 that it applies to the full term.

6 Relative to how things are being
7 done, you need to look into your own conference
8 and look past, in the two years that you did hold
9 the majority, and many of the concepts and the
10 bills that you are now saying are important and
11 imperative never made it to the floor. Now, you
12 had the leadership, you had the responsibility,
13 you had the opportunity, but you did not take
14 that.

15 So I don't know what happened within
16 your conference at that particular time, whether
17 there was discord or the inability to bring
18 things to the floor, but in this particular
19 instance, this bill just strictly deals with
20 whether or not we agree conceptually that we
21 should have limits on the titles of president and
22 the leaders and the chairs.

23 SENATOR GIANARIS: If the sponsor
24 would continue to yield. Because we've gone
25 around in circles on this, I would just like

1 to --

2 SENATOR GRIFFO: The sponsor
3 yields.

4 SENATOR KLEIN: You may have
5 answered this already, but just so I can hear one
6 more time with clarity.

7 In this scenario, assuming the full
8 two years goes the way it is now, it's your
9 suggestion that if this were enacted, each of the
10 leaders would get two years credited to their
11 term?

12 SENATOR GRIFFO: Mr. President,
13 through you. Correct.

14 SENATOR GIANARIS: And that it
15 would be a cumulative number so if they take a
16 break and come back, it still keeps adding up.

17 SENATOR GRIFFO: Mr. President,
18 through you. Correct.

19 SENATOR GIANARIS: Thank you.

20 And if the sponsor would continue to
21 yield.

22 SENATOR GRIFFO: I do.

23 SENATOR GIANARIS: And I think this
24 will be my final question.

25 Why is this bill drafted differently

1 than the rules we've adopted? Whereas the rules
2 apply consecutively, the bill seems to apply
3 cumulatively.

4 SENATOR GRIFFO: Mr. President,
5 through you. Senator Gianaris, as I indicated to
6 you previously, I would be ready, willing and
7 amenable to modify the bill to reflect the rules,
8 but I'm working with a member in the other
9 house. I think we need to have further
10 deliberations.

11 But I'm also committed to the
12 concept. I think the concept is statute over
13 rule. It is not consecutive -- and it's not
14 consecutive in the Senate rules either, if you'd
15 look at them.

16 However, as I indicated to you, I am
17 open and willing to have further conversation,
18 but we need to move this forward because we need
19 to give the opportunity for the members in the
20 other house to express themselves and to
21 determine whether they agree that by statute this
22 state should move in a way where we can continue
23 to empower members, where we continue to
24 reinvigorate the process, and where we continue
25 to remember and reflect on the words of

1 Lord Acton in the 18th century. And I'm sure
2 Senator Gianaris is aware of those comments of
3 that leader of the U.K.

4 SENATOR GIANARIS: I thank the
5 sponsor for answering my questions.

6 I believe we have other members that
7 also want to debate the bill, so I will take my
8 leave. Thank you.

9 ACTING PRESIDENT O'MARA: Senator
10 Gipson.

11 SENATOR GIPSON: Will the sponsor
12 yield?

13 ACTING PRESIDENT O'MARA: Senator
14 Griffo, do you yield?

15 SENATOR GRIFFO: I yield.

16 SENATOR GIPSON: Mr. President,
17 this bill is way more complicated than it needs
18 to be. And quite frankly, I'm confused. I don't
19 understand why the sponsor speaks about wanting
20 to reform the process that we have here in the
21 Senate and the Assembly, yet his bill is only
22 directed to a very small percentage of the
23 elected officials that actually serve here in
24 Albany.

25 SENATOR LIBOUS: Mr. President, is

1 he asking the sponsor to yield or is he speaking
2 on the bill?

3 ACTING PRESIDENT O'MARA: He asked
4 the sponsor to yield, and the sponsor yielded.

5 SENATOR LIBOUS: So what is his
6 question?

7 SENATOR GIPSON: So my question,
8 Mr. President, is why is the bill only directed
9 to the leaders, those few elected officials
10 here? Why not direct this bill towards all the
11 elected officials in Albany?

12 SENATOR GRIFFO: Mr. President,
13 through you. That's a great question, Senator.

14 And this particular bill is on this
15 specific topic that we're discussing today. And
16 as I said to you before, you have an opportunity
17 now to voice your position on whether or not you
18 agree that we should limit the leaders of this
19 chamber and across in the other chamber to
20 specific terms of offices and empower members.
21 That's the choice that you have to make on this
22 specific bill.

23 And I said to Senator Gianaris that
24 I would be willing and entertain measures to even
25 amend the bill because I believe that we took the

1 right course and led by example when we put rules
2 in the Senate that did exactly what I had
3 advocated when I first came here, through this
4 bill earlier on in 2007.

5 As to the members as a whole, I
6 don't -- this is not the debate today. It's not
7 the issue before the house. But I do have a
8 piece of legislation with Senator Adams where we
9 would impose limits upon the members. And if you
10 think that's a good idea, you should sign onto
11 the bill.

12 SENATOR GIPSON: Mr. President, I
13 thank the sponsor for answering my question. I'd
14 just like to speak on the bill.

15 ACTING PRESIDENT O'MARA: On the
16 bill, Senator Gipson.

17 SENATOR GIPSON: While I commend
18 the sponsor's efforts in trying to make some
19 serious reform in the way we operate, I do think
20 the bill is only a really small step and, quite
21 frankly, it's weak. And I'm disappointed that
22 the Majority Coalition could not come up with a
23 stronger bill than this.

24 If we really want to change the way
25 that we operate here in Albany, we have to hold

1 all of us accountable, not just those few people
2 that serve as our leaders. I believe that we
3 need term limits for every single member of the
4 Legislature.

5 And I too have a bill that is
6 actually even stronger than the sponsor's bill.
7 My bill would set term limits for every elected
8 member in the State Senate and the Assembly to
9 12 years, but it would go a step further and say
10 that the maximum amount of time that any
11 individual could serve in Albany, no matter
12 whether they're in the Senate or the Assembly or
13 if they want to serve in both houses, is a total
14 of 16 years. Now, that is what I call reform.

15 So if anybody here is interested in
16 seriously changing the way that we operate here
17 in Albany, I ask them to join me and cosponsor my
18 bill, which will set a 16-year maximum to the
19 time we serve in Albany, and 12 years in each
20 house. And I appreciate your consideration of
21 that and thank you for this time to speak on this
22 bill.

23 ACTING PRESIDENT O'MARA: Seeing no
24 other Senator wishing to be heard, the Secretary
25 will ring the bell.

1 Read the last section.

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

4 ACTING PRESIDENT O'MARA: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT O'MARA: Senator
8 Diaz to explain your vote.

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

11 I just would like to explain my vote
12 by saying, ladies and gentlemen, to all of you, I
13 don't believe in term limits. I think that the
14 people in the different districts, in my
15 district, should decide if they want me back or
16 not.

17 However, I have an advice for those
18 of you that believe in term limits: Resign and
19 don't run again. If you believe in term limits,
20 stop the nonsense. Don't run again. But leave
21 us who don't believe in term limits alone. Don't
22 impose on us what you want for you. Just don't
23 run again. Go home with your family.

24 But me, I don't believe in term
25 limits. So that's why I'm voting no.

1 ACTING PRESIDENT O'MARA: Senator
2 Diaz to be recorded in the negative.

3 Senator Hoylman, do you wish to
4 explain your vote?

5 SENATOR HOYLMAN: Yes,
6 Mr. President.

7 I believe the bill is well
8 intentioned, but I think the problem with our
9 leadership in both houses isn't the length of
10 time of their service but, in many aspects, at
11 times is the quality of their service.

12 And that is reflective, I think, on
13 opening the franchise to allow more people to run
14 for office through comprehensive campaign finance
15 reform, ending outside employment, and making our
16 chambers full-time.

17 I'll be voting no, Mr. President.

18 ACTING PRESIDENT O'MARA: Senator
19 Hoylman in the negative.

20 Senator Libous, do you wish to be
21 heard?

22 SENATOR LIBOUS: Thank you,
23 Mr. President. I want to explain my vote.

24 I want to applaud Senator Griffo for
25 putting this legislation on the floor and

1 codifying what's already in our rules, because I
2 think it's important. I think one of the
3 problems here is the length of time that leaders
4 serve and that when you go back home and talk
5 about it in your district, I think your
6 colleagues will be disappointed, your
7 constituents are going to be very disappointed if
8 you voted against it.

9 And also the fact that I believe
10 that in 2009 I believe that the Democrats, when
11 they were in charge, had this section put in
12 their rules late in the game after a certain
13 thing happened.

14 I think it makes sense. I think
15 that's one of the problems with Albany. I think
16 that's a problem at local government level. And
17 I just think that having term limits for
18 committee chairs and leadership makes a lot of
19 sense.

20 I vote aye.

21 ACTING PRESIDENT O'MARA: Senator
22 Libous to be recorded in the affirmative.

23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar 836, those recorded in the negative are

1 Senators Diaz, Dilan, Hoylman and Savino.

2 Absent from voting: Senator
3 Squadron.

4 Ayes, 57. Nays, 4.

5 ACTING PRESIDENT O'MARA: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1027, by Senator Griffo, Senate Print 1294, an
9 act to amend the General Municipal Law.

10 SENATOR KRUEGER: Explanation.

11 ACTING PRESIDENT O'MARA: Senator
12 Griffo, an explanation has been requested.

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

15 The essence of this bill is we hear
16 a lot of people discussing the concerns that we
17 hear from local officials in school districts and
18 in communities about the burden that is placed
19 upon them. And many of the members then express
20 support and sensitivity to that.

21 So if we're paying attention to
22 businesses, listening to constituents and
23 watching what takes place in local governments,
24 the essence of this bill basically is that we
25 would not put new mandates out without funding

1 them.

2 I think if you really want -- or you
3 believe or there may be cases where mandates have
4 to be implemented, but you should be careful and
5 considerate, and you should be willing and
6 prepared to fund the mandate if you're going to
7 impose that upon the taxpayers of this state.

8 Remember, the money comes from the
9 same wallet. Whether they're at the state level
10 or the local level, they're paying the bills, and
11 we should be sensitive. So I believe personally
12 that we should have a moratorium on all mandates
13 and that the Mandate Review Council should be in
14 a more expeditious and more substantive procedure
15 so they can make decisions as to what's good or
16 not good.

17 But ultimately what this bill does,
18 relative to the discussion today on regulatory
19 reform and relief, it does the same for mandate
20 relief. We hear everybody talk about mandate
21 relief. Let's really now do something about
22 mandate relief. The point here simply is if you
23 think it's a good thing and that the community
24 should bear that burden, then we should be
25 willing and ready to finance it.

1 SENATOR KRUEGER: Through you,
2 Mr. President, if the sponsor would yield.

3 ACTING PRESIDENT O'MARA: Do you
4 yield, Senator Griffo?

5 SENATOR GRIFFO: I do.

6 SENATOR KRUEGER: Does the sponsor
7 believe he's passed any bills under his name this
8 year that have been an unfunded mandate?

9 SENATOR GRIFFO: Mr. President,
10 through you. Senator Krueger, you know, I want
11 to change the rules. But until the rules are
12 changed, I'll play by the existing rules.

13 So if there is bills that exist that
14 may have done that, it's because that's what
15 we're doing right now. And I'm not familiar with
16 anything specific, but it's possible.

17 But more importantly is I'm
18 committing to change. And the question is are
19 you willing to join me in that change.

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

23 SENATOR GRIFFO: I do.

24 ACTING PRESIDENT O'MARA: Proceed.

25 SENATOR KRUEGER: Since I don't

1 really pass bills in this house, I'm not sure I
2 would have a lot of trouble saying, okay, I won't
3 pass unfunded mandates. But many of my
4 colleagues here would have a harder time.

5 I respect my colleague's answer that
6 this isn't the rules of the game, so he would
7 like to change the rules. But he's not
8 necessarily going to not pass bills that are
9 unfunded mandates.

10 So a follow-up question, should this
11 house pass no bills outside of the budget each
12 year? Should we just do the budget? In the
13 budget there are policy bills, but there is a
14 requirement for dollars and cents to be
15 attached. So would my colleague agree that the
16 right way to approach this would be that no bills
17 pass this house that have any dollar cost unless
18 they are a budget bill?

19 SENATOR GRIFFO: Mr. President,
20 through you. Senator Krueger, I bet you there
21 are a lot of people that believe that. But as a
22 member of the Senate, I understand that that at
23 this point in time would not probably be
24 practical.

25 But I also believe that you have an

1 obligation and a responsibility to really
2 carefully deliberate and make a determination on
3 what that impact will be on the local
4 government. And quite frankly, I don't believe
5 that's done enough around here.

6 And my question to you would be do
7 you have an objection, Senator Krueger, if you
8 would yield, to the concept of trying to be
9 mindful of the fact that the taxpayers are paying
10 for all of these things, local governments and
11 school districts continually come to us and
12 explain the problems, and are we willing and
13 ready and able to actually do something about
14 that? But to say: Yes, I will look at the true
15 impact of what that law is going to be on the
16 community, and if there's a cost entailed with
17 that, I would be willing and ready to support
18 that cost? Do you agree with that?

19 SENATOR KRUEGER: I'm sorry.
20 Through you, Mr. President, was the sponsor
21 asking me a question?

22 SENATOR GRIFFO: I was. You were
23 talking to staff. So I maybe can be more
24 succinct.

25 ACTING PRESIDENT O'MARA: Senator

1 Krueger, do you yield to Senator Griffo?

2 SENATOR KRUEGER: Yes, I will yield
3 to Senator Griffo, Mr. President.

4 ACTING PRESIDENT O'MARA: Did you
5 hear his question?

6 SENATOR GRIFFO: Through you,
7 Mr. President. Again, I'll be succinct,
8 Senator Krueger.

9 Don't you believe that it would be
10 good for all of us to be very deliberative and to
11 really be very analytical and, while we may
12 believe that there is something good that should
13 be done and we're requiring that to be done of
14 the local governments, that we should take the
15 cost into consideration and potentially say if
16 it's that important, that we would bear that
17 cost, not to burden that local taxpayer and
18 tax-shift?

19 SENATOR KRUEGER: Through you,
20 Mr. President. You know, I mostly do agree with
21 my colleague. But I don't think this bill does
22 this.

23 Does he have more questions for me,
24 or may --

25 SENATOR GRIFFO: No, you may

1 continue.

2 SENATOR KRUEGER: -- I go back to
3 asking questions of him?

4 ACTING PRESIDENT O'MARA: You may
5 proceed, Senator Krueger.

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

9 ACTING PRESIDENT O'MARA: He does.

10 SENATOR KRUEGER: Thank you.

11 I think my colleague makes a very
12 good point about the importance of knowing the
13 dollars and cents when we pass legislation: Who
14 is paying, how much, for how long. And so no
15 disagreement there.

16 But my confusion with his bill --
17 through you, Mr. President -- is why don't we
18 just have a bill that requires every bill that
19 moves to the floor of this house must have a
20 local fiscal impact note attached and certified
21 by the agency? We don't do that now. Why
22 shouldn't we just do that to take care of this
23 concern?

24 SENATOR GRIFFO: Mr. President,
25 through you. Senator Krueger, that's an idea

1 worthy of examination and consideration.

2 SENATOR KRUEGER: Through you,
3 Mr. President -- one moment.

4 Thank you. Through you,
5 Mr. President, if the sponsor would continue to
6 yield.

7 SENATOR GRIFFO: I do.

8 SENATOR KRUEGER: Thank you.

9 In this legislation, which is fairly
10 dense, who would be responsible for evaluating a
11 bill's local fiscal cost? Because as I said
12 before, I think we both agree we should pass
13 bills knowing what the local fiscal costs would
14 be that we are passing on to localities. Who
15 would be responsible for that function under the
16 Senator's bill?

17 SENATOR GRIFFO: Mr. President,
18 through you. Senator Krueger, the bill is
19 actually an imposition on the Legislature, so it
20 would be within the purview and responsibility of
21 the Legislature to make that determination.

22 And I would hope that both our Ways
23 and Means or Finance staffs would have the
24 ability to statistically denote that this is an
25 impact and what it is, and then as a body we

1 would have the opportunity to review that.

2 SENATOR KRUEGER: Through you,
3 Mr. President, if the sponsor would continue to
4 yield.

5 SENATOR GRIFFO: I do.

6 SENATOR KRUEGER: So again, the
7 sponsor answered an earlier question, "We should
8 do that now." And now he's suggesting that his
9 bill would require us to do what we're not doing
10 now.

11 How will this bill change our
12 behavior?

13 SENATOR GRIFFO: Mr. President,
14 through you. It would be a statute.

15 SENATOR KRUEGER: I'm sorry, I
16 didn't hear. Excuse me, Mr. President. If the
17 Senator would please repeat.

18 SENATOR GRIFFO: Mr. President,
19 through you. Again, Senator Krueger, this is
20 a -- this would impose this specific requirement
21 on the Legislature, and we would have to comply
22 with the law.

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

1 SENATOR GRIFFO: I do.

2 SENATOR KRUEGER: Thank you.

3 So just for me to clarify, if we
4 passed a bill in this house on the floor and it
5 did not have a correct fiscal note of the impact
6 on the localities and what the cost would be for
7 the localities, that law would be null and void?
8 How would that work?

9 SENATOR GRIFFO: Mr. President,
10 through you. As a result of the bill, if we were
11 to be able to pass this -- and by the way, this
12 does have an Assembly sponsor too. It is not a
13 one-house bill. It has a majority sponsor in the
14 Assembly -- this would be a violation, Senator
15 Krueger, of our own actions.

16 So I don't believe that --
17 particularly under this Coalition Majority, I
18 don't believe that that would be tolerated. And
19 I'm sure you would agree with that, that it
20 shouldn't be tolerated. So once it is passed, we
21 would be violating our own laws, and I don't
22 believe that the body would do that. I would
23 hope not. And I can speak at least presently, I
24 know that that would not be acceptable or
25 allowed.

1 SENATOR KRUEGER: Through you,
2 Mr. President, if the sponsor will continue to
3 yield.

4 ACTING PRESIDENT O'MARA: Do you
5 yield, Senator Griffo?

6 SENATOR GRIFFO: I yield.

7 SENATOR KRUEGER: Would this law
8 supersede and require the same standards to be
9 applied to the budget bills that we do in a group
10 of approximately nine once a year in
11 approximately late March, early April?

12 SENATOR GRIFFO: Mr. President,
13 through you. Senator Krueger, I believe it would
14 apply to all.

15 SENATOR KRUEGER: Through you,
16 Mr. President, if the sponsor would continue to
17 yield.

18 SENATOR GRIFFO: I do.

19 SENATOR KRUEGER: So if this bill
20 became law, this house and of course the other
21 house would need to pass the same bill and then
22 the Governor would need to approve the law. If I
23 understand the bill correctly, any bill that
24 passed both houses, including the budget bills,
25 that did not lay out in very explicit detail what

1 the costs were, how we were going to pay for it,
2 how they were not unfunded mandates -- excuse me,
3 just going through the bill language -- that
4 there was clarification of what the net
5 additional costs might be, including fees,
6 including funding of municipal corporation
7 mandates, there's a list of a number of different
8 categories -- that any bill like that, including
9 the budget bills, would be in violation of the
10 law, so we should assume the Governor would have
11 to veto them. Is that my understanding of how
12 this process would work?

13 SENATOR GRIFFO: Mr. President,
14 through you. I think the bill is specific as to
15 what you can and cannot do. It would apply to
16 all. It would deal with the fiscal offices
17 making the determinations of the fiscal impact
18 and whether there's a legitimate true impact that
19 the mandate required. Not every budget bill --
20 some of the budget bills have funding that go
21 along with it. If there is a mandate in the
22 budget without funding, then it would be under
23 this.

24 It's similar -- and also the bill is
25 not -- you talk about how would you enforce it.

1 Well, I think we're going to have to enforce it
2 amongst ourselves. While the bill is not
3 specific in that regard, I would think that as a
4 law-abiding body that we would imply with the
5 law, not be in violation of the law, and the
6 consequence of this might be that municipalities
7 may have the opportunity to litigate if, for
8 instance mandates were passed without funding.

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

12 SENATOR GRIFFO: I do.

13 SENATOR KRUEGER: So the locality
14 would have to sue us to make us follow our own
15 law, which we could do now, but we haven't passed
16 this law yet.

17 Am I hearing the sponsor right, that
18 the locality could sue the Legislature if we
19 passed an unfunded mandate in any kind of bill,
20 including the budget bill? Could the sponsor
21 give me an example of where that has been done,
22 where the Legislature is sued by a locality? I'm
23 not familiar with that.

24 SENATOR GRIFFO: Mr. President,
25 through you. Again, Senator Krueger, I say that

1 just so that -- to answer your question
2 previously about how would the law be enforced.
3 I have the confidence in the current leadership
4 of the house to abide by the rules and laws. So
5 I don't envision a problem if we were to
6 implement the law.

7 And I would hope that the Assembly
8 would do likewise. As I said, there is a
9 majority sponsor in the Assembly behind the
10 bill. So should they pass the bill, I believe
11 they would reaffirm it to that same concept.

12 I indicate to you only that while
13 the bill is not specific and that we would under
14 I hope all cases abide by the law as we have
15 passed, that a consequence could be that
16 municipalities could sue. Which would also be
17 another factor to remind the Legislature to do
18 what we all say that we believe should be done.

19 And the only case that I'm aware of
20 right now where municipalities have had that
21 opportunity is for violations of home rule.

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

25 SENATOR GRIFFO: I do.

1 SENATOR KRUEGER: Thank you.

2 So again, as I understand the
3 sponsor's answers, even a budget bill -- which
4 might have some costs explained within it, but
5 other costs not -- would be held to the
6 obligation of the sponsor's bill requirements if
7 it were to become law.

8 I'm wondering if the sponsor
9 remembers that in this year's budget bill, I
10 think it was in school transportation, we created
11 a new mandate on the New York City school system
12 to provide busing for private schools without the
13 dollars available to do so. Does the sponsor
14 remember that section of the budget bill?

15 SENATOR GRIFFO: Mr. President,
16 through you. Senator Krueger, I want to look
17 prospectively. I can't speak to what has been
18 done and what should have been done, I can only
19 talk about what needs to be done.

20 And if you believe as I do or if
21 members of this body believe as I do that we're
22 going to get serious and we are sincerely going
23 to go beyond the rhetoric of mandate relief and
24 really take action in order to accomplish real
25 results and provide local governments and school

1 districts mandate relief, then you'll support the
2 concept.

3 SENATOR KRUEGER: Through you,
4 Mr. President, if the sponsor would continue to
5 yield.

6 SENATOR GRIFFO: I do.

7 SENATOR KRUEGER: Thank you.

8 The reason for the last question, to
9 remind everyone of that one example, was to ask
10 the question that if this became law in future
11 years, does the sponsor believe that no
12 individual item in the state budget should be
13 allowed to be included in the budget if we don't
14 show the actual money transferring from the state
15 to the locality? So his understanding of his
16 bill if it became law was that the entire budget
17 bill would be null and void under this law if it
18 had been the law when we passed that bill?

19 SENATOR GRIFFO: Mr. President,
20 through you. I'm going to look at the bill
21 prospectively. I'm not going to look
22 analytically. I'm telling you at this point in
23 time -- or what was done, what could have or
24 should have been done, Senator Krueger.

25 The concept here before you is

1 whether or not you agree that if we impose a
2 mandate, we should provide the funding with that
3 mandate.

4 SENATOR KRUEGER: Through you,
5 Mr. President, on the bill.

6 ACTING PRESIDENT O'MARA: On the
7 bill, Senator Krueger.

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

10 I so appreciate the sponsor's
11 answers to my questions.

12 It's intriguing, I admit, because
13 I've actually long been a proponent that no bills
14 should move through this house unless they have
15 full fiscal notes, that it's not adequate to
16 simply say what we predict the state's costs of a
17 new law will be.

18 It's been a great frustration of
19 mine that we play a classic game here in this
20 Legislature. We vote to implement a law, but
21 it's implemented, oh, I don't know the last week
22 of a fiscal year, so there's no cost to the
23 fiscal year because it's not going into effect
24 until the next year even though it will be a cost
25 year in, year out, for as long as that new law

1 passes.

2 And it's been a frustration of mine
3 and clearly of the sponsor that we don't -- it's
4 been a -- sorry, I wasn't sure whether there was
5 something else going on.

6 I think the sponsor and I both agree
7 it's a real frustration to both of us that we
8 pass laws all the time on the floor of this
9 chamber with many people's names on them that
10 pass in both houses -- might be within budgets,
11 might be separate from budgets -- where we don't
12 even think we have to explain the cost if the
13 cost is being transferred to the locality or the
14 county or the school district. It is very
15 frustrating.

16 And yet we have the power and
17 ability to stop ourselves now. We have the power
18 and the ability in this house to say, We're not
19 going to pass any bills that do not explicitly
20 cost out what the new law costs and who's going
21 to pay it, and if it's an unfunded mandate we're
22 not passing it unless we are passing, in
23 companion with it, the revenue stream for it. We
24 can do that now. We don't need a law, because
25 there's nothing stopping us from following, I

1 think, common sense.

2 And so I'm frustrated that I find
3 myself not able to vote for the bill, because I
4 think the way it's set up it will just create a
5 trapdoor for the Legislature with not
6 specifically being able to do this, leaving open
7 to question whether an entire budget bill would
8 have to be null and void if it has any unfunded
9 mandate sections within it, dealing with
10 localities being expected to sue the Legislature
11 after the fact when they determine, aha, there
12 was a cost and you didn't pay it. Or there was a
13 cost and you paid it in Year One but you didn't
14 pay it in Year Two, Three and Four.

15 So I think the sponsor and I share
16 the same goals. But I actually don't think this
17 bill, if it became law, would get us there. I do
18 think it would create a certain level of chaos
19 between the responsibilities of the Governor and
20 the responsibilities of the Legislature. The
21 pricing out and anticipated actual costs being
22 expected to be placed on our shoulders in the
23 Legislature to get the answers when we probably
24 would need the involvement and participation of
25 the Division of Budget and even local counties'

1 and municipalities' budgets.

2 I think it would trap us into
3 potentially not ever being able to get a budget
4 done on time -- and I know none of us want to
5 face that year in, year out -- never being able
6 to move forward with multiple-year programming
7 because how could you guarantee you had those
8 costs. So you'd end up having to go back into
9 what people used to call zero-based budgeting
10 each and every year on every imaginable law that
11 passed the state.

12 And so I respect the goals. I truly
13 do, Senator. I want the goals to be
14 accomplished. But when I try to think through
15 what this Legislature, what this Executive and
16 what our state would look like if we had to go
17 into zero-based budgeting on every single law we
18 pass each year, over and over again, I don't
19 think we would like what we did.

20 But I do agree we could do much of
21 this right now just by starting to do the right
22 thing today, tomorrow. I'm hoping that I don't
23 see one bill that's an unfunded mandate come
24 through this house -- not just, obviously, for
25 the next two weeks, but for the year following.

1 Let's try to do it now even without this law.

2 But I'll be voting no. Thank you,
3 Mr. President.

4 ACTING PRESIDENT O'MARA: Senator
5 Stavisky on the bill.

6 SENATOR STAVISKY: I would ask
7 somebody to yield.

8 (Laughter.)

9 ACTING PRESIDENT O'MARA: Senator
10 Griffo, do you yield?

11 SENATOR GRIFFO: Sure.

12 SENATOR STAVISKY: Oh, I'm sorry, I
13 didn't see Senator Griffo. I apologize.

14 Will the Senator yield for really
15 one question?

16 ACTING PRESIDENT O'MARA: He
17 yields.

18 SENATOR GRIFFO: Sure.

19 SENATOR STAVISKY: If we pass this
20 legislation, would bullet aid be included? Since
21 bullet aid is obviously an appropriation that up
22 to this point has not been spelled out.

23 SENATOR GRIFFO: Mr. President,
24 through you. Senator Stavisky, mandates would be
25 required, any mandate we're putting up on a

1 school district requiring them to spend money
2 would be under this. Not in an area where you're
3 providing revenue to somebody.

4 I mean, if you're doing -- like when
5 you provide education funding through the
6 education budget during the budget, that wouldn't
7 be -- the distribution of aid and the formula
8 that's exercised obviously would not be subject
9 to this.

10 This is a requirement if you put a
11 mandate out with a cost associated with that
12 mandate, then there would be that implication
13 listed and that would become problematic.
14 Because you would have to provide the funding.
15 If you're asking them to do something, then you
16 would have to provide the funding to go along
17 with it.

18 SENATOR STAVISKY: In other words,
19 we're still in the dark as to where the bullet
20 aid is going to be going.

21 Thank you, Mr. President.

22 ACTING PRESIDENT O'MARA: Senator
23 Gipson.

24 SENATOR GIPSON: Thank you,
25 Mr. President. Will the sponsor yield for a

1 question?

2 ACTING PRESIDENT O'MARA: Senator
3 Griffo, will you yield?

4 SENATOR GRIFFO: The sponsor
5 yields.

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

8 Does the sponsor believe that
9 without term limits that this legislative body
10 that has for decades passed billions of dollars
11 and billions of dollars worth of unfunded
12 mandates, can be trusted to abide by this law if
13 it were passed and not be tempted to quickly
14 amend it so that we could actually go back to
15 doing business as usual?

16 SENATOR GRIFFO: Mr. President,
17 through you. Senator Gipson, you're bringing up
18 the previous bill concept of term limits.

19 There's two things that you could
20 have done. Number one, if you felt so strongly
21 about it, you could have put a nonsponsor
22 amendment to my bill, which you had that
23 opportunity to do and you didn't do so. And
24 secondly, you can join right now with Senator
25 Adams and I on supporting term limits as a whole

1 if you truly believe that. Because I believe
2 it's a pretty good bipartisan bill that we've put
3 forth.

4 And not everybody is going to concur
5 with that, but each member can make that
6 determination. And relatively to this, it's very
7 simple, Senator Gipson. Do you believe and do
8 you agree that if we're going to impose a mandate
9 on a school district and on a local community
10 that you should provide the funding, or do you
11 believe we should just tell them to spend money
12 and let the taxpayers pour it out of their
13 wallet?

14 SENATOR GIPSON: Mr. President, I
15 have no further questions. I'd just like to
16 speak on the bill.

17 ACTING PRESIDENT O'MARA: On the
18 bill.

19 SENATOR GIPSON: Thank you,
20 Mr. President.

21 I actually like this bill. I
22 commend my colleague for making the effort to
23 finally do something about the unfunded-mandate
24 situation that is really severely hurting our
25 local schools and our local governments.

1 You know, as I travel around the
2 district several times a week, I meet with school
3 boards, county boards, local government boards.
4 The first thing they want to know is, How are you
5 going to help us deal with unfunded mandates?

6 Most of the tax dollars that our
7 local governments raise are not able to be used
8 in a discretionary way by those same local
9 governments. We are leaving our local
10 governments and our school boards very little
11 room to actually do the things that they need to
12 do. We are coming up with these ideas -- many of
13 which are good ideas, things that need to be
14 funded -- but we're not helping them do it.
15 We're not giving them the tools that they need to
16 actually pay for these needs.

17 I like this bill. But again, just
18 like the term-limit bill, it doesn't go far
19 enough. Why can't we get serious about doing
20 real reform? Both my term-limit bill and my bill
21 on unfunded mandates are constitutional
22 amendments that would codify into law so that
23 they could not be amended, they could not be
24 changed --

25 SENATOR LIBOUS: Mr. President,

1 excuse me.

2 ACTING PRESIDENT O'MARA: Senator
3 Libous.

4 SENATOR LIBOUS: Is the Senator
5 talking about Senator Griffo's bills or is he
6 debating his bills? Because it would not be
7 germane if he's debating his bills on the floor.

8 SENATOR GIPSON: Mr. President, I
9 am --

10 ACTING PRESIDENT O'MARA: Would you
11 keep your comments to the bill on the floor,
12 please, Senator Gipson.

13 SENATOR GIPSON: Absolutely. I am
14 talking about reforming government here and
15 working across the aisle to deal with unfunded
16 mandates.

17 I'm just pointing out that this bill
18 is weaker than it should be. We ought to be able
19 to do something stronger. We ought to be able to
20 pass a constitutional amendment that says that we
21 cannot send down any unfunded mandates, ever,
22 without figuring out how they're paid for.

23 I have a bill that will do that. I
24 have a bill that will take care of all the
25 control and oversight that we're debating right

1 now. And I don't understand why that bill hasn't
2 come to the floor.

3 Thank you, Mr. President.

4 ACTING PRESIDENT O'MARA: Seeing no
5 other Senator wishing to be heard, the Secretary
6 will ring the bell.

7 The Secretary will read the last
8 section.

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

11 ACTING PRESIDENT O'MARA: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT O'MARA: Senator
15 Flanagan to explain your vote.

16 SENATOR FLANAGAN: Yes,
17 Mr. President, thank you.

18 I want to compliment Senator
19 Griffo. I think this is an excellent bill.
20 There are a lot of very good things in here. And
21 I want to focus on a couple of very quick
22 things.

23 I was just saying to Senator Lanza I
24 think it was Ronald Reagan said that "Nine of the
25 scariest words that people can hear are that 'I'm

1 from the government and I'm here to help.'"

2 Well, in Albany when we look at
3 statutes, the parallel is the end of the statute
4 when it says "The commissioner shall promulgate
5 rules and regulations in accordance with this
6 act." That's where we find a lot of the problems
7 we have today. If you look at education, a lot
8 of the mandates come from the Board of Regents
9 and SED.

10 And Senator Krueger spoke to the
11 practical difficulties of this bill and how it's
12 hard to do. And some people said it doesn't go
13 far enough. It is hard to do. And that's
14 exactly why we should be doing it. We haven't
15 done this enough. The Mandate Relief Council has
16 not done enough of its work.

17 The New York State Senate has done
18 far more than the Assembly, and this pushes the
19 envelope. This forces us to take a look that
20 we should be doing all the time, but this deals
21 with the fourth branch of government. And that
22 are our state agencies who implement all these
23 regulations, oftentimes at odds with what the
24 legislative statute says and what the legislative
25 intent is or was.

1 So this is a very good debate. This
2 is exactly what we can be talking about. Because
3 when schools are looking for help, if we don't
4 have this discussion, we're tying their hands in
5 ways that are completely unnecessary. And we are
6 trying to fund education as much as possible.

7 But this is an excellent bill,
8 Senator Griffo, and I fully support it.

9 ACTING PRESIDENT O'MARA: Senator
10 Flanagan to be recorded in the affirmative.

11 Senator Gipson to explain your vote.

12 SENATOR GIPSON: Through you,
13 Mr. President.

14 Again, I support this bill, but my
15 concern is that it's a stopgap measure that just
16 doesn't go as far as I think it needs to go.
17 It's a statute that can be overturned, it can be
18 amended. And my concern is that as the years go
19 on, that will happen, and we'll be right back to
20 where we started.

21 If we want to be serious about
22 helping our local governments and our schools, we
23 need to pass a constitutional amendment -- which
24 I have a bill that does just that -- that says
25 that we will not be allowed ever again to pass

1 any unfunded mandate until we know how it's going
2 to be paid for. That's the way we go about
3 really reforming government.

4 I'm sorry if my comments irritate
5 Mr. Libous, but I'm just trying to help the other
6 side pass stronger bills. A constitutional
7 amendment for unfunded mandates will solve this
8 problem once and for all.

9 And I appreciate this time to speak,
10 and I do vote yes on this bill.

11 ACTING PRESIDENT O'MARA: Senator
12 Gipson to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: In relation to
15 Calendar 1027, those recorded in the negative are
16 Senators Avella, Hassell-Thompson, Hoylman,
17 Krueger, Montgomery, Parker, Perkins, Rivera and
18 Serrano.

19 Absent from voting: Senators
20 Bonacic and Squadron.

21 Ayes, 51. Nays, 9.

22 ACTING PRESIDENT O'MARA: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1030, by Senator Seward, Senate Print 3462,

1 Concurrent Resolution of the Senate and Assembly.

2 SENATOR KRUEGER: On the
3 resolution.

4 ACTING PRESIDENT O'MARA: Senator
5 Krueger on the resolution.

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

8 So I don't need an explanation of
9 this bill, because I get it. It has three
10 smokestacks from the Environmental Advocates of
11 New York. This bill would actually change the
12 constitution to say any regulation established by
13 the government of the State of New York that we
14 in our wisdom in both houses decided was not
15 within the original intent of the legislation, we
16 could override.

17 I have to tell you, besides all of
18 the giant litigation that would be opened up,
19 from laws on our books throughout the history of
20 the state to laws passed by this Senate under
21 Republican control for the last 50 years, that we
22 could actually create literally total havoc for
23 businesses and communities in the State of
24 New York.

25 We would be challenging the

1 constitutional role of the Executive, the
2 separation of our role as the Legislature and the
3 executive branch. We would be opening up somehow
4 to our authority to determine we know better than
5 courts that have decided, we know better than the
6 experts in the agencies that we hire, and that we
7 know better than the common practice in the State
8 of New York.

9 I guess the good news for me in
10 proudly saying I will be voting no is I do not
11 believe our constitution will be changed at any
12 time in the near future that would allow the
13 Legislature to after the fact simply decide they
14 don't like this regulation, they're going to
15 overturn it.

16 Now, we can play a legislature. We
17 can overturn law. If this house says we don't
18 like clean air, let's get rid of the clean air
19 bills, we can do that. I don't agree, but we can
20 vote to end laws.

21 But for us to summarily attempt to
22 undo an entire process of democracy by saying we
23 will overturn regulations, judicial orders, laws
24 and practices of the State of New York is -- I
25 don't know, is one of more ridiculous things,

1 with all due respect, that I've seen on the floor
2 of this house in the 11 years I've been here.

3 I'll be voting no. I urge everyone
4 to vote no. Thank you.

5 ACTING PRESIDENT O'MARA: Seeing no
6 other Senator wishing to be heard, debate is
7 closed.

8 Ring the bells, Mr. Secretary.

9 The Secretary will call the roll on
10 the Concurrent Resolution.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT O'MARA: Senator
13 Seward to explain your vote.

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

16 You know, many of us have been here
17 long enough to witness over the years situations
18 when this Legislature has in fact enacted
19 legislation, made it law, and then the particular
20 state agency involved has promulgated rules and
21 regulations which many times go far and wide away
22 from the original legislative intent or the
23 regulations prove to be very onerous financially,
24 either on the state or local governments or other
25 New Yorkers.

1 This legislation, this
2 constitutional amendment puts the Legislature
3 back in the game of reining in the state
4 agencies. Let's face it, let's be accountable.
5 We're the elected officials by the people of the
6 state, not the state agency personnel. And it
7 seems to me that it's important for us to
8 reassert our roles as lawmakers and exert some
9 genuine and robust oversight over the state
10 agencies, particularly as it relates to their
11 rules and regulations that come out of those
12 agencies.

13 This constitutional amendment passed
14 overwhelmingly with bipartisan support two years
15 ago, and I hope it will again this evening. I
16 vote aye.

17 ACTING PRESIDENT O'MARA: Senator
18 Seward to be recorded in the affirmative.

19 The Secretary will announce the
20 results.

21 THE SECRETARY: In relation to
22 Calendar Number 1030, those recorded in the
23 negative are Senators Adams, Avella, Gianaris,
24 Gipson, Hoylman, Krueger, LaValle, Marcellino,
25 Montgomery, Parker, Rivera, Sanders, Serrano,

1 Stavisky, Tkaczyk. Also Senator
2 Hassell-Thompson. Also Senator Perkins. Also
3 Senator Espaillat.

4 Absent from voting: Senators
5 Bonacic and Squadron.

6 Ayes, 42. Nays, 18.

7 ACTING PRESIDENT O'MARA: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1032, by Senator Marchione, Senate Print 5161, an
11 act to amend the Legislative Law.

12 ACTING PRESIDENT O'MARA: Senator
13 Krueger.

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

16 In respect for my Italian-American
17 colleagues, I have been given permission to speak
18 briefly on all the other bills that I have
19 concerns with tonight.

20 SENATOR LIBOUS: Without objection.

21 (Laughter.)

22 SENATOR KRUEGER: Without
23 objection.

24 ACTING PRESIDENT O'MARA: Senator
25 Krueger on the remaining bills.

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

3 So the bill we're officially on is
4 Calendar Number 1032, additional documentation
5 provided for the ARRC commission.

6 In a nutshell, this would open up
7 the Executive to endless litigation. It even
8 adds a section to the existing ARRC that would
9 allow a different vote pattern of the commission
10 as to whether there are Democrats or Republicans
11 in control of either or both houses.

12 I thought I had never seen anything
13 so strange as to have different rules for
14 commissions to vote based on who's in charge of a
15 house, but then we lived through JCOPE, so I
16 discovered, oh, this is a pattern in New York
17 State law. It's a bad model for legislation.
18 Frankly, we should go back to scratch on this
19 one.

20 Continuing on to 5166, relating to
21 repealing unnecessary or otherwise burdensome
22 rules and regulations, a fascinating proposal to
23 order the state agencies each and every year to
24 review all their regulations, come up with a list
25 to give to the Governor, and then the Governor

1 must repeal 1,000 regulations.

2 Well, first off, we won't get
3 anything else done because the state agencies
4 will do that every year. And again, I think by
5 Year 3, when we've gotten rid of 3,000
6 regulations we'll be asked to pass a whole bunch
7 of new laws so we can have new regulations so the
8 agencies have something to do to repeal them the
9 year after.

10 This is not the approach we
11 ought to be taking if we think we're not handling
12 law, rules or regulations correctly. There are
13 critical reasons for us to have rules and
14 regulations. And to arbitrarily say let's take a
15 look at them every year and throw out a
16 thousand -- again, an interesting try but I must
17 urge a no vote on that as well.

18 Oh, there are so many memos of
19 opposition: Common Cause, Riverkeeper, NYPIRG,
20 Environmental Advocates. You can read their
21 memos of opposition. They make much more
22 articulate arguments than I am right now.

23 Then we have a state task force on
24 rules and regulations. I thought we were
25 creating so many rules and regulations on how to

1 get rules and regulations off the books from
2 earlier bills, I really don't know why we need
3 this task force for the review of rules and
4 regulations. After all, if we passed the last
5 bill, we've got a thousand down every year
6 already.

7 Then we have an additional bill,
8 Senator Gallivan, S567. Just in case there were
9 any rules that we hadn't already gotten rid of or
10 anything we hadn't already changed through the
11 State Administrative Procedure Act, this would
12 give us another task force to evaluate that one.

13 So with all due respect,
14 Mr. President, I can't accept voting yes on any
15 of these bills. I understand the frustrations of
16 my colleagues. This isn't going to solve those
17 problems for our communities, for our businesses,
18 or for ensuring that we do our jobs and protect
19 the people of New York State by passing the right
20 laws, rational laws, and letting government
21 agencies do what they are supposed to do with
22 their time instead of the busywork of changing
23 and getting rid of and task forcing every
24 discussion.

25 I hope my colleagues will join me in

1 voting no for the remaining bills this evening.

2 And I also wish whoever is going to

3 Italian-American night a lovely evening ahead.

4 Thank you, Mr. President.

5 ACTING PRESIDENT O'MARA: Thank
6 you, Senator Krueger.

7 Seeing no other Senator wishing to
8 be heard, the Secretary will ring the bell.

9 Read the last section.

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

12 ACTING PRESIDENT O'MARA: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT O'MARA: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar Number 1032, those recorded in the
19 negative are Senators Adams, Addabbo, Avella,
20 Breslin, Dilan, Espaillat, Gianaris,
21 Hassell-Thompson, Hoylman, Krueger, Latimer,
22 LaValle, Montgomery, Parker, Perkins, Rivera,
23 Sanders, Savino, Serrano, Stavisky and
24 Stewart-Cousins.

25 Absent from voting: Senators

1 Bonacic and Squadron.

2 Ayes, 39. Nays, 21.

3 ACTING PRESIDENT O'MARA: The bill
4 is passed.

5 THE SECRETARY: Excuse me, Senator
6 Savino in the affirmative.

7 Ayes, 40. Nays, 20.

8 ACTING PRESIDENT O'MARA: The bill
9 is passed.

10 Senator Maziarz.

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

13 On unanimous consent, we'd like to
14 restore the remaining controversial bills to the
15 noncontroversial calendar.

16 ACTING PRESIDENT O'MARA: So
17 ordered.

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

20 Can we now have a reading of the
21 noncontroversial calendar.

22 ACTING PRESIDENT O'MARA: The
23 Secretary will read.

24 THE SECRETARY: Calendar Number
25 1033, by Senator Marchione, Senate Print 5166, an

1 act relating to rules and regulations of the
2 state.

3 ACTING PRESIDENT O'MARA: Read the
4 last section.

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

7 ACTING PRESIDENT O'MARA: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT O'MARA: Senator
11 Marchione to explain your vote.

12 SENATOR MARCHIONE: Yes,
13 Mr. President, thank you.

14 First of all, I just want to clarify
15 some of what Senator Krueger was stating. This
16 bill does not require that this review is done on
17 a yearly basis. But this legislation actually
18 sets out goals and objectives for different
19 sections of state agencies reviewing a
20 comprehensive list by a certain date, which was
21 August 31st of this year, and then going on to
22 Economic Development, and then going on to the
23 Governor. And then certainly by April having the
24 Governor to require to repeal at least a thousand
25 regulations. So it's not a yearly venture.

1 It's about time that we take a look
2 at our regulations. Here's some statistics why
3 we should. You know, state agencies issue
4 approximately 300 new rules and regulations
5 annually. New York codes of rules and
6 regulations consist currently of 140 pages of
7 regulations. Laid end to end, all those pages
8 would stretch more than 12 miles. Twelve miles
9 is almost enough for me to drive from here in
10 Albany to my home in Halfmoon.

11 Our state sea of endless rules,
12 regulations and red tape hurts taxpayers, drives
13 away job creators, makes New York much less
14 economically competitive with other states, and
15 makes New York much less attractive to companies
16 looking where to invest and create jobs. It's
17 critical when we have hundreds of thousands of
18 unemployed New Yorkers who are hurting.

19 You don't have to take my word for
20 it. The Tax Foundation says New York State has
21 America's worst business tax climate. The
22 Mercatus Center at George Mason University states
23 New York State has the nation's least amount of
24 economic freedom. And according to the Chief
25 magazine, New York State ranks 49th, second worst

1 in the country, for best and worst states for
2 business.

3 Why are we looking at our
4 regulations, ladies and gentlemen? Because it's
5 about time. And it's absolutely necessary. If
6 we want New York State to be truly open for
7 business, it's about time we do something about
8 the regulations in this state and the unfunded
9 mandates.

10 I vote aye.

11 ACTING PRESIDENT O'MARA: Senator
12 Marchione in the affirmative.

13 Announce the results.

14 THE SECRETARY: In relation to
15 Calendar 1033, those recorded in the negative are
16 Senators Adams, Addabbo, Avella, Breslin,
17 Espaillat, Gianaris, Gipson, Hannon,
18 Hassell-Thompson, Hoylman, Krueger, LaValle,
19 Montgomery, Parker, Perkins, Rivera, Sanders,
20 Savino, Serrano, Squadron, Stavisky,
21 Stewart-Cousins and Tkaczyk.

22 Ayes, 39. Nays, 23.

23 ACTING PRESIDENT O'MARA: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1036, by Senator Griffo, Senate Print 5519A, an
2 act to amend the Executive Law.

3 ACTING PRESIDENT O'MARA: Read the
4 last section.

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

7 ACTING PRESIDENT O'MARA: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 60. Nays,
11 2. Senators Avella and Squadron recorded in the
12 negative.

13 ACTING PRESIDENT O'MARA: The bill
14 is passed.

15 THE SECRETARY: With respect to
16 Calendar Number 1038, Senator Valesky moves to
17 discharge, from the Committee on Rules, Assembly
18 Bill Number 487A and substitute it for the
19 identical Senate Bill Number 5553, Third Reading
20 Calendar 1038.

21 ACTING PRESIDENT O'MARA:
22 Substitution ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 1038, by Member of the Assembly Magnarelli,

1 Assembly Print 487A, an act to amend the State
2 Administrative Procedure Act.

3 ACTING PRESIDENT O'MARA: Read the
4 last section.

5 THE SECRETARY: Section 5. This
6 act shall take effect on the first of September.

7 ACTING PRESIDENT O'MARA: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: In relation to
11 Calendar 1038, those recorded in the negative are
12 Senators Adams, Hassell-Thompson, Krueger,
13 Montgomery, Perkins, Rivera, Sanders, Serrano and
14 Squadron.

15 Ayes, 53. Nays, 9.

16 ACTING PRESIDENT O'MARA: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1040, by Senator Gallivan, Senate Print 5657, an
20 act to amend the State Administrative Procedure
21 Act.

22 ACTING PRESIDENT O'MARA: Read the
23 last section.

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

1 ACTING PRESIDENT O'MARA: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: In relation to
5 Calendar Number 1040, those recorded in the
6 negative are Senators Adams, Avella, Espaillat,
7 Hassell-Thompson, Hoylman, Krueger, Montgomery,
8 Perkins, Rivera, Serrano and Squadron.

9 Ayes, 51. Nays, 11.

10 ACTING PRESIDENT O'MARA: The bill
11 is passed.

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

14 SENATOR MAZIARZ: Thank you very
15 much, Mr. President.

16 Can we now return to motions.

17 ACTING PRESIDENT O'MARA: Returning
18 to motions and resolutions.

19 Senator Maziarz.

20 SENATOR MAZIARZ: On page 51, I
21 offer the following amendments to Calendar Number
22 798, Senate Print Number 4625, on behalf of
23 Senator Young.

24 ACTING PRESIDENT O'MARA: The
25 amendments are received and adopted.

1 SENATOR MAZIARZ: Mr. President,
2 behalf of Senator Young, on page 42 I offer the
3 following amendments to Calendar Number 543,
4 Senate Print Number 4399, and ask that said bill
5 retain its place on Third Reading Calendar.

6 ACTING PRESIDENT O'MARA: The
7 amendments are received and adopted, and the bill
8 retains its place on the Third Reading Calendar.

9 SENATOR MAZIARZ: Thank you very
10 much, Mr. President.

11 Is there any further business to
12 come before the Senate?

13 ACTING PRESIDENT O'MARA: There is
14 no further business.

15 SENATOR MAZIARZ: All right, I move
16 that we adjourn until tomorrow at 11:00 a.m.,
17 tomorrow being June the 11th.

18 ACTING PRESIDENT O'MARA: On
19 motion, the Senate stands adjourned until
20 Tuesday, June 11th, at 11:00 a.m.

21 (Whereupon, at 7:12 p.m., the Senate
22 adjourned.)

23

24

25