

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 June 10, 2013

11 3:33 p.m.

12  
13  
14 REGULAR SESSION

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16  
17  
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 Griffo, 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 Griffio, 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