

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 June 12, 2013

11 12:27 p.m.

12
13
14 REGULAR SESSION

15
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, I ask all present to please
11 bow their heads in a moment of silent prayer and
12 reflection.

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

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

17 The Secretary will read.

18 THE SECRETARY: In Senate,
19 Tuesday, June 11th, the Senate met pursuant to
20 adjournment. The Journal of Monday, June 10th,
21 was read and approved. On motion, Senate
22 adjourned.

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

25 Presentation of petitions.

1 Messages from the Assembly.

2 The Secretary will read.

3 THE SECRETARY: On page 10,
4 Senator Stewart-Cousins moves to discharge, from
5 the Committee on Local Government, Assembly Bill
6 Number 3157 and substitute it for the identical
7 Senate Bill Number 3020, Third Reading Calendar
8 234.

9 ACTING PRESIDENT GRIFFO: The
10 substitution is so ordered.

11 THE SECRETARY: On page 15,
12 Senator Golden moves to discharge, from the
13 Committee on Civil Service and Pensions,
14 Assembly Bill Number 5576B and substitute it for
15 the identical Senate Bill Number 4257B, Third
16 Reading Calendar 382.

17 ACTING PRESIDENT GRIFFO: The
18 substitution is so ordered.

19 THE SECRETARY: On page 48,
20 Senator Carlucci moves to discharge, from the
21 Committee on Local Government, Assembly Bill
22 Number 5676 and substitute it for the identical
23 Senate Bill Number 4974, Third Reading Calendar
24 1057.

25 ACTING PRESIDENT GRIFFO: The

1 substitution is so ordered.

2 THE SECRETARY: On page 49,
3 Senator Parker moves to discharge, from the
4 Committee on Energy and Telecommunications,
5 Assembly Bill Number 6381A and substitute it for
6 the identical Senate Bill Number 4442A, Third
7 Reading Calendar 1079.

8 ACTING PRESIDENT GRIFFO: The
9 substitution is so ordered.

10 THE SECRETARY: On page 52,
11 Senator Carlucci moves to discharge, from the
12 Committee on Mental Health and Developmental
13 Disabilities, Assembly Bill Number 6992A and
14 substitute it for the identical Senate Bill
15 Number 5098A, Third Reading Calendar 1134.

16 ACTING PRESIDENT GRIFFO: The
17 substitution is so ordered.

18 THE SECRETARY: On page 54,
19 Senator Nozzolio moves to discharge, from the
20 Committee on Codes, Assembly Bill Number 7182
21 and substitute it for the identical Senate Bill
22 Number 4485, Third Reading Calendar 1159.

23 ACTING PRESIDENT GRIFFO: The
24 substitution is so ordered.

25 Could I have some order in the

1 house, please.

2 THE SECRETARY: On page 56, Senator
3 Larkin moves to discharge, from the Committee on
4 Finance, Assembly Bill Number 2316B and
5 substitute it for the identical Senate Bill
6 Number 270B, Third Reading Calendar 1216.

7 ACTING PRESIDENT GRIFFO: The
8 substitution is so ordered.

9 THE SECRETARY: On page 58,
10 Senator Ball moves to discharge, from the
11 Committee on Veterans, Homeland Security and
12 Military Affairs, Assembly Bill Number 5890 and
13 substitute it for the identical Senate Bill
14 Number 2574, Third Reading Calendar 1241.

15 ACTING PRESIDENT GRIFFO: The
16 substitution is so ordered.

17 THE SECRETARY: And on page 63,
18 Senator Bonacic moves to discharge, from the
19 Committee on Racing, Gaming and Wagering,
20 Assembly Bill Number 6939 and substitute it for
21 the identical Senate Bill Number 4750, Third
22 Reading Calendar 1284.

23 ACTING PRESIDENT GRIFFO: The
24 substitution is so ordered.

25 Messages from the Governor.

1 Reports of standing committees.

2 Reports of select committees.

3 Communications and reports of state
4 officers.

5 Motions and resolutions.

6 Senator Fuschillo.

7 SENATOR FUSCHILLO: Mr. President,
8 on behalf of Senator Golden, I wish to call up
9 Senate Print Number 2098, recalled from the
10 Assembly, which is now at the desk.

11 ACTING PRESIDENT GRIFFO: The
12 Secretary will read.

13 THE SECRETARY: Calendar Number
14 194, by Senator Golden, Senate Print 2098, an act
15 to amend the Penal Law.

16 SENATOR FUSCHILLO: I now move to
17 reconsider the vote by which the bill was passed.

18 ACTING PRESIDENT GRIFFO: Call the
19 roll on reconsideration.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 57.

22 SENATOR FUSCHILLO: I now offer the
23 following amendments.

24 ACTING PRESIDENT GRIFFO: The
25 amendments are received.

1 SENATOR FUSCHILLO: On behalf of
2 Senator Fuschillo, I wish to call up my bill,
3 Senate Print Number 780, recalled from the
4 Assembly, which is now at the desk.

5 ACTING PRESIDENT GRIFFO: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number 76,
8 by Senator Fuschillo, Senate Print 780, an act to
9 authorize.

10 SENATOR FUSCHILLO: I now move to
11 reconsider the vote by which the bill was passed.

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

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 57.

16 SENATOR FUSCHILLO: I now offer the
17 following amendments.

18 ACTING PRESIDENT GRIFFO: The
19 amendments are received.

20 May I have some order in the
21 chamber, please.

22 SENATOR FUSCHILLO: On behalf of
23 Senator Skelos, I wish to call up Senate Print
24 Number 4295, recalled from the Assembly, which is
25 now at the desk.

1 ACTING PRESIDENT GRIFFO: The
2 Secretary will read.

3 THE SECRETARY: Calendar Number
4 494, by Senator Skelos, Senate Print 4295, an act
5 to authorize.

6 SENATOR FUSCHILLO: I now move to
7 reconsider the vote by which the bill was passed.

8 ACTING PRESIDENT GRIFFO: Call the
9 roll on reconsideration.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 57.

12 SENATOR FUSCHILLO: I now offer the
13 following amendments.

14 ACTING PRESIDENT GRIFFO: The
15 amendments are received.

16 SENATOR FUSCHILLO: On behalf of
17 Senator Klein, I wish to call up Senate Print
18 Number 4101, recalled from the Assembly, which is
19 now at the desk.

20 ACTING PRESIDENT GRIFFO: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 401, Senator Klein, Senate Print 4101, an act to
24 amend the Alcoholic Beverage Control Law.

25 SENATOR FUSCHILLO: I now move to

1 reconsider the vote by which this bill was
2 passed.

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

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 57.

7 SENATOR FUSCHILLO: I now offer the
8 following amendments.

9 ACTING PRESIDENT GRIFFO: The
10 amendments are received.

11 SENATOR FUSCHILLO: On behalf of
12 Senator Felder, on page number 50 I offer the
13 following amendments to Calendar Number 1097,
14 Senate Print Number 5068, and ask that said bill
15 retain its place on the order of Third Reading
16 Calendar.

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

20 SENATOR FUSCHILLO: On behalf of
21 Senator Maziarz, on page number 11 I offer the
22 following amendments to Calendar Number 282,
23 Senate Print Number 1184, and ask that said bill
24 retain its place on Third Reading Calendar.

25 ACTING PRESIDENT GRIFFO: The

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

3 SENATOR FUSCHILLO: On behalf of
4 Senator Grisanti, on page number 59 I offer the
5 following amendments to Calendar Number 1251,
6 Senate Print Number 3537B, and ask that said bill
7 retain its place on Third Reading Calendar.

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

11 SENATOR FUSCHILLO: On behalf of
12 Senator Flanagan, on page number 63 I offer the
13 following amendments to Calendar Number 1290,
14 Senate Print Number 5253, and ask that said bill
15 retain its place on Third Reading Calendar.

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

19 Senator Fuschillo.

20 SENATOR FUSCHILLO: Will you please
21 recognize Senator Gianaris.

22 ACTING PRESIDENT GRIFFO: Senator
23 Gianaris.

24 SENATOR GIANARIS: Mr. President,
25 on behalf of Senator Kennedy, on page 46 I offer

1 the following amendments to Calendar Number 1035,
2 Senate Print 5441, and ask that said bill retain
3 its place on 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 GIANARIS: On behalf of
8 Senator Montgomery, on page 56 I offer the
9 following amendments to Calendar Number 1222,
10 Senate Print 1410, and ask that said bill retain
11 its place on 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 GIANARIS: And on behalf of
16 the Reverend Senator Diaz, on page 7 I offer the
17 following amendments to Calendar Number 143,
18 Senate Print 311, and ask that said bill retain
19 its place on Third Reading Calendar.

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

23 Senator Fuschillo.

24 SENATOR FUSCHILLO: Mr. President,
25 there will be an immediate meeting of the

1 Veterans, Homeland Security and Military Affairs
2 Committee in Room 332, followed by a meeting of
3 the Finance Committee in Room 332.

4 ACTING PRESIDENT GRIFFO: There
5 will be an immediate meeting of the Veterans,
6 Homeland Security and Military Affairs Committee,
7 followed by the Finance Committee, in Room 332.

8 SENATOR FUSCHILLO: The Senate will
9 stand at ease.

10 ACTING PRESIDENT GRIFFO: The
11 Senate stands at ease.

12 (Whereupon, the Senate stood at ease
13 at 12:34 p.m.)

14 (Whereupon, the Senate reconvened at
15 1:03 p.m.)

16 ACTING PRESIDENT GRIFFO: The
17 Senate will come to order.

18 Senator DeFrancisco.

19 SENATOR DeFRANCISCO: Yes,
20 Mr. President, could we please return to reports
21 of standing committees.

22 ACTING PRESIDENT GRIFFO: We will
23 return to reports of standing committees.

24 Senator DeFrancisco.

25 SENATOR DeFRANCISCO: Yes, we have

1 a nomination that was approved by both --

2 ACTING PRESIDENT GRIFFO: We have a
3 report of the Finance Committee.

4 The Secretary will read.

5 THE SECRETARY: Senator
6 DeFrancisco, from the Committee on Finance,
7 reports the following nomination:

8 Harry E. Miller, Jr., of Nashua,
9 New Hampshire, as Major General.

10 ACTING PRESIDENT GRIFFO: Senator
11 DeFrancisco.

12 SENATOR DeFRANCISCO: Yes,
13 Mr. President, I would stand here and very
14 proudly move the nomination -- actually, the
15 motion for the promotion of the Governor's
16 assistant adjutant general, Harry E. Miller, Jr.,
17 for his promotion to the grade of major general.

18 He appeared before the Finance
19 Committee, was unanimously approved, as well as
20 unanimous approval at the Veterans Committee.

21 And I'd ask you to please recognize
22 Senator Ball.

23 ACTING PRESIDENT GRIFFO: Thank
24 you, Senator DeFrancisco.

25 Senator Ball.

1 SENATOR BALL: Well, General, it's
2 a pleasure to have the opportunity to introduce
3 you here to the full Senate.

4 And I promise to be brief and be
5 seated, as I learned at the United States Air
6 Force Academy. But I think it's important to
7 just quickly reflect on the biography of
8 General Miller.

9 General Miller received his
10 commission in May 1980 from ROTC, Washington
11 Jefferson College. After he received his
12 commission as a second lieutenant, he served on
13 active duty for over 12 years with assignments in
14 the 1st Armored Division, the 82nd Airborne and
15 1st Special Forces Group.

16 General Miller has served two combat
17 tours in support of Operation Iraqi Freedom.
18 During the first tour, he was assigned to the
19 Iraqi Assistance Group as a senior advisor to
20 Iraqi security forces along the Iraq-Iran
21 border. During the second tour, he served with
22 the 5th Special Forces Group in a combined Joint
23 Special Operations Task Force, Arabian Peninsula,
24 as a senior advisor to the multinational corps.

25 He most recently serves as the

1 Senior Commander of Fort Drum and the 10th
2 Mountain Division.

3 So point-blank, General Miller is a
4 hero. General Miller has -- I often refer to my
5 time in the United States military, the United
6 States Air Force, that the worst combat I ever
7 saw was probably at a cocktail party at 2 o'clock
8 in the morning in Washington, D.C. This man has
9 been through and has led troops through things
10 that would break most of us, including me.

11 We have an enormous debt to bear to
12 your career, to the sacrifice, and to your
13 family. Because we know that while you put on
14 that uniform, your family lives not knowing every
15 day whether you're going to return from those
16 assignments.

17 I thank you from the bottom of my
18 heart, and I ask that you continue the great
19 tradition of leading men and women all across
20 this country whose moms and dads put full faith
21 in knowing that you are doing the right job at
22 keeping them safe.

23 God bless you, and Godspeed.

24 ACTING PRESIDENT GRIFFO: Thank
25 you, Senator Ball.

1 The motion has been made by Senator
2 DeFrancisco.

3 The question is on the nomination of
4 Harry E. Miller Jr., for promotion to the grade
5 of major general to the Division of Military and
6 Naval Affairs. All in favor signify by saying
7 aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT GRIFFO: Opposed,
10 nay.

11 (No response.)

12 ACTING PRESIDENT GRIFFO: Harry E.
13 Miller, Jr., is hereby confirmed for promotion to
14 the grade of major general to the Division of
15 Military and Naval Affairs.

16 (Standing ovation.)

17 ACTING PRESIDENT GRIFFO: General
18 Miller, thank you for your service, and our best
19 wishes.

20 Senator Maziarz. We have revolving
21 chairs.

22 SENATOR MAZIARZ: Mr. President,
23 would you please recognize Senator Valesky for a
24 motion.

25 ACTING PRESIDENT GRIFFO: Returning

1 to motions and resolutions.

2 Senator Valesky.

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

5 On behalf of Senator Savino, on
6 page 47 I offer the following amendments to
7 Calendar Number 1042, Senate Bill 5397, and ask
8 that said bill retain its place on the Third
9 Reading Calendar.

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

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

15 ACTING PRESIDENT GRIFFO: Senator
16 Maziarz.

17 SENATOR MAZIARZ: Thank you very
18 much, Mr. President.

19 On behalf of Senator Martins, I wish
20 to call up Senate Print Number 5024A, recalled
21 from the Assembly, which is now at the desk.

22 ACTING PRESIDENT GRIFFO: The
23 Secretary will read.

24 THE SECRETARY: Calendar Number
25 759, by Senator Martins, Senate Print 5024A, an

1 act in relation to allowing.

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

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

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 60.

9 SENATOR MAZIARZ: Mr. President, I
10 now offer the following amendments.

11 ACTING PRESIDENT GRIFFO: The
12 amendments are received.

13 SENATOR MAZIARZ: Mr. President, on
14 behalf of Senator Boyle, on page number 50 I
15 offer the following amendments to Calendar Number
16 1102, Senate Print Number 5599A, and ask that
17 said bill retain its place on the Third Reading
18 Calendar.

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

22 Senator Maziarz.

23 SENATOR MAZIARZ: Thank you very
24 much, Mr. President.

25 Can we now take up the

1 noncontroversial calendar.

2 ACTING PRESIDENT GRIFFO: The
3 Secretary will read.

4 THE SECRETARY: Calendar Number
5 234, substituted earlier by Member of the
6 Assembly Pretlow, Assembly Print 3157, an act to
7 amend the Local Finance Law.

8 ACTING PRESIDENT GRIFFO: There is
9 a home-rule message at the desk.

10 The Secretary will read the last
11 section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 59. Nays, 1.
18 Senator Ball recorded in the negative.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 382, substituted earlier today by Member of the
23 Assembly Markey, Assembly Print 5576B, an act to
24 amend the General Municipal Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

2 THE SECRETARY: Section 3. This
3 act shall take effect July 1, 2013.

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 827, by Senator O'Brien, Senate Print 3516, an
12 act to amend the Vehicle and Traffic Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect September 1, 2014.

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 843, by Senator Zeldin, Senate Print 5529A, an
25 act to amend the Alcoholic Beverage Control Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 954, by Senator Savino, Senate Print 5486, an act
13 to amend the Labor Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 978, by Senator Savino, Senate Print 5342, an act

1 to amend the Correction Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 60. Nays,
10 1. Senator Hassell-Thompson recorded in the
11 negative.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1010, by Senator Klein, Senate Print 5407, an act
16 to direct.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

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

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1057, substituted earlier by Member of the
5 Assembly Jaffee, Assembly Print Number 5676, an
6 act to authorize.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 58. Nays,
15 3. Senators Bonacic, Larkin and O'Mara recorded
16 in the negative.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1079, substituted earlier by Member of the
21 Assembly Crespo, Assembly Print Number 6381A, an
22 act to amend the Public Service 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 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1129, by Senator Farley, Senate Print 2933, an
10 act to amend the Banking Law.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

13 THE SECRETARY: Section 4. This
14 act shall take effect on the 90th day.

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 1129: Ayes, 60. Nays, 1.
23 Senator Sanders recorded in the negative.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1130, by Senator Farley, Senate Print 3832, an
3 act to amend the Banking Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT GRIFFO: Announce
12 the results.

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1131, by Senator Peralta, Senate Print 3930, an
18 act to amend the Banking Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60. Nays,

2 1. Senator Griffo recorded in the negative.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1134, substituted earlier by Member of the
7 Assembly Gunther, Assembly Print Number 6992A, an
8 act to amend the Mental Hygiene Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1139, by Senator Lanza, Senate Print 3606, an act
21 to amend the General Business Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

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

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1147, by Senator DeFrancisco, Senate Print 2789,
10 an act to amend the Election Law.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

13 SENATOR GIANARIS: Lay it aside.

14 ACTING PRESIDENT GRIFFO: Lay the
15 bill aside.

16 THE SECRETARY: Calendar Number
17 1151, by Senator Lanza, Senate Print 2468, an act
18 to amend the Penal Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

21 THE SECRETARY: Section 5. This
22 act shall take effect on the first of November.

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 59. Nays,
2 2. Senators Krueger and Montgomery recorded in
3 the negative.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1155, by Senator Lanza, Senate Print 3847, an act
8 to amend the Penal Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 59. Nays,
17 2. Senators Marchione and Parker recorded in the
18 negative.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1157, by Senator Savino, Senate Print 3969, an
23 act to amend the Penal Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

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

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1158, by Senator Lanza, Senate Print 4156, an act
12 to amend the Penal Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 1158: Ayes, 60. Nays, 1.
25 Senator Montgomery recorded in the negative.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1159, substituted earlier by Member of the
5 Assembly Mosley, Assembly Print Number 7182, 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 immediately.

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

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

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1160, by Senator Gallivan, Senate Print 4772, an
20 act to amend the Penal Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1162, by Senator Gallivan, Senate Print 4985, an
8 act to amend the Criminal Procedure Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: In relation to
17 Calendar 1162, those recorded in the negative are
18 Senators Krueger, Montgomery, Rivera and Sanders.

19 Ayes, 57. Nays, 4.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 Calendar Number 1169 is on second
23 report. The bill is laid aside for the day, and
24 the Secretary will go to Calendar Number 1214.

25 THE SECRETARY: Calendar Number

1 1214, by Senator Gallivan, Senate Print 89, an
2 act to amend the Executive Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1215, by Senator Gallivan, Senate Print 109, an
15 act to amend the Civil Service Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60. Nays,
24 1. Senator Hassell-Thompson recorded in the
25 negative.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1216, substituted earlier by Member of the
5 Assembly Gunther, Assembly Print Number 2316B, an
6 act to amend the Public Health Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT GRIFFO: Senator
15 Valesky to explain his vote.

16 SENATOR VALESKY: Thank you,
17 Mr. President.

18 I just want to take just a moment
19 and thank Senator Larkin for bringing this bill
20 forward.

21 This is an important issue. The
22 Assembly has already passed this measure. This
23 will save the lives of many babies across the
24 state by requiring a relatively simple test that
25 checks for oxygen levels in infants' blood.

1 I had an opportunity to visit with
2 some of my constituents a couple of days ago, a
3 young 18 month old whose life was saved because
4 of the efforts of a nurse who had suggested that
5 this test be done before he left the hospital.

6 This bill would make sure that
7 before all infants leave the hospital, a pulse
8 oximetry test would be performed. I recommend a
9 yes vote on the part of all of my colleagues and
10 again thank Senator Larkin for his sponsorship.

11 Thank you, Mr. President.

12 ACTING PRESIDENT GRIFFO: Senator
13 Valesky will be recorded in the affirmative.

14 Senator Larkin to explain his vote.

15 SENATOR LARKIN: Thank you very
16 much, Mr. President.

17 You know, this is a tremendous day
18 for us here in the State of New York. We will
19 soon join -- we'll be the 11th state in the
20 nation who have put this bill into being.

21 You know, if you were here the other
22 day, where Senator Valesky was there, Senator
23 John DeFrancisco and I and the leader met. And
24 when you start to see and listen to these people
25 who talk about their child that was just inside

1 the bed and turned over and somebody died. Some
2 of these children have been born and five hours
3 later they were in open-heart surgery.

4 And when you start to think about
5 this, this is a cost of a dollar a test. It
6 doesn't have to be by a doctor, it can be by a
7 nurse. When you start to see the procedures and
8 start to see these children who had this test and
9 how they're looking today, you start to wonder
10 about what have we been wasting years for.

11 This has passed this house about
12 four times. Now we have a bill that's passing in
13 both houses. And we're going to say to the rest
14 of the country, Get on board, follow New York.

15 ACTING PRESIDENT GRIFFO: Senator
16 Larkin to be recorded in the affirmative.

17 Announce the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1217, by Senator Grisanti, Senate Print 696B, an
23 act to amend the General Business Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1219, by Senator Bonacic, Senate Print 882, an
11 act to amend the Mental Hygiene Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1221, by Senator Maziarz, Senate Print 1051, an
24 act to amend the Education Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 Calendar Number 1222 is high; it's
11 been amended today. The Secretary will go to
12 Calendar Number 1223 and read.

13 THE SECRETARY: Calendar Number
14 1223, by Senator Marcellino, Senate Print 1486,
15 an act to amend the Education Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT GRIFFO: Senator
24 Gipson to explain his vote.

25 SENATOR GIPSON: Thank you,

1 Mr. President.

2 The school districts in my district
3 are begging me not to send back any unfunded
4 mandates. This bill creates a new reporting
5 requirement that has no method of funding. It is
6 an unfunded mandate, and I will be voting no.

7 Thank you.

8 ACTING PRESIDENT GRIFFO: Senator
9 Gipson to be recorded in the negative.

10 Announce the results.

11 THE SECRETARY: Ayes, 59. Nays,
12 2. Senators Ball and Gipson recorded in the
13 negative. Also Senator Marchione. Also Senator
14 Maziarz.

15 ACTING PRESIDENT GRIFFO: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar Number 1223, those recorded in the
19 negative are Senators Ball, DeFrancisco, Farley,
20 Gipson, Griffio, Lanza, Marchione, Maziarz and
21 Seward. Also Senator Larkin. Also Senator
22 Kennedy. Also Senator Robach. Also Senator
23 Sanders.

24 ACTING PRESIDENT GRIFFO: Results.

25 (Laughter.)

1 ACTING PRESIDENT GRIFFO: We're
2 going to have to go for a show of hands. All
3 those opposed to Calendar Number 1223 please
4 raise raising your hands voting in the negative.

5 SENATOR MAZIARZ: Mr. President.

6 ACTING PRESIDENT GRIFFO: Senator
7 Maziarz.

8 SENATOR MAZIARZ: Will you withdraw
9 the roll call and lay the bill aside for the day.

10 ACTING PRESIDENT GRIFFO: The roll
11 call is withdrawn, and the bill will be laid
12 aside for the day.

13 Calendar Number 1224.

14 THE SECRETARY: Calendar Number
15 1224, by Senator Zeldin, Senate Print 1689, an
16 act to amend the Education Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

19 THE SECRETARY: Section 3. This
20 act shall take effect October 1, 2013.

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 SENATOR GIANARIS: Mr. President,
25 I'm sorry, which bill are we on right now?

1 ACTING PRESIDENT GRIFFO: We are on
2 Calendar Number 1224, Senate Bill 1689, Senator
3 Gianaris.

4 SENATOR GIANARIS: Thank you.

5 THE SECRETARY: Ayes, 59. Nays,
6 2. Senators DeFrancisco and Griffio recorded in
7 the negative.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1225, by Senator Gallivan, Senate Print 1699B, an
12 act to amend the Environmental Conservation Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

15 THE SECRETARY: Section 12. This
16 act shall take effect immediately.

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar Number 1225, those recorded in the
24 negative are Senators Espaillat, Gianaris,
25 Hassell-Thompson, Hoylman, LaValle, Marchione,

1 Montgomery, Peralta, Serrano, Squadron, Stavisky
2 and Stewart-Cousins.

3 Ayes, 49. Nays, 12.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1226, by Senator Skelos, Senate Print 1904, an
8 act to amend the Family Court Act.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 59. Nays,
17 2. Senators Dilan and Gipson recorded in the
18 negative.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1229, by Senator Robach, Senate Print 1978, an
23 act to amend the Education 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, 61.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1230, by Senator Bonacic, Senate Print 2016, an
11 act to amend the Social Services Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1231, by Senator Farley, Senate Print 2018A, an
24 act to amend the Education Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1232, by Senator LaValle, Senate Print 2021, an
12 act to amend the Tax Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect September 1, 2013.

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: In relation to
21 Calendar Number 1232, those recorded in the
22 negative are Senators Diaz, Espaillat,
23 Hassell-Thompson, Krueger and Montgomery.

24 Ayes, 56. Nays, 5.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1233, by Senator Latimer, Senate Print 2054, an
4 act to amend the State Finance Law.

5 SENATOR DeFRANCISCO: Please lay
6 the bill aside.

7 ACTING PRESIDENT GRIFFO: Lay it
8 aside.

9 THE SECRETARY: Calendar Number
10 1235, by Senator Golden, Senate Print 2095A, an
11 act to establish.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

14 THE SECRETARY: Section 8. This
15 act shall take effect immediately.

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1236, by Senator Ritchie, Senate Print 2115, an
24 act to amend the Public Health Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1237, by Senator Golden, Senate Print 2243, an
12 act to amend the Criminal Procedure Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

15 THE SECRETARY: Section 5. This
16 act shall take effect on the 60th day.

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1239, by Senator DeFrancisco, Senate Print 2314,
25 an act to amend the Education Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

3 THE SECRETARY: Section 4. This
4 act shall take effect six months after it shall
5 have become law.

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1240, by Senator Klein, Senate Print 2377A, an
14 act to amend the General Business Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

17 THE SECRETARY: Section 3. This
18 act shall take effect on the 60th day.

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1241, substituted earlier by Member of the
2 Assembly Ortiz, Assembly Print Number 5890, an
3 act to amend the Military Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1242, by Senator Young, Senate Print 2625, an act
16 to amend the Executive Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

19 THE SECRETARY: Section 16. This
20 act shall take effect on the first of January.

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 59. Nays,
25 2. Senators Hassell-Thompson and Montgomery

1 recorded in the negative.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1243, by Senator Young, Senate Print 2710, an act
6 to amend the Tax Law.

7 SENATOR GIANARIS: Lay it aside.

8 ACTING PRESIDENT GRIFFO: Lay the
9 bill aside.

10 THE SECRETARY: Calendar Number
11 1245, by Senator Ball, Senate Print 2803A, an act
12 to amend the Executive Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: Senator
21 Ball to explain his vote.

22 One second, please. Can I have some
23 order in the house, please.

24 Senator Ball.

25 SENATOR BALL: Just briefly, I

1 think in my short almost eight years in Albany,
2 it's amazing how tough it is to get even good
3 things done and how much misinformation there is
4 out there about, you know, good projects and good
5 works.

6 This is a piece of legislation that
7 actually passed in a different form through the
8 Assembly and through the Senate, I believe both
9 unanimously. They were carried in both of those
10 houses and were successful previously.

11 This program simply matches the
12 federal program, the set-aside for service-
13 disabled veterans. In no way does this compete
14 with minority- or women-owned businesses or the
15 very important programs that have been set up for
16 those entities.

17 And it needs to be absolutely
18 certain that we have bent over backwards to make
19 sure in the legislation that this program for
20 service-disabled veterans does not compete. This
21 program will not compete in any way with the
22 minority- and women-owned businesses in this
23 state. But it will allow opportunities for
24 service-disabled vets returning from places to
25 create jobs and to find meaningful employment in

1 this state.

2 This is an absolutely critical piece
3 of legislation. Over 30 other states have
4 already done this. And it would be an absolute
5 shame if we allowed politics in any way to stop
6 us from moving forward, especially with the
7 amount of work that has been put into this to
8 realize the concerns, the valid concerns of those
9 that have been brought forward.

10 So please join me and let's make
11 sure that this gets done in the Assembly as well
12 this year. Thank you.

13 ACTING PRESIDENT GRIFFO: Senator
14 Ball will be recorded in the affirmative.

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar 1245, those recorded in the negative are
18 Senators Espaillat and Hassell-Thompson.

19 Ayes, 59. Nays, 2.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1246, by Senator Farley, Senate Print 2856B, an
24 act to amend the Education Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1247, by Senator Farley, Senate Print 2857A, an
12 act to amend the Education Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1248, by Senator Hannon, Senate Print 2948, an
25 act to amend the Public Health Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1249, by Senator Hannon, Senate Print 2949, an
13 act to amend the Public Health Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

16 THE SECRETARY: Section 5. This
17 act shall take effect on the 60th day.

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 60. Nays,
22 1. Senator Marchione recorded in the negative.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1252, by Senator Seward, Senate Print 3572, an
2 act to amend the Tax Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect September 1, 2013.

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1253, by Senator Robach, Senate Print 3582, an
15 act to amend the Correction Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: In relation to
24 Calendar Number 1253: Ayes, 59. Nays, 2.
25 Senators Gipson and Hassell-Thompson recorded in

1 the negative.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1254, by Senator Golden, Senate Print 3633, an
6 act to amend the Public Authorities Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 58. Nays,
15 3. Senators Ball, Gipson and Marchione recorded
16 in the negative. Also Senator Griffo.

17 ACTING PRESIDENT GRIFFO: Results.

18 THE SECRETARY: Ayes, 57. Nays, 4.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1255, by Senator LaValle, Senate Print 3643, an
23 act to amend the General Municipal Law.

24 SENATOR MAZIARZ: Lay the bill
25 aside for the day, please.

1 ACTING PRESIDENT GRIFFO: There is
2 a home-rule message at the desk.

3 The bill is laid aside for the day.

4 THE SECRETARY: Calendar Number
5 1256, by Senator LaValle, Senate Print 3651, an
6 act to amend the Tax Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1257, by Senator Savino, Senate Print 3682, an
19 act to amend the Tax Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57. Nays,
3 4. Senators Diaz, Espaillat, Krueger and LaValle
4 recorded in the negative.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1258, by Senator Savino, Senate Print 3683, an
9 act to amend the Tax Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 58. Nays,
18 3. Senators Diaz, Espaillat and Krueger recorded
19 in the negative.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1259, by Senator Robach, Senate Print 3770, an
24 act to amend the State Finance Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

2 SENATOR GIANARIS: Lay it aside,
3 please.

4 ACTING PRESIDENT GRIFFO: Lay the
5 bill aside.

6 THE SECRETARY: Calendar Number
7 1261, by Senator Ranzenhofer, Senate Print 3797,
8 an act to amend the Executive Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Lay the
14 bill aside for the day.

15 THE SECRETARY: Calendar Number
16 1262, by Senator Golden, Senate Print 3837, an
17 act to amend the Executive Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 61.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1264, by Senator Grisanti, Senate Print 3956B, an
5 act to amend the Tax Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT GRIFFO: Senator
14 Grisanti to explain his vote.

15 SENATOR GRISANTI: Yes, thank you,
16 Mr. President, briefly.

17 My fellow colleagues, this
18 legislation, if you haven't heard about it or
19 understand what it's about, it has to do with tax
20 credits for visitability. Anybody know what that
21 is? I'm going to tell you. Do you know what
22 that is? All right.

23 Visitability is the concept of
24 building a home so that an individual with a
25 physical disability is able to stay in the

1 house. That's what it has to do with. The
2 disability could be for individuals with a
3 disability or the elderly who find themselves
4 unable to live in a home without modifications.

5 So by providing this type of
6 legislation, it gives individuals with the
7 opportunity to age in place. This would allow
8 them to remain in their homes longer than
9 possible, opposed to the costs associated with
10 assisted living or nursing homes.

11 So specifically this bill allows for
12 a credit, not to exceed a certain amount, towards
13 a credit of a new home or for a renovated
14 principal residence, maximum credit of 50 percent
15 of the amount expended.

16 It's a very good bill. I urge my
17 colleagues to vote for it. It allows people that
18 are aging or people with disabilities to stay in
19 the home rather than being pushed out of their
20 home. And I urge you to tell your
21 Assemblymembers to vote for it also.

22 I vote aye, Mr. President. Thank
23 you very much.

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

1 Senator DeFrancisco to explain his
2 vote.

3 SENATOR DeFRANCISCO: It also has
4 another component, and that basically is making
5 the house capable of allowing people with
6 handicap conditions to visit another individual.
7 It might not be the person in the home that's
8 handicapped, but to allow handicapped people free
9 access to other homes.

10 And it's perfect for a tax credit
11 because if someone wants to make their home
12 accessible to those who visit them -- thence,
13 visitability -- they will get a credit for their
14 efforts.

15 Thank you.

16 ACTING PRESIDENT GRIFFO: Senator
17 DeFrancisco to be recorded in the affirmative.

18 Announce the results.

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1265, by Senator Lanza, Senate Print 3976, an act
24 to amend the Executive Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1266, by Senator Lanza, Senate Print 3983, an act
12 to amend the Public Health Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Announce
18 the results.

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1267, by Senator Flanagan, Senate Print 4008, an
24 act to amend the Education Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1269, by Senator Ritchie, Senate Print 4061, an
12 act to amend the State Finance Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: Senator
21 Espaillat to explain his vote.

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

24 Once again, as we near the end of
25 this session, we continue to approve legislation

1 to assist agricultural businesses across the
2 State of New York. There have been dozens of
3 bills that have been passed this legislative
4 session providing an array of benefits and
5 privileges to this industry that continues
6 systematically to treat farmworkers in an
7 inhumane manner by not allowing them to have a
8 day of rest, by not paying them overtime, by also
9 not having any type of disability benefits when
10 they get hurt in this very gruesome, sometimes,
11 type of work. They don't have any type of
12 benefits.

13 And this is really a dire situation
14 that thousands of farmworkers across the State of
15 New York are facing.

16 So I will be again voting in the
17 negative on this particular bill and other bills
18 that come before us assisting this great industry
19 that provides a great service for our state but
20 continues to mistreat its workers. I'll be
21 voting in the negative, Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator
23 Espaillat to be recorded in the negative.

24 Senator Krueger to explain her vote.

25 SENATOR KRUEGER: Thank you,

1 Mr. President.

2 With respect for my colleague's
3 concerns about workers' rights, which I don't
4 disagree with him on, I wanted to stand up to
5 thank Senator Ritchie for moving this bill
6 through to the floor and hopefully into law this
7 year, because in fact what it will do is to help
8 us understand what foods are available to be
9 purchased from a local perspective to help expand
10 sustainability of our farming practices
11 throughout the state to ensure that New York
12 State's government and all New Yorkers can
13 improve their access to healthy, locally grown
14 food.

15 And so I am very glad that we are
16 moving this bill on the floor today. Thank you,
17 Mr. President. I'll be voting yes.

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

20 Announce the results.

21 THE SECRETARY: Ayes, 60. Nays,
22 1. Senator Espaillat recorded in the negative.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1270, by Senator DeFrancisco, Senate Print 4097A,
2 an act to amend the Education Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1271, by Senator Lanza, Senate Print 4143, an act
15 to establish.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60. Nays, 1.
24 Senator Marchione recorded in the negative.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1274, by Senator Boyle, Senate Print 4252, an act
4 to authorize.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 58. Nays,
13 3. Senators Bonacic, Larkin and O'Mara recorded
14 in the negative.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1277, by Senator Marcellino, Senate Print 4308,
19 an act to amend Chapter 396 of the Laws of 2010.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 60. Nays,

3 1. Senator Diaz recorded in the negative.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1278, by Senator Young, Senate Print 4332, an act
8 to amend the Agriculture and Markets Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

11 THE SECRETARY: Section 3. 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, 60. Nays,

17 1. Senator Espaillat recorded in the negative.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1279, by Senator Young, Senate Print 4334, an act
22 to amend the Executive Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 6. 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, 61.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1280, by Senator Golden, Senate Print 4446B --

10 SENATOR GIANARIS: Lay it aside.

11 ACTING PRESIDENT GRIFFO: Lay the
12 bill aside.

13 THE SECRETARY: Calendar Number
14 1281, by Senator Maziarz, Senate Print 4542, an
15 act to amend the Energy Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60. Nays, 1.
24 Senator Marchione recorded in the negative.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1282, by Senator Young, Senate Print 4560, an act
4 authorizing.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

7 THE SECRETARY: Section 5. This
8 act shall take effect immediately.

9 ACTING PRESIDENT GRIFFO: There is
10 a home-rule message at the desk.

11 Call the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1283, by Senator Little, Senate Print 4689,
18 Concurrent Resolution of the Senate and Assembly.

19 ACTING PRESIDENT GRIFFO: Call the
20 roll on the resolution.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT GRIFFO: The
24 resolution is adopted.

25 THE SECRETARY: Calendar Number

1 1284, substituted earlier by Member of the
2 Assembly Pretlow, Assembly Print Number 6939, an
3 act to amend Chapter 473 of the Laws of 2010.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1285, by Senator Golden, Senate Print 4875, an
16 act to amend the Elder Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

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

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1286, by Senator Maziarz, Senate Print 4904, an
5 act to amend the Agriculture and Markets Law.

6 SENATOR GIANARIS: Lay it aside.

7 ACTING PRESIDENT GRIFFO: Lay the
8 bill aside.

9 THE SECRETARY: Calendar Number
10 1287, by Senator Hannon, Senate Print 4926, an
11 act to amend the Public Health Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

14 THE SECRETARY: Section 4. This
15 act shall take effect January 1, 2014.

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 60. Nays,
20 1. Senator Montgomery recorded in the negative.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1288, by Senator Tkaczyk, Senate Print 5230A, an
25 act in relation to bond anticipation.

1 ACTING PRESIDENT GRIFFO: There is
2 no home-rule message at the desk. The bill is
3 laid aside for the day.

4 Calendar Number 1295.

5 THE SECRETARY: Calendar Number
6 1295, by Senator Maziarz, Senate Print 5481, an
7 act to amend the State Technology Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

10 THE SECRETARY: Section 5. This
11 act shall take effect immediately.

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT GRIFFO: Senator
16 Tkaczyk to explain her vote.

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

19 I rise in support of this
20 legislation. I can think of no better way to
21 help the upstate economy than by expanding rural
22 broadband access in unserved areas. That's why I
23 introduced a bill in April to do something
24 similar.

25 I'm very happy to see this get to

1 the floor, and I wholeheartedly support it.

2 Thank you.

3 ACTING PRESIDENT GRIFFO: Senator
4 Tkaczyk to be recorded in the affirmative.

5 Announce the results.

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1296, by Senator Ritchie, Senate Print 5482, an
11 act to amend the Soil and Water Conservation
12 Districts Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60. Nays,
21 1. Senator Espaillat recorded in the negative.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1297, by Senator Ball, Senate Print 5504A, an act

1 to amend the Executive Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 Senator Maziarz, that completes the
13 noncontroversial reading of the active list and
14 the calendar.

15 (Pause.)

16 ACTING PRESIDENT GRIFFO: Can I
17 have order in the chamber, please.

18 Senator Maziarz.

19 SENATOR MAZIARZ: Thank you very
20 much, Mr. President.

21 Mr. President, there will be a
22 Rules Committee meeting at 3:00 p.m.. At
23 3:00 p.m., a Rules Committee meeting. After the
24 Rules Committee meeting, we will take up the
25 controversial calendar.

1 And lastly, would you call upon my
2 very good friend Senator Serrano for a very
3 special announcement.

4 ACTING PRESIDENT GRIFFO: There
5 will be a Rules Committee meeting in Room 332 at
6 3:00 p.m. At that point in time, upon completion
7 of the Rules Committee meeting, the controversial
8 calendar will be taken up.

9 Senator Serrano for the purposes of
10 an announcement.

11 SENATOR SERRANO: Thank you,
12 Senator Maziarz.

13 Mr. President, there will be an
14 immediate meeting of the Senate Democratic
15 Conference in Room 315.

16 ACTING PRESIDENT GRIFFO: There
17 will be an immediate meeting of the Senate
18 Democratic Conference in Room 315.

19 The Senate will stand at ease.

20 (Whereupon, the Senate stood at ease
21 at 1:51 p.m.)

22 (Whereupon, the Senate reconvened at
23 3:58 p.m.)

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

1 Senator Skelos.

2 SENATOR SKELOS: Mr. President, if
3 we could return to reports of standing
4 committees, I believe there's a report of the
5 Rules Committee at the desk. I ask that it be
6 read at this time.

7 ACTING PRESIDENT GRIFFO: We will
8 return to reports of standing committees.

9 There is a report of the Rules
10 Committee at the desk. The Secretary will read.

11 THE SECRETARY: Senator Skelos,
12 from the Committee on Rules, reports the
13 following bills:

14 Senate Print 563, by Senator
15 DeFrancisco, an act to amend the Penal Law;

16 Senate 933A, by Senator Martins, an
17 act to amend the General Business Law;

18 Senate 1030, by Senator Serrano, an
19 act to amend the Economic Development Law;

20 Senate 1213, by Senator Ranzenhofer,
21 an act to amend the Education Law;

22 Senate 1435, by Senator Ranzenhofer,
23 an act to amend the Real Property Tax Law;

24 Senate 1508, by Senator Marcellino,
25 an act to amend the Penal Law;

1 Senate 1671A, by Senator Grisanti,
2 an act to amend the Tax Law;

3 Senate 1855, by Senator LaValle, an
4 act to amend the Public Authorities Law;

5 Senate 1882, by Senator Bonacic, an
6 act to amend the Education Law;

7 Senate 1913, by Senator Libous, an
8 act to amend the Highway Law;

9 Senate 1914, by Senator Addabbo, an
10 act to amend the General Business Law;

11 Senate 1961A, by Senator Griffo, an
12 act to establish;

13 Senate 2251, by Senator Klein, an
14 act to amend the Penal Law;

15 Senate 2298, by Senator Lanza, an
16 act to amend the Penal Law;

17 Senate 2416, by Senator Adams, an
18 act to amend the Vehicle and Traffic Law;

19 Senate 2450, by Senator Flanagan, an
20 act to amend the Education Law;

21 Senate 2482, by Senator Lanza, an
22 act to amend the Public Authorities Law;

23 Senate 2578, by Senator Ball, an act
24 to amend the Penal Law;

25 Senate 2597, by Senator Martins, an

1 act to amend the Executive Law;
2 Senate 2688, by Senator Young, an
3 act to amend the Agriculture and Markets Law;
4 Senate 2908, by Senator DeFrancisco,
5 an act to amend the Public Health Law;
6 Senate 3069A, by Senator
7 DeFrancisco, an act to amend the Education Law;
8 Senate 3106, by Senator Griffo, an
9 act to amend the Penal Law;
10 Senate 3181, by Senator Little, an
11 act to authorize;
12 Senate 3407A, by Senator Klein, an
13 act to amend the Penal Law;
14 Senate 3622, by Senator Lanza, an
15 act to amend the Criminal Procedure Law;
16 Senate 3694, by Senator Ritchie, an
17 act to amend the Tax Law;
18 Senate 3732, by Senator DeFrancisco,
19 an act to amend the General Municipal Law;
20 Senate 3778, by Senator Young, an
21 act to amend the Education Law;
22 Senate 3848, by Senator Young, an
23 act to amend the Tax Law;
24 Senate 3867, by Senator Golden, an
25 act to amend the Retirement and Social Security

1 Law;

2 Senate 3965, by Senator Lanza, an
3 act to amend the Penal Law;

4 Senate 4040, by Senator Valesky, an
5 act to amend the Penal Law;

6 Senate 4067, by Senator DeFrancisco,
7 an act to amend the Social Services Law;

8 Senate 4071, by Senator Golden, an
9 act to amend the Criminal Procedure Law;

10 Senate 4096, by Senator Libous, an
11 act to authorize;

12 Senate 4157, by Senator Lanza, an
13 act to amend the Penal Law;

14 Senate 4158, by Senator Lanza, an
15 act to amend the Penal Law;

16 Senate 4160A, by Senator Lanza, an
17 act to amend the Penal Law;

18 Senate 4261, by Senator Ritchie, an
19 act to amend the Real Property Tax Law;

20 Senate 4337A, by Senator Young, an
21 act to amend the Public Health Law;

22 Senate 4344, by Senator Gallivan, an
23 act to amend the Executive Law;

24 Senate 4390, by Senator Golden, an
25 act to amend the Penal Law;

1 Senate 4425, by Senator Golden, an
2 act to amend the Elder Law;

3 Senate 4447, by Senator Golden, an
4 act to amend the Penal Law;

5 Senate 4499, by Senator Carlucci, an
6 act to amend the Mental Hygiene Law;

7 Senate 4642, by Senator Grisanti, an
8 act to amend the Tax Law;

9 Senate 4652, by Senator Valesky, an
10 act to amend the General Business Law;

11 Senate 4662, by Senator O'Mara, an
12 act to authorize;

13 Senate 4664A, by Senator Golden, an
14 act to amend the Penal Law;

15 Senate 4888, by Senator
16 Stewart-Cousins, an act to authorize;

17 Senate 5058, by Senator Carlucci, an
18 act to authorize;

19 Senate 5091, by Senator Gallivan, an
20 act to amend the Retirement and Social Security
21 Law;

22 Senate 5119, by Senator DeFrancisco,
23 an act providing;

24 Senate 5122, by Senator Flanagan, an
25 act to amend the Penal Law;

1 Senate 5140, by Senator Little, an
2 act to authorize;

3 Senate 5143, by Senator Nozzolio, an
4 act to authorize;

5 Senate 5165, by Senator Seward, an
6 act to amend the Retirement and Social Security
7 Law;

8 Senate 5207, by Senator Ball, an act
9 in relation to allowing;

10 Senate 5252, by Senator Flanagan, an
11 act to amend the Education Law;

12 Senate 5383, by Senator Flanagan, an
13 act to amend the Penal Law;

14 Senate 5423, by Senator Ritchie, an
15 act to amend the Correction Law;

16 Senate 5452, by Senator Flanagan, an
17 act to amend the Education Law;

18 Senate 5550, by Senator Libous, an
19 act to amend the Insurance Law;

20 Senate 5552A, by Senator Valesky, an
21 act to amend the Agriculture and Markets Law;

22 Senate 5564A, by Senator Breslin, an
23 act granting;

24 Senate 5565A, by Senator Breslin, an
25 act granting;

1 Senate 5566A, by Senator Breslin, an
2 act granting;

3 Senate 5642, by Senator Larkin, an
4 act authorizing;

5 Senate 5646, by Senator Martins, an
6 act to amend Chapter 618 of the Laws of 1998;

7 Senate 5659, by Senator Valesky, an
8 act to amend the Economic Development Law;

9 Senate 5546, by Senator Savino, an
10 act authorizing;

11 Senate 2636, by Senator Parker, an
12 act to amend the Municipal Home Rule Law;

13 Senate 2838, by Senator Parker, an
14 act in relation to requiring;

15 Senate 5388, by Senator Parker, an
16 act to amend the Executive Law;

17 And Senate 5707, by Senator Adams,
18 an act to amend the Social Services Law.

19 All bills reported direct to third
20 reading.

21 ACTING PRESIDENT GRIFFO: Senator
22 Skelos.

23 SENATOR SKELOS: Mr. President, I
24 move to accept the report of the Rules Committee.

25 ACTING PRESIDENT GRIFFO: All in

1 favor of accepting the Committee on Rules report
2 signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT GRIFFO: Opposed,
5 nay.

6 (No response.)

7 ACTING PRESIDENT GRIFFO: The
8 Committee on Rules report is accepted.

9 Senator Skelos.

10 SENATOR SKELOS: Mr. President, if
11 we now could go to the controversial calendar.

12 ACTING PRESIDENT GRIFFO: The
13 Secretary will ring the bell.

14 Can I have some order in the
15 chamber, please.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 1147, by Senator DeFrancisco, Senate Print 2789,
19 an act to amend the Election Law.

20 SENATOR KRUEGER: Explanation.

21 ACTING PRESIDENT GRIFFO: Senator
22 DeFrancisco, an explanation has been requested by
23 Senator Krueger.

24 SENATOR DeFRANCISCO: Let me read
25 as an explanation a blurb that was done by Nick

1 Reisman. And he's got a quote from one of my
2 strongest supporting groups, NYPIRG. All right?
3 They always support me on all the issues that I
4 take on.

5 (Laughter.)

6 SENATOR DeFRANCISCO: "The Senate
7 today is expected to vote on a measure that would
8 address so-called 'ghost' campaign war chests by
9 allowing an individual to determine who should be
10 in charge of their coffers when they die or being
11 incapacitated. The measure on the Senate
12 calendar today would allow candidates to select a
13 panel of up to three" -- "up to three" means one
14 as well -- "up to three who would appoint a
15 treasurer for their campaign committee in order
16 to ensure the remaining money is used with the
17 candidate's ostensible best wishes in mind.

18 "Bill Mahoney, of the New York
19 Public Interest Research Group, believes it's the
20 first time state lawmakers are even acknowledging
21 the existence of campaign accounts that remain
22 alive after someone's death."

23 So if someone -- for example,
24 Senator Krueger, if you were walking out of the
25 chambers and had a terrible event where you were

1 either incapacitated or you had passed away, you
2 would be able, if you had -- if this bill was in
3 place, you could have had a group that would
4 be -- you filed the names of your group, or
5 individual, who would make the decision as to how
6 that money would be used later on after your
7 death.

8 And I think it's -- every lawmaker
9 should want that protection. Because, for
10 example, if your treasurer of your campaign
11 committee right now is a staff member and they --
12 since you're no longer around, they probably
13 won't be your staff member anymore. That person
14 forever would be the treasurer of your account
15 and would have the decisions to make over the
16 amounts of money that you had left in your
17 campaign before you were incapacitated or died.

18 So it's a protection that I think is
19 extremely important for all lawmakers. And
20 that's the explanation.

21 SENATOR KRUEGER: Hello,
22 Mr. President.

23 ACTING PRESIDENT GRIFFO: Senator
24 Krueger.

25 SENATOR KRUEGER: Through you, if

1 the sponsor would yield.

2 ACTING PRESIDENT GRIFFO: The
3 sponsor yields.

4 SENATOR DeFRANCISCO: I would. I
5 just have no concept how there could be further
6 questions with such a clear explanation.

7 (Laughter.)

8 SENATOR KRUEGER: I enjoyed the
9 sponsor's explanation, for the record. Although
10 when I read the NYPIRG comment, I thought they
11 were a little more tongue-in-cheek than serious.
12 It was sort of "Egads, the Senate is finally
13 noticing that they have this ridiculous situation
14 where you can actually die and have a campaign
15 committee go on forever."

16 And in fact the Senator's
17 explanation is that now we don't have to worry
18 because, I don't know, the corporation can
19 continue in the absence of you, the deceased
20 member.

21 So my question is, why don't we just
22 pass a law -- I happen to have one -- that
23 actually says if you are deceased, your committee
24 has to disband within a certain period of time
25 and the money can be used for specific purposes,

1 but that a committee of a deceased legislator
2 cannot go on ad infinitum where it would actually
3 need to have people overseeing the continuation
4 of the committee for a person who clearly can't
5 run again because they're deceased?

6 ACTING PRESIDENT GRIFFO: Senator
7 DeFrancisco.

8 SENATOR DeFRANCISCO: That's an
9 idea. It's not as good as this one.

10 (Laughter.)

11 SENATOR DeFRANCISCO: And I just
12 think that the people who are contributing to a
13 candidate should be the ones who -- or the
14 designee by the candidate to determine where
15 those funds go, rather than having an artificial
16 list of where it should go when the candidate is
17 as viable or the elected official is as viable as
18 you and I are.

19 And I don't think you would want
20 to -- you'd want to have that requirement now, as
21 far as designating where that money might go.
22 Things may change, that the money could be used
23 maybe for another candidate. And I think that's
24 what the whole purpose is if they select the
25 individual who they'd like to control those funds

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

4 SENATOR DeFRANCISCO: Yes.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR KRUEGER: If it's such a
8 good idea, why didn't your bill say "may," not
9 "shall"?

10 SENATOR DeFRANCISCO: Because I
11 wouldn't want you to do anything that you don't
12 want to do. Because you are your own person, and
13 you have your likes and dislikes. And if you
14 don't think this is a good thing for you, don't
15 do it.

16 But I'm giving everyone in this
17 chamber and in the other chamber the opportunity
18 to do it if they choose to do it.

19 And by the way, I don't think NYPIRG
20 was making those remarks with tongue in cheek.
21 And if they were, it would probably relieve me a
22 little bit because maybe I was going in the wrong
23 direction.

24 (Laughter.)

25 SENATOR KRUEGER: Through you,

1 Mr. President, if the sponsor would continue to
2 yield.

3 SENATOR DeFRANCISCO: Yes.

4 ACTING PRESIDENT GRIFFO: The
5 sponsor yields.

6 And I would remind the members to
7 please direct through the chair.

8 Senator Krueger.

9 SENATOR KRUEGER: I'm sorry, I
10 didn't direct through the chair?

11 ACTING PRESIDENT GRIFFO: Continue.

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

14 So in this scenario a candidate
15 might create a committee of from one up to I
16 suppose 10 people who oversee the treasurer and
17 can replace the treasurer.

18 Let's say it's a committee of two.
19 What happens when they are deceased?

20 SENATOR DeFRANCISCO: The committee
21 of two can appoint somebody. I mean, you can't
22 have -- we have to worry about the rule against
23 perpetuities as well. And I'm sure you're well
24 familiar with the rule against perpetuities. But
25 you can't keep funds in a trust -- and this is

1 something like a trust -- indefinitely.

2 So you can't correct every problem.
3 But those two people could elect someone or the
4 one remaining could elect someone. And again,
5 you don't have to do it if you don't think it's a
6 good idea.

7 But right now if you die or are
8 incapacitated and you have a treasurer that
9 decides later on that this is like my own little
10 funds here that I could decide to do what I want
11 to do, if you'd rather -- because things change.
12 But if you'd rather have some person that you
13 don't want now -- a family member, a close friend
14 that don't want to be involved in politics now --
15 you could designate someone to make sure the
16 treasurer on your death is the one that you
17 trust.

18 SENATOR KRUEGER: Through you,
19 Mr. President, on the bill.

20 ACTING PRESIDENT GRIFFO: Senator
21 Krueger on the bill.

22 SENATOR KRUEGER: Well, I think the
23 sponsor and I agree there's something wrong with
24 the current system, we just have a very different
25 approach to seeing a solution.

1 My colleague suggests that we could
2 choose someone who after we are deceased can
3 oversee or replace the treasurer. Ad infinitum,
4 forever and ever, you could see generations of
5 people passing on the responsibility to control
6 campaign funds long after the candidate or even
7 the previously elected person has been dead and
8 buried.

9 Or you could actually pass a law
10 that says when you're deceased we really assume
11 you're out of politics and you're not running
12 again, and we could put a limit on how long that
13 campaign treasurer or even the committee to work
14 with the campaign treasurer would have to close
15 down the committee, to offer the funds back to
16 the original donors, to move it to different
17 candidates, to move it to party committees if
18 they still exist a week or two from now.

19 But the concept that rather than
20 recognize we actually have a serious problem,
21 people leave politics with no intention of coming
22 back, people literally die and their
23 committees --

24 ACTING PRESIDENT GRIFFO: Senator
25 DeFrancisco, why do you rise?

1 SENATOR DeFRANCISCO: Would the
2 Senator yield?

3 SENATOR KRUEGER: Could I finish
4 the sentence? And I'd be happy to yield.

5 SENATOR DeFRANCISCO: Sure,
6 absolutely. Okay.

7 SENATOR KRUEGER: Thank you. Thank
8 you.

9 The concept that you can be gone
10 from politics or gone, literally dead and buried,
11 and yet your campaign committee continues to
12 function and spend money, frankly I just find
13 very disturbing.

14 So I respect my colleague thinks
15 he's offering a voluntary model that could
16 improve the situation. But to be honest, I don't
17 really think it would change the story we see
18 today. And I'm hoping that this house, perhaps
19 even this colleague and sponsor might be
20 interested in taking a look at a bill I've been
21 carrying for several years which would actually
22 explicitly lay out a structure for closing down
23 dead committees, whether you're deceased or you
24 have decided to end your career in politics.

25 And now I'm happy to yield to his

1 questions.

2 SENATOR DeFRANCISCO: Senator, I am
3 interested in your bill. Can you tell me where
4 the money would go under your bill if someone
5 dies?

6 ACTING PRESIDENT GRIFFO: Senator
7 Krueger.

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

10 The committee could return funds
11 pro rata to contributors, donate the funds to a
12 501(c)(3) designated organization or
13 organizations, donate the funds to the State
14 University system, donate the funds to the
15 state's General Fund, transfer the funds to a
16 political party's committee, or contribute the
17 funds to a candidate or political committee
18 within the current state contribution limits.

19 SENATOR DeFRANCISCO: Would you
20 yield to one more question?

21 SENATOR KRUEGER: Certainly.

22 ACTING PRESIDENT GRIFFO: The
23 Senator yields.

24 SENATOR DeFRANCISCO: And who would
25 make that decision on the death of someone?

1 You've got a lot of options there. Who would
2 make that decision?

3 SENATOR KRUEGER: The treasurer
4 would make that will decision.

5 ACTING PRESIDENT GRIFFO: Thank
6 you, Senator Krueger.

7 SENATOR KRUEGER: May I add? While
8 the sponsor did not specifically ask, there's
9 also a time limit. It must take place within a
10 four-year period.

11 And I'm going to give my bill to the
12 sponsor.

13 ACTING PRESIDENT GRIFFO: Thank
14 you, Senator Krueger.

15 Is there any other Senator wishing
16 to be heard?

17 Seeing none, hearing none, the
18 debate is closed. The Secretary will ring the
19 bell.

20 Read the last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT GRIFFO: Senator
2 DeFrancisco to explain his vote.

3 Senator DeFrancisco, may I ask for
4 order in the chamber, please.

5 There are a number of conversations
6 ongoing. We have a number of bills before the
7 house, so I would urge members to keep close and
8 we can continue to keep order.

9 Senator DeFrancisco to explain his
10 vote.

11 SENATOR DeFRANCISCO: Yes, this
12 bill that Senator Krueger has provided to me does
13 have merit, but it doesn't answer the main
14 question that I really wanted to resolve. And
15 that was if something happened unexpectedly and
16 you have, for example, an individual who's an
17 accountant friend of yours that is your
18 treasurer, and even if that person had all of
19 this discretion, I think -- and it works well as
20 long as you're alive, because you're there to
21 make sure things are done right.

22 However, I still think the candidate
23 or the elected official ought to have the option
24 of filing with the Board of Election someone who
25 can make the determination as to who should deal

1 with the funds from that day forward.

2 So I still think it's a good option
3 for everyone to have, and I would request a
4 positive vote. Thank you. I vote aye.

5 ACTING PRESIDENT GRIFFO: Senator
6 DeFrancisco to be recorded in the affirmative.

7 Senator Krueger to explain her vote.

8 SENATOR KRUEGER: Thank you. I
9 appreciate the sponsor's comments.

10 I'm going to vote yes on his bill
11 and hope that we can actually combine that with
12 my bill so that you could choose a committee to
13 make decisions with the treasurer after you were
14 deceased, but that all would be done within a
15 four-year period with particular structures
16 around to ensure that the money was distributed
17 as you, the deceased member, wished but also that
18 that money -- oh, I'm sorry.

19 ACTING PRESIDENT GRIFFO: Can I
20 have some order in the chamber, please. Thank
21 you.

22 Senator Krueger.

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

25 That actually we would have a

1 successful full package with both bills, so that
2 there was an option to create a committee but
3 actual rules that the committee should use to
4 ensure the public that ghost committees of
5 deceased members did not float around the state
6 ad infinitum as they do now.

7 Thank you, Mr. President.

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

10 Announce the results.

11 THE SECRETARY: Ayes, 58.

12 Absent from voting: Senators Adams,
13 Marchione and Sampson.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 Again, I would ask and urge all
17 members, at the request of leadership, to please
18 remain close to the chamber. We have a number of
19 bills, and they will all be taken up. So please
20 remain close to the chambers.

21 And if we can keep the conversations
22 to a minimum right now, we can continue to move
23 the agenda.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 1233, by Senator Latimer, Senate Print 2054, an
2 act to amend the State Finance Law.

3 SENATOR DeFRANCISCO: Explanation.

4 ACTING PRESIDENT GRIFFO: An
5 explanation has been requested.

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

8 This bill requires state agencies to
9 furnish to the chair of the Senate Finance
10 Committee and to the chair of the Assembly Ways
11 and Means Committee on an annual basis no later
12 than October 15th any reports, performance
13 reports, or strategic plans which that agency or
14 entity of state government has prepared.

15 The purpose behind it, very simply,
16 is to make sure that the Senate Finance Committee
17 and the Assembly Ways and Means, as they begin
18 the process of looking at budgetary priorities,
19 also understand what those agencies may have
20 already put in writing that describe what their
21 action plans would be short term and longer term.

22 ACTING PRESIDENT GRIFFO: Thank
23 you, Senator Latimer.

24 Senator DeFrancisco.

25 SENATOR DeFRANCISCO: I just have

1 one question, if the sponsor would yield.

2 ACTING PRESIDENT GRIFFO: Does the
3 sponsor yield?

4 SENATOR LATIMER: Happy to,
5 Mr. President.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR DeFRANCISCO: This would be
9 very helpful, quite frankly, to the Legislature.
10 My only concern is that it's too broadly
11 written.

12 It says, after it says where these
13 items go -- the items are any strategic plans
14 performance reports prepared by state agencies,
15 et cetera, during the prior year. There's really
16 no definition of either performance reports or
17 strategic plans.

18 It may be that the Governor is
19 trying to determine what the best way to prepare
20 his budget -- they may have several different
21 options that they choose to study. Now, those
22 options may never be part of the ultimate budget
23 that's submitted.

24 And I just think it's too broadly
25 written so that the people would not know what

1 they're supposed to provide. And that's my
2 objection to it.

3 And I guess my -- if the sponsor
4 will just yield to one last question.

5 SENATOR LATIMER: Happy to,
6 Mr. President.

7 ACTING PRESIDENT GRIFFO: The
8 sponsor yields.

9 SENATOR DeFRANCISCO: What is your
10 definition of "strategic plans"?

11 SENATOR LATIMER: Through the
12 President, the phrase "strategic plans" we
13 adopted from Section 100 of the Economic
14 Development Law, which alludes to strategic plans
15 which are being done for the purpose of economic
16 development.

17 The intent of not defining it was
18 purposeful. We wanted to create a broad enough
19 category so that Senator DeFrancisco in his
20 capacity, Assemblyman Farrell in his capacity
21 would be able to not be limited to the types of
22 reports that they would be able to have access
23 to.

24 What's implicit in the legislation
25 is that we're not asking for a report to be

1 created. It is the sharing of any reports that
2 have already been created up to that point of the
3 October 15th deadline.

4 So the intent, Mr. President, is to
5 give a wide enough avenue so that the chair of
6 both the Finance Committee and the Ways and Means
7 Committee could be able to have copies of
8 existing material that may not have been shared
9 with the Legislature before. And that is why we
10 didn't tightly define it but the reference came
11 elsewhere, from Section 100 of the Economic
12 Development Law.

13 ACTING PRESIDENT GRIFFO: Thank
14 you, Senator Latimer.

15 Is there any other Senator wishing
16 to be heard?

17 Seeing none, hearing none, debate is
18 closed. The Secretary will ring the bell.

19 Read the 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 ACTING PRESIDENT GRIFFO: Announce

1 the results.

2 THE SECRETARY: In relation to
3 Calendar Number 1233, those recorded in the
4 negative are Senators Griffo and Marcellino.

5 Absent from voting: Senators Adams,
6 Marchione and Sampson. Ayes --

7 ACTING PRESIDENT GRIFFO: Senator
8 DeFrancisco to explain his vote.

9 SENATOR DeFRANCISCO: Yes, I just
10 wanted to say I'm voting yes.

11 I think if the actual economic
12 development statute that has the definition of
13 "strategic plans" was incorporated, this bill
14 would have a better chance of withstanding a
15 Governor's veto. But I vote aye.

16 ACTING PRESIDENT GRIFFO: Senator
17 DeFrancisco to be recorded in the affirmative.

18 Reannounce the results.

19 THE SECRETARY: In relation to
20 Calendar Number 1233, those recorded in the
21 negative are Senators Griffo and Marcellino.

22 Absent from voting: Senators Adams,
23 Marchione and Sampson.

24 Ayes, 56. Nays, 2.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1243, by Senator Young, Senate Print 2710, an act
4 to amend the Tax Law.

5 SENATOR KRUEGER: I'm happy to just
6 start questioning rather than ask for an
7 explanation.

8 ACTING PRESIDENT GRIFFO: Senator
9 Young, do you yield to questions from Senator
10 Krueger?

11 SENATOR YOUNG: Yes.

12 ACTING PRESIDENT GRIFFO: Again,
13 I'm going to ask for some order in the chamber so
14 the members can hear each other exchange and
15 debate.

16 Senator Krueger.

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

19 The sponsor and I have debated this
20 bill in other years, and so I don't want to use
21 up the time to repeat too much of the
22 disagreements she and I have on this.

23 But could she help me understand at
24 least in her bill what standards she would like
25 used to calculate the various regional indices

1 she is proposing be used, as opposed to the
2 regional indices the Department of Tax and
3 Finance currently uses?

4 SENATOR YOUNG: Thank you,
5 Mr. President. Through you.

6 Thank you, Senator Krueger, for your
7 continued questions. I appreciate them.

8 And before I answer that question, I
9 just want to remind the members of this chamber
10 what this legislation is all about. Because it's
11 an amendment to the Tax Law that would require
12 for regional differences to be used when the
13 Department of Taxation and Finance is calculating
14 sales tax.

15 And what we have found over the
16 years is that the Department of Tax and Finance
17 has been doing an inordinate amount of audits on
18 small businesses. And I've had several cases in
19 my district where restaurants, for example, have
20 been hit with huge amounts of money.

21 And typically what may happen is
22 that an auditor goes to a business -- and for
23 example, it may be on a very busy day. Say, for
24 example, St. Bonaventure University was in the
25 final four in a basketball game, I guarantee that

1 every restaurant in my district would be packed
2 during that event.

3 But if an auditor goes in during
4 that one time -- well, hopefully, more than one
5 time, but during that period -- they may say to
6 the restaurant: You're underreporting. You're
7 underreporting the amount of business that you're
8 doing. We're doing an audit on you. And by the
9 way, when we calculate how much you owe, we are
10 going to use this index that does not reflect the
11 economic dynamics in that region. And we've seen
12 this over and over again.

13 Senator Krueger asked a question.
14 There are many things that you can look at, that
15 Tax and Finance can look at. And I just want to
16 read you, just to give an idea of what these
17 differences are in the regions around the state.

18 For example, the cost of living
19 index in Buffalo is 99. In New York City, it's
20 125. And the national is 100. So when you look
21 at this, the cost of living in Buffalo is
22 20.5 percent less than the New York average.

23 Okay? So it doesn't make sense when
24 you go into a small restaurant, for example, in
25 Olean, New York, and you're hitting them with

1 these additional costs and you're jeopardizing
2 them. And in many cases my businesses have said,
3 We can't afford to pay these amounts of money and
4 we may have to go out of business.

5 So there are many different factors
6 that can be used. And we see this ourselves as
7 legislators. For example, in our travel reports
8 there are regional differences between what is
9 the cost upstate versus New York City and so on.
10 So a lot of things that Tax and Finance can do.

11 But my concern is is that in many
12 cases we see a money grab by Albany on these
13 small businesses. The Department of Tax and
14 Finance has increased the number of auditors by
15 200 over the past couple of years. There are
16 now, in my understanding, more than 500
17 auditors. And this is all about grabbing revenue
18 for Albany.

19 And I don't think that's right. And
20 I don't think that it's fair. And I think that
21 we should look at actual data and help these
22 businesses to be able to stay in business. We
23 all say that we're for growing the economy, we're
24 for the little guys, we want to help small
25 businesses. This is a way to do it.

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

4 SENATOR YOUNG: Yes, Mr. President.

5 ACTING PRESIDENT GRIFFO: The
6 Senator yields.

7 SENATOR KRUEGER: Well, I also
8 certainly hope this is not a financial grab by
9 Albany of small businesses' money. What I
10 actually hope is it is a correct calculation of
11 sales taxes being paid to the state when they are
12 received by the businesses, small or large.

13 Which of course what we're talking
14 about here in this bill -- I know Senator Young
15 agrees with me -- is somebody has paid the sales
16 tax when they purchase the item. They have paid
17 the sales tax when they purchased the item. What
18 is important and sometimes disagreed upon is did
19 that business transfer the sales tax they
20 collected to the state in the correct amount.

21 So I do understand that the Senator
22 and I have a disagreement about whether Tax and
23 Finance is using correct indices now when they
24 evaluate or audit whether a business collected
25 and paid sales tax correctly based on the average

1 price of the products they're selling, because
2 we've had that discussion over several years.

3 But my question was, we know they
4 have a system currently, Tax and Finance. We've
5 asked them, and they have a system. And they do
6 use different indices. And they don't assume the
7 same price of a sandwich in New York City as they
8 do --

9 ACTING PRESIDENT GRIFFO: Senator
10 Krueger, do you have a question for the member?

11 SENATOR KRUEGER: I do, yes. I'm
12 getting to the question.

13 They don't assume that they use the
14 same price of a sandwich for New York City as
15 they might in Senator Young's district or Senator
16 Marcellino's district.

17 But really what suggested change is
18 the Senator asking the state to make from their
19 current system of making adjustments based on
20 averages and costs versus what she hopes they
21 would do?

22 ACTING PRESIDENT GRIFFO: Senator
23 Young.

24 SENATOR YOUNG: Thank you,
25 Mr. President. Through you.

1 I think that Tax and Finance may be
2 saying that they do use different economic
3 indices when they're calculating these costs.
4 But they can pick and choose under the current
5 system. It's not required. And that's why this
6 bill is so simple but directly to the point, in
7 that it would require them to do it.

8 And quite frankly, I am a little
9 puzzled by Senator Krueger's resistance to doing
10 something. If they're doing it, we just as a
11 Legislature want to make sure that they're
12 consistently doing it.

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

16 SENATOR YOUNG: Yes.

17 ACTING PRESIDENT GRIFFO: The
18 sponsor yields.

19 SENATOR KRUEGER: So when we had
20 this debate last -- one moment, I'm looking for
21 the -- 2011, thank you. I guess we were both
22 feeling tired in 2012. In 2011, when we last had
23 this debate, you actually in response said the
24 U.S. Bureau of Labor Statistics' Consumer Price
25 Index might be one way to come up with a regional

1 price differentiation.

2 I'm just curious, if that's a good
3 idea, why don't we amend your bill to call for
4 the use of federal labor statistics data?

5 SENATOR YOUNG: Thank you, Senator,
6 for that question. And that's just one
7 suggestion.

8 But sometimes with the CPI there's
9 too much of a lag. And so we would like to have
10 something that is current so that it can be based
11 on facts and data.

12 SENATOR KRUEGER: Through you,
13 Mr. President. I'll speak on the bill now, thank
14 you.

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

17 SENATOR KRUEGER: I think the
18 Senator and I, while we don't appear to agree on
19 her bill, do actually agree on the fundamental
20 question. We think that businesses should be
21 correctly audited and not unfairly charged taxes
22 that they in fact did not actually collect.

23 I think we both agree for fairness,
24 everybody pays their taxes, and every business
25 who receives taxes should make sure that those

1 tax dollars are coming to the State of New York.
2 Because otherwise you actually do have an unfair
3 tax advantage to those businesses who fail to
4 submit their sales tax revenue to the state,
5 compared to the next-door neighbor's store or the
6 three-county-away business that is in fact
7 collecting and submitting their taxes.

8 Because this is really an issue of
9 does the state know how to correctly calculate
10 and collect taxes that you and I are paying that
11 we hope are going into our Tax and Finance
12 funds. Because otherwise, why are we having
13 people pay taxes, if not for us to get them to
14 provide public services?

15 And where we disagree is whether Tax
16 and Finance is using the right calculations, is
17 using the right methodology. And I empathize
18 that if they're not using the right methodology,
19 we could offer a better one. But I don't think
20 we have come up with that yet.

21 But for the record, there is another
22 bill carried by Senator Marcellino that I carried
23 a similar version of at one time that would
24 actually create black box methodology in the
25 State of New York which is used in a number of

1 European countries, a number of states in the
2 United States already, and would actually put a
3 simple device on the -- they're not called --
4 your register. They're called electronic
5 registers, I guess, today.

6 It puts a simple device on the
7 electronic register that actually keeps track
8 exactly of the sales and what sales tax should be
9 should have been collected. And in fact the
10 actual factual information -- not averaging or
11 hypothetical based on looking at the business
12 after the fact -- the actual information is
13 provided to the Department of Tax and Finance.

14 What's fairly amazing about this
15 technology is that the estimates are the State of
16 New York could collect hundreds of millions of
17 dollars per year more in sales tax. It would not
18 be an increase in taxes. These are taxes already
19 being paid by all of us. When we shop for
20 something and pay a sales tax, whether it's at a
21 restaurant or a local store, that sales tax is
22 being collected from us.

23 But black box technology being used
24 around the world has in fact dramatically
25 increased the payment of the actual sales tax to

1 the government. That would be state government
2 and local government.

3 So I actually hope that Senator
4 Young might want to join Senator Marcellino and
5 myself and others in urging that we move the
6 black box legislation and we work with the State
7 of New York Department of Tax and Finance to
8 ensure we actually have a documentable,
9 trackable, scientific way to determine at
10 businesses how much sales tax was collected and
11 was that in fact sales tax passed on, as it
12 should be by law, to the State of New York. It
13 would increase our revenue. It does not increase
14 anyone's tax. And I think it would address all
15 of the concerns Senator Young raises in her bill
16 today.

17 So I will continue to vote no on
18 this bill but urge a yes vote and, as soon as
19 possible, a vote on Senator Marcellino's black
20 box sales tax bill.

21 Thank you.

22 ACTING PRESIDENT GRIFFO: Seeing
23 and hearing no other Senator who wishes to be
24 heard, the debate is closed.

25 The Secretary will ring the bell.

1 Read the 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 ACTING PRESIDENT GRIFFO: Senator
8 Young to explain her vote.

9 SENATOR YOUNG: Thank you,
10 Mr. President. To explain my vote.

11 ACTING PRESIDENT GRIFFO: Order in
12 the chamber, please.

13 Senator Young.

14 SENATOR YOUNG: I'd like to thank
15 all of my colleagues who are voting yes on this
16 important piece of legislation, because you truly
17 are supporting our small businesses. A lot of us
18 are working very hard on revitalizing our economy
19 and, as I said, helping to keep the little guy in
20 business, because that helps all of our
21 communities.

22 So this legislation would make sure
23 that there's accuracy and fairness in the
24 system. It would make sure that Tax and Finance
25 is doing the right things. Because oftentimes

1 what happens in these cases is that Tax and
2 Finance comes in, says there's a problem, and
3 then the next step is to go to an administrative
4 hearing, which costs a lot of money. And in many
5 cases the businesses cannot afford to go through
6 that hearing process, and as a result they just
7 pay the fine, and they cave and they give up.
8 And then they become more and more discouraged
9 about being able to stay in business in New York
10 State.

11 So this corrects that injustice.
12 And again, I want to thank all of my colleagues
13 who are supporting this. I thank Senator Krueger
14 for her questions. And I will be voting aye.

15 Thank you.

16 ACTING PRESIDENT GRIFFO: Senator
17 Young to be recorded in the affirmative.

18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar Number 1243, those recorded in the
21 negative are Senators Hoylman, Krueger, Rivera,
22 Sanders and Serrano. Also Senator Squadron.

23 Absent from voting are Senators
24 Adams, Hannon, Marchione and Sampson.

25 Ayes, 51. Nays, 6.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1259, by Senator Robach, Senate Print 3770, an
5 act to amend the State Finance Law.

6 SENATOR KRUEGER: Explanation.

7 ACTING PRESIDENT GRIFFO: Senator
8 Robach, an explanation has been requested by
9 Senator Krueger.

10 SENATOR ROBACH: Yes,
11 Mr. President.

12 This is a very straightforward bill
13 that would try and control debt through spending,
14 creating a cap related to inflation in our
15 budget, and also increasing the capacity of a
16 rainy day fund in our reserve so we could
17 preserve quality programs. Technically, that's
18 what the bill does.

19 A little bit on the personal side, I
20 feel this bill is very needed not only for my
21 children but the next generation in New York. I
22 think it would be awful for us to continue to add
23 to our debt service of \$63 billion, spend money
24 today that our children and grandchildren will
25 have to pay back, as well as not being a good

1 fiscal practice. I think that's the wrong
2 direction in government to go.

3 I'm happy to be part of a generation
4 where my parents and grandparents tried to leave
5 the world fiscally and every other way a little
6 bit better for me and our generation.

7 ACTING PRESIDENT GRIFFO: Senator
8 Krueger.

9 SENATOR KRUEGER: I feel like it's
10 the oldies-but-not-goodies day on the floor of
11 the Senate.

12 Would the sponsor please yield to a
13 question?

14 SENATOR ROBACH: Enthusiastically,
15 Mr. President.

16 ACTING PRESIDENT GRIFFO: The
17 Senator yields.

18 SENATOR KRUEGER: So the sponsor
19 has carried this bill for several years. So if
20 we had passed the bill last year and it was in
21 effect, how much would we have been able to spend
22 in the state budget that we passed a day or two
23 before April 1st for the fiscal year 2013-2014?

24 SENATOR ROBACH: I'll have to
25 answer that a little generically.

1 What I could say is on a good note,
2 for the last couple of years, partnering with
3 Governor Cuomo and I think logically minded
4 fiscally responsible people, we've passed a
5 couple of budgets in a row -- after a streak of
6 budgets that raised the budgets to much greater
7 than the rate of inflation -- within that cap for
8 the state portion of the budget, not including
9 money given to us by the federal government.

10 And that seems to be not only a good
11 fiscal practice, but at least where I live,
12 appreciated greatly by people who have been very,
13 very concerned with the amount of spending, the
14 amount of debt, hence the amount of taxation.

15 So I don't know how different it
16 would be. But I do believe we were under the
17 rate of inflation the last two years when we
18 closed both a \$10 billion and approximately
19 \$3 billion gap in the budget.

20 What the exact dollar amount is,
21 Senator Krueger, I'm not certain. But rather
22 than make that a practice we agree on, this bill
23 would make it automatic that that would be the
24 cap, not agreed upon.

25 SENATOR KRUEGER: Through you,

1 Mr. President, if the sponsor would continue to
2 yield.

3 ACTING PRESIDENT GRIFFO: The
4 sponsor yields.

5 SENATOR ROBACH: Yes.

6 SENATOR KRUEGER: Actually, if I
7 might withdraw that, I would like to make a
8 statement and then ask a question.

9 ACTING PRESIDENT GRIFFO: Would you
10 like to speak on the bill, Senator Krueger?

11 SENATOR KRUEGER: I would like to
12 answer the question and then ask a follow-up
13 question.

14 ACTING PRESIDENT GRIFFO: I would
15 ask you to be succinct.

16 SENATOR KRUEGER: Very succinct.

17 So I actually did have the
18 calculation done. And in fact if the cap applied
19 in the fiscal year that we are now in, if we had
20 passed this law in a previous year, the state
21 operating funds projected in the Division of
22 Budget's financial plan would be \$2.3 billion
23 over what we would be allowed to spend under the
24 cap law.

25 So in 2013-2014 if the cap had been

1 in effect, the state operating funds -- again,
2 excluding all the federal money that the Senator
3 explained -- would be limited to \$90.29 billion
4 dollars instead of the estimated Department of
5 Budget spending in this fiscal year of 92.59. So
6 we would be \$2.3 billion over the cap in the
7 budget we passed and are living under.

8 And the Senator is right that we've
9 done better in the last few years. Without a
10 cap, we've done better.

11 So my question to the Senator -- if
12 he will yield, through you, Mr. President.

13 ACTING PRESIDENT GRIFFO: Senator
14 Robach, do you yield?

15 SENATOR ROBACH: Yes.

16 ACTING PRESIDENT GRIFFO: Senator
17 Robach yields.

18 SENATOR KRUEGER: Thank you.

19 What \$2.3 billion should we have cut
20 out of the budget this year in order to meet the
21 spending cap philosophy and legislation you wish
22 was the law?

23 ACTING PRESIDENT GRIFFO: Senator
24 Robach.

25 SENATOR ROBACH: I don't want to

1 argue the number. I'm not sure -- according to
2 the Budget Department and the Governor, I don't
3 believe we went over the cap without putting in
4 other sources of revenue.

5 But I would say this. I don't even
6 know if I agree that we were over. But whether
7 over, under, or not, whenever we make a budget I
8 think the people that elect us think we're smart
9 enough to come here to put a budget together that
10 prioritizes yet has us live in our means just
11 like people have to do every day in their
12 business, in their own personal home and
13 everything else.

14 And I know it's more challenging and
15 it's certainly more fun to make budgets -- I've
16 been here for a decade now in the Senate -- when
17 you have money coming in. But when you don't,
18 that's when you have to make the hard choices. I
19 think we would have to make those collectively.
20 But that's what we need to do.

21 What we can't do any longer, and I
22 mean this sincerely, is what the federal
23 government does where they know that every child
24 from one day old to the oldest American,
25 112 years old, however old they are, owes \$53,000

1 for services already rendered. That's not
2 mortgage, college payments, car payments,
3 everything else. Yet they continue to spend
4 money they don't have putting that debt service
5 on future generations.

6 That's what we're trying to avoid
7 here. We'd have to make those decisions,
8 Senator Krueger, on every budget, just like we do
9 every year.

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

12 ACTING PRESIDENT GRIFFO: Senator
13 Krueger on the bill.

14 SENATOR KRUEGER: I thank the
15 sponsor for his answers, as I've said in previous
16 years. But we're a moving target; there are new
17 members on both sides of the aisle.

18 Several days ago we had a theme day,
19 no unfunded mandates, no new expenditures beyond
20 what's in the budget. And then after that day we
21 passed a number of bills that had unfunded
22 mandates and new expenditures in the budget.

23 Today we are passing some of those
24 on the floor. I just came out of a Rules
25 Committee where, if you added up all the new

1 expenditures not within a budget that would be
2 passed into law if we passed every one of those,
3 it's probably close to a billion dollars, maybe
4 \$900 million, just in one Rules Committee.

5 So I believe we should stay within
6 our means. We should be responsible
7 legislators. Sometimes we are, sometimes we're
8 not. In fact, in the last year or two our
9 budgets have better reflected the amount of money
10 we had to spend and the spending.

11 But government flows with the needs
12 of the people. There are good years, there are
13 bad years for the economy. There are good years,
14 there are bad years for costs of state funding.
15 Major disasters drive state spending. Litigation
16 drives state spending. Aging of a population
17 drives state spending.

18 What I urge this state not to do is
19 trap itself in a spending cap that will prevent
20 us from doing the job we ask people to elect us
21 to do, which is to be responsible legislators.
22 Which is to live within our means, but which is
23 also to respond to the needs of our communities
24 and be dynamic and be able to adjust to what's
25 going on in a world much larger than ourselves.

1 And when I look at what has happened
2 in states, Mr. President, that have passed these
3 types of bills -- often they are called TABOR
4 bills -- what we have seen is very unintended
5 consequences and very disturbing consequences.
6 And it's been enough years now where these bills
7 have been passed -- or, in some places, now
8 reversed -- to see there are real impacts on real
9 people's lives from trapping ourselves in caps.

10 In Colorado, which has had a TABOR
11 law, between 1992 and the early 2000s their
12 rating as a state for the quality of their
13 education went from 35th to 49th in the nation.
14 By 2006, the state maintained its lowest ranking
15 among the states. Colorado's average pupil
16 spending fell by more than \$600 per student
17 relative to the national average.

18 Colorado dropped from 23rd to 48th
19 in the nation for the percentage of pregnant
20 women receiving adequate access to prenatal
21 care. It plummeted from 24th to 50th in the
22 nation in the share of children receiving their
23 full vaccinations. The share of low-income
24 children lacking health insurance doubled in
25 Colorado since TABOR.

1 But they suspended TABOR, and
2 they've been working their way back.

3 We see from various states who have
4 gone down this road -- I'm using Colorado just as
5 one example -- again, real harm done. There have
6 been academic groups who have written reports on
7 the dangers of spending caps. One is from the
8 Citizens Budget Commission in 2010, which I'm not
9 going to read, for brevity's sake, highlighting
10 how harmful this model can be. The Center on
11 Budget Policy Priorities, National Women's Law
12 Center. A study done on Connecticut's spending
13 cap.

14 There are the right ways and the
15 wrong ways to try to balance our budgets, be
16 responsible legislators, make sure that taxes
17 that are owed are collected, as from the previous
18 discussion and the previous bill. But also
19 knowing that we aren't sent here by our
20 constituents to simply be set in a formula that
21 can't work, particularly can't work in emergency
22 times, in bad economic times for those who most
23 need government services.

24 I don't believe this will become the
25 law of New York State. But I do urge that this

1 house, if it's serious, accept the premises that
2 my colleague rightly argues in saying why we need
3 to be more responsible and not pass legislation
4 where we don't explain how we're paying for it.
5 Don't pass unfunded mandates without fiscal notes
6 explaining who, where, why is going to have to
7 pick up the cost.

8 That we do be responsible
9 legislators. We don't need the spending cap. We
10 can look at each bill in the context of who's
11 going to pay for it, what are we going to stop
12 paying for because we're taking that money for
13 this purpose. Understanding that the decisions
14 we make on this floor every day, year after year,
15 now decade after decade, has translated into a
16 very large debt. But it's not by magic or
17 accident. We passed legislation that created
18 those costs, that borrowed that money.

19 That needs to make sure we are
20 fiscally responsible and pay back our debts but
21 continue to have the infrastructure that keeps
22 New York State great, makes sure it educates its
23 children so that people who want to have
24 businesses here know they have the labor force
25 they need. And continue to be the great state

1 that we all so proud of representing. Every
2 single one of us is so proud of being the
3 representative of our districts.

4 But our decisions each day on each
5 bill can get us exactly where the sponsor wants
6 us to get without tying our hands and trapping us
7 into painful decisions that will cause great harm
8 in the short term and the long term.

9 I urge everyone to vote no,
10 Mr. President. Thank you.

11 ACTING PRESIDENT GRIFFO: Seeing
12 and hearing no other Senator that wishes to be
13 heard, the debate is closed.

14 The Secretary will ring the bell.

15 Read the last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

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

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

25 I oppose this bill, Mr. President,

1 because it is an admission of surrender by this
2 body. It is the Legislature, Mr. President,
3 which constitutionally has the power to set
4 spending, whether that be spending cuts or
5 spending increases.

6 Our constituents sent us to this
7 chamber to make these difficult decisions on
8 budget issues, and we should not, Mr. President,
9 abdicate this very important, this solemn
10 responsibility through this bill.

11 I vote no, Mr. President.

12 ACTING PRESIDENT GRIFFO: Senator
13 Hoylman to be recorded in the negative.

14 Announce the results.

15 THE SECRETARY: In relation to
16 Calendar Number 1259, those recorded in the
17 negative are Senators Avella, Diaz, Dilan,
18 Espaillat, Gianaris, Gipson, Hassell-Thompson,
19 Hoylman, Krueger, Latimer, Montgomery, Parker,
20 Peralta, Rivera, Sanders, Serrano, Smith,
21 Squadron, Stavisky and Stewart-Cousins.

22 Absent from voting: Senators Adams,
23 Hannon, Marchione and Sampson.

24 Ayes, 37. Nays, 20.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1280, by Senator Golden, Senate Print 4446B, an
4 act to amend the Social Services Law.

5 ACTING PRESIDENT GRIFFO: Senator
6 Krueger.

7 SENATOR KRUEGER: I'd be happy to
8 skip the explanation unless Senator Golden would
9 like to give one.

10 ACTING PRESIDENT GRIFFO: I think
11 he'll take the questions.

12 Senator Golden, are you prepared?

13 (Laughter.)

14 SENATOR GOLDEN: Yes,
15 Mr. President.

16 ACTING PRESIDENT GRIFFO: The
17 Senator yields, Senator Krueger.

18 SENATOR KRUEGER: Thank you very
19 much.

20 I'm curious, because I don't
21 necessarily disagree with the Senator on much of
22 this bill, is the Senator aware that there is an
23 annual statistical report on the operations of
24 New York State public assistance programs
25 published each year that, when I went through the

1 materials, lists out almost everything he was
2 asking for in this bill?

3 SENATOR GOLDEN: Mr. President,
4 what we've asked in this bill is the application
5 of family assistance, the number of applicants
6 who have declined to seek or enforce an order of
7 child support, the number of applicants who are
8 found to be in good cause but not seeking or
9 enforcing an order of child support, and the
10 number of applications for family assistance that
11 were denied because the applicant did not seek or
12 enforce an order of child support.

13 We don't believe all of these
14 entities are met. And if they are met in this
15 legislation, it would give us the barometer to
16 understand if there needs to be changes in this
17 legislation.

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

21 ACTING PRESIDENT GRIFFO: The
22 sponsor yields.

23 SENATOR GOLDEN: Yes,
24 Mr. President.

25 SENATOR KRUEGER: Does the sponsor

1 know that the law of New York State for quite an
2 extended period of time has been that applicants,
3 recipients for public benefits cannot receive
4 benefits unless they cooperate with the State
5 Office of Temporary and Disability Assistance on
6 seeking child support orders, that that is the
7 law?

8 ACTING PRESIDENT GRIFFO: Senator
9 Golden.

10 SENATOR GOLDEN: Mr. President, I
11 am, in fact. And it says so in the justification
12 on the back of the bill: State law requires that
13 low-income custodial parents actively seek child
14 support from their child's non-custodial parent
15 and show cause as to why he or she cannot seek
16 that child support.

17 SENATOR KRUEGER: Thank you.

18 I think the sponsor is agreeing with
19 me that is the law of New York State.

20 May I, through you, Mr. President,
21 continue to ask the sponsor some questions.

22 ACTING PRESIDENT GRIFFO: Sponsor,
23 do you yield?

24 SENATOR GOLDEN: Yes,
25 Mr. President.

1 ACTING PRESIDENT GRIFFO: The
2 Senator yields.

3 SENATOR KRUEGER: In the bill, in
4 paragraph C-1, you use the term "applicants."
5 And I'm wondering why you're not applying the
6 same informational request for recipients of
7 public benefits, just applicants of public
8 benefits.

9 SENATOR GOLDEN: In the City of
10 New York the applicant is in fact also the
11 recipient -- applicant can be acknowledged and
12 recipient is acknowledged when the word
13 "applicant" is there.

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

17 SENATOR GOLDEN: Yes,
18 Mr. President.

19 ACTING PRESIDENT GRIFFO: The
20 sponsor yields.

21 SENATOR KRUEGER: I might suggest
22 we simply add the word "applicant/recipient"
23 where it just says "applicant," for
24 clarification.

25 SENATOR GOLDEN: If you'd like me

1 to do that, Mr. President, I will gladly do that,
2 if that makes Senator Krueger happy.

3 SENATOR KRUEGER: Thank you.

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

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR GOLDEN: Yes, he does,
9 Mr. President.

10 SENATOR KRUEGER: The bill talks
11 about seeking a child support order. My
12 understanding was that what is actually asked is
13 to assign their rights to child support.

14 So I'm just wondering how would the
15 Senator be proposing we change current law by
16 tracking the seeking of a child support order.
17 As opposed to current law, which is assigning the
18 child support rights and cooperating with the
19 establishment of paternity, child support, and
20 enforcement of the child support order.

21 SENATOR GOLDEN: We don't change
22 the law, Mr. President.

23 ACTING PRESIDENT GRIFFO: Senator
24 Krueger.

25 SENATOR KRUEGER: Thank you.

1 So if through you, Mr. President,
2 the Senator would continue to yield.

3 SENATOR GOLDEN: Yes, I do,
4 Mr. President.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR KRUEGER: So the purpose of
8 the bill is to track certain information in order
9 to determine how we're doing with all this.

10 You know what, I'm going to speak on
11 the bill briefly.

12 ACTING PRESIDENT GRIFFO: Senator
13 Krueger on the bill.

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

16 SENATOR KRUEGER: I appreciate the
17 sponsor's answers. I actually think that the
18 sponsor is not wrong to want all this
19 information. I think that OTDA provides a report
20 that provides quite a bit of the information.

21 I do think there are more questions
22 that should be asked and that the language should
23 be a bit clearer in the bill about what actual
24 law is versus what we're asking OTDA to track.
25 Because if we ask them to track something that

1 they actually don't do because it's not the law,
2 the sponsor is not going to get the information
3 he is looking for.

4 I think it is very important that
5 when looking at this type of data you keep in
6 context that there are certain exceptions from
7 the law from for very good reasons, particularly
8 when it comes to child support enforcement and
9 people who have been victims of domestic violence
10 and sexual assault from within their own family,
11 that there are very specific exclusions from the
12 law for not having to participate in assigning
13 their rights or testify in court because in fact
14 it can and has been dangerous when people who
15 have fled abuse are forced to go back into court
16 against their abuser.

17 But I agree that this is not a bill
18 to change the law. I believe it is a bill to try
19 to collect the data to get a better understanding
20 of who, what, where in child support
21 enforcement. And hopefully with data could come
22 good legislation and adjustments that might be
23 needed.

24 But again, I will happily share my
25 technical concerns with the sponsor and hope that

1 we might actually be able to write a bill that
2 would correctly get the information I believe the
3 sponsor is seeking.

4 But I will turn all of you to the
5 attention that much of this already exists on an
6 annual basis available on your local computer
7 from the Office of Temporary and Disability
8 Assistance.

9 I vote yes. Thank you,
10 Mr. President.

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

13 Seeing and hearing no other Senator
14 that wishes to be heard, the debate is closed.

15 The Secretary will ring the bell.

16 Read the last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 57.

23 Absent from voting: Senators Adams,
24 Bonacic, Hannon and Sampson.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1286, by Senator Maziarz, Senate Print 4904, an
4 act to amend the Agriculture and Markets Law.

5 SENATOR KRUEGER: Explanation.

6 ACTING PRESIDENT GRIFFO: An
7 explanation has been requested by Senator
8 Krueger, Senator Maziarz.

9 SENATOR MAZIARZ: Thank you very
10 much, Mr. President.

11 This bill requires notice to the
12 owner of a farm operation when a FOIL request has
13 been made about their particular farm. The
14 notice must be provided in writing within five
15 business days and include the name and address of
16 the person or entity who is requesting the
17 information.

18 ACTING PRESIDENT GRIFFO: Senator
19 Krueger.

20 SENATOR KRUEGER: Thank you,
21 Mr. President. If through you the sponsor would
22 yield.

23 SENATOR MAZIARZ: Certainly,
24 Mr. President.

25 ACTING PRESIDENT GRIFFO: The

1 sponsor yields.

2 SENATOR KRUEGER: The bill talks
3 about farm operations --

4 ACTING PRESIDENT GRIFFO: Can I get
5 a little order in the house, please?

6 Senator Krueger, you may ask your
7 question.

8 SENATOR KRUEGER: Thank you.

9 The bill defines the universe as
10 farm operations. Are those all farms or just
11 particular types of farms under the law?

12 SENATOR MAZIARZ: Mr. President,
13 through you. The answer to the question is that
14 they are all farms.

15 SENATOR KRUEGER: They're all
16 farms, thank you.

17 Through you, Mr. President, if the
18 sponsor would continue to yield.

19 ACTING PRESIDENT GRIFFO: The
20 sponsor yields.

21 SENATOR KRUEGER: It's my
22 understanding that there's a current model for
23 dealing with FOIL requests for farms. Could the
24 sponsor explain to me how his bill would change
25 the current system?

1 SENATOR MAZIARZ: Through you,
2 Mr. President, yes.

3 This would require the agency -- in
4 this case, most probably the Department of Ag and
5 Markets -- to notify the farmer, the farm owner,
6 when a FOIL request had been made, what the
7 request was, and who it was made by.

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

11 SENATOR MAZIARZ: Certainly,
12 Mr. President.

13 ACTING PRESIDENT GRIFFO: The
14 sponsor yields.

15 SENATOR KRUEGER: So my
16 understanding is that the FOIL statute in
17 New York State requires every state agency to
18 address the exception issues under the Public
19 Officers Law, Section 87(2), and that Ag and
20 Markets has promulgated regulations regarding
21 such FOIL requests for exactly this situation.

22 I'm wondering why we need this law
23 or how it would change the current process by
24 which FOIL requests are handled, farmers are
25 notified, and information is transferred.

1 ACTING PRESIDENT GRIFFO: Senator
2 Maziarz.

3 SENATOR MAZIARZ: Thank you very
4 much, Mr. President. Through you, it's a very
5 good question by my colleague.

6 And I would say that rather than
7 doing it through the regulatory process -- which,
8 you know, could change based on various
9 administrations -- this would actually put it in
10 statute.

11 This legislation was requested by
12 the New York State Farm Bureau. And as you know,
13 they have a deep concern on farms today with the
14 type of not equipment but material that is used
15 on a farm today, with bioterrorism. There have
16 been, you know, instances where it's become a
17 homeland security issue.

18 So I would say that the answer to
19 your question, Senator, is that having it done in
20 statute as opposed to regulation, which could
21 easily be changed by a future administration, a
22 future commissioner of Agriculture and Markets,
23 that I think the Farm Bureau certainly felt that
24 this was a better option.

25 SENATOR KRUEGER: Through you,

1 Mr. President. Thank the sponsor.

2 ACTING PRESIDENT GRIFFO: Are you
3 on the bill, Senator Krueger?

4 SENATOR KRUEGER: I am on the bill.

5 ACTING PRESIDENT GRIFFO: Senator
6 Krueger on the bill.

7 SENATOR KRUEGER: Thank you.

8 So it is under statute. It's under
9 the Freedom of Information Law statute. And it
10 does have regs. And so the sponsor is correct
11 this would require, under a new statute, for
12 Ag and Markets to come up with different or the
13 same regs.

14 I guess my only point is if it's
15 already a law and it's already regulation, I'm a
16 little confused why we are passing another law
17 requiring new regulations to be written. But
18 maybe the intent, I believe the sponsor said of
19 the Farm Bureau, was to clarify in some way a
20 different process that should be used under the
21 law and new regulations.

22 And I will -- and I'm open to that,
23 because I actually do recognize there are good
24 reasons why anyone who provides information to
25 the government, that that information is by

1 definition at a certain level public. But there
2 are very legitimate reasons why companies,
3 including farms large and small, would want to
4 make sure that they are advised of this request.
5 And if they believe there is some conflict for
6 that information to be provided, there are models
7 for redacting.

8 There are concerns about businesses
9 attempting to steal each other's trade secrets,
10 somebody trying to find out your budget or your
11 costs in order to perhaps try to lower a selling
12 price in a negotiation. There may be specific
13 reasons why larger farm corporations have more
14 complicated books and issues than a small family
15 farm.

16 I certainly hope if this becomes law
17 the one thing we don't do is come up with a new
18 statute and new regulations that might conflict
19 with the existing ones and put the farmers in the
20 situation where they now are having to respond to
21 two different laws, two different divisions of
22 state government, and perhaps two different
23 processes for providing them the information and
24 getting them to respond.

25 I am quite sure the sponsor doesn't

1 want duplicative or conflicting or confusing law
2 and regulations. So I will just give my warning
3 that I don't believe that that's either of our
4 goal, and I will vote for his bill.

5 Thank you.

6 ACTING PRESIDENT GRIFFO: Seeing
7 and hearing no other Senator that wishes to be
8 heard, debate is closed.

9 The Secretary will ring the bell.

10 Read the last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT GRIFFO: Announce
17 the results.

18 THE SECRETARY: In relation to
19 Calendar Number 1286, those recorded in the
20 negative are Senators Avella and Espallat.

21 Absent from voting: Senators Adams,
22 Bonacic, Hannon and Sampson.

23 Ayes, 55. Nays, 2.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 Senator Libous, that completes the
2 controversial reading of the calendar.

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

5 Could you call on Senator Gianaris
6 and then come back to me, and we're going to
7 return to motions.

8 ACTING PRESIDENT GRIFFO: Returning
9 to motions and resolutions.

10 Senator Gianaris.

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

13 On behalf of Senator O'Brien, I move
14 that the following bill be discharged from its
15 respective committee and be recommitted with
16 instructions to strike the enacting clause:
17 Senate 3940.

18 ACTING PRESIDENT GRIFFO: So
19 ordered.

20 SENATOR GIANARIS: On behalf of
21 Senator Gipson, on page 48 I offer the following
22 amendments to Calendar Number 1075, Senate Print
23 5411, and ask that said bill retain its place on
24 Third Reading Calendar.

25 ACTING PRESIDENT GRIFFO: The

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

3 SENATOR GIANARIS: On behalf of
4 Leader Stewart-Cousins, on page 19 I offer the
5 following amendments to Calendar 491, Senate
6 Print 4241A, and ask that said bill retain its
7 place on Third Reading Calendar.

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

11 SENATOR GIANARIS: And on behalf of
12 Senator Latimer, I move that the following bill
13 be discharged from its respective committee and
14 be recommitted with instructions to strike the
15 enacting clause: Senate Print 5065B.

16 ACTING PRESIDENT GRIFFO: So
17 ordered.

18 Senator Libous.

19 SENATOR LIBOUS: Mr. President, on
20 behalf of Senator Ball, on page 41 I offer the
21 following amendments to Calendar Number 934,
22 Senate Print 4914A, and ask that said bill retain
23 its place on the Third 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: Thank you,
3 Mr. President.

4 And on behalf of Senator LaValle, on
5 page 23 I offer the following amendments to
6 Calendar Number 580, Senate Print 2219, and ask
7 that said bill retain its place on Third Reading
8 Calendar.

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

12 SENATOR LIBOUS: I believe Senator
13 Valesky has a motion also.

14 ACTING PRESIDENT GRIFFO: Senator
15 Valesky.

16 SENATOR VALESKY: Apparently I do,
17 Mr. President.

18 On page 17, on behalf of Senator
19 Klein, I offer the following amendments to
20 Calendar Number 445, Senate Bill 2432, and ask
21 that said bill retain its place on the Third
22 Reading Calendar.

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

1 Senator Libous.

2 SENATOR LIBOUS: Mr. President, we
3 have a little bit more work to do.

4 I believe everybody has a copy of
5 Senate Supplemental Calendar 51A on their desk.
6 At this time I'd like to take up that calendar,
7 noncontroversial reading.

8 ACTING PRESIDENT GRIFFO: The
9 Secretary will read.

10 THE SECRETARY: Calendar Number
11 1298, by Senator Parker, Senate Print 2636, an
12 act to amend the Municipal Home Rule Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60. Nays,
21 1. Senator Marcellino recorded in the negative.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1299, by Senator Parker, Senate Print 2838, an

1 act in relation to requiring.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 57. Nays,
10 4. Senators Ball, Marcellino, Marchione and
11 O'Mara recorded in the negative.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: With respect to
15 Calendar Number 1300, Senator Parker moves to
16 discharge, from the Committee on Finance,
17 Assembly Bill Number 371 and substitute it for
18 the identical Senate Bill Number 5388, Third
19 Reading Calendar 1300.

20 ACTING PRESIDENT GRIFFO: The
21 substitution is so ordered, and the Secretary
22 will read.

23 THE SECRETARY: Calendar Number
24 1300, by Member of the Assembly Dinowitz,
25 Assembly Print Number 371, an act to amend the

1 Executive Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1301, by Senator Adams, Senate Print 5707, an act
14 to amend the Social Services Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Announce
23 the results.

24 THE SECRETARY: In relation to
25 Calendar 1301, those recorded in the negative are

1 Senators Farley, Griffo and Marcellino.

2 Ayes, 58. Nays, 3.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 Senator Libous, that completes the
6 noncontroversial reading of Supplemental Senate
7 Calendar 51A.

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

10 For a moment the Senate needs to
11 just take a deep breath until we get some stuff
12 passed out, and then we're going to do a couple
13 of other bills.

14 (Pause.)

15 SENATOR LIBOUS: Mr. President.

16 ACTING PRESIDENT GRIFFO: Senator
17 Libous.

18 SENATOR LIBOUS: We have a
19 supplemental active list before us with two bills
20 on it. Could we have the noncontroversial
21 reading of that list.

22 ACTING PRESIDENT GRIFFO: The
23 Secretary will read.

24 THE SECRETARY: With regard to
25 Calendar Number 1066, on page 48 Senator Grisanti

1 moves to discharge, from the Committee on Local
2 Government, Assembly Bill Number 7367 and
3 substitute it for the identical Senate Bill
4 Number 5191A, Third Reading Calendar 1066.

5 ACTING PRESIDENT GRIFFO:

6 Substitution so ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 1066, by Member of the Assembly Ryan, Assembly
10 Print Number 7367, an act to amend Chapter 824 of
11 the Laws of 1933.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT GRIFFO: Senator
20 Grisanti to explain his vote.

21 SENATOR GRISANTI: Thank you,
22 Mr. President.

23 My fellow colleagues, at the present
24 time we have deadlocked at the PBA, which is the
25 public bridge authority that connects Canada and

1 Western New York. Believe it or not, it's a
2 10-member board; they have five Canadians and
3 five Americans. This is not about
4 American versus Canadian citizens. This is about
5 a board, five Canadians, five Americans. It's an
6 authority.

7 While there is deadlock, nothing is
8 being done. That has been the problem for over
9 two decades, 20 years with regard to this bridge
10 authority.

11 The issue that is deadlocked now I
12 hope gets resolved. The PBA has done some
13 environmental reviews, approved what I call
14 cosmetic-type makeup projects to the plaza on the
15 U.S. side, at the cost of under about
16 \$50 million. But on the Canadian side, there was
17 about \$120 million.

18 The problem is that the plaza needs
19 to be done on how Western New York and how New
20 York State sees fit. When the PBA agreed on the
21 Canadian plaza, we didn't dictate how their plaza
22 should be built, and it's a beautiful plaza.

23 The general manager of the board,
24 who is part of the Canadian five, stated in his
25 own words that congestion entering the U.S.

1 remains a problem given more stringent custom
2 procedures and an ill-functioning plaza. Yet in
3 the same breath he states that by virtue of the
4 PBA's much greater land holdings in Canada, there
5 is less pressure to expand the U.S. plaza in
6 Buffalo.

7 Now, it's simple, ladies and
8 gentlemen. Western New York, the Governor, we
9 want to do a bigger and better plaza to move
10 truck and vehicular access off the bridge to
11 improve the air quality, to restore the Olmsted
12 Park that used to be in existence there, to have
13 a wonderful gateway into New York and Western
14 New York area from Canada, and to move trade and
15 commerce back and forth across the bridge rather
16 than these trucks sitting, sitting on the bridge,
17 causing asthma and other problems in the region.

18 Also, New York has the ability to do
19 design-and-build legislation, where the PBA does
20 not. And what that will do is move the projects
21 faster. It also, as I understand it, the way I
22 believe it, is that projects also can be done at
23 the same time. That includes the pre-inspection
24 of trucks on the Canadian side, which is set to
25 start and have a pilot project in 2015; the U.S.

1 plaza upgrades, which we want to start now -- we
2 don't want to wait until 2015, 2016, 2017, all
3 the way up to 2020. We want to start it now --
4 and the redecking of the bridge. But
5 interestingly enough, the redecking has not been
6 voted on or approved by the PBA.

7 So this legislation, ladies and
8 gentlemen, simply says this. If the current
9 board is able to come together around a common
10 purpose, they can issue new debt any time that
11 they feel fit before July of 2014. They would be
12 able to remain an authority, and this legislation
13 will have no practical impact on the PBA.

14 If, however, the PBA is not able to
15 resolve this deadlock and their difference, the
16 issue of new debt prior to July of 2014, they
17 will have to make their final debt payment on
18 that date, and by operation of law they shall
19 dissolve as an authority.

20 So the dissolution is not up to this
21 piece of legislation. The dissolution is up to
22 the board and to see if they can come and have
23 this issue resolved.

24 I urge all my colleagues to vote yes
25 for this piece of legislation. I know that's

1 been 20 years. How do I know? Because the Peace
2 Bridge Authority bought one of the houses that
3 was just knocked down four months ago 20 years
4 ago and left it in blight for 20 years along with
5 eight others and an Episcopal church home. And
6 how do I know that? I was the attorney that
7 closed the deal 20 years ago on that property.

8 I vote aye, Mr. President. Thank
9 you very much.

10 ACTING PRESIDENT GRIFFO: Senator
11 Grisanti, sponsor of the bill, votes in the
12 affirmative and has five minutes to explain his
13 vote.

14 The remaining members now have two
15 minutes.

16 Senator Maziarz to explain his vote.

17 SENATOR MAZIARZ: Thank you very
18 much, Mr. President, for reminding everyone of
19 that rule when I got up to speak. I appreciate
20 that.

21 (Laughter.)

22 SENATOR MAZIARZ: I will try to be
23 even more brief than that, Mr. President.

24 I just want to thank Senator
25 Grisanti for sponsoring this bill and bringing it

1 forward. This is important to Western New York.

2 You know, the bottom line in this
3 whole thing, there has been so much stated in the
4 media about Canada versus the U.S. The bottom
5 line is that in 20 years, 20 years, this issue
6 has been talked about, debated, stalled on the
7 American side while a \$100 million investment has
8 been made on the Canadian side of the
9 Peace Bridge.

10 I want to commend my colleague in
11 the Assembly. Assemblyman Sean Ryan has done an
12 excellent job of bringing this legislation
13 forward, of explaining this legislation.

14 You know, there are some people who
15 will say -- most of them elected officials with
16 very little knowledge of this -- that the sun
17 won't come up tomorrow in Western New York if
18 this legislation is passed.

19 There are something like over
20 30 bridges between the United States and Canada.
21 There are 21 different management structures.
22 This authority has not, has not done its job,
23 particularly on the U.S. side of the border.

24 I wholeheartedly support this
25 legislation. It passed today in the Assembly.

1 It should pass here. And hopefully, hopefully
2 this will stimulate movement of something of an
3 appropriate plaza being built on the U.S. side of
4 the Peace Bridge.

5 Thank you, Mr. President. Was that
6 under two minutes, Mr. President?

7 ACTING PRESIDENT GRIFFO:
8 Phenomenal. You're always very succinct.

9 SENATOR MAZIARZ: I vote in the
10 affirmative, Mr. President.

11 ACTING PRESIDENT GRIFFO: Senator
12 Maziarz to be recorded in the affirmative. And
13 you're still under the two minutes.

14 Announce the results.

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1347, by Senator Carlucci, Senate Print 4499, an
20 act to amend the Mental Hygiene Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

23 THE SECRETARY: Section 3. This
24 act shall take effect August 1, 2014.

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT GRIFFO: Senator
4 Robach to explain his vote.

5 SENATOR ROBACH: Yes,
6 Mr. Speaker -- I mean Mr. President. Freudian
7 slip.

8 Very quickly, I understand the
9 intent of this bill. But I'm going to vote no
10 because I think that with everything that's going
11 on in schools and everything else, that the age
12 limit of going to fourth grade is a little bit
13 too young for this.

14 And I think that literally you will
15 be introducing some people to the concept of
16 gaming that may not even know about it unless
17 they're taught in school.

18 And oftentimes I hear parents say to
19 me "Why aren't we focusing on the basics?" And
20 so I just have some concern with the age level of
21 this going down to fourth grade.

22 Thank you, Mr. President.

23 ACTING PRESIDENT GRIFFO: Senator
24 Robach to be recorded in the negative.

25 Senator Young to explain her vote.

1 Again, I ask for order in the
2 chamber.

3 Senator Young.

4 SENATOR YOUNG: Thank you,
5 Mr. President, to explain my vote.

6 I commend the sponsor of this
7 legislation. And I understand his intention,
8 which is very good. I think that maybe we should
9 take a look at the age ranges that they have in
10 this legislation.

11 So for now, I'm going to be voting
12 aye, but hopefully we can continue to work with
13 the sponsor possibly to make some tweaks to the
14 legislation. So I'll be voting in the
15 affirmative.

16 ACTING PRESIDENT GRIFFO: Senator
17 Young to be recorded in the affirmative.

18 Senator Diaz to explain his vote.

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

21 I am not intending to follow Senator
22 Krueger, but I would say that nowadays, based on
23 what Senator Robach said, nowadays what you're
24 teaching children, even to give a pill to do
25 abortion -- and to do worse things -- I think

1 that Senator Carlucci is having something worth
2 looking at, to teach and prevent our youth of
3 something called gambling.

4 And, Senator Robach, I understand
5 what you're saying. But remember -- and again,
6 I'm going to repeat -- that they are teaching in
7 our schools to our children worse things than to
8 prevent them -- than to teach them to avoid
9 gambling.

10 So, Senator Carlucci, thank you very
11 much for this bill. It's a good bill. And I am
12 voting in favor, Mr. President.

13 ACTING PRESIDENT GRIFFO: Senator
14 Diaz to be recorded in the affirmative.

15 Senator Marcellino to explain his
16 vote.

17 SENATOR MARCELLINO: Mr. President,
18 I commend my colleague Senator Carlucci for this
19 concept in the bill.

20 I would be happy to work with him.
21 Perhaps we could hone it a little bit and fix it
22 and correct it. But I think it's well intended.
23 I think it sends the message to our young people
24 that gambling isn't the greatest thing in the
25 world and they should perhaps look at

1 other avenues to get their fun and their
2 recreation.

3 My initial instinct was to vote no,
4 but on reconsideration I change my vote to aye.

5 ACTING PRESIDENT GRIFFO: Senator
6 Marcellino to be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar Number 1347, those recorded in the
10 negative are Senators Ball, Breslin, Dilan,
11 Felder, Fuschillo, Gianaris, Gipson,
12 Hassell-Thompson, Hoylman, Kennedy, Krueger,
13 Latimer, Martins, Montgomery, O'Brien, Parker,
14 Peralta, Rivera, Sanders, Serrano, Squadron,
15 Stavisky, Stewart-Cousins, Tkaczyk and Zeldin.

16 Ayes, 36. Nays, 25.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 Senator Libous, that completes the
20 noncontroversial reading of the supplemental
21 calendar.

22 SENATOR LIBOUS: Mr. President.

23 ACTING PRESIDENT GRIFFO: Senator
24 Libous.

25 SENATOR LIBOUS: Mr. President, can

1 we go back to motions, please.

2 ACTING PRESIDENT GRIFFO: We'll
3 return to motions and resolutions.

4 SENATOR LIBOUS: On behalf of
5 Senator LaValle, I want to call up his bill,
6 Senate Print 4104, 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 1191, by Senator LaValle, Senate Print 4104, an
12 act to amend the Town Law.

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

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

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

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

22 ACTING PRESIDENT GRIFFO: The
23 amendments are received.

24 Senator Libous.

25 SENATOR LIBOUS: Mr. President, on

1 behalf of Senator Young, on page 18 I offer the
2 following amendments to Calendar Number 474,
3 Senate Print 4395, and ask that said bill retain
4 its place on the Third Reading Calendar.

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

8 SENATOR LIBOUS: Mr. President, is
9 there any further business at the desk?

10 ACTING PRESIDENT GRIFFO: There is
11 no further business before the desk.

12 SENATOR LIBOUS: There being no
13 further business at the desk, Mr. President, I
14 move that the Senate adjourn until Thursday,
15 June 13th, at 11:00 a.m.

16 ACTING PRESIDENT GRIFFO: On
17 motion, the Senate stands adjourned until
18 Thursday, June 13th, at 11:00 a.m.

19 Senate adjourned.

20 (Whereupon, at 5:50 p.m., the Senate
21 adjourned.)

22

23

24

25