

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 June 20, 2013

11 11:35 a.m.

12
13
14 REGULAR SESSION

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18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT GRIFFO: The
3 Senate will come to order.

4 I ask all present to rise and join
5 with us as we recite the Pledge of Allegiance to
6 our Flag.

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

9 ACTING PRESIDENT GRIFFO: Today's
10 invocation will be offered by Pastor Fitz
11 Moodie, of the New Life Pentecostal Church in
12 Spring Valley.

13 Pastor?

14 PASTOR MOODIE: First I want to
15 say thank you to Senator David Carlucci for
16 inviting us here this day.

17 I would like to ask if you will bow
18 your heads while I pray.

19 Father and God, I'm so thankful
20 unto You for this opportunity, God, to stand
21 here in the midst of your people. God, thank
22 You, O God, for the knowledge of the man that
23 invited us to come to pray. And, Lord, I'm
24 looking to You that You will hear us today.

25 This is a new day. We come to a

1 time, O God, actually the last moment when this
2 Senate will sit. And, O God, You have taken it
3 through days, months. God, You have appointed
4 men and women for this task. God, men that You
5 have placed on them the responsibility to look
6 out for the people of this state.

7 But, Lord, more than just this
8 state, because they go beyond New York but also
9 this world. Men of integrity, men of strength,
10 men that will make the way possible for the
11 young people of this hour. Men and women that
12 will see to it that this state is one of the
13 best places that anyone will ever live.

14 Thank You, God, for these men.
15 Thank You, God, for these women. God, I look to
16 You, Lord, that it's come to this stage of the
17 Senate where it's possible they might take
18 leave, Lord, to spend time with their family. I
19 pray protection upon them. They might hear
20 things and see things that will change, O God,
21 their perspective. But, O God, I look to You
22 that You give them strength, You give them
23 knowledge, that they will stand to the call that
24 You have given them.

25 God, they will never falter from

1 the responsibility that they have. But, O God,
2 because of their love for this state and the
3 love for the people in which they govern, God,
4 laws was made by them. Help them to make the
5 right ones.

6 We are all here, Lord, looking to
7 them. You have chosen men before to lead us.
8 God, You have chosen men like Moses, You have
9 chosen men like David. God, You have chosen men
10 like Solomon, and he said there is time for
11 everything. There is a time and there are
12 moments in our life.

13 But as I ask You, Lord, for Your
14 covering upon these great men, that the
15 responsibility that lays upon their shoulders,
16 God, from one end of the state to the other,
17 that they realize that there is so much ethnic
18 group that lies on their shoulders that united
19 they will stand, and they will fight for each
20 and every person.

21 And, O God, that their life will be
22 a light unto many. God, cover them under Your
23 blood. Make nothing come, O God, to allow them
24 to stray from the responsibility that you have
25 given them. They are not just mere men, but

1 they are men that is appointed by You, for Your
2 purpose and for Your will. Thank You, O God, for
3 them. Help them that they will never want for
4 anything because You're going to be there for
5 them. And this state will never be the same
6 because of them.

7 Let the love of the people of this
8 state, O God, reach in every way. And let there
9 be respect, O God, to them as they will respect
10 us as Your people.

11 God, help every church, every
12 organization spiritually that we will pray a
13 prayer of victory over them. They are our
14 leaders. You have given them to us to lead.
15 Now, God, I pray, as I ask You to take over and
16 lead them in the path, that this state will
17 forever be New York State, a great place.

18 Thank you, O God. Bless them,
19 O God. Because we ask all this blessing in Your
20 precious name, Jesus Christ our Lord.

21 Amen.

22 ACTING PRESIDENT GRIFFO: The
23 reading of the Journal.

24 THE SECRETARY: In Senate,
25 Wednesday, June 19th, the Senate met pursuant to

1 adjournment. The Journal of Tuesday, June 18th,
2 was read and approved. On motion, Senate
3 adjourned.

4 ACTING PRESIDENT GRIFFO: Without
5 objection, the Journal stands approved as read.

6 Can I have some order in the
7 chamber.

8 Presentation of petitions.

9 Messages from the Assembly.

10 The Secretary will read.

11 THE SECRETARY: On page 14, Senator
12 Zeldin moves to discharge, from the Committee on
13 Rules, Assembly Bill Number 7819 and substitute
14 it for the identical Senate Bill Number 4218,
15 Third Reading Calendar 448.

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

18 THE SECRETARY: On page 16, Senator
19 Gallivan moves to discharge, from the Committee
20 on Transportation, Assembly Bill Number 3598 and
21 substitute it for the identical Senate Bill
22 Number 97, Third Reading Calendar 498.

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

25 THE SECRETARY: On page 19, Senator

1 Zeldin moves to discharge, from the Committee on
2 Rules, Assembly Bill Number 6378B and substitute
3 it for the identical Senate Bill Number 5037B,
4 Third Reading Calendar 622.

5 ACTING PRESIDENT GRIFFO: The
6 substitution is so ordered.

7 THE SECRETARY: On page 20, Senator
8 Gallivan moves to discharge, from the Committee
9 on Rules, Assembly Bill Number 7166 and
10 substitute it for the identical Senate Bill
11 Number 352, Third Reading Calendar 665.

12 ACTING PRESIDENT GRIFFO: The
13 substitution is so ordered.

14 THE SECRETARY: On page 23, Senator
15 Martins moves to discharge, from the Committee on
16 Local Government, Assembly Bill Number 7099 and
17 substitute it for the identical Senate Bill
18 Number 4972, Third Reading Calendar 757.

19 ACTING PRESIDENT GRIFFO: The
20 substitution is so ordered.

21 THE SECRETARY: On page 23, Senator
22 Stewart-Cousins moves to discharge, from the
23 Committee on Rules, Assembly Bill Number 7328A
24 and substitute it for the identical Senate Bill
25 Number 5000A, Third Reading Calendar 758.

1 ACTING PRESIDENT GRIFFO: The
2 substitution is so ordered.

3 THE SECRETARY: On page 23, Senator
4 Martins moves to discharge, from the Committee on
5 Rules, Assembly Bill Number 7207D and substitute
6 it for the identical Senate Bill Number 5024C,
7 Third Reading Calendar 759.

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

10 THE SECRETARY: On page 35, Senator
11 Gallivan moves to discharge, from the Committee
12 on Rules, Assembly Bill Number 7695 and
13 substitute it for the identical Senate Bill
14 Number 4378, Third Reading Calendar 976.

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

17 THE SECRETARY: On page 36, Senator
18 Hannon moves to discharge, from the Committee on
19 Finance, Assembly Bill Number 1286A and
20 substitute it for the identical Senate Bill
21 Number 2750A, Third Reading Calendar 997.

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

24 THE SECRETARY: On page 38, Senator
25 Carlucci moves to discharge, from the Committee

1 on Local Government, Assembly Bill Number 5677
2 and substitute it for the identical Senate Bill
3 Number 4973, Third Reading Calendar 1056.

4 ACTING PRESIDENT GRIFFO: The
5 substitution is so ordered.

6 THE SECRETARY: On page 45, Senator
7 Grisanti moves to discharge, from the Committee
8 on Rules, Assembly Bill Number 1657E and
9 substitute it for the identical Senate Bill
10 Number 3537D, Third Reading Calendar 1251.

11 ACTING PRESIDENT GRIFFO: The
12 substitution is so ordered.

13 THE SECRETARY: On page 45, Senator
14 LaValle moves to discharge, from the Committee on
15 Rules, Assembly Bill Number 4678A and substitute
16 it for the identical Senate Bill Number 3643A,
17 Third Reading Calendar 1255.

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

20 THE SECRETARY: On page 45, Senator
21 Ball moves to discharge, from the Committee on
22 Rules, Assembly Bill Number 7408 and substitute
23 it for the identical Senate Bill Number 4280,
24 Third Reading Calendar 1276.

25 ACTING PRESIDENT GRIFFO: The

1 substitution is so ordered.

2 THE SECRETARY: On page 46, Senator
3 Libous moves to discharge, from the Committee on
4 Rules, Assembly Bill Number 7546A and substitute
5 it for the identical Senate Bill Number 5550,
6 Third Reading Calendar 1365.

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

9 Messages from the Governor.

10 Reports of standing committees.

11 Report of select committees.

12 Communications and reports of state
13 officers.

14 Motions and resolutions.

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President,
17 before we do motions and resolutions, I'm going
18 to call an immediate meeting of the Judiciary
19 Committee in Room 332. And then we'll go to
20 motions. And I believe the members that have
21 motions on the floor are not on Judiciary, so we
22 can get those done.

23 So there will be an immediate
24 meeting of the Judiciary Committee in Room 332.

25 ACTING PRESIDENT GRIFFO: There's

1 an immediate meeting of the Judiciary Committee
2 in Room 332. All members of the committee should
3 report to 332.

4 Senator Libous.

5 SENATOR LIBOUS: Mr. President, at
6 this time I'd like to move to adopt the
7 Resolution Calendar, with the exception of 2671,
8 2574, and 2656.

9 ACTING PRESIDENT GRIFFO: All in
10 favor of adopting the Resolution Calendar, with
11 the exception of Resolutions Number 2671, 2574,
12 and 2656, indicate by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT GRIFFO: Opposed?

15 (No response.)

16 ACTING PRESIDENT GRIFFO: The
17 Resolution Calendar is adopted.

18 Senator Libous.

19 SENATOR LIBOUS: Mr. President, I
20 believe you have a resolution at the desk,
21 Number 2598, which is on the Resolution
22 Calendar. We're going to open it up for
23 cosponsorship. If anybody wishes not to be on
24 that resolution, if they could let the desk know,
25 please.

1 ACTING PRESIDENT GRIFFO:
2 Resolution 2598 is open up for cosponsorship. If
3 you do not want to be a sponsor, please notify
4 the desk.

5 Senator Libous.

6 SENATOR LIBOUS: Mr. President, I
7 believe there's a resolution by Senator Kennedy,
8 Number 2671. Could we read it in its entirety
9 and call on Senator Kennedy, please.

10 ACTING PRESIDENT GRIFFO: The
11 Secretary will read.

12 THE SECRETARY: Legislative
13 Resolution Number 2671, by Senator Kennedy,
14 mourning the death of Joseph G. Reid,
15 distinguished citizen and devoted member of his
16 community.

17 "WHEREAS, It is with great sorrow
18 and deep regret that this Legislative Body
19 records the passing of Joseph G. Reid, on Monday,
20 June 17, 2013, at the age of 88, noting the
21 significance of his purposeful life and
22 accomplishments; and

23 "WHEREAS, A World War II veteran,
24 Joseph G. Reid served his country as a member of
25 the United States Army with the 17th Airborne

1 Division; he served in the Battle of the Bulge,
2 and was the recipient of the Bronze Star and two
3 Purple Hearts; and

4 "WHEREAS, Joseph G. Reid
5 distinguished himself in his profession and by
6 his sincere dedication and substantial
7 contribution to the welfare of his community; and

8 "WHEREAS, He was a member of the
9 International Brotherhood of Union Carpenters for
10 36 years, and was a past president of The
11 Blackthorn Club and the Bishop Timon Fathers
12 Club; and

13 "WHEREAS, Joseph G. Reid was a man
14 of values and commitment whose warm smile and
15 true compassion were generously given for the
16 benefit of his community as well as the quality
17 of life in it; he received the Father of the Year
18 Award from the Holy Name Society of St. Thomas
19 Aquinas, and was a Goin' South Irishman of the
20 Year honoree; and

21 "WHEREAS, Predeceased by his wife,
22 Mary Catherine Conrad Reid, and nine siblings,
23 Joseph G. Reid is survived by eight children,
24 Kathryn (George) Gould, Michael (Louise) Reid,
25 Raymond (Mary) Reid, Jack (Tracie) Reid, Patrick

1 Reid, Mary Jo (Ed) Hardesty, Suzanne Reid, and
2 Timothy (Caryn) Reid; 20 grandchildren and
3 10 great-grandchildren; three sisters-in-law,
4 Dolores Reid, Freida Reid and Monica Conrad; and
5 many nieces and nephews; and

6 "WHEREAS, Armed with a humanistic
7 spirit and imbued with a sense of compassion,
8 Joseph G. Reid leaves behind a legacy which will
9 long endure the passage of time and will remain
10 as a comforting memory to all he served and
11 befriended; now, therefore, be it

12 "RESOLVED, That this Legislative
13 Body pause in its deliberations to celebrate the
14 life and contributions of Joseph G. Reid, and to
15 offer its sincere condolences to his family; and
16 be it further

17 "RESOLVED, That a copy of this
18 resolution, suitably engrossed, be transmitted to
19 the family of Joseph G. Reid."

20 ACTING PRESIDENT GRIFFO: Senator
21 Kennedy.

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

24 Mr. President, may I have some order
25 in the chamber, please.

1 ACTING PRESIDENT GRIFFO: May we
2 have some order in the chamber.

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

5 Today we pause to recognize the life
6 of Joseph Reid, a great, kind man who always put
7 his family first, who always looked out for his
8 neighbors, and who truly cared about his
9 community.

10 Joe Reid died earlier this week
11 following a brief illness at the age of 88. He
12 was the loving husband of the late Mary Catherine
13 Reid and the father of Michael, Raymond, Jack,
14 Patrick, Suzanne and Timothy Reid, Kathryn Gould
15 and Mary Jo Hardesty. He is also survived by
16 20 grandchildren and 10 great grandchildren, as
17 well as many nieces and nephews and
18 sisters-in-law Dolores Reid, Freida Reid, and
19 Monica Conrad.

20 Joe Reid had a big, big family, as
21 you can hear and see. He loved it. He took
22 pride in being a father, a grandfather, and a
23 great-grandfather. He was what Buffalo is all
24 about: Family, friends and neighbors looking out
25 for each other. There's a reason we call Buffalo

1 the City of Good Neighbors, and it's because of
2 people like Joe Reid.

3 He was committed to his community,
4 and he was a dedicated veteran who served his
5 nation, our nation, valiantly. Joe was a World
6 War II veteran with the United States Army 17th
7 Airborne Division. He served bravely in the
8 Battle of the Bulge, and because of his
9 courageous fight he received the Bronze Star and
10 two Purple Hearts.

11 After serving in the armed forces,
12 he became a member of the International
13 Brotherhood of Union Carpenters, working in the
14 union for 36 years.

15 Joe loved his neighborhood and got
16 involved. He was a past president of
17 The Blackthorn Club and the Bishop Timon Fathers
18 Club. He was proud to be honored with the Father
19 of the Year Award from the Holy Name Society of
20 St. Thomas Aquinas Church. And Joe had the
21 unique distinction of earning the Goin' South
22 Irishman of the Year Award.

23 Joseph Reid was the type of guy
24 Buffalo was known for, a hardworking man who
25 cared about his family more than anything else

1 and always worked to give back to his community,
2 his state, and his nation.

3 Our thoughts and prayers go out to
4 Joe Reid's family and friends. We thank the Reid
5 family for Joe's many contributions to our
6 community. May he rest in peace.

7 And, Mr. President, I would ask that
8 this resolution be opened up to cosponsorship by
9 this entire honorable body.

10 Thank you, Mr. President.

11 ACTING PRESIDENT GRIFFO: The
12 question is on the resolution. All in favor
13 signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT GRIFFO: Opposed?

16 (No response.)

17 ACTING PRESIDENT GRIFFO: The
18 resolution is adopted.

19 The sponsor has requested that it be
20 opened for cosponsorship. If you choose not to
21 be a cosponsor of the resolution, please notify
22 the desk.

23 Senator Libous.

24 SENATOR LIBOUS: Mr. President, I
25 believe there's a resolution, Number 2574, at the

1 desk by Senator Gipson. Could you read the title
2 and call on Senator Gipson.

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will read.

5 THE SECRETARY: Legislative
6 Resolution Number 2574, by Senator Gipson,
7 commemorating the 225th Anniversary of New York
8 State's ratification of the United States
9 Constitution.

10 ACTING PRESIDENT GRIFFO: Senator
11 Gipson.

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

14 Two hundred twenty-five years ago,
15 our United States Constitution was ratified in my
16 district, at the Dutchess County Courthouse in
17 the City of Poughkeepsie.

18 For over 225 years, the State of
19 New York has been part of the great American
20 experience. As New Yorkers, our motto is
21 "Excelsior," meaning "ever upward." When we look
22 at our state seal, we can see the center shield,
23 which displays a masted ship, a sloop on the
24 Hudson. These are symbols of commerce and
25 economic activity. We can also see that Justice

1 is blindfolded, holding a sword and a scale,
2 symbolizing impartiality and fairness.

3 As we celebrate 225 years of
4 progress and achievement, we must honor the
5 sacrifices of the brave New Yorkers who have paid
6 the ultimate sacrifice to protect all of our
7 freedoms. Approximately 54,000 New Yorkers lost
8 their lives during the Civil War to protect our
9 Union and end slavery. This year is the
10 150th anniversary of the Battle of Gettysburg,
11 where thousands of brave New Yorkers fought.
12 Another 52,000 New Yorkers lost their lives in
13 the Spanish-American War, World War I, World War
14 II, Korea, Vietnam, and the first Persian Gulf
15 War. We've lost many brave men and women in
16 Afghanistan and Iraq.

17 Thousands of our wounded warriors
18 and their families have given so much of
19 themselves to protect the values of our
20 Constitution so that all of us can live our lives
21 in freedom and in peace.

22 Our veterans have fought for us time
23 and time again, but we need to do more to fight
24 for them by pursuing greater economic opportunity
25 that levels the playing field so that all

1 New Yorkers can have a chance to pursue
2 prosperity and to realize their dreams.

3 We can only accomplish this together
4 by rooting out public corruption and committing
5 ourselves to fiscal discipline that puts a
6 priority on making smart investments for the
7 future of New York State and our nation. This
8 work must be done in our villages, our towns, our
9 cities and our counties and also here in New York
10 State government.

11 As we celebrate the 225th
12 anniversary of the Constitution, we remember the
13 challenges that stood in the way of our progress
14 towards the perfect Union. In the days to come,
15 I hope that the Hudson Valley and all New Yorkers
16 can be emboldened to turn the obstacles that
17 presently lie before us into opportunities for
18 our future success.

19 Thank you, Mr. President.

20 ACTING PRESIDENT GRIFFO: Thank
21 you, Senator Gipson.

22 The question is on the resolution.
23 All in favor signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT GRIFFO: Opposed?

1 (No response.)

2 ACTING PRESIDENT GRIFFO: The
3 resolution is adopted.

4 Senator Libous.

5 SENATOR LIBOUS: Mr. President, I
6 believe that Resolution 2656 is at the desk, by
7 Senator Gipson. Would you read the title and
8 call on the Senator, please.

9 ACTING PRESIDENT GRIFFO: The
10 Secretary will read.

11 THE SECRETARY: legislative
12 Resolution Number 2656, by Senator Gipson,
13 commemorating August 26, 2013, as National Dog
14 Day.

15 ACTING PRESIDENT GRIFFO: Senator
16 Gipson.

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

19 This resolution aims to recognize
20 the thousands of dogs in New York who still need
21 homes, and those who serve our communities, and
22 those dogs that simply make our lives and our
23 families better. By dedicating this day to our
24 beloved companions, we can bring awareness and
25 encourage the adoption of those dogs that need

1 loving owners and a good home.

2 I also want to recognize the dogs
3 and their handlers who serve our police and armed
4 services and those that assist people with
5 disabilities, making their lives better and
6 safer.

7 I have introduced a law that would
8 utilize facility dogs to allow for a more
9 efficient, effective and compassionate justice
10 system. Rosie's Law would allow judges the
11 discretion to permit certain witnesses to testify
12 with the assistance of a facility dog.

13 This resolution, along with my bill,
14 is common-sense legislation that would continue
15 the age-old tradition of caring for man's best
16 friend while recognizing and utilizing their
17 ability to improve our communities.

18 Thank you, Mr. President.

19 ACTING PRESIDENT GRIFFO: The
20 question is on the resolution. All in favor
21 signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT GRIFFO: Opposed?

24 (No response.)

25 ACTING PRESIDENT GRIFFO: The

1 resolution is adopted.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President, we
4 will stand at ease pending the report of the
5 Judiciary Committee.

6 ACTING PRESIDENT GRIFFO: The
7 Senate will stand at ease pending the report of
8 the Committee on Judiciary.

9 (Whereupon, the Senate stood at ease
10 at 11:57 a.m.)

11 (Whereupon, the Senate reconvened at
12 12:19 p.m.)

13 SENATOR LIBOUS: Mr. President.

14 ACTING PRESIDENT GRIFFO: The
15 Senate will come to order.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President,
18 there will be an immediate meeting of the
19 Transportation Committee in Room 124.

20 ACTING PRESIDENT GRIFFO: There
21 will be an immediate meeting of the
22 Transportation Committee in Room 124.

23 SENATOR LIBOUS: And we'll stand at
24 ease pending the report of the Judiciary
25 Committee.

1 ACTING PRESIDENT GRIFFO: The
2 Senate will stand at ease pending the report of
3 the Judiciary Committee.

4 (Whereupon, the Senate stood at ease
5 at 12:20 p.m.)

6 (Whereupon, the Senate reconvened at
7 2:24 p.m.)

8 SENATOR LIBOUS: Mr. President.

9 ACTING PRESIDENT GRIFFO: The
10 Senate will come to order.

11 SENATOR LIBOUS: Mr. President, we
12 have an active list in front of us dated June 20,
13 2013. Could we have the noncontroversial reading
14 of the active list at this time.

15 ACTING PRESIDENT GRIFFO: We will
16 begin the noncontroversial reading of the active
17 list before the Senate.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number 57,
20 by Senator Marcellino, Senate Print 1501, an act
21 to amend the Retirement and Social Security Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 57. Nays,
5 5. Senators Farley, Little, Marchione,
6 Montgomery and O'Mara recorded in the negative.
7 Also Senator Hassell-Thompson. Also Senator
8 Griffo.

9 Ayes, 55. Nays, 7.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 231, substituted earlier by Member of the
14 Assembly Paulin, Assembly Print 2288A, an act in
15 relation to authorizing.

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 THE SECRETARY: Ayes, 61. Nays, 1.
24 Senator Ball recorded in the negative.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 355, by Senator Seward, Senate Print 2894A, an
4 act to amend the Insurance Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 62.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 371, by Senator Golden, Senate Print 4088C, an
17 act to amend the Election Law.

18 SENATOR GIANARIS: Lay it aside.

19 ACTING PRESIDENT GRIFFO: The bill
20 is laid aside.

21 THE SECRETARY: Calendar Number
22 434, by Senator Carlucci, Senate Print 3280A, an
23 act to amend the Mental Hygiene Law.

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

1 ACTING PRESIDENT GRIFFO: Lay it
2 aside for the day.

3 THE SECRETARY: Calendar Number
4 448, substituted earlier by Member of the
5 Assembly Morelle, Assembly Print 7819, an act to
6 amend Chapter 656 of the Laws of 2002.

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, 62.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 457, by Senator Flanagan, Senate Print 4492A, an
19 act to amend the Education Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

22 THE SECRETARY: Section 12. 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, 62.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 498, substituted earlier by Member of the
7 Assembly Lupardo, Assembly Print Number 3598, an
8 act to amend the Vehicle and Traffic Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 508, by Senator Marcellino, Senate Print 3718, an
21 act to amend the Vehicle and Traffic Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 59. Nays,
5 3. Senators Ball, Marchione and Zeldin recorded
6 in the negative.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 517, by Senator Libous, Senate Print 977, an act
11 to amend the State Finance Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 58. Nays,
20 4. Senators Avella, Dilan, Perkins and Rivera
21 recorded in the negative.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 518, by Senator Libous, Senate Print 980, an act

1 to amend the State Finance Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: In relation to
10 Calendar 518, those recorded in the negative are
11 Senators Avella, Gianaris, Kennedy, Krueger,
12 Ranzenhofer, Rivera, Serrano and Squadron.

13 Ayes, 54. Nays, 8.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 542, by Senator Ranzenhofer, Senate Print 4359,
18 an act to amend the Urban Economic Corporation
19 Act.

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, 62.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 588, by Senator Marchione, Senate Print 4450B, an
7 act authorizing.

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, 61. Nays, 1.
18 Senator Ball recorded in the negative.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 601, by Senator Marcellino, Senate Print 1495, an
23 act to amend the Penal Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 60. Nays,
7 2. Senators Montgomery and Perkins recorded in
8 the negative.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 622, substituted earlier by Member of the
13 Assembly Dinowitz, Assembly Print 6378B, an act
14 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 first of November.

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 665, substituted earlier by Member of the
2 Assembly Schimminger, Assembly Print 7166, an act
3 to amend the Alcoholic Beverage Control Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60. Nays,
12 2. Senators Avella and Diaz recorded in the
13 negative.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 757, substituted earlier by Member of the
18 Assembly Magnarelli, Assembly Print 7099, an act
19 to amend Chapter 719 of the Laws of 1980.

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, 62.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 758, substituted earlier by Member of the
7 Assembly Mayer, Assembly Print Number 7328A, an
8 act to amend the General Municipal Law.

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

11 The Secretary will read the last
12 section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 62.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 759, substituted earlier by Member of the
23 Assembly Ra, Assembly Print 7207D, an act in
24 relation to allowing.

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. Nays, 1.
8 Senator O'Mara recorded in the negative.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 761, by Senator Klein, Senate Print 3567A, an act
13 to amend the Civil Practice Law and Rules.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

16 THE SECRETARY: Section 2. 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, 62. Nays,
22 1. Senator Ball recorded in the negative.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 783, by Senator Nozzolio, Senate Print 4928A, an
2 act to amend the Criminal Procedure Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect January 1, 2014.

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62. Nays,
11 1. Senator Hassell-Thompson recorded in the
12 negative.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 805, by Senator Bonacic, Senate Print 1885B, an
17 act to amend the Town Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 63.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 833, by Senator Young, Senate Print 5124, an act
5 to authorize.

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

8 The Secretary will read the last
9 section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62. Nays,
16 1. Senator Ball recorded in the negative.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 976, substituted earlier by Member of the
21 Assembly O'Donnell, Assembly Print Number 7695,
22 an act to amend the Correction 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, 63.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 983, by Senator Valesky, Senate Print 5277, an
10 act to amend the Economic Development Law.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

13 THE SECRETARY: Section 5. This
14 act shall take effect on the first of January.

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 63.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 997, substituted earlier by Member of the
23 Assembly Zebrowski, Assembly Print 1286A, an act
24 to amend the Public Health Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 63.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1055, by Senator Gallivan, Senate Print 4770A, an
12 act to amend the Real Property Tax Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 63.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1056, substituted earlier by Member of the
25 Assembly Jaffee, Assembly Print Number 5677, an

1 act in relation to authorizing.

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. Nays,
10 2. Senators Bonacic and O'Mara recorded in the
11 negative.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1083, by Senator Gallivan, Senate Print 5403, an
16 act to amend the Public Service Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62. Nays,
25 1. Senator Espaillat recorded in the negative.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1105, by Senator Lanza, Senate Print 3981B, an
5 act to amend the Not-For-Profit Corporation Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 62. Nays,
14 1. Senator Ball recorded in the negative.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1135, by Senator Carlucci, Senate Print 5224, an
19 act to amend the Mental Hygiene Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1143, by Senator Libous, Senate Print 4835B, an
7 act to amend the Education Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

10 THE SECRETARY: Section 4. This
11 act shall take effect on the same date and in the
12 same manner as Chapter 438 of the Laws of 2012.

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 1143, those recorded in the
20 negative are Senators Ball, DeFrancisco,
21 Espaillat, Gianaris, Gipson, Hannon,
22 Hassell-Thompson, Kennedy, Krueger, Montgomery,
23 Rivera, Sanders, Serrano and Zeldin. Also
24 Senator Perkins and Ranzenhofer. Also Senators
25 Hoylman, Tkaczyk and Squadron in the negative.

1 Ayes, 43. Nays, 19.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 SENATOR LIBOUS: Mr. President.

5 ACTING PRESIDENT GRIFFO: Senator
6 Libous.

7 SENATOR LIBOUS: Could I ask the
8 members, so we can move things along here, that
9 when you call the roll, if you want to vote no,
10 get your hands up then, not when he's announcing
11 the roll call.

12 And I say that to everybody. You're
13 in the chamber, you're paying attention. When
14 they say "Call the roll," if you want to vote no,
15 get your hands up then, not when he's announcing
16 the roll call. Because we want to keep things
17 moving along.

18 Thank you.

19 ACTING PRESIDENT GRIFFO: So
20 instructed.

21 The Secretary will announce the
22 results.

23 THE SECRETARY: Ayes, 43. Nays,
24 19.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1148, by Senator Golden, Senate Print 3536C, an
4 act to amend the Election Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

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

14 SENATOR ESPAILLAT: Yes, I want to
15 commend the sponsor of this bill. This is a
16 common-sense, smart approach to reform the Board
17 of Elections, the New York State Board of
18 Elections and the City's Board of Elections.

19 This bill will explicitly put into
20 statute a requirement for police or peace
21 officers to deliver a portable memory stick to
22 the Board of Elections, guaranteeing a
23 transparent and accurate count of an election,
24 bringing the Board of Elections a little bit
25 closer to the 21st century.

1 I will be voting in the affirmative.

2 ACTING PRESIDENT GRIFFO: Senator
3 Espaillat to be recorded in the affirmative.

4 Announce the results.

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1154, by Senator Savino, Senate Print 3677A, an
10 act to amend the Penal Law.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT GRIFFO: Senator
19 Savino to explain her vote.

20 SENATOR SAVINO: Thank you,
21 Mr. President.

22 This particular piece of legislation
23 that I refer to as Caroline's Law is very
24 important not just to me, but to a family in
25 Staten Island.

1 In March of 2009, Caroline Wimmer
2 was a beautiful young 26-year-old woman who was
3 brutally murdered in her apartment. She was
4 missing for a few days before her family finally
5 went over, and they got the super to open the
6 door. They found her having been beaten to
7 death, left there. And as you can imagine, the
8 condition of her body was shocking enough.

9 Her mother and father immediately
10 called 911. The police responded, EMTs and
11 paramedics responded. And one of the paramedics
12 that responded, a gentleman named Mark Musarella,
13 decided to take out his cellphone and take
14 pictures of Caroline's brutalized body for his
15 own personal use, and post it on his Facebook
16 page and on the Internet for his own personal
17 entertainment and that of his friends.

18 You can imagine the shock and the
19 horror of her family. You can imagine the
20 disgust of Staten Islanders and the Richmond
21 County district attorney, Danny Donovan, who
22 sought to prosecute him and realized that our
23 penal code had not yet caught up with the
24 Internet. And so the only thing he could do was
25 charge him with official misconduct, a slap on

1 the wrist, and 200 hours of community service.

2 Danny Donovan asked us to update the
3 laws. He said we need to do more and send a
4 message to our public servants that we are held
5 to a higher standard and you cannot abuse your
6 authority, particularly for your own
7 entertainment. And over the past few years we
8 have written this bill and we've amended it to
9 adjust to just that.

10 The Police Department of the City of
11 New York, the Fire Department asked us to wait.
12 And they said, Let us develop rules and
13 procedures that we will implement in our
14 department to address this. We don't want to
15 make it a crime. We want to punish these
16 individuals, but we don't want to see this as a
17 crime.

18 And we gave them the chance to do
19 that. And just this year, if you looked at the
20 New York Post and you looked at the Daily News,
21 you saw several instances of paramedics and other
22 first responders doing this and worse. In fact,
23 the commissioner of the New York City Fire
24 Department, his own son was forced to resign from
25 the fire department because of this kind of

1 behavior.

2 So we gave them a chance, they
3 couldn't do it, we now need to make it the crime
4 that it is. Public servants have to be held to a
5 higher standard. And we should never abuse our
6 authority and the trust of the public,
7 particularly for our own entertainment. I urge
8 everyone to vote in favor of Caroline's Law.

9 Thank you, Mr. President.

10 ACTING PRESIDENT GRIFFO: Senator
11 Savino to be recorded in the affirmative.

12 Announce the results.

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: On page 43, Senator
17 Hannon moves to discharge, from the Committee on
18 Rules, Assembly Bill Number 1101B and substitute
19 it for the identical Senate Bill Number 3944B,
20 Third Reading Calendar 1165.

21 ACTING PRESIDENT GRIFFO: The
22 substitution is so ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 1165, by Member of the Assembly Gunther, Assembly

1 Print Number 1101B, an act to amend the Public
2 Health Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect one year after it shall
7 have become law.

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 63.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1168, by Senator Hannon, Senate Print 4528A, an
16 act to amend the Public Health Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

19 THE SECRETARY: Section 7. 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, 63.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1223, by Senator Marcellino, Senate Print 1486,
4 an act to amend the Education Law.

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 ACTING PRESIDENT GRIFFO: Senator
13 Gipson to explain his vote.

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

16 As I understand it, this bill is
17 intended to help out the Board of Regents. I
18 actually think that we do a lot to help out the
19 Board of Regents already, and I would like to see
20 the Board of Regents be more proactive in helping
21 themselves without asking our local school boards
22 to have to pony up more money with unfunded
23 mandates.

24 You know, while this unfunded
25 mandate is small, it is exactly the type of thing

1 that I keep hearing over and over again from my
2 school boards, that it is the small unfunded
3 mandates that have added up to an enormous amount
4 of money that continues to cost them.

5 So I will be voting no, and I would
6 encourage my colleagues to do the same.

7 Thank you.

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

10 THE SECRETARY: Ayes, 60. Nays,
11 3. Senators Ball, Gipson and Kennedy recorded in
12 the negative.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1227, by Senator Libous, Senate Print 1918, an
17 act to amend the Education Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

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 1227, those recorded in the
4 negative are Senators Adams, Avella, Ball,
5 Bonacic, Breslin, DeFrancisco, Dilan, Espaillet,
6 Gallivan, Gianaris, Gipson, Hassell-Thompson,
7 Hoylman, Kennedy, Krueger, Martins, Montgomery,
8 O'Brien, Parker, Peralta, Perkins, Ranzenhofer,
9 Rivera, Sanders, Serrano, Squadron,
10 Stewart-Cousins and Tkaczyk.

11 Ayes, 35. Nays, 28.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1251, substituted earlier by Member of the
16 Assembly Rosenthal, Assembly Print Number 1657E,
17 an act to amend the Agriculture and Markets 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, 63.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1255, substituted earlier by Member of the
5 Assembly Thiele, Assembly Print Number 4678A, an
6 act in relation to a plan.

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

9 The Secretary will read the last
10 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, 63.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1260, by Senator Lanza, Senate Print 3774, an act
21 to amend the Administrative Code of the City of
22 New York.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 3. 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. Nays,
6 2. Senators Ball and Marchione recorded in the
7 negative.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1276, substituted earlier by Member of the
12 Assembly Englebright, Assembly Print Number 7408,
13 an act to amend the Executive Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62. Nays, 1.
22 Senator Griffio recorded in the negative.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1289, by Senator Carlucci, Senate Print 5250A, an
2 act to direct.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

5 THE SECRETARY: Section 4. 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, 63.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1313, by Senator Griffio, Senate Print 1961B, an
15 act to establish.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

18 THE SECRETARY: Section 7. 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, 63.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1353, by Senator Carlucci, Senate Print 5058A, an
3 act to authorize.

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: In relation to
12 Calendar Number 1353, those recorded in the
13 negative are Senators Avella, Espaillat, Gipson,
14 Krueger, Montgomery, O'Brien, Peralta, Perkins,
15 Rivera, Sanders, Serrano and Stavisky.

16 Ayes, 51. Nays, 12.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1365, substituted earlier by Member of the
21 Assembly Braunstein, Assembly Print Number 7546A,
22 an act to amend the Insurance Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62. Nays,
6 1. Senator Gipson recorded in the negative.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1422, by Senator Grisanti, Senate Print 1591A, an
11 act to amend the General Business Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

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: Yes, thank you,
22 Mr. President.

23 My fellow colleagues, I'm sure
24 everyone in this room has in their district heard
25 the horror stories of individuals coming into

1 other individuals' homes who may be on vacation,
2 or breaking into some industrial facilities, and
3 basically stealing copper, stealing whatever they
4 can to turn for scrap.

5 So this particular piece of
6 legislation, because scrap is a very real and
7 ever-growing problem, basically sets up a
8 registration system to prevent the scrap theft.
9 And in fact it was actually helped out by the
10 Institute of Scrap Recycling Industries
11 themselves.

12 We have to get to the root of this
13 problem. It costs tens of millions of dollars
14 yearly in New York State, not only for damage to
15 homeowners but also to industry across the state,
16 where they're stealing anything from copper to
17 lead to brass, street signs, manhole covers. So
18 these are the items that we've got to prevent.
19 It will be in a registration system.

20 I vote aye, Mr. President, and I
21 encourage my colleagues to do also. Thank you
22 very much.

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

25 Announce the results.

1 THE SECRETARY: Ayes, 61. Nays,
2 2. Senators Ball and Marchione recorded in the
3 negative.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1440, by Senator Stewart-Cousins, Senate Print
8 4653B, an act to authorize.

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

11 The Secretary will read the last
12 section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 63.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1473, by Senator Farley, Senate Print 5805, an
23 act to amend the Military Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT GRIFFO: Senator
7 Farley to explain his vote.

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

10 This is a rather significant piece
11 of legislation that involves Lieutenant Colonel
12 Todd Clark that we honored just the other day.

13 When a flag is flown over the State
14 Capitol, it can never be used again. It actually
15 has to be ceremonially destroyed.

16 The Clark family approached me that
17 they wanted to get that flag that flew over the
18 Capitol in honor of Lieutenant Colonel Todd
19 Clark, yet they can't do that. As a matter of
20 fact, they were told they had to pay \$300 for
21 another flag. Actually, they can get a free flag
22 that's a smaller one and so forth, but that's not
23 the point.

24 What this bill does, it says a flag
25 that is flown over the State Capitol can be given

1 to the family of a slain military person without
2 any charge. And this piece of legislation has
3 been addressed in this Capital District at great
4 length, and it's anxiously being received by the
5 family, and it looks like it's going to become
6 law.

7 And it only makes sense. In my
8 judgment, it's a no-brainer not to be honoring a
9 soldier or military person that has given their
10 life for their country that their family cannot
11 get the flag that flew at half staff. I urge
12 everybody to support this legislation.

13 Thank you, Mr. President.

14 ACTING PRESIDENT GRIFFO: Senator
15 Farley to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 Senator Libous, that completes the
21 noncontroversial reading of the active list of
22 June 20th.

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

25 I believe if we go back to reports

1 of standing committees, there's a report of the
2 Judiciary Committee at the desk.

3 ACTING PRESIDENT GRIFFO: We will
4 return reports of standing committees. There is
5 a report of the Judiciary Committee at the desk.

6 The Secretary will read.

7 THE SECRETARY: Senator Bonacic,
8 from the Committee on Judiciary, reports the
9 following nominations:

10 Roger S. Hayes, as justice of the
11 Supreme Court of the First Judicial District.

12 ACTING PRESIDENT GRIFFO: Senator
13 Bonacic.

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

16 Pursuant to the provisions of
17 Section 2 of Article 6 of the Constitution and
18 Section 68 of the Judiciary Law, the Judiciary
19 Committee has reported six nominations to the
20 Senate floor.

21 And before we speak of any
22 individual, I'd like to say collectively that the
23 gentlemen that are before this body, they're
24 experienced, they have the right temperament, and
25 they have an exemplary judicial career. These

1 are all reappointments.

2 They've been sitting patiently since
3 quarter to 12:00 when we completed the Judiciary
4 Committee, with their guests. And we were
5 hopeful that we could get them passed earlier so
6 they could go back to work. You know?

7 So let's start with, first of all,
8 we're going to go to Judge Hayes. Just stay with
9 me a second, if I may.

10 I think he's a great judge. I think
11 we should confirm him.

12 (Laughter.)

13 ACTING PRESIDENT GRIFFO: The
14 nomination has been moved.

15 The question is on the nomination
16 of Roger S. Hayes for justice of the Supreme
17 Court of the First Judicial district. All those
18 in favor say aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT GRIFFO: Opposed?

21 (No response.)

22 ACTING PRESIDENT GRIFFO: Roger S.
23 Hayes has been confirmed as a justice of the
24 Supreme Court of the First Judicial District.

25 Congratulations, Judge.

1 (Applause.)

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

4 THE SECRETARY: John G. Ingram, as
5 justice of the Supreme Court of the Second
6 Judicial District.

7 ACTING PRESIDENT GRIFFO: Senator
8 Bonacic.

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

11 Judge Ingram was a Court of Claims,
12 he was an Acting Supreme Court in the Second
13 Judicial District. And we're confirming him
14 today to fill a term expiring on December 31,
15 2013.

16 And he also is a terrific judge.
17 All six of them are, with my preliminary
18 remarks. I certainly recommend that he be
19 confirmed.

20 Thank you, Mr. President. And I
21 think Senator Golden would like to be recognized.

22 ACTING PRESIDENT GRIFFO: Senator
23 Golden.

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

1 I rise in voting aye for John
2 Ingram, a great jurist, a good friend, and a good
3 man. He has been a good friend to us in Brooklyn
4 and in Queens.

5 He suffered I believe immensely with
6 the Sandy storm at Breezy Point, him and his
7 father. His brother is the head of the coop for
8 Breezy Point, which probably suffered some of the
9 most dangerous damage that we've seen in the
10 city.

11 So he was there every day making
12 sure that we took care of the issues that
13 concerned us as a community in need. And myself
14 and Senator Smith and others worked with him
15 throughout that process.

16 But as a jurist, he has been able to
17 move cases like none other. He's done an
18 outstanding job in Brooklyn. I don't have to
19 tell you what the backlogs are in Kings County
20 and how serious those court backlogs have been.
21 And they brought those court backlogs down, and
22 today Brooklyn is one of the models across this
23 great nation.

24 And I thank you, Judge Ingram, for
25 your great contributions and your contribution to

1 the military as well, serving as an admiral for
2 so many years. We commend you and thank you,
3 sir. Congratulations.

4 ACTING PRESIDENT GRIFFO: The
5 question is on the nomination of John G. Ingram
6 for justice of the Supreme Court of the Second
7 Judicial District. All in favor signify by
8 saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT GRIFFO: Opposed?

11 (No response.)

12 ACTING PRESIDENT GRIFFO: Judge
13 John G. Ingram has been confirmed as justice of
14 the Supreme Court of the Second Judicial
15 District.

16 Congratulations, Judge Ingram.

17 (Applause.)

18 ACTING PRESIDENT GRIFFO: The
19 Secretary will read.

20 THE SECRETARY: Thomas J. McNamara,
21 as judge of the Court of Claims.

22 ACTING PRESIDENT GRIFFO: Senator
23 Bonacic.

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

1 Judge McNamara is a Court of Claims
2 judge, and we're going to extend him a full term
3 to January 22, 2022.

4 But being a good Irishman today, he
5 brought his family and guests, and I'd like to
6 introduce them for the record. He's with his
7 bride, Mary Jane McNamara, who has joined him,
8 his sons Matthew and Michael, his daughter-in-law
9 Marcy McNamara, who's the granddaughter of former
10 Majority Leader of the State of New York Senate
11 Earl Brydges.

12 They brought their grandchildren,
13 Eleanor McNamara and Thomas McNamara. Eleanor is
14 a first-grade student, and Thomas is a
15 kindergarten student. And both finished school,
16 received excellent report cards. And Eleanor and
17 Thomas wanted to make sure their academic success
18 is in the minutes of the Senate.

19 And we don't want to leave the baby
20 out, who was talking to us during the Judiciary
21 Committee, a baby less than one year old, Ann
22 McNamara.

23 And a tremendous family, a
24 tremendous man, a continuing legacy. I would ask
25 you to support this judge.

1 Thank you, Mr. President.

2 ACTING PRESIDENT GRIFFO: Senator
3 Farley.

4 SENATOR FARLEY: Yes, I'd like to
5 rise and second this nomination. You can see how
6 important my election is -- that family, I depend
7 on them to get elected.

8 (Laughter.)

9 SENATOR FARLEY: Thomas McNamara
10 has been an excellent jurist for a lot of years,
11 and a constituent, a graduate of Albany Law
12 School, and somebody who it just shows you
13 there's nothing more important than family, and
14 he brings them all with him.

15 I do support his nomination, and I
16 wish you well, Judge McNamara.

17 ACTING PRESIDENT GRIFFO: Senator
18 DeFrancisco.

19 SENATOR DeFRANCISCO: Yes, I just
20 wanted to indicate how smart it was for Judge
21 McNamara to bring his grandchildren. Because the
22 head count, before we saw them and learned of
23 them, his nomination was truly in jeopardy.

24 (Laughter.)

25 SENATOR DeFRANCISCO: But the more

1 we learned about his family, the more we liked
2 him. And as a result, he was approved
3 unanimously in the Judiciary Committee. And I
4 urge unanimous support in this house as well.

5 Thank you.

6 ACTING PRESIDENT GRIFFO: Thank
7 you, Senator DeFrancisco.

8 Senator Marchione.

9 SENATOR MARCHIONE: Thank you,
10 Mr. President. I rise to support his nomination
11 as well.

12 Judge McNamara is a Saratoga Springs
13 resident. And I've had the pleasure of working
14 with his daughter-in-law Marcy. What a wonderful
15 family they are. And in Saratoga Springs he
16 certainly has a well-earned reputation for
17 fairness, professionalism, and treating everyone
18 who comes before him in the courtroom with
19 decency and respect.

20 So it's my pleasure to vote aye on
21 his nomination.

22 Thank you.

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

25 Senator Bonacic.

1 SENATOR BONACIC: You know, when we
2 have a departing member, when they leave, they
3 don't run anymore and they address the Senate and
4 they always say "Our staff always made us look
5 better than we really were."

6 Well, there there's two other guests
7 that Judge McNamara brought today, and that is
8 his law clerk, Robert Foley, and the secretary,
9 Patricia Waterbury. And we welcome them today
10 also.

11 Thank you, Mr. President.

12 ACTING PRESIDENT GRIFFO: Thank
13 you, Senator Bonacic.

14 The question is on the nomination of
15 Thomas J. McNamara as judge of the Court of
16 Claims. All in favor signify by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT GRIFFO: Opposed?

19 (No response.)

20 ACTING PRESIDENT GRIFFO: Judge
21 Thomas J. McNamara is hereby confirmed as a judge
22 to the Court of Claims.

23 Congratulations, Judge.

24 (Applause.)

25 ACTING PRESIDENT GRIFFO: The

1 Secretary will read.

2 THE SECRETARY: William I.
3 Mogulescu, as justice of the Supreme Court of the
4 First Judicial District.

5 ACTING PRESIDENT GRIFFO: Senator
6 Bonacic.

7 SENATOR BONACIC: Thank you,
8 Mr. President.

9 Judge Mogulescu -- we've been
10 practicing that today -- with this confirmation,
11 he'll become a Supreme Court of the First
12 Judicial District, and his term will expire
13 December 31, 2013.

14 Another great nomination by the
15 Governor who's given us these six distinguished
16 gentlemen. So I would ask that we confirm him.

17 Thank you, Mr. President.

18 ACTING PRESIDENT GRIFFO: The
19 question is on the nomination of William I.
20 Mogulescu for justice of the Supreme Court of the
21 First Judicial District. All in favor signify by
22 saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT GRIFFO: Opposed?

25 (No response.)

1 ACTING PRESIDENT GRIFFO: Judge
2 William I. Mogulescu is hereby confirmed as a
3 justice of the Supreme Court for the First
4 Judicial District.

5 Congratulations, judge.

6 (Appause.)

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will read.

9 THE SECRETARY: Jeremiah J.
10 Moriarty III as justice of the Supreme Court of
11 the Eighth Judicial District.

12 ACTING PRESIDENT GRIFFO: Senator
13 Bonacic.

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

16 Judge Moriarty was with the Court of
17 Claims, and now we're asking to promote him to
18 the Supreme Court to fill a term expiring on
19 December 31, 2013.

20 He has some guests joining him
21 today: His fiancée, Toni Litzinger; family and
22 friends Erick Laine, Marianne Laine, and Cindy
23 Abbott Letro. We welcome them all.

24 And I ask this distinguished body to
25 confirm this gentleman.

1 ACTING PRESIDENT GRIFFO: Thank
2 you, Senator Bonacic.

3 Senator Young.

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

6 Mr. President, it truly is an honor
7 and a privilege for me to rise today in support
8 of my friend Jerry, Jeremiah J. Moriarty III, for
9 justice for Supreme Court of the Eighth Judicial
10 District.

11 Judge Moriarty is a native of
12 Cattaraugus County, a town by the name of
13 Franklinville, New York. And many of my
14 colleagues will remember my predecessor, Senator
15 Patricia McGee, had Franklinville as her
16 hometown.

17 And, Jerry, I know if Pat were here
18 today, she would be so thrilled and so proud of
19 you and all of your accomplishments.

20 Judge Moriarty is a graduate of
21 Ten Broeck School and Franklinville Central
22 School. He also graduated from Georgetown
23 University and SUNY Buffalo Law School.

24 He always has been in public service
25 his entire adult life. He has volunteered,

1 working tirelessly for organizations such as the
2 Youth Bureau, Olean General Hospital, Olean
3 General Hospital Foundation, Randolph Children's
4 Home, the Cattaraugus Region Community
5 Foundation, and the Boy Scouts.

6 And when I think of Judge Moriarty,
7 I think of many words, but these are some that
8 just came to mind today: A dedicated and
9 distinguished public servant, intelligent,
10 deliberative, conscientious, a hard worker,
11 someone who always gives back to his community
12 and his state, and someone you can always count
13 on.

14 He's been a dear friend and a mentor
15 to me, and I feel so fortunate to know the
16 judge. So it truly is wonderful that he's here
17 today. I especially want to commend Governor
18 Cuomo for his excellent choice.

19 I wish you so much love, Godspeed,
20 and congratulations.

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

23 Senator Maziarz.

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

1 I too rise to join my colleagues
2 Senator Bonacic and Senator Young in seconding
3 the nomination of Jerry Moriarty for the Supreme
4 Court.

5 Jerry has been an excellent citizen,
6 as Senator Young pointed out, of the Southern
7 Tier, of Western New York. I'm proud to have
8 known Jerry for many years. He did an excellent
9 job on the Court of Claims and will do an
10 excellent job in the Supreme Court.

11 Congratulations, Jerry.

12 ACTING PRESIDENT GRIFFO: The
13 question is on the nomination of Jeremiah J.
14 Moriarty III for justice of the Supreme Court of
15 the Eighth Judicial District. All in favor say
16 aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT GRIFFO: Opposed?

19 (No response.)

20 ACTING PRESIDENT GRIFFO: Jeremiah
21 J. Moriarty III is hereby confirmed as a Supreme
22 Court justice of the Eighth Judicial District.

23 Congratulations, Judge.

24 (Applause.)

25 ACTING PRESIDENT GRIFFO: The

1 Secretary will read.

2 THE SECRETARY: Richard E. Sise,
3 judge of the Court of Claims.

4 ACTING PRESIDENT GRIFFO: Senator
5 Bonacic.

6 SENATOR BONACIC: Thank you,
7 Mr. President. I'm getting my exercise today.

8 First of all, Judge Sise is a Court
9 of Claims judge. This nomination will be for a
10 full nine-year term, second term, that would end
11 January 22, 2022.

12 Judge Sise, like his colleagues
13 before him, all are competent, experienced, good
14 temperament.

15 And I would like to introduce his
16 guests today. His bride is here, Connie. His
17 son Michael is here today. His brother, who is a
18 Supreme Court justice, Joseph Sise, is here. His
19 law clerk, Betsy Sommers, and secretary, Mary
20 Burch-Macherone. They're all here to enjoy and
21 to celebrate his confirmation today.

22 And I would ask my colleagues to
23 confirm him.

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator Bonacic.

2 Senator Farley.

3 SENATOR FARLEY: Yes, I rise to
4 second the nomination and just tell you a little
5 bit about Dick Sise and this remarkable family
6 that he comes from.

7 I'll start off by saying, like so
8 many of us, he married above himself with Connie
9 Cahill, a brilliant attorney and the sister of
10 John Cahill, the noted referee, national referee
11 who does the Final Four and everything else, who
12 sat right over there where you are, Rebecca, for
13 many years.

14 And Dick Sise is one of nine boys,
15 the son of Judge Sise, his father, who was the
16 administrative judge, presiding judge.
17 Remarkable family. Every one of these Sise boys
18 have gone on to great things.

19 I think Joe Sise, who is up there,
20 was the youngest Supreme Court justice in the
21 State of New York. And he just got reelected,
22 leading the ticket, as usual, for his second
23 14-year term.

24 The Sise family has been very, very
25 significant in their community. He has a

1 magnificent family, and I think his son Michael
2 is here with him.

3 And Dick Sise is truly a resident
4 and a leader in Niskayuna, where I come from, my
5 hometown. And they did come from the City of
6 Amsterdam, and they're well known out there. And
7 they have the Sise and Sise Law Firm, which
8 contains his brothers and his father, I think
9 still practicing.

10 Dick Sise is truly a great jurist
11 and somebody that we should be very proud to
12 reappoint. And, Mr. President, I urge all of my
13 colleagues to recognize and vote for the
14 reappointment of Richard Sise, judge
15 extraordinaire.

16 ACTING PRESIDENT GRIFFO: Senator
17 Breslin.

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

20 In the interest of time, I won't
21 repeat everything that Senator Farley has
22 stated. Suffice it to say that Dick Sise has
23 been an exemplary chief judge of the Court of
24 Claims, respected by Democrats, Republicans, and
25 everyone else involved. He's exactly what we

1 want on the court.

2 And he comes from a wonderful
3 family, as Senator Farley said, devoted to public
4 service. And Dick has devoted his entire life to
5 public service.

6 And I'm delighted to second the
7 nomination of Dick Sise, my good friend.

8 Thank you, Mr. President.

9 ACTING PRESIDENT GRIFFO: Senator
10 DeFrancisco.

11 SENATOR DeFRANCISCO: Yes, at the
12 Judiciary Committee hearing I said some very nice
13 things about this particular judge. That was
14 before I knew that John Cahill was his
15 brother-in-law.

16 (Laughter.)

17 SENATOR DeFRANCISCO: Several years
18 ago we brought the Syracuse University national
19 champions basketball team here, and John was
20 sitting as counsel. And I had indicated that
21 Syracuse that year lost seven games, five of
22 which were refereed by your brother-in-law.
23 Which prompted Jim Boeheim to ask permission to
24 speak. And I forgot what he said, but it wasn't
25 good.

1 (Laughter.)

2 SENATOR DeFRANCISCO: But despite
3 that fact -- and John, by the way, is a good
4 friend -- I just want to say that in addition to
5 his judicial duties, the administrative duties as
6 chief judge are substantial, to put it mildly.
7 And he is respected by all the judges that he
8 supervises, and he does just a wonderful job in
9 managing the Court of Claims.

10 So a great reappointment, and we're
11 very happy to support him, I'm certain
12 unanimously.

13 ACTING PRESIDENT GRIFFO: Senator
14 Nozzolio.

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

17 I rise too as a fan of Syracuse
18 University basketball, but not to chastise our
19 nominee, but rather to praise him.

20 Senator DeFrancisco began the
21 commentary, but I think it's important that
22 everyone know that Judge Sise is certainly
23 respected in the Capital District, as he should
24 be, but throughout the state. And particularly
25 the judges that he has had to administer, to say

1 yes to, once in a while to say no to, universally
2 have his respect, and the fact that they respect
3 him. And that is a testament to his leadership,
4 not just his administrative ability, but his
5 understanding of the law, of the dynamics of
6 courtrooms. And that he certainly is praised by
7 his colleagues and the colleagues that he
8 manages.

9 For that and many other reasons
10 already stated, I rise in enthusiastic support of
11 Judge Sise.

12 Before I sit down, though, I'd also
13 like to congratulate Jerry Moriarty, who again is
14 a treasure in Western New York. And that it's a
15 very good day to see such quality members
16 reappointed to the judiciary.

17 Thank you, Mr. President.

18 ACTING PRESIDENT GRIFFO: Senator
19 Larkin.

20 SENATOR LARKIN: Dick, I'm not an
21 attorney, as you know. But one of your
22 classmates, when I told him that you were going
23 to be reupped again, he said: "Make sure you say
24 something nice about my classmate."

25 So I will say this. From the first

1 time I ever met you with Billy, Bill always said,
2 "You know, Dad, this guy is going to be a judge
3 someday." He was a great student. He cared
4 about people. He did things in a professional
5 manner so that everybody was proud of what was
6 the end result.

7 So I'm here for your classmate, to
8 say congratulations and it's good to see you
9 again.

10 ACTING PRESIDENT GRIFFO: Thank
11 you, Senator Larkin.

12 The question is on the nomination of
13 Richard E. Sise to the Court of Claims. All in
14 favor signify by saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT GRIFFO: Opposed?

17 (No response.)

18 ACTING PRESIDENT GRIFFO: Richard
19 E. Sise is hereby confirmed as a judge to the
20 Court of Claims.

21 Judge Sise, congratulations.

22 (Applause.)

23 ACTING PRESIDENT GRIFFO: Senator
24 Libous, that completes the nominations of the
25 Judiciary Committee before the house.

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

3 There will be an immediate meeting
4 of the Higher Education Committee in Room 332,
5 followed immediately by a Finance Committee
6 meeting in Room 332.

7 And after you make that
8 announcement, I will then announce that the
9 Senate will stand at ease.

10 ACTING PRESIDENT GRIFFO: There
11 will be an immediate meeting of the Higher
12 Education Committee in Room 332, which will be
13 followed shortly by the Finance Committee, also
14 in Room 332.

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President, the
17 Senate will stand at ease.

18 ACTING PRESIDENT GRIFFO: The
19 Senate will stand at ease.

20 (Whereupon, the Senate stood at ease
21 at 3:18 p.m.)

22 (Whereupon, the Senate reconvened at
23 4:24 p.m.)

24 SENATOR LIBOUS: Mr. President.

25 ACTING PRESIDENT GRIFFO: The

1 Senate will come to order.

2 Senator Libous.

3 SENATOR LIBOUS: If we can return
4 to reports of standing committees, I believe
5 there's a report of the Finance Committee at the
6 desk.

7 ACTING PRESIDENT GRIFFO: There is
8 a report of the Finance Committee before the
9 desk.

10 The Secretary will read.

11 THE SECRETARY: Senator
12 DeFrancisco, from the Committee on Finance,
13 reports the following nominations.

14 As commissioner of the Port
15 Authority of New York and New Jersey, Basil A.
16 Paterson, of New York.

17 ACTING PRESIDENT GRIFFO: Senator
18 DeFrancisco.

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

21 I rise proudly to move the
22 nomination of Basil A. Paterson of New York for
23 commissioner of the Port Authority of New York
24 and New Jersey.

25 I'm sure there's no one who doesn't

1 know Mr. Paterson, knows of his outstanding
2 career in public and private service. He's truly
3 a legend.

4 And I proudly move the nomination
5 and am fortunate to have this opportunity to do
6 so, and I'm sure his nomination will be approved
7 unanimously.

8 ACTING PRESIDENT GRIFFO: Thank
9 you, Senator DeFrancisco.

10 The question is on the nomination of
11 Basil A. Paterson as a commissioner of the Port
12 Authority of New York and New Jersey. All in
13 favor signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT GRIFFO: Opposed?

16 (No response.)

17 ACTING PRESIDENT GRIFFO: Basil A.
18 Paterson is hereby confirmed as a commissioner of
19 the Port Authority of New York and New Jersey.

20 Congratulations, Mr. Paterson.

21 (Applause.)

22 ACTING PRESIDENT GRIFFO: The
23 Secretary will read.

24 THE SECRETARY: As commissioner of
25 the Port Authority of New York and New Jersey,

1 Kenneth Lipper, of New York.

2 ACTING PRESIDENT GRIFFO: Senator
3 DeFrancisco.

4 SENATOR DeFRANCISCO: Yes, I also
5 proudly move Mr. Lipper's nomination.

6 Mr. Lipper is truly a renaissance
7 man --

8 ACTING PRESIDENT GRIFFO: Can I
9 have some order in the chamber, please? Thank
10 you.

11 Senator DeFrancisco.

12 SENATOR DeFRANCISCO: He's truly a
13 renaissance man. He's had an incredible career
14 in government, as was stated most especially by
15 Senator Diaz in the committee meeting. He
16 has an incredible record in finance and private
17 business. And he has a record in the arts,
18 having written and produced his movie "City
19 Hall."

20 He's going to increase his
21 experience by being a member of the Port
22 Authority of New York and New Jersey. And with
23 that background, there's no question that that
24 organization is in wonderful hands for the
25 future.

1 So I move the nomination.

2 ACTING PRESIDENT GRIFFO: The
3 question is on the nomination of Kenneth Lipper
4 as a commissioner of the Port Authority of
5 New York and New Jersey. All in favor signify by
6 saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT GRIFFO: Opposed?

9 (No response.)

10 ACTING PRESIDENT GRIFFO: Kenneth
11 Lipper is hereby confirmed as a commissioner of
12 the Port Authority of New York and New Jersey.

13 Congratulations, Mr. Lipper.

14 (Applause.)

15 ACTING PRESIDENT GRIFFO: The
16 Secretary will now read.

17 THE SECRETARY: As member of the
18 Battery Park City Authority, Lester Petracca, of
19 Manhasset.

20 As member of the State Council on
21 the Arts, Deborah Ronnen, of Rochester.

22 As commissioner of the State
23 Athletic Commission, John Signorile, of East
24 Williston.

25 As member and chairman of the

1 New York State Olympic Regional Development
2 Authority, J. Patrick Barrett, of Manlius.

3 As members of the New York State
4 Olympic Regional Development Authority: Jill
5 Ruhm Broderick, of Chestertown, and Robert
6 Francis Flacke, of Lake George.

7 As members of the Saratoga-Capital
8 District State Park, Recreation and Historic
9 Preservation Commission: Karen Lee Bilowith, of
10 Saratoga Springs, and John McEneny, of Albany.

11 And as members of the Niagara
12 Frontier Transportation Authority: LaVonne E.
13 Ansari, Ph.D., of Buffalo; Anthony J. Baynes, of
14 Williamsville; Peter G. Demakos, of East Amherst;
15 Margo Dawn Downey, of Buffalo; Michael P. Hughes,
16 of West Seneca; and Adam W. Perry, of Buffalo.

17 ACTING PRESIDENT GRIFFO: Senator
18 DeFrancisco.

19 SENATOR DeFRANCISCO: I move each
20 of the nominations.

21 ACTING PRESIDENT GRIFFO: Senator
22 Espaillat.

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

25 As we continue to take on many

1 nominations yesterday and today, I think that
2 once we're done we will have taken up over
3 200 nominees given to us by Governor Cuomo.
4 Certainly many folks with great experiences from
5 across the State of New York, representing the
6 diverse regions of state, with an array of
7 history in private, public, the arts, in
8 different sectors of society. Really a wonderful
9 list of nominees that we have taken up, over 200
10 of them.

11 We've done a tremendous job at
12 putting these names through, going through their
13 resumes and evaluating their qualifications. And
14 I may say that, including the judges that were
15 nominated to date and the members of the Port
16 Authority, all highly qualified.

17 However, Mr. President, I stand to
18 raise a grave concern that out of 214 nominees,
19 there were only six -- equating to 3 percent of
20 them -- that were of Hispanic background.

21 And this is a population that
22 comprises 18 percent of the New York State
23 population. In fact, some folks believe that if
24 you take the undercount, it's really 20 percent
25 of the New York State population, one out of five

1 New Yorkers, are of Hispanic descent. And to
2 have only 3 percent, six out of 214, is really a
3 disservice to this state.

4 We all strive to make sure that
5 government is reflective of the composition of
6 the State of New York. Imagine a government
7 without women. Imagine a government without
8 African-Americans. Imagine a government without
9 folks from different regions, from the Western
10 part of New York, from Long Island, from Central
11 New York, from the Hudson Valley, from the City
12 of New York.

13 We must all do better to ensure that
14 government continues to be reflective of the
15 composition of the population. And we have, the
16 Latino community has highly qualified potential
17 appointees, and we are eager to serve.

18 So I would like to express my
19 concern regarding this great flaw in this process
20 of nomination.

21 Thank you, Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator
23 Diaz, why do you rise?

24 SENATOR DIAZ: Will Senator
25 Espaillat yield for a question?

1 ACTING PRESIDENT GRIFFO: Senator
2 Diaz, we're actually just speaking on nominations
3 right now. So you can speak on the nominees if
4 you'd like.

5 SENATOR DIAZ: I just want to ask
6 Senator Espaillat some questions about the
7 statement he was making. If you allow me.

8 ACTING PRESIDENT GRIFFO: It's not
9 germane at this point in time relative to the
10 rules of order, Senator Diaz.

11 SENATOR DIAZ: Thank you.

12 ACTING PRESIDENT GRIFFO: The
13 question is on the nominations as presented for
14 the offices that have been specified. All those
15 in favor signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT GRIFFO: Opposed?

18 (No response.)

19 ACTING PRESIDENT GRIFFO: The
20 nominees are hereby confirmed.

21 Senator Libous.

22 SENATOR LIBOUS: Mr. President,
23 could you give me a second here?

24 (Pause.)

25 SENATOR LIBOUS: Mr. President.

1 ACTING PRESIDENT GRIFFO: Senator
2 Libous.

3 SENATOR LIBOUS: There will be an
4 immediate meeting of the Rules Committee in 332,
5 an immediate meeting of the Rules Committee in
6 Room 332.

7 In the meantime, we'll stand at
8 ease.

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

13 The Senate stands at ease.

14 (Whereupon, the Senate stood at ease
15 at 4:33 p.m.)

16 (Whereupon, the Senate reconvened at
17 5:01 p.m.)

18 SENATOR LIBOUS: Mr. President.

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

21 Senator Libous.

22 SENATOR LIBOUS: If you could call
23 on Senator Gianaris and then come back to me,
24 please.

25 ACTING PRESIDENT GRIFFO: Senator

1 Gianaris.

2 SENATOR GIANARIS: Mr. President,
3 there will be an immediate meeting of the
4 Democratic Conference in the Democratic
5 Conference Room.

6 ACTING PRESIDENT GRIFFO: There
7 will be an immediate meeting of the Democratic
8 Conference in the Democratic Conference Room.

9 Senator Libous.

10 SENATOR LIBOUS: There will be an
11 immediate Republican conference in Room 332, and
12 then the Senate will stand at ease until the
13 conferences are commenced.

14 ACTING PRESIDENT GRIFFO: There
15 will be an immediate meeting also of the
16 Republican Conference in Room 332.

17 The Senate will stand at ease until
18 conferences have concluded. Senate at ease.

19 (Whereupon, the Senate stood at ease
20 at 5:02 p.m.)

21 (Whereupon, the Senate reconvened at
22 8:03 p.m.)

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

25 Senator Libous.

1 SENATOR LIBOUS: Mr. President, can
2 we go back to reports of standing committees. I
3 believe there's a report of the Rules Committee
4 at the desk.

5 ACTING PRESIDENT GRIFFO: We will
6 return to reports of standing committees.

7 There is a report of the Rules
8 Committee at the desk, and the Secretary will
9 read.

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

13 Senate Print 129, by Senator
14 Peralta, an act to amend the Penal Law;

15 Senate 259, by Senator Diaz, an act
16 to amend the Banking Law;

17 Senate 383, by Senator Diaz, an act
18 to amend the State Finance Law;

19 Senate 2342A, by Senator Breslin, an
20 act to authorize;

21 Senate 2551, by Senator Hannon, an
22 act to amend the Insurance Law;

23 Senate 3488A, by Senator
24 Ranzenhofer, an act to amend the Criminal
25 Procedure Law;

1 Senate 3886, by Senator Ball, an act
2 to amend the Penal Law;

3 Senate 4310A, by Senator Marcellino,
4 an act to amend the Tax Law;

5 Senate 4327A, by Senator Seward, an
6 act to amend the Insurance Law;

7 Senate 4329A, by Senator Seward, an
8 act to amend the Insurance Law;

9 Senate 4361, by Senator Hannon, an
10 act to amend the Public Health Law;

11 Senate 4493A, by Senator Hoylman, an
12 act in relation to directing;

13 Senate 4584A, by Senator Farley, an
14 act to allow;

15 Senate 4624A, by Senator Hannon, an
16 act to amend the Public Authorities Law;

17 Senate 4762A, by Senator
18 DeFrancisco, an act to amend the Labor Law;

19 Senate 4809, by Senator Little, an
20 act to amend the Environmental Conservation Law;

21 Senate 4881A, by Senator Hoylman, an
22 act to amend the Education Law;

23 Senate 4906, by Senator Golden, an
24 act to amend Chapter 929 of the Laws of 1986;

25 Senate 5046A, by Senator Hannon, an

1 act to amend the Public Health Law;

2 Senate 5053, by Senator Golden, an
3 act to amend the Retirement and Social Security
4 Law;

5 Senate 5060A, by Senator Hannon, an
6 act to amend the Education Law;

7 Senate 5096, by Senator Golden, an
8 act to amend the Social Services Law;

9 Senate 5219, by Senator Libous, an
10 act to amend the Tax Law;

11 Senate 5249, by Senator Carlucci, an
12 act to amend the Social Services Law;

13 Senate 5267, by Senator LaValle, an
14 act to authorize;

15 Senate 5275A, by Senator Marcellino,
16 an act to amend the Public Buildings Law;

17 Senate 5541, by Senator Hannon, an
18 act to amend Chapter 942 of the Laws of 1983;

19 Senate 5617, by Senator Griffo, an
20 act to amend the Public Officers Law;

21 Senate 5695A, by Senator Robach, an
22 act to amend Chapter 362 of the Laws of 2012;

23 5701, by Senator O'Mara, an act to
24 amend the Criminal Procedure Law;

25 Senate 5704, by Senator Seward, an

1 act to amend Chapter 673 of the Laws of 2005;
2 Senate 5722, by Senator Zeldin, an
3 act to amend Chapter 121 of the Laws of 2012;
4 Senate 5727, by Senator LaValle, an
5 act to amend the Environmental Conservation Law;
6 Senate 5739C, by Senator Little, an
7 act to amend the Alcoholic Beverage Control Law;
8 Senate 5766, by Senator LaValle, an
9 act to authorize;
10 Senate 5771, by Senator Klein, an
11 act to amend the Administrative Code of the City
12 of New York;
13 Senate 5772, by Senator Klein, an
14 act to amend the Real Property Tax Law;
15 Senate 5804, by Senator Seward, an
16 act to amend the Insurance Law;
17 Senate 5808, by Senator Savino, an
18 act implementing;
19 Senate 5812, by the Committee on
20 Rules, an act to authorize;
21 Senate 5819, by Senator Zeldin, an
22 act to amend Chapter 350 of the Laws of 2012;
23 Senate 5825, by Senator Martins, an
24 act to amend the Executive Law;
25 Senate 5826, by Senator Fuschillo,

1 an act to amend the Vehicle and Traffic Law;

2 Senate 5827, by Senator Flanagan, an
3 act to amend the Education Law;

4 Senate 5831, by Senator Farley, an
5 act to amend the Religious Corporations Law;

6 Senate 5838, by Senator Zeldin, an
7 act to amend the Environmental Conservation Law;

8 Senate 5840, by Senator Carlucci, an
9 act to authorize;

10 Senate 5841, by Senator Robach, an
11 act establishing;

12 And Senate 5858, by Senator Bonacic,
13 an act to amend the Penal Law.

14 All bills reported direct to third
15 reading.

16 ACTING PRESIDENT GRIFFO: Senator
17 Libous.

18 SENATOR LIBOUS: I move to accept
19 the report of the Rules Committee.

20 ACTING PRESIDENT GRIFFO: All in
21 favor of accepting the Committee on Rules report
22 signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT GRIFFO: Opposed?

25 (No response.)

1 ACTING PRESIDENT GRIFFO: The
2 Committee on Rules report is accepted.

3 Senator Libous.

4 SENATOR LIBOUS: We have in front
5 of us Supplemental Calendar 56A, just passed
6 out. I would like to have the noncontroversial
7 reading of that calendar, please.

8 ACTING PRESIDENT GRIFFO: The
9 Secretary will read Supplemental Senate Calendar
10 56A.

11 THE SECRETARY: Calendar Number
12 1474, by Senator Peralta, Senate Print 129, an
13 act to amend the Penal Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

16 THE SECRETARY: Section 8. This
17 act shall take effect on the first of November.

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 63.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1475, by Senator Diaz, Senate Print 259, an act

1 to amend the Banking Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

4 THE SECRETARY: Section 5. 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, 63.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1476, by Senator Diaz, Senate Print 383, an act
14 to amend the State Finance Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 63.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 1477, Senator Breslin moves to
2 discharge, from the Committee on Rules, Assembly
3 Bill Number 4717A and substitute it for the
4 identical Senate Bill Number 2342A, Third Reading
5 Calendar 1477.

6 ACTING PRESIDENT GRIFFO: The
7 substitution is so ordered, and there is a
8 home-rule message at the desk.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 1477, by Member of the Assembly Fahy, Assembly
12 Print 4717A, an act to authorize.

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, 62. Nays,
21 1. Senator Ball recorded in the negative.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1478, by Senator Hannon, Senate Print 2551, an

1 act to amend the Insurance Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

4 THE SECRETARY: Section 26. This
5 act shall take effect January 1, 2014.

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT GRIFFO: May I
10 have some order in the house, please.

11 THE SECRETARY: Ayes, 62. Nays,
12 1. Senator Seward recorded in the negative.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1479, by Senator Ranzenhofer, Senate Print 3488A,
17 an act to amend the Criminal Procedure Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62. Nays,

1 1. Senator Ball recorded in the negative.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1480, by Senator Ball, Senate Print 3886, an act
6 to amend the Penal Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: In relation to
18 Calendar Number 1481, Senator Marcellino moves to
19 discharge, from the Committee on Rules, Assembly
20 Bill Number 5960A and substitute it for the
21 identical Senate Bill Number 4310A, Third Reading
22 Calendar 1481.

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

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 1481, by Member of the Assembly Farrell, Assembly
3 Print Number 5960A, an act to amend the Tax Law.

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, 63.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: In relation to
15 Calendar Number 1482, Senator Seward moves to
16 discharge, from the Committee on Rules, Assembly
17 Bill Number 6918A and substitute it for the
18 identical Senate Bill Number 4327A, Third Reading
19 Calendar 1482.

20 ACTING PRESIDENT GRIFFO: The
21 substitution is so ordered.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number
24 1482, by Member of the Assembly Steck, Assembly
25 Print 6918A, an act to amend the Insurance 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, 63.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 1483, Senator Seward moves to
13 discharge, from the Committee on Rules, Assembly
14 Bill Number 7807A and substitute it for the
15 identical Senate Bill Number 4329A, Third Reading
16 Calendar 1483.

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

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 1483, by Member of the Assembly Cahill, Assembly
22 Print Number 7807A, an act to amend the Insurance
23 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, 63.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: In relation to
10 Calendar Number 1484, Senator Hannon moves to
11 discharge, from the Committee on Health, Assembly
12 Bill Number 6121 and substitute it for the
13 identical Senate Bill Number 4361, Third Reading
14 Calendar 1484.

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

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 1484, by Member of the Assembly Gunther, Assembly
20 Print 6121, an act to amend the Public Health
21 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, 63.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1485, by Senator Hoylman, Senate Print 4493A, an
9 act in relation to directing.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT GRIFFO: Senator
18 Gianaris to explain his vote.

19 SENATOR GIANARIS: I was waiting
20 for you to announce the results, Mr. President.

21 ACTING PRESIDENT GRIFFO: The
22 results are being tabulated.

23 Senator Hoylman to explain his vote.

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

1 I wanted to thank Senator Hannon for
2 his leadership and guidance in helping me move
3 this bill forward, along with my colleague in the
4 other house, Assemblymember Gottfried.

5 The impetus for this bill,
6 Mr. President, was the closing of a hospital in
7 my district, St. Vincent's, that served the local
8 community for over 150 years. And in the wake of
9 the hospital closing, medical practices calling
10 themselves "urgent care centers" have sprung up
11 all over my district.

12 But these type of practices aren't
13 required to be certified by the Health
14 Department, nor are clinics operating within
15 pharmacies, miniclinics, or major physician
16 practices, megaclinics, which are being created
17 all across New York.

18 So, Mr. President, the impetus and
19 the goal of this bill is to direct the Department
20 of Health to study their impact as relating to
21 the delivery, quality and cost of healthcare and
22 report back to us as we, as policy makers, can
23 better understand their role in the healthcare
24 system.

25 I vote aye. Thank you,

1 Mr. President.

2 ACTING PRESIDENT GRIFFO: Senator
3 Hoylman to be recorded in the affirmative.

4 Announce the results.

5 THE SECRETARY: Ayes, 60. Nays,
6 3. Senators Ball, Griffio and Marchione recorded
7 in the negative.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 Senator Gianaris.

11 SENATOR GIANARIS: And now,
12 Mr. President, can we please congratulate Senator
13 Hoylman on his first bill.

14 (Applause.)

15 ACTING PRESIDENT GRIFFO: Calendar
16 Number 1486. The Secretary will read.

17 THE SECRETARY: Calendar Number
18 1486, by Senator Farley, Senate Print 4584A, an
19 act to allow.

20 ACTING PRESIDENT GRIFFO: There is
21 a home-rule message at the desk.

22 Read the last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 63.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: In relation to
7 Calendar Number 1487, Senator Hannon moves to
8 discharge, from the Committee on Rules, Assembly
9 Bill Number 7993A and substitute it for the
10 identical Senate Bill Number 4624A, Third Reading
11 Calendar 1487.

12 ACTING PRESIDENT GRIFFO:
13 Substitution ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 1487, by Member of the Assembly Hooper, Assembly
17 Print Number 7993A, an act to amend the Public
18 Authorities Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 63.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1488, by Senator DeFrancisco, Senate Print 4762A,
6 an act to amend the Labor 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, 62. Nays,
15 1. Senator Ball recorded in the negative.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1489, by Senator Little, Senate Print 4809, an
20 act to amend the Environmental Conservation Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect on the same date and in the
25 same manner as a Concurrent Resolution of the

1 Senate and Assembly.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT GRIFFO: Senator
6 Little to explain her vote.

7 SENATOR LITTLE: Thank you,
8 Mr. President. And thank you to all my
9 colleagues for passing this bill and supporting
10 this bill.

11 This completes the journey that will
12 bring us to a constitutional amendment which will
13 appear on the ballots in November. And this
14 constitutional amendment will solve and offer an
15 opportunity for settlement of a land dispute
16 between the State of New York and many, many
17 private parties, many of them who live in your
18 districts.

19 This is a second-home area. It's
20 called Township 40. It's in the Town of
21 Long Lake, in Hamilton County. And this has been
22 a title problem for over 100 years.

23 So this gives a method and a way of
24 doing it and replacing the land that is in
25 question with double the amount of land going

1 into the Forest Preserve. And the people will be
2 providing the funds for that. This is the
3 implementation language.

4 And joining us tonight is one of the
5 women who really put her heart and soul into all
6 of this, giving us the information, bringing back
7 title searches and charts that were way too
8 complicated me for to understand. But Carolyn
9 Gerdin is with us in the gallery. I want to
10 thank her and thank all of you for supporting
11 this very important piece of legislation, and
12 hopefully you will support it all in November.

13 It is sponsored and supported by the
14 Adirondack Council and the Adirondack Mountain
15 Club, two of the really preeminent environmental
16 groups in our area.

17 So thank you very much.

18 ACTING PRESIDENT GRIFFO: Thank
19 you, Senator Little.

20 Senator Little will be recorded in
21 the affirmative.

22 Announce the results.

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1490, by Senator Hoylman, Senate Print 4881A, an
3 act to amend the Education Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

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

13 SENATOR HOYLMAN: When it rains it
14 pours, Mr. President.

15 (Laughter.)

16 SENATOR HOYLMAN: I just wanted to
17 thank Senator Hannon, mostly Senator LaValle,
18 Senator Zeldin, our leaders in all three
19 conferences for their assistance in getting this
20 bill forward.

21 This bill, Mr. President, will get
22 the meningitis vaccination into pharmacies. You
23 may not know, but there is an outbreak of
24 meningococcal meningitis in New York City and a
25 number of cities across the country. Twenty-two

1 cases, seven gay men have died. And the best way
2 to prevent the meningitis illness is to get
3 vaccinated.

4 So we've seen with the flu
5 vaccination that once it's in pharmacies, people
6 get vaccinated. This bill will do that.

7 So thank you so much for your
8 support, Mr. President. I vote aye.

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

11 Announce the results.

12 THE SECRETARY: Ayes, 63.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: In relation to
16 Calendar Number 1491, Senator Golden moves to
17 discharge, from the Committee on Investigations
18 and Government Operations, Assembly Bill Number
19 6868 and substitute it for the identical Senate
20 Bill Number 4906, Third Reading Calendar 1491.

21 ACTING PRESIDENT GRIFFO: The
22 substitution is so ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 1491, by Member of the Assembly Abbate, Assembly

1 Print Number 6868, an act to amend Chapter 929 of
2 the Laws of 1986.

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, 63.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1492, by Senator Hannon, Senate Print 5046A, an
15 act to amend the Public Health Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 1493, Senator Golden moves to
3 discharge, from the Committee on Rules, Assembly
4 Bill Number --

5 SENATOR LIBOUS: Lay it aside for
6 the day.

7 ACTING PRESIDENT GRIFFO: Let us do
8 the substitution first, Senator Libous.

9 The Secretary will continue.

10 THE SECRETARY: In relation to
11 Calendar Number 1493, Senator Golden moves to
12 discharge, from the Committee on Rules, Assembly
13 Bill Number 6942 and substitute it for the
14 identical Senate Bill Number 5053, Third Reading
15 Calendar 1493.

16 ACTING PRESIDENT GRIFFO: The
17 substitution is so ordered, and the bill will be
18 laid aside for the day.

19 The Secretary will read Calendar
20 Number 1494.

21 THE SECRETARY: Calendar Number
22 1494, by Senator Hannon, Senate Print 5060A, 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 on the first of January.

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 63.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: In relation to
10 Calendar Number 1495, Senator Golden moves to
11 discharge, from the Committee on Rules, Assembly
12 Bill Number 7755 and substitute it for the
13 identical Senate Bill Number 5096, Third Reading
14 Calendar 1495.

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

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 1495, by Member of the Assembly Gottfried,
20 Assembly Print 7755, an act to amend the Social
21 Services Law.

22 ACTING PRESIDENT GRIFFO: May I
23 have some order in the house, please.

24 Read the 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, 63.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 1496, Senator Libous moves to
10 discharge, from the Committee on Rules, Assembly
11 Bill Number 7705 and substitute it for the
12 identical Senate Bill Number 5219, Third Reading
13 Calendar 1496.

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

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 1496, by Member of the Assembly Magee, Assembly
19 Print Number 7705, an 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 April 1, 2014.

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT GRIFFO: Senator
3 Krueger to explain her vote.

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

6 So two problems with this bill. Of
7 course, one, we reduce the revenue to the state
8 by I think a little over \$6 million annually if
9 this becomes law.

10 But much more disturbing to me,
11 mom-and-pop stores all over the State of New York
12 depend on sales of small items -- candy, potato
13 chips, cans of liquids, drinks -- that in fact
14 retail for less than a dollar-fifty. If we don't
15 have sales tax on these products when they're in
16 a vending machine but we do have sales tax at the
17 little grocery stores, at the little neighborhood
18 stores -- in my communities, we call them bodegas
19 or little green stores on the corners -- that
20 means we are taking money out of businesses that
21 have jobs in our communities because there's a
22 competitive unfairness here.

23 The vending machines, there's no
24 sales tax. The stores who hire workers in
25 communities to sell those products, there is a

1 sales tax. It's just wrong for small
2 businesses.

3 I'm voting no. Thank you.

4 ACTING PRESIDENT GRIFFO: Senator
5 Krueger to be recorded in the negative.

6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar Number 1496, those recorded in the
9 negative are Senators Avella, Espaillat,
10 Gianaris, Hassell-Thompson, Hoylman, Krueger,
11 Montgomery, Parker, Perkins, Rivera, Sanders,
12 Squadron, Stavisky, Stewart-Cousins and Tkaczyk.

13 Ayes, 48. Nays, 15.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1497, by Senator Carlucci, Senate Print 5249, an
18 act to amend the Social Services Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

21 THE SECRETARY: Section 3. 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, 63.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: In relation to
5 Calendar Number 1498, Senator LaValle moves to
6 discharge, from the Committee on Rules, Assembly
7 Bill Number 7396 and substitute it for the
8 identical Senate Bill Number 5267, Third Reading
9 Calendar 1498.

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

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 1498, by Member of the Assembly Thiele, Assembly
15 Print 7396, an act to authorize.

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 THE SECRETARY: Ayes, 62. Nays,
24 1. Senator Bonacic recorded in the negative.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1499, by Senator Marcellino, Senate Print 5275A,
4 an act to amend the Public Buildings Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

7 THE SECRETARY: Section 5. This
8 act shall take effect one year after it shall
9 have become law.

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: In relation to
14 Calendar 1499, those recorded in the negative are
15 Senators Ball, Griffio, Little and Zeldin. Also
16 Senator Young. Also Senator Nozzolio. Also
17 Senator Marchione.

18 ACTING PRESIDENT GRIFFO: Announce
19 the results.

20 THE SECRETARY: Ayes, 56. Nays, 7.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 1500, Senator Hannon moves to
25 discharge, from the Committee on Children and

1 Families, Assembly Bill Number 7504 and
2 substitute it for the identical Senate Bill
3 Number 5541, Third Reading Calendar 1500.

4 ACTING PRESIDENT GRIFFO: The
5 substitution is so ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 1500, by Member of the Assembly Millman, Assembly
9 Print 7504, an act to amend Chapter 942 of the
10 Laws of 1983.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 63.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 1501, Senator Griffio moves to
23 discharge, from the Committee on Rules, Assembly
24 Bill Number 7556 and substitute it for the
25 identical Senate Bill Number 5617, Third Reading

1 Calendar 1501.

2 ACTING PRESIDENT GRIFFO: The
3 substitution is so ordered.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number
6 1501, by Member of the Assembly Brindisi,
7 Assembly Print Number 7556, an act to amend the
8 Public Officers 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, 63.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: In relation to
20 Calendar Number 1502, Senator Robach moves to
21 discharge, from the Committee on Rules, Assembly
22 Bill Number 7735A and substitute it for the
23 identical Senate Bill Number 5695A, Third Reading
24 Calendar 1502.

25 ACTING PRESIDENT GRIFFO: The

1 substitution is so ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 1502, by Member of the Assembly Morelle, Assembly
5 Print Number 7735A, an act to amend Chapter 362
6 of the Laws of 2012.

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, 63.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1503, by Senator O'Mara, Senate Print 5701, an
19 act to amend the Criminal Procedure Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62. Nays,

3 1. Senator Montgomery recorded in the negative.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: In relation to
7 Calendar Number 1504, Senator Seward moves to
8 discharge, from the Committee on Insurance,
9 Assembly Bill Number 7388 and substitute it for
10 the identical Senate Bill Number 5704, Third
11 Reading Calendar 1504.

12 ACTING PRESIDENT GRIFFO: The
13 substitution is so ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 1504, by Member of the Assembly Cymbrowitz,
17 Assembly Print Number 7388, an act to amend
18 Chapter 673 of Laws of 2005.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 THE SECRETARY: Ayes, 61. Nays,

1 2. Senators Ball and Marchione recorded in the
2 negative.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1505, by Senator Zeldin, Senate Print 5722, an
7 act to amend Chapter 121 of the Laws of 2012.

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

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 THE SECRETARY: Ayes, 62. Nays,
17 1. Senator Ball recorded in the negative.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 1506, Senator LaValle moves to
22 discharge, from the Committee on Rules, Assembly
23 Bill Number 7905 and substitute it for the
24 identical Senate Bill Number 5727, Third Reading
25 Calendar 1506.

1 ACTING PRESIDENT GRIFFO: The
2 substitution is so ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 1506, by Member of the Assembly Sweeney, Assembly
6 Print 7905, an act to amend the Environmental
7 Conservation Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

10 THE SECRETARY: Section 5. This
11 act shall take effect on the first of January.

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1507, by Senator Little, Senate Print 5739C, an
20 act --

21 ACTING PRESIDENT GRIFFO: The bill
22 is high.

23 Calendar Number 1508.

24 THE SECRETARY: Calendar Number
25 1508, by Senator LaValle, Senate Print 5766, an

1 act to authorize.

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, 63.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: In relation to
13 Calendar Number 1509, Senator Klein moves to
14 discharge, from the Committee on Rules, Assembly
15 Bill Number 7327A and substitute it for the
16 identical Senate Bill Number 5771, Third Reading
17 Calendar 1509.

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

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 1509, by Member of the Assembly Quart, Assembly
23 Print Number 7327A, an act to amend the
24 Administrative Code of the City of New York.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

2 THE SECRETARY: Section 2. This
3 act shall take effect on the 270th day.

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 63.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: In relation to
11 Calendar Number 1510, Senator Klein moves to
12 discharge, from the Committee on Rules, Assembly
13 Bill Number 7314A and substitute it for the
14 identical Senate Bill Number 5772, Third Reading
15 Calendar 1510.

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

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 1510, by Member of the Assembly Quart, Assembly
21 Print Number 7314A, an act to amend the Real
22 Property Tax Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect July 1, 2014.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 1511, Senator Seward moves to
10 discharge, from the Committee on Rules, Assembly
11 Bill Number 3107D and substitute it for the
12 identical Senate Bill Number 5804, Third Reading
13 Calendar 1511.

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

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 1511, by Member of the Assembly Morelle, Assembly
19 Print 3107D, an act to amend the Insurance Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62. Nays,

3 1. Senator Ball recorded in the negative.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: In relation to
7 Calendar Number 1512, Senator Savino moves to
8 discharge, from the Committee on Rules, Assembly
9 Bill Number 8032 and substitute it for the
10 identical Senate Bill Number 5808, Third Reading
11 Calendar 1512.

12 ACTING PRESIDENT GRIFFO: The
13 substitution is so ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 1512, by Member of the Assembly Abbate, Assembly
17 Print Number 8032, an act implementing.

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, 62. Nays,

1 1. Senator Ball recorded in the negative. Also
2 Senator Marchione.

3 Ayes, 61. Nays, 2.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Senator Skelos
7 moves to discharge, from the Committee on Rules,
8 Assembly Bill Number 7973A and substitute it for
9 the identical Senate Bill Number 5812, Third
10 Reading Calendar 1513.

11 ACTING PRESIDENT GRIFFO: The
12 substitution is so ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 1513, by Member of the Assembly Solages, Assembly
16 Print Number 7973A, an act to authorize.

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 ACTING PRESIDENT GRIFFO: Senator
25 Squadron to explain his vote.

1 SENATOR SQUADRON: This is a local
2 bill in nature, and like many local bills we see,
3 except it is not sponsored by an elected member
4 of this house or any member of this house, it's
5 sponsored by Senator Rules.

6 We shouldn't have such bills. I
7 vote no, Mr. President.

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

10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar Number 1513, those recorded in the
13 negative are Senators Ball, Bonacic, Larkin,
14 O'Mara and Squadron.

15 Ayes, 58. Nays, 5.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1514, by Senator Zeldin, Senate Print 5819, an
20 act to amend Chapter 350 of the Laws of 2012.

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

23 The Secretary will read the last
24 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, 63.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 1515, Senator Martins moves to
10 discharge, from the Committee on Rules, Assembly
11 Bill Number 6221C and substitute it for the
12 identical Senate Bill Number 5825, Third Reading
13 Calendar 1515.

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

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 1515, by Member of the Assembly Schimel, Assembly
19 Print 6221C, an act to amend the Executive Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 1516, Senator Fuschillo moves to
7 discharge, from the Committee on Rules, Assembly
8 Bill Number 7689A and substitute it for the
9 identical Senate Bill Number 5826, Third Reading
10 Calendar 1516.

11 ACTING PRESIDENT GRIFFO: The
12 substitution is so ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 1516, by Member of the Assembly Gantt, Assembly
16 Print 7689A, an act to amend the Vehicle and
17 Traffic Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62. Nays,

1 1. Senator Ball recorded in the negative.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1517, by Senator Flanagan, Senate Print 5827, an
6 act to amend the Education Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

9 THE SECRETARY: Section 14. 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 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1518, by Senator Farley, Senate Print 5831, an
19 act to amend the Religious Corporations Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62. Nays, 1.

3 Senator Felder recorded in the negative.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1519, by Senator Zeldin, Senate Print 5838, an
8 act to amend the Environmental Conservation Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 62. Nays,
17 1. Senator LaValle recorded in the negative.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1520, by Senator Carlucci, Senate Print 5840, an
22 act to authorize.

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

25 The Secretary will read the last

1 section.

2 THE SECRETARY: Section 6. 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, 62. Nays,
8 1. Senator Ball recorded in the negative.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1521, by Senator Robach, Senate Print 5841, an
13 act establishing.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 63.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 Calendar Number 1522 is high.

25 Senator Libous, that will now

1 complete the noncontroversial reading of Senate
2 Supplemental Calendar 56A.

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

5 At this time if everybody would look
6 on their desks, there's a supplemental active
7 list dated Thursday, June 20th. I'd like to have
8 the noncontroversial reading of that.

9 ACTING PRESIDENT GRIFFO: The
10 Secretary will begin.

11 Can we have some order in the
12 chamber, please.

13 The Secretary will read.

14 THE SECRETARY: On page 7, Senator
15 Gallivan moves to discharge, from the Committee
16 on Rules, Assembly Bill Number 5832A and
17 substitute it for the identical Senate Bill
18 Number 3757A, Third Reading Calendar 182.

19 ACTING PRESIDENT GRIFFO: The
20 substitution is so ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 182, by Member of the Assembly DiPietro, Assembly
24 Print Number 5832A, an act to amend Chapter 326
25 of the Laws of 2011.

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, 62. Nays, 1.
9 Senator Serrano recorded in the negative.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 I would ask all the members to
13 please cooperate. If we could take conversations
14 outside the chamber with staff, please, because
15 we're trying to get through a lot of bills and
16 it's getting a little noisy for people to hear up
17 here. So I would ask for your patience and
18 please cooperate.

19 The Secretary will continue.

20 THE SECRETARY: On page 7, Senator
21 Seward moves to discharge, from the Committee on
22 Insurance, Assembly Bill Number 2130A and
23 substitute it for the identical Senate Bill
24 Number 2890A, Third Reading Calendar 204.

25 ACTING PRESIDENT GRIFFO: The

1 substitution is so ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 204, by Member of the Assembly Simotas, Assembly
5 Print 2130A, an act to amend the Insurance 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 THE SECRETARY: Ayes, 60. Nays,
14 3. Senators Ball, Marchione and Maziarz recorded
15 in the negative.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 236, by Senator Zeldin, Senate Print 3816B, an
20 act to amend Chapter 719 of the Laws of 1982.

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

23 The Secretary will read the last
24 section.

25 THE SECRETARY: Section 3. 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, 63.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 336, by Senator Rivera, Senate Print 2226A, an
10 act to amend the Vehicle and Traffic Law.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

13 THE SECRETARY: Section 7. This
14 act shall take effect one year after it shall
15 have become law.

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

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

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

23 I want to take a second to certainly
24 thank Senator Fuschillo from the Transportation
25 Committee. And certainly I want to point out

1 Senator Larkin, Colonel Larkin for his support on
2 this piece of legislation.

3 What this would do -- it's called
4 Vets Connect. And what this bill would do is it
5 will enable veterans to receive benefits
6 information --

7 ACTING PRESIDENT GRIFFO: Excuse
8 me, Senator Rivera. {Gaveling.}

9 Senator Rivera, you may continue.

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

12 Again, the bill is called Vets
13 Connect. And what it does is it enables veterans
14 to receive benefits information upon applying for
15 or renewing a driver's license.

16 Now, the fact is -- and we've talked
17 about veterans on this floor many times in the
18 last couple of weeks. And we know that these are
19 men and women who have sometimes given their
20 lives but sometimes given their limbs, and they
21 all do so to make sure that we can -- they defend
22 our freedom to make sure that we can be on this
23 floor doing what we're doing right now.

24 So it is up to us to make sure that
25 they have as much access as they can to

1 information about the benefits that are available
2 to them. But unfortunately, a recent Veterans
3 Administration survey found that 59 percent of
4 veterans don't have access to the information
5 about the services that are available to them.

6 So this bill would simply allow for
7 someone, when they are renewing their license, to
8 be able to tell the DMV and therefore the
9 Veterans Administration, "I am a veteran," to
10 make sure that they receive access to -- they
11 know the services that are available to them to
12 make sure that the veterans that deserve these
13 services have access to them. It will make it
14 easier for all New Yorkers who are veterans to
15 gain access to this information.

16 I thank all my colleagues for voting
17 in the affirmative. And again, Senator Fuschillo
18 and certainly Colonel Larkin, thank you for your
19 assistance in this.

20 Thank you, Mr. President. I'll be
21 voting in the affirmative.

22 ACTING PRESIDENT GRIFFO: Senator
23 Rivera to be recorded in the affirmative.

24 Senator Libous.

25 SENATOR LIBOUS: Mr. President, I

1 want to apologize to Senator Rivera because
2 there's a lot of noise in the chamber.

3 And you had just asked people, so
4 I'm going to. If the staffs are in here and if
5 you have two, three, four of them, you don't need
6 that much staff in here. If you have
7 conversations, take them outside of the chamber.
8 We have too many people in here. And if you're
9 going to be in here, you're going to be quiet.
10 Because when the members get up and speak, they
11 deserve respect.

12 Thank you, Mr. President.

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

15 Point of order, Senator?

16 SENATOR HASSELL-THOMPSON: Yes.

17 ACTING PRESIDENT GRIFFO: What is
18 your point of order, Senator Hassell-Thompson?

19 SENATOR HASSELL-THOMPSON:
20 Mr. President, some of us are still trying to
21 locate the document that we're working from. And
22 so some of the noise that you hear is difficulty,
23 because we have a great deal of paper on our
24 desks and he is moving very rapidly. That may be
25 to the benefit of some. But to the rest of us

1 who are trying to keep up with the bills, we
2 would ask you to slow down and allow everybody
3 to be on the same page at the same time.

4 Thank you, Mr. President.

5 ACTING PRESIDENT GRIFFO: Senator
6 Hassell-Thompson, we are moving in a deliberative
7 manner. The documents are before you, but there
8 are excessive staff and excessive conversation in
9 the chamber.

10 I have asked and I will now insist
11 that the members will take their conversations
12 outside the chamber and staff will leave if there
13 is too much staff in the chambers.

14 We will continue now. The Secretary
15 will read.

16 THE SECRETARY: In relation to
17 Calendar Number 336: Ayes, 63.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 509, by Senator Seward, Senate Print 3765A, an
22 act to amend the Highway Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 3. 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, 63.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: On page 20, Senator
9 Bonacic moves to discharge, from the Committee on
10 Rules, Assembly Bill Number 8013 and substitute
11 it for the identical Senate Bill Number 4042A,
12 Third Reading Calendar 637.

13 ACTING PRESIDENT GRIFFO: The
14 substitution is so ordered.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 637, by Member of the Assembly Gabryszak,
18 Assembly Print 8013, an act to amend the
19 Judiciary 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, 63.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: On page 22, Senator
6 Martins moves to discharge, from the Committee on
7 Energy and Telecommunications, Assembly Bill
8 Number 5556 and substitute it for the identical
9 Senate Bill Number 4925, Third Reading Calendar
10 702.

11 ACTING PRESIDENT GRIFFO: The
12 substitution is so ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 702, by Member of the Assembly Buchwald, Assembly
16 Print Number 5556, an act to amend the Public
17 Service 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, 63.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: On page 34, Senator
4 Golden moves to discharge, from the Committee on
5 Rules, Assembly Bill Number 6869 and substitute
6 it for the identical Senate Bill Number 4909,
7 Third Reading Calendar 940.

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

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 940, by Member of the Assembly Abbate, Assembly
13 Print Number 6869, an act to amend Chapter 695 of
14 the Laws of 1994.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 63.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1048, by Senator DeFrancisco, Senate Print 3362A,
2 an act to amend the General Municipal Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 SENATOR GIANARIS: Lay it aside.

8 ACTING PRESIDENT GRIFFO: Lay the
9 bill aside.

10 THE SECRETARY: In relation to
11 Calendar Number 1191, Senator LaValle moves to
12 discharge, from the Committee on Rules, Assembly
13 Bill Number 5939A and substitute it for the
14 identical Senate Bill Number 4104A, Third Reading
15 Calendar 1191.

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

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 1191, by Member of the Assembly Thiele, Assembly
21 Print Number 5939A, an act to amend the Town 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, 63.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1294, by Senator Marchione, Senate Print 5454B,
9 an act to amend Chapter 486 of the Laws of 1964.

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, 63.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1445, by Senator Marcellino, Senate Print 4801A,
22 an act to amend the Civil Rights Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 3. 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, 63.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 Senator Libous, that completes the
9 noncontroversial reading of the supplemental
10 active list for Thursday, June 20th.

11 SENATOR LIBOUS: Mr. President,
12 we're going to call an immediate meeting of the
13 Finance Committee. And Senator DeFrancisco and
14 Senator Krueger said that it will be a quick
15 meeting. Hopefully.

16 But anyway, there's an immediate
17 meeting of the Finance Committee in Room 332.
18 And we will stand at ease pending the quick
19 return of the Finance Committee.

20 ACTING PRESIDENT GRIFFO: There is
21 an immediate meeting of the Senate Finance
22 Committee in Room 332.

23 Until such time as the Finance
24 Committee returns, the Senate will stand at ease.

25 (Whereupon, the Senate stood at ease

1 at 8:45 p.m.)

2 (Whereupon, the Senate reconvened at
3 9:21 p.m.)

4 ACTING PRESIDENT GRIFFO: The
5 Senate will come to order.

6 Senator Libous.

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

9 Can we go to reports of standing
10 committees. I believe there's a report of the
11 Finance Committee at the desk.

12 ACTING PRESIDENT GRIFFO: We will
13 return to reports of standing committees.

14 There is a report of the Finance
15 Committee at the desk. The Secretary will read.

16 THE SECRETARY: Senator
17 DeFrancisco, from the Committee on Finance,
18 reports the following nominations.

19 As chairman and chief executive
20 officer of the Metropolitan Transportation
21 Authority, Thomas F. Prendergast, of Brewster.

22 ACTING PRESIDENT GRIFFO: Senator
23 DeFrancisco.

24 SENATOR DeFRANCISCO: Yes, I move
25 the nomination of Thomas F. Prendergast as

1 chairman and CEO of the Metropolitan
2 Transportation Authority.

3 I want to say this for him and the
4 other two nominees: The Governor did a wonderful
5 job in selecting good people, hardworking people
6 for a very difficult job. And judging from the
7 positive comments of the Finance Committee in
8 comparison to the comments of former nominees for
9 that top position, I think we're in for some good
10 government work by the MTA over the next several
11 years.

12 So I proudly move the nomination.

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

15 Senator Fuschillo.

16 SENATOR FUSCHILLO: Thank you very
17 much, Mr. President.

18 I rise to second the nomination.
19 And I want to thank Governor Cuomo for the
20 nomination of Tom Prendergast, who certainly has
21 the qualifications and experience to lead the
22 MTA.

23 The Transportation Committee met
24 earlier today and unanimously approved the
25 nomination.

1 And, Tom, I want to congratulate you
2 and wish you the best of luck.

3 ACTING PRESIDENT GRIFFO: Thank
4 you, Senator Fuschillo.

5 Senator Krueger.

6 SENATOR KRUEGER: I also rise to
7 congratulate Governor Cuomo for finding such an
8 excellent candidate.

9 And I want to thank Mr. Prendergast
10 for agreeing to serve in this very difficult
11 position, but also to point out that if the
12 Second Avenue Subway or East Side access are
13 further delayed, you cannot use your day here as
14 an excuse, even though we kept you here all day.
15 So get back to work.

16 Thank you.

17 ACTING PRESIDENT GRIFFO: Thank
18 you, Senator Krueger.

19 Senator Golden.

20 SENATOR GOLDEN: Thank you,
21 Mr. President.

22 As a member of the Capital Review
23 Board, I also stand in favor of this nomination.
24 I've had the privilege of working with Tom
25 Prendergast over the years. The MTA is in his

1 blood; he was born and bred to do this. I think
2 he'll do a good job.

3 I'm looking forward to working with
4 him and working with my colleagues here, Senator
5 Fuschillo in Transportation and our leader, to
6 make sure that we get a good transportation
7 system and a good leader that's going to stay and
8 work and do a good job for the city and for the
9 surrounding counties.

10 Thank you, sir. I vote yes.

11 ACTING PRESIDENT GRIFFO: Senator
12 Marcellino.

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

15 I too rise in support of this
16 nomination. I hope -- and it is a hope, because
17 we've had that hope before and it's been dashed.
18 It has not been brought to fruition -- that we
19 have a candidate today who will commit to
20 improving the service -- not just maintaining,
21 but improving the service on the Long Island
22 Railroad for the residents of Long Island that I
23 represent, especially on the North Shore, where
24 my district is located.

25 These people need good service. We

1 want them in the trains, we want them riding the
2 trains to and from work. We want them off the
3 congested roads. We want our air quality
4 improved. The more people that ride your trains,
5 the less people are in the gas guzzlers and the
6 better our air quality.

7 So you have a great job ahead of
8 you. You have a tough job ahead of you, and
9 probably a thankless job. A lot of people are
10 going to be yelling at you over the years. But
11 hopefully we'll look and see at the end a very,
12 very much improved system of transportation for
13 the Long Island residents and the people of the
14 metropolitan area that are so dependent upon this
15 railroad.

16 Mr. President, I vote aye.

17 ACTING PRESIDENT GRIFFO: The
18 question is on the nomination of Thomas F.
19 Prendergast as chairman and CEO of the
20 Metropolitan Transportation Authority. All in
21 favor signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT GRIFFO: Opposed,
24 nay.

25 (No response.)

1 ACTING PRESIDENT GRIFFO: Thomas F.
2 Prendergast has been confirmed as chairman and
3 CEO of the Metropolitan Transportation
4 Authority.

5 Congratulations, Mr. Prendergast.
6 (Appause.)

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will read.

9 THE SECRETARY: As members of the
10 Metropolitan Transportation Authority: Mitchell
11 H. Pally, of Stony Brook, and John J. Molloy, of
12 Wantagh.

13 ACTING PRESIDENT GRIFFO: Senator
14 DeFrancisco.

15 SENATOR DeFRANCISCO: I move the
16 nominations.

17 ACTING PRESIDENT GRIFFO: Senator
18 Fuschillo.

19 SENATOR FUSCHILLO: Did you call
20 them both? You did? Thank you. I couldn't hear
21 you, Mr. President.

22 Let me thank John Molloy and
23 Mitchell Pally for their willingness to serve.

24 The Transportation Committee had met
25 earlier, unanimously approved them. And I want

1 to thank Governor Cuomo for the nominations.

2 Mitch Pally will be representing
3 Suffolk County on the MTA board, and John Molloy
4 will be representing Nassau County. Both have an
5 impeccable reputation in the private and public
6 sector.

7 Mitch Pally will be reappointed. He
8 has served on the board with distinction. I look
9 forward to working with you, Mitch.

10 And, John, I welcome you to the
11 board. The Long Island Railroad is critically
12 important to the residents that nine Senators
13 represent. Over 300,000 people use it daily. We
14 need to continue to strengthen and improve
15 service into Penn Station. Soon, in a couple of
16 years -- Tom Prendergast is going to expedite the
17 schedule for East Side access -- it will be going
18 to Grand Central Station.

19 I congratulate both of you, and I
20 second the nomination.

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

23 Senator Marcellino.

24 SENATOR MARCELLINO: Yes,
25 Mr. President, thank you again.

1 I know both John Molloy and Mitch
2 Pally. I've known them both for many years.
3 They're both hardworking people, they're both
4 good people. They do their jobs, they're well
5 thought of in their particular fields.

6 I hope and pray that they will work
7 together with our new leader, Tom Prendergast, so
8 that we will have much improved service on the
9 Long Island Railroad for the riders. I'm not
10 going to repeat myself again. They know where I
11 stand on this issue, and they will be hearing
12 from me over the years to come. Because I do
13 want and do expect, on behalf of my constituents,
14 improved service for the riders at a reasonable
15 cost, and I stress the word "reasonable" cost.

16 Thank you, Mr. President. I vote
17 aye on both gentlemen.

18 ACTING PRESIDENT GRIFFO: Thank
19 you, Senator Marcellino.

20 Senator Martins.

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

23 I also rise to thank the Governor
24 for these two very well qualified appointments to
25 the MTA board.

1 First, of course, to Mitch Pally,
2 congratulations. Welcome back. A tireless
3 advocate for the riders on the Long Island
4 Railroad. And certainly it's good to have you
5 there.

6 John Molloy, a true professional, a
7 person with the background and the expertise to
8 represent the interests of our Long Island
9 commuters and our Long Island residents when it
10 comes to advocating for Long Island on the MTA
11 board.

12 We're going through a critical
13 period when it comes to the Long Island
14 railroad. Certainly with the completion of East
15 Side access and with upgrades in service, I'll
16 echo my colleagues' statements that it is
17 critically important that we have your two voices
18 for Long Islanders, advocating for our Long
19 Island Railroad and for our commuters.

20 It's great to have you on board.

21 Thank you, Mr. President.

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

24 Senator LaValle.

25 SENATOR LaVALLE Thank you,

1 Mr. President.

2 I want to congratulate both
3 gentlemen. Mr. Molloy I don't know, but I do
4 know Mitch Pally, who served on the Senate
5 Transportation Committee as counsel and has been
6 on the MTA board for a number of years,
7 represents our county, the needs and the
8 viewpoints of our county, and has been very much
9 involved and hands-on. When we've had problems,
10 he has attended meetings with us and our
11 constituents, which I think is really great.

12 And, Mitch, once again,
13 congratulations.

14 I vote aye.

15 ACTING PRESIDENT GRIFFO: Senator
16 Nozzolio.

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

19 I congratulate each of the nominees
20 and thank Governor Cuomo for putting good people
21 on this very important board.

22 I'd just like to say a word about
23 Mitch Pally. And it was over 30 years ago that I
24 remember walking in, as a new Assemblyman, to
25 what was Chuck Fuschillo's predecessor Senator

1 Levy's Commission on Critical Transportation
2 Choices.

3 And here a young Assemblyman meeting
4 a young counsel, very aggressive, very into the
5 issues of the day, skilled way back then in
6 transportation issues and transportation policy.
7 And that knowledge base has only grown through
8 the years.

9 So, Mitch, it's very good to see you
10 again. It was an honor to work with you many,
11 many years ago. But you bring an expertise to
12 this board that's invaluable. And that it's
13 certainly, I believe, second to none in terms of
14 your knowledge base. Congratulations.

15 I'd also just like to ask, since we
16 have a captive audience of three MTA board
17 members, that there is a part of MTA that is
18 upstate. And particularly on the kinds of things
19 like purchasing subway cars, establishing call
20 centers, making the upstate economy part of your
21 game plan, is something that we very much
22 appreciate having done in the past and we hope
23 that it will only be expanded in the future.

24 Mr. President, congratulations to
25 three excellent nominees. It's my honor to

1 support their candidacies.

2 ACTING PRESIDENT GRIFFO: The
3 question is on the nominations of Mitchell H.
4 Pally and John J. Molloy as members of the
5 Metropolitan Transportation Authority. All in
6 favor signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT GRIFFO: Opposed?

9 (No response.)

10 ACTING PRESIDENT GRIFFO: Mitchell
11 H. Pally and John J. Molloy have been confirmed
12 as members of the Metropolitan Transportation
13 Authority.

14 Congratulations.

15 (Applause.)

16 ACTING PRESIDENT GRIFFO: The
17 Secretary will read.

18 THE SECRETARY: As trustee of the
19 Cornell University Board of Trustees, Matthew L.
20 Biben, of New York.

21 As trustee of the State University
22 of New York Board of Trustees, Eric Corngold, of
23 Brooklyn.

24 As member of the Behavioral Health
25 Services Advisory Council, Susan A. Wheeler, of

1 Whitney Point.

2 As member of the Niagara Frontier
3 State Park, Recreation and Historic Preservation
4 Commission, Ida Massaro, of Niagara Falls.

5 As member of the Veterans Affairs
6 Commission, Bryan R. Mackey, of Clarence Center.

7 As member of the Minority Health
8 Council, Elizabeth Gross Cohn, of Sea Cliff.

9 As member and chair of the Council
10 on Human Blood and Transfusion Services, Donna
11 Skerrett, M.D., of Mount Vernon.

12 As members of the Administrative
13 Review Board for Professional Medical Conduct:
14 John A. D'Anna, M.D., of Staten Island; Steven V.
15 Grabiec, M.D., of Grand Island; Peter S. Koenig,
16 Sr., of DeWitt; Richard D. Milone, M.D., of Rye;
17 and Linda Prescott Wilson, of Laurelton.

18 And as members of the Council on
19 Human Blood and Transfusion Services: Alicia
20 Elena Gomensoro, M.D., of Staten Island; David M.
21 Huskie, of Petersburg; and Philip L. McCarthy,
22 M.D., of Williamsville.

23 ACTING PRESIDENT GRIFFO: Senator
24 DeFrancisco.

25 SENATOR DeFRANCISCO: Move the

1 nominations.

2 ACTING PRESIDENT GRIFFO: The
3 question is on the nominations of the names as
4 presented for the offices as indicated. All
5 those in favor signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT GRIFFO: Opposed?

8 (No response.)

9 ACTING PRESIDENT GRIFFO: The
10 nominees have hereby been confirmed.

11 Senator Libous.

12 SENATOR LIBOUS: Mr. President,
13 there will be an immediate meeting of the Rules
14 Committee in Room 332. Immediate meeting of the
15 Rules Committee in Room 332.

16 ACTING PRESIDENT GRIFFO: There
17 will be an immediate meeting of the Rules
18 Committee in Room 332, an immediate meeting of
19 the Rules Committee in Room 332.

20 SENATOR LIBOUS: The Senate will
21 stand at ease.

22 ACTING PRESIDENT GRIFFO: Until
23 such time, the Senate shall stand at ease.

24 (Whereupon, the Senate stood at ease
25 at 9:33 p.m.)

1 (Whereupon, the Senate reconvened at
2 9:57 p.m.)

3 SENATOR LIBOUS: Mr. President, if
4 we could return to reports of standing
5 committees, I believe there's a report of the
6 Rules Committee at the desk.

7 ACTING PRESIDENT GRIFFO: Reports
8 of standing committees.

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

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

15 Senate Print 442, by Senator Diaz,
16 an act to amend the Penal Law;

17 Senate 844, by Senator Parker, an
18 act to amend the Domestic Relations Law;

19 Senate 847, by Senator Parker, an
20 act to amend the Economic Development Law;

21 Senate 4186A, by Senator Dilan, an
22 act to amend Retirement and Social Security Law;

23 Senate 4366A, by Senator Griffio, an
24 act to amend the Banking Law;

25 Senate 4417A, by Senator Marcellino,

1 Concurrent Resolution of the Senate and Assembly;

2 Senate 4527A, by Senator Hannon, an
3 act to amend the Public Health Law;

4 Senate 4610, by Senator Young, an
5 act to amend the General Business Law;

6 Senate 4761A, by Senator Golden, an
7 act to amend the Retirement and Social Security
8 Law;

9 Senate 5057A, by Senator Carlucci,
10 an act authorizing;

11 Senate 5278A, by Senator
12 Stewart-Cousins, an act in relation to
13 authorizing;

14 Senate 5428A, by Senator Sanders, an
15 act to amend the Social Services Law;

16 Senate 5483A, by Senator Hannon, an
17 act to amend the Public Health Law;

18 Senate 5574, by Senator Boyle, an
19 act to amend the General Municipal Law;

20 Senate 5690, by Senator Valesky, an
21 act in relation to diagnosis;

22 Senate 5693, by Senator Zeldin, an
23 act to amend the Real Property Law;

24 Senate 5714A, by Senator Breslin, an
25 act to amend the Environmental Conservation Law;

1 Senate 5757, by Senator Hannon, an
2 act to amend the Education Law;

3 Senate 5764A, by Senator Little, an
4 act to amend the Public Health Law;

5 Senate 5770, by Senator Golden, an
6 act to amend Chapter 58 of the Laws of 2010;

7 Senate 5781, by Senator Hannon, an
8 act to direct the commissioner;

9 Senate 5800A, by Senator
10 DeFrancisco, an act to amend the Public
11 Authorities Law;

12 Senate 5807, by Senator Ball, an act
13 to amend the Retirement and Social Security Law;

14 Senate 5811, by Senator Hannon, an
15 act to amend the Public Health Law;

16 Senate 5814, by Senator Lanza, an
17 act to amend Chapter 56 of the Laws of 2013;

18 Senate 5815, by Senator Ball, an act
19 to amend the Public Authorities Law;

20 Senate 5821, by Senator Robach, an
21 act to amend the Family Court Act;

22 Senate 5834, by Senator Hannon, an
23 act to amend the Public Health Law;

24 Senate 5845, by Senator Ranzenhofer,
25 an act to amend the Executive Law;

1 And Senate 5849, by Senator Boyle,
2 an act to enact.

3 All bills reported direct to third
4 reading.

5 ACTING PRESIDENT GRIFFO: Senator
6 Libous.

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

9 ACTING PRESIDENT GRIFFO: All in
10 favor of accepting the Committee on Rules report
11 signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT GRIFFO: Opposed?

14 (No response.)

15 ACTING PRESIDENT GRIFFO: The Rules
16 report is accepted.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President, so
19 that we're all on the same page, we are going to
20 go to Senate Supplemental Calendar 56B.

21 Could we have the noncontroversial
22 reading, please.

23 ACTING PRESIDENT GRIFFO: The
24 Secretary will begin the noncontroversial reading
25 of Senate Supplemental Calendar 56B.

1 THE SECRETARY: Calendar Number
2 1523, by Senator Diaz, Senate Print 442, an act
3 to amend the Penal Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 63.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1524, by Senator Parker, Senate Print 844, an act
16 to amend the Domestic Relations Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

19 THE SECRETARY: Section 6. This
20 act shall take effect on the first of November.

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62. Nays,

25 1. Senator Montgomery recorded in the negative.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1525, by Senator Parker, Senate Print 847, an act
5 to amend the Economic Development Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: In relation to
17 Calendar Number 1526, Senator Dilan moves to
18 discharge, from the Committee on Rules, Assembly
19 Bill Number 6578A and substitute it for the
20 identical Senate Bill Number 4186A, Third Reading
21 Calendar 1526.

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

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 1526, by Member of the Assembly Abbate, Assembly
2 Print 6578A, an act to amend the Retirement and
3 Social Security Law.

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, 62. Nays,
12 1. Senator Ball recorded in the negative.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: In relation to
16 Calendar Number 1527, Senator Griffio moves to
17 discharge, from the Committee on Rules, Assembly
18 Bill Number 7213A and substitute it for the
19 identical Senate Bill Number 4366A, Third Reading
20 Calendar 1527.

21 ACTING PRESIDENT GRIFFO: The
22 substitution is so ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 1527, by Member of the Assembly Robinson,

1 Assembly Print Number 7213A, an act to amend the
2 Banking 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, 63.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: In relation to
14 Calendar Number 1528, Senator Marcellino moves to
15 discharge, from the Committee on Rules, Assembly
16 Bill Number 7868 and substitute it for the
17 identical Senate Bill Number 4417A, Third Reading
18 Calendar 1528.

19 ACTING PRESIDENT GRIFFO: The
20 substitution is so ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 1528, by Member of the Assembly Galef, Assembly
24 Print Number 7868, Concurrent Resolution of the
25 Senate and Assembly.

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 63.

5 ACTING PRESIDENT GRIFFO: The
6 resolution is adopted.

7 THE SECRETARY: Calendar Number
8 1529, by Senator Hannon, Senate Print 4527A, an
9 act to amend the Public Health Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

12 THE SECRETARY: Section 10. 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, 63.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1530, by Senator Young, Senate Print 4610, an act
22 to amend the General Business Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect on the 120th day.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 1531, Senator Golden moves to
10 discharge, from the Committee on Rules, Assembly
11 Bill Number 4983A and substitute it for the
12 identical Senate Bill Number 4761A, Third Reading
13 Calendar 1531.

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

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 1531, by Member of the Assembly Abbate, Assembly
19 Print Number 4983A, an act to amend the
20 Retirement and Social Security Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62. Nays,

4 1. Senator Ball recorded in the negative.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 1532, Senator Carlucci moves to
9 discharge, from the Committee on Rules, Assembly
10 Bill Number 7514 and substitute it for the
11 identical Senate Bill Number 5057A, Third Reading
12 Calendar 1532.

13 ACTING PRESIDENT GRIFFO: The
14 substitution is so ordered.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 1532, by Member of the Assembly Jaffee, Assembly
18 Print Number 7514, an act authorizing.

19 SENATOR GIANARIS: Lay it aside.

20 ACTING PRESIDENT GRIFFO: Lay the
21 bill aside.

22 THE SECRETARY: In relation to
23 Calendar Number 1533, Senator Stewart-Cousins
24 moves to discharge, from the Committee on Rules,
25 Assembly Bill Number 4086A and substitute it for

1 the identical Senate Bill Number 5278A, Third
2 Reading Calendar 1533.

3 ACTING PRESIDENT GRIFFO: The
4 substitution is ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 1533, by Member of the Assembly Paulin, Assembly
8 Print Number 4086A, an act in relation to.

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. Nays,
17 2. Senators Ball and Marchione recorded in the
18 negative.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1534, by Senator Sanders, Senate Print 5428A, an
23 act to amend the Social Services Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 61. Nays,
7 2. Senators Ball and Marchione recorded in the
8 negative.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 1535, Senator Hannon moves to
13 discharge, from the Committee on Rules, Assembly
14 Bill Number 7665C and substitute it for the
15 identical Senate Bill Number 5483A, Third Reading
16 Calendar 1535.

17 ACTING PRESIDENT GRIFFO: The
18 substitution is ordered.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 1535, by Member of the Assembly Gottfried,
22 Assembly Print Number 7665C, an act to amend the
23 Public Health 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, 63.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: In relation to
10 Calendar Number 1536, Senator Boyle moves
11 discharge, from the Committee on Rules, Assembly
12 Bill Number 1629 and substitute it for the
13 identical Senate Bill Number 5574, Third Reading
14 Calendar 1536.

15 ACTING PRESIDENT GRIFFO:
16 Substitution ordered.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 1536, by Member of the Assembly Gunther, Assembly
20 Print Number 1629, an act to amend the General
21 Municipal 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, 63.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 1537, Senator Valesky moves to
9 discharge, from the Committee on Rules, Assembly
10 Bill Number 403A and substitute it for the
11 identical Senate Bill Number 5690, Third Reading
12 Calendar 1537.

13 ACTING PRESIDENT GRIFFO:
14 Substitution ordered.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 1537, by Member of the Assembly Magnarelli,
18 Assembly Print Number 403A --

19 SENATOR GIANARIS: Lay it aside.

20 ACTING PRESIDENT GRIFFO: The bill
21 is laid aside.

22 THE SECRETARY: Calendar Number
23 1538, by Senator Zeldin, Senate Print 5693, an
24 act to amend the Real Property 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, 63.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1539, by Senator Breslin, Senate Print 5714A, an
12 act to amend the Environmental Conservation Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 63.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 1541, Senator Hannon moves to
25 discharge, from the Committee on Rules, Assembly

1 Bill Number 7866 and substitute it for the
2 identical Senate Bill Number 5757, Third Reading
3 Calendar 1541.

4 ACTING PRESIDENT GRIFFO:
5 Substitution ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 1541, by Member of the Assembly Glick, Assembly
9 Print 7866, an act to amend the Education Law.
10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

12 THE SECRETARY: Section 4. This
13 act shall take effect January 1, 2015.

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 60. Nays,
18 3. Senators Griffio, Marchione and Ritchie
19 recorded in the negative.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1542, by Senator Little, Senate Print 5764A, 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, 62. Nays,
8 1. Senator Ball recorded in the negative.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1543, by Senator Golden, Senate Print 5770, an
13 act to amend Chapter 58 of the Laws of 2010.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62. Nays, 1.
22 Senator Marchione recorded in the negative.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1544, by Senator Hannon, Senate Print 5781, an
2 act to direct.

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, 63.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1545, by Senator DeFrancisco, Senate Print 5800A,
15 an act to amend the Public Authorities Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 62. Nays,
24 1. Senator Ball recorded in the negative.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1546, by Senator Ball, Senate Print 5807, an act
4 to amend the Retirement and Social Security Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 63.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1547, by Senator Hannon, Senate Print 5811, an
17 act to amend the Public Health Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 63.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1548, by Senator Lanza, Senate Print 5814, an act
5 to amend Chapter 56 of the Laws of 2013.

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 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1549, by Senator Ball, Senate Print 5815, an act
18 to amend the Public Authorities Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62. Nays,
2 1. Senator Martins recorded in the negative.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 1550, Senator Robach moves to
7 discharge, from the Committee on Rules, Assembly
8 Bill Number 7400 and substitute it for the
9 identical Senate Bill Number 5821, Third Reading
10 Calendar 1550.

11 ACTING PRESIDENT GRIFFO:
12 Substitution ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 1550, by Member of the Assembly Weinstein,
16 Assembly Print Number 7400, an act to amend the
17 Family Court Act.

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, 63.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1551, by Senator Hannon, Senate Print 5834, an
5 act to amend the Public Health Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

8 THE SECRETARY: Section 5. This
9 act shall take effect July 1, 2014.

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1552, by Senator Ranzenhofer, Senate Print 5845,
18 an act to amend the Executive Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

21 THE SECRETARY: Section 132. This
22 act shall take effect July 1, 2014.

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 63.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 Calendar 1553, by Senator Boyle, is
5 high, so it will be laid aside.

6 Senator Libous, that completes the
7 noncontroversial reading of Senate Supplemental
8 Calendar 56B.

9 SENATOR LIBOUS: Mr. President.

10 ACTING PRESIDENT GRIFFO: Senator
11 Libous.

12 SENATOR LIBOUS: Could you go back
13 to Calendar Number 1549, and could we withdraw
14 the roll call and lay the bill aside. Number
15 1549, by Senator Ball.

16 ACTING PRESIDENT GRIFFO: We will
17 return to Calendar Number 1549, by Senator Ball.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 1549, by Senator Ball, Senate Print 5815, an act
21 to amend the Public Authorities Law.

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

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 63.

1 SENATOR LIBOUS: Mr. President, lay
2 the bill aside.

3 ACTING PRESIDENT GRIFFO: Lay the
4 bill aside.

5 That bill is laid aside for the day,
6 Senator Libous?

7 SENATOR LIBOUS: No, not laid aside
8 for the day, it's just laid aside.

9 ACTING PRESIDENT GRIFFO: Lay the
10 bill aside temporarily.

11 SENATOR LIBOUS: Thank you.

12 Mr. President, can we go back to the
13 original active list for Thursday, June 20th.
14 It's this piece of paper (showing).

15 ACTING PRESIDENT GRIFFO: We will
16 return to the original active list.

17 SENATOR LIBOUS: Mr. President,
18 we're going to have the controversial reading of
19 this calendar. There were two bills that were
20 laid aside. The first one would be the Golden
21 bill, Number 371.

22 Hang on a second, everyone.
23 Everybody pause. Deep breath.

24 ACTING PRESIDENT GRIFFO: We're
25 going to ring the bell before we begin the

1 controversial reading to get members in the
2 chamber.

3 SENATOR LIBOUS: Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator
5 Libous.

6 SENATOR LIBOUS: I misspoke.
7 There's only one bill laid aside; the other one
8 was laid aside for the day. So we will take up
9 the controversial reading of Calendar Number 371.

10 ACTING PRESIDENT GRIFFO: Calendar
11 371 is before the house. The bell has been
12 rung.

13 The Secretary will read.

14 SENATOR LIBOUS: Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator
16 Libous.

17 SENATOR LIBOUS: Hang on a second.

18 The Secretary will read.

19 ACTING PRESIDENT GRIFFO: The
20 Secretary will read. We have a substitution.

21 THE SECRETARY: On page 11, Senator
22 Golden moves to discharge, from the Committee on
23 Rules, Assembly Bill Number 7832B and substitute
24 it for the identical Senate Bill Number 4088C,
25 Third Reading Calendar 371.

1 ACTING PRESIDENT GRIFFO: The
2 substitution is so ordered.

3 The bill is before the house.

4 Senator Gianaris, why do you rise?

5 SENATOR GIANARIS: Mr. President, I
6 believe there's an amendment at the desk.

7 ACTING PRESIDENT GRIFFO: Excuse
8 me, Senator Gianaris. We're going to read it,
9 and then I'll allow you to make your proposal.

10 SENATOR GIANARIS: Thank you.

11 ACTING PRESIDENT GRIFFO: The
12 Secretary will read.

13 THE SECRETARY: Calendar Number
14 371, by Member of the Assembly Cusick, Assembly
15 Print 7832B, an act to amend the Election Law.

16 ACTING PRESIDENT GRIFFO: Senator
17 Gianaris.

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

20 ACTING PRESIDENT GRIFFO: May I
21 have some order in the house, please.

22 SENATOR GIANARIS: Mr. President, I
23 believe there's an amendment at the desk. I ask
24 that the reading of the amendment be waived and
25 ask that Senator Rivera may be heard on the

1 amendment.

2 ACTING PRESIDENT GRIFFO: Senator
3 Gianaris, I am in receipt of the amendment and I
4 have reviewed the amendment and believe the bill
5 to be nongermane to the original object and
6 purpose thereof.

7 SENATOR GIANARIS: Mr. President,
8 I'd like to appeal the decision of the chair.

9 ACTING PRESIDENT GRIFFO: The
10 decision of the chair is being appealed. All
11 those in favor --

12 SENATOR GIANARIS: And I would ask
13 that Senator Rivera be heard on the appeal.

14 ACTING PRESIDENT GRIFFO: Senator
15 Rivera will be heard on the appeal.

16 SENATOR RIVERA: Thank you,
17 Mr. President. I know you probably want to get
18 through this as quickly as possible, but I'm
19 going to take a little bit of time because I want
20 to argue on the germaneness of this particular
21 amendment.

22 Now, as we know, the judgments that
23 you have to make on the germaneness of this
24 amendment has to do with whether it deals with
25 the same topic of law and the same -- if it tries

1 to change the title of the original bill, the
2 subject matter, or the topic. And this is an
3 amendment that very much has to do with the topic
4 and the subject matter at hand.

5 What we're trying to do here with
6 this amendment, what it would do, the result of
7 it, we would have a fairer, more transparent,
8 more accountable and ultimately a more democratic
9 system.

10 This amendment is a fundamental --
11 yes. Yes, Senator Robach, I know you're watching
12 me, and I'm watching you right back.

13 What this amendment would do is
14 create a system that would be ultimately more
15 democratic and more accessible. We would have a
16 public financing system, which would mean that we
17 would have more access for folks trying to run
18 and participate in the electoral system as
19 candidates themselves.

20 We would have a lower contribution
21 limit, which means that we would have more access
22 and more participation from the public at hand.

23 We would have stronger enforcement
24 mechanisms, so you would have -- those that are
25 breaking the law and those that do not obey

1 campaign limitations, they would actually be held
2 to a higher standard.

3 And we would have stronger
4 disclosure guidelines, all of this having to do
5 with changing election law.

6 Now, unfortunately, New York -- we
7 are in many ways the progressive capital of the
8 nation, but in many ways we are falling behind.
9 And certainly when it deals with our electoral
10 system and our campaign finance system, we are
11 certainly lagging behind.

12 In New York State we are one of the
13 most expensive states in the entire country.
14 Just in 2009, the cycle that happened in 2009 and
15 2010, \$87 million were spend on elections in
16 New York State. But of those \$87 million that
17 were raised during that period of time,
18 99 percent of New Yorkers didn't give a cent
19 toward that \$87 million. Which means that the
20 great majority of the people in this state don't
21 participate in this area of our electoral system.

22 As a matter of fact, in the last
23 couple of election cycles, going back to 2006,
24 individuals that gave \$250 or less -- and
25 certainly folks in my district can afford to give

1 much less than that, if they give at all -- we're
2 talking about less than 7 percent of the total
3 number of people that gave to any of us or any of
4 the folks that ran on the other side of the hall.

5 Just going back to my race in 2010,
6 I had to raise over \$400,000. And on Election
7 Day, I was \$90,000 in debt.

8 We have a system that does not allow
9 access for many New Yorkers, whether it's to give
10 money, to participate in a way to support
11 candidates, or to have candidates that are not
12 wealthy or don't have the luck that I did to have
13 many circumstances come together to be able to
14 raise that sort of money to run. And I believe
15 that that ultimately makes our system less
16 democratic, it makes our system less transparent,
17 less accountable and less fair.

18 Ultimately, Mr. President, this
19 amendment, what it would do, by creating a system
20 of public financing, a comprehensive system that
21 would have lower contribution limits, stronger
22 enforcement mechanisms, and stronger disclosure
23 guidelines, what we're trying to say here with
24 this -- what I'm trying to say here with this
25 amendment, Mr. President, first of all, it is not

1 a different topic or subject matter than the bill
2 at hand and ultimately would create a system that
3 is more democratic. Because I believe that we
4 should have -- this system would actually
5 encourage for us to have a healthy fear of the
6 voters and not an unhealthy fear of lobbyists.

7 So, Mr. President, I argue for the
8 germaneness of this amendment and hopefully it
9 will be considered by the house.

10 Thank you so much.

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

13 Senator Gipson.

14 SENATOR GIPSON: Thank you,
15 Mr. President. I'd like to speak briefly on
16 Senator Rivera's amendment.

17 ACTING PRESIDENT GRIFFO: Proceed.

18 SENATOR GIPSON: I thank you for
19 this opportunity.

20 Just to underline what Senator
21 Rivera said, I do firmly believe that New York
22 State is denying opportunities to the best and
23 the brightest throughout our state, the
24 opportunity to run for office. Whether you're
25 rich or poor, you ought to have the chance to run

1 for any office you choose.

2 ACTING PRESIDENT GRIFFO: Senator
3 Libous, why do you rise?

4 SENATOR LIBOUS: He's not speaking
5 on the amendment, he's speaking on ruling of the
6 chair, Mr. President.

7 ACTING PRESIDENT GRIFFO: Correct.
8 We're speaking on the process.

9 Senator Gipson, you may continue.

10 SENATOR GIPSON: Thank you very
11 much.

12 And I believe also that more
13 transparency is needed. And I believe that if
14 all of these things came to bear in terms of fair
15 elections, campaign finance reform, that we
16 wouldn't be here at 10:20 at night, during
17 vampire hours, as we seem to be committed to
18 doing here on out. And I hope you understand
19 that I had to find a way to get in before the
20 night was over.

21 (Laughter.)

22 SENATOR GIPSON: So I appreciate
23 the opportunity here, but I do take this very
24 seriously.

25 Thank you, Mr. President.

1 ACTING PRESIDENT GRIFFO: The
2 question before the house is on procedures. All
3 those in favor --

4 SENATOR GIANARIS: Show of hands,
5 please.

6 ACTING PRESIDENT GRIFFO: Senator
7 Gianaris has asked for a show of hands. It is so
8 instructed.

9 All those in favor of overruling the
10 ruling of the chair please raise your hand.

11 Announce the results.

12 THE SECRETARY: Ayes, 30.

13 ACTING PRESIDENT GRIFFO: The
14 ruling of the chair stands.

15 On the bill, the Secretary will read
16 the last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

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

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

1 In addition to the fact that this
2 so-called electoral reform does not include
3 campaign finance, I may also add to it that there
4 is no question that the New York City Board of
5 Elections has repeatedly failed the voters it
6 serves time and time again. Its endemic and
7 persistent refusal to undertake needed reform has
8 hurt New York City voters.

9 The consequences of the board's
10 actions are not theoretical or abstract. It's
11 poor organization, inadequate training, planning,
12 lack of transparency that has resulted in many
13 registered voters being turned away at their
14 long-time polling sites, voting via frequently
15 disqualified affidavit ballots, and other forms
16 of disenfranchisement.

17 These problems have
18 disproportionately impacted many minority groups,
19 non-English-speaking groups, and infrequent and
20 first-time voters, the very people we should be
21 encouraging to come forward and participate in
22 the political and civic process.

23 Instead, Mr. President, I will be
24 voting against this bill. I believe that the
25 Board of Elections needs to do some major

1 reform. There is another bill that we took up
2 earlier, Senate Bill 3536, which leads in that
3 direction, in making sure that voters are
4 confident that when they deposit their vote, it
5 will be counted, that at the end of the day we
6 have a very accurate and transparent count, and
7 that democracy is strengthened through these
8 means.

9 For these reasons, Mr. President, I
10 will be voting against this bill.

11 ACTING PRESIDENT GRIFFO: Senator
12 Espaillat to be recorded in the negative.

13 Senator Golden to explain his vote.

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

16 This bill that we're passing tonight
17 is supported by the mayor of the City of New
18 York, the Board of Elections, and it just passed
19 the Assembly just very recently.

20 This would allow for lever machines
21 to be used during the runoff and the primary this
22 September, and then going to the electronic
23 machines to be used in November.

24 The reason for that, if we have a
25 runoff, which is very probable, that we would --

1 if the process were to be .5 of 1 percent, there
2 would be a paper recount. That paper recount
3 could not possibly be done in the two-week --
4 which we just moved it in this legislation to
5 three weeks, but still not enough time to count a
6 million pieces of paper.

7 This, however, bill will give the
8 Board of Elections the ability to have this
9 election by using the lever machines and
10 therefore not requiring a paper recount. And an
11 electronic machine will be placed at each
12 election site for the handicapped so that they
13 have access.

14 The reason for this bill is very
15 simple. Had we to do a paper recount like we did
16 this past year in a Senate race, it took them, to
17 count 22,000 votes, paper votes, 72 days. I have
18 no idea how long it would take us to count a
19 million pieces of paper.

20 So this bill also puts forward a
21 study to be done by the Board of Elections to
22 come back to us by July 1 of 2014 to tell us how
23 they will complete the races in the future
24 without having to use the lever machines.

25 But these lever machines are

1 necessary so that the Board of Elections can get
2 this done on time and that the City of New York
3 can do a responsible race in a responsible period
4 of time, getting a responsible count for that
5 evening so that we can know who won the election
6 for mayor in the primary, who wins in the runoff,
7 and then going to the electronic machines to find
8 out who will be the mayor of the City of New York
9 in November.

10 I vote aye, Mr. President. Thank
11 you.

12 ACTING PRESIDENT GRIFFO: Senator
13 Golden to be recorded in the affirmative.

14 Announce the results.

15 THE SECRETARY: In relation to
16 Calendar 371, those recorded in the negative are
17 Senators Espaillat, Gipson, Kennedy, Krueger,
18 O'Brien, Parker, Rivera and Serrano. Also
19 Senators Hoylman, Latimer, Squadron and Tkaczyk.

20 Ayes, 51. Nays, 12.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 Senator Libous, that completes the
24 controversial reading of the original active list
25 of June 20th.

1 SENATOR LIBOUS: Mr. President,
2 we're going to go to Supplemental Active List 1.
3 It's a sheet of paper (showing).

4 ACTING PRESIDENT GRIFFO: The
5 original supplemental active list of June 20th.

6 SENATOR LIBOUS: We'll take up
7 Calendar Number 1048.

8 ACTING PRESIDENT GRIFFO: Calendar
9 1048, by Senator DeFrancisco.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 1048, by Senator DeFrancisco, Senate Print 3362A,
13 an act to amend the General Municipal Law.

14 SENATOR KRUEGER: Explanation,
15 please.

16 ACTING PRESIDENT GRIFFO: An
17 explanation has been requested by Senator
18 Krueger, Senator DeFrancisco.

19 SENATOR DeFRANCISCO: The State of
20 New York is trailing economically just about
21 every state. It's very difficult to start a
22 business in New York. In fact, tomorrow we'll be
23 dealing with a bill for some measures that the
24 Governor has proposed to try to kickstart the
25 economy.

1 We've got to cut back on paperwork.
2 We can't have busywork being required not only by
3 the State of New York but also by separate
4 municipalities. What this bill says, at least as
5 far as wage reporting, is that the state will set
6 the rules by statute of when wage reporting has
7 to be done. And it preempts local bills that
8 require more such wage reporting.

9 There's an exception, however, if
10 there's an investigation going on. Obviously,
11 the investigators should be able to request
12 whatever information they need no matter what the
13 state law is. And it also accepts the prevailing
14 wage and similar statutes dealing with Article 8
15 of the Labor Law.

16 ACTING PRESIDENT GRIFFO: Thank you
17 for your explanation.

18 Senator Krueger.

19 SENATOR KRUEGER: Thank you.

20 Through you, Mr. President, if the
21 sponsor would yield.

22 SENATOR DeFRANCISCO: Yes.

23 ACTING PRESIDENT GRIFFO: The
24 sponsor yields.

25 SENATOR KRUEGER: Thank you.

1 Does the sponsor know how many
2 municipalities would be affected by his
3 legislation?

4 SENATOR DeFRANCISCO: I hope all of
5 them. Because all would be preempted.

6 ACTING PRESIDENT GRIFFO: Senator
7 Krueger.

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

11 ACTING PRESIDENT GRIFFO: The
12 sponsor yields.

13 SENATOR DeFRANCISCO: Yes.

14 SENATOR KRUEGER: Does the sponsor
15 know that New York City has adopted a wage
16 notification law and that this law would be
17 preempted by his bill?

18 SENATOR DeFRANCISCO: That's
19 correct. You're talking about affordable
20 housing, Senator?

21 SENATOR KRUEGER: Housing with
22 government investment, yes.

23 ACTING PRESIDENT GRIFFO: Can I ask
24 the members to please direct through the chair.

25 SENATOR DeFRANCISCO: Yes, I'm

1 familiar with that statute. And that brought my
2 attention to the potential problem. And that is
3 we have an extensive wage reporting bill that was
4 passed I think in 2009 or 2010. And then,
5 despite that, in 2012 New York City came up with
6 another wage reporting bill that is quite
7 duplicative and quite frankly only dealt with one
8 industry.

9 And so this is what I'm trying to
10 prevent, so that someone trying to do business in
11 the State of New York doesn't run into multiple
12 reporting requirements on this topic, and
13 sometimes just individual industries being
14 required to provide more information.

15 SENATOR KRUEGER: Through you,
16 Mr. President, can the sponsor tell me how many
17 other municipalities have a wage law besides
18 New York City?

19 SENATOR DeFRANCISCO: I have no
20 idea. But New York City is an example of
21 duplicative efforts.

22 And that's why we have federal
23 preemption of state laws, we have state
24 preemption of local laws, so we have some kind of
25 consistency in certain areas. And there's got to

1 be consistency in the regulatory system in the
2 State of New York if we expect to keep what
3 businesses we have and attract new businesses.

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

7 SENATOR DeFRANCISCO: Yes, I will.

8 ACTING PRESIDENT GRIFFO: The
9 sponsor yields.

10 SENATOR KRUEGER: Is the sponsor
11 aware that the City of New York passed its law
12 that specifically relates to construction of
13 housing involving in some way government
14 support -- tax exemptions, tax credits, direct
15 grants or payments -- for affordable housing with
16 government involvement after the federal
17 Department of Labor had prepared multiple actions
18 against such contractors and found millions of
19 dollars in owed wages among several contractors
20 and subcontractors in this field in New York
21 City?

22 SENATOR DeFRANCISCO: I did not
23 know that. But to me that's irrelevant, insofar
24 as the state had already passed a law that would
25 have provided the same information that the --

1 well, similar, not exactly the same. But that
2 law was a duplicative effort to the bill that was
3 passed in 2009, I believe sponsored by
4 Senator Savino.

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

8 SENATOR DeFRANCISCO: Yes.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR KRUEGER: Would the sponsor
12 agree with me that the law that was passed by
13 Senator Savino involves providing the wage
14 information to employees, and yet this city bill
15 is to provide wage information to the government
16 who's involved with providing funding and/or tax
17 credits and exemptions for these construction
18 jobs?

19 SENATOR DeFRANCISCO: Yes, I
20 believe that's the case.

21 However, once again, there's the
22 exception. You mentioned the potential problems
23 that the federal government uncovered. However,
24 "Nothing in this section shall limit the
25 provision of employment and wage information

1 pursuant to an investigation or enforcement of
2 alleged violations of the Labor Law or an
3 investigation or enforcement by a law enforcement
4 agency," et cetera, et cetera.

5 So this is covered, and it would not
6 interrupt any such investigation.

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

10 SENATOR DeFRANCISCO: Yes, I would.

11 ACTING PRESIDENT GRIFFO: The
12 sponsor yields.

13 SENATOR KRUEGER: Might we agree
14 that there's a difference between trying to
15 provide the information in order to track and
16 document possible abuse versus having no ability
17 to see patterns of abuse to then call in law
18 enforcement to do investigations?

19 SENATOR DeFRANCISCO: That is
20 correct.

21 But presently the investigators do
22 have subpoena power. They do have the ability to
23 get the information they choose if something is
24 brought to their attention either by the Labor
25 Department or a local entity or another employee.

1 SENATOR KRUEGER: On the bill,
2 Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator
4 Krueger on the bill.

5 SENATOR KRUEGER: I think the
6 sponsor and I disagree in our understanding of
7 the value of this information in a transparent
8 form so that government can in fact track
9 relevant data to make sure illegal things aren't
10 going on. And there's a big difference between
11 that and having to hope there's some expose or
12 filing of complaints with investigation of
13 illegal activity.

14 The example from New York City, by
15 the way, which did pass Local Law 730 -- which
16 this bill, if it became law would preempt -- that
17 it was passed by unanimous vote of the City
18 Council in July of 2012, requires residential
19 housing development initiated, funded or
20 participated in by the Department of Housing
21 Preservation and Development, New York City's
22 housing agency.

23 As part of the disclosure,
24 contractors are required to disclose to the
25 department wage information such as the names of

1 employees and their rate of pay and shifts and
2 other wage information. The City of New York
3 made a specific choice to go after contractors
4 doing business with the department after there
5 were exposes through the Department of Labor
6 pursuing multiple actions with such contractors.

7 The legislation was introduced just
8 one month after a department assistant
9 commissioner and six developers were indicted for
10 racketeering, conspiracy, bribery, extortion,
11 wire fraud and money laundering in connection
12 with corruption schemes that had netted
13 defendants between \$1 million and \$2 million in
14 kickbacks and bribes for looking the other way on
15 wage exploitation, and the cost to the department
16 of hundreds of thousands of dollars in
17 overpayments to developers in these
18 government-funded projects.

19 The legislation, if it passed today,
20 would preempt a good-faith effort on the part of
21 New York City to provide transparency in housing
22 development projects subsidized through tax
23 breaks and other initiatives.

24 Where there are taxpayers funding
25 the projects, it seems only right that the

1 municipality should have the right to know
2 whether employees are being paid a reasonable
3 wage and in fact are being paid what is being
4 filed with the government and often partially
5 billed to the government. This is a fundamental
6 public right to know how their taxpayer dollars
7 are being used.

8 Not only would this bill preempt
9 New York City, but it would preempt any other
10 municipality that attempts to provide
11 transparency and disclosure of employee wages on
12 public projects.

13 The sponsor and I each don't know if
14 there are other equivalent laws throughout the
15 State of New York. I know of New York City's
16 situation. I know that this law grew out of a
17 recognition that there was corruption and that
18 people were being cheated out of their wages.

19 And it is a mechanism, a quite
20 simple mechanism simply providing the information
21 to be kept in a database so that government can
22 track what is being paid or what is supposed to
23 be being paid to whom, to help them match up
24 whether in fact the information being reported on
25 various contracting and grant reports is in fact

1 consistent with what they know or don't know are
2 the wages being paid. This is a simple,
3 nonintrusive way for government to have
4 transparency, for government to be able to
5 watchdog its own spending in publicly funded
6 housing projects and developments.

7 The legislation comes at the same
8 time as some members of this body are attempting
9 to repeal the wage notification provisions cited
10 in the discussion earlier. And yet this
11 legislation attempts to provide a justification
12 that says we don't need the localities to have
13 the right to collect the information because we
14 have a state law that provides the information,
15 except we're trying to repeal that state law
16 perhaps in the exact same day or 24 hours from
17 which this legislation is arguing the local law
18 is duplicative.

19 I strongly urge my colleagues to
20 vote no and to recognize that there are very good
21 reasons for local governments to want to make
22 sure that their funds are being properly spent,
23 distributed in wages, and that in fact people are
24 not, as we found in the City of New York,
25 racketeering, committing bribery, extortion, wire

1 fraud and money laundering with government money,
2 rather than having maximum utilization of
3 taxpayers' money to build what is supposed to be
4 built to provide the housing in our communities
5 that is needed.

6 I don't believe we need this law in
7 New York State. And yet I'm very sure, at least
8 for the City of New York, the local law is very
9 important to have passed. I appreciate that my
10 colleagues in the City Council worked so hard to
11 get this law. I believe that New York City is
12 now in a place where it can have more confidence
13 in the information they have, the due diligence
14 they can use, and in fact that investigations, if
15 they take place, will be more targeted and more
16 successful.

17 The local law is important. There
18 is no reason for the State of New York to pass a
19 law preventing them from continuing to have the
20 local law. And in fact other localities in the
21 state might do very well to pass their own local
22 laws to do this kind of tracking for themselves.

23 I vote no, Mr. President. Thank
24 you.

25 ACTING PRESIDENT GRIFFO: Hearing

1 and seeing no other Senator who wishes to be
2 heard, debate is closed.

3 The Secretary will ring the bell.

4 Read the 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 ACTING PRESIDENT GRIFFO: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar Number 1048, those recorded in the
14 negative are Senators Adams, Addabbo, Avella,
15 Diaz, Espaillat, Gianaris, Hassell-Thompson,
16 Hoylman, Krueger, Montgomery, Parker, Peralta,
17 Perkins, Rivera, Sanders, Serrano, Squadron,
18 Stavisky and Stewart-Cousins.

19 Absent from voting: Senator
20 Sampson.

21 Ayes, 43. Nays, 19.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 Senator Libous, that completes the
25 controversial reading of the original

1 supplemental active list of June 20th.

2 SENATOR LIBOUS: Mr. President,
3 we're now on Supplemental Calendar 56B. We're
4 going in order on the lay-asides.

5 ACTING PRESIDENT GRIFFO: The bell
6 has been rung.

7 We're on the controversial reading
8 of Senate Supplemental Calendar 56B, and we'll
9 begin by the Secretary reading Calendar Number
10 1532.

11 THE SECRETARY: Calendar Number
12 1532, by Member of the Assembly Jaffee, Assembly
13 Print 7514, an act authorizing.

14 SENATOR KRUEGER: Explanation.

15 ACTING PRESIDENT GRIFFO: An
16 explanation has been requested, Senator Carlucci,
17 by Senator Krueger.

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

20 This bill allows the East Ramapo
21 Central School District to advance their
22 September lottery aid payment from September to
23 June.

24 This initiative has been supported
25 by NYSUT, the School Boards Association, and the

1 State Education Department.

2 ACTING PRESIDENT GRIFFO: Senator
3 Krueger.

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

7 ACTING PRESIDENT GRIFFO: Does the
8 sponsor yield?

9 SENATOR CARLUCCI: Yes.

10 ACTING PRESIDENT GRIFFO: The
11 sponsor yields.

12 SENATOR KRUEGER: Why does
13 East Ramapo need this money at this time?

14 SENATOR CARLUCCI: Thank you,
15 Senator, for that question.

16 The East Ramapo School District has
17 experienced some very dramatic changes over the
18 past few years. In fact, they've had a student
19 body increase of about 30 percent in just the
20 last five years. And this year's budget, they
21 had put in devastating cuts to the tune where
22 they said that if they weren't able to get this
23 funding, the \$3.5 million that this will put into
24 this --

25 ACTING PRESIDENT GRIFFO: Can we

1 have some order in the chamber? I'm sorry,
2 Senator Carlucci.

3 Can we have some order in the
4 chamber, please.

5 SENATOR CARLUCCI: -- to put into
6 this year's school budget, they would have to cut
7 programs that are really essential to developing
8 quality students and the leaders of tomorrow.
9 Programs like sports, guidance counselors, health
10 services, sports programs.

11 This is really an urban school
12 district in a suburban community and experiencing
13 the growing pains of that. And this is an effort
14 to make sure that these students get the best
15 education possible. And we found this as a
16 reasonable way to do that.

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

20 ACTING PRESIDENT GRIFFO: Does the
21 sponsor yield?

22 SENATOR CARLUCCI: Yes.

23 ACTING PRESIDENT GRIFFO: The
24 sponsor yields.

25 SENATOR KRUEGER: How much was the

1 school budget cut over the last year or several
2 years, as the sponsor referenced? What's the
3 dollar difference in the reduced budget?

4 SENATOR CARLUCCI: I don't have
5 that number in front of me.

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

9 SENATOR CARLUCCI: Yes.

10 ACTING PRESIDENT GRIFFO: Senator
11 Carlucci yields.

12 SENATOR KRUEGER: Does the sponsor
13 know what percentage the budget was cut, if he
14 doesn't know the dollar amount it was cut?

15 SENATOR CARLUCCI: Well, I do have
16 the number. The number, the cut, was \$452,000.

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

20 SENATOR CARLUCCI: Yes.

21 ACTING PRESIDENT GRIFFO: The
22 sponsor yields.

23 SENATOR KRUEGER: Was the budget
24 cut by \$452,000 because there was a vote to
25 reduce the school district funding or the school

1 budgets?

2 SENATOR CARLUCCI: Yes, there was a
3 school board budget.

4 This initial \$3.5 million, they were
5 facing a \$2.3 million shortfall. The district
6 had to find ways to plug that gap and try to
7 still provide essential services to students.
8 When they had their meetings to develop that
9 budget, they had talked about the specific areas
10 that would have to be cut if they were not able
11 to find this \$3.5 million.

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

15 SENATOR CARLUCCI: Yes.

16 ACTING PRESIDENT GRIFFO: The
17 sponsor yields.

18 SENATOR KRUEGER: So there was a
19 \$2.3 million shortfall already. What explains
20 that shortfall? What caused that shortfall?

21 SENATOR CARLUCCI: Well, there's
22 many different things that caused that
23 shortfall.

24 One of the big things is, again,
25 this is really a district that's become an urban

1 district in a suburban community. We have about
2 30,000 children in this school district, an
3 increase of close to 30 percent just over the
4 past five years. And those are some of the
5 things that have led to the shortfall and this
6 budget gap.

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

10 SENATOR CARLUCCI: Yes.

11 ACTING PRESIDENT GRIFFO: The
12 sponsor yields.

13 SENATOR KRUEGER: I believe that
14 this is the town that I have read many articles
15 about that there is a serious corruption problem,
16 that the school board members do not send their
17 own children to the public school system and seem
18 to have -- it appears intentionally --
19 misdirected funds and made sure that there was
20 not adequate funding to provide for the children
21 who go to the school system.

22 Would the sponsor agree with me on
23 that analysis?

24 SENATOR CARLUCCI: Well, Senator,
25 what I would say -- and I thank you for bringing

1 that to everyone's attention.

2 What I've done with this bill is to
3 put in strict oversight in terms of where that
4 money could be spent. And working with the State
5 Education Department, we developed this
6 legislation to make sure that that money is going
7 where we intend it to go, to make sure it's going
8 to after-school programs, to music programs, to
9 what we actually put exactly in the budget and
10 detail where that money will be spent.

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

14 SENATOR CARLUCCI: Yes.

15 ACTING PRESIDENT GRIFFO: The
16 sponsor yields.

17 SENATOR KRUEGER: Can the sponsor
18 cite the sections of the bill that make that
19 explicit, that actually how the funds will be
20 spent will not be controlled by the school board
21 but rather by SED?

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

24 Yes, to answer the Senator's
25 question, it's Section 1, paragraph 2, in talking

1 about the specific programs and where the funding
2 has to go. Yes, Section 1, paragraph 2.

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

6 ACTING PRESIDENT GRIFFO: Senator
7 Carlucci, do you yield?

8 SENATOR CARLUCCI: Yes.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR KRUEGER: Thank you.

12 Is this not just standard language
13 for all spin-up bills in education? Is there
14 something different or unique in this oversight,
15 as opposed to standard language that is used
16 whenever school districts are asking for advance
17 money or spin-up money, as we sometimes refer to
18 it?

19 SENATOR CARLUCCI: Yes,
20 Mr. President. And as the Senator had previously
21 stated, the reasons for making this bill a little
22 unique are to address the concerns that the
23 Senator and many people have, is to make sure
24 that that money is directed to those programs.

25 So it is using language that has

1 been set by precedent in this body, in using
2 other piece of legislation from spin-up bills
3 that have been done in the past. But it adds
4 that strict oversight to make sure that that
5 funding is going to those programs that we want
6 to make sure continue to help the children in
7 that district.

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

11 SENATOR CARLUCCI: Yes.

12 ACTING PRESIDENT GRIFFO: The
13 sponsor yields.

14 SENATOR KRUEGER: Is there anything
15 in this bill that gives SED or the state the
16 power to replace the superintendent and/or the
17 school board, given the fact that they have
18 mismanaged state money, and I don't see the
19 advantage of giving more money to the same people
20 who have done such a terrible job?

21 SENATOR CARLUCCI: Well,
22 Mr. President, let me say we're not giving more
23 money to the school district. This is not
24 costing the state any additional funding or any
25 of the taxpayers of the State of New York.

1 What we're doing is moving the
2 payment that they are expecting in September of
3 this year to June of this year, to get it into
4 their budget for this year so that they can fill
5 that budget gap. So that's what this bill is
6 doing. It's not any increased funding.

7 It does have the oversight to go to
8 those key specific programs. And no, it doesn't
9 add anything to allow the State Education
10 Department to remove the superintendent.

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

14 SENATOR CARLUCCI: Yes.

15 ACTING PRESIDENT GRIFFO: The
16 sponsor yields.

17 SENATOR KRUEGER: Except that a
18 spin-up giving them \$3.2 million earlier does not
19 cost the state more. If they spend that money
20 now, how will that fit the \$3.2 million hole they
21 will have when they don't get this money from us
22 later?

23 SENATOR CARLUCCI: This funding
24 they will receive every year. This will move it
25 up from September to June. They will still

1 receive a payment in September. It will be
2 obviously much less than the payment in June.
3 And that will be phased out over the coming years
4 to eventually phase back in to receiving the full
5 payment in September.

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

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR KRUEGER: Would the sponsor
12 agree that SED going in and replacing the
13 leadership and taking control of the school
14 district would be a better answer for the
15 children of the Town of East Ramapo than simply
16 advancing \$3.2 million early to the same people
17 who have created such a problem so far?

18 SENATOR CARLUCCI: Well, that's not
19 the intent of this legislation.

20 I think that we need to have all
21 options on the table in dealing with the East
22 Ramapo School District. And I look forward to
23 having SED, Dr. King, involved in the East Ramapo
24 School District, for the reasons that I spoke
25 about earlier.

1 We're going through some dramatic
2 changes. I know every member in this body is
3 experiencing issues with their school districts.
4 This district is very unique. It's the only type
5 of its kind in the State of New York where we
6 have such a unique student body, where we're
7 growing in leaps and bounds in terms of adding
8 about a thousand new students every year to the
9 private school while still serving a population
10 that has about 75 percent of our students on free
11 or reduced lunch, a high homeless student
12 population.

13 And I would agree with the Senator
14 that we need all options. And I would engage the
15 Senator to work with me to help the students of
16 East Ramapo and would look forward to that
17 partnership in working with the Senator.

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

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

22 SENATOR KRUEGER: I find it hard to
23 argue with my colleagues that they should vote to
24 refuse East Ramapo the money, because the schools
25 and the children desperately need it.

1 But when the sponsor talks about
2 working to resolve the problems, first, it's not
3 unique. There are many communities -- many
4 communities in my own city -- that have high
5 rates of immigrants, high rates of very poor
6 students, rapid growth, and serious special needs
7 among significant percentages of the population,
8 populations of immigrants just like those in
9 East Ramapo.

10 What is different in East Ramapo I
11 believe is that there has been a gutting of
12 public education funding inappropriately, that
13 these children have been deprived of their right
14 to a quality public education. Even though huge
15 amounts of government funds are going into this
16 town, they are not appropriately being used in
17 their public school system.

18 I actually think that the right
19 legislation for this house to be reviewing and
20 passing tonight is a bill that would have SED
21 take over the East Ramapo school system.

22 I recognize that this money is going
23 with some strings attached. I do not believe the
24 strings will be adequate. I do not believe this
25 will in any way resolve the problems we are

1 seeing, we are reading about.

2 I think as recently perhaps as
3 yesterday, there was a massive walkout of the
4 school system by the young people, in desperate
5 frustration over the fact that they have no
6 realistic chance of the education they deserve in
7 order for them to be able to graduate and become
8 productive adults in our society, that they are
9 being -- and it appears specifically by race,
10 that they are being discriminated against in
11 their own school system. That the school board
12 is completely irresponsible when it comes to
13 meeting the needs and the obligations and the
14 legal commitment they should be making as school
15 board members.

16 Are you saying "Excuse me" to me?

17 ACTING PRESIDENT GRIFFO: Senator
18 Krueger, you may continue.

19 SENATOR KRUEGER: Thank you. I
20 wasn't sure whether Senator Libous was trying to
21 get my attention or your attention.

22 That this is an atrocity for the
23 State of New York, that it requires much more
24 aggressive action. That a \$3.2 million advance
25 on lottery education funds cannot solve the

1 problem, and I worry that it will be spent badly
2 the same way the current funding is being spent.

3 But I won't be voting no on this
4 bill. I will be urging the Senator who
5 represents this area, the sponsor of this bill,
6 to rush forward with legislation and action that
7 forces change in the East Ramapo school system
8 before another year passes, another group of
9 children lose their fair and rightful opportunity
10 for quality education.

11 Thank you, Mr. President.

12 ACTING PRESIDENT GRIFFO: Senator
13 Latimer.

14 SENATOR LATIMER: Thank you,
15 Mr. President. On the bill.

16 ACTING PRESIDENT GRIFFO: Senator
17 Latimer on the bill.

18 SENATOR LATIMER: It's always been
19 my sense that whenever any of our colleagues need
20 something for one of their local communities,
21 that we defer to their evaluation and we
22 generally try to support it in almost every
23 case.

24 And I really think tonight I feel
25 very much for my friend the Senator from Rockland

1 County, because I think he and his Assembly
2 colleague have been given a very bad hand to
3 play. And I respect the fact that you're working
4 hard on behalf of the kids in your community.

5 But I have to pick up where Senator
6 Krueger left off. I think what we're facing in
7 East Ramapo is a disgrace. It is a disgrace to
8 public education, and I think all 63 of us know
9 that it's a disgrace to public education.

10 As Senator Krueger said, and I echo
11 her call, it is time for the State Education
12 Department to step in and to take over the
13 responsibility for this district. We do in fact
14 have districts all across our state that have
15 needs. And when I hear any of my friends on
16 either side of the aisle identify that they've
17 got a rural or an urban district that has
18 economic needs and we need to spin up -- and we
19 know that's a radical step to take, but it makes
20 sense if there are checks and balances in place
21 that will try to help resolve the issue that's at
22 hand.

23 All of our school districts, under
24 the tax cap and under other pressures, are facing
25 terrible financial problems. But where East

1 Ramapo is at is well beyond that point. We are
2 watching a systematic effort to wreck a public
3 school system. And if it was my child or, worse
4 yet, me myself that sat in that district needing
5 public education and knowing that because of the
6 political construct of the community that school
7 board members were being elected by a majority of
8 the people specifically to undermine that task,
9 then some force from outside of that community
10 has got to step in.

11 Why do we have a State Education
12 Department to monitor what's happening unless in
13 these extreme cases we step in?

14 Now, I can't say whether the
15 behavior is criminal or just a set of public
16 policy. If I thought it was criminal, I'd call
17 for a Moreland Commission to get into this.

18 But this is exactly, Mr. President,
19 where I think we have to draw a line at some
20 point in time.

21 Again, I feel for Senator Carlucci.
22 I believe he is trying his best given the
23 situation. If I'm not mistaken, this is the
24 second spin-up bill that we've dealt with in the
25 last couple of weeks. And when you see that

1 happen and you don't see a real effort to
2 restructure what's happening there, then I think
3 the problem goes a lot deeper than just the fact
4 that they have a shortfall of money.

5 And what we've read, Mr. President,
6 we've all read, is that the students in the
7 public school system and the parents in the
8 public school system are beside themselves
9 because they're unable to effect a change.

10 I'm not sure if I'm going to vote
11 yes or no for this. I obviously want to think.
12 And I am trying to be as sensitive as I can to my
13 colleague and his needs. But I think at some
14 point in time this state has to say what's
15 happening in East Ramapo is dead wrong and we're
16 not going to accept that, none of us. Not any of
17 us. It's wrong what's happening in that district
18 and we ought to stand up and say that as a
19 unified body.

20 ACTING PRESIDENT GRIFFO: Senator
21 Stavisky.

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

24 I would appreciate it if Senator
25 Carlucci would clarify a couple of points that he

1 made. So if he would yield.

2 ACTING PRESIDENT GRIFFO: Are you
3 asking Senator Carlucci to yield?

4 SENATOR STAVISKY: Yes.

5 ACTING PRESIDENT GRIFFO: Senator
6 Carlucci, do you yield?

7 SENATOR CARLUCCI: Yes, I'd be
8 happy to.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR STAVISKY: In your opening
12 you talked about some of the difficulties facing
13 the Ramapo School District, and then you used the
14 word "unique." What is the cause of these
15 problems, the difficulties?

16 SENATOR CARLUCCI: And this is --
17 just so we're clear, this is the East Ramapo
18 School District.

19 And what we have here is an
20 explosion in growth. We have a population of
21 about 30,000 students, 70 percent of which are in
22 the private schools. Meaning that I believe that
23 the funding formula in state aid is not equitable
24 to the students of East Ramapo, something I would
25 love to work with my colleagues to address, the

1 previous speakers that spoke about this, because
2 I agree. We asked for the colleagues here to
3 help us to make sure that we deal with this
4 unprecedented issue.

5 That's what we have, an
6 unprecedented issue. And we've been working
7 hard -- myself, my colleagues in the Assembly --
8 to try to address these issues and do it in a
9 body where maybe people aren't familiar with the
10 issues that we're facing.

11 And I think there are many things
12 that we can do. I think a first step and the
13 right thing to do is pass this legislation
14 tonight so that we can get on the right step. In
15 this bill the goal is to get that funding, fill
16 that budget hole, put in oversight in this bill
17 where we say it has to go to these specific
18 programs.

19 And also the district has to do a
20 detailed plan that they have to submit on a
21 monthly basis to SED to make sure that they are
22 moving on the right track than we can avoid any
23 impropriety -- any thought of money not going to
24 the appropriate place.

25 SENATOR STAVISKY: If the sponsor

1 would continue to yield.

2 SENATOR CARLUCCI: Yes.

3 ACTING PRESIDENT GRIFFO: The
4 sponsor yields.

5 SENATOR STAVISKY: You said that in
6 that school district about 70 percent of the
7 children do not attend the public schools. You
8 did give the number, and was it -- how many
9 children are there in the East Ramapo School
10 District?

11 SENATOR CARLUCCI: There are
12 approximately 30,000 students in East Ramapo.

13 SENATOR STAVISKY: That's what I
14 thought, 30,000 children in the East Ramapo
15 School District. And of that 30,000, how many
16 are children with special needs?

17 SENATOR CARLUCCI: I don't know. I
18 don't have that number.

19 SENATOR STAVISKY: It's a very high
20 percentage, is it not?

21 SENATOR CARLUCCI: I'm not sure
22 what the percentage is, but there are many
23 students out of the 30,000 that do need special
24 services, absolutely.

25 SENATOR STAVISKY: If the sponsor

1 would just answer really one more question.

2 SENATOR CARLUCCI: Absolutely, yes.

3 ACTING PRESIDENT GRIFFO: The
4 sponsor continues to yield.

5 SENATOR STAVISKY: Wouldn't you
6 agree that it costs a lot more to educate a child
7 with special needs and this is part of the
8 problem as well?

9 SENATOR CARLUCCI: Well, it
10 definitely costs more to educate a child with
11 special needs.

12 SENATOR STAVISKY: And this is part
13 of the problem as well.

14 SENATOR CARLUCCI: Well, it's part
15 of the financial issue, yeah. All the issues
16 with this is that with the private school,
17 25 percent of the mandated costs in this district
18 are going towards mandated costs in the private
19 school system. So it's something that when we
20 look at the school aid formula, it doesn't really
21 take into equation.

22 And that's what we see on this new
23 frontier of a district like this, that the way
24 that we've governed and the way that we've funded
25 our school districts for the past hundred years

1 really hasn't kept up with a changing society and
2 changing demographics that have changed so
3 dramatically, like in the East Ramapo School
4 District.

5 So again, I think this is a step
6 that we need to take. And I ask that my
7 colleagues support this legislation so that we
8 can make sure that the children in the
9 East Ramapo School District get the best
10 education possible.

11 SENATOR STAVISKY: Thank you,
12 Mr. President. Thank you, Senator.

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

15 Seeing and hearing no other Senator
16 that wishes to be heard, debate is closed.

17 The Secretary will ring the bell.

18 Read the 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 ACTING PRESIDENT GRIFFO: Senator
25 Sanders to explain his vote.

1 SENATOR SANDERS: In response to
2 the urgent plea of my colleague Senator Carlucci,
3 I am going to vote for this. But I am also
4 joining the call that the State Ed Department,
5 the State Board of Ed, needs to step in and
6 resolve this issue.

7 ACTING PRESIDENT GRIFFO: How do
8 you vote, Senator Sanders?

9 SENATOR SANDERS: I am voting yes.

10 ACTING PRESIDENT GRIFFO: Senator
11 Sanders to be recorded in the affirmative.

12 Senator Gipson to explain his vote.

13 SENATOR GIPSON: Thank you,
14 Mr. Speaker.

15 This is a tough vote. You know, I
16 feel for this school district. But I just don't
17 think this is the way to go about solving this
18 problem, so I am going to vote against it.

19 But I want to say this. There's a
20 big building across the street that houses the
21 Education Department. There are a lot more
22 people working over there than there are over
23 here. And I think it's time that this body begin
24 to ask a serious question about what exactly are
25 they doing over there, and why have they allowed

1 this school district to get to this point.

2 Because I'm afraid it won't be very
3 long before other school districts will be at
4 this point as well. And we need to start holding
5 the State Education Department accountable for
6 solving these problems before we get to this
7 crisis point.

8 Thank you. And I will be voting no.

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

11 Senator Diaz to explain his vote.

12 SENATOR DIAZ: Thank you,
13 Mr. President. Also to wish your father a happy
14 birthday.

15 Mr. President, you know, I know how
16 it is, I know how it is when you really need help
17 and you don't get it. I know how many times
18 people in my district, in our community, need the
19 kind of help that Senator Carlucci is asking us
20 to help him. We haven't got it. And I know how
21 it feels when you say "My children in my district
22 need this help and, you know, I cannot get it."

23 For whatever reason, and because I
24 sometimes don't get the help that I am asking and
25 I know how it feels, I am supporting Senator

1 Carlucci in his cry for help for the children in
2 his district. So even though I haven't got the
3 help when I need it, Senator Carlucci, I'm here
4 voting yes to be sure that you get the help that
5 you are asking for.

6 I'm voting yes.

7 ACTING PRESIDENT GRIFFO: Senator
8 Diaz to be recorded in the affirmative.

9 Senator Latimer to explain his vote.

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

12 A very hard vote. I am going to
13 vote yes, not because I believe that the school
14 district deserves it, but because there are
15 children that will most likely suffer and the
16 state will be blamed for the lack of this spin-up
17 revenue.

18 But I will repeat what I said in my
19 longer speech earlier. I think that what's
20 happening there is wrong, and I think this vote
21 should be interpreted as the last time that this
22 state is going to try to bail out a situation.
23 The next action of this state should be tough and
24 severe and strong.

25 But I will be in the affirmative on

1 this vote.

2 ACTING PRESIDENT GRIFFO: Senator
3 Latimer in the affirmative.

4 Senator Carlucci to explain his
5 vote.

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

8 I want to thank the colleagues in
9 the Senate for supporting this piece of
10 legislation. And it's good to see so many of my
11 colleagues so concerned about the children in the
12 East Ramapo School District.

13 We need to get the State Education
14 Department involved in finding solutions. And I
15 look forward to working with all of you in the
16 future towards solutions that we can try to help
17 the children in this district.

18 Again, this is a first step. This
19 is one of many solutions that need to be put
20 forward to address the problems in the East
21 Ramapo School District. And I am really uplifted
22 by the support in this chamber and the commitment
23 towards addressing the problems in the East
24 Ramapo School District. I'm looking forward to
25 working with each and every one of you. So thank

1 you.

2 Thank you, Mr. President.

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

5 Senator Flanagan to explain his
6 vote.

7 SENATOR FLANAGAN: Thank you,
8 Mr. President.

9 I rise and I'm going to vote in the
10 affirmative on this bill.

11 And Senator Carlucci didn't really
12 speak to something that I know he's been doing.
13 All the things that everybody raised about the
14 involvement of the State Education Department,
15 he's way ahead of everybody. He's tried to
16 interact with the State Education Department, and
17 they do bear a fundamental responsibility. And
18 they have some inherent power to get into a
19 school district independent of any new
20 legislation that maybe enacted.

21 But I also want to point out a
22 couple of things. Senator Stavisky, you asked
23 about funding. They receive approximately
24 \$52 million in state aid. They fluctuated
25 between last year and this year about

1 \$2.5 million in special ed funding for public and
2 private excess cost aid. So their number is not
3 disproportionate. I think if you look within
4 their population, it is a legitimate and fair
5 concern in terms of the special ed population.

6 But also, too, everyone should
7 understand that this is not without precedent.
8 We have done this not last night or last week,
9 but we've done this for Buffalo, Utica,
10 Syracuse. And the fundamental distinction with
11 Senator Carlucci's bill, all those other chapters
12 said that they could use it for academic
13 purposes. He highlighted areas where he knew
14 there were specific problems and gave them a
15 mandate and put more oversight and more
16 regulation than any of those other previous
17 pieces of legislation. So he put in safeguards
18 that will be good for all of the students that
19 everybody talked about.

20 And if we are focusing on the
21 children of East Ramapo, this is not something we
22 want to jump into every single time problems
23 arise, but it is something that will benefit
24 those children in particular.

25 I vote yes.

1 ACTING PRESIDENT GRIFFO: Senator
2 Flanagan will be recorded in the affirmative.

3 I would ask all those who are in the
4 negative to please raise your hand again.

5 Senator Stavisky, do you rise to
6 explain your vote?

7 SENATOR STAVISKY: Very briefly.

8 I too don't want to penalize the
9 children of the East Ramapo School District. But
10 I think this is the last time we should be doing
11 this.

12 Thank you.

13 ACTING PRESIDENT GRIFFO: How do
14 you vote, Senator Stavisky?

15 SENATOR STAVISKY: I vote yes.

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

18 Senator Hassell-Thompson to explain
19 her vote.

20 SENATOR HASSELL-THOMPSON: Thank
21 you, Mr. President.

22 I rise to support this legislation
23 and to support Senator Carlucci.

24 The City of Mount Vernon had similar
25 issues, similar problems. We appealed as

1 parents, as community leaders, to SED to ask them
2 to take over our school district. One of the
3 things that SED said to us was that they had too
4 many schools already that they had responsibility
5 for and did not have the monitoring mechanism to
6 take on another school.

7 Now, we do have an obligation to
8 ensure that money when it goes into districts is
9 properly spent. I have no doubt about that. But
10 I also understand what the population of East
11 Ramapo is, which is what nobody wants to talk
12 about. And I could never stand here and vote
13 against.

14 And I think Senator Fuschillo can
15 attest to this, when we did for Roosevelt. I
16 think that Senator Stewart-Cousins can attest to
17 it when we did it for Yonkers. So all of us have
18 had a time when we've sat in this same seat and
19 been in this position and said "What do we do?"

20 Well, there are a lot of things that
21 we can do. And I can appreciate and support his
22 legislation. I've heard him say to everyone who
23 has spoken: "I need your help. We'll work with
24 you." And I think this is an opportunity for us
25 to begin to look at each of these school

1 districts and talk about how can we begin to
2 reset the models for how school districts should
3 be getting their funding and have the proper
4 monitoring mechanisms to ensure that money is
5 being spent where it's supposed to be spent, and
6 that is on the children.

7 So, Mr. President, tonight I will
8 support Senator Carlucci not only in voting on
9 this, but will agree to help him in an effort to
10 help my own community to figure out what do we do
11 to help all of our children.

12 Thank you, Mr. President.

13 ACTING PRESIDENT GRIFFO: Senator
14 Hassell-Thompson to be recorded in the
15 affirmative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 1532, those recorded in the
19 negative are Senators Ball, Dilan, Montgomery,
20 Parker, and Tkaczyk.

21 Ayes, 58. Nays, 5.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1537, by Member of the Assembly Magnarelli,

1 Assembly Print Number 403A, an act in relation
2 to.

3 SENATOR KRUEGER: Explanation.

4 ACTING PRESIDENT GRIFFO: Senator
5 Krueger has asked for an explanation, Senator
6 Valesky.

7 SENATOR VALESKY: Thank you,
8 Mr. President.

9 This bill is designed to provide
10 legislative authority and direction to the
11 Commissioner of the Health Department to be able
12 to intervene and provide assistance to a small
13 rural hospital in my Senate district that several
14 years ago -- could I have a little order,
15 please?

16 ACTING PRESIDENT GRIFFO: Can we
17 have some order in the house.

18 Senator Valesky.

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

21 It directs the Commissioner of the
22 Health Department to provide potential assistance
23 to a small rural hospital in my Senate district
24 that several years ago developed a highly
25 successful orthopedic surgery program. That

1 program, the majority of patients participating
2 are receiving services paid for by commercial
3 insurers. The rate that has been paid over
4 several years has made it increasingly difficult
5 for the hospital to be financially successful.

6 And as I said earlier, this bill
7 would provide legislative direction to the Health
8 Commissioner to be able to intervene and provide
9 necessary assistance.

10 ACTING PRESIDENT GRIFFO: Thank
11 you, Senator Valesky.

12 Senator Krueger.

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

15 ACTING PRESIDENT GRIFFO: Senator
16 Valesky yields.

17 SENATOR VALESKY: Certainly.

18 SENATOR KRUEGER: How does this
19 bill provide guidance to the Commissioner of
20 Health to address this problem?

21 SENATOR VALESKY: Mr. President,
22 through you, the bill would authorize,
23 legislatively authorize the commissioner to
24 intervene in negotiations between the hospital in
25 question and the health insurer that serves the

1 area, and to be able to provide that legislative
2 direction and guidance to in effect set a
3 different rate that would be more beneficial to
4 the hospital.

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

7 SENATOR VALESKY Yes.

8 ACTING PRESIDENT GRIFFO: The
9 sponsor yields.

10 SENATOR KRUEGER: So this
11 legislation would authorize the commissioner to
12 negotiate a different rate of payment with
13 private insurance. Is that what he just said?

14 ACTING PRESIDENT GRIFFO: Senator
15 Valesky.

16 SENATOR VALESKY: It would
17 authorize the commissioner to do that for the
18 period January 1, 2010, through December 31,
19 2013. So retroactively.

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

23 SENATOR VALESKY: Yes.

24 ACTING PRESIDENT GRIFFO: The
25 sponsor yields.

1 SENATOR KRUEGER: Does the
2 Department of Health now negotiate rates between
3 private insurance companies and hospitals for
4 anything prospective or retroactive?

5 SENATOR VALESKY: Mr. President,
6 through you, this is for a very specific
7 procedure that we believe, in working with the
8 Health Department, that there would need to be
9 legislative clarification from us to authorize
10 the Commissioner of Health to enter into that
11 relationship.

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

15 SENATOR VALESKY: Yes.

16 ACTING PRESIDENT GRIFFO: The
17 sponsor yields.

18 SENATOR KRUEGER: Thank you.

19 Is this legislation just for
20 negotiating with private insurance, or does it
21 also encourage or require the State Department of
22 Health to retroactively change the formula for
23 Medicaid reimbursement for procedures at this
24 hospital?

25 SENATOR VALESKY: Mr. President,

1 this is for private health care carriers only.
2 There is no Medicaid component to this
3 legislation.

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

7 SENATOR VALESKY: Yes.

8 ACTING PRESIDENT GRIFFO: The
9 sponsor yields.

10 SENATOR KRUEGER: Thank you.

11 So again, this legislation gives the
12 Department of Health Commissioner authority to
13 negotiate between private health insurance plans
14 and a private hospital. Why does he have the
15 authority to do that now? Is it not a private
16 company in negotiations with a private hospital?
17 I'm confused about what his authority is and what
18 authority we would be giving him with this
19 legislation.

20 SENATOR VALESKY: Well,
21 Mr. President, this legislation would authorize
22 the commissioner to in effect serve as an
23 arbitrator between this particular rural hospital
24 in Central New York and the only insurance
25 carrier that serves the region.

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

4 SENATOR VALESKY: Yes.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR KRUEGER: Thank you.
8 I'm concerned about the precedent,
9 Mr. President, and I'm --

10 ACTING PRESIDENT GRIFFO: Senator
11 Krueger, can you direct your question, please.

12 SENATOR KRUEGER: Yes, I'm getting
13 there, Mr. President.

14 So I'm concerned about the
15 precedent. This would be having the Commissioner
16 of Health play a role of negotiator between
17 private health insurance -- not government-funded
18 health insurance -- private health insurance and
19 a private hospital.

20 Would we be violating any other
21 insurance laws? Because then conceivably why
22 wouldn't each hospital who thinks it's not
23 getting the right deal on insurance reimbursement
24 also come to the State Department of Health and
25 say, "Negotiate a better deal for me, too,

1 please"? I'm very concerned about the
2 precedent.

3 Could the sponsor answer the
4 question how, if we were to pass this, it doesn't
5 open up a whole new set of roles and
6 responsibilities for the Commissioner of Health,
7 a whole new set of roles and responsibilities for
8 the State of New York vis-a-vis setting rates of
9 private insurance companies?

10 SENATOR VALESKY: Well,
11 Mr. President, I guess I can only answer that
12 question through the fact that there has been no
13 stated opposition from insurance companies,
14 representatives of insurance companies, or anyone
15 else, for that matter, to this piece of
16 legislation.

17 ACTING PRESIDENT GRIFFO: Senator
18 Krueger.

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

22 SENATOR VALESKY: Yes.

23 ACTING PRESIDENT GRIFFO: The
24 sponsor yields.

25 SENATOR KRUEGER: Would this impact

1 Medicaid reimbursement even though he says the
2 bill doesn't address Medicaid? Because if
3 insurance companies increase their payment for
4 these procedures, even retroactively, would there
5 be some expectation or assumption in the law that
6 Medicaid would have to increase its reimbursement
7 prospectively or retroactively for these
8 services?

9 SENATOR VALESKY: Mr. President,
10 no, it would not.

11 In fact, we have already addressed
12 this issue. This language was included in the
13 Senate one-house budget that was approved by this
14 house back in March. It was not included in the
15 final budget that was adopted.

16 So this house, and working with the
17 Assembly, my intent is to continue to pursue this
18 legislative solution at this point in time. The
19 Assembly has already approved the bill, and I am
20 hoping that my colleagues will join me in doing
21 the same momentarily.

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

25 SENATOR VALESKY: Yes.

1 ACTING PRESIDENT GRIFFO: The
2 sponsor yields.

3 SENATOR KRUEGER: I actually didn't
4 vote for that one-house budget bill, so I'm not
5 sure I agreed to it earlier.

6 Do we have an estimated cost of what
7 the expected new revenue to the hospital would
8 be?

9 SENATOR VALESKY: We do not.

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

13 SENATOR VALESKY: Yes.

14 ACTING PRESIDENT GRIFFO: The
15 sponsor yields.

16 SENATOR KRUEGER: What is the name
17 of the insurance company that primarily provides
18 insurance for the patients at this hospital
19 receiving this care?

20 SENATOR VALESKY: Mr. President, I
21 think it's typically the custom here -- and
22 certainly the way the bill is written, the bill
23 does not name the hospital that would be
24 impacted.

25 But in the interest of expedited

1 debate here at this late hour, we'll indicate to
2 Senator Krueger that the Excellus Insurance
3 Company is the insurance carrier in question.

4 SENATOR KRUEGER: Thank you.

5 Through you, Mr. President, actually
6 the hospital is named. It's the Community
7 Memorial Hospital.

8 But the sponsor had said earlier it
9 was a particular insurance company that the
10 hospital worked with, so I did not think it was
11 inappropriate to request the name of the
12 insurance company.

13 Through you, Mr. President, if the
14 sponsor would continue to yield.

15 SENATOR VALESKY: Yes.

16 ACTING PRESIDENT GRIFFO: The
17 sponsor yields.

18 SENATOR KRUEGER: Since the earlier
19 answer was there's no opposition, do we know if
20 the Excellus Insurance Company thinks this is a
21 good piece of legislation and supports it?

22 SENATOR VALESKY: Again,
23 Mr. President, I have heard no opposition
24 expressed from that particular insurance company.

25 And just to correct the record, the

1 bill that we're speaking about, Senate Bill 5690,
2 there is no reference in this bill to the
3 hospital in question. So I'm not sure, from
4 Senator Krueger's previous statement, where she's
5 finding that, but I don't see that in the bill
6 we're speaking about.

7 SENATOR KRUEGER: Through you,
8 Mr. President, if I might answer. It's in the
9 official bill memo attached to the bill written I
10 believe by Senator Valesky, the second to last
11 paragraph of the bill memo. Actually, several
12 times mentioned in the bill memo. So yes, it's
13 not in the bill, it's in the bill memo.

14 Through you, Mr. President, on the
15 bill.

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

18 SENATOR KRUEGER: There are so many
19 hospitals in financial trouble in the State of
20 New York: Small rural specialty hospitals -- as
21 apparently this hospital, Community Memorial
22 Hospital, is -- large hospitals such as the
23 hospitals in Brooklyn that my colleagues have
24 spent so much time over the last six, eight
25 months trying to help make sure don't close

1 leaving large urban areas of Brooklyn without
2 adequate hospital care.

3 I don't know one healthcare provider
4 who has not come to me to tell me of their
5 problems with rate reductions by the state, with
6 squeezing by insurance companies, by confusion
7 over where we all might be going in health
8 insurance in the future.

9 We have gone through Medicaid
10 redesign, we are attempting to implement the
11 American Care Act. We are literally at a moment
12 in time where everything is changing in
13 healthcare hospitals and healthcare
14 reimbursement. And there's a lot of problems.
15 And I'm sure this is a real problem for this
16 hospital. I do not intend in any way to minimize
17 my understanding of the difficulties they are
18 having. And I would even say I would like the
19 state to be able to help all the hospitals that
20 are in trouble in our state.

21 What I can't support and why I can't
22 vote for this bill is I don't actually understand
23 how empowering or ordering our State Commissioner
24 of Health to negotiate between a private health
25 insurance company and a specific hospital is a

1 good precedent for the state.

2 I have to believe, if they're not
3 successful, somehow it's the State Department of
4 Health Commissioner's fault. And, if he is
5 successful, why every single hospital and
6 healthcare provider in the State of New York
7 wouldn't be lining up in front of his office the
8 immediate next day saying "Now negotiate for us."
9 Because why wouldn't we do that?

10 We seem to be struggling ourselves
11 to establish rates of payment through
12 government-funded health insurance that we can
13 justify asking for taxpayer assistance with,
14 balancing our budget while trying to meet our
15 needs of public health costs and public health
16 insurance reimbursement rates. Which have also
17 been reduced, causing great pain to hospitals
18 with a higher rate of Medicaid use than
19 apparently this hospital has, at least according
20 to the sponsor's memo.

21 And so it's very possible no one has
22 said "No," in a memo, "this is a bad idea." And
23 yes, apparently the Assembly passed it 6/18, two
24 days ago.

25 But I have to believe it's not good

1 public policy for the State of New York. And
2 that the concept of saying our Commissioner of
3 Health is supposed to go in and negotiate rates
4 between individual hospitals and individual
5 insurance companies isn't the right way to
6 approach the problems and the growing pains and
7 the real issues we are facing between hospitals
8 and payment of healthcare all over the state.

9 So I cannot vote for this bill,
10 Mr. President. Thank you.

11 ACTING PRESIDENT GRIFFO: Seeing
12 and hearing no other Senator wishing to be
13 heard -- Senator Hannon.

14 SENATOR HANNON: Mr. President, I
15 just want to comment on this bill.

16 ACTING PRESIDENT GRIFFO: Senator
17 Hannon on the bill.

18 SENATOR HANNON: First of all, in
19 regard to whether this is some type of
20 extraordinary intervention, let me point out that
21 the state, by budget, change. The way we set
22 rates for all hospitals. In the case of the
23 situation described here, which is orthopedic
24 cases, they changed what they call the DRG, the
25 diagnostic related group, and lowered the price.

1 This little hospital suffered a
2 severe drop in reimbursement. There was one
3 other hospital like that, but that was the
4 hospital for Special Surgery, which may or may
5 not be in Senator Krueger's district, but it's
6 real close. But they had a decent way of
7 negotiating because of their very valued name.
8 This little hospital did not.

9 So the question would be, how do you
10 rectify that? So for a certain specific
11 situation it talks about having an intervention,
12 like an arbitration, to try to rectify what we in
13 the Legislature did by changing the diagnostic
14 related groups.

15 Questions of hospitals in trouble,
16 we have any number of different things we're
17 trying to do, will do, have done. We've done two
18 just in the last calendar, one for the hospital
19 up in Lake Placid, one for a hospital in my
20 district, one for a hospital in Westchester.
21 It's actually three bills.

22 So looking at these on a specific
23 basis, trying to save something that ought to be
24 saved, this is what this bill is doing.

25 I congratulate Senator Valesky, and

1 I would urge its approval.

2 ACTING PRESIDENT GRIFFO: Are there
3 any other Senators who wish to be heard?

4 Seeing and hearing none, the debate
5 is closed. The Secretary will ring the bell.

6 Read the last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

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

14 SENATOR VALESKY: Thank you,
15 Mr. President. I just want to take one
16 moment --

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

19 Senator Valesky.

20 SENATOR VALESKY: -- just take a
21 moment to thank all of my constituents for
22 helping to solve an important issue and provide
23 critical healthcare in the rural part of the
24 state in Central New York.

25 And I also want to thank the

1 chairman of the Health Committee, Senator Hannon,
2 for putting this narrow issue in a broader
3 context. Thank you, Senator.

4 Thank you, members of the Senate,
5 for supporting this bill. I vote in the
6 affirmative.

7 ACTING PRESIDENT GRIFFO: Senator
8 Valesky to be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar 1537, those recorded in the negative are
12 Senators Krueger, Rivera, Sanders and Serrano.

13 Ayes, 59. Nays, 4.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1549, by Senator Ball, Senate Print 5815, an act
18 to amend the Public Authorities Law.

19 SENATOR LIBOUS: Lay it aside for
20 the day.

21 ACTING PRESIDENT GRIFFO: The bill
22 is laid aside for the day.

23 Senator Libous, that would complete
24 the controversial reading of Senate Supplemental
25 Calendar 56B.

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

3 Could we return to motions, please.

4 ACTING PRESIDENT GRIFFO: We will
5 return to motions and resolutions.

6 Senator Libous.

7 SENATOR LIBOUS: On behalf of
8 Senator Ranzenhofer, I wish to call up his bill,
9 Senate Print 5845, which is now at the desk.

10 ACTING PRESIDENT GRIFFO: The
11 Secretary will read.

12 THE SECRETARY: Calendar Number
13 1552, by Senator Ranzenhofer, Senate Print 5845,
14 an act to amend the Executive Law.

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

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

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 63.

22 ACTING PRESIDENT GRIFFO: The bill
23 is restored to third reading.

24 SENATOR LIBOUS: Mr. President,
25 pursuant to Rule 6, Section 2, the Senate will

1 convene after midnight. We will remain in
2 session after midnight.

3 ACTING PRESIDENT GRIFFO: All in
4 favor signify say aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT GRIFFO: Opposed?

7 (No response.)

8 ACTING PRESIDENT GRIFFO: We shall
9 continue.

10 SENATOR LIBOUS: Mr. President, we
11 didn't have to take it to a vote, but it's nice
12 that it was unanimous.

13 (Laughter.)

14 SENATOR LIBOUS: Mr. President, if
15 you could call on Senator Serrano.

16 ACTING PRESIDENT GRIFFO: Senator
17 Serrano.

18 SENATOR SERRANO: Mr. President
19 there will be an immediate meeting of the Senate
20 Democratic Conference in Room 315.

21 ACTING PRESIDENT GRIFFO: There
22 will be an immediate meeting of the Senate
23 Democratic Conference in Room 315.

24 Senator Libous.

25 SENATOR LIBOUS: Mr. President,

1 before the Democrats run off to conference, we'll
2 have a Rules meeting at 12:15 in Room 332. We
3 could then report those bills out, come back to
4 the floor, and I think we could get out of here
5 rather quickly after that.

6 ACTING PRESIDENT GRIFFO: There
7 will be a Rules Committee meeting at 12:15 in
8 Room 332.

9 The Senate stands temporarily at
10 ease.

11 (Whereupon, the Senate stood at ease
12 at 11:48 p.m.)

13 (Whereupon, the Senate reconvened at
14 12:50 a.m.)

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

17 Senator Libous.

18 SENATOR LIBOUS: If we can return
19 to reports of standing committees, I believe
20 there's a report of the Rules Committee at the
21 desk. I ask that it be read at this time.

22 ACTING PRESIDENT GRIFFO: Reports
23 of standing committees.

24 There is a report of the Rules
25 Committee at the desk. The Secretary will read.

1 THE SECRETARY: Senator Skelos,
2 from the Committee on Rules, reports the
3 following bills:

4 Senate Print 1561C, by Senator
5 LaValle, an act to amend the Education Law;

6 Senate 2089, by Senator Griffo, an
7 act to amend the Banking Law;

8 Senate 3131A, by Senator Martins, an
9 act to amend the Workers' Compensation Law;

10 Senate 3590, by Senator Griffo, an
11 act to amend the General Municipal Law;

12 Senate 3652, by Senator Stavisky, an
13 act to amend the Criminal Procedure Law;

14 Senate 4358A, by Senator Little, an
15 act to amend the Parks, Recreation and Historic
16 Preservation Law;

17 Senate 4526B, by Senator Hannon, an
18 act to amend the Insurance Law;

19 Senate 4907, by Senator Golden, an
20 act to amend the State Finance Law;

21 Senate 5102A, by Senator Carlucci,
22 an act to amend the Mental Hygiene Law;

23 Senate 5376A, by Senator Seward, an
24 act to amend the Workers' Compensation Law;

25 Senate 5414A, by Senator Klein, an

1 act to amend the Social Services Law;

2 Senate 5669, by the Committee on
3 Rules, an act to amend the Retirement and Social
4 Security Law;

5 Senate 5670A, by the Committee on
6 Rules, an act to amend the Retirement and Social
7 Security Law;

8 Senate 5743, by Senator Grisanti, an
9 act to amend the Social Services Law;

10 Senate 5767, by Senator Golden, an
11 act in relation to authorizing;

12 Senate 5865, by Senator Martins, an
13 act to amend the State Finance Law;

14 Senate 5867, by Senator Savino, an
15 act to amend the Labor Law;

16 Senate 4090, by Senator Savino, an
17 act to amend the Workers' Compensation Law;

18 Senate 4674, by Senator Carlucci, an
19 act authorizing;

20 Senate 5218, by Senator Seward, an
21 act to amend the Insurance Law;

22 Senate 5842A, by Senator Felder, an
23 act to amend the Education Law;

24 And Senate Print 5844, by the
25 Committee on Rules, an act to amend the Public

1 Service Law.

2 All bills reported direct to third
3 reading.

4 ACTING PRESIDENT GRIFFO: Senator
5 Libous.

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

8 ACTING PRESIDENT GRIFFO: All in
9 favor of accepting the Committee on Rules report
10 signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT GRIFFO: Opposed?

13 (No response.)

14 ACTING PRESIDENT GRIFFO: The
15 Committee on Rules report is accepted.

16 Senator Libous.

17 SENATOR LIBOUS: Okay,
18 Mr. President, I just want to be clear with
19 everybody. You have two supplemental active
20 lists on your desks. They're labeled Active List
21 2 and Active List 3. We will take up Active List
22 2 first.

23 And at this time if we could have
24 the noncontroversial reading of Supplemental
25 Active List 2.

1 ACTING PRESIDENT GRIFFO: Senator
2 Rivera, why do you rise? As a point of
3 information?

4 SENATOR RIVERA: Point of
5 clarification, Mr. President. Are we on Active
6 List 3 or Active List 2?

7 SENATOR LIBOUS: Supplemental
8 Active List 2 will be the first one we'll take
9 up.

10 SENATOR RIVERA: Thank you.

11 ACTING PRESIDENT GRIFFO:
12 Supplemental Active List 2. The Secretary will
13 read.

14 THE SECRETARY: Calendar Number
15 232, by Senator Martins --

16 SENATOR LIBOUS: Lay it aside for
17 the day.

18 ACTING PRESIDENT GRIFFO: Lay the
19 bill aside for the day.

20 THE SECRETARY: On page 9, Senator
21 DeFrancisco moves to discharge, from the
22 Committee on Rules, Assembly Bill Number 246 and
23 substitute it for the identical Senate Bill
24 Number 2953, Third Reading Calendar 308.

25 ACTING PRESIDENT GRIFFO: The

1 substitution is so ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 308, by Member of the Assembly Farrell, Assembly
5 Print 246, an act in relation to establishing.

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 DeFrancisco to explain his vote.

15 SENATOR DeFRANCISCO: Yes, this is
16 a very important bill. We all praised the
17 nomination of Kristin Proud yesterday, I think.
18 I can't remember. But in any event, one of the
19 things that was mentioned was that she was taking
20 a pay cut to become the commissioner because the
21 supervisors have not been getting pay raises, and
22 that permeates the entire state system.

23 So this just provides for a
24 commission just like the Judicial Commission to
25 discuss pay raises for the management/

1 confidential employees, and I'd appreciate
2 everyone's support. Thank you.

3 ACTING PRESIDENT GRIFFO: Announce
4 the results.

5 THE SECRETARY: Ayes, 62. Nays,
6 1. Senator Ball recorded in the negative.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 314, by Senator Marcellino, Senate --

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

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

15 THE SECRETARY: Calendar Number
16 393, by Senator Golden, Senate Print 4444A, an
17 act to amend the Civil Practice Law and Rules.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

20 THE SECRETARY: Section 8. This
21 act shall take effect on the first of January.

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: In relation to

1 Calendar Number 393, those recorded in the
2 negative are Senators Espaillat,
3 Hassell-Thompson, Hoylman, Montgomery and
4 Perkins. Also Senators Parker and Peralta.

5 Ayes, 56. Nays, 7.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 400, by Senator Ranzenhofer, Senate Print 3483,
10 an act to amend the Alcoholic Beverage Control
11 Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61. Nays,
20 2. Senators Ball and Hassell-Thompson recorded
21 in the negative.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: On page 13, Senator
25 Robach moves to discharge, from the Committee on

1 Rules, Assembly Bill Number 5715A and substitute
2 it for the identical Senate Bill Number 4180B,
3 Third Reading Calendar 419.

4 ACTING PRESIDENT GRIFFO: The
5 substitution is so ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 419, by Member of the Assembly DenDekker,
9 Assembly Print 5715A, an act to amend the
10 Education Law.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT GRIFFO: Announce
19 the results.

20 THE SECRETARY: In relation to
21 Calendar 419, those recorded in the negative are
22 Senators Ball, DeFrancisco, Farley, Griffio,
23 Marchione, Maziarz and Seward.

24 Ayes, 56. Nays, 7.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 436, by Senator Golden, Senate Print 3851B, an
4 act to amend the Real Property Tax Law.

5 SENATOR GIANARIS: Lay it aside.

6 ACTING PRESIDENT GRIFFO: Lay the
7 bill aside.

8 THE SECRETARY: Calendar Number
9 469, by Senator Young, Senate Print 4396, an act
10 to amend the Soil and Water Conservation
11 Districts Law.

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 THE SECRETARY: Ayes, 63.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 483, by Senator Marcellino, Senate Print 3812, an
24 act to amend the Tax Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

2 THE SECRETARY: Section 37. This
3 act shall take effect December 1, 2014.

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62. Nays,
8 1. Senator Ball recorded in the negative.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 516, by Senator Larkin, Senate Print 273A, an act
13 to amend the Tax Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

16 THE SECRETARY: Section 4. This
17 act shall take effect April 1, 2014.

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT GRIFFO: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar Number 516, those recorded in the
25 negative are Senators Adams, Addabbo, Avella,

1 Diaz, Espaillat, Gianaris, Hassell-Thompson,
2 Hoylman, Krueger, Latimer, Montgomery, Parker,
3 Peralta, Perkins, Rivera, Sanders, Serrano,
4 Squadron, Stavisky, Stewart-Cousins and Tkaczyk.

5 Ayes, 42. Nays, 21.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 547, by Senator Stavisky, Senate Print 1303, an
10 act to amend the Abandoned Property Law.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 61. Nays 2.
19 Senators Ball and Marchione in the negative.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 606, by Senator Golden, Senate Print 3074, an act
24 to amend the Criminal Procedure Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT GRIFFO: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar 606, those recorded in the negative are
11 Senators Espaillat, Hassell-Thompson, Hoylman,
12 Krueger, Montgomery, Parker, Peralta, Perkins,
13 Rivera, Sanders, Serrano, Squadron and Stavisky.

14 Ayes, 50. Nays, 13.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 626, by Senator Peralta, Senate Print 40, an act
19 to amend the Penal Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: On page 20, Senator
6 Felder moves to discharge, from the Committee on
7 Rules, Assembly Bill Number 6881A and substitute
8 it for the identical Senate Bill Number 4880A,
9 Third Reading Calendar 644.

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

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 644, by Member of the Assembly Benedetto,
15 Assembly Print 6881A, an act to amend the
16 Education 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: In relation to
25 Calendar Number 644, those recorded in the

1 negative are Senators Hassell-Thompson,
2 Montgomery, Nozzolio and Perkins.

3 Ayes, 59. Nays, 4.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 681, by Senator Carlucci, Senate Print 1639A, an
8 act to amend the Navigation Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

11 SENATOR STAVISKY: Section 7. This
12 act shall take effect on the first of May.

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 681, those recorded in the
20 negative are Senators Ball, Farley, Griffio,
21 Lanza, Libous, Little, Marchione, Nozzolio,
22 Ranzenhofer, Ritchie, Robach, Seward and Young.

23 Ayes, 50. Nays, 13.

24 ACTING PRESIDENT GRIFFO: The bill
25 is still passed.

1 THE SECRETARY: On page 22, Senator
2 Lanza moves to discharge, from the Committee on
3 Cities, Assembly Bill Number 7058 and substitute
4 it for the identical Senate Bill Number 4802,
5 Third Reading Calendar 699.

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

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 699, by Member of the Assembly Rosa, Assembly
11 Print Number 7058, an act to amend the Real
12 Property Tax 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, 63.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: On page 24, Senator
24 Little moves to discharge, from the Committee on
25 Rules, Assembly Bill Number 5503 and substitute

1 it for the identical Senate Bill Number 2644,
2 Third Reading Calendar 791.

3 ACTING PRESIDENT GRIFFO:
4 Substitution so ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 791, by Member of the Assembly Galef, Assembly
8 Print Number 5503, an act to amend the Real
9 Property Tax Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

12 THE SECRETARY: Section 4. This
13 act shall take effect on the first of January.

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT GRIFFO: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar Number 791, those recorded in the
21 negative are Senators Avella, Espaillat, Gipson,
22 Hassell-Thompson, Hoylman, Krueger, Marchione,
23 Perkins, Rivera, Sanders and Squadron. Also
24 Senator Robach.

25 Ayes, 51. Nays, 12.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 825, by Senator LaValle, Senate Print 2007, an
5 act to amend the Vehicle and Traffic Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT GRIFFO: Announce
14 the results.

15 THE SECRETARY: In relation to
16 Calendar 825, those recorded in the negative are
17 Senators Ball, Bonacic, DeFrancisco, Farley,
18 Gallivan, Gipson, Griffio, Kennedy, Lanza, Little,
19 Marchione, Maziarz, Nozzolio, O'Mara, Peralta,
20 Ranzenhofer, Ritchie, Robach, Young and Zeldin.

21 Ayes, 43. Nays, 20.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Also in the
25 negative: Senator Seward.

1 Ayes, 42. Nays, 21.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 927, by Senator Young, Senate Print 5247, an act
6 to amend the Local Law.

7 SENATOR GIANARIS: Lay it aside,
8 please.

9 ACTING PRESIDENT GRIFFO: Lay the
10 bill aside.

11 THE SECRETARY: Calendar Number
12 960, by Senator Gianaris, Senate Print 595A, an
13 act to amend the Education Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

16 THE SECRETARY: Section 3. 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: Announce
22 the results.

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: On page 38, Senator
2 Savino moves to discharge, from the Committee on
3 Rules, Assembly Bill Number 7736 and substitute
4 it for the identical Senate Bill Number 5397A,
5 Third Reading Calendar 1042.

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

8 SENATOR LIBOUS: Lay it aside for
9 the day.

10 ACTING PRESIDENT GRIFFO: The bill
11 is laid aside for the day.

12 THE SECRETARY: Calendar Number
13 1075, by Senator Gipson, Senate Print 5411A, an
14 act to amend the Town Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

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

24 SENATOR DeFRANCISCO: Yes, before I
25 decide whether to vote, I just want to make sure

1 Senator Gipson is not offended by the lateness of
2 the hour in which this bill is passed.

3 (Laughter.)

4 SENATOR DeFRANCISCO: Since
5 apparently he's not offended, I vote aye.

6 (Laughter.)

7 ACTING PRESIDENT GRIFFO: Senator
8 DeFrancisco to be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: Ayes, 63.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 Senator Gianaris, why do you rise?

14 SENATOR GIANARIS: Mr. President,
15 Senator DeFrancisco stole my laugh line. I was
16 going to point out the appropriateness that
17 Senator Gipson's very first bill is a vampire
18 bill.

19 (Applause; laughter.)

20 ACTING PRESIDENT GRIFFO:
21 Congratulations, Count Gipson.

22 (Laughter.)

23 ACTING PRESIDENT GRIFFO: The
24 Secretary will continue.

25 THE SECRETARY: Calendar Number

1 1097, by Senator Felder, Senate Print 5068A, an
2 act to amend the Vehicle and Traffic Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 63.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: On page 46, Senator
14 Little moves to discharge, from the Committee on
15 Civil Service and Pensions, Assembly Bill Number
16 5012 and substitute it for the identical Senate
17 Bill Number 3181, Third Reading Calendar 1325.

18 ACTING PRESIDENT GRIFFO: The
19 substitution is ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 1325, by Member of the Assembly Stec, Assembly
23 Print 5012, an act to authorize.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT GRIFFO: Announce
7 the results.

8 THE SECRETARY: Ayes, 59. Nays,
9 4. Senators Ball, Hassell-Thompson, Peralta and
10 Sanders recorded in the negative.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1359, by Senator Seward, Senate Print 5165, an
15 act to amend the Retirement and Social Security
16 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 3. Senators Ball, Gipson and Savino recorded in

1 the negative.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1404, by Senator Farley, Senate Print 5678, an
6 act to amend the Religious Corporations Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 Senator Libous, that completes the
18 noncontroversial reading of Supplemental Active
19 List Number 2.

20 SENATOR LIBOUS: Thank you,
21 Mr. President.

22 We're now going to go to the
23 Supplemental Active List Number 3, and that list
24 starts with Calendar Number 349. If we could
25 please do the noncontroversial reading.

1 ACTING PRESIDENT GRIFFO: We will
2 have the noncontroversial reading of Supplemental
3 Active List 3, beginning with Calendar 349.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number
6 349, by Senator Grisanti, Senate Print 717, an
7 act to amend the Civil Service Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: On page 14, Senator
19 Grisanti moves to discharge, from the Committee
20 on Rules, Assembly Bill Number 740A and
21 substitute it for the identical Senate Bill
22 Number 3753A, Third Reading Calendar 455.

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

25 SENATOR LIBOUS: Lay it aside for

1 the day, Mr. President.

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

4 THE SECRETARY: Calendar Number
5 933, by Senator Latimer, Senate Print 4848, an
6 act to amend the Education 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, 63.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 942, by Senator Golden, Senate Print 5070, an act
19 to amend the Civil Service 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, 63.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 998, by Senator DeFrancisco, Senate Print 3035,
7 an act to amend the Tax Law.

8 SENATOR GIANARIS: Lay it aside.

9 ACTING PRESIDENT GRIFFO: Lay the
10 bill aside.

11 THE SECRETARY: Calendar Number
12 1203, by Senator Bonacic, Senate Print 4763, an
13 act to amend the Civil Practice Law and Rules.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 61. Nays,
22 2. Senators Ball and Hannon recorded in the
23 negative.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 Senator Libous, that completes the
2 noncontroversial reading of Supplemental Active
3 List 3.

4 SENATOR LIBOUS: Mr. President, can
5 I have unanimous consent to take up the
6 noncontroversial reading of Calendar Number 998
7 again.

8 ACTING PRESIDENT GRIFFO: Without
9 objection, the Secretary will read.

10 THE SECRETARY: Calendar Number
11 998, by Senator DeFrancisco, Senate Print 3035,
12 an 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 immediately.

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: Senator
21 Krueger to explain your vote.

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

24 This is a bill that would decrease
25 the estate tax for a relatively tiny number of

1 estates in the State of New York. It would have
2 minimal impact on any family farms or
3 businesses. And yet when fully enacted, it would
4 leave a \$350 million hole in our budget.

5 In previous days we have all
6 discussed how we don't want to do unfunded
7 mandates, we don't want to leave ourselves with
8 unbalanced budgets, we want to cap our budgets.
9 But these kinds of bills that leave such enormous
10 holes -- \$350 million in lost revenue for the
11 State of New York -- this is not a justifiable
12 bill.

13 I vote no. Thank you.

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

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 998, those recorded in the
19 negative are Senators Avella, Gianaris,
20 Hassell-Thompson, Hoylman, Krueger, Montgomery,
21 Peralta, Perkins, Rivera, Sanders, Serrano,
22 Squadron and Stavisky. Also Senator Dilan.

23 Ayes, 49. Nays, 14.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 Senator Libous, that completes the
2 noncontroversial reading of Senate Supplemental
3 Active List 3.

4 SENATOR LIBOUS: Mr. President,
5 we're going to go to this Senate Supplemental
6 Calendar Number 56C. So if everybody would go to
7 56C. It says C, 56C. If you have a calendar
8 that says 56D, I want it back.

9 (Laughter.)

10 SENATOR LIBOUS: At this time we'll
11 the noncontroversial reading of Supplemental
12 Calendar 56C.

13 ACTING PRESIDENT GRIFFO: We will
14 begin the noncontroversial reading of Senate
15 Supplemental Calendar 56C.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 1540, by Senator LaValle, Senate Print 1561C, an
19 act to amend the Education 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, 62. Nays,

3 1. Senator Ball recorded in the negative.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1554, by Senator Griffo, Senate Print 2089, an
8 act to amend the Banking Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

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: Ayes, 59. Nays,
19 4. Senators Bonacic, Fuschillo, Little and
20 Ranzenhofer recorded in the negative.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 1555, Senator Martins moves to
25 discharge, from the Committee on Rules, Assembly

1 Bill Number 5940C and substitute it for the
2 identical Senate Bill Number 3131A, Third Reading
3 Calendar 1555.

4 ACTING PRESIDENT GRIFFO: The
5 substitution is so ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 1555, by Member of the Assembly Bronson, Assembly
9 Print Number 5940C, an act to amend the Workers'
10 Compensation Law.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 61. Nays,
19 2. Senators Ball and Maziarz recorded in the
20 negative. Also Senator Gipson.

21 Ayes, 60. Nays, 3.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: In relation to
25 Calendar Number 1556, Senator Griffio moves to

1 discharge, from the Committee on Local
2 Government, Assembly Bill Number 400 and
3 substitute it for the identical Senate Bill
4 Number 3590, Third Reading Calendar 1556.

5 ACTING PRESIDENT GRIFFO: The
6 substitution is so ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 1556, by Member of the Assembly Magnarelli,
10 Assembly Print 400, an act to amend the General
11 Municipal Law.

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 THE SECRETARY: Ayes, 63.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1557, by Senator Stavisky, Senate Print 3652, an
24 act to amend the Criminal Procedure 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, 63.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1558, by Senator Little, Senate Print 4358A, an
12 act to amend the Parks, Recreation and Historic
13 Preservation Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62. Nays,
22 1. Senator Avella recorded in the negative.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 1559, Senator Hannon moves to
2 discharge, from the Committee on Rules, Assembly
3 Bill Number 6519B and substitute it for the
4 identical Senate Bill Number 4526B, Third Reading
5 Calendar 1559.

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

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1559, by Member of the Assembly Silver, Assembly
11 Print 6519B, an act to amend the Insurance Law.

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 Krueger to explain her vote.

21 SENATOR KRUEGER: Thank you,
22 Mr. President. I rise to explain why I must vote
23 no on this bill.

24 It's actually very unusual to find
25 yourself in a situation where you have the

1 Chambers of Commerce, Business Council,
2 healthcare advocates, health insurance companies
3 all in agreement that we shouldn't do this bill.

4 Now, the Freelancers Program was
5 started at a time before we had other options.
6 And it was an important option to make available
7 to freelancers who could find insurance nowhere
8 else in the system. And so I certainly supported
9 them in the past.

10 But we are now in a world of a
11 healthcare exchange implementation, the American
12 Care Act, and it turns out that allowing the
13 freelancers to continue, as this program does --
14 excuse me, allowing this insurance program to
15 continue, as this bill does, we are actually
16 setting up an unfair situation between many other
17 types of health insurance and the healthcare
18 exchange.

19 And we actually leave people in a
20 program that it turns out may very well be a
21 lesser program for them than other options
22 available. I understand it's just a one-year
23 extender. In my opinion, it would be a disaster
24 if we went any further. But frankly, this bill
25 should also be amended to ensure that it is not

1 opening the book on new enrollees for only a
2 one-year period. It should require that all
3 current enrollees get full notice of the New York
4 Health Benefit Exchange options and the
5 possibility that they could be eligible right now
6 for financial assistance to purchase that
7 coverage thanks to federal dollars.

8 And the bill should be further
9 amended to include consumer protections similar
10 to HMO protections for those who remain in the
11 freelancers coverage, if they face any inadequacy
12 in network coverage for their specialized health
13 needs, because unfortunately this health
14 insurance package has not been rated very highly
15 by the state.

16 So I wish that there was time to
17 amend the bill, because that would be the right
18 answer. We don't have that, so I'll be voting
19 no.

20 Thank you, Mr. President.

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

23 Senator Hannon to explain his vote.

24 SENATOR HANNON: As sponsor of this
25 bill, I just want to correct a few factual

1 mistakes that have been proffered.

2 First of all, as I understand it,
3 the healthcare plans have withdrawn any objection
4 to this. They know that this is an extension
5 just for one year, so this very unique system of
6 giving insurance that we have in this state to
7 freelancers can continue.

8 Second, what we do is not that
9 dissimilar -- in fact, it's almost identical to
10 what we did in the budget when we protected
11 what's called a PEO, which is a professional
12 employee organization. And those professional
13 employee organizations are basically the
14 aggregate of individuals, either very, very small
15 businesses or individual businesses. So we are
16 just extending the same protection. This is not
17 that unique.

18 Thirdly, they can take new people
19 during the one year that we extend, but each of
20 those people who enter are given notice that it's
21 only for one year. After we put the notice in
22 the bill, it was then suggested, well, maybe you
23 shouldn't allow them in at all. But frankly that
24 was an afterthought by some of the people
25 objecting.

1 And lastly, the reason that the
2 Chambers of Commerce have voiced opposition is
3 not that they're opposed per se to this system,
4 but rather they wanted to do the same thing.
5 So -- you know, and they were left out.

6 But I will tell you personally I had
7 told the folks who represent the chambers they
8 should be speaking up, and I told them that two
9 years ago when this Senate had a roundtable on
10 how to implement the Affordable Care Act.

11 So I think this is a reasonable
12 compromise. We have something very unique in our
13 workforce in the metropolitan area, the freelance
14 industry, whether it be artisan or whether it be
15 programmers, it can go in any number of different
16 directions.

17 I think we should move forward. We
18 have the Affordable Care Act, which will only
19 start coverage on January 1, 2014. This will
20 give the freelancers one year within that, they
21 either sink or they swim.

22 So I would recommend that we support
23 this measure.

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

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar 1559, those recorded in the negative are
4 Senators Ball, DeFrancisco, Krueger, Nozzolio,
5 Ranzenhofer, Rivera, Sanders, Seward and Zeldin.

6 Ayes, 54. Nays, 9.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Also Senator Lanza
10 in the negative.

11 Ayes, 53. Nays, 10.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: In relation to
15 Calendar Number 1560, Senator Golden moves to
16 discharge, from the Committee on Rules, Assembly
17 Bill Number 6867 and substitute it for the
18 identical Senate Bill Number 4907, Third Reading
19 Calendar 1560.

20 ACTING PRESIDENT GRIFFO: The
21 substitution is so ordered.

22 There is a home-rule message at the
23 desk.

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

1 ACTING PRESIDENT GRIFFO: And the
2 bill will be laid aside for the day.

3 The Secretary will read Calendar
4 Number 1561.

5 THE SECRETARY: In relation to
6 Calendar Number 1561, Senator Carlucci moves to
7 discharge, from the Committee on Rules, Assembly
8 Bill Number 7313A and substitute it for the
9 identical Senate Bill Number 5102A, Third Reading
10 Calendar 1561.

11 ACTING PRESIDENT GRIFFO: The
12 substitution is ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 1561, by Member of the Assembly Abinanti,
16 Assembly Print 7313A, an act to amend the Mental
17 Hygiene Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62. Nays,

1 1. Senator Marchione recorded in the negative.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1562, by Senator Seward, Senate Print 5376A, an
6 act to amend the Workers' Compensation 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, 63.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1563, by Senator Klein, Senate Print 5414A, an
19 act to amend the Social Services Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

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

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

6 This legislation would require that
7 daycare providers post their most recent
8 inspection results in a prominent place.

9 This came after a study that was
10 conducted by the Independent Democratic
11 Conference, a citywide study and a statewide
12 study, which showed that our daycare centers,
13 places where we entrust our children to day after
14 day, are not sanitary or safe.

15 This I think would add transparency
16 to the process, which right now is very
17 cumbersome if a parent wants to find out if a
18 daycare center is safe and secure. This would
19 merely require that every daycare post those
20 inspection results.

21 We require that of restaurants in
22 New York and other places. I think our children
23 deserve the same type of transparency and be able
24 to find out how safe and secure those daycares
25 are and give our parents peace of mind.

1 I vote yes, Mr. President.

2 ACTING PRESIDENT GRIFFO: Senator
3 Klein in the affirmative.

4 Announce the results.

5 THE SECRETARY: Those recorded in
6 the negative are Senators Ball, DeFrancisco,
7 Little and Seward.

8 Ayes, 59. Nays, 4.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1564, by the Committee on Rules, Senate Print
13 5669, an act to amend the Retirement and Social
14 Security Law.

15 ACTING PRESIDENT GRIFFO: There is
16 a home-rule message at the desk.

17 The Secretary will read the last
18 section.

19 THE SECRETARY: Section 3. 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, 63.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 1565, Senator Skelos moves to
4 discharge, from the Committee on Rules, Assembly
5 Bill Number 7630A and substitute it for the
6 identical Senate Bill Number 5670A, Third Reading
7 Calendar 1565.

8 ACTING PRESIDENT GRIFFO: The
9 substitution is ordered.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 1565, by Member of the Assembly Abbate, Assembly
13 Print 7630A, an act to amend the Retirement and
14 Social Security Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 63.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 1566, Senator Grisanti moves to
2 discharge, from the Committee on Rules, Assembly
3 Bill Number 3498A and substitute it for the
4 identical Senate Bill Number 5743, Third Reading
5 Calendar 1566.

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

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1566, by Member of the Assembly Peoples-Stokes,
11 Assembly Print 3498A, an act to amend the Social
12 Services 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 January.

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

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

22 SENATOR GRISANTI: Yes, thank you,
23 Mr. President.

24 First of all, I want to thank
25 Senator Montgomery, because apparently a

1 situation like this happened in her district on
2 the other side of the state from Buffalo.

3 What it basically is, this
4 particular piece of legislation is wherever there
5 is a change or cuts to a program that helps
6 parents with childcare subsidies -- whenever
7 there's a change in the program, they would tell
8 the parents, Well, you have ten days and you're
9 going to be terminated from the program. So
10 families that were relying on that childcare
11 subsidy so they can go to work only have 10 days
12 to find other alternatives.

13 So what this legislation basically
14 does, it actually extends the time period
15 significantly, so this way nobody is in
16 jeopardy.

17 And I want to thank Senator
18 Montgomery and her staff and my staff for working
19 on this to get rid of this loophole that was a
20 serious detriment to people all across New York
21 State that rely heavily on this program so they
22 can go to work.

23 I vote aye, Mr. President.

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

1 Announce the results.

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 1567, Senator Golden moves to
7 discharge, from the Committee on Rules, Assembly
8 Bill Number 7586 and substitute it for the
9 identical Senate Bill Number 5767, Third Reading
10 Calendar 1567.

11 ACTING PRESIDENT GRIFFO: The
12 substitution is so ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 1567, by Member of the Assembly Abbate, Assembly
16 Print 7586, an act in relation to authorizing.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

19 THE SECRETARY: Section 7. This
20 act shall take effect in 30 days.

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 61. Nays,
25 2. Senators Ball and Hassell-Thompson recorded

1 in the negative.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 Calendar Number 1568 and 1569 are
5 high. The Secretary will go to Calendar 1570.

6 THE SECRETARY: Calendar Number
7 1570, by Senator Savino, Senate Print 4090, an
8 act to amend the Workers' Compensation Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

11 THE SECRETARY: Section 2. 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, 63.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: In relation to
20 Calendar Number 1571, Senator Carlucci moves to
21 discharge, from the Committee on Local
22 Government, Assembly Bill Number 6758 and
23 substitute it for the identical Senate Bill
24 Number 4674, Third Reading Calendar 1571.

25 ACTING PRESIDENT GRIFFO: There is

1 a home-rule message at the desk.

2 The substitution is so ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 1571, by Member of the Assembly Jaffee, Assembly
6 Print Number 6758, an act authorizing.

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 3. Senators Ball, Carlucci and Marchione
16 recorded in the negative.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: In relation to
20 Calendar Number 1572, Senator Seward moves to
21 discharge, from the Committee on Rules, Assembly
22 Bill Number 7882 and substitute it for the
23 identical Senate Bill Number 5218, Third Reading
24 Calendar 1572.

25 ACTING PRESIDENT GRIFFO: The

1 substitution is so ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 1572, by Member of the Assembly Cahill, Assembly
5 Print 7882, an act to amend the Insurance 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 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 Calendar Number 1573 is high. We
17 will now go to Calendar Number 1574.

18 THE SECRETARY: In relation to
19 Calendar Number 1574, Senator Skelos moves to
20 discharge, from the Committee on Rules, Assembly
21 Bill Number 8073 and substitute it for the
22 identical Senate Bill Number 5844, Third Reading
23 Calendar 1574.

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

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 1574, by Member of the Assembly Sweeney, Assembly
4 Print 8073, an act to amend the Public Service
5 Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

8 THE SECRETARY: Section 17. This
9 act shall take effect January 1, 2014.

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

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

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

17 This is a very important piece of
18 legislation for Long Island. It's the Long
19 Island Power Authority reorganization and
20 refinancing plan.

21 LIPA has had a 15-member board, and
22 the board members have worked very, very hard in
23 trying to put together plans to operate the
24 utility. But what has happened, with lack of
25 leadership and the board reacting somewhat late

1 in meeting their obligations to both the
2 ratepayers and keeping the system, the
3 transmission and delivery system up and meeting
4 certain standards -- two storms, Irene and Sandy
5 really demonstrated that the utility did not have
6 the proper planning in place, technology in place
7 to meet ratepayers' needs in doing something very
8 simple, keeping the lights on and keeping the
9 system operating.

10 This legislation begins a
11 restructuring that transfers LIPA's control of
12 utility operations to the PSE&G. LIPA's role
13 will be limited greatly. It will basically be a
14 holding company and owning Long Island's transfer
15 and delivery system. The staff will be greatly
16 reduced because PSE&G will really be responsible
17 for the operations.

18 One of the things that -- the
19 members, along with the Governor, have been
20 working very, very hard since January to put
21 before this house this legislation. And one of
22 the basic concerns was what kind of oversight
23 would we have. So in this legislation we
24 establish an office from the Public Service
25 Commission that will be staffed to make sure that

1 we are reviewing the various recommendations that
2 are being made and also reviewing the plans that
3 are needed to keep the lights on.

4 The second part of this plan, beside
5 the oversight that is given, is a refinancing of
6 the LIPA debt. The LIPA debt is \$6.7 billion,
7 and we will be refinancing \$3 billion. And so
8 this refinancing will save the ratepayers
9 \$30 million each year.

10 So we've put together something
11 where the responsibility for the operation is
12 very clear. When the lights are off, PSE&G is
13 responsible to make sure that the ratepayer will
14 have proper service.

15 And lastly, Mr. President, this
16 legislation I believe will ensure that technology
17 and the kind of manpower that we need and the
18 kind of leadership that we need to keep the
19 lights on will be very important.

20 And lastly, as part of the
21 contractual agreement with PSE&G, there is
22 hope -- and this is something that the Executive
23 has talked about -- that the rates will be frozen
24 for a three-year period of time, not including,
25 of course, any pass-through with the energy, the

1 fuel that is needed and will fluctuate low, high,
2 and so forth.

3 So this is a bill that has had a lot
4 of time put into it by the Executive, by members
5 in both houses of the Legislature from
6 Long Island. I vote aye.

7 ACTING PRESIDENT GRIFFO: Senator
8 LaValle to be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: Ayes, 63.

11 ACTING PRESIDENT GRIFFO: Senator
12 Sanders, do you want to explain your vote? I'll
13 allow it.

14 SENATOR SANDERS: I'll pass.

15 ACTING PRESIDENT GRIFFO: Okay. So
16 announce the results.

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 Senator Libous, that completes the
21 noncontroversial reading of Senate Supplemental
22 Calendar Number 56C.

23 SENATOR LIBOUS: Yes, it does,
24 Mr. President. Can we return to messages from
25 the Assembly.

1 ACTING PRESIDENT GRIFFO: We will
2 return to messages from the Assembly.

3 The Secretary will read.

4 THE SECRETARY: The Assembly sent
5 for concurrence the following bill: On motion by
6 Senator Skelos and Senator Klein, said bill
7 ordered direct to third reading. Assembly Bill
8 Number 6356A.

9 ACTING PRESIDENT GRIFFO: The bill
10 is ordered direct to third reading.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 1575, by Member of the Assembly Lentol, Assembly
14 Print 6356A, an act to amend the Penal Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

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

24 SENATOR ZELDIN: My parents were
25 divorced and remarried when I was a child, and I

1 actually grew up with two law enforcement
2 households. My stepfather was a retired state
3 trooper; my stepmother is a retired Nassau County
4 probation officer.

5 And I have a tremendous amount of
6 respect for our law enforcement community, for
7 the men and women who serve and are willing to
8 sacrifice so much for our public safety. It is
9 deeply respected, admired and appreciated by me
10 and our entire family.

11 With that being said, my
12 constituents know I have and continue to be
13 opposed to the SAFE Act.

14 I said in my official statement
15 during the original January vote on the SAFE
16 Act: In our Constitution are certain rights
17 which provide the foundation of America's
18 greatness. Its Second Amendment in no uncertain
19 terms guarantees the right of law-abiding
20 citizens to keep and bear arms, and I firmly
21 believe that it should be respected and adhered
22 to still today.

23 Carving out such exemptions for only
24 certain groups, no matter how well qualified that
25 group may be, does not restore Second Amendment

1 rights for all. And tonight I ask, what about
2 all of the other law-abiding gun owners?

3 I'm proud to cosponsor Senator
4 Marchione's bill for a full repeal, and I commend
5 her efforts.

6 In order to do right by my
7 constituents and my values, after deep reflection
8 I cannot support this bill. I would appreciate
9 the understanding of the law enforcement
10 community, my colleagues, and my constituents
11 that it's difficult or should I say impossible
12 for me to back one group of great law-abiding
13 citizens over another group of great law-abiding
14 citizens when it comes to fundamental
15 constitutional rights.

16 Therefore, I'm casting my vote in
17 the negative.

18 ACTING PRESIDENT GRIFFO: Senator
19 Zeldin to be recorded in the negative.

20 Senator Marchione to explain her
21 vote.

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

24 I rise to explain my vote today.
25 And I'm sure that that's no surprise to anyone on

1 this floor. I'm voting no on this amendment
2 because it will legitimize a bad law, an
3 unconstitutional law, a law that has criminalized
4 millions of New Yorkers.

5 The fact we are passing this
6 amendment, much like the SAFE Act was passed,
7 late at night with no opportunity for citizens to
8 be heard, proves an old saying: Those who don't
9 learn from history are doomed to repeat it. And
10 tonight we're repeating history.

11 On January 14th the Second Amendment
12 freedoms of all New Yorkers were weakened when
13 the SAFE Act was enacted in this chamber. The
14 SAFE Act was rammed through with a message of
15 necessity without a single public hearing or
16 opportunity for citizens to be heard. That is
17 not democracy.

18 I believe millions of New Yorkers
19 believe the SAFE Act is wholly unconstitutional.
20 This restrictive gun control law turned
21 law-abiding New Yorkers into criminals virtually
22 overnight, and has caused unimaginable chaos,
23 confusion and concern.

24 The Second Amendment is perfectly
25 clear: The right of people to keep and bear arms

1 shall not be infringed. My online petition
2 received nearly 130,000 signatures, the vast
3 majority of which came from New York, supporting
4 the repeal of the SAFE Act. Every county except
5 one in upstate has passed resolutions opposing
6 the SAFE Act.

7 Passing an amendment that grants an
8 exemption for retired law enforcement is window
9 dressing for an unconstitutional law. When it
10 comes to the SAFE Act, we shouldn't amend it, we
11 should repeal it. We should end it. New Yorkers
12 demand and deserve a full and complete repeal.

13 ACTING PRESIDENT GRIFFO: Senator
14 Marchione --

15 SENATOR MARCHIONE: Yes, sir.

16 ACTING PRESIDENT GRIFFO: I must
17 remind everyone that we're on a two-minute
18 explanation, and your time is about to expire.
19 So if you could please wrap up.

20 SENATOR MARCHIONE: I certainly
21 will.

22 Instead of debating amendments, we
23 should be debating my SAFE Act repeal bills.

24 I am a strong, proud supporter of
25 law enforcement, but allowing an exemption that

1 legitimizes this unconstitutional law is
2 something I will be voting no on. I may be new
3 to the chambers, but I believe we should not be
4 passing Laws at 10 minutes to 2:00. And I don't
5 mean to sound like my colleague on the other
6 side, but when --

7 ACTING PRESIDENT GRIFFO: Senator
8 Marchione, how do you vote?

9 SENATOR MARCHIONE: I vote no.

10 ACTING PRESIDENT GRIFFO: Senator
11 Marchione to be recorded in the negative.

12 Senator Gallivan.

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

15 I opposed the SAFE Act. I voted
16 against it. I continue to oppose it and support
17 its full repeal.

18 I feel an obligation, though, that
19 while we are pursuing its full repeal, when we
20 have an opportunity to minimize its impact on
21 law-abiding citizens and have a chance to do
22 something so that the SAFE Act affects as few
23 people as possible, there's an obligation to do
24 it.

25 Tonight we are talking about police

1 officers. Police officers are different. Our
2 laws treat them different, we charge them with
3 different things. They have the power to take
4 away people's liberties, the power of search and
5 seizure, among other things. And there's
6 enhanced penalties when they are victims of
7 crimes.

8 They of course have specialized
9 training that doesn't go away when they retire.
10 Whether they're on duty or off duty, they have
11 the obligation to act and people look to them to
12 act. When they retire, the community still looks
13 to them to act. They don't look at them as a
14 retired police officer, they look at them as
15 somebody who has helped the community and who is
16 there to continue to protect the community.

17 The federal government has
18 recognized retired police officers with HR 218,
19 their ability to carry weapons across state
20 lines. We just this year, following the SAFE
21 Act, have recognized retired police officers,
22 first in the budget, where we allowed for a
23 waiver exemption for school resource officers who
24 are former police officers. And just last week,
25 with 57 votes, we passed legislation that would

1 grant peace officer status to retired police
2 officers who are school resource officers.

3 Police officers are unique. Retired
4 police officers are unique. They continue to
5 contribute to our society, to public safety. And
6 I think that we have an obligation to continue to
7 work on chipping away at this law until we --

8 ACTING PRESIDENT GRIFFO: Senator
9 Gullivan, how do you vote?

10 SENATOR GALLIVAN: -- till we
11 achieve its full repeal.

12 I vote aye, Mr. President.

13 ACTING PRESIDENT GRIFFO: Senator
14 Gullivan to be recorded in the affirmative.

15 Senator Young to explain her vote.

16 SENATOR YOUNG: Thank you,
17 Mr. President, to explain my vote.

18 I have nothing but the deepest
19 admiration for our law enforcement. I always
20 support them, and I support them actually to be
21 able to regain some of their Second Amendment
22 rights.

23 But the reason I'm voting no on this
24 particular piece of legislation, Mr. President,
25 is because this should be a full repeal of the

1 SAFE Act. And until we have everyone who is a
2 law-abiding citizen regaining their
3 constitutional rights, I can't support this.

4 So I will be voting no.

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

7 Senator DeFrancisco to explain his
8 vote.

9 SENATOR DeFRANCISCO: Yes, I just
10 can't quite understand why a legislative body, no
11 matter who the class is, can separate one
12 law-abiding citizen from another.

13 Now, these are retired police
14 officers. These aren't active-duty police
15 officers. They happen to have chosen a specific
16 profession. There's military people that choose
17 a profession that save us and protect us from
18 overseas problems. They're trained with guns.
19 They know what they're doing. Why are they
20 excluded?

21 But every time you have a special
22 class, there's always an equally -- a class that
23 should have those same rights. It doesn't make
24 any sense. You can't parse it along as far as
25 specific groups. That's wrong.

1 So for that reason, I'm going to
2 vote no on this bill. And I would believe that
3 the full repeal is obviously the most sensible
4 solution, having voted no on the specific bill.
5 But law-abiding citizens are law-abiding citizens
6 no matter what their former profession was and no
7 matter what their current profession was.

8 So this is not a good idea, and I
9 also vote no.

10 ACTING PRESIDENT GRIFFO: Senator
11 DeFrancisco to be recorded in the negative.

12 Senator Ranzenhofer to explain his
13 vote.

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

16 I'd also like to associate my
17 comments with those of Senator Zeldin and some of
18 the others who have spoken against this piece of
19 legislation.

20 I too share their sentiment that I
21 also have the utmost respect for those retired
22 police officers who have served their community
23 very, very well. But I think we're walking down
24 the wrong roadway when we carve out a special
25 exception for certain individuals, whether they

1 be for retired police officers, whether they be
2 for military.

3 Because what you are really saying
4 is by granting somebody special privileges, you
5 are by inference saying that the others are less
6 worthy of having that particular right.

7 I don't believe that that's a fair
8 distinction. I share the belief of others that
9 this bill should be repealed. But on this very
10 specific piece of legislation, I think we are
11 moving in the wrong direction to carve out that
12 special class for two law-abiding groups of
13 citizens, one who have previously served in law
14 enforcement and those who have not.

15 So I'll be casting my vote in the
16 negative. Thank you, Mr. President.

17 ACTING PRESIDENT GRIFFO: Senator
18 Ranzenhofer to be recorded in the negative.

19 Senator Golden to explain his vote.

20 SENATOR GOLDEN: Thank you,
21 Mr. President.

22 I rise to say to my colleagues I
23 know this is a tough vote for some of them, and
24 it's a tough vote for a lot of people in this
25 room.

1 But it's the right thing to do.
2 This bill is not the dark of night, this bill was
3 put in on April 8th and amended on May 6th, and
4 it was passed in the Assembly.

5 I was a police officer. I pulled
6 into a gas station with my family. I seen
7 somebody looking at me, and I was looking at
8 him. And I had put him in jail for a long period
9 of time, but he was free at this moment.

10 Now, I had the privilege of stepping
11 on the gas and leaving that gas station. I don't
12 know what would have happened. But many officers
13 encounter, after working 20 years or 30 years in
14 a police department or as a peace officer or as a
15 federal officer, they encounter people when they
16 are with their families and in their
17 communities. And they act appropriately and
18 properly.

19 They're not a separate class of
20 people, ladies and gentlemen, but they are an
21 experienced class of people that have been out
22 there for 20, 30 years protecting us, protecting
23 our children and our families. They know what
24 the criminal element is. They know how to deal
25 with the criminal element.

1 So if anybody deserves to have a ten
2 round magazine, it is something somebody that has
3 the experience to use it and to use it in the
4 right way.

5 So I want to thank my colleagues on
6 both sides of this issue. But this is definitely
7 the right thing, by giving over 200,000 people in
8 this State of New York 10-round magazines that
9 have been out there working for the past 20,
10 30 years, protecting our families and our
11 communities.

12 And I vote aye. Thank you,
13 Mr. President.

14 ACTING PRESIDENT GRIFFO: Senator
15 Golden to be recorded in the affirmative.

16 Senator Ball to explain his vote.

17 SENATOR BALL: So just to clarify
18 things. I mean, first, my mom used to work
19 nights. She used to clean up all night long at
20 Harlem Valley Psychiatric Center. I have nothing
21 wrong with working your tail off.

22 But there's a difference between
23 working through the night and this crap. This is
24 ridiculous. Why are we doing this at 2 o'clock
25 in the morning? We're doing this at 2 o'clock in

1 the morning, just like we did the un-SAFE Act,
2 because we don't want people to find out what
3 we're doing.

4 Not all of us, some of us -- and I'm
5 sad to say it's on my side of the aisle -- who
6 don't want the public to know because God forbid
7 we would get public input. I'm glad that Senator
8 Golden could protect his family. How about the
9 victim of domestic violence in her home, who now
10 doesn't have a home exemption?

11 One of my previous colleagues said
12 that we should fight for a full repeal. Maybe we
13 passed medical marijuana that I don't know
14 about. Full repeal would require this Governor
15 overturning his own piece of legislation.

16 As legislators, the only
17 responsibility, the only leverage we have was to
18 work with the law enforcement community, to then
19 also get private security in there, critically
20 important to homeland security, and to get a home
21 exemption for law-abiding citizens in this state
22 to be able to protect their families.

23 We have now lost that. We've done
24 it at 2 o'clock in the morning hoping that nobody
25 cares.

1 I care. And you know what? I like
2 you guys -- men and women. On a personal level,
3 it doesn't make me feel good to say this. I know
4 you -- I see it in your eyes today. Maybe it
5 should be easier just to -- you know, just to go
6 along to get along. I can't.

7 There was a better way to do the
8 SAFE Act. And congratulations to the Governor
9 for dividing this conference. And you're going
10 to have this conference be ripped apart. There
11 be should be a lot of smiles over there. There
12 was a better way to handle this from the very
13 beginning. I'm deeply disappointed.

14 ACTING PRESIDENT GRIFFO: Senator
15 Ball, how do you vote?

16 SENATOR BALL: I'm voting no.

17 ACTING PRESIDENT GRIFFO: Senator
18 Ball to be recorded in the negative.

19 Senator Maziarz to explain his vote.

20 SENATOR MAZIARZ: I'll be voting in
21 the negative, Mr. Chair.

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

24 Senator Boyle to explain his vote.

25 SENATOR BOYLE: The day after we

1 passed the SAFE Act I introduced legislation to
2 do exactly what Senator Golden's bill does, to
3 exempt retired law enforcement. Not because I
4 think retired law enforcement are a better class
5 of people, but I do think that they are there to
6 protect people, like on the Long Island Railroad,
7 the tragedy we had years ago.

8 We need to make sure that all of us
9 have the proper ammunition to defend our homes.
10 That's another bill I have, the Defend Our Homes
11 Act, which would give everyone in their house the
12 right to have 10 rounds.

13 I do not believe this is the end of
14 the exemptions, this is the beginning. But I
15 intend to vote in the affirmative.

16 ACTING PRESIDENT GRIFFO: Senator
17 Boyle, how do you vote?

18 SENATOR BOYLE: In the affirmative.

19 ACTING PRESIDENT GRIFFO: Senator
20 Boyle to be recorded in the affirmative.

21 Senator O'Mara to explain his vote.

22 SENATOR O'MARA: Thank you,
23 Mr. President.

24 I rise this evening to say that I
25 support our law enforcement community. I want

1 them to be able to carry their weapons to protect
2 our society, to have the fully loaded clip of
3 10 rounds of ammunition in their clip, because
4 they will do a good job of continuing to protect
5 us while they are in society and carrying out
6 their daily lives, those retired law enforcement
7 officers.

8 But I cannot stand here this evening
9 and separate one law-abiding class of citizens
10 into two separate groups, those that have and
11 those that have not.

12 And we deal with a lot of
13 legislation in this house about equality and
14 treating people the same. And while law
15 enforcement have these training qualifications
16 and guidelines that they follow, I have many
17 law-abiding gun owners in my district and across
18 New York State that have the same skills,
19 aptitude, and capabilities and are entitled to
20 the same Second Amendment right that we all have
21 in this country.

22 And to break this down at 2 o'clock
23 in the morning is ridiculous. This is a sham on
24 the Second Amendment in this state, and it's
25 wrong. We should be fully repealing the SAFE Act

1 and treating all of our citizens equally here
2 with their Second Amendment right.

3 Thank you, Mr. President. I vote in
4 the negative.

5 ACTING PRESIDENT GRIFFO: Senator
6 O'Mara to be recorded in the negative.

7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar Number 1575, those recorded in the
10 negative are Senators Ball, DeFrancisco, Farley,
11 Griffio, Libous, Marchione, Maziarz, Nozzolio,
12 O'Mara, Ranzenhofer, Ritchie, Seward, Young and
13 Zeldin.

14 Ayes, 49. Nays, 14.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President, we
19 have a couple of bills on the calendar that I
20 want to lay aside for the day.

21 On Supplemental Active Calendar
22 Number 2, Number 436, lay it aside for the day.
23 And on the same calendar, Number 927, lay it
24 aside for the day.

25 Is there any further business at the

1 desk?

2 ACTING PRESIDENT GRIFFO: There is
3 no further business before the desk.

4 SENATOR LIBOUS: If there's no
5 further business, the Senate will adjourn until
6 this morning at 10:00 a.m.

7 ACTING PRESIDENT GRIFFO: The bills
8 are laid aside for the day.

9 On motion, the Senate stands
10 adjourned until 10:00 a.m., Friday, June 21st.

11 The Senate stands adjourned.

12 (Whereupon, at 2:04 a.m., the Senate
13 adjourned.)

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