NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 28, 2014

3:21 p.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please rise and join with me as we recite the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: Today's invocation will be offered by the Reverend Peter G. Young, of the Mother Teresa Community here in Albany.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

At George Washington's inauguration address as President, he placed his hand on the Bible in 1789 to serve with integrity his nation.

Our Senators are called to leadership in your elected and dedicated public servant positions. We bless them, and we call God to again help them in their mission to be able to be leaders as George Washington was.

Amen.

ACTING PRESIDENT GRIFFO: Thank

you, Father Young.

The reading of the Journal.

THE SECRETARY: In Senate, Sunday, April 27th, the Senate met pursuant to adjournment. The Journal of Friday, April 25th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 5, Senator Maziarz moves to discharge, from the Committee on Local Government, Assembly Bill Number 8404 and substitute it for the identical Senate Bill Number 6182, Third Reading Calendar 44.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, would you please call on Senator Valesky, then Senator Gianaris, and then come back to me, please.

ACTING PRESIDENT GRIFFO: Will do.

Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause; these bills are sponsored by me: Senate 2164, 2165, and 3701.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR VALESKY: Also, Mr. President, on behalf of Senator Savino, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: 2516A, 4589A, 5118, and 5498.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR VALESKY: Also,

Mr. President, on behalf of Senator Avella, on page 18 I offer the following amendments to Calendar Number 278, Senate Bill 6599C, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Valesky.

SENATOR VALESKY: And also, Mr. President, on behalf of Senator Klein, on page 16 I offer the following amendments to Calendar Number 232, Senate Bill Number 2257, and ask that that bill retain its place on the Third Reading Calendar.

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

Thank you, Senator Valesky.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

On behalf of Senator Espaillat, I move to amend the following bills by striking out the amendments made on March 25th and restoring

them to their original print numbers: Senate Bill 6110A, 6111A, 6112A, and 6113A.

ACTING PRESIDENT GRIFFO: So ordered.

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of you, sir, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. And that would be Senate Print 2755.

ACTING PRESIDENT GRIFFO: So ordered.

Senator Libous.

SENATOR LIBOUS: And then on behalf of Senator Grisanti, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: 5510 and 5511.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR LIBOUS: And then on behalf of Senator Young, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike

the enacting clause. That would be Senate Print 3996 and 4611B.

ACTING PRESIDENT GRIFFO: That is so ordered.

SENATOR LIBOUS: And on behalf of Senator Hannon, on page 5 I offer the following amendments to Calendar Number 31, Senate Print Number 5537, and ask that the said bill retain its place on the Third Reading Calendar.

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

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Maziarz, on page 13 I offer the following amendments to Calendar Number 187, Senate Print 6499, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Libous.

SENATOR LIBOUS: On behalf of Senator Golden, on page 19 I offer the following amendments to Calendar Number 285, Senate Print

2094A, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Libous.

SENATOR LIBOUS: And on behalf of Senator Gallivan, on page 21 I offer the following amendments to Calendar Number 314, Senate Print 6598, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time I would ask that you call on the Honorable Senator Breslin for the purposes of an announcement.

ACTING PRESIDENT GRIFFO: Recognize Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

We're honored today to have Class AA State Champions here with us, basketball, who

beat Jamestown on March 16th of this year.

Now, that enough would be a milestone, but this school, Green Tech, has only been in existence for four years. So in its fourth year of existence it's the state champions.

And I'd like to say about each of the individuals on this team, they count academics higher than they do athletics. So you imagine how well they do in the classroom as well.

And they're here with their coach, Coach Jamil Hood, Sr. And it's Sr. because Jr. plays on the team and has accepted a Division I basketball scholarship.

And also with them are Assistant Coaches Lloyd Johnson, Stephen Archer -- you can wave when I call -- Stephen Archer, Antwan Morrison, and Team Managers Markell Mayo and Destiny Jackson.

This team deserves our praise for such an outstanding job. You've brought distinction and happiness to the Albany area, the Capital District, and the State of New York. Thank you, Green Tech, and we'll do it again next

year.

(Applause.)

ACTING PRESIDENT GRIFFO: We welcome the student athletes and coaching staff of the State Champion Basketball Team, Green Tech. Thank you for being with us, and congratulations.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe there's a privileged resolution at the desk by Senator Klein, Number 4672. May we have the resolution read in its entirety, and before its adoption if you could call on Senator Klein.

ACTING PRESIDENT GRIFFO: May I have some order in the chamber, please.

The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4672, by Senator Klein, commemorating the 2nd Annual Bronx Day in Albany celebration upon the occasion of marking the centennial of the incorporation of Bronx County.

"WHEREAS, Each and every city, town, village, and hamlet within its borders proudly

resonates with the rich and noble history of the State of New York; and

"WHEREAS, It is the sense of this Legislative Body to recognize those events which foster civic pride and highlight the contributions of the communities which comprise the noble body of this great Empire State to the progression and development of our society; and

"WHEREAS, Attendant to such concerns, and in full accord with its long-standing traditions, this Legislative Body is justly proud to commemorate the 2nd Annual Bronx Day in Albany celebration upon the occasion of marking the centennial of the incorporation of Bronx County; this festive affair will take place on Monday, April 28, 2014, at The Egg in Albany, New York; and

"WHEREAS, The purpose of the annual Bronx Day in Albany celebration is to promote Bronx pride, and allow Bronxites to share their vision for the future of their borough, as well as introduce their products and services; 2014 celebration activities include tours of the Capitol; a small business forum for Bronx businesses; a luncheon; and a 'Taste of the

Bronx' evening reception featuring music from local Bronx bands and a showcase of the best food of the borough; and

"WHEREAS, The Bronx was incorporated in 1914, the last of New York State's 62 counties to be established; however, this diverse municipality has played a noteworthy role in the evolution of New York from its early beginnings; and

"WHEREAS, Forty-two square miles in size, and the only section of New York City on the mainland, The Bronx is named in memory of the area's first European settler, Jonas Bronck; its earliest settlement was in 1639 along the Harlem River in what is now Mott Haven; and

"WHEREAS, The Bronx was originally part of Westchester County and, in 1841, the New York and Harlem Railroad began regular commuter service between The Bronx and Manhattan; by 1895, the area had become a part of New York City; and

"WHEREAS, At the turn of the century, the quiet suburban streets and farms of The Bronx began to yield to rapidly expanding factories and urban neighborhoods; in 1914, its

main thoroughfare, the Grand Concourse, was completed, and by the 1920s, the Fordham Road-Grand Concourse intersection was a great commercial nexus and a center of tree-lined avenues, with luxurious homes and apartment buildings designed in the latest Art Deco and modernist styles; and

"WHEREAS, Over the last decade of the 19th century and the first quarter of the 20th century, many of the great landmarks which continue to draw hundreds of thousands of visitors to The Bronx every year were developed, including the Bronx Zoo, one of the largest zoos in the world; the beautiful park-like New York Botanical Garden; the Hall of Fame for Great Americans at Bronx Community College (the former campus of New York University); and Yankee Stadium; and

"WHEREAS, By the late 2000s, The Bronx's bridges, highways, and railroads were more heavily traveled than those of any other part of the United States, and it is the home of 12 colleges and universities, including Fordham University, the Maritime College of the State University of New York, and three branches of the

City University of New York: Lehman College, Bronx Community College, and Hostos Community College; almost 24 percent of the land area is parkland, including Pelham Bay Park, which, at 2,772 acres, is the largest park in the city; and

"WHEREAS, With a population of more than 1.4 million people, The Bronx is one of the most racially and ethnically diverse communities in the United States, and its vibrant neighborhoods, industrious civic groups and robust small business sector have long provided both a haven and a steppingstone for hardworking immigrants from all over the globe; and

"WHEREAS, Remaining fruitful over the ebb and flow of decades of growth and change, Bronx County continues its commitment to enhancing the quality of life of its residents, ensuring a progressive business, institutional and educational climate, providing essential services, and retaining the cultural vitality and environment that make it a positive place in which to live, work and visit; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate

the 2nd Annual Bronx Day in Albany celebration upon the occasion of marking the centennial of the incorporation of Bronx County, in proud recognition of the significance of its continuing role in the life of the community of the State of New York; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Bronx Chamber of Commerce and the Bronx County Historical Society."

ACTING PRESIDENT GRIFFO: Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

I'm very proud to be able to stand here in celebration with so many of my fellow Bronxites today -- many of them are up in the gallery today -- to celebrate the Second Annual Bronx Day in Albany and commemorate the Bronx centennial.

Today is a real showcase of just what makes the Bronx a fantastic borough. The Bronx is made better every single day because of the hard work, commitment and service that so many Bronxites have to their neighbors and

communities, but more importantly because of their love for the place we all call home.

Because of its strategic location, since 1914 the Bronx has not only served as a transportation gateway and small business hub of New York City, but is a destination borough marked by its natural beauty, cultural institutions and treasured landmarks. We are home to some of the best of what New York City has to offer -- the Bronx Zoo, Bronx Historical Society, Wildlife Conservation Society, New York Botanical Gardens, many state-of-the-art medical facilities, Fordham University, and of course Yankee Stadium.

The Bronx is the best of both worlds. We are both a busy and vibrant commercial and business sector with quiet enclaves of untouched landscape and tight-knit communities. We are made up of so many cultures and ethnicities and known as one of the most diverse places in world, while also sharing a common civic pride and shared vision for how we can make the Bronx better, brighter, and stronger.

Our borough really has it all and is

made richer every day by the small business owners, the hardworking moms and dads, the loyal seniors, the dedicated educators and medical professionals, the disciplined athletes and the noble ordinary residents whose pride and love for the Bronx can light up any neighborhood.

In closing, I just want to say how grateful that I was born, raised, continue to live in the Bronx. And I invite everyone to come and see what the Bronx has to offer.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Klein.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

I rise to commend Senator Klein on his resolution celebrating the Bronx. I was privileged to serve the Bronx for the last 14 years. And even though I am a resident of Mount Vernon, I still think that you belong to us, and therefore I treat you as one of my favorite children, not stepchildren.

I'm also pleased that our business community and our citizens and students have come

today to be here in the Capitol with us as we celebrate the successful 100 years going into our second centennial of development of the Bronx.

Everybody knew the Bronx when it was burning. Very few people really know the Bronx now that it has become the renaissance -- as our borough president is famous for saying, "God's country," because we have been blessed to grow and to thrive and to really become a major entity and are no longer the stepchild of the five boroughs.

So congratulations to the Bronx, and congratulations to Senator Klein and to all who have come to help us to celebrate today's event.

ACTING PRESIDENT GRIFFO: Thank you Senator Hassell-Thompson.

Senator Díaz.

SENATOR DIAZ: Thank you, Mr. President.

I wrote some notes here, Mr. President, sitting here today. Ladies and gentlemen and Mr. President, I take this opportunity to thank Senator Klein for bringing this resolution honoring and recognizing the great county of the Bronx.

You should know, Mr. President and ladies and gentlemen, you should know that today we are celebrating the Bronx Day in Albany. Under the coordination of Bronx Borough President Ruben Diaz, Jr., who happens to be around here, State Senator Jeff Klein, and my good friend Assemblymember Mark Gjonaj, the Bronx has been recognized today here in Albany for the second year in a row.

But, Mr. President and ladies and gentlemen, you should know, my friends, that it was not always like this. You should know that once upon a time the Bronx was the laughingstock of America. Everyone used to show what was wrong in America by singling out the Bronx.

Politicians looking to make a name for themselves, they came to the Bronx: Jimmy Carter, Ronald Reagan, Ted Kennedy. They all came to tell you and show the rest of the nation that they, if elected, would save the rest of the nation from going through what the South Bronx was going through.

Moviemakers, Mr. President, you should know, ladies and gentlemen, moviemakers from Hollywood came to the Bronx to make their

movies: Fort Apache, The Bronx, with Paul Newman and Rachel Ticotin; Bonfire of the Vanities, with Tom Hanks; Wolfen, a 1981 crime horror movie. They were filmed in the Bronx in the rubbish and the destruction to show the world how ugly a place the Bronx used to be.

The Bronx, Mr. President, ladies and gentlemen, you should know the Bronx was burnt out to the ground. Every single building in the South Bronx was burnt. The City of New York used to give properties to anyone that wished to for $1, no questions asked. Taken. Only Riverdale stood up in the Bronx, and that was off-limits for the rest of us.

Business left. Banks redlined our area. The Bronx was painted as a place full of criminals, drug addicts, prostitution, the worst.

But today, today, ladies and gentlemen, today we are here in this chamber recognizing, honoring the Bronx. The Bronx borough president is here. And now, ladies and gentlemen, Mr. President, you should know that everybody wants to come back to the Bronx. The properties in the Bronx are like gold from the Palestine. Everybody wants to come and invest.

Donald Trump, FreshDirect, Mark Messier.

Everybody loves the Bronx, thanks to those people that stood there. Some of us that never moved, some of us that always stood there. Thanks to good borough presidents Fernando Ferrer, Adolfo Carrion, and the one that we have today. Thanks to Senator Jeff Klein, thanks to people like all the delegation from the Bronx.

Today we are proud. Today we're here in Albany telling the whole world, Come to the Bronx. I don't know if there's any more room, but you could try.

(Laughter.)

SENATOR DIAZ: You could try. The borough president is always -- the door is always open for you to try. Business wants to come back. Banks want to come back. Health industry. Everybody wants to come back to the Bronx, ladies and gentlemen. But it was not always like that.

But today, we praise our Lord, we thank our leaders. We thank those that stood there. We thank the borough president. We thank Jeff Klein. We thank Mark Gjonaj. Because today, today is the day that the Lord has made. Rejoice, the Bronx is back.

Thank you, Mr. President.

(Applause from the gallery.)

ACTING PRESIDENT GRIFFO: Is there any other Senator wishing to be heard?

Can we have some order, please.

Senator Rivera.

SENATOR RIVERA: Thank you so much, Mr. President.

I wasn't born in the Bronx. I was born in Puerto Rico, I moved up here to New York in 1998, and I had the privilege of moving to the Bronx in 2000. And I lived there -- as a matter of fact, when I was first living in New York, I lived in a dorm room and then I lived in East Harlem for a little bit. I moved up to a three-bedroom that was a thousand dollars in East Harlem. This was back in 1999 or something like that.

And then when I had a really bad roommate -- a long story -- I was looking for another place to live. And I tried to find a place that was affordable in the city, in East Harlem, and I couldn't find it.

So I went up to the Bronx, got off at the 4 train at the Kingsbridge Road stop, and

I was met by a lady that showed me a couple of beautiful apartments in the Bronx. I laughed a little bit at her. I said, "How much do you want for this one?"

And I realized, after I moved there -- which at first I moved because it was affordable. But after just a short time I found that this was a place that was a home.

I've had the privilege of representing the Bronx for the last four years. And although the district has changed a little bit, whether we're talking about the world-famous Bronx Zoo, the Wildlife Conservation Society, Fordham Road, the third-largest shopping district in the entire city -- whether we're talking about Bronx Community College, one of our very important CUNY institutions, whether we're talking about the Kingsbridge Armory, soon to become the Kingsbridge National Ice Center, the largest ice sports facility in the world -- which I will pause for a second and say certainly if it was not for the efforts of our borough president, would not have happened.

This is why the Bronx is changing. And this is why we are celebrating Bronx Day

today for the second year in a row. We invite all of you to come, meet our business owners, meet our residents, meet elected officials who are very proud to represent this beautiful borough.

As I had the opportunity to tell a couple of years ago, of all people, the vice president of Vietnam actually visited my office. And he did so because there is a sizable population of Cambodian and Vietnamese folks that live in my district.

And as I was telling him about the borough and I was telling him that, I had on the wall -- there is this famous afghan, it is like a quilt, that is made by the Bronx Historical Society that has a lot of historical -- it has the Bronx Zoo on it and Yankee Stadium, et cetera. And I was pointing at it, and I kept referring to different things on the afghan, telling him about the borough that I call home.

At the end of our conversation, he gave me a gift, it was a model of a drum, a historical drum that has the history of Vietnam carved on it. And I said, "Since you are giving me this from your country, I want to give you

something from my hometown." And I pulled down the afghan and I gave it to him, and he took it back home to Vietnam.

So hopefully, Mr. Borough President, one day when you visit you'll be able to see in the Vietnamese Presidential Palace the Bronx afghan hanging on the wall.

But for the moment, I invite everyone to join us so that you can see how the Bronx is renewed and how we are all, the people that represent the Bronx, incredibly proud to live there, to work there, and to represent it.

Thank you, Mr. President.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Serrano.

SENATOR SERRANO: Thank you very much, Mr. President.

And I rise to echo the sentiments of my colleagues. And I think Senator Díaz said it quite well, how the Bronx has transformed over the years.

And I think it's fitting and I'm very happy that my friend Borough President Ruben Diaz is here in the Senate chamber. He and I

have a long Bronx history together. We both went to elementary school together. And we have in our minds and our psyche what it was like growing up in the 1970s in the Bronx.

And it was always home, it was always a beautiful place. But to see what it's become over the last few years, it really is an amazing sight. Not only do we have some of the most beautiful streets, like the Grand Concourse, and some of the most historic and old parks, old growth, historic growth parks, like Van Cortlandt and Pelham Bay Park, but we have some of the finest universities and some of the richest cultural heritage that you'll find anywhere else.

And our diversity is our strength. Our diversity is what makes us one of the most amazing places to live and raise a family, the way that I'm doing.

And one of the interesting stories that I always keep in my mind, one of my fondest memories of one of my closest friends here in the Senate chamber -- someone who's no longer with us, and that's the late Senator Morahan. When I was first elected here to the Senate, I'm meeting everyone -- this was back in 2005 -- and I meet

this Senator who represents further north of New York City, up in Orange County, I believe.

But I couldn't get over his Bronx accent. I said, Wait a minute, this guy represents upstate, and he's got the heaviest Bronx accent I've ever heard. And sure enough, when I asked him and spoke with him, he was born and raised in the Bronx, went to Cardinal Hayes High School, where I went to school, and eventually moved with his family and became a representative from that area.

Not a day goes by when I don't meet someone who traces their roots back to the Bronx. So many people trace their roots back. But I think it's important for folks to know now that whatever images you may think you have, if you haven't been to the Bronx lately, you need to go see it for yourself. Don't be swayed by the myths that you see sometimes in Hollywood, in some of the older movies like Bonfire of the Vanities. It really does not tell an accurate story. It never did, and it certainly doesn't now.

See the Bronx now for yourself. See what it's become. And see why it is one of the

places that new immigrants love to come. Because they see that diversity, they see that beauty, they see the beauty of the people, and it really is a wonderful place to raise a family.

Thank you, Mr. President.

(Applause from the gallery.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Serrano.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

We congratulate and welcome everyone from the Borough of the Bronx today.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, Senator Klein would like to open the resolution up for cosponsorship.

So as the policy of the house goes, if for some reason a member chooses not to be on

as a cosponsor, just please let the desk know.

ACTING PRESIDENT GRIFFO: The resolution is open for cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

Senator Libous.

SENATOR LIBOUS: I believe there's a previously adopted resolution by Senator LaValle, Number 4091, that's at the desk. Could we please have the resolution read in its entirety and then call on Senator LaValle.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4091, by Senator LaValle, honoring Cameron Rothwell upon the occasion of his designation as recipient of a Liberty Medal, the highest honor bestowed upon an individual by the New York State Senate.

"WHEREAS, It is incumbent upon the people of the State of New York to recognize and acknowledge those within our midst who have made significant contributions to the quality of life therein; and

"WHEREAS, From time to time this

Legislative Body takes note of certain extraordinary individuals it wishes to recognize for their valued contributions to the success and progress of society and publicly acknowledge their endeavors which have enhanced the basic humanity among us all; and

"WHEREAS, This Legislative Body is justly proud to honor Cameron Rothwell upon the occasion of his designation as recipient of a Liberty Medal, the highest honor bestowed upon an individual by the New York State Senate; and

"WHEREAS, The New York State Senate Liberty Medal was established by a resolution in 2014 and is awarded to individuals who have merited special commendation for exceptional, heroic, or humanitarian acts on behalf of their fellow New Yorkers; and

"WHEREAS, On Tuesday, March 4, 2014, Cameron Rothwell was having lunch in his school, Riley Avenue Elementary School in Calverton, New York, when he noticed his friend sitting with him appeared to be having an allergic reaction to some food he had eaten; and

"WHEREAS, Nine year-old Cameron Rothwell asked his friend if he was okay and if

he could breathe, and his friend was unable to speak, and only shook his head 'no'; and

"WHEREAS, Responding without hesitation, Cameron Rothwell directed another student to alert the lunchroom aide; he then promptly ran his friend to the school nurse's office and explained to the nurse what was happening; and

"WHEREAS, Cameron Rothwell, in his spontaneous and heroic act, has so aptly demonstrated his character and compassion for the welfare of others; personifying, by virtue of his action, the collective concern of ordinary citizens across the community of New York State who voluntarily respond without thought of danger or reward when others are in need of help; and

"WHEREAS, Individuals such as Cameron Rothwell devoted to improving the quality of life for others, enabling them to build lives of dignity and self-worth are deserving of the highest praise and recognition; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Cameron Rothwell upon the occasion of his

designation as recipient of a Liberty Medal, the highest honor bestowed upon an individual by the New York State Senate; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Cameron Rothwell."

ACTING PRESIDENT GRIFFO: Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

I want the record to show that Assemblyman Anthony Palumbo is with us, and the Assemblyman sponsored the same resolution in the Assembly.

Cameron is standing up at the front of the chamber. And, Cameron, your good deeds, the Liberty Medal stands for deeds that are exceptional, heroic or a humanitarian act.

Now, many, many years ago I taught fourth grade. And at that time teachers shared lunch duty with an aide. As you can imagine, as we set the stage for what went on, you're in a lunchroom, there is lots of confusion, lots of noise.

And 9-year-old Cameron is talking to

his friend Logan, and he notices that Logan, something is just not right. And as we said in the resolution, one, he has the presence of mind to say to a friend, "Let the teacher aide know that something is going wrong here."

Lots of confusion going on. It probably was not a day where they were serving pizza, hamburgers or hot dogs. Those are the only days where there is some civility in the lunchroom.

(Laughter.)

SENATOR LaVALLE: And he sees that his friend Logan is now looking not too good. So he grabs Logan, and off they go to the nurse's room.

He also notices that Logan is kind of stumbling, is not steady on his feet. Gets to the nurse's office just in the nick of time, because you know what happens to Logan? He passes out. He is out.

And so Logan was in the right place where he could get attention. And you know something, Cameron? Logan is going to live to be age 10, thanks to you. Thanks to you.

So it is wonderful. And all of the

Senators here go to elementary schools, they go to middle schools, they go to high schools. And I'm always taken by the great things that go on in our schools, and the students. Now, Cameron is 9 going on 20 because of what he did. And we all see this when we go to the elementary schools and so forth. I can never figure out why the people that get the greatest press do bad things. It's maybe one person in a district.

His district is the Riverhead School District. He's at the Reilly Avenue School. And good things go on at that elementary school; I've been there.

Cameron, this body thanks you for your heroic deed, to have saved a life. And you will always carry with you that you have saved a human life. And that is a wonderful thing.

And so the Liberty Award goes to you. You are the youngest person to have received this, in the First Senatorial District. And we wish you much good luck in your life. God bless you.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Cameron, we welcome you to the New York State Senate.

We congratulate you on the honor and recognition that you have received, and we appreciate your leadership and compassion. God bless you, and thank you.

The resolution was previously adopted on March 20, 2014.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's a privileged resolution at the desk by Senator Ball, 4376. May we have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4376, by Senator Ball, commending Brian Avery and Robert Cole for their heroism in rescuing a woman from a burning home.

"WHEREAS, It is the sense of this Legislative Body to recognize and commend the caring concern and heroic acts of individuals who take prompt and appropriate action in emergency situations, nobly risking their own lives in an effort to preserve the life of another; and

"WHEREAS, Attendant to such concern,

and in full accord with its long-standing traditions, this Legislative Body is justly proud to commend Brian Avery and Robert Cole for their heroism in rescuing a woman from her burning home on Sunday, November 24, 2013, in Yorktown Heights, New York; and

"WHEREAS, Brian Avery, a 48-year-old National Guardsman, husband and father of two, and Robert Cole, a 49-year-old husband and father of two with no firefighting training, saved the life of a 48-year-old wife and mother of three who had just had hip surgery and had been asleep when the fire broke out; and

"WHEREAS, Brian Avery saw flames at the house and ran to help; after unsuccessfully attempting to shimmy up a column onto the roof, he ran back to his home to grab a ladder; and

"WHEREAS, Robert Cole was driving on his way to a breakfast celebration of his 14th wedding anniversary when he saw smoke; he quickly unfastened his seat belt and followed the smoke until he reached the house; and

"WHEREAS, After being told there was a woman upstairs, Robert Cole looked up and saw the victim with her head and shoulders jutting

out of a bathroom window, smoke billowing all around; he also tried to climb to the home's second floor with no success; and

"WHEREAS, Brian Avery made it back to the home with a ladder and saw Robert Cole; with no thought for their own safety, the two strangers swung into action, a model of spontaneous teamwork; and

"WHEREAS, Brian Avery climbed up first through dense smoke, followed by Robert Cole, who went onto the roof; together they got the woman out of the bathroom window and Brian Avery guided her down to safety, while Robert Cole remained on the roof to get her securely on the ladder; and

"WHEREAS, The smoke was so intense that Robert Cole had to wait until the wind shifted so he could see the top of the ladder; once on the ground, he was overcome by smoke and had to be pulled across the street to safety; and

"WHEREAS, Within two minutes of the rescue, the entire home was engulfed in flames; and

"WHEREAS, Robert Cole and Brian Avery, through their spontaneous and heroic

actions, demonstrated character and compassion for the welfare of others, personifying, by virtue of their behavior, the collective concern of ordinary citizens across the community of the State of New York who voluntarily respond when others are in need of help; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commend Brian Avery and Robert Cole for their heroism in rescuing a woman from a burning home, and to convey its tremendous appreciation for their valiant actions; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to Robert Cole and Brian Avery."

ACTING PRESIDENT GRIFFO: Senator Ball.

SENATOR BALL: Thank you very much.

Brian, Senior Master Sergeant Avery, who stands behind me -- the Air Force represents today -- he is with the New York Air National Guard. And he is also here with his wife, Diane, and Fallon, his daughter.

And Robert, who is one of our heroes today, is joined by Joanne Cole, Alexa and

Amanda, and then Elizabeth and Jack are Robert's parents.

You know, I remember when I was growing up in a small town called Pawling and hiking through the woods on an offshoot of the Appalachian Trail, and the kids and I would always say, "Well, what would you do if you saw a bear?" I know what I'd do, I'd run. That's what I would do. And I would tell them, "I'm a little bit better runner than you, so I think I'm okay."

A lot of people ask, and on the back of my desk there's a picture of a guy named Bobby Kennedy, RFK. And people say, "Why does a conservative Republican have a campaign poster of Bobby Kennedy?" Well, when that man was shot, once in the head and I believe twice in the side by a guy named Sirhan Sirhan, Bobby Kennedy, his last words were, "Is everybody okay?" I think my last words would have been something else.

These are the testament of a man or of a woman. And the two men that stand behind me today came together, they never knew each other. They met on the roof, literally. And had it not been for their partnership and their willingness to run into that burning building and to go help

this wonderful family, we may have been reading a very tragic account.

Also the family is here, Maria, who actually that day was just recovering from a surgery. She's joined by her daughter, Marie, her husband, Giulio, her son Giulio, Jr., and his girlfriend Melissa Dee.

So I think it's extremely fitting that we realize what a beautiful community we live in and give honor to these great men. It's always amazing when you meet people like this, they never want to be called heroes. And Brian has been quoted many times talking about how he's not the hero, it's the men and women who serve in combat who never return.

But the reality is, Brian and Robert, that you could have never returned that day, as well as those that you saved. So thank you so much, and God bless you each and every one of you.

(Applause.)

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

We welcome and express our appreciation to Senior Master Sergeant Avery and Mr. Cole and to all the family members also here today. Thank you for being here, and thank you for your heroic efforts.

Senator Libous.

SENATOR LIBOUS: Could we have the reading of the noncontroversial calendar, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 44, substituted earlier by Member of the Assembly Ryan, Assembly Print 8404, an act to amend the Town Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 47, by Senator Martins, Senate Print 6217A, an act in relation to authorizing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 85, by Senator Addabbo, Senate Print 2962A, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 171, by Senator Klein, Senate Print 2365, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

SENATOR VALESKY: Lay it aside for the day, please.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 216, by Senator O'Mara, Senate Print 3639, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 216, those recorded in the negative are Senators Hassell-Thompson, Krueger, Perkins and Serrano.

Ayes, 55. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 262, by Senator Flanagan, Senate Print 5362, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 296, by Senator Larkin, Senate Print 3992, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 310, by Senator Golden, Senate Print 6144, an act to amend Chapter 548 of the Laws of 2004.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 337, by Senator LaValle, Senate Print 765, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you. I rise to explain my vote.

You know, I have voted for this bill in the past, and then I got an explanation today about how conceptually we passed a law saying we were putting a limit on the size of commercial fishing vessels except we were grandfathering in existing vessels that were bigger than the new law.

But now this bill continues a

pattern of saying you can replace the boat, you can replace the boat again, and as long as you were a fisherman before X date, you can keep having a bigger vessel.

And so I actually think at the end of the day we've created and are continuing an uneven playing field between different commercial fishermen depending on whether they were in the business before a certain date, not anything to keep the ground even for a ship they may already have owned and shouldn't have to give up at this point in time.

So I'll be voting no because I actually think it's unfair to the majority of small-business fishermen who may have been entering the business since after 1997.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Krueger, how do you vote?

SENATOR KRUEGER: No.

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

Announce the results.

THE SECRETARY: Ayes, 58. Nays, 1. Senator Krueger recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 348, by Senator Marcellino, Senate Print 1519, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 349, by Senator Griffo, Senate Print 1965, an act to amend the Highway Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 120th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 354, by Senator Perkins, Senate Print 1222, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 356, by Senator Golden, Senate Print 2248A, an act to amend the Civil Rights Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 357, by Senator Klein, Senate Print 2368B, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 360, by Senator Golden, Senate Print 3074, an act to amend the Criminal Procedure Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

SENATOR MARCELLINO: Lay the bill aside for the day.

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

Senator Marcellino, that completes the reading of the noncontroversial calendar.

SENATOR MARCELLINO: Yes, Mr. President. Can we return for a moment to motions and resolutions.

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

We will return to motions and resolutions.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Maziarz, on page number 5 I offer the following amendments to Calendar Number 42, Senate Print 4673, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill will retain its place on third reading.

SENATOR MARCELLINO: Mr. President, is there any other business at the desk?

ACTING PRESIDENT GRIFFO: There is no further business before the desk, Senator Marcellino.

SENATOR MARCELLINO: There being no further business, I move we adjourn until Tuesday, April 29, at 3:00 p.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Tuesday, April 29th, at 3:00 p.m.

Senate adjourned.

(Whereupon, at 4:10 p.m., the Senate adjourned.)