NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:14 a.m.

REGULAR SESSION

SENATOR PHIL M. BOYLE, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT BOYLE: The Senate will come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

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

ACTING PRESIDENT BOYLE: We are joined today by Reverend Emmanuel Asse, pastor of Gateway World Christian Center, ambassador for Christ International Outreach, of Valley Stream. He will give our invocation.

REVEREND ASSE: Thank you.

Eternal God, we come before You this morning. We thank You for giving us the privilege. This is a day the Lord has made.

Lord, thank You as we come this morning, Lord, to take care of business, Lord. We just ask that You will lead Your elected officials, those who You have placed in power, that they will lead according to Your will, Lord, that they will walk with integrity, and, Lord, that as their Leader, You give them divine direction.

And, Lord, that you continue to

bless them, fill them with wisdom and direction, that they may lead Your people and Your will in the way You're leading them to.

(In French/Haitian Creole.) We pray in the name of the Father, the Son, and the Holy Spirit.

In Jesus's name, amen.

ACTING PRESIDENT BOYLE: Thank you, Reverend.

The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 6th, the Senate met pursuant to agreement. The Journal of Monday, May 5th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 35, Senator Gipson moves to discharge, from the Committee on Finance, Assembly Bill Number 8315 and substitute it for the identical Senate Bill Number 5408A, Third Reading Calendar 418.

On page 37, Senator Marcellino moves

to discharge, from the Committee on Cultural Affairs and Tourism, Assembly Bill Number 8727A and substitute it for the identical Senate Bill Number 7012, Third Reading Calendar 434.

ACTING PRESIDENT BOYLE: Substitutions so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

ACTING PRESIDENT BOYLE: Senator Libous.

SENATOR LIBOUS: Well, thank you, Mr. President.

Today we have a number of resolutions and many bills on the calendar. And we'll start off with Senator Farley's resolution. I believe it was previously adopted.

Could we have it read in its entirety -- it would be Number 4564 -- and I believe Senator Farley has some guests here today, and he would like to speak on it.

ACTING PRESIDENT BOYLE: The

Secretary will read.

THE SECRETARY: Legislative Resolution Number 4564, by Senator Farley, congratulating the Union College Men's Hockey Team and Coach Rick Bennett upon the occasion of capturing the NCAA Division 1 Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success and developing a sense of fair play and competition; and

"WHEREAS, The Union College Men's Hockey Team are the NCAA Division 1 champions; they defeated Minnesota with an impressive 7-4 victory before a crowd of 18,742 on Saturday, April 12, 2014, at the Wells Fargo Center in Philadelphia; this championship earned

Union College its first NCAA Division 1 championship in any sport; and

"WHEREAS, The Union Dutchmen Hockey Team advanced to the championship game after defeating Boston College 5-4 on Thursday, April 10, 2014, before more than 17,000 spectators; and

"WHEREAS, Loyally and enthusiastically supported by family, fans, friends and the community at large, the Dutchmen finished their outstanding season with a record of 32-6-4, the most wins in the 71-season history of Union Hockey; in addition, they captured the ECAC regular season title as well as the ECAC hockey championship; and

"WHEREAS, Four members of this extraordinary team received AHCA/CCM All-America Honors; they are Mat Bodie and Shayne Gostisbehere, named to the East First Team, and Daniel Carr and Colin Stevens, named to the East Second Team; and

"WHEREAS, Founded in 1795, Union College, located in Schenectady, New York, is a small liberal arts institution with an enrollment of approximately 2,100 full-time

students; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Rick Bennett, a skilled and inspirational tutor, respected for his ability to develop potential into excellence; and

"WHEREAS, The hallmarks of the Union College Men's Hockey Team, from the opening game of the season to participation in the championship, were a brotherhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none; and

"WHEREAS, Athletically and academically, the Union team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school; they are true role models for all collegiate athletic teams across the nation; and

"WHEREAS, Coach Rick Bennett, along with Assistant Coaches Joe Dumais and Jason Tapp and Volunteer Assistant Coach John Ronan, have done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coach Rick Bennett and the 27 outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their school; this impressive achievement is a source of considerable pride for the college, the City and County of Schenectady, and the entire State of New York; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Union College Men's Hockey Team, its members -- Mark Bennett, Mat Bodie, Daniel Carr, Daniel Ciampini, Sam Coatta, Nick Cruice, Theo DiPauli, Sebastien Gingras, Alex Gonye, Shayne Gostisbehere, Matt Hatch, Noah Henry, Cole Ikkala, Matt Krug, Eli Lichtenwald, Griffyn Martin, Max Novak, Dillon Pieri, Michael Pontarelli, David Roy, Alex Sakellaropoulos, Colin Stevens, Kevin Sullivan, Jeff Taylor, Charlie Vasaturo, Mike Vecchione, and Matt Wilkins -- Coach Rick Bennett, Assistant Coaches Joe Dumais and Jason Tapp, and Volunteer Assistant Coach John Ronan, on their outstanding

season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Union College Men's Hockey Team and Coach Rick Bennett."

ACTING PRESIDENT BOYLE: Senator Farley.

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

This is one of the most thrilling things that has ever happened in this chamber: the national champions. There's their trophy right up in the front.

Ladies and gentlemen and my colleagues, the Union College Hockey Team is a remarkable team in the respect that it's a school of 2100 students, coed, and it is the school where my daughter graduated from -- she turned down an appointment to Annapolis to go there. It's within a hockey puck, almost, shot of my home. And the Union College beat a school, Minnesota, of 50,000 and became the national champions with one of the greatest records in the history of hockey.

Ladies and gentlemen, this school is

not only a school of great academic prowess -- they don't have scholarships -- it just shows you that Rick Bennett and this team is one of the most remarkable athletic achievements in the history of hockey.

Union College, as the Division 1 champions, they beat Boston College, the University of Minnesota, and school after school to go on to win this national championship. These gentlemen that are here with us in the chamber -- and I'm going to ask them all to stand up so that you can see them. There they are, their coaches --

(Standing ovation.)

SENATOR FARLEY: They are over here, you know, they're in the midst of midterms. They're on a trimester situation, as opposed to a semester situation. But they're here, and we are thrilled to have them.

And each one of these members is going to get a copy of this resolution. And gentlemen, we're so proud of all that you have accomplished, and your coaches. And President Ainlay, who's one of the great president of Union College in their history, is not able to be

with us here today.

But we're so proud of you, and Schenectady is proud of you. I am proud of you, and every member of this chamber is proud of you. Congratulations for being such champions.

(Applause.)

ACTING PRESIDENT BOYLE: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. On the resolution.

Mr. President and my colleagues, we ought to thank Senator Farley for bringing this great group of fine young men here to this chamber today.

As Senator Farley said, this is a big deal. The fact is we have national champions among our midst. We have national champions who have come from New York State. That my only regret, as a graduate of Cornell University, is that it's Union College and not Cornell.

(Laughter.)

SENATOR NOZZOLIO: I was on campus when Cornell won its first national collegiate hockey championship. And I can't tell you how much pride we have in our fine young student

athletes, and Senator Farley's recognition of these fine young student athletes is commendable.

What is even more commendable, I want to emphasize what Senator Farley said, you're a university, a college of 2,000 students competing on a national stage against schools with a lot more student body in terms of numbers. But Union College hearts are bigger than anyone's.

So congratulations, gentlemen. You are indeed great representatives of this state. We're very proud of your significant accomplishment.

Thank you, Mr. President.

(Applause.)

ACTING PRESIDENT BOYLE: Senator Tkaczyk.

SENATOR TKACZYK: Thank you, Mr. President.

I too represent Schenectady County, and a portion of the City of Schenectady, and I was at the parade that was held in the city for the team. And the outpouring of support and admiration for what you've done and what you've accomplished was incredible that day.

And you were given the key to the city on the steps of City Hall. And everyone in Schenectady couldn't be prouder of the work you've done, and your futures. And I just wanted to say congratulations again to you.

And one of the things that's been pointed out, that the college only has 2100 students. It's just amazing to see what you've been able to do from such a small school.

But I want to also point out that Union College has an impressive history of graduates who have become leaders in many fields, including law, government, medicine, engineering, the sciences, literature, journalism, the military. And in fact, we have a former President of the United States who was a Union College graduate, Chester A. Arthur, the 21st President.

You guys are amazing, and I can't wait to you see what you do in your futures. And again, we are all so very, very proud of you. Congratulations.

(Applause.)

ACTING PRESIDENT BOYLE: Senator O'Brien.

SENATOR O'BRIEN: Thank you, Mr. President.

A lot of great things have happened on the Union College campus since its founding as one of the oldest and most prominent schools in the nation back in 1795.

I myself had my degree conferred at Union in June of 1979, a year when Ned Harkness was the hockey coach, for some of you that follow NHL hockey. And I know four members of the team are soon to play NHL hockey. Congratulations for that.

But I've followed this team as a proud alumnus for a long time. And the last four years, making the NCAA tournament each time, two times in the Frozen Four.

This was an incredible game. Down 2 to 1 midway through the first period, Union scored three times in that one minute and 54 seconds. The Dutchmen's three goals in a minute 54 set the mark that we hadn't seen since the 1957 title game for the last time a team scored in such a short span. Twenty shots on goal in the first period alone, Mr. President.

I'm very proud of Coach Bennett. I

know he's received all kinds of Coach of the Year honors, including College Hockey News.

It's a remarkable victory, defeating Minnesota 7 to 4 in the championship game. I couldn't be more proud to have you all represent Union. I'm extremely proud. My sister went to Union as well, following me, and I really feel like it's part of the Union family, you brought it home for us.

Congratulations on a great season. Good luck to you in the future.

Thanks very much.

ACTING PRESIDENT BOYLE: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I think just about everything has been said. But I think something that you probably don't recognize or realize right now as being one of the most important things you're experiencing in this championship is the people to your left and your right are going to be your friends forever.

This is a joint accomplishment by a great team of individuals, but as a team. And you will be friends forever. Even if you're as old as me, you will cherish this experience and

you'll be with these people, as I said, forever. And I really believe that that's going to be the most important thing.

Now, when you have your reunions, your accomplishments will get bigger and bigger and bigger.

(Laughter.)

CHAIRMAN DeFRANCISCO: And that's even better, because it's even better than what you really did to win this championship.

So congratulations on such a great accomplishment. You deserve it. You worked for it, you earned it, and enjoy it.

(Applause.)

ACTING PRESIDENT BOYLE: Senator Kennedy.

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

It's truly an honor to stand here on the Senate floor and recognize this great group of young men who have been brought up in the sport of hockey. And being the father of a young boy who is aspiring one day to be a national champion, to be an NHL player, I'm seeing your life as it was many years ago through his life.

There are so many things to be proud of as national champions. Making New York this great state that we cherish our sports teams and the sport of hockey -- that whether you're a Buffalo Sabres fan or, sadly, some Rangers fans -- and, even worse, some Islanders fans in this room -- you know, the sport of hockey is a wonderful sport. You're living it, it's part of the fabric of who you are, it's part of the communities you've all been brought up in, and it's part of this great state.

You've not just put Union College on the map, you've put New York State on the hockey map across this nation, across this continent, and across the globe.

There's a young man I'd like to point out among all of you there. His name is Matt Krug. Matt is part of the national hockey championship team at Union College. He's also a neighbor of mine, grew up in South Buffalo, the beacon of hockey in Western New York, the home of Matt Krug, the home of Patrick Kane, the home of Tim Kennedy -- not this Tim Kennedy. You don't want to see me on skates, ladies and gentlemen.

(Laughter.)

SENATOR KENNEDY: -- but the home of Tim Kennedy who plays with the Phoenix Coyotes organization, and so many other great hockey phenoms that have come out of the City of Buffalo.

But Matt Krug comes from an incredible family, not just a hockey family, but a family of individuals who are extremely well respected, who are the epicenter of everything that is good and righteous about our neighborhood in South Buffalo, and about what it means to be a working-class family in Western New York, the City of Good Neighbors.

So congratulations to you, Matt. Congratulations to the Krug family. Congratulations to Union College. And congratulations to your hockey team and each and every one of your families for what you have accomplished, which is something that you can all hang your hat on for the rest of your life -- something that we are all proud of you on the Senate chamber floor, but also, as New York State residents, we're proud to call Union College our own.

Congratulations.

(Applause.)

ACTING PRESIDENT BOYLE: Senator Latimer.

SENATOR LATIMER: Thank you, Mr. President.

Gentlemen, congratulations on your accomplishment. If you're not doing anything tonight, can I suggest that you get on the 2 o'clock train out of Albany-Rensselaer Station. The Rangers are down 2-1. They could desperately use your help. They haven't scored a goal in two games, and you look like a bunch of guys who know how to handle Sidney Crosby and Evgeni Malkin.

Thanks very much, congratulations. And please come to Madison Square tonight; we need to win this one.

(Laughter; applause.)

ACTING PRESIDENT BOYLE: Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President. I appreciate that.

I want to welcome the group. This is a very important occasion for us to commemorate and to celebrate not only an extraordinary institution of higher learning,

Union College -- and Senator Farley is a great advocate and supporter of Union College -- but really you're all extraordinary individuals who have not only made a commitment to excellence athletically, but you excel academically and you continue to contribute to our community.

I also want to recognize Matt Hatch, from Massena. They have a proud tradition in Massena; they won the state championship in Massena in hockey this year in high school. That continues at the college level.

So congratulations to all of you. Continue your good work and your commitment, not only to excellence, but to continued service to others. So thank you very much.

Congratulations.

(Applause.)

ACTING PRESIDENT BOYLE: Senator Marcellino.

SENATOR MARCELLINO: You might wonder why a Senator from Long Island would get up and say congratulations to a team from upstate New York. But since Senator Kennedy decided to besmirch Ranger fans and Islander fans, I felt I had to say something.

But one thing that we can say and that Senator Farley mentioned -- and I would like to make sure that it wasn't passed over lightly -- was that there's no scholarships here. These guys went to the college to get an education. They played hockey because they wanted to, and they excelled at it because they had good coaches, good teamwork, and they learned how to do it the old-fashioned way: They worked hard and they achieved.

That's it. Nobody paid the -- no alumni, no big booster things, no nonsense. We hear all kinds of scandals around the country about this sort of thing where bigger colleges pay the freight and do all kinds of bad things in the name of sports.

You guys are what sports is all about. You care. You wanted this thing, you earned it, you fought for it, you played hard on the court, you played fairly on the court, I'm sure, and you were the result of good teaching and good coaching.

God bless you. You did the right thing. Keep up the good work. Keep that spirit in your heart in whatever you do. Whether you go

to the pros or not, you go into business, you go into education, whatever field you go into, maintain that drive, maintain the caring that you showed on the hockey rink in your every aspect of life, and you will succeed greatly and you will honor your families.

God bless you one and all.

(Applause.)

ACTING PRESIDENT BOYLE: Are there any other Senators wishing to be heard?

This resolution was previously adopted on April 29th.

And I personally would like to congratulate Union College. As an Albany Law School of Union University graduate and a lifelong hockey fan, a tremendous accomplishment, gentlemen. Thank you for joining us.

(Standing ovation.)

ACTING PRESIDENT BOYLE: Senator Libous.

SENATOR LIBOUS: At this time there's another previously adopted resolution at the desk, Number 4813, by Senator Carlucci. Could we have it read and call on Senator Carlucci, please.

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4813, by Senator Carlucci, congratulating the Ossining High School Girls Varsity Basketball Team and Head Coach Dan Ricci upon the occasion of capturing the New York State Public High School Athletic Association Class AA State Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success and developing a sense of fair play and competition; and

"WHEREAS, This Legislative Body is justly proud to congratulate the Ossining High School Girls Varsity Basketball Team upon the

occasion of capturing the New York State Public High School Athletic Association (NYSPHSAA) Class AA State Championship; and

"WHEREAS, The Ossining Pride Girls Basketball Team defeated Cicero-North Syracuse 74-59 to win their second consecutive NYSPHSAA Class AA Title on Saturday, March 15, 2014, at the Hudson Valley Community College, Troy, New York; and

"WHEREAS, The Ossining Pride played excellent basketball throughout the season, defying expectations by reaching the championship game despite being a young team with few returning players from last year's title-winning team; and

"WHEREAS, The remarkable talent and perseverance displayed by this team is due in great part to the efforts of Coach Dan Ricci and his team of outstanding assistant coaches, skilled and inspirational tutors, respected for their ability to develop potential into excellence; and

"WHEREAS, The team's overall record, 25-3, is outstanding, and the team members were loyally and enthusiastically supported by family,

fans, friends and the community at large; and

"WHEREAS, The hallmarks of the Ossining High School Girls Varsity Basketball Team, from the opening game of the season to participation in the championship, were a sisterhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none; and

"WHEREAS, Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school; and

"WHEREAS, Coach Dan Ricci and his dedicated staff have done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coach Dan Ricci and these outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Ossining High School Girls Varsity Basketball Team, its members: Gabriella Ferrao, Stefanie Svoboda, Alicia Sanchez, Cyan Scarduzio, Alexis Bernardo, Moriah Cherry, Shadeen Samuels, Jenna Lividini, Sam Cozzolino, Madison Strippoli, Helen Ishmael, Jalay Knowles, and Abigail Squirrell; Head Coach Dan Ricci; Assistant Coaches Pat Wheeler, Jose Ferrao, Stephanie Leveille, Kelsey Vallach; and Trainer Luis Iglesias, on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Ossining High School Girls Varsity Basketball Team and to the aforementioned coaches and trainer."

ACTING PRESIDENT BOYLE: Senator Carlucci.

SENATOR CARLUCCI: Thank you, Mr. President and members of the chamber.

It's my absolute honor to welcome and congratulate the Ossining Pride Girls Basketball Team on their victory in achieving the

New York State Public High School Championship. They had an amazing record where they played 25-3. And this is the second year in a row where the Ossining Pride Girls Basketball Team has won the state championship.

And they're here and directed by their coach Dan Ricci, who has had an outstanding record. And we know that this is only possible by the talents, by the teamwork, by the love and support of their parents and the entire Ossining community.

So, you know, we were just here listening to the accomplishments of Union College, and we're just as much filled with pride at our basketball team, the Pride of Ossining Women's Basketball Team at Ossining High School.

And they were able to deliver victory on March 15th when they played Cicero-North Syracuse and beat them by 74 to 59. And this is something that is just -- we're so excited about. And we're honored that they're here.

And we look forward to your continued success and seeing you next year when we can honor you again for this wonderful

achievement.

(Laughter.)

SENATOR CARLUCCI: So thank you, and good luck to you. Congratulations.

Thank you, Mr. President.

(Standing ovation.)

ACTING PRESIDENT BOYLE: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes. Senator Valesky and I represent families whose children go to Cicero-North Syracuse.

(Laughter.)

CHAIRMAN DeFRANCISCO: And remember the name Breanna Stewart, by any chance? So once she left, you guys took over, is that the idea?

(Laughter.)

CHAIRMAN DeFRANCISCO: All right. Well, I congratulate you. It's a great accomplishment two years in a row. And I hope at least one of you becomes National Women's Player of the Year like Breanna has become.

Now, who is that going to be?

(Laughter.)

CHAIRMAN DeFRANCISCO: All right. So I'm going to watch out, and I'll be proudly

watching you like I watch Breanna each time Connecticut plays.

So congratulations, great work.

(Applause.)

ACTING PRESIDENT BOYLE: This resolution was previously adopted on May 6, 2014.

Ladies, thank you so much for joining us today. Congratulations. And we'll probably see you again next year.

(Laughter.)

ACTING PRESIDENT BOYLE: Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's another previously adopted resolution at the desk, Number 4688, by Senator Robach. Could we have it read and call on Senator Robach, please.

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4688, by Senator Robach, memorializing Governor Andrew M. Cuomo to proclaim Wednesday, May 7, 2014, as YMCA Statewide Healthy Kids Day in the State of New York.

"WHEREAS, It is the custom of this Legislative Body to recognize those illustrious organizations within this great state and nation whose focus and intent have made a substantial impact on the quality of life in their communities; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, it is the sense of this Legislative Body to memorialize Governor Andrew M. Cuomo to proclaim Wednesday, May 7, 2014, as YMCA Statewide Healthy Kids Day in the State of New York; and

"WHEREAS, The YMCA has touched the lives of virtually all Americans, through its support of many endeavors, including camping, public libraries, night schools, group swimming lessons and lifesaving, teaching English as a second language, and chronic disease prevention programs; and

"WHEREAS, The Alliance of New York State YMCAs is comprised of 45 independent Ys and more than 120 YMCA branches, making up an extraordinary group of dedicated nonprofits working together to strengthen the communities of

New York State; and

"WHEREAS, The YMCA is for youth development and is dedicated to nurturing the potential of every child and teen; the YMCA is for healthy living and is committed to improving the nation's health and well-being; and the YMCA is for social responsibility as well and is devoted to giving back and providing support for its neighbors; and

"WHEREAS, The YMCA created the nation's largest health day for children and is celebrating the 23rd year of Healthy Kids Day; and

"WHEREAS, It is the sense of this Legislative Body that when organizations of such noble aims and accomplishments are brought to our attention, they should be celebrated and recognized by all citizens of this great Empire State; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor Andrew M. Cuomo to proclaim Wednesday, May 7, 2014, as YMCA Statewide Healthy Kids Day in the State of New York; and be it further

"RESOLVED, That copies of this

resolution, suitably engrossed, be transmitted to the Honorable Andrew M. Cuomo, Governor of the State of New York, and to The Alliance of New York State YMCAs."

ACTING PRESIDENT BOYLE: Senator Robach.

SENATOR ROBACH: Yes, Mr. President, very briefly on the resolution.

I also would like to welcome all these kids from the Y who are here today, along with some of their leaders -- George Romell, from the greater Rochester area, and Denise Murphy, who works with them here in Albany -- and really just thank the Y. I grew up as a Y kid, the Maplewood Y in Rochester.

And as was pointed out in the resolution, this is now 23 years, one of the longest programs for healthy kids. And whether, as the logo says, it's mind, body or spirit, certainly we know that starting kids off on the right track is an important thing to do, whether it's healthy habits, good eating, good activities. And no one does it better than the Y.

I just want to congratulate them on

doing it for 23 years strong, in addition to all the other great things they do and services they provide for members in all our communities across the state, and thank them all for being here, especially the young people who are participating in the program and making those healthy choices.

If you want to stand up for a minute, we'll be happy to give you a nice hand for being here today. And appreciate it. Thank you.

(Applause.)

ACTING PRESIDENT BOYLE: This resolution was previously adopted on April 25, 2014.

I'd like to thank Senator Robach's people from the Y for all you do on a statewide basis. Thank you for joining us.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Could we take up previously adopted Resolution 3579, by Senator Griffo, and read the title only.

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3579, by Senator Griffo,

memorializing Governor Andrew M. Cuomo to proclaim May 2014 as Lupus Awareness Month in the State of New York.

ACTING PRESIDENT BOYLE: Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President.

We have been joined today by a number of individuals who are here. Each year in this chamber we have the opportunity, and I appreciate the efforts, to ask the Governor to memorialize this month as Lupus Awareness Month. Over 5 million people worldwide are afflicted with this disease. Over 1.5 million Americans suffer from this disease, and over 105,000 New York State residents.

The problem is one of not only care and understanding, but healthcare professionals many times are unaware of the symptoms. They don't really have the familiarization, unfortunately, with some of the effects that people who are suffering with the disease are trying to explain, and try to find the determination so that prior diagnosis can be made to allow for better treatment options.

Now, there is new research; there continues to be new inroads, despite the challenges, for this disease. But I think it's very imperative that each year we gather, with all those who work so hard, to promote awareness, to make sure that we have a better understanding.

Particularly because, unfortunately, this disease is really more prevalent among many segments of our population: African-Americans, Hispanics, Native Americans, and Asians. Tragically, so many people die this from disease each year because of the fact that not only do we need to find a better way to ultimately get to a cure through the research and other medical studies, but also to make sure that people are fully aware and educated to understand how to identify and diagnose properly to provide treatment.

So today I am pleased that joining with me -- I'd like to recognize some of those who work so hard each and every day to ensure that we are promoting this awareness and we are trying to continue to educate, we are trying to dedicate dollars for additional research in order to someday hopefully eliminate this dreaded

disease that afflicts so many, as I had indicated. And I know personally, because I had an aunt who passed away of lupus.

I want to welcome today Kathleen Arnsten. Kathleen is with us, and she is from the Lupus Foundation of Mid and Northern New York. Diane Gross, of the Lupus Foundation. Jeanine Cox, from the Long Island/Queens Lupus Alliance. Honi Jurzeja, who is from the Upstate Alliance. Kara Moran, from the Southern Tier, Southern New York Alliance of Lupus. And Julie Mersereau, who is from the Genesee Valley Lupus Foundation. I hope I pronounced the names as close as possible.

But I do appreciate all of their leadership, all of their efforts. I want to welcome them to the chamber. And I know we truly understand that this is a dreaded disease and want to do our part, as we do each and every year, calling upon the Governor to memorialize this month as Lupus Awareness Month, so that we can continue to not only educate people but hopefully someday find that cure.

So thank you very much for your efforts, and thanks for being with us today.

(Applause.)

ACTING PRESIDENT BOYLE: The resolution was previously adopted on February 27, 2014.

Ladies, thank you for joining us.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe Senator Ball has a previously adopted resolution, Number 4689, which is at the desk. Could we have it read and call on Senator Ball.

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4689, by Senator Ball, commemorating the 100th Anniversary of the Mahopac Volunteer Fire Department.

"WHEREAS, This Legislative Body is justly proud to commemorate the 100th Anniversary of the Mahopac Volunteer Fire Department, which was celebrated on Saturday, January 4, 2014, at the Putnam County Golf Course in Mahopac, New York, and to honor all of its past and present members for providing 100 years of

exemplary fire protection; and

"WHEREAS, Volunteer fire departments are an integral part of community protection in localities across this great Empire State; and

"WHEREAS, For the past 100 years, the courageous and dedicated firefighters of the Mahopac Volunteer Fire Department have valiantly volunteered their time to respond to various fire emergencies, all while earning the praise and respect of the community in which they serve; and

"WHEREAS, The Mahopac Volunteer Fire Department was established in the fall of 1914, after numerous fires caused great concern among the residents of the community; 40 brave men gathered at the Old Town Hall and, under the leadership of George 'Shorty' Long and Jerome Peck, a new volunteer fire department was created; and

"WHEREAS, In January 1915, the department leased the second floor of the railroad station and converted a donated Ford automobile into a firefighting vehicle; they were then able to purchase a Mack chemical fire engine, and in 1918, they purchased the old schoolhouse on Croton Falls Road; and

"WHEREAS, In 1921, the Mahopac Volunteer Fire Department acquired an advanced Stewart Buffalo pumper, a GMC Buffalo pumper, and an American LaFrance fire engine; members began to render emergency medical assistance with the help of a donated Buick ambulance; and

"WHEREAS, The Mahopac Volunteer Fire Department continued to grow and expand services during the Great Depression, due in great parts to the selfless efforts and donations of summer vacationers and the citizens of Mahopac; they were, remarkably, able to donate a fire engine to the new volunteer fire department in neighboring Mahopac Falls; and

"WHEREAS, During World War II, the Mahopac Volunteer Fire Department's members bravely served their country as members of the United States Armed Forces; after the war, a new four-bay colonial-style firehouse was built on Croton Falls Road, which has served the department to the present day; and

"WHEREAS, As Mahopac changed from a tourist area to a bedroom community, the Mahopac Volunteer Fire Department continued to provide excellent service, fighting blazes which

destroyed all the old hotels in the area; and

"WHEREAS, The 1960s will always be remembered for the great heroics of the volunteers' life-saving actions and for the recognition attained by the department winning several New York Daily News Vamps's awards; and

"WHEREAS, The Mahopac Volunteer Fire Department built its first substation on Crane Road during the 1970s and added a second substation in 1991; today, it continues to update its skills and expertise, while replacing older apparatus with new modern firefighting rigs; and

"WHEREAS, A new state-of-the-art firehouse was completed in 2007 and dedicated to all members -- past, present, and future -- who have devoted their lives to protect the residents of Mahopac, New York, over the past 100 years; and

"WHEREAS, This Legislative Body cannot express sufficient gratitude to all of those trained and devoted individuals who serve and protect their communities through volunteer fire departments across this great Empire State; now, therefore, be it

"RESOLVED, That this Legislative

Body pause in its deliberations to proudly commemorate the 100th Anniversary of the Mahopac Volunteer Fire Department; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Mahopac Volunteer Fire Department."

ACTING PRESIDENT BOYLE: Senator Ball.

SENATOR BALL: Thank you very much. It's an honor to have the brave men from the Mahopac Volunteer Fire Department here with us today, if they wouldn't mind standing.

We have, behind me, Chief Brian Lena, 2nd Assistant Chief Bill Nikisher, and President Vinny Roberto, Jr., whose son actually goes to West Point. And we will not hold that against him today, but Go Air Force in November, and I look forward to seeing him at that football game.

And up in the gallery we have Frido Goerlich, Ron Smith, Henry Schleicher, Aldo Muia, Ed Scott, and Tom Beatty.

You know, when we think about 100 years of this organization and 100 years of service, there are few professions that we really

do not fully appreciate until we need to pick up that phone and make sure that they have our back. You think about cops, you think about special forces troops and military men and women, and certainly the men who are with us today.

You know, our community has certainly seen tragedies that would break most people if you had to confront them one-on-one. And what these men have done as people are running out, out of a home or out of a building, the calls that they respond to, all volunteer, tirelessly putting their lives on the line nearly every day -- and also a tribute and a thank you to all your families, because we know that whether it be servicemen and women or the fire department in Mahopac, it's the entire family that serves.

So I thank you so much for coming here today. I went to an event about a month ago, and I said, first we'll go to the Senate chamber and then we'll go to McGeary's. I don't know which one is more impressive. I know, for me, I like McGeary's a little bit; on Sundays it's like this.

But thank you so much. God bless

each and every one of you, and welcome to your Senate. Thank you.

(Standing ovation.)

ACTING PRESIDENT BOYLE: Thank you, Senator Ball. The resolution was previously adopted on April 29, 2014.

Thank you, gentlemen, for joining us and thank you for all you've done for the Mahopac community.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time I'm calling an immediate meeting of the Rules Committee in Room 332. There will be an immediate meeting of the Rules Committee. We will take up one bill in committee, and we'll come out on the floor and deal with that and the active list.

So if we could just stand at ease temporarily.

ACTING PRESIDENT BOYLE: There will be an immediate meeting of the Rules Committee in Room 332 of the Capitol.

The Senate will stand at ease pending the report of the Rules Committee.

(Whereupon, the Senate stood at ease

at 11:59 a.m.)

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

ACTING PRESIDENT BOYLE: Senator Libous.

SENATOR LIBOUS: Mr. President, at this time could we take up the noncontroversial reading of today's active list, please.

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Calendar Number 117, by Senator LaValle, Senate Print Number 4577, an act to amend Chapter 399 of the Laws of 2008.

ACTING PRESIDENT BOYLE: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the results.

THE SECRETARY: Those recorded in

the negative on Calendar 117: Senator Marcellino.

Ayes, 58. Nays, 1.

SENATOR DILAN: I wanted to explain my vote.

ACTING PRESIDENT BOYLE: Senator Dilan.

SENATOR DILAN: Yes, I rise to support this bill.

And I voted yes because I believe firmly that local jurisdictions should have the ability to set the speed limit within their jurisdiction.

Also, I would like my colleagues to know that I have introduced a bill, 6496A, which would also give New York City the same authority to lower the speed limit as low as 20 miles per hour, as they see fit, within their roads.

The purpose of the bill is to save lives. In 2013, New York City had as many deaths from vehicle accidents as it had murders. So at this time I am seeking a home-rule message from the City Council and hope that my colleagues can support S6496A.

Thank you.

ACTING PRESIDENT BOYLE: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Mr. President, I rise to also support this bill and the concept that Senator Dilan has articulated so well.

You know, yesterday, Mr. President, we were visited by families who have loved ones who had been killed or maimed because of the unacceptable situation in New York City where we cannot set our own speed limit.

And while I support Senator LaValle's effort, I agree with Senator Dilan that it's time that New York City have that ability to do the same. These are not car traffic accidents, they are preventable crashes. And the sooner we come to that conclusion, hopefully we will then address this situation and allow all localities to set their own speed limits, including the City of New York.

I vote aye, Mr. President.

ACTING PRESIDENT BOYLE: Senator Marcellino to explain his vote.

SENATOR MARCELLINO: Not to explain my vote. I inadvertently voted the wrong way. I want to vote up on this bill.

ACTING PRESIDENT BOYLE: So noted.

Senator Nozzolio to explain his vote.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President and my colleagues, I share the support of this measure. I think it's a very good measure. I also am very sensitive to the comments of Senator Dilan. As I learned, I had a good friend who suffered a pedestrian accident and her son expired as a result of that accident.

We have also a measure to allow communities in upstate to set their own speed limits. That's something that many of the towns that I represent -- I have well over 50 towns in my senatorial district -- many towns ask us for this authority, and they do not have it.

So just as City of New York is suggesting this, we believe strongly and we passed legislation in this house to provide the towns of our state with the authority to lower speed limits when they believed it was in the public interest to do so.

So I am sensitive to Senator Dilan's

legislation for a number of reasons, but believe also we should have a statewide measure that allows towns to do the same thing. And we should have them certainly to have that authority for individual communities to do such a safety measure.

So thank you, Mr. President. I support this legislation.

ACTING PRESIDENT BOYLE: Thank you.

Senator Stavisky to explain her vote.

SENATOR STAVISKY: Yes, I too agree that towns should be able to set their own speed limits. But I also believe that cities should be, particularly cities having a population of 1 million or more.

Yesterday one of my constituents or two of my constituents were up in Albany; they've been here many times. Their name is Liao. They lost their daughter Allison to a terrible, terrible accident in Flushing where Allison was coming home from school, her grandmother was with her, and a car hit Allison and Allison was killed.

And this family has turned a

terrible tragedy into service, government service, lobbying, urging people to pass bills such as Senator LaValle's bill giving localities the ability to determine speed limits.

And I vote today -- and I was wearing Allison's little pink band. And every time I see the family -- I saw them last Friday night -- I am amazed and I am in awe of this couple because they have been advocating for this type of legislation, and they will continue to do so. And so shall I.

Thank you. I vote aye.

ACTING PRESIDENT BOYLE: Thank you.

Are there any other Senators wishing to explain their vote?

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 123, by Senator Seward, Senate Print 6408B, an act to authorize.

ACTING PRESIDENT BOYLE: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the results.

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

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 191, by Senator Farley, Senate Print 6282, an act to amend the Education Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number

193, by Senator Bonacic, Senate Print 5077, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 203, by Senator Hannon, Senate Print 3817, an act to amend the Public Health Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 257, by Senator Young, Senate Print 4356, an act to amend the Soil and Water Conservation Districts Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 313, by Senator Grisanti, Senate Print 6117A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 321, by Senator Grisanti, Senate Print 6292, an act to amend the Education Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 327, by Senator Libous, Senate Print 976, an act

to amend the Civil Service Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

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

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 331, by Senator Avella, Senate Print 731, an act to amend the Religious Corporations Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce

the result.

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

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 338, by Senator LaValle, Senate Print 2178A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

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

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 345, by Senator Golden, Senate Print 2169, an act to amend the Real Property Tax Law.

ACTING PRESIDENT BOYLE: Read the

last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 347, by Senator Marcellino, Senate Print 1506, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill

is passed.

THE SECRETARY: Calendar Number 359, by Senator Skelos, Senate Print 3033, an act to amend the Penal Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: 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 BOYLE: The bill is laid aside.

THE SECRETARY: Calendar Number 363, by Senator Nozzolio, Senate Print 4488, an act to amend the Penal Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: In relation to Calendar Number 363, those recorded in the negative are Senators Dilan, Hoylman, Montgomery and Squadron. Also Senator Hassell-Thompson.

Ayes, 54. Nays, 5.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 400, by Senator Flanagan, Senate Print 1530, an act to amend the Economic Development Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 405, by Senator Addabbo, Senate Print 1919, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 407, by Senator Golden, Senate Print 2503, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT BOYLE: Read the

last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

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

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 408, by Senator Larkin, Senate Print 3994, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Senator Latimer to explain his vote.

SENATOR LATIMER: Thank you,

Mr. President.

I stand to support this bill. I would highlight that in our effort to try to make sure that these devices are not used, we should consider legislation as well that deals with retail sales of these products so that as legal as it may be to operate a vehicle with them in your car, that they would also be restricted in the way they can be sold.

There are some uses, as Senator Larkin pointed out in this legislation, that may be valuable, but they're very narrow as to where legitimate use should be.

And we should also take a look at the manufacturing of these items, just to make sure that while we punish the operator who uses it, we also make sure that they're not easily available.

With that, I vote in the affirmative.

ACTING PRESIDENT BOYLE: Thank you.

Are there any other Senators wishing to explain their vote?

Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 413, by Senator Flanagan, Senate Print 1191, an act to amend the Executive Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

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

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 415, by Senator Golden, Senate Print 1957, an act to amend the Executive Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 418, substituted earlier by Member of the Assembly Barrett, Assembly Print 8315, an act to amend the Executive Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number

429, by Senator Marcellino, Senate Print 3631A, an act to amend the Tax Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 434, substituted earlier by Member of the Assembly Markey, Assembly Print 8727A, an act to amend Chapter 704 of the Laws of 1991.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT BOYLE: The bill is laid aside.

THE SECRETARY: Calendar Number 461, by Senator Marcellino, Senate Print 1507A, an act to amend the Penal Law.

ACTING PRESIDENT BOYLE: Read the

last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

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

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 465, by Senator Lanza, Senate Print 2475, an act to amend the Penal Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first of November.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 468, by Senator Seward, Senate Print 3547, an act to amend the Penal Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 470, by Senator Griffo, Senate Print 3871, an act to amend the Penal Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the results.

THE SECRETARY: In relation to Calendar Number 470, those recorded in the negative are Senators Dilan, Hassell-Thompson, Hoylman, Krueger, Montgomery, Rivera, Serrano and Squadron.

Ayes, 51. Nays, 8.

ACTING PRESIDENT BOYLE: The bill is passed.

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

SENATOR LIBOUS: Mr. President, thank you.

Before we get to the controversial reading, I'd like to return to reports of standing committees. I believe there's a report of the Rules Committee at the desk.

ACTING PRESIDENT BOYLE: There is a report at the desk.

The Secretary will read.

THE SECRETARY: Senator Skelos, from the Committee on Rules, reports the

following bill direct to third reading: Senate Print 7097, by Senator Felder, an act to amend the Election Law.

ACTING PRESIDENT BOYLE: Senator Libous.

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

ACTING PRESIDENT BOYLE: All in favor of accepting the Rules Committee report signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BOYLE: Opposed, nay.

(No response.)

ACTING PRESIDENT BOYLE: The Rules report is accepted.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time can we take up Supplemental Calendar 35A, please, noncontroversial.

ACTING PRESIDENT BOYLE: The Secretary will read the substitution.

THE SECRETARY: Senator Felder moves to discharge, from the Committee on Rules, Assembly Bill Number 9407 and substitute it for

the identical Senate Bill Number 7097, Third Reading Calendar 598.

ACTING PRESIDENT BOYLE: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 598, by Member of the Assembly Silver, Assembly Print Number 9407, an act to amend the Election Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is passed.

Mr. Floor Leader.

SENATOR LIBOUS: Thank you, Mr. President.

I'd now like to take up the

controversial reading of today's calendar, but I would like to start with Calendar Number 434, by Senator Marcellino, please.

ACTING PRESIDENT BOYLE: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 434, by Member of the Assembly Markey, Assembly Print Number 8727A, an act to amend Chapter 704 of the Laws of 1991.

ACTING PRESIDENT BOYLE: Senator Squadron.

SENATOR SQUADRON: Thank you.

On the bill, Mr. President.

ACTING PRESIDENT BOYLE: On the bill.

SENATOR SQUADRON: Thank you.

So this has become an annual or semiannual tradition here in the State Legislature, to simply extend the provisions allowing ticket reselling at any price in New York State, something that was originally authorized a few years ago, last modified in 2010.

And year after year, there are

concerns and problems with this bill. And year after year, we get toward the deadline of the expiration of allowing ticket reselling, and we just do an extension of the flawed problematic bill that hurts consumers, hurts artists, hurts many of the venues -- many of which, by the way, are taxpayer-subsidized, from Jones Beach to Madison Square Garden -- and does not have its intended effect of creating a better beneficial market.

Look, there are a lot of issues with this bill, a lot of issues with the law that we've been living under and extending seemingly to infinity. But one in particular I think is critical to highlight today.

After Superstorm Sandy, which had such a devastating impact in my district and even more so in other districts across the state, a number of artists got together to do a charitable concert to support the victims of Superstorm Sandy. It was actually the dollars went to the Robin Hood Foundation and were then distributed to victims of Superstorm Sandy. It was called the 12/12/12 concert -- December 12, 2012, just a couple of months, less than a couple of months

after Sandy had devastated so many parts of the state.

Some extraordinary artists played there -- Bruce Springsteen, Roger Waters of Pink Floyd, Bon Jovi -- even the New Jersey ones we accepted -- Eric Clapton, the Rolling Stones, Alicia Keys, The Who, Kanye West, Billy Joel -- a great New Yorker, maybe even from the president's district -- Chris Martin, Paul McCartney. It was a great concert, and it was great that these artists were willing to donate their time for the victims of Sandy.

Unfortunately, when the tickets went on sale, they were sold out within minutes, literally within minutes, literally within minutes of going on sale. The reason for that is ticket resellers jumped in and grabbed a huge percentage of those tickets up-front.

And you know what they did? They went and tried to resell those tickets way above face value. And they weren't doing that so that the Robin Hood Foundation or the victims of Sandy could get more dollars, they were doing that as simple profiteering. There's no other word for it.

Let's be clear what happened. A bunch of great artists got together to host a charitable event, they set prices for that event. And then, instead of fans and supporters of the cause being able to access the event, that opportunity was taken away by profiteers. They then went and resold those tickets at a massive profit and lined their own pockets with the charitable giving and the charitable instinct that those artists and that event was meant for.

I've got to tell you, that's simply wrong. At the time Senator Schumer sent a letter to StubHub and begged them not to list tickets above face value unless the seller was going to guarantee they were going to give the money to the Robin Hood Foundation. StubHub wouldn't do it.

Ticketmaster, though, refused to list them. They said no one but the Robin Hood Foundation should profit from this event.

However, even on the day of the concert there were still 318 tickets listed for sale on StubHub, with prices ranging from $790 to $6,500. Shouldn't be allowed.

There are a lot of problems with

this bill, a lot of questions about this bill. One that we should be able to come together on is that profiteers should not be able to take over charitable events to line their own pockets. It's not fair to the artists, it's not fair to the fans, and most importantly, it's not fair to the beneficiaries of that charitable cause.

Now, please bear with me, Mr. President. I'd like to use the words of the incredible artists who played that night. For those who were lucky enough to get into the concert, I think they heard some appropriate messages.

I don't care if it's Chinatown or Riverside, sang Billy Joel, I've seen the lights go out on Broadway, I saw the Empire State laid low. Meanwhile, ticket resellers just said: Money, it's a gas, grab that cash with both hands and make a stash. Pink Floyd? Thank you, Senator Savino.

(Laughter.)

SENATOR SQUADRON: We don't need no education, we don't need no thought control to know that this is simply wrong. Even if we have become comfortably numb.

The situation makes it look like money, so they say, is the root of all evil today. And whether you agree with that or not, we can certainly agree that those that take charitable funds when New York City is in need, yeah, that's a trifling friend indeed. Kanye West.

(Laughter.)

SENATOR SQUADRON: Hello, is there anybody there? Just nod if you can hear me. Nod if you will vote today not to pass this bill and instead to prevent profiteering on charitable events.

I ain't gonna be just a face in the crowd, you're gonna hear my voice when I shout it out loud. It's now or never, let's give it a shot. We're halfway there. Even though it seems we're living on a prayer, let's not pass this bill today.

Sandy forced folks to sweat it out on the streets of a runaway American dream. And on 12/12/12 resellers exploited that fact. But together, we can break this trap. It's a death trap. It's a suicide rap. We got to get out while we're still young. Baby, we're born to run

away from this terrible policy.

Do not pass the bill. Change this bill and meet me in a land of hope and dreams, which really is what New York State should be. Do it for the artists who gave their time to the concert, for the fans and supporters who wanted to be part of it, for the Sandy victims who, it's no laughing matter, desperately needed the support.

Because we're from New York, concrete jungle where dreams are made of. There's nothing you can't do. Now you're in New York, these streets will make you feel brand-new. Big lights will inspire you. Let's hear it for New York, let's not pass this bill today, let's prevent profiteering for charitable events.

I'm going to vote no, Mr. President. Thank you.

(Applause.)

ACTING PRESIDENT BOYLE: Thank you, Senator Springsteen.

(Laughter.)

ACTING PRESIDENT BOYLE: Senator Krueger.

SENATOR KRUEGER: Well, I don't really want to go after that. That was quite extraordinary, Daniel Squadron.

Thank you, don't do it -- but I will. Because Senator Squadron raised a very serious concern about the model we have allowed in --

ACTING PRESIDENT BOYLE: Senator, are you on the bill?

SENATOR KRUEGER: On the bill. Thank you, Mr. President.

Senator Squadron raises a very poignant and important example of what's wrong with our ticket-scalping law.

But I also urge my colleagues to vote no not just for that one example, but because in a world with online businesses and automatic dialers and Internet ability to do massive transactions without seemingly humans even knowing what's going on, it's become an obligation, I believe, of our government to get smarter about how you appropriately regulate in a world of Internet economic activity.

And the ticket-scalping example is just one very important example of the unintended

consequences of laws we have on the books or need to have on the books to try to protect consumers.

In his example, we're trying to protect the rights of people to actually have the money go for a critical charitable purpose and to respect the rights of the performers who were offering their services free of charge for the charity.

There are other examples of ticket scalping where just people are not able to get the tickets that they ought to be able to get, they're not able to provide them to their children without complex situations with exchange of tickets and credit cards to teenagers that never should have been having to give credit cards. There's a whole model of Internet commerce that we're seeing skewing our economy and destroying consumer protections. And I think it's worthy of a much larger debate in this house.

I'd just jump to you have models of Internet sublets, short-term stays that are destroying whole communities of affordable housing through companies like Airbnb. You have an entire new world to think about how we

regulate, and this is just one important example.

And I remember when Senator Squadron and I sat at hearings and we heard some of these concerns and we said, Well, the Legislature needs to do something now, so we'll pass this bill knowing it's going to need fixing. And then every year we just renew it, knowing it needs fixing. And apparently the fixes need to be even bigger than we realize, and we shouldn't continue to let these inequities go on in our society.

So I'm also urging a vote no and a serious look at how this state needs to move into the 21st century for fair and equitable regulation of Internet commerce.

Thank you, Mr. President.

ACTING PRESIDENT BOYLE: Thank you.

Senator Hoylman.

SENATOR HOYLMAN: Thank you. On the bill.

I'd like to echo the comments of Senator Krueger and the music -- the lyrics of Senator Squadron.

I represent the Theater District and Times Square. And while I know they support the extension, I do want to point out something

for my colleagues which is the danger of scalping to consumers.

When did scalping become acceptable in our society? Well, it came about because it's a new business model because of companies like StubHub and others that use the Web as a portal to resell tickets. The person that gets cut out of that, though, often are the producers of these Broadway shows, because the tickets are purchased by third parties in bulk before a show opens. At that time the tickets go for a very low price.

The producers then, when they have a hit show, don't benefit from any of the upside of their show becoming a hit because the tickets have been purchased many months in advance.

The other thing these third parties do is they purchase tickets that are meant for people with disabilities. I find that incredibly offensive. Then when somebody who has a genuine disability goes to the theater directly to purchase the ticket, they cannot.

You go into many theaters on Broadway now and you see perfectly able people sitting in seats for our disabled community. And I find that wrong. That's what ticket scalping

encourages. It hurts producers, it hurts people with disabilities.

And I agree with my colleagues that we need to revisit this issue in a comprehensive manner. I look forward to working with Senator Marcellino in that regard, and doing so to protect the integrity of our Theater District in New York City and across our great state.

I'll be voting no, Mr. President.

ACTING PRESIDENT BOYLE: Are there any other Senators wishing to be heard?

If not, Senator Marcellino to close.

SENATOR MARCELLINO: Mr. President, thank you very much.

I want to thank my colleagues for their comments and courtesies. But we should point out certain facts. One, the industry gets the sale price no matter who buys the ticket. The theaters get the sale price that they charge for the ticket.

I have attended recently -- and my wife and I go to many Broadway shows, we enjoy it. I've seen many preview shows where the tickets are cut at much lower than they would if the show had already been established as a hit.

I've yet to see an empty theater in any of these preview situations. They're usually full to overflowing, with lines outside and people even trying to scalp who have bought more tickets than they could use, going from person to person in line asking if they would.

With respect to the 12/12/12 comment, I enjoyed Senator Squadron's quasi-singing. I encourage him not to quit his day job.

(Laughter.)

SENATOR MARCELLINO: But I also would like to point out that the charity receives over a million dollars in contributions from the ticket sellers, including StubHub, who gave about a half a million dollars to the charity in addition to whatever they took from it. So they made about a million more than the sale price would have garnered to them.

We have been looking to make some amendments to this legislation. We have been stymied, frankly, because the Assembly simply would have none and wouldn't take any. So we were limited to what we could do, and that is to renew this bill the way it is now.

I have proposed a bill, 6962, which would do some modifications and make some amendments to this law, one of which would be to take all the fees that are charged by the resellers and put them up-front so that everybody, if you go online, immediately you see what the full price would be for a ticket, rather than having to go through several screens before you finally get to what the final price would be. You can see it up-front so you can make an informed decision starting out immediately.

We're open to discussions, we're open to other things. But this bill is timely, and it has passed the Assembly. We need to keep it going, and we need to move it today. So I urge a yes vote, and we'll talk about amendments in the coming weeks.

ACTING PRESIDENT BOYLE: The debate is closed.

The Secretary will ring the bell.

Senator Farley for an announcement.

SENATOR FARLEY: Mr. President, this was a very momentous day, with Union College and everything coming in here. But there's also another momentous thing happening; today is the

birthday of an incredible Senator and rising star. It's Senator John Flanagan's birthday today.

(Applause.)

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the results.

THE SECRETARY: In relation to Calendar Number 434, those recorded in the negative are Senators Breslin, Carlucci, Dilan, Gianaris, Gipson, Hassell-Thompson, Hoylman, Krueger, Latimer, Montgomery, O'Brien, Parker, Rivera, Sampson, Sanders, Savino, Serrano, Smith, Squadron, Stavisky, Stewart-Cousins and Tkaczyk.

Absent from voting: Senators Díaz, Espaillat, Hannon, Peralta and Perkins.

Ayes, 32. Nays, 22.

ACTING PRESIDENT BOYLE: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we continue on the controversial calendar. And I believe we'll take up Number 360 right now.

ACTING PRESIDENT BOYLE: The Secretary will read.

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

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

SENATOR GIANARIS: Would you recognize Senator Squadron, Mr. President.

SENATOR SQUADRON: Explanation, please.

ACTING PRESIDENT BOYLE: Senator Golden for an explanation.

SENATOR GOLDEN: Thank you, Mr. President.

This would raise the level to an E felony if an individual were to commit and be

convicted of three crimes, either misdemeanor or felonies, over a 10-year period. A new crime of an E felony would be -- and that's criminal procedural law -- for aggravated criminal conduct would be the new charge.

And it would help us to rid the streets of the multiples of misdemeanor arrests that are being made, and felony arrests, over and over and over again.

This is not new. We already have a number of Bs that are raised to an E felony already on the books. We already have a number of As that are raised to an E felony on the books, and we already have the persistent felony arrests also that's on the books that deals with a number of crimes.

This would allow us to deal with the other misdemeanors that are not being dealt with.

ACTING PRESIDENT BOYLE: Senator Krueger.

SENATOR KRUEGER: Thank you. I thank the sponsor for the explanation.

So this bill, just for everybody to understand, is if over the course of 10 years --

ACTING PRESIDENT BOYLE: Senator,

are you on the bill?

SENATOR KRUEGER: I am on the bill. Thank you, Mr. President.

-- if over the course of 10 years you have been convicted of three or more misdemeanors, that can translate into a felony conviction.

So the sponsor just spoke that we have any number of laws that have moved from a misdemeanor status to a felony status. But in this case it's having a history of misdemeanors, three over 10 years. That would result in your being treated at a level of a felony for a crime that for other people would be a misdemeanor.

And frankly, I have a lot of trouble with the idea that we would define a certain type of crime as being a misdemeanor crime if Liz is caught and a different level of crime with a felony attached to it for the exact same action if James is caught.

I think it's bad policy -- I was trying to invent a generic name. Okay, fine, Liz and James are very common names.

SENATOR SANDERS: Very common.

SENATOR KRUEGER: So I think it's a

bit dangerous to have these different standards of two people being charged with the exact same crimes facing a different penalty under criminal law.

And while it's not exactly the three-strikes-you're-out model that many have talk about as being so harmful in criminal justice, it's awfully like a three-strikes-you're-out bill.

So I think we should be very cautious when moving this type of legislation, and I'll be voting no, Mr. President. Thank you.

ACTING PRESIDENT BOYLE: Are there any other Senators wishing to be heard?

Seeing none, the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the results.

THE SECRETARY: In relation to

Calendar Number 360, those recorded in the negative are Senators Dilan, Hassell-Thompson, Hoylman, Krueger, Montgomery, Parker, Rivera, Sampson, Sanders, Serrano, Squadron, and Stavisky.

Absent from voting: Senators Díaz, Espaillat, Hannon, Peralta and Perkins.

Ayes, 42. Nays, 12.

ACTING PRESIDENT BOYLE: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we return to motions for a moment.

ACTING PRESIDENT BOYLE: Returning to motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Seward, I call up his bill, 6408B, which is now at the desk.

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Calendar Number 123, by Senator Seward, Senate Print 6408B, an act to authorize.

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

ACTING PRESIDENT BOYLE: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BOYLE: The bill is restored to its place on the Third Reading Calendar.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Now, is there any further business at the desk?

ACTING PRESIDENT BOYLE: There is no further business.

SENATOR LIBOUS: There being no further business before the desk, I move that the Senate adjourn until Monday, May 12th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT BOYLE: On motion, the Senate stands adjourned until Monday, May 12th, at 3:00 p.m. Intervening days will be

legislative days.

(Whereupon, at 1:01 p.m., the Senate adjourned.)