

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9
10 May 13, 2014

11 3:23 p.m.

12
13
14 REGULAR SESSION

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17
18 SENATOR DIANE SAVINO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask all those present to please
5 rise with me and recite the Pledge of
6 Allegiance.

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

9 ACTING PRESIDENT SAVINO: In the
10 absence of clergy, I ask all to please bow their
11 heads for a moment of silence.

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

14 ACTING PRESIDENT SAVINO: The
15 reading of the Journal.

16 THE SECRETARY: In Senate, Monday,
17 May 12th, the Senate met pursuant to
18 adjournment. The Journal of Friday, May 9th,
19 was read and approved. On motion, Senate
20 adjourned.

21 ACTING PRESIDENT SAVINO: Without
22 objection, the Journal stands approved as read.

23 Presentation of petitions.

24 Messages from the Assembly.

25 The Secretary will read.

1 THE SECRETARY: On page 13, Senator
2 Grisanti moves to discharge, from the Committee
3 on Environmental Conservation, Assembly Bill
4 Number 191B and substitute it for the identical
5 Senate Bill Number 5817A, Third Reading Calendar
6 169.

7 ACTING PRESIDENT SAVINO: So
8 ordered.

9 THE SECRETARY: On page 17, Senator
10 Golden moves to discharge, from the Committee on
11 Education, Assembly Bill Number 7756 and
12 substitute it for the identical Senate Bill
13 Number 6688, Third Reading Calendar 264.

14 ACTING PRESIDENT SAVINO: So
15 ordered.

16 Messages from the Governor.
17 Reports of standing committees.
18 Reports of select committees.
19 Communications and reports from
20 state officers.

21 Motions and resolutions.

22 Senator Libous.

23 SENATOR LIBOUS: Thank you,
24 Madam President.

25 On behalf of Senator Seward, please

1 place a sponsor's star on Calendar Number 512.

2 ACTING PRESIDENT SAVINO: So
3 ordered.

4 Senator Libous.

5 SENATOR LIBOUS: Madam President,
6 at this point in time I'd like to adopt the
7 Resolution Calendar, with the exception of
8 Resolution 4904, by Senators Skelos, Klein and
9 Stewart-Cousins; 5012, by Senator Kennedy; and
10 4888, by Senator Hassell-Thompson.

11 ACTING PRESIDENT SAVINO: All in
12 favor of adopting the Resolution Calendar, with
13 the exception of Resolutions 4904, 5012, and
14 4888, signify by saying.

15 (Response of "Aye.")

16 ACTING PRESIDENT SAVINO: Opposed,
17 nay.

18 (No response.)

19 ACTING PRESIDENT SAVINO: Senator
20 Libous, the Resolution Calendar is adopted.

21 SENATOR LIBOUS: Thank you,
22 Madam President.

23 Could we now take up Resolution
24 4904, by Senators Skelos, Klein and
25 Stewart-Cousins. Could we have it read in its

1 entirety, and I believe that Senators Klein,
2 Stewart-Cousins and Little would like to speak.

3 ACTING PRESIDENT SAVINO: The
4 Secretary will read.

5 THE SECRETARY: Legislative
6 Resolution Number 4904, by Senators Klein, Skelos
7 and Stewart-Cousins, congratulating the 2014
8 New York State Senate Women of Distinction.

9 "WHEREAS, It is the sense of this
10 Legislative Body to acknowledge and celebrate
11 Women of Distinction who significantly add
12 inspiration and encouragement to the people of
13 this great Empire State; and

14 "WHEREAS, The New York State Senate
15 Women of Distinction program was created in 1998
16 as part of our state celebration of Women's
17 History Month to honor exemplary women from
18 across New York State whose singular professional
19 or personal achievements, commitment to
20 excellence and accomplishments merit special
21 recognition; honorees are selected from
22 nominations submitted from across the state; and

23 "WHEREAS, Women of every economic,
24 ethnic and religious background have made
25 significant contributions that are reflected

1 across all aspects of society; and

2 "WHEREAS, It is the custom of this
3 Legislative Body to pay tribute to individuals of
4 remarkable character, who have shown initiative
5 and commitment in constantly pursuing higher
6 goals for themselves as well as acting as role
7 models to all women in their community; and

8 "WHEREAS, The New York State Senate
9 takes this opportunity to congratulate Gail
10 Adamoschek, Seema Agnani, Patricia Aitken,
11 Jessica A. Allen, Gloria Alston, Sister Marie
12 Antoinette, Jane Backus, Mary Alice Bellardini,
13 Marissa Bernowitz, Deanna Alterio Brennen, Susan
14 K. Brown, Ph.D., Danielle Butin, Dorothy Button,
15 Anna Cali, Fortuna Calvo-Roth, Bettye Canestaro,
16 Andrea Curran, Lakia T. Echols, Georgina Falu,
17 Ph.D., Kristine B. Giotto, Constance Glasgow,
18 M.D., Carin Guarasci, Adjoa Esinam Gzifa, Alyce
19 Ingram, Indu Jaiswal, Diane Kuppermann, Sung Eun
20 Grace Lee (posthumously), Helene S. Leonardi,
21 Cindy Abbott Letro, Debra Liegl, Michelle
22 McClymont, Sheila Meegan, Julie Menin, Hazel
23 Miura, Judith O'Rourke, Elizabeth R. OuYang,
24 Filomena Piscitelli, the Honorable A. Gail
25 Prudenti, Josephine Pucci, Marisa Redanty,

1 Theresa M. Reichel, Lee Roberts, Beatrice
2 Ruberto, Meghan Izzo Russo, Mary Anne Sears,
3 Shirley Seney, Esmeralda Simmons, Pat Singer,
4 Margaret Skinner, Luader Smith, Lauren R. Snyder,
5 Geri Spino, Barbara Sush, Alana Sweeny, Irma
6 Waldo, M.D., Rose Marie Walker, Mary Whittier,
7 Patricia Williams, and Judy Zangwill as 2014
8 New York State Senate Women of Distinction, to be
9 celebrated on Tuesday, May 13, 2014, at the
10 Annual Women of Distinction Awards Ceremony in
11 The Well of the Legislative Office Building; and
12 "WHEREAS, Women have become part of
13 New York's lasting heritage by fighting against
14 stereotypes, prejudice, and seemingly
15 insurmountable obstacles; and
16 "WHEREAS, From the women's suffrage
17 movement just over 150 years ago to the present
18 day, women have played and continue to play a
19 crucial role in adding strength, understanding,
20 and inspiration to the diversity and quality of
21 life of the people of the State of New York; and
22 "WHEREAS, New York State has been,
23 and continues to be, the home to many
24 distinguished women who have made their mark in
25 history as pioneers in their field, therefore

1 laying the foundation for women after them to
2 succeed; and

3 "WHEREAS, This Legislative Body
4 recognizes that New York State is the home to
5 countless women who are strong and colorful
6 threads, vital to the fabric of our rich
7 heritage, who have contributed, and continue to
8 add to the advancement of our culture through
9 their traditional and nontraditional roles in
10 society; and

11 "WHEREAS, It is the sense of this
12 Legislative Body that those who enhance the
13 well-being and vitality of their community and
14 have shown a long and sustained commitment to
15 excellence certainly have earned the recognition
16 and applause of all the citizens of this great
17 Empire State; now, therefore, be it

18 "RESOLVED, That this Legislative
19 Body pause in its deliberations to congratulate
20 the 2014 New York State Senate Women of
21 Distinction; and be it further

22 "RESOLVED, That copies of this
23 resolution, suitably engrossed, be transmitted to
24 the aforementioned Women of Distinction."

25 ACTING PRESIDENT SAVINO: Senator

1 Klein.

2 SENATOR KLEIN: Thank you,
3 Madam President.

4 This is truly a very important day.
5 And I'm looking forward to -- I know the ceremony
6 is taking place a little later.

7 But I don't think there's any secret
8 that New York State has been home to women of
9 great distinction for centuries. Susan B.
10 Anthony was a teacher in Hardscrabble. The great
11 Eleanor Roosevelt was born in Midtown Manhattan.
12 Lucille Ball called Chautauqua County home. And
13 Harriet Tubman started a revolution from her
14 living room in Auburn.

15 These women were trailblazers,
16 pioneers, and most of all beacons of light in the
17 lives of millions of Americans. Today the
18 tradition continues with New York women in
19 academics, business, science and medicine, public
20 life and the arts, leading the way with their
21 grace, intelligence and resolve to improve the
22 lives of others.

23 And so it is our great privilege to
24 take time for this important annual event when we
25 honor those who give so much with the Women of

1 Distinction Awards. The Women of Distinction
2 Awards acknowledge the professional and personal
3 achievements of notable women across the State of
4 New York.

5 This evening we will personally
6 acknowledge and celebrate each of our individual
7 nominees at a reception in their honor. The
8 contributions and commitment of these
9 extraordinary women not only stand as a tribute
10 to those who have paved the way before them, but
11 is a source of inspiration for the young women of
12 the next generation. They encourage us by their
13 example, and we are fortunate that they have
14 shared their tremendous talent and we are
15 grateful for their continued service to our great
16 state.

17 Thank you, Madam President.

18 ACTING PRESIDENT SAVINO: Senator
19 Stewart-Cousins.

20 SENATOR STEWART-COUSINS: Thank
21 you, Madam President.

22 It's certainly an honor to join with
23 my colleagues Senator Skelos and Senator Klein in
24 recognizing these great women who will be honored
25 tonight.

1 Today is one of those days that we
2 get to celebrate women -- women from the past,
3 women of the present who inspire the women of the
4 future.

5 And I know Senator Klein was
6 mentioning women who have come before us, and I
7 have a few too. Sojourner Truth. And Eleanor
8 Roosevelt was mentioned, and Susan B. Anthony.
9 Shirley Chisholm, Geraldine Ferraro. Ella
10 Fitzgerald, who was a Yonkers girl like I am.
11 Justice Sonia Sotomayor. And so many others who
12 have inspired us and have really blazed a trail.
13 I'll even mention Hillary Rodham Clinton while
14 I'm talking about trailblazing women.

15 So tonight we'll be honoring women
16 from all walks of life. And you've made
17 contributions which we will get a chance to
18 celebrate and to tell everyone about. And so to
19 all of my honorees, congratulations. Thank you
20 for being part of this great legacy of New York's
21 women.

22 And certainly to all of my
23 colleagues I say, as we always say, let's work
24 together to make sure that we protect, respect,
25 uplift, honor and applaud these women and the

1 next inspirational generation of New York's
2 trailblazers every day that we work in this
3 chamber.

4 Thank you so much.

5 ACTING PRESIDENT SAVINO: Senator
6 Little.

7 SENATOR LITTLE: Thank you,
8 Madam President.

9 I'm really pleased to stand here as
10 we talk about tonight's event, because tonight we
11 are continuing a tradition that this Senate
12 started in 1988, a New York State Women of
13 Distinction program. And we did that following
14 Women's History Week, when we talk about the
15 women throughout history who have contributed so
16 much to our state.

17 So it's fitting that we here today
18 acknowledge the women in our districts who
19 continue to make a difference through their
20 professional and personal achievements. And
21 those achievements certainly merit special
22 recognition, which we will give them tonight.

23 Women throughout history and even
24 today continue to have a crucial role. Their
25 strength, their understanding, and their

1 inspiration I believe are what gets them into the
2 positions that we are honoring them for.

3 Many of the women that we are going
4 to talk about tonight had their beginnings in a
5 committee, on a school board, as part of a
6 volunteer organization and saw that they could
7 contribute more and more as they went forward.
8 They were willing to step forward, to participate
9 more, and to contribute to these organizations,
10 to their community, and to New York State.

11 We have a wide group of women with
12 all diverse backgrounds and different
13 organizations and different ways that they have
14 contributed to our state. But not only are we
15 celebrating them for what they are doing and have
16 done, but we're honoring them because they will
17 serve as role models for the young women of
18 New York State, so that they will look to these
19 women and understand that they too can step
20 forward, they too can participate, they too can
21 contribute to the quality of life that we have in
22 New York State.

23 So tonight we'll all join together
24 and honor a very, very special group of women.
25 Thank you.

1 ACTING PRESIDENT SAVINO: Senator
2 Smith.

3 SENATOR SMITH: Thank you very
4 much, Madam President.

5 And I rise also to acknowledge the
6 Women of Distinction this month. In particular,
7 I know that there are many women who are being
8 honored that are here in Albany, and obviously
9 there are many women in this chamber that would
10 be so deserving of that honor as well.

11 However, I do want to rise just to
12 lift a little information about one of the
13 honorees, one from my district by the name of
14 Adjoa Gzifa. And the reason why I rise for that
15 today is because you know much has been made
16 about "Bring Our Girls Home" from Nigeria, the
17 276 women and young ladies who have been
18 abducted.

19 Adjoa goes to Ghana once a year,
20 which is about four hours from Nigeria, where she
21 has opened up a school for Ghanaian individuals.
22 She started out in 2005 and is now up to
23 550 students, where she and the young lady who is
24 here today will be honored.

25 And the tragedy of what is going on

1 in Nigeria, I felt it was just fitting that
2 Adjoa, who is also obviously taking her life at
3 risk going over to Africa in that region and
4 starting that school, should be lifted up on this
5 day. And I thank all of members who will be
6 honoring them, and I thank Adjoa for what she has
7 done for these 500 youngsters over in Africa.

8 God bless you.

9 ACTING PRESIDENT SAVINO: Thank
10 you, Senator Smith.

11 Are there any other members wishing
12 to be heard on the resolution?

13 Seeing none, the question is on the
14 resolution. All in favor signify by saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT SAVINO: Opposed,
17 nay.

18 (No response.)

19 ACTING PRESIDENT SAVINO: The
20 resolution is adopted.

21 Senator Libous.

22 SENATOR LIBOUS: Thank you,
23 Madam President.

24 And let's see here. We will now go
25 to Senator Carlucci, Resolution Number 4494,

1 previously adopted. And if we could have the
2 title read, and I believe Senator Carlucci would
3 like to speak on the resolution.

4 ACTING PRESIDENT SAVINO: The
5 Secretary will read.

6 THE SECRETARY: Legislative
7 Resolution Number 4494, by Senator Carlucci,
8 congratulating Josephine Pucci of Pearl River,
9 New York, upon the occasion of capturing a Silver
10 Medal as part of the United States Hockey Team at
11 the 2014 Winter Olympic games at Sochi, Russia.

12 ACTING PRESIDENT SAVINO: Senator
13 Carlucci.

14 SENATOR CARLUCCI: Thank you,
15 Madam President.

16 It's an absolute honor and a
17 privilege to welcome Josephine Pucci and her
18 mother Ursula here to the Senate chambers.

19 Josephine was part of the team that
20 captured the Silver Medal at the Sochi Winter
21 Olympics 2014 as part of the Women's U.S. Hockey
22 Team.

23 And what's really exciting about
24 that is Josephine grew up in Pearl River,
25 New York, in Rockland County, and always had a

1 passion for ice skating. And when she was five
2 years old, her father gave her a gift of a hockey
3 stick and a helmet, and it really ignited her
4 passion towards playing hockey.

5 But obviously it was hard to find a
6 women's hockey team at a young age in Rockland
7 County. But she wound up teaming up with a boys
8 hockey team and traveling around and really
9 honing her skills, and then going to Harvard
10 University, where this year she'll be going back
11 to Harvard as the team captain for the women's
12 hockey team at Harvard.

13 So it's really exciting and a real
14 distinction and honor, what she's achieved at
15 such a young age. But it really goes further
16 than that, because Josephine had experienced TBI,
17 or traumatic brain injury, as a result of playing
18 hockey.

19 And what's really remarkable about
20 Josephine is that she turned that struggle into a
21 real positive. And because of her experience in
22 the Olympics, she's really been able to use that
23 as a spotlight to focus on the results of what's
24 happening to young people in our athletic systems
25 around the country in regards to TBI, or

1 traumatic brain injury.

2 So Josephine now is focusing her
3 studies at Harvard University on how she can help
4 impact --

5 ACTING PRESIDENT SAVINO: Excuse
6 me, Senator Carlucci.

7 Could we have some quiet in the
8 chamber, please.

9 SENATOR CARLUCCI: Thank you,
10 Madam President.

11 And Josephine is focusing her
12 studies at Harvard University now on how she can
13 really advocate for change in making sure that
14 student athletes have the protection, have the
15 precautions in preventing traumatic brain injury
16 and also, for those that do experience it, how we
17 can improve the quality of their lives.

18 So it's a great honor and privilege
19 to have with us Josephine Pucci. And we thank
20 you for your dedication to our community and for
21 your commitment and advocacy for the future.

22 So thank you, Josephine.

23 (Standing ovation.)

24 ACTING PRESIDENT SAVINO: Thank
25 you.

1 And welcome to Josephine and her
2 mother, who are here in the chamber with us
3 today.

4 Are there any other members wishing
5 to be heard on the resolution?

6 Seeing none, the question is on the
7 resolution. All those in favor signify by saying
8 aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT SAVINO: Opposed,
11 nay.

12 (No response.)

13 ACTING PRESIDENT SAVINO: The
14 resolution is adopted.

15 Senator Libous.

16 SENATOR LIBOUS: We adopted that
17 one twice.

18 Madam President, I want to open that
19 resolution up for cosponsorship, and I want to
20 open the previous one, for the Women of
21 Distinction.

22 So if there's a member in the
23 chamber who wishes not to be on either
24 resolution, please let the desk know. Otherwise,
25 everybody will be on both of those resolutions.

1 ACTING PRESIDENT SAVINO: Thank
2 you, Senator Libous. All members will be on the
3 resolutions unless they choose otherwise.

4 Senator Libous.

5 SENATOR LIBOUS: I believe I'd like
6 to take up Resolution 5012, by Senator Kennedy,
7 read the title and then call on Senator Kennedy
8 to make some remarks.

9 ACTING PRESIDENT SAVINO: The
10 Secretary will read.

11 THE SECRETARY: Legislative
12 Resolution Number 5012, by Senator Kennedy,
13 commending the Homeless Alliance of Western
14 New York upon the occasion of its Hands Across
15 Buffalo event, to be held on May 17, 2014.

16 ACTING PRESIDENT SAVINO: Senator
17 Kennedy.

18 SENATOR KENNEDY: Thank you,
19 Madam President.

20 I rise today to celebrate the
21 22nd anniversary of the Homeless Alliance of
22 Western New York. The Homeless Alliance has been
23 able to secure substantial funds from the
24 United States Department of Housing and Urban
25 Development over the last five years, and they

1 direct these funds to area providers that have
2 served over 25,000 clients.

3 Dedicated to eradicating poverty,
4 the Homeless Alliance has developed Opening
5 Doors: Buffalo and Erie County Plan to End
6 Homelessness, and they're working closely with
7 local government and nonprofit partners to make
8 this vision a reality.

9 This is an alliance of over a
10 hundred partners, ranging from service providers,
11 government agencies and the private sector, all
12 dedicated to helping their neighbors who are
13 experiencing extreme poverty and homelessness.
14 The alliance provides over 1100 permanent
15 supportive housing beds, 500 transitional housing
16 beds, and over 500 emergency shelter beds in Erie
17 and Niagara Counties.

18 The Homeless Alliance is also a
19 proud sponsor and organizer of the Hands Across
20 Buffalo, an event dedicated to promoting unity
21 and building a community committed to a better
22 understanding of race and poverty.

23 On May 17th, they'll rally about
24 7,000 people to join hands across the length of
25 Ferry Street from Niagara River to Bailey Avenue

1 in the City of Buffalo. This location is
2 significant in that it crosses several racially
3 and economically diverse neighborhoods, including
4 communities that were once key stops on the
5 Underground Railroad.

6 It will prove to be a tremendous
7 real-life metaphor, the City of Good Neighbors
8 standing together hand in hand, united in our
9 dedication to building a city that offers all
10 residents a fair shot and equal opportunity for a
11 brighter future. A city where the progress and
12 positive momentum spreads from downtown into all
13 of our neighborhoods, a city where working
14 families thrive and resurgent neighborhoods
15 prosper, a city committed to the vision advanced
16 by Homeless Alliance of Western New York, ending
17 poverty and eliminating homelessness.

18 We wish the Homeless Alliance
19 tremendous success for this historic event, and
20 we're proud to commend the Homeless Alliance as
21 the leading advocate for those experiencing
22 homelessness in Erie and Niagara Counties, and
23 for all that they do to improve the quality of
24 life in our communities and across the great
25 State of New York.

1 Thank you, Madam President, and I'd
2 like to open up this resolution for
3 cosponsorship.

4 ACTING PRESIDENT SAVINO: Thank
5 you, Senator Kennedy.

6 Are there any other members wishing
7 to be heard on the resolution?

8 Seeing none, the question is on the
9 resolution. All those in favor signify by saying
10 aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT SAVINO: Opposed,
13 nay.

14 (No response.)

15 ACTING PRESIDENT SAVINO: The
16 resolution is adopted.

17 And as Senator Kennedy has
18 indicated, the resolution is open up to
19 multisponsorship. Anyone wishing not to be on
20 the resolution please see the desk.

21 Senator Libous.

22 SENATOR LIBOUS: Madam President,
23 thank you.

24 At this time we have another
25 resolution before the house, Resolution 4888, by

1 Senator Hassell-Thompson. Could we please read
2 the title and call on Senator Hassell-Thompson.

3 ACTING PRESIDENT SAVINO: The
4 Secretary will read.

5 THE SECRETARY: Legislative
6 Resolution Number 4888, by Senator
7 Hassell-Thompson, honoring Lavinia Smith upon the
8 occasion of being selected as Westchester County
9 2014 Senior Citizen of the Year by the New York
10 State Office for the Aging.

11 ACTING PRESIDENT SAVINO: Senator
12 Hassell-Thompson.

13 SENATOR HASSELL-THOMPSON: Thank
14 you, Madam President.

15 I rise to honor Lavinia Smith upon
16 the occasion of being elected, as you've heard,
17 the Westchester County 2014 Senior Citizen of the
18 Year by the New York State Office for the Aging.

19 Lavinia Smith is someone that many
20 of you who have been here for a while may
21 recognize. She's about 4 feet tall. This year
22 she's 91 years old. And for 12 of the 14 years
23 that I've been here in the Senate, she has come
24 with fourth- and fifth-graders from our school
25 district as a part of an intergenerational

1 program that she created for seniors between the
2 ages of 62 and 92.

3 And she's about to age out of her
4 own program and her own design, but she has not
5 aged out of the commitment that she has to the
6 young people in our city.

7 Senior citizens bring a wealth of
8 experience and knowledge to the increasingly
9 active roles that they play in today's society.
10 And to know that a 91-year-old who may not be
11 able to walk the long corridors -- because now we
12 have these policies that don't allow the buses to
13 stop on State Street, and she has to walk all the
14 way from Madison, and that whole corridor is just
15 a little bit too far for her to walk. But she is
16 extraordinary in being there at the buses when
17 they leave Mount Vernon, cheering the young
18 people on.

19 But she has created an
20 intergenerational program where parents and
21 grandparents work with the school districts to
22 assist children, and not just in their
23 educational endeavors, but also in deportment.
24 She is very interested in how they behave and how
25 they comport themselves when they're in public.

1 And so she has been quite an instrument of change
2 for many of our young people. And for the last
3 26 years, she has dedicated her life to improving
4 the lives of children in her community.

5 I first officially met Lavinia Smith
6 when I was in my first year in the city council
7 in the City of Mount Vernon, and she invited me
8 to her first intergenerational program and asked
9 me to speak to the young people. And from there,
10 she introduced me to the school districts.

11 And we do a social studies program
12 each year, and we do a voting. We create booths
13 so that the students can vote, have an awareness
14 of who the candidates are and vote, whether
15 they're blue or red. They carry out their civic
16 responsibility, and it teaches them the
17 importance of voting and understanding the
18 issues.

19 She's an extraordinary human being.
20 And even though her voice is a little softer, it
21 is not less commanding when she talks to the
22 children. And most of them in the fifth grade
23 are taller than she, but she still commands their
24 respect. And they call her Miss Lavinia.

25 She grew up in Harlem, and I thought

1 that Senator Perkins would have been glad to meet
2 her today, because she was actually born in
3 Harlem and she came to live in Mount Vernon in
4 1965. But from that day to this, she continues
5 to be a stalwart, committed person to the young
6 people and to the future of our generations.

7 So I thank you, Madam President, for
8 sharing with this audience the life of Lavinia
9 Smith. And I thank this body for supporting this
10 resolution as she becomes 2014's Senior of the
11 Year. Thank you.

12 ACTING PRESIDENT SAVINO: Thank
13 you, Senator Hassell-Thompson.

14 Are there any other members wishing
15 to be heard on the resolution?

16 Seeing none, the question is on the
17 resolution. All those in favor signify by saying
18 aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT SAVINO: Opposed,
21 nay.

22 (No response.)

23 ACTING PRESIDENT SAVINO: The
24 resolution is adopted.

25 Senator Libous.

1 SENATOR LIBOUS: Madam President, I
2 believe that Senator Gipson has Resolution 4045
3 at the desk. He would like it read in its
4 entirety. I believe it was previously adopted.
5 And he would like to speak on it today.

6 ACTING PRESIDENT SAVINO: The
7 Secretary will read.

8 THE SECRETARY: Legislative
9 Resolution Number 4045, by Senator Gipson,
10 memorializing the life and accomplishments of
11 Leonard W. Peluso, distinguished citizen and
12 devoted member of his community.

13 "WHEREAS, It is the custom of this
14 Legislative Body to pay tribute to citizens of
15 the State of New York whose lifework and civic
16 endeavor served to enhance the quality of life in
17 their communities and the great State of
18 New York; and

19 "WHEREAS, Leonard W. Peluso, a
20 longtime resident of Staatsburg, New York, died
21 on Saturday, September 25, 2004, at the age of
22 88; and

23 "WHEREAS, Leonard W. Peluso was born
24 in Poughkeepsie, New York, on October 31, 1915;
25 and

1 "WHEREAS, He was the proud son of
2 Francesco and Antoinette DePaolo Peluso, and one
3 of 13 children; and

4 "WHEREAS, He graduated from the
5 St. Peter's Boys School and Poughkeepsie High
6 School in Poughkeepsie, New York; and

7 "WHEREAS, He attended and graduated
8 from the Hudson River State Hospital School of
9 Nursing in 1939, earning a degree in nursing; and

10 "WHEREAS, Leonard W. Peluso was
11 employed as a registered nurse before retiring in
12 1977, after 42 years of dedicated service to the
13 Hudson River State Hospital in Poughkeepsie,
14 New York; and

15 "WHEREAS, Prior to his illustrious
16 career, Leonard W. Peluso served honorably as a
17 member of the United States Army as part of the
18 32nd Medical Battalion and the 231st General
19 Hospital Unit during World War II in both the
20 European and Pacific theaters from February 1942
21 to January 1946, achieving the rank of first
22 sergeant; and

23 "WHEREAS, His military service
24 earned him many decorations, including the
25 American Service Medal, Asiatic Pacific Service

1 Medal, European-African-Middle Eastern Medal,
2 the Good Conduct Medal, and the Philippines
3 Liberation Ribbon; and

4 "WHEREAS, He married Rena R.
5 Porfirio on September 19, 1948, at St. Paul's
6 Church in Staatsburg, New York; they were married
7 for 56 years at the time of his passing; and

8 "WHEREAS, A lifelong resident of
9 Staatsburg, Rena R. Peluso died Monday, July 10,
10 2006, at Northern Dutchess Hospital in Rhinebeck,
11 New York; and

12 "WHEREAS, Leonard W. Peluso was a
13 life member of the John Livingston American
14 Legion Post 1466, where he served as vice
15 commander and chaplain; and

16 "WHEREAS, In addition, he served as
17 Dutchess County American Legion commander from
18 1986 to 1987, as well as chaplain and trustee;
19 was a member of the Dutchess County Veteran
20 Affairs Committee; and served as a life member,
21 trustee, and chaplain of former VFW Post No. 6916
22 in LaGrange, New York; and

23 "WHEREAS, From 1977-1978, Leonard W.
24 Peluso served the Town of Hyde Park as a
25 councilman, and was a member of the Hyde Park

1 AARP; and

2 "WHEREAS, Leonard W. Peluso devoted
3 countless amounts of time in service to his
4 community through the Golden Age Singing Society,
5 Hudson River State Hospital Nurses Alumni
6 Association, Hudson River Psychiatric Center
7 Historical Association, Dinsmore Fire Hose
8 Company, Staatsburg Rescue Squad, Staatsburg
9 Board of Fire Commissioners, and Dutchess County
10 Fire District Officers; and

11 "WHEREAS, He remained committed to
12 being a first responder in countless ways,
13 including as an American Red Cross local
14 volunteer first aid instructor and past chapter
15 service representative, along with being a
16 nationally registered American Red Cross Disaster
17 Services volunteer; and

18 "WHEREAS, Leonard W. Peluso was
19 always a proud American and New Yorker who was
20 happy to serve his nation, his state, and his
21 local community throughout his life; and

22 "WHEREAS, Predeceased by seven
23 brothers and three sisters, Leonard W. Peluso is
24 survived by two daughters, Maria Carparelli
25 (Michael), and Theresa Rosencrans (Jeffrey); two

1 sons, Leonard R. Peluso (Beatrice), and Peter J.
2 Peluso (Karen); four grandchildren -- Tina Denu
3 (Kevin), Alyson, Jessica and Matthew Peluso --
4 and three great-grandchildren -- Granville Denu,
5 Danielle Denu, and Natalie LoPresti -- one
6 brother, Vincent Peluso (C. Gina), and a sister,
7 Regina Peluso, as well as many nieces and
8 nephews; and

9 "WHEREAS, It is the sense of this
10 Legislative Body to convey its grateful
11 appreciation and heartfelt regret in recognition
12 of the loss of this courageous veteran and healer
13 who dedicated his purposeful life and career in
14 faithful service to his family and community;
15 now, therefore, be it

16 "RESOLVED, That this Legislative
17 Body pause in its deliberations to memorialize
18 the life and accomplishments of Leonard W.
19 Peluso, distinguished citizen and devoted member
20 of his community, and to express its deepest
21 condolences to his family; and be it further

22 "RESOLVED, That a copy of this
23 Resolution, suitably engrossed, be transmitted to
24 the family of Leonard W. Peluso."

25 ACTING PRESIDENT SAVINO: Senator

1 Gipson on the resolution.

2 SENATOR GIPSON: Thank you,
3 Madam President.

4 Leonard Peluso spent 42 years in
5 dedicated service to the Hudson River State
6 Hospital in Poughkeepsie as a registered nurse.
7 He married and raised a family in Dutchess County
8 and was an esteemed member of our community.

9 But prior to this, Leonard Peluso
10 served honorably as a member of the United States
11 Army as part of the 32nd Medical Battalion and
12 the 231st General Hospital Unit during World
13 War II in both the European and Pacific Theaters
14 from February 1942 to January 1946, achieving the
15 rank of first sergeant. He was awarded the
16 American Service Medal, the Asiatic Pacific
17 Service Medal, the European-African-Middle
18 Eastern Medal, the Good Conduct Medal, and the
19 Philippines Liberation Ribbon.

20 However -- and this is important --
21 because he was a male nurse, military regulations
22 at the time prevented him from becoming a
23 commissioned officer, despite his qualifications
24 and the rank of first sergeant and the fact that
25 his female comrades were commissioned. At the

1 time, the War Department stated that there was no
2 possibility of considering the relative rank of
3 commissioned officers for male nurses.

4 Leonard Peluso never let this
5 prevent him from becoming and continuing to serve
6 his military and his country honorably. He was a
7 trailblazer for men in the nursing profession and
8 always remained dedicated to his family, patients
9 and community. It would not be until after
10 World War II, in 1955, that the Army Nurse Corps
11 commissioned its first male officer.

12 Leonard passed away in 2005, before
13 being able to receive the recognition he
14 deserved. But today we are honor to have in our
15 chambers three generations of Leonard's family.
16 We have Leonard R. Peluso and his wife, Beatrice;
17 we have his daughter Theresa Rosencrans; we have
18 his Granddaughter Tina Denu and his
19 great-grandchildren Granville and Danielle Denu.

20 Madam President, I would ask that
21 you and my colleagues join me in a round of
22 applause recognizing the life of Leonard Peluso
23 and his service to his grateful, nation, state
24 and community.

25 Thank you.

1 (Applause.)

2 ACTING PRESIDENT SAVINO: Thank
3 you, Senator Gipson.

4 This resolution was previously
5 adopted on March 18, 2014.

6 And we welcome the Peluso family
7 here to the Senate chamber and we offer them the
8 courtesies of the house.

9 Senator Libous.

10 SENATOR LIBOUS: Thank you,
11 Madam President.

12 We have one more resolution to take
13 up today -- it was also previously adopted -- by
14 Senator Kennedy, Resolution Number 4176. Senator
15 Kennedy would like it read in its entirety, and
16 then he would like to be called on.

17 ACTING PRESIDENT SAVINO: The
18 Secretary will read.

19 THE SECRETARY: Legislative
20 Resolution Number 4176, by Senator Kennedy,
21 commemorating the 10th Anniversary of the
22 Enlightenment Literary Arts Center of
23 South Buffalo, New York.

24 "WHEREAS, Individuals who give of
25 their time and energies and serve the best

1 interests of their communities are an asset
2 beyond remuneration and cannot be sufficiently
3 extolled; and

4 "WHEREAS, Tom McDonnell has given
5 not only of his time and energies but also of his
6 competence, intelligence and leadership and
7 consequently has been designated for special
8 honor; and

9 "WHEREAS, This Legislative Body is
10 justly proud to commemorate the 10th anniversary
11 of the Enlightenment Literary Arts Center of
12 South Buffalo, New York, and to pay special
13 recognition to its founder, Tom McDonnell, for
14 his distinguished service to his community; and

15 "WHEREAS, Enlightenment Literary
16 Arts Center of South Buffalo, New York was
17 established in 2003; and

18 "WHEREAS, Tom McDonnell founded the
19 organization with a mission to provide programs
20 designed to develop life skills through reading
21 with encouragement, facilitation, and education,
22 while cultivating and supporting the reading and
23 writing process; and

24 "WHEREAS, Enlightenment Literary
25 Arts Center enhances the community by providing

1 reading programs for children of all ages, as
2 well as facilitating book clubs for adults and
3 family literacy nights for parents and children
4 to bond and learn together; and

5 "WHEREAS, Truly committed to the
6 South Buffalo Community, Tom McDonnell uses his
7 own car and resources to deliver books to
8 homebound individuals; these books are carefully
9 chosen based on each person's likes and dislikes,
10 and children's books are thoughtfully included
11 for those with grandchildren; and

12 "WHEREAS, Enlightenment Literary
13 Arts Center works in conjunction with schools,
14 community programs, and centers to provide new
15 and used books, creating a community of lifelong
16 readers in South Buffalo; and

17 "WHEREAS, In addition to the
18 much-needed repair of the building which is now
19 home to the Enlightenment Literary Arts Center,
20 Tom McDonnell and his exemplary organization have
21 been instrumental in uniting the community; and

22 "WHEREAS, Throughout the entire
23 period of his community service, a period of
24 constructive involvement, Tom McDonnell has stood
25 constant in dignity, good grace and humor; and

1 "WHEREAS, Rare indeed is the
2 impressive dedication shown by an individual for
3 the benefit of others which Tom McDonnell has
4 displayed throughout his life; and

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

12 "RESOLVED, That this Legislative
13 Body pause in its deliberations to commemorate
14 the 10th anniversary of the Enlightenment
15 Literary Arts Center of South Buffalo, New York,
16 and to pay special recognition to its founder,
17 Tom McDonnell, for his distinguished service to
18 the community; and be it further

19 "RESOLVED, That a copy of this
20 resolution, suitably engrossed, be transmitted to
21 Tom McDonnell, Enlightenment Literary Arts
22 Center, South Buffalo, New York."

23 ACTING PRESIDENT SAVINO: Senator
24 Kennedy.

25 SENATOR KENNEDY: Thank you,

1 Madam President.

2 I would like to first of all welcome
3 my friend and a leader within the Western
4 New York community, Tom McDonnell, to the floor
5 of the Senate here today as we dedicate this
6 resolution to him and the Enlightenment Literary
7 Arts Center on their 10-year anniversary of
8 service to not just the South Buffalo community
9 where the literary arts center is located, but
10 the greater Western New York community.

11 Tom is here with us today. We thank
12 him for coming down here. He's a generous man,
13 someone who cares deeply about our community in
14 Western New York. He's a husband and a father.
15 He has dedicated his life to valuing literacy, to
16 teaching the value of literacy and reading to all
17 walks of life, to children as young as two years
18 old.

19 And we have so much to be proud of
20 because of his work. He has worked with various
21 organizations -- schools, community groups,
22 nonprofits -- in order to advance the cause of
23 reading in our community. And he doesn't just
24 talk the talk, he walks the walk. He lives
25 literacy. When you walk into his workplace and

1 you go upstairs and you see 20 young kids
2 listening to him, he's sitting there reading to
3 these kids, dressed up in various costumes, using
4 various octaves to get the point across that
5 reading isn't just about the words on a page,
6 it's about what those words mean.

7 It's about fun. It's about living
8 those words. It's not just what's taught in the
9 school, it's about what individuals read outside
10 of the school. It's teaching individuals the
11 value of reading in their life.

12 He has dedicated his life to it, to
13 our community, and it is an impressive resume
14 that he brings to the table, something that is
15 extremely rare indeed that we focus on in our
16 community, and a skill that he has promoted
17 throughout his entire life.

18 We thank him for his leadership, for
19 Dog Ears Bookstore & Cafe that he transformed an
20 old pizzeria, a dilapidated old building, into a
21 learning center, a reading center, a literary
22 arts center, Dog Ears Bookstore & Cafe.

23 We thank you, Tom, and your family
24 for the dedication and the focus that you've
25 brought to our community in Western New York.

1 And we look forward to many, many years to come
2 in celebrating the art and the value of reading
3 in all of our lives.

4 Congratulations.

5 (Applause.)

6 ACTING PRESIDENT SAVINO: Thank
7 you, Senator Kennedy.

8 And welcome to the Senate,
9 Tom McDonnell, and your family.

10 This resolution was previously
11 adopted on March 27th.

12 Senator Libous.

13 SENATOR LIBOUS: Madam President,
14 how are you?

15 ACTING PRESIDENT SAVINO: I am
16 fine.

17 SENATOR LIBOUS: Could we return to
18 motions and resolutions.

19 ACTING PRESIDENT SAVINO: We can.

20 SENATOR LIBOUS: On behalf of
21 Senator Seward, on page 11 I offer the following
22 amendments to Calendar Number 123, Senate Print
23 6408B, and ask that said bill retain its place on
24 the Third Reading Calendar.

25 ACTING PRESIDENT SAVINO: So

1 ordered.

2 SENATOR LIBOUS: And, Madam
3 President, at this time could we return to the
4 reports of standing committees.

5 I believe there's a report of the
6 Finance Committee at the desk.

7 ACTING PRESIDENT SAVINO: Senator
8 Libous, there is a report of the Finance
9 Committee at the desk.

10 The Secretary will read.

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

14 As member of the New York State
15 Gaming Commission, Peter J. Moschetti, Jr., of
16 Saratoga Springs.

17 ACTING PRESIDENT SAVINO: Senator
18 DeFrancisco.

19 SENATOR DeFRANCISCO: Thank you.

20 I would move the nomination of Peter
21 Moschetti for a new appointment as a member of
22 the New York State Gaming Commission.

23 He came before the Senate Finance
24 Committee and he was unanimously approved at that
25 meeting, and I would urge everyone to support him

1 in this position.

2 Thank you.

3 ACTING PRESIDENT SAVINO: Senator
4 Marchione.

5 SENATOR MARCHIONE: Thank you,
6 Madam President.

7 I rise to support the nomination
8 before us of Peter Moschetti, Jr., to serve on
9 the New York State Gaming Commission as well.

10 Mr. Moschetti resides in Saratoga
11 Springs. He is a constituent of mine. And you
12 know, I'm pleased to offer my support and cast my
13 vote in support of his nomination to serve on the
14 Gaming Commission.

15 He is highly experienced, qualified
16 and capable. He is a founding member of the law
17 firm of Anderson, Moschetti & Taffany. Over the
18 years, he has secured many multi-million-dollar
19 verdicts and settlements in personal injury cases
20 and has achieved record-setting verdicts in a
21 number of Capital Region counties, including a
22 verdict of more than \$15.8 million.

23 Mr. Moschetti has served as a
24 prosecutor in the Nassau District Attorney's
25 office and since then has focused on the trial of

1 personal injury and wrongful death cases. He
2 also has been appointed as a special criminal
3 prosecutor in a number of high-profile criminal
4 cases in the Capital District. And he has
5 successfully tried many criminal cases in state
6 and federal court.

7 Every year since 2007, Mr. Moschetti
8 has been named one of the Top 25 Lawyers in the
9 Hudson Valley by the New York Super Lawyers
10 magazine. He's received the highest possible
11 rating by Martindale-Hubbell for both his
12 impressive legal ability and his high ethical
13 standards.

14 Since 1987, Mr. Moschetti has been a
15 lecturer, helping lawyers with continuing legal
16 education in the areas of civil and criminal law,
17 and has been a frequent guest lecturer at Albany
18 Law School. He's represented clients and argued
19 appeals in the New York Court of Appeals and in
20 the Second and Third Departments of the Appellate
21 Division of the State of New York and the U.S.
22 Second Circuit Court of Appeals.

23 He's a member of many bar
24 associations. He's an honor graduate of the
25 University of New Haven, Connecticut, and also a

1 honors graduate of Albany Law School.

2 He was nominated to serve the Gaming
3 Commission by Governor Andrew Cuomo and received
4 the unanimous support this morning of the Racing
5 and Wagering Committee.

6 I'm proud to support the nomination
7 before us of my constituent, Peter Moschetti of
8 Saratoga Springs, to serve on the New York State
9 Gaming Commission.

10 Thank you.

11 ACTING PRESIDENT SAVINO: Thank
12 you, Senator Marchione.

13 Senator Farley on the nomination.

14 SENATOR FARLEY: Thank you,
15 Madam President.

16 I also rise to support this
17 nomination. As somebody that represents half of
18 Saratoga County and a very small slice of
19 Saratoga Springs -- which Peter is not a resident
20 of -- he is representing the premier racing
21 capital, I think, of the world: Saratoga. And
22 nobody is better qualified and comes with a
23 better resume than Peter Moschetti.

24 We're fortunate to have somebody
25 willing to serve the State of New York with such

1 competence. And particularly it's exciting to
2 see somebody from Saratoga on this board because,
3 as I said, Saratoga Racetrack is truly one of the
4 premier racing venues in the world.

5 And it's with pleasure that I
6 support this nomination.

7 ACTING PRESIDENT SAVINO: Thank
8 you, Senator Farley.

9 Are there any other members wishing
10 to be heard on the nomination?

11 Seeing none, the question is on the
12 nomination of Peter J. Moschetti, Jr., as a
13 member of the New York State Gaming Commission.
14 All those in favor signify by saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT SAVINO: Opposed,
17 nay.

18 (No response.)

19 ACTING PRESIDENT SAVINO: Peter J.
20 Moschetti, Jr., is hereby confirmed as a member
21 of the New York State Gaming Commission.

22 Congratulations.

23 (Applause.)

24 ACTING PRESIDENT SAVINO: The
25 Secretary will read.

1 THE SECRETARY: As members of the
2 Adirondack Park Agency, Karen M. Feldman, of
3 Hudson, and William H. Thomas, of North Creek.

4 ACTING PRESIDENT SAVINO: Senator
5 DeFrancisco.

6 SENATOR DeFRANCISCO: I move each
7 of these nominations. They passed unanimously in
8 the Finance Committee.

9 ACTING PRESIDENT SAVINO: Senator
10 Little on the nominations.

11 SENATOR LITTLE: Thank you,
12 Madam President.

13 I would like to thank the Governor
14 for the reappointment of these two individuals to
15 the Adirondack Park Agency.

16 Mr. Thomas is a resident of
17 Johnsburg -- lifelong resident -- within the
18 Adirondack Park, and holds one of the five
19 residential seats on the Park Agency. He has
20 been supervisor of the town, chairman of the
21 Board of Supervisors of Warren County, and a
22 volunteer in the community, and does a great job
23 knowing what the communities within the
24 Adirondack Park need.

25 Karen Feldman is one of the

1 nonresidents of the park but certainly is a
2 person that spends time within the Adirondack
3 Park, owns property within the park, and brings
4 so much to the table. She is an attorney, and
5 she really understands the need for the balance
6 between the environment and economic development
7 and the economics, the economy of those who live
8 within the park.

9 So I'm very happy to speak in favor
10 of these two nominees, and I thank the Governor
11 for reappointing them to their positions on the
12 Adirondack Park Agency.

13 Thank you.

14 ACTING PRESIDENT SAVINO: Thank
15 you, Senator Little.

16 Senator Farley on the nominations.

17 SENATOR FARLEY: Yes, Madam
18 President, I rise to second these nominees.

19 And I just want to say, as somebody
20 that represents a lot of the park -- Hamilton
21 County and Herkimer County and Saratoga, northern
22 part -- and as a native of Indian Lake, I just
23 want to say particularly to Mr. Thomas, the
24 vitality that has taken place in North Creek, the
25 economic development that has happened there and

1 so forth, has really enlivened that area.

2 It's something that is needed
3 throughout the Adirondacks. And it's done in
4 good taste and something that I wish that we
5 could do more of in the Adirondack Park Agency to
6 bring back the vitality of the Adirondacks and
7 the beauty of it so that people can enjoy it.

8 And I'm very excited about what has
9 happened in North Creek and Old Forge and a few
10 other areas, but we need more of it in the
11 Adirondacks, and I hope that both of these
12 nominees will work towards that goal.

13 Thank you, Madam President.

14 ACTING PRESIDENT SAVINO: Thank
15 you, Senator Farley.

16 Are there any other members wishing
17 to be heard on the nominations?

18 Seeing none, the question is on the
19 nominations of Karen M. Feldman and William H.
20 Thomas as members of the Adirondack Park Agency.

21 All those in favor signify by saying
22 aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT SAVINO: Opposed,
25 nay.

1 (No response.)

2 ACTING PRESIDENT SAVINO: Both
3 Karen M. Feldman and William H. Thomas are hereby
4 confirmed as members of the Adirondack Park
5 Agency.

6 Senator Libous.

7 SENATOR LIBOUS: Madam President,
8 at this time could we have the reading of the
9 noncontroversial calendar.

10 ACTING PRESIDENT SAVINO: The
11 Secretary will read the noncontroversial
12 calendar.

13 THE SECRETARY: Calendar Number
14 110, by Senator Carlucci, Senate Print 1784, an
15 act to amend the State Administrative Procedure
16 Act.

17 ACTING PRESIDENT SAVINO: Read the
18 last section.

19 THE SECRETARY: Section 3 --

20 SENATOR GIANARIS: Lay it aside.

21 ACTING PRESIDENT SAVINO: The bill
22 is laid aside.

23 THE SECRETARY: Calendar Number
24 111, by Senator Valesky, Senate Print 2158, an
25 act to amend the State Administrative Procedure

1 Act.

2 ACTING PRESIDENT SAVINO: Read the
3 last section.

4 THE SECRETARY: Section 8. This
5 act shall take effect on the first of January.

6 ACTING PRESIDENT SAVINO: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT SAVINO: Announce
10 the results.

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT SAVINO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 113, by Senator Gallivan, Senate Print 5657B, an
16 act to amend the State Administrative Procedure
17 Act.

18 ACTING PRESIDENT SAVINO: Read the
19 last section.

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

22 ACTING PRESIDENT SAVINO: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT SAVINO: Announce

1 the results.

2 THE SECRETARY: In relation to
3 Calendar Number 113, those recorded in the
4 negative are Senators Avella, Hassell-Thompson,
5 Hoylman, Krueger, Montgomery, Perkins, Rivera,
6 Serrano and Squadron. Also Senator Espaillat.

7 Ayes, 50. Nays, 10.

8 ACTING PRESIDENT SAVINO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 169, substituted earlier by Member of the
12 Assembly Kavanagh, Assembly Print Number 191B, an
13 act to amend the Environmental Conservation Law.

14 ACTING PRESIDENT SAVINO: Read the
15 last section.

16 THE SECRETARY: Section 7. This
17 act shall take effect March 1, 2015.

18 ACTING PRESIDENT SAVINO: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT SAVINO: Announce
22 the results.

23 THE SECRETARY: Ayes, 59. Nays, 1.
24 Senator Ball recorded in the negative.

25 ACTING PRESIDENT SAVINO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 264, substituted earlier by Member of the
4 Assembly Kim, Assembly Print Number 7756, an act
5 to amend the Education Law.

6 ACTING PRESIDENT SAVINO: Read the
7 last section.

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

10 ACTING PRESIDENT SAVINO: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT SAVINO: Senator
14 Squadron to explain your vote.

15 SENATOR SQUADRON: Thank you. To
16 explain my vote, Madam President.

17 This is a bill that's a long time in
18 coming. It would allow us to push forward Lunar
19 New Year as a school holiday in New York City and
20 other districts in areas across the state where
21 it's a holiday celebrated by a large number of
22 people, and also other holidays that, as the city
23 and the state changes, are increasingly part of
24 the fabric of who we are.

25 I want to thank Senator Golden, with

1 whom I've worked, Assemblymember Kim,
2 Assemblymember Silver, and Senator Stavisky.
3 Together we've really tried to make sure that
4 this community is no longer forced to choose
5 between the most important day of the year with
6 their families and missing a day of school.

7 In some schools in my district on
8 Lunary New Year you have absentee rates of
9 80 percent or higher. I know that's true not
10 just in my district but in parts of New York
11 City, around the city.

12 To work with Mayor de Blasio and the
13 Department of Education to ensure that the school
14 calendar evolves with the city is a really
15 important thing to do. It's something I look
16 forward to doing.

17 Next year, as the Year of the Sheep
18 rolls in, students have no need to worry. It is
19 during the winter break, and that gives us time
20 to take action on this bill and to assure the
21 school calendar reflects the city.

22 I want to thank Senator Golden,
23 Speaker Silver, Assemblymember Kim, and Senator
24 Stavisky again.

25 I'll be voting aye, Madam President.

1 ACTING PRESIDENT SAVINO: Senator
2 Squadron to be recorded in the affirmative.

3 Senator Peralta to explain his vote.

4 SENATOR PERALTA: Thank you,
5 Madam President.

6 I represent the most diverse
7 political district in the entire country, the
8 "United Nations of all Senate districts," which I
9 like to call it -- yes, I do. Among this melting
10 pot I am lucky enough to represent strong and
11 active populations of Muslim Americans, who
12 celebrate Eid, Asian Americans, who celebrate the
13 Lunar New Year, and Hindu Americans, who
14 celebrate Diwali.

15 Joining together these disparate
16 groups in a common community makes my district a
17 better, stronger, more vibrant place. The
18 joining together of these disparate groups in a
19 common cause is also what made this day possible.
20 Because until we get this law on the books and
21 implemented, they share an unfortunate piece of
22 common ground. On their most important and
23 sacred of holidays, they must decide between
24 keeping their kids out of school or keeping them
25 away from these holy observances.

1 Like many others in this room, I
2 spent years alongside my constituents pushing for
3 official recognition of these holidays. I'd like
4 to thank the sponsor of this bill and also
5 recognize some of my colleagues who have been
6 championing this for years: Senator Stavisky,
7 Senator Perkins, Senator Sanders, and Senator
8 Díaz, among many others.

9 I'd also especially like to
10 recognize and thank my colleague
11 Senator Squadron, who selflessly gave up
12 sponsorship of this bill so that we could pass it
13 through this chamber today.

14 No parent -- no parent, no child
15 should be forced to choose between their
16 education and their faith. I knew the winds were
17 finally changing when the one thing Bill de
18 Blasio and Joe Lhota could agree on was that
19 whoever was the next mayor, he was going to make
20 sure that our kids get to celebrate these
21 holidays with their families.

22 But I am enormously grateful and
23 proud to stand here today and see us take this
24 enormous step closer to making that a reality.
25 That's the power of civic engagement, that's

1 inspiration transformed into results. When you
2 speak your mind and tell your story, there is no
3 end to what you can accomplish.

4 New York's greatest strength is its
5 diversity. And today we are taking a vital step
6 towards making our state stronger than ever. I
7 proudly vote aye.

8 ACTING PRESIDENT SAVINO: Senator
9 Peralta to be recorded in the affirmative.

10 Senator Stavisky to explain her
11 vote.

12 SENATOR STAVISKY: Thank you,
13 Madam President.

14 The Lunar New Year is the most
15 significant holiday in the Asian-American
16 community really throughout the world. It's a
17 celebration where people come together and
18 celebrate. It's a time of family reunions, it's
19 a time of dinners. I never knew there could be
20 so many dinners, but they celebrate with food,
21 with dance, with renewing their cultural
22 heritage. And it's a time when children tend to
23 stay home from school.

24 So there is massive absenteeism in
25 the city schools during this period. And in

1 fact, in New York City approximately 14 percent
2 of the students are Asian-American. But in
3 Queens County, Asian-Americans comprise
4 23 percent of the 2.2 million people who live in
5 Queens County.

6 And these communities are focused
7 primarily in the central part of Queens. And I
8 do agree that Senator Peralta does represent a
9 very large and diverse district. The most
10 diverse. But in the district that I represent,
11 it's focused on the Asian-American community.
12 And we work very closely together.

13 And this legislation would permit
14 the Department of Education to close the schools.
15 Believe it or not, we got the MTA to defer
16 construction on the subway so that people could
17 come from all over the city and all over the
18 tri-state area to come to celebrate the Lunar New
19 Year. There's no construction on the subway,
20 which was a major accomplishment.

21 So again, I thank the sponsors, all
22 of them. I'm not going to repeat their names.
23 But it's by working together that we can
24 accomplish this type of result for our
25 constituents.

1 So I am delighted to vote aye, and I
2 look forward to celebrating with my
3 Asian-American friends next year.

4 Thank you.

5 ACTING PRESIDENT SAVINO: Senator
6 Stavisky to be recorded in the affirmative.

7 Senator Sanders on the bill.

8 SENATOR SANDERS: Thank you,
9 Madam President.

10 I too rise to commend the authors of
11 this very well written bill -- which at first I
12 had trouble with until it was explained to me --
13 a bill which calls upon the New York City
14 Department of Education to look at the list of
15 holidays that it has and make sure that these
16 holidays reflect the changing New York City that
17 we now know, a city that is graced with all of
18 these communities that you've heard about.

19 One that I'm graced with, one of the
20 many -- the U.N.? Okay, all right. Perhaps if
21 he's the U.N., then I must certainly be the
22 Assembly Council or something of that nature.
23 Because I have many different communities,
24 including the Indo-Caribbean community, which
25 celebrates a holiday called Diwali.

1 And under those conditions, I think
2 that it is good that we look at all of these
3 holidays that we've had for so long to see which
4 ones really fit the city and which ones don't.
5 And that way we can -- those that have served
6 their purpose need to be retired. And those that
7 are emerging need to be supported.

8 I certainly commend Senators
9 Squadron, Peralta, Stavisky and others for
10 championing this, and I'm glad to be here on the
11 day when it may go over the top.

12 Thank you very much,
13 Madam President.

14 ACTING PRESIDENT SAVINO: Senator
15 Sanders to be recorded in the affirmative.

16 Senator Golden to explain his vote.

17 SENATOR GOLDEN: Thank you,
18 Madam President.

19 I'd like to thank my colleagues
20 Senator Lanza, Senator Felder, Senator Squadron,
21 and all of my colleagues on both sides of the
22 aisle, and of course the Assembly as well, Shelly
23 Silver, the Speaker.

24 This bill would allow the local
25 boards of education to determine whether a

1 weekday should be a school holiday because many
2 students would be absent due to a religious or
3 cultural holiday.

4 The Education Law already allows the
5 Commissioner of Education to establish rules of
6 religious holidays and education. New York City
7 is rich with cultural diversity. When an
8 immigrant passed through Ellis Island, New York
9 City welcomed him or her to the United States.
10 Many of these immigrants settled in New York
11 City. These immigrants built neighborhoods
12 around their shared heritage. There are many
13 neighborhoods that are still built around shared
14 heritage.

15 And this bill celebrates the
16 diversity of New York City, New York State, and
17 our country by allowing the local school boards
18 to close one or more schools on a day when the
19 students will be celebrating their religious or
20 cultural heritage. Because of our diversity, a
21 one-size-fits-all rule from the Department of
22 Education does not always work.

23 This bill would not reduce the
24 number of school days. School holidays are set
25 in advance. And any holiday given due to the

1 bill would be taken into account when the school
2 calendar is established.

3 The Mayor has already begun working
4 towards helping New York City celebrate this
5 heritage by adjusting the school calendar. We
6 look forward to continuing to work with the Mayor
7 on this. And let's take this opportunity to
8 celebrate the diversity that has made New York
9 the great state that it is today.

10 Thank you, Madam President, and I
11 will be voting aye.

12 ACTING PRESIDENT SAVINO: Senator
13 Golden to be recorded in the affirmative.

14 Are there any other Senators wishing
15 to explain their vote?

16 Seeing none, announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 264, those recorded in the
19 negative are Senators Gallivan and Libous.

20 Ayes, 58. Nays, 2.

21 ACTING PRESIDENT SAVINO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 386, by Senator Felder, Senate Print 4518, an act
25 to amend the Domestic Relations Law.

1 ACTING PRESIDENT SAVINO: Read the
2 last section.

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

5 ACTING PRESIDENT SAVINO: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT SAVINO: Announce
9 the results.

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT SAVINO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 401, by Senator Gallivan, Senate Print 6869, an
15 act to amend the State Administrative Procedure
16 Act.

17 SENATOR GIANARIS: Lay it aside.

18 ACTING PRESIDENT SAVINO: The bill
19 is laid aside.

20 SENATOR LIBOUS: Lay the bill aside
21 for the day.

22 ACTING PRESIDENT SAVINO: The bill
23 is laid aside for the day.

24 THE SECRETARY: Calendar Number
25 422, by Senator Griffo, Senate Print 6502, an act

1 to amend Chapter 912 of the Laws of 1920.

2 SENATOR GIANARIS: Lay it aside.

3 ACTING PRESIDENT SAVINO: The bill
4 is laid aside.

5 THE SECRETARY: Calendar Number
6 459, by Senator Squadron, Senate Print 218, an
7 act to amend the Penal Law.

8 SENATOR LIBOUS: Lay that aside,
9 please.

10 ACTING PRESIDENT SAVINO: The bill
11 is laid aside.

12 SENATOR GIANARIS: Lay it aside for
13 the day.

14 ACTING PRESIDENT SAVINO: The bill
15 is laid aside for the day.

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

18 The Secretary will ring the bells
19 and proceed with the reading of the controversial
20 calendar.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 110, by Senator Carlucci, Senate Print 1784, an
24 act to amend the State Administrative Procedure
25 Act.

1 SENATOR KRUEGER: Explanation.

2 ACTING PRESIDENT SAVINO: Senator
3 Carlucci, Senator Krueger has requested an
4 explanation.

5 SENATOR CARLUCCI: Yes, thank you,
6 Madam Chair.

7 Yes, this legislation amends the
8 State Administrative Procedure Act, which allows
9 for industry or businesses to be able to petition
10 a particular state agency with a particular rule
11 that they believe that they have a new best
12 practice for.

13 The idea is to come into
14 compliance -- which we already allow
15 municipalities or local governments, if they find
16 a new way of doing business, that they're able to
17 petition the state agency that has that
18 requirement to allow them to innovate and allow
19 that to become the new regulatory procedure.

20 Thank you, Madam President.

21 ACTING PRESIDENT SAVINO: Senator
22 Krueger.

23 SENATOR KRUEGER: Thank you,
24 Madam President. If the sponsor would please
25 yield.

1 SENATOR CARLUCCI: Yes.

2 ACTING PRESIDENT SAVINO: Senator
3 Carlucci yields.

4 SENATOR KRUEGER: Thank you.

5 So last year we actually debate this
6 bill, the sponsor and I, and I raised a number of
7 concerns. And so I don't want to repeat myself
8 on the old concerns, but I've had now a year to
9 study the bill more, so I have found some
10 additional questions to ask.

11 In this bill it says it will allow
12 any business or group of businesses that form an
13 association to petition the state agency. So if
14 I am one business and I call myself an
15 association, may I petition for a change of state
16 regulations?

17 ACTING PRESIDENT SAVINO: Senator
18 Carlucci.

19 SENATOR CARLUCCI: The answer is
20 yes.

21 SENATOR KRUEGER: Through you,
22 Madam President, if the sponsor would continue to
23 yield.

24 ACTING PRESIDENT SAVINO: Senator
25 Carlucci.

1 SENATOR CARLUCCI: Yes, I'll yield.

2 SENATOR KRUEGER: So if I'm two or
3 three businesses, I could create an association
4 and petition to have a reevaluation of
5 regulation?

6 SENATOR CARLUCCI: Yes.

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

10 SENATOR CARLUCCI: Yes, I'll yield.

11 ACTING PRESIDENT SAVINO: Senator
12 Carlucci yields.

13 SENATOR KRUEGER: First, a
14 statement that in many different kinds of
15 regulations in New York State, in many different
16 activities that go on in New York State, there
17 are multiple agencies with a role to play in
18 overseeing that activity or those regulations.

19 So in this bill it allows the
20 business association, which as we've just
21 established could be one business, to petition
22 the appropriate state agency. It does not say
23 petition the state agency that promulgated the
24 regulation.

25 So if this bill were to become law,

1 could I, my own personal business association,
2 venue-shop to find a state agency that I think I
3 might get a permissive interpretation out of,
4 even if there are five or six different agencies
5 that may share regulatory control?

6 SENATOR CARLUCCI: I think the
7 Senator brings up a valid point, and it's
8 something that we want to safeguard against in
9 this legislation. And that's why we want to
10 prevent from venue-shopping of any business to go
11 from regulatory agency to regulatory agency.

12 So as the Senator had pointed out,
13 there are many different regulations for many
14 different agencies. But there are lead agencies,
15 and they would be required to be petitioning
16 under that lead agency.

17 And also to point out, because this
18 is a very real concern, in the legislation it's
19 very specific and it says that the petitioner has
20 to file on a specific rule or regulation, and
21 they have to be identifying that regulation and
22 what they hope to update, which regulation
23 they're actually focused on and where they think
24 they have a new best practice that should be
25 promulgated into new rules.

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

4 SENATOR CARLUCCI: Yes.

5 ACTING PRESIDENT SAVINO: Senator
6 Carlucci yields.

7 SENATOR KRUEGER: So the Senator
8 and I both happen to serve on the Mental Hygiene
9 Committee, which oversees issues around
10 vulnerable persons in this state. And an
11 organization, either for-profit or
12 not-for-profit, might provide residential
13 services to these vulnerable populations. And
14 yet there might be multiple state agencies with
15 oversight on these kinds of residential
16 facilities -- or day treatment facilities; it
17 could be either.

18 So which agency and which
19 definitions and regulations are they supposed to
20 go to if they want a change in regulation? Are
21 they in this case supposed to go to the Office of
22 Mental Health or the Office of People With
23 Developmental Disabilities, the Department of
24 Health, the Department of Buildings, if it was
25 something involving the standards for physical

1 facilities?

2 How are they supposed to determine
3 who is the proper regulatory entity? And who is
4 supposed to get them the answer if they don't
5 even know?

6 SENATOR CARLUCCI: Well, the
7 petition would have to start at the agency that
8 promulgated the regulations.

9 When we talk about people that live
10 with mental health issues or are living with a
11 developmental disability, we have clear
12 definitions of who is responsible for regulating
13 those homes. If it's someone that's living in a
14 developmentally disabled housing facility, that
15 would be regulated by the Office of People With
16 Developmental Disabilities, and therefore would
17 be petitioned under that agency.

18 ACTING PRESIDENT SAVINO: Through
19 you, Madam President, if the sponsor would
20 continue to yield.

21 SENATOR CARLUCCI: Yes.

22 ACTING PRESIDENT SAVINO: Senator
23 Carlucci will yield.

24 SENATOR KRUEGER: Thank you.

25 Again, I think in the example I gave

1 it might be a facility that operates under the
2 rules and regulations of four, five or six
3 different agencies. So are they supposed to go
4 to each one?

5 SENATOR CARLUCCI: Well, again, we
6 have to be very specific on the regulation that
7 they're wishing to update. And that's where we
8 need to really address that point.

9 Because yes, there might be multiple
10 agencies overseeing certain industries. But when
11 we talk about each specific regulation, the
12 petition requires and this legislation requires
13 for that business, that industry to be specific
14 in identifying that regulation, and they would
15 then go to the agency that promulgated that
16 regulation.

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

20 SENATOR CARLUCCI: Yes.

21 ACTING PRESIDENT SAVINO: Senator
22 Carlucci yields.

23 SENATOR KRUEGER: Thank you.

24 How many regulations are there in
25 New York State that someone might want to go and

1 petition for a change?

2 SENATOR CARLUCCI: Well, currently
3 we have about 750,000 different regulations on
4 the books in the State of New York.

5 SENATOR KRUEGER: Through you,
6 Madam President, if the sponsor would continue to
7 yield.

8 ACTING PRESIDENT SAVINO: Senator
9 Carlucci, do you yield?

10 SENATOR CARLUCCI: Yes.

11 ACTING PRESIDENT SAVINO: Senator
12 Carlucci yields.

13 SENATOR KRUEGER: And since any
14 individual business can be its own association to
15 petition, how many entities might be petitioning
16 on these 750,000 regulations in New York State?

17 SENATOR CARLUCCI: Well, the idea
18 here is that we really can be a competitive force
19 when we talk about competing in a global economy.
20 And the idea is we want to make sure that the
21 people on the ground level, you know, that are
22 there working in that industry, that might have
23 had a new breakthrough -- whether it's a new
24 software program that they're using that helps
25 them really break down and allow them to innovate

1 their practices -- we want to make sure that they
2 can keep up, communicate with that state agency.
3 And now it allows them the mechanism to do that.

4 So as was said, we have over 750,000
5 different regulations on the books in New York,
6 and this is an attempt to allow for industry to
7 work with state agencies to allow them to
8 promulgate new rules that will allow them to keep
9 up-to-date with new best practices.

10 And keep in mind this also, at the
11 end of the day, is at the discretion of that
12 state agency to decide if it is something that
13 they feel that they should come into compliance
14 with.

15 SENATOR KRUEGER: Through you,
16 Madam President, on the bill.

17 ACTING PRESIDENT SAVINO: Senator
18 Krueger on the bill.

19 SENATOR KRUEGER: I thank the
20 Senator, the sponsor, for his answers.

21 I don't think I disagree with the
22 concept that we want to be a dynamic government
23 that changes with the needs and realities of the
24 businesses and organizations and people of the
25 State of New York. My disagreement with the bill

1 is that it sets up probably an impossible
2 scenario.

3 First, none of these regulations
4 exist in a vacuum. They actually grew out of
5 laws this house and the other house of the
6 Legislature agreed upon and a governor signed.

7 So any time you're opening up
8 someone petitioning to change a regulation, you
9 have to ask the question are you actually opening
10 up that they want to change the law and maybe --
11 and isn't that why we're here -- to try to
12 modernize our laws and adapt them to the changing
13 world and economy.

14 If we leave it to a scenario, as
15 this bill does, where any one entity can petition
16 an agency on any combination of 750,000
17 regulations -- and it's not that hard to see two
18 or three associations petitioning in opposite
19 directions, because if X association decides it's
20 to their advantage to get rid of this regulation
21 and Y and Z associations realize that wouldn't
22 actually be very good for their understanding of
23 how they're operating in New York State, you
24 would have competing demands for new best
25 practices as interpreted by any individual

1 business or entity.

2 It's 750,000 regulations and more
3 than we can imagine numbers of requests. I
4 actually think our agencies would have to stop
5 doing everything else they're doing in order to
6 attempt to respond to the petitions of whomever
7 on whatever on combinations of the 750,000
8 regulations.

9 And while I appreciate that the
10 sponsor believes his bill says you go to the
11 entity or the agency that will oversees the
12 regulation, if you've ever spent any time talking
13 to any business or not-for-profit in the State of
14 New York, you know that they're operating under
15 many regulations at a time and their issues are
16 never unique to one specific line.

17 So even on something, I don't know,
18 for some of us perhaps esoteric and for others of
19 us perhaps the bread and butter of dealing with
20 septic system questions under New York State
21 regulations, you have, depending on where you're
22 located in the state -- and this is not the local
23 jurisdictions or the federal, just the state --
24 you might have issues with the Canal Authority,
25 which is part of the New York State Thruway

1 Authority, you definitely have regulations
2 relating to the Department of Environmental
3 Conservation, the Department of Health, the
4 Department of Transportation, the General
5 Services Administration, the Office of Parks,
6 Recreation and Historic Preservation, and
7 multiple section of the state commissions.

8 Now, I might agree with my colleague
9 that needing to go to all these different
10 agencies when having a question about how to
11 handle septic systems might seem burdensome -- I
12 would agree -- and confusing -- I would agree --
13 I don't think this bill would solve the problem.
14 I think it would just actually create a
15 systemwide chaos. And, by the way, there are
16 probably differing opinions by differing
17 businesses about how to address these issues.

18 So while I appreciate the intentions
19 of the sponsor, I actually think we'd result in
20 either an enormous new expense for the state in
21 hiring all these people to deal with all of these
22 petitions of all these regulations, or we'd
23 literally create frozen state agencies who
24 couldn't act under the old regulations while
25 dealing with the petitions on the new

1 regulations, not having the staff to do any of
2 this, and frustrating everybody.

3 And in fact, of course we do have a
4 current system to evaluate and try to make
5 changes in regulations. I believe that this bill
6 just doesn't think the current system is
7 adequate.

8 And we were going to discuss,
9 although it was taken off the calendar for today,
10 an additional bill that would actually propose
11 having to review every regulation in the state
12 within five years and then each and every five
13 years afterwards. And if you layered those two
14 bills together -- although we're not discussing
15 the other bill right now -- again, reemphasizing
16 the sheer volume of new demands on our agencies
17 and potential chaos for being able to approve
18 anything until all of this was done.

19 So an issue. I believe this is the
20 wrong solution that won't accomplish what it
21 intends to accomplish. I will continue to be no
22 on this vote and urge my colleagues to work
23 together to come up with solutions that actually
24 might be helpful.

25 Thank you, Madam President.

1 ACTING PRESIDENT SAVINO: Are there
2 any other members wishing to be heard?

3 Seeing none, the Secretary will ring
4 the bells. I ask all the members to please
5 return to the chamber so we can proceed with the
6 vote.

7 Senator Gianaris.

8 SENATOR GIANARIS: Madam President,
9 while we're waiting for everyone to return, I'd
10 like to point out to my colleagues that we have a
11 milestone birthday among our colleagues today.
12 It is Senator Joe Addabbo's 50th today. So we
13 wish him well.

14 (Applause.)

15 ACTING PRESIDENT SAVINO: Happy
16 birthday. Happy birthday, Senator Addabbo. I'm
17 sure you're thrilled that he gave away your age,
18 but we wish you a happy birthday anyway.

19 (Laughter.)

20 ACTING PRESIDENT SAVINO: Read the
21 last section.

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

24 ACTING PRESIDENT SAVINO: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT SAVINO: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar Number 110, those recorded in the
6 negative are Senators Addabbo, Avella, Gianaris,
7 Hassell-Thompson, Hoylman, Krueger, Montgomery,
8 Parker, Peralta, Perkins, Rivera, Sanders,
9 Serrano, Squadron and Stavisky.

10 Ayes, 45. Nays, 15.

11 ACTING PRESIDENT SAVINO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 422, by Senator Griffo, Senate Print 6502, an act
15 to amend Chapter 912 of the Laws of 1920.

16 SENATOR KRUEGER: Explanation.

17 ACTING PRESIDENT SAVINO: Senator
18 Krueger has asked for an explanation.

19 Before we begin, I would ask all
20 members to stay in the chamber or close by. We
21 have to get to the Women of Distinction as soon
22 as this debate is finished. So please stay
23 nearby.

24 Senator Krueger has asked for an
25 explanation, Senator Griffo.

1 SENATOR GRIFFO: Thank you,
2 Madam President.

3 I'm going to be very succinct today
4 because I feel like the great New York Yankee,
5 Yogi Berra, who said, "It's déjà vu all over
6 again." We have had this bill before the house
7 in 2010, 2011, 2012 and 2013, and it's passed the
8 house.

9 Before I do that, I would like to
10 thank the cosponsors and those who have supported
11 the bill in the past, particularly the co-prime
12 sponsors, Senator Kevin Parker and Senator Marty
13 Golden, for their support.

14 I also want to welcome into the
15 chamber today the COO of the UFC, Lawrence
16 Epstein, as well as Michael Britt, also of the
17 UFC.

18 Essentially, Senator Krueger, this
19 bill would authorize the New York State Athletic
20 Commission, at their discretion and direction, to
21 add the mixed martial arts to a list of contact
22 sports that may hold matches or exhibitions in
23 the State of New York.

24 SENATOR KRUEGER: Through you,
25 Madam President, if the sponsor would yield for a

1 few questions.

2 ACTING PRESIDENT SAVINO: Senator
3 Griffo, do you yield?

4 SENATOR GRIFFO: I will.

5 ACTING PRESIDENT SAVINO: Senator
6 Griffo yields.

7 SENATOR KRUEGER: Does this bill
8 establish the same standards for professional and
9 amateur bouts in New York State?

10 SENATOR GRIFFO: Madam President,
11 through you. It does not, Senator Krueger. But
12 I do have a companion bill that has been
13 introduced that also would do similarly for the
14 amateur version of this sport.

15 SENATOR KRUEGER: Through you,
16 Madam President, if the sponsor would yield to an
17 additional question.

18 ACTING PRESIDENT SAVINO: Senator
19 Griffo, do you yield?

20 SENATOR GRIFFO: I do.

21 ACTING PRESIDENT SAVINO: Senator
22 Griffo yields.

23 SENATOR KRUEGER: My understanding
24 is this bill is modified in two ways since the
25 last time you introduced the bill. Could you

1 clarify the two new changes?

2 SENATOR GRIFFO: Well, essentially,
3 Senator Krueger, the essence of it remains the
4 same, but it allows -- basically we're giving to
5 the State Athletic Commission its discretion to
6 essentially monitor and provide for all guidance
7 relative to the sport.

8 So there are not any dramatic
9 changes. I know there have been differences of
10 opinion. I know that you have suggested a
11 moratorium. I know Senator Hoylman has put in a
12 variation of a particular bill establishing a
13 specific fund. But in essence, the bill remains
14 as it's been presented.

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

18 ACTING PRESIDENT SAVINO: Senator
19 Griffio, do you yield?

20 SENATOR GRIFFO: Sure.

21 ACTING PRESIDENT SAVINO: Senator
22 Griffio yields.

23 SENATOR KRUEGER: I was referring
24 to a section that removes the sunset clause of
25 the bill. The previous version of the bill

1 sunsetted it after three years. And this bill
2 does not sunset; is that correct?

3 SENATOR GRIFFO: Madam President,
4 through you. Senator Krueger, in essence that is
5 accurate. It still remains the same but, since
6 we have had this discussion over the last four
7 years, New York State now remains the only state
8 that still has the ban in effect relative to the
9 mixed martial arts.

10 There have been some, as I indicated
11 before, just minor adjustments. That was a
12 discussion that was had some time ago because
13 there were a number of other states that had
14 still not made decisions and we were just
15 beginning the process at that time here.

16 But after four years of debate on
17 this particular subject, and the activity taking
18 place across the nation, these adjustments were
19 made. But essentially the essence of the bill
20 remains as it has been.

21 SENATOR KRUEGER: Through you,
22 Madam President, if the sponsor would continue to
23 yield.

24 ACTING PRESIDENT SAVINO: Senator
25 Griffo, do you yield?

1 SENATOR GRIFFO: Yes.

2 ACTING PRESIDENT SAVINO: Senator
3 Griffo yields.

4 SENATOR KRUEGER: I believe there's
5 also an addition to the bill regarding alcoholic
6 beverages. Could the sponsor explain to me what
7 that section means and how that changes this law?

8 SENATOR GRIFFO: Madam President,
9 through you. Senator Krueger, I'm not sure how
10 that would ultimately alter the recommendations
11 that were originally proposed through the main
12 components of the bill.

13 SENATOR KRUEGER: Through you,
14 Madam President, just to clarify. So would the
15 sponsor agree that his bill now allows alcoholic
16 beverages to be served at professional
17 competitive MMA sporting exhibit matches?

18 ACTING PRESIDENT SAVINO: Senator
19 Griffo.

20 SENATOR GRIFFO: Madam President,
21 through you. Senator Krueger, I would say that
22 what we're trying to do is mirror activities that
23 are taking place across the nation at
24 professional sporting events, whether it's the
25 National Hockey League or the National Basketball

1 Association or Major League Baseball.

2 So in that regard, yes. But the
3 essence is basically to mirror what's taking
4 place in professional sports across this nation
5 and the state.

6 SENATOR KRUEGER: Through you,
7 Madam President, on the bill.

8 ACTING PRESIDENT SAVINO: Senator
9 Krueger on the bill.

10 SENATOR KRUEGER: Thank you.

11 This house knows that I have
12 continuously spoken out against the legalization
13 of MMA in the State of New York. I like to
14 remember an expression my mother often used with
15 me as a child. I don't know if anyone else's
16 mother said it. But it was basically "If the
17 other kids are jumping off the bridge and it's
18 still a bad idea to jump, don't jump."

19 So I think that New York State not
20 allowing competitive professional MMA is the
21 right answer. I wish the other states realized
22 it also. But I have no problem with New York
23 State being ahead of game, so to speak.

24 And the reason I say that is because
25 as I have watched MMA develop and grow as a

1 sport, we have learned through medical research
2 that it's more dangerous than other professional
3 sports. And we have learned that in New York
4 State the nonprofessional bouts, the bouts where
5 you can pay to go in, there are promoters, there
6 are lots of people who make lots of money and
7 lots of people who sit there and watch, the only
8 difference is the fighters don't officially get
9 paid. So we have no standards or rules for that
10 at all, which concerns me a great deal.

11 But we know from medical science
12 that MMA fighters suffer traumatic brain injuries
13 in almost a third of their professional bouts
14 that have been studied, a radically higher rate
15 than has been observed in other sports, including
16 comparing them to -- let me just read the
17 section.

18 The researchers detected an average
19 of 6.4 knockouts per athlete for every 100 fights
20 or athlete exposures. When the multiple-strike
21 TKOs were added, the total suspected traumatic
22 brain injuries climbed to 15.9 per athlete for
23 100 bouts, or one concussion-like injury in
24 32 percent of matches.

25 That compares to the rates found in

1 other studies where 4.9 concussions per 100
2 fights was the exposure in boxing, 2.2 per 100 in
3 hockey, 8.08 per 100 in football.

4 An analysis of the fight videos
5 studied by the researchers from Toronto concluded
6 that 90 percent of the TKOs were a result of
7 repetitive strikes. The 30 seconds before
8 matches were stopped was characterized by the
9 losing competitor sustaining a flurry of multiple
10 strikes to the head. Half of the knockouts
11 occurred because of blows to the mandible, or
12 lower jaw. And researchers found an average of
13 2.6 head strikes after the knockout inflicted on
14 the heads of the unconscious fighters.

15 It's a dangerous sport. It's a
16 dangerous sport where the fighters may believe
17 they are going in voluntarily and hoping to make
18 a lot of money, but perhaps don't realize that
19 they're going to end up later in life with
20 damaged brains, an inability to continue to work
21 in any field, and all of the patterns of
22 traumatic brain injury.

23 And we hear a lot about traumatic
24 brain injury nowadays. We hear about our
25 soldiers coming back from war with traumatic

1 brain injuries. We hear about professional
2 football players suffering very high rates of
3 traumatic brain injuries. And again, to quote
4 the research, the rate of traumatic brain injury
5 from MMA is much higher than it is from football.

6 We hear about coaches in college
7 sports and high school sports taking classes in
8 how to prevent traumatic brain injury and
9 repetitive damage to the brains of young people.
10 We hear of lawsuits demanding financial
11 reimbursement for the damage done to professional
12 athletes. We even had a resolution today
13 honoring a young woman for going on with research
14 around traumatic brain injury.

15 It's nothing to laugh about. We
16 should be doing everything we can to avoid anyone
17 suffering unnecessary traumatic brain injury.
18 Maybe MMA could redesign itself so it wasn't so
19 dangerous, so that certain kinds of holds and
20 punches weren't allowed. They keep saying
21 they're changing. They're making a lot more
22 money. But I don't see them making the sport
23 safer. And the research continues to pour in
24 that it is extremely dangerous.

25 So yes, if I was able to convince my

1 colleagues, I would urge you to vote no on this
2 bill and actually rush to require much stricter
3 standards for nonprofessional competitions where
4 disproportionately it's younger people getting
5 involved with greater risk to themselves. I'm
6 not going to convince too many people to change
7 their vote today.

8 And I know that we have an important
9 event to get to, so I will just urge my
10 colleagues: Read the research. Think about what
11 it means to expand MMA in New York State. And
12 think about the number of people who will end up
13 with traumatic brain injury and ruined lives
14 because of their decisions, perhaps not as
15 well-educated as we'd like them to be when making
16 those decisions.

17 And that some people say we'll make
18 some tax money on it. Frankly, I don't think
19 it's worth the money to damage people's brains.

20 I vote no. Thank you.

21 ACTING PRESIDENT SAVINO: Senator
22 Krueger to be recorded in the negative.

23 Senator Griffo.

24 SENATOR GRIFFO: Madam President,
25 briefly.

1 Again, this bill in essence gives to
2 the New York State Athletic Commission the
3 opportunity -- this is what we're voting on,
4 giving to the New York State Athletic Commission
5 the opportunity to regulate this sport. A sport
6 that is organized across this country. A sport
7 that has a number of rules and resolution
8 regulations for both the well-being of the fan as
9 well as the participant.

10 I think it's very important to note
11 that I agree that we should also be monitoring
12 amateur activity and regulating that amateur
13 activity, and that's why we have proposed a
14 similar bill to do so, and to avoid any of the
15 underground activity.

16 But both the leagues that exist in
17 the sport itself have really gone and made
18 significant progress in ensuring -- from medical
19 tests, evaluations, a lot of rules and
20 regulations that exist -- that they are keeping
21 in mind that safety of the participant and the
22 spectator is most important.

23 Secondly, New York is not doing this
24 because every other state is doing this.
25 New York is considering this because it's an

1 opportunity for at least athletes in this state
2 or spectators and fans in this state to have the
3 ability to make a decision to do something that
4 we want to do. But right now we are restricting
5 that ability.

6 And finally, on the studies that
7 exist, you're right that the study -- while I
8 have great respect and affinity for our
9 neighbors to the north in Canada, the study that
10 Senator Krueger is discussing was based strictly
11 on video and statistics.

12 While we have respected premier
13 institutions in this country, quality healthcare
14 institutions -- Johns Hopkins has had a study
15 done which is contrary to some of the statistics
16 that were given in the Canadian study.

17 And there's an ongoing study in the
18 Cleveland Clinic, the renowned Cleveland Clinic,
19 which will evaluate and determine some of the
20 statements that have been made here, and as a
21 result, we'll have a better understanding of the
22 situation.

23 And I believe that you will find,
24 when we look at clinical data, that while we're
25 all looking for safety, that should be first and

1 foremost. But you will see, when clinical
2 studies are actually done and we really rely on
3 the medicine and the science, that some of the
4 studies that are being done just on videos and
5 statistics really are not getting us a clear and
6 definitive picture of what's taking place.

7 So for the record, I would urge our
8 colleagues to look at everything. But tonight
9 what we're saying, or this afternoon, is are we
10 ready and willing to allow our New York State
11 Athletic Commission -- who I have a lot of
12 confidence and faith in -- to regulate this
13 sport and to do it properly and to allow
14 athletes in the state to participate in a sport
15 that they choose to participate in, and for fans
16 to be able to spectate and attend events in this
17 state, beyond the economic impact.

18 Thank you, Madam President.

19 ACTING PRESIDENT SAVINO: Senator
20 Hoylman on the bill.

21 SENATOR HOYLMAN: Thank you,
22 Madam President.

23 And thank you, Senator Griffo and
24 Senator Krueger, for your discussion.

25 I wanted to point out -- and I know

1 this chamber has debated this for a number of
2 years -- but what has changed since last year.
3 At least one professional MMA fighter has died,
4 his name was Booto Guylain, after getting
5 elbowed in the head in South Africa in a bout.

6 Secondly, the National Football
7 League settled a lawsuit with former players and
8 their families over concussion-related brain
9 injuries, the same type of injuries that we're
10 discussing today. That was for 18,000 players,
11 and it was worth about \$765 million.

12 And third, last year we were told
13 that cage fighting, MMA, whatever you want to
14 call it, was safer than boxing or other martial
15 arts. And, you know, you just have to look at
16 the study from the American Journal of Sports
17 Medicine, the most reputable academic journal in
18 the field of sports, that gives lie to that
19 claim.

20 It shows that fights that end in
21 technical knockouts, researchers found that
22 losing fighters were on average hit 18.5 times
23 in the last 30 seconds of the fight, with
24 92 percent of those hits being to the head.
25 They concluded that concussion rates in cage

1 fighting are higher than hockey, football,
2 boxing and other martial arts.

3 Now, what hasn't changed since we
4 discussed this last year? Well, the bill is
5 pretty much the same. The bill doesn't have any
6 measures to monitor or address long-term health
7 issues, long-term health issues. And those are
8 the issues that the NFL players are facing, why
9 they filed this \$765 million class action.

10 Parkinson's disease, Alzheimer's,
11 dementia, memory loss, all of those result from
12 traumatic brain injury. What will happen to
13 these fighters, many of them from very modest
14 means, five or 10 years from now when their
15 \$50,000 worth of life insurance that they're
16 given by UFC has expired? That is my concern.

17 And the bill today, in terms of
18 protections, in addition to that \$50,000 worth
19 of life insurance, health insurance, which is
20 only available while the fighter is in the ring,
21 the bill only requires, in terms of participant
22 safety, a mouth guard and a protective groin
23 cup. That's the sum of it.

24 I think we can come back with a
25 better bill. I think we should have a bill that

1 has the long-term interests of the fighters in
2 mind, that has the health, their health
3 paramount.

4 Today, should we approve this
5 measure, we are in effect telling spectators and
6 fighters alike that the sport as it is being
7 legislated is safe. And, Madam President, I do
8 not think that is the case. I think we need to
9 consider the long-term health impacts of these
10 fighters and come back with a better bill that
11 provides for their well-being.

12 So I'll be voting no. Thank you.

13 ACTING PRESIDENT SAVINO: Senator
14 Parker on the bill.

15 SENATOR PARKER: Thank you,
16 Madam President. On the bill.

17 First let me thank Senator Griffo,
18 Sensei here, for his leadership and his
19 sponsoring of this bill and this legislation and
20 really advocating for it and building support
21 around it in a very meaningful way, in a way
22 that won't be obscured by people who are just
23 afraid of the sport.

24 Let's be very, very clear. This is
25 a sport that's very, very popular not just in

1 the United States but around the country. It
2 produces not just some tax revenue. We're
3 talking about, for upstate communities, you take
4 a Buffalo, you take a Syracuse, you take a
5 Rochester, where you're going to be per event,
6 per event, you're talking about upwards of
7 \$10 million per event if this sport is legalized
8 in the State of New York, and significantly more
9 in New York City.

10 Right now they are promoting these
11 events in Times Square and then going across the
12 river to Jersey to do the events. And so right
13 now it's happening, right now, as we speak.

14 And as we heard from one of our
15 colleagues, that the amateur bouts that are
16 happening now are not being properly regulated.
17 And I agree with that.

18 What this bill does -- and let's
19 not lose sight of this, as Senator Griffo has
20 accurately pointed out -- it gives permission to
21 the state authority that handles sports matters
22 to create a set of regulations. So if you're
23 concerned about safety, the New York State
24 Sports Commission is a place where those issues
25 get worked out.

1 These are state-to-state issues and
2 procedures just like in boxing. In boxing,
3 these things are regulated state by state. And
4 so what you may see in Nevada may be a different
5 set of rules than what you see in New York.

6 And if we decide that it's not safe
7 enough in what we're seeing in other places, we
8 have the opportunity, through our state
9 government, to in fact enact a set of
10 regulations and rules consistent with our values
11 of safety and making sure that athletes, both
12 amateur and professional, are protected in the
13 way that we like to see them protected. But we
14 certainly shouldn't throw out the baby with the
15 bathwater.

16 As I've indicated with other
17 sports, it would be different if everybody said,
18 you know what, our value here in the State of
19 New York is we don't like violence and we're
20 going to get rid of all the violence. So
21 there's no more hockey, there's no more
22 football, there's no more -- anything where
23 anybody can possibly get a boo-boo, we're not
24 going to have in the State of New York.

25 But that's not what we're doing

1 here. We are simply discriminating against one
2 sport.

3 As you hear the studies, I want
4 everybody to be very clear and listen to what
5 people are saying in the studies. Because, you
6 know, you can make a study say anything you want
7 a study to say. And you can certainly take
8 things out of a study and make it say what you
9 want it to say.

10 What you heard was excerpts pulled
11 from a reputable study that talks about the
12 cases in which opponents were knocked out. What
13 they did not tell you is that, unlike boxing, in
14 almost 90 percent of the bouts the opponent has
15 submitted. And so there is no knockout in the
16 vast majority of the bouts that you in fact see
17 in the United States. There are far more
18 submissions than there are knockouts.

19 Also, when you talk about an
20 athlete being killed in South Africa, that is a
21 different set of rules than what we have here in
22 the United States, and certainly a different set
23 of rules than what we have in New York.

24 You heard, again, the example of an
25 athlete being killed with an elbow. You cannot

1 strike with your elbow in any bouts in the
2 United States under current rules in any state.
3 And certainly that's something that we can in
4 fact guard against here in the State of New
5 York, again, vis-a-vis the Athletic Commission.

6 So I think that there is reason to
7 be cautious. We certainly want to protect the
8 athletes in the State of New York, both
9 professional and certainly our young athletes
10 and our amateur athletes. But we certainly want
11 to do that in the context of creating a space
12 where people can enjoy themselves through
13 sportsmanship and athletic competition, which is
14 the way of the State of New York.

15 And so I stand here in support of
16 the bill, with my colleague Senator Griffo, and
17 hope that my colleagues will see past the
18 rhetoric to the truth and will vote aye on this
19 bill.

20 Thank you, Madam President.

21 ACTING PRESIDENT SAVINO: Are
22 there any other members wishing to speak?

23 Senator Stavisky on the bill.

24 SENATOR STAVISKY: Thank you. On
25 the bill.

1 When I watch hockey clips on the
2 sports part of the news at night, I turn away,
3 because I think the violence in hockey should be
4 eliminated. I don't like violent sports at all.

5 But I don't believe that I should
6 impose my opinion and my judgment on other
7 people. I vote aye.

8 ACTING PRESIDENT SAVINO: Are
9 there any other members wishing to speak on the
10 bill?

11 The Secretary will ring the bells.
12 Read the last section.

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

15 ACTING PRESIDENT SAVINO: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT SAVINO: Senator
19 Robach to explain his vote.

20 SENATOR ROBACH: Yes, Madam
21 President, just quickly to explain my vote.

22 New York State has really been the
23 center for sports, entertainment, tourism for a
24 long time. And I want to applaud Senator Griffo
25 for continuing to move this bill forward.

1 You know, right now all this
2 entertainment, this sport can be piped into your
3 home, cabled into your home and watched, yet we
4 can't have it here live at Madison Square
5 Garden, Turning Stone Casino, anywhere else.

6 I think the time has long come, if
7 we want to talk about tourism, entertainment,
8 keeping New York number one, that we should
9 definitely pass this bill and give those that
10 wish to participate, watch it, the option of
11 their own free will.

12 And hopefully this bill will
13 accomplish that as well as many of the other
14 things Senator Parker talked about in terms of
15 monitoring and regulating that. I think it will
16 do all those things. So I am happy to cast my
17 vote in the affirmative.

18 Thank you, Madam President.

19 ACTING PRESIDENT SAVINO: Senator
20 Robach to be recorded in the affirmative.

21 Senator Zeldin to explain his vote.

22 SENATOR ZELDIN: I too rise in
23 favor of this bill. I commend Senator Griffo
24 for his efforts.

25 For anyone who might be concerned

1 about whether or not the sport should be
2 legalized for the safety, I would advocate for
3 voting in favor of this bill. We have mixed
4 martial arts right now in New York State. And I
5 think a lot of people, you know, may not realize
6 that. The amateur bouts are taking place all
7 the time legally here in New York.

8 So this bill actually is a bill to
9 make the sport safer. But this isn't a vote as
10 to whether or not to have mixed martial arts in
11 New York. We already have mixed martial arts in
12 New York.

13 We also have a couple of
14 professional titleholders: John Jones, from
15 Rochester; we have Chris Weidman, from Baldwin.
16 And they want the opportunity in front of their
17 home state to be in Madison Square Garden
18 defending their titles, with the entire country
19 and world watching, eyes on this state.

20 But again, if anyone is concerned
21 about health, I would advocate for voting in
22 favor of this bill, because it makes the sport
23 safer. Right now people are fighting others who
24 haven't gotten the appropriate medical tests,
25 there aren't the right doctors at the side, on

1 the ring. So if we legalize it and we have more
2 rules, we'll actually be doing a better job to
3 protect our fighters.

4 So thank you to Sensei Griffo, who
5 did a great job defending his title for the
6 fourth year in a row here in the Senate.
7 Hopefully we can pass this bill to give the
8 opportunities to people like Chris Weidman and
9 John Jones to defend their titles in Madison
10 Square Garden.

11 I vote aye.

12 ACTING PRESIDENT SAVINO: Senator
13 Zeldin to be recorded in the affirmative.

14 Senator Díaz to explain his vote.

15 SENATOR DIAZ: Thank you,
16 Madam President.

17 Madam President, let me quote a
18 biblical passage. He says -- the Lord is
19 speaking, saying that He would prefer you to be
20 in the left or in the right, but those in the
21 center he hate.

22 And when I hear Senator Stavisky
23 saying I personally don't like violence and
24 don't like those kind of sports, but I will not
25 put my personal opinion, my personal preference,

1 so I vote yes -- that's what she said -- and I
2 hear politicians, elected officials saying, I
3 don't like this personally but I don't want to
4 impose my personal preference -- you know,
5 you've got to stand for something in this life.
6 You get elected, you should be -- you've got to
7 stand for something. I like it or I don't like
8 it.

9 But when you say, I don't like it
10 but I -- this is something so -- that I -- you
11 know, make me -- so please, stand for something.
12 Be somebody. Forget about all those groups that
13 are always trying to manipulate, manipulate you,
14 or those PR companies. What's the name of the
15 PR company? Yeah, those PR lobbyists. Forget
16 about those things.

17 So I don't like this kind of sport.
18 It's dangerous, it's vicious, it's something
19 that human beings should not be put to. And
20 because this is my opinion, because I don't like
21 it, because I feel it is outrageous to support
22 this kind of business, I am voting no. Proudly,
23 loudly, definitely no.

24 Thank you.

25 ACTING PRESIDENT SAVINO: Senator

1 Díaz to be recorded in the negative.

2 Are there any other members wishing
3 to explain their vote?

4 Senator Kennedy.

5 SENATOR KENNEDY: Thank you very
6 much, Madam President.

7 This is the fourth year in a row
8 that we are passing this legislation in these
9 chambers. The time to move on this legislation
10 is now. It's about time.

11 You know, we're watching the rest
12 of the nation benefit from this sport, this
13 highly regulated, highly popular sport. And
14 this is something that New York State needs to
15 act on with some immediacy. We only have
16 several weeks left in this legislative session.
17 And I'm proud that we've moved this with some
18 expediency through this legislative process.

19 You know, I was actually in
20 California visiting my brother, who's a border
21 patrolman in San Diego, and it was the night of
22 an MMA fight. And we were out in the street
23 watching people pour into the local restaurants
24 and taverns, literally. I said, "Where's
25 everybody going?" And people were running into

1 these taverns, these bars, these restaurants.

2 And he said, "Well, there's a big fight
3 tonight."

4 And, you know, I want them running
5 into the taverns and the bars and the
6 restaurants in Buffalo and Cheektowaga and
7 Lackawanna and Western New York, and Rochester,
8 Syracuse, Albany, New York City. You know, I
9 want the tens of millions of dollars that are
10 going to come to our economy because we made the
11 right decision in this chamber and the Assembly
12 follows suit and we sign this into law.

13 Every other state in the nation is
14 doing it. It's high time New York State act.
15 And I proudly vote in the affirmative.

16 Thank you, Madam President.

17 ACTING PRESIDENT SAVINO: Senator
18 Kennedy to be recorded in the affirmative.

19 Senator Stavisky to explain her
20 vote.

21 SENATOR STAVISKY: No, I just want
22 to explain my vote to my colleague.

23 (Laughter.)

24 SENATOR STAVISKY: Let me be very
25 clear. I do not like violence in sports, but I

1 don't think we're about to ban hockey or
2 football or any of the other sports that attract
3 widespread attention.

4 Secondly, I think there are
5 sufficient controls to make sure that it becomes
6 no more violent than the other sports. And that
7 is the reason why I am voting in the
8 affirmative.

9 ACTING PRESIDENT SAVINO: Senator
10 Stavisky to be recorded in the affirmative.

11 Are there any other members wishing
12 to explain their votes?

13 Seeing none, announce the results.

14 THE SECRETARY: In relation to
15 Calendar 422, those recorded in the negative are
16 Senators Bonacic, Breslin, Díaz, Felder, Gipson,
17 Hoylman, Krueger, Lanza, LaValle, Marcellino,
18 Montgomery, Perkins, Sanders, Savino,
19 Stewart-Cousins, Tkaczyk, and Young.

20 Ayes, 43. Nays, 17.

21 ACTING PRESIDENT SAVINO: The bill
22 is passed.

23 Senator Libous, that completes the
24 reading of the controversial calendar.

25 SENATOR LIBOUS: Yes, Madam

1 President. Is there any further business at the
2 desk?

3 ACTING PRESIDENT SAVINO: There is
4 no further business at the desk.

5 SENATOR LIBOUS: There being no
6 further business, I move that the Senate adjourn
7 until Wednesday, May 14th, at 10:00 a.m.

8 But if I should have the
9 opportunity here before everybody runs out, the
10 sooner folks get here at 10:00 and get checked
11 in, the sooner we can move along. So let's get
12 checked in so we have folks here and we'll move
13 along nicely.

14 ACTING PRESIDENT SAVINO: On
15 motion, the Senate stands adjourned until
16 tomorrow, May 14th, at 10:00 a.m.

17 And I would ask everyone to please
18 proceed to the Legislative Office Building for
19 the Women of Distinction event.

20 Senate stands adjourned.

21 (Whereupon, at 5:25 p.m., the
22 Senate adjourned.)

23

24

25