NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:23 p.m.

REGULAR SESSION

SENATOR DIANE SAVINO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

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

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

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

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

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

ACTING PRESIDENT SAVINO: The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

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

ACTING PRESIDENT SAVINO: So ordered.

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

ACTING PRESIDENT SAVINO: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

On behalf of Senator Seward, please

place a sponsor's star on Calendar Number 512.

ACTING PRESIDENT SAVINO: So ordered.

Senator Libous.

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

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

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

SENATOR LIBOUS: Thank you, Madam President.

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

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

ACTING PRESIDENT SAVINO: The Secretary will read.

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

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

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

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

across all aspects of society; and

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

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

Theresa M. Reichel, Lee Roberts, Beatrice Ruberto, Meghan Izzo Russo, Mary Anne Sears, Shirley Seney, Esmeralda Simmons, Pat Singer, Margaret Skinner, Luader Smith, Lauren R. Snyder, Geri Spino, Barbara Sush, Alana Sweeny, Irma Waldo, M.D., Rose Marie Walker, Mary Whittier, Patricia Williams, and Judy Zangwill as 2014 New York State Senate Women of Distinction, to be celebrated on Tuesday, May 13, 2014, at the Annual Women of Distinction Awards Ceremony in The Well of the Legislative Office Building; and

"WHEREAS, Women have become part of New York's lasting heritage by fighting against stereotypes, prejudice, and seemingly insurmountable obstacles; and

"WHEREAS, From the women's suffrage movement just over 150 years ago to the present day, women have played and continue to play a crucial role in adding strength, understanding, and inspiration to the diversity and quality of life of the people of the State of New York; and

"WHEREAS, New York State has been, and continues to be, the home to many distinguished women who have made their mark in history as pioneers in their field, therefore

laying the foundation for women after them to succeed; and

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

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

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

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

ACTING PRESIDENT SAVINO: Senator

Klein.

SENATOR KLEIN: Thank you, Madam President.

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

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Madam President.

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

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

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

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

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

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

Thank you so much.

ACTING PRESIDENT SAVINO: Senator Little.

SENATOR LITTLE: Thank you, Madam President.

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

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Smith.

SENATOR SMITH: Thank you very much, Madam President.

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

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

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

And the tragedy of what is going on

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

God bless you.

ACTING PRESIDENT SAVINO: Thank you, Senator Smith.

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

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

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

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

ACTING PRESIDENT SAVINO: The Secretary will read.

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

ACTING PRESIDENT SAVINO: Senator Carlucci.

SENATOR CARLUCCI: Thank you, Madam President.

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

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

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

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

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

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

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

traumatic brain injury.

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

ACTING PRESIDENT SAVINO: Excuse me, Senator Carlucci.

Could we have some quiet in the chamber, please.

SENATOR CARLUCCI: Thank you, Madam President.

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

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

So thank you, Josephine.

(Standing ovation.)

ACTING PRESIDENT SAVINO: Thank you.

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

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

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: We adopted that one twice.

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

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

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

Senator Libous.

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

ACTING PRESIDENT SAVINO: The Secretary will read.

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

ACTING PRESIDENT SAVINO: Senator Kennedy.

SENATOR KENNEDY: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Thank you, Senator Kennedy.

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

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The resolution is adopted.

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

Senator Libous.

SENATOR LIBOUS: Madam President, thank you.

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

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

ACTING PRESIDENT SAVINO: The Secretary will read.

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

ACTING PRESIDENT SAVINO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

She grew up in Harlem, and I thought

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

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The resolution is adopted.

Senator Libous.

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

ACTING PRESIDENT SAVINO: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AARP; and

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

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

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator

Gipson on the resolution.

SENATOR GIPSON: Thank you, Madam President.

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

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

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

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

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

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

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

Thank you.

(Applause.)

ACTING PRESIDENT SAVINO: Thank you, Senator Gipson.

This resolution was previously adopted on March 18, 2014.

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

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

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

ACTING PRESIDENT SAVINO: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Kennedy.

SENATOR KENNEDY: Thank you,

Madam President.

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

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

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

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

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

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

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

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

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

Congratulations.

(Applause.)

ACTING PRESIDENT SAVINO: Thank you, Senator Kennedy.

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

This resolution was previously adopted on March 27th.

Senator Libous.

SENATOR LIBOUS: Madam President, how are you?

ACTING PRESIDENT SAVINO: I am fine.

SENATOR LIBOUS: Could we return to motions and resolutions.

ACTING PRESIDENT SAVINO: We can.

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

ACTING PRESIDENT SAVINO: So

ordered.

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

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

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

The Secretary will read.

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

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

ACTING PRESIDENT SAVINO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you.

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

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

in this position.

Thank you.

ACTING PRESIDENT SAVINO: Senator Marchione.

SENATOR MARCHIONE: Thank you, Madam President.

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

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

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

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

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

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

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

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

honors graduate of Albany Law School.

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

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

Thank you.

ACTING PRESIDENT SAVINO: Thank you, Senator Marchione.

Senator Farley on the nomination.

SENATOR FARLEY: Thank you, Madam President.

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

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

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

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

ACTING PRESIDENT SAVINO: Thank you, Senator Farley.

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

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

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

Congratulations.

(Applause.)

ACTING PRESIDENT SAVINO: The Secretary will read.

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

ACTING PRESIDENT SAVINO: Senator DeFrancisco.

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

ACTING PRESIDENT SAVINO: Senator Little on the nominations.

SENATOR LITTLE: Thank you, Madam President.

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

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

Karen Feldman is one of the

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

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

Thank you.

ACTING PRESIDENT SAVINO: Thank you, Senator Little.

Senator Farley on the nominations.

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

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

so forth, has really enlivened that area.

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

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

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Thank you, Senator Farley.

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

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

All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

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

Senator Libous.

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

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

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

ACTING PRESIDENT SAVINO: Read the last section.

THE SECRETARY: Section 3 --

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT SAVINO: The bill is laid aside.

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

Act.

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce

the results.

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

Ayes, 50. Nays, 10.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

ACTING PRESIDENT SAVINO: The bill

is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Senator Squadron to explain your vote.

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

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

I want to thank Senator Golden, with

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

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

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

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

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

I'll be voting aye, Madam President.

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

Senator Peralta to explain his vote.

SENATOR PERALTA: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

Senator Stavisky to explain her vote.

SENATOR STAVISKY: Thank you, Madam President.

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

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

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

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

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

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

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

Thank you.

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

Senator Sanders on the bill.

SENATOR SANDERS: Thank you, Madam President.

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

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

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

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

Thank you very much, Madam President.

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

Senator Golden to explain his vote.

SENATOR GOLDEN: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

Are there any other Senators wishing to explain their vote?

Seeing none, announce the results.

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

Ayes, 58. Nays, 2.

ACTING PRESIDENT SAVINO: The bill is passed.

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

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT SAVINO: The bill is passed.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT SAVINO: The bill is laid aside.

SENATOR LIBOUS: Lay the bill aside for the day.

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

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

to amend Chapter 912 of the Laws of 1920.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT SAVINO: The bill is laid aside.

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

SENATOR LIBOUS: Lay that aside, please.

ACTING PRESIDENT SAVINO: The bill is laid aside.

SENATOR GIANARIS: Lay it aside for the day.

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

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

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

The Secretary will read.

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

SENATOR KRUEGER: Explanation.

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

SENATOR CARLUCCI: Yes, thank you, Madam Chair.

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

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

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Krueger.

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

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT SAVINO: Senator Carlucci yields.

SENATOR KRUEGER: Thank you.

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

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

ACTING PRESIDENT SAVINO: Senator Carlucci.

SENATOR CARLUCCI: The answer is yes.

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

ACTING PRESIDENT SAVINO: Senator Carlucci.

SENATOR CARLUCCI: Yes, I'll yield.

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

SENATOR CARLUCCI: Yes.

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

SENATOR CARLUCCI: Yes, I'll yield.

ACTING PRESIDENT SAVINO: Senator Carlucci yields.

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

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

So if this bill were to become law,

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

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

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

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

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

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT SAVINO: Senator Carlucci yields.

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

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

facilities?

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

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

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

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

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT SAVINO: Senator Carlucci will yield.

SENATOR KRUEGER: Thank you.

Again, I think in the example I gave

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

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

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

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

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT SAVINO: Senator Carlucci yields.

SENATOR KRUEGER: Thank you.

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

petition for a change?

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

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

ACTING PRESIDENT SAVINO: Senator Carlucci, do you yield?

SENATOR CARLUCCI: Yes.

ACTING PRESIDENT SAVINO: Senator Carlucci yields.

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Krueger on the bill.

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

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

is that it sets up probably an impossible scenario.

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

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

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

business or entity.

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

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

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

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

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

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

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

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

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

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

Thank you, Madam President.

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

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

Senator Gianaris.

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

(Applause.)

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

(Laughter.)

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

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

Ayes, 45. Nays, 15.

ACTING PRESIDENT SAVINO: The bill is passed.

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

SENATOR KRUEGER: Explanation.

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

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

Senator Krueger has asked for an explanation, Senator Griffo.

SENATOR GRIFFO: Thank you, Madam President.

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

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

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

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

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

few questions.

ACTING PRESIDENT SAVINO: Senator Griffo, do you yield?

SENATOR GRIFFO: I will.

ACTING PRESIDENT SAVINO: Senator Griffo yields.

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

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

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

ACTING PRESIDENT SAVINO: Senator Griffo, do you yield?

SENATOR GRIFFO: I do.

ACTING PRESIDENT SAVINO: Senator Griffo yields.

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

clarify the two new changes?

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

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

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

ACTING PRESIDENT SAVINO: Senator Griffo, do you yield?

SENATOR GRIFFO: Sure.

ACTING PRESIDENT SAVINO: Senator Griffo yields.

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

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

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

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

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

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

ACTING PRESIDENT SAVINO: Senator Griffo, do you yield?

SENATOR GRIFFO: Yes.

ACTING PRESIDENT SAVINO: Senator Griffo yields.

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

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

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

ACTING PRESIDENT SAVINO: Senator Griffo.

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

Association or Major League Baseball.

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

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

ACTING PRESIDENT SAVINO: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

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

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

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

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

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

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

That compares to the rates found in

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

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

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

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

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

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

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

So yes, if I was able to convince my

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

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

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

I vote no. Thank you.

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

Senator Griffo.

SENATOR GRIFFO: Madam President, briefly.

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

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

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

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

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

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

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Hoylman on the bill.

SENATOR HOYLMAN: Thank you, Madam President.

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

I wanted to point out -- and I know

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

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

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

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

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

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

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

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

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

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

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

So I'll be voting no. Thank you.

ACTING PRESIDENT SAVINO: Senator Parker on the bill.

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

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

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

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

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

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

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

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

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

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

But that's not what we're doing

here. We are simply discriminating against one sport.

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

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

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

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

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

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

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

Thank you, Madam President.

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

Senator Stavisky on the bill.

SENATOR STAVISKY: Thank you. On the bill.

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

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

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

The Secretary will ring the bells.

Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Senator Robach to explain his vote.

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

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

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

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

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

Thank you, Madam President.

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

Senator Zeldin to explain his vote.

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

For anyone who might be concerned

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

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

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

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

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

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

I vote aye.

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

Senator Díaz to explain his vote.

SENATOR DIAZ: Thank you, Madam President.

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

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

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

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

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

Thank you.

ACTING PRESIDENT SAVINO: Senator

Díaz to be recorded in the negative.

Are there any other members wishing to explain their vote?

Senator Kennedy.

SENATOR KENNEDY: Thank you very much, Madam President.

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

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

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

these taverns, these bars, these restaurants. And he said, "Well, there's a big fight tonight."

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

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

Thank you, Madam President.

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

Senator Stavisky to explain her vote.

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

(Laughter.)

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

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

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

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

Are there any other members wishing to explain their votes?

Seeing none, announce the results.

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

Ayes, 43. Nays, 17.

ACTING PRESIDENT SAVINO: The bill is passed.

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

SENATOR LIBOUS: Yes, Madam

President. Is there any further business at the desk?

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

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

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

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

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

Senate stands adjourned.

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