NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 19, 2014

3:45 p.m.

REGULAR SESSION

SENATOR DAVID CARLUCCI, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT CARLUCCI: The Senate will come to order.

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

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

ACTING PRESIDENT CARLUCCI: To lead us in our invocation we are joined by the Reverend Peter G. Young, of Mother Teresa Community in Albany.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

Dear God, by Your love You have made a world where we have to become then neighbors to each other and we are enabled to love one another. And grant that we too may use then the Senate to strive toward a way of life in keeping with Your plan.

God, You have given us a marvelous of charity in the call to us to love one another. Send down Your blessing on these Senators who generously devote themselves to

helping others and those in New York State as citizens.

We want to remember one Catherine Abate, who served well in this house for many, many, many years and just died this past Saturday after a dedicated working opportunity for the Community Healthcare Network. May she remain in Your love now and forever.

Amen.

ACTING PRESIDENT CARLUCCI: The reading of the Journal.

THE SECRETARY: In Senate, Friday, May 16th, the Senate met pursuant to adjournment. The Journal of Thursday, May 15th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 35, Senator Young moves to discharge, from the Committee on Housing, Construction and Community Development, Assembly Bill Number 9360 and substitute it for the identical Senate Bill Number 6878, Third

Reading Calendar 380.

On page 37, Senator Bonacic moves to discharge, from the Committee on Judiciary, Assembly Bill Number 8972 and substitute it for the identical Senate Bill Number 7075, Third Reading Calendar 425.

ACTING PRESIDENT CARLUCCI: Substitutions ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Hannon.

SENATOR HANNON: Would you call on Senator Gianaris for some motions.

ACTING PRESIDENT CARLUCCI: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

On behalf of Senator Parker, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause:

Senate Bill Numbers 953 and 5433.

ACTING PRESIDENT CARLUCCI: So ordered.

Senator Hannon.

SENATOR HANNON: And Senator Valesky has motions.

SENATOR VALESKY: Thank you, Mr. President.

On behalf of Senator Klein, on page 42 I offer the following amendments to Calendar Number 489, Senate Print 2331A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT CARLUCCI: So ordered.

Senator Hannon.

SENATOR HANNON: Mr. President, I have the following motions.

On behalf of Senator Ranzenhofer, on page 34, Calendar Number 333, I offer the following amendments to Senate Print Number 6718 and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT CARLUCCI: So ordered.

SENATOR HANNON: Also, on behalf of Senator Golden, on page 36, Calendar 390, Senate Print Number 6757, I offer the following amendments and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT CARLUCCI: So ordered.

SENATOR HANNON: On behalf of Senator LaValle, on page 38, Calendar Number 432, Senate Print 5268, I offer the following amendments and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT CARLUCCI: So ordered.

SENATOR HANNON: On behalf of Senator Flanagan, page 38, Calendar Number 440, Senate Print Number 6854, I offer the following amendments and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT CARLUCCI: So ordered.

SENATOR HANNON: And finally, on behalf of Senator Farley, on page 52, Calendar 595, Senate Print Number 2932, I offer the following amendments and ask that the bill retain

its place on the Third Reading Calendar.

ACTING PRESIDENT CARLUCCI: So ordered.

Senator Hannon.

SENATOR HANNON: Mr. President, I'd like to ask if we could now take up a previously adopted resolution, Number 3569, by Senator Griffo, read it in its entirety, and ask Senator Griffo to speak on it.

ACTING PRESIDENT CARLUCCI: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3569, by Senator Griffo, honoring Olympian Erin Hamlin of Remsen, New York, upon the occasion of capturing the Bronze Medal in Women's Singles Luge at the 2014 Winter Olympic Games in Sochi.

"WHEREAS, It is the sense of this Legislative Body to extend its full recognition and grateful tribute to the outstanding athletes of New York state who have dedicated their purposeful lives to athletic achievement and proudly represented their great state and nation in Olympic competition; and

"WHEREAS, Attendant to such concern,

and in full accord with its long-standing traditions, this Legislative Body is justly proud to join the community of Remsen, New York, in honoring Olympian Erin Hamlin upon the occasion of capturing the Bronze Medal in Women's Singles Luge at the 2014 Winter Olympic Games in Sochi; and

"WHEREAS, On February 11, 2014, Erin Hamlin, a native of Remsen, New York, set a blistering pace during the Women's Singles Luge competition at the Sanki Sliding Center in Krasnaya Polyana, Russia, opening the race with the second fastest heat, and then turning in the third fastest times in each of the remaining legs to complete the race with a four-run total time of 3 minutes, 21.145 seconds -- fast enough to claim a long-coveted spot on the Olympic podium; and

"WHEREAS, Erin Hamlin's Bronze Medal victory has made United States and Olympic Games history; it marks the first time any American singles luge athlete has earned a medal in the 50 years since luge became part of the games; and

"WHEREAS, A woman of great skill, personal courage and unparalleled dedication,

27-year-old Erin Hamlin has an extraordinary record of accomplishment in the luge; her character and athletic achievements are world-renowned; and

"WHEREAS, The most successful singles racer in United States Olympic history, Erin Hamlin is a three-time Olympian; she finished 12th in the women's singles event at the 2006 Winter Olympics in Turin, Italy, and she was selected in December 2009 to compete at the 2010 Winter Olympics in Vancouver, Canada, where she placed 16th in the luge competition, coming in as the highest-placed American in the event; and

"WHEREAS, In February 2009 she became the first American to win the Women's Luge World Championships in Lake Placid, New York, and the second American to ever win a medal in luging; and

"WHEREAS, Erin Hamlin is a two-time Verizon United States Junior Women's Singles National Champion, and the 2008 Verizon Women's United States National Champion; she has also won three World Cup bronze medals, as well as gold, silver and bronze World Cup medals in team relay; and

"WHEREAS, The daughter of Eileen and Ronald Hamlin, Erin Hamlin began her luge career at the age of 12 in Lake Placid, New York, on the same track where she earned her world title; and

"WHEREAS, In winning the Bronze Medal at the 2014 Winter Olympics, Erin Hamlin has not only brought honor to her family, her coaches, and her community of friends, she has inspired the next generation of athletes to break barriers and push beyond their perceived limits to reach for excellence; and

"WHEREAS, Many will only dream of competing in the Olympic Games; this gifted athlete from this great Empire State, through hard work and a tenacious spirit, has made that dream a reality; she has proudly represented her country in competition among the world's finest athletes, an honor that gives just cause for her family, community and state to be exceedingly proud of her athletic achievements; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Olympian Erin Hamlin upon the occasion of capturing a Bronze Medal in Women's Singles Luge at the 2014

Winter Olympic Games in Sochi, to extend its heartfelt congratulations on her outstanding accomplishment, and to wish her continued success; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Erin Hamlin."

ACTING PRESIDENT CARLUCCI: Senator Griffo on the resolution.

SENATOR GRIFFO: Thank you, Mr. President.

I am very honored to have with us in this chamber today Erin Hamlin and her dad, Ron.

She is truly an extraordinary person. You heard throughout the resolution of the many things that she has been able to accomplish in her very young life. We are extremely proud of her in her home community in Oneida County in the town and village of Remsen. She is just an individual who has proven throughout her career that when you believe in something and you are truly determined and make that commitment to excellence, that you can succeed.

I think you heard the many

accomplishments, the several gold, silver and bronze medals that she has been able to get through World Cup competition from 2006 to 2011, a three-time Olympian across this globe. But I'll tell you, one of the -- and the greatest accomplishment this year to have her win the Bronze Medal to become the first American to win an Olympic medal in singles luge. That is extraordinary.

But because of this achievement, I think something else that shows you the caliber of this young lady. Erin also won the honor of being named this year's Best Female Olympian by the United States Olympic Committee. So of all the great athletes who participated in this year's Olympics that represented our great country, we are so proud that Erin, by the committee and her fellow Olympians, they chose her as the Best Female Olympian. And we're so proud of that.

It's a sport that's dominated by Australians and Germans, but Erin proved that an American is not only able to compete in this sport but also to achieve the results and the great recognition that she did because of her

talents in winning a medal.

And those feats have not ended with this Olympic medal that she's received. Again, to show you the type of individual she is -- and she's been raised by a great family, with her parents -- again, Ron, who is with us, and her mom, Eileen, who could not be here today -- grandparents on both sides.

I know grandfather Les is a member of the county legislature, Oneida County. And she also kept the memory of her other grandmother who passed away this year, just before, in a tragic accident in our area. And she made a commitment and kept her in her memory as she competed throughout this Olympic cycle.

So Erin continues to give back to the community. And that's what's so important. Not only is she in demand right now, and it's so difficult to try to arrange to get her to appear here -- but we're so pleased that she was able to come here, because we wanted to bestow this type of honor and recognition on her. But she is giving commencement addresses and speaking to chamber organizations.

But the most important thing is she

is continuing to interact with children and continuing to serve as a role model to young people across not only this state but across the nation. And she she's very involved in an effort called City Kids, which provides educational and motivational support to middle and high school students living in New York City.

So she has really given of herself in so many ways, not unseen or unheard of from people in our community, because we know she comes from good stock. But she has been a great example of a person who, when blessed with talent and when making that commitment to excel, also then gives back and contributes to her community.

So today it's a pleasure to be with you, Erin, to have you come here to this chamber for us to bestow this honor upon you. We thank you for your hard work. We thank you for your continued contributions and service to our community. We wish you continued success in life because you've got it all ahead of you.

And we wish you God's blessing and Godspeed.

I give you Erin Hamlin.

(Standing ovation.)

ACTING PRESIDENT CARLUCCI: Thank you, Senator Griffo.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I had the good fortune of meeting Erin at the St. Patrick's Day Parade in Old Forge, where she was the star, and was so impressed with this young woman and the remarkable accomplishment that she did in winning the Bronze Medal in the Olympics.

You know, she goes headfirst in a million miles an hour luge, and as she won that event I was thrilled because I was sure she was my constituent, because she only lives a few hundred yards, actually, over in Oneida County. And her uncle I believe lives in the town of Russia right across the way. And I thought that she may have been my constituent for a few hours; then I find out she's with Senator Griffo.

But anyway, what a remarkable accomplishment you did for the United States, and the courage that this young woman has done, particularly the training that goes into this and the practice and so forth. And to come from the

small town of Remsen in upstate New York, where you must go down that hill into Utica, that's how you get your training.

But anyway, Erin is a remarkable young woman who really did proud for our area. And we welcome you here, and congratulations to you and your family.

ACTING PRESIDENT CARLUCCI: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

I would like to join Senator Griffo and Senator Farley in congratulating Erin and taking a little bit of credit, as she has a second home, kind of, in Lake Placid. Certainly she has been able to train in Lake Placid.

And very, very proud of her achievements, but also proud of the person that she is. As Senator Griffo said, she's not only an excellent athlete with tremendous perseverance and dedication to her sport, but she is a role model for other athletes, particularly young women.

And I also want to acknowledge the fact that through the New York State Olympic

Regional Development Authority, New York State -- and we should all be proud of this -- has invested a great deal of money in the bobsled, luge and skeleton runs, and the venues in Lake Placid. Many of them were built -- a couple for the 1932 Olympics, but obviously upgraded -- for the 1980 Olympics.

But because the state has continued to invest in those venues, we have athletes like Erin who will come up, practice, compete. We have many World Cup races that take place there. And we can all be proud of New York's investment, and also very proud of New York State's athlete.

Congratulations, Erin.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Little.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, it is an incredible list of accomplishments that have been outlined by previous speakers.

The only thing that surprises me is that you're not from Syracuse. Because we bring so many great athletes here from Syracuse that there must have been something that went wrong on the way to this particular area of the state.

But in any event, I want to pick up on something that Senator Little just said. You know, if there's anything we all need nowadays, it's role models. And we can't pick up the paper or turn on the TV or do anything without hearing about somebody doing some incredibly foolish thing or criminal thing or something that embarrasses everybody. But those seem to get that kind of publicity and that kind of attention by the media.

This is truly what young people need -- old people need as well -- people that we can look up to as doing the right thing, working as hard as you have to work, and even more than that, to accomplish a goal.

So thank you very much for what you've done for all of us in New York State and actually throughout the country.

ACTING PRESIDENT CARLUCCI: Thank you, Senator DeFrancisco.

This resolution was previously adopted on February 27th of this year.

Thank you, Erin.

Senator Hannon.

SENATOR HANNON: Mr. President, I'd

ask if we could call on Senator Tkaczyk in regard to some previously adopted resolutions: 3405, 3804, 4872. If you'd just read the title of those and then call on Senator Tkaczyk.

ACTING PRESIDENT CARLUCCI: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3405, by Senator Tkaczyk, honoring Coach Ken Benton upon the occasion of his retirement as wrestling coach at Amsterdam High School after all 21 years of distinguished service.

Legislative Resolution Number 3804, by Senator Tkaczyk, congratulating Amsterdam High School wrestler Brandon Lapi upon the occasion of capturing the New York State Public High School Athletic Association Division I Wrestling Championship on Saturday, March 1, 2014.

And Legislative Resolution Number 4872, by Senator Tkaczyk, honoring Coach Todd Jones upon the occasion of his retirement after 37 years of distinguished service as the wrestling coach and athletic director at Canajoharie High School.

ACTING PRESIDENT CARLUCCI: Senator

Tkaczyk.

SENATOR TKACZYK: Thank you, Mr. President.

Many people may know that in my district this year we had three outstanding coaches who taught wrestling retire. These men had very long and distinguished careers, and they focused not only on teaching the wrestlers how to be great athletes but also how to be great individuals and citizens. All of the students these gentlemen came in contact with are winners.

We're also joined by an outstanding young athlete, Brandon Lapi, who wrestled for Amsterdam High School and finished his amazing high school career with more than 260 victories and five Section II titles. And in the final match of his high school career, he won the Division I 138-pound title match to become State Wrestling Champ. He was also selected the Division I Most Outstanding Wrestler.

His coach is Amsterdam High School Coach Ken Benton, who announced at the end of the season that this would be his last. Unfortunately, Ken could not be with us today, but his achievements are noted in the resolution

we passed previously. Ken began teaching at Amsterdam High School in 1993 and saw his team win 334 matches and nine consecutive Big 10 titles.

Also with us today is Coach Todd Jones. I know he's up there. If you could stand, that would be great.

He served as wrestling coach and athletic director at Canajoharie for 37 years. Under Coach Jones' leadership, the Canajoharie High School Wrestling Team had dozens of Section II finalists, more than 300 varsity wins, three trips to the State Tournament. He was honored a few years back when the school's wrestling room was named the Todd Jones Wrestling Facility.

In addition to his and his team's many athletic achievements, this year his wrestling team was honored by the New York State Public High School Athletic Association as Scholar-Athlete Team Award winners. Their team grade average is 92.

Also with us today, I am very proud to announce, is someone who's teaching wrestling at Duanesburg, my home school. Joe Benna is retiring after 48 years as coach. Not only did

he coach at Duanesburg, he also coached at Newburgh Free Academy and Niskayuna.

He compiled 673 victories, the most of any coach in the entire state. He's mentored Olympic medal winners, College All-Americans, and New York State champions. I want to tell you about two of them.

One of Coach Benna's wrestlers is Nick Gwiazdowski. He was a two-time New York State titlist who graduated from Duanesburg in 2011. This year, wrestling for North Carolina, Nick became Section II's first NCAA champion with an upset victory over the two-time defending champion.

Another one of Coach Benna's wrestlers at Duanesburg was Amy Whitbeck. She made New York State history when she became the first female wrestler to win a sectional championship. And she wrestled in a New York State high school championship.

Amy was also a member of the 2006 United States Female Junior Olympic Wrestling Team and was rated 5th in the world during the Beijing Junior Olympics in 2006.

Brandon Lapi is a winner. But these

coaches taught so many winners. All of the students they taught learned so much more about life. Coach Benna even taught my son. He believed he could be an Olympic champion. That was the start, getting these kids to believe in themselves and work on being productive citizens.

Please join me in welcoming these great athletes and extraordinary coaches who are such a wonderful example to our young people. And join me in thanking them for all the work that they've done and the lives that they've touched.

Please stand.

(Standing ovation.)

SENATOR TKACZYK: I would add that they're joined by some family, friends, and sons and a grandson. And I know their families are all very, very proud of them and look forward to the time that they now will have off. But I'm sure they will continue to be busy.

Thank you all so much for what you've done.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Tkaczyk.

Senator Farley on the resolutions.

SENATOR FARLEY: Yes, thank you, Mr. President.

I rise to salute the honorees, but I particularly want to mention one in Joe Benna, who's an absolute icon as a wrestling coach.

He was a neighbor of mine, just lived just a few yards away on the same street for many years until he moved to the high-rent district in Duanesburg.

And Coach Benna coached so many champions in Niskayuna, it was unbelievable the job that he did for wrestling. He's absolutely been beloved by his students and everybody that ever served under him.

Coach Benna is a remarkable man in that he's a fighter and has had some health issues which he won't surrender on. He certainly is beloved in this whole Capital Area with all the champions that he has coached.

And I rise to salute him and of course the other honorees also for what they've done. We have become a wrestling area for the entire State of New York.

My best wishes, Joe, and to your family.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Farley.

These resolutions were previously adopted earlier this year.

Senator Hannon.

SENATOR HANNON: Mr. President, I was going to call upon Senator Ball and ask if he could make comments on a resolution, but he's again left the chamber. So we're going to have to move on.

Mr. President, if you would ask Senator Ball or recognize him to comment on the previously adopted Resolution 2719, after the title is read.

ACTING PRESIDENT CARLUCCI: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 2719, by Senator Ball, paying tribute to Firefighter Ryan Blackwell, in recognition of his prompt and heroic actions on September 14, 2013.

ACTING PRESIDENT CARLUCCI: Senator Ball on the resolution.

SENATOR BALL: It's an extreme honor to be here today and have behind me Ryan

Blackwell, with FDNY, his mother, Jane, and his girlfriend Elana Molina.

I want to read a little bit from a local newspaper article about what happened in September of last year.

"One person has died after a fire broke out Saturday morning inside an apartment in the Bronxwood section of the Bronx. However, the fire could have much worse if it were not for a rookie firefighter" -- Ryan, and his valiant efforts -- "who had just four months on the job."

"A mother and her wheelchair-bound son became trapped by flames and thick smoke from the fire that started in the kitchen of their fifth-floor apartment on Colden Avenue. The heavy smoke also trapped neighbors."

"Firefighters from Engine Company 62 rushed into the deadly apartment fire to try and rescue the disabled son and his mother."

"Rookie firefighter Ryan Blackwell, who had only four months on the job, found the mother on a hallway floor and pulled her to safety."

Ryan says that he just did what he was trained to do. And of course we would expect

Ryan to say no less, because that's the same thing that special forces troops do and combat troops, FDNY, and the bravest amongst us that fight for us every single day. You know, it's so easy to forget those men and women in public service until we really need them.

Ryan's father, Christopher Blackwell died on 9/11 undergoing similar heroic efforts.

So from me and I know this entire chamber, Ryan, and to a very proud family, thank you for fulfilling a lifetime of public service. Thank God you made it out alive. And we hope that you continue to do great things and stay safe.

God bless you, and thank you for being here.

(Standing ovation.)

ACTING PRESIDENT CARLUCCI: Senator Hassell-Thompson on the resolution.

SENATOR HASSELL-THOMPSON: Thank you. That means you'll all have to stand again.

I rise, Mr. President, to applaud Senator Ball for his recognition, but more to congratulate you, on behalf of the residents of the Bronxwood section of the Bronx, for your

courageous efforts.

And as the representative for that district, I did not have the opportunity to know who you were, but I am very proud to stand with Senator Ball today to congratulate you and to thank you on behalf of my residents for your act of bravery.

I thought about the fact that you were a brand-new firefighter. And I thought about a young man that I met very briefly when he had just finished the academy and he was trying very, very hard to get the points necessary. And his mother introduced me to him to give him a letter of reference. And that young man, like you, very brand new too, so new that his badge was still very shiny and gleaming, was one of those that ran into the building at 9/11 and never returned.

You returned. But I know that the work that you do is so extraordinary, and it's not the kind of thing that most of us would ever do. We run in the other direction. You run to, into danger. And we thank you and we commend you for your act of heroism.

Even though you think you were just

doing your job, believe me, we are all very grateful for what you do, you and all of your fellow officers. So I thank you for that.

Thank you, Mr. President.

(Applause.)

ACTING PRESIDENT CARLUCCI: This resolution was previously adopted on January 14, 2014.

And thank you, Ryan, for your commitment to the people of New York State.

Senator Hannon.

SENATOR HANNON: May we now proceed to having the noncontroversial reading of the calendar.

ACTING PRESIDENT CARLUCCI: The Secretary will read.

THE SECRETARY: Calendar Number 31, by Senator Hannon, Senate Print 5537A, an act to amend the Public Health Law.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 68, by Senator Maziarz, Senate Print 3977, an act to amend Chapter 631 of the Laws of 2008.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 150, by Senator Seward, Senate Print 6545A, an act to amend the Insurance Law.

ACTING PRESIDENT CARLUCCI: Read

the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 241, by Senator Seward, Senate Print 6526A, an act to amend the Insurance Law.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 57. Nays, 1. Senator Krueger recorded in the negative.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 260, by Senator Flanagan, Senate Print 5358, an act to amend the Education Law.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: In relation to Calendar 260, those recorded in the negative are Senators Avella, Carlucci, Gianaris, Hassell-Thompson, Hoylman, Krueger, Parker, Perkins, Rivera, Serrano, Squadron and Stavisky.

Ayes, 46. Nays, 12.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 380, substituted earlier by Member of the Assembly Wright, Assembly Print Number 9360, an

act to amend Chapter 253 of the Laws of 2004.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 425, substituted earlier by Member of the Assembly Hennessey, Assembly Print Number 8972, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI:

Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 445, by Senator Klein, Senate Print 6579A, an act to amend the Local Finance Law.

ACTING PRESIDENT CARLUCCI: Read the last section.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT CARLUCCI: The bill is laid aside.

THE SECRETARY: Calendar Number 449, by Senator Stewart-Cousins, Senate Print 6817, an act to amend the Local Finance Law.

ACTING PRESIDENT CARLUCCI: Read the last section.

SENATOR VALESKY: Lay it aside.

ACTING PRESIDENT CARLUCCI: The bill is laid aside.

THE SECRETARY: Calendar Number 460, by Senator Little, Senate Print 1358A, an act to amend the Penal Law.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 510, by Senator Gallivan, Senate Print 1698A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 518, by Senator Boyle, Senate Print 6828 --

SENATOR HANNON: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 529, by Senator Golden, Senate Print 1975, an act to amend the Executive Law.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 531, by Senator Young, Senate Print 2048, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT CARLUCCI: Read

the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 56. Nays, 2. Senators Dilan and Krueger recorded in the negative.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 534, by Senator Farley, Senate Print 2857B, an act to amend the Education Law.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 535, by Senator Martins, Senate Print 3141, an act to amend subpart F of part C of Chapter 97 of the Laws of 2011.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 544, by Senator Young, Senate Print 4338, an act to amend the General City Law.

ACTING PRESIDENT CARLUCCI: Read the last section.

THE SECRETARY: Section 10. This

act shall take effect on the first of July.

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 586, by Senator Maziarz, Senate Print --

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

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

THE SECRETARY: Calendar Number 610, by Senator Marchione, Senate Print 6934, an act to amend the Public Authorities Law.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 57. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 611, by Senator Larkin, Senate Print 7066, an act to amend Chapter 672 of the Laws of 1993.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 57. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 612, by Senator Marcellino, Senate Print 7105, an act to amend the Not-for-Profit Corporation Law.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

SENATOR HANNON: Mr. President, could we now take up the controversial calendar.

ACTING PRESIDENT CARLUCCI: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 445, by Senator Klein, Senate Print 6579A, an act to amend the Local Finance Law.

SENATOR KRUEGER: Explanation.

SENATOR VALESKY: Lay the bill aside for the day.

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

THE SECRETARY: Calendar Number 449, by Senator Stewart-Cousins, Senate Print 6817, an act to amend the Local Finance Law.

SENATOR VALESKY: Explanation.

ACTING PRESIDENT CARLUCCI: Senator Valesky has requested an explanation.

(Pause.)

ACTING PRESIDENT CARLUCCI: Senator Krueger.

SENATOR KRUEGER: Thank you. In the absence of the sponsor, I am going to explain the bill.

This bill would allow two additional years for the City of Yonkers to keep the bond anticipation notes issued during calendar years 2010 and 2011.

Originally this was passed unanimously by both the Senate on 5/30/12 and also by the Assembly on 5/30/12. And this would allow the municipality to keep its BANs for an additional two years where, because of the cost of the bond market, they are only paying a .30 interest rate on the BANs now. And if they were

to go to the bond market, it would cost them two and a half to three times in interest what they are currently paying.

SENATOR VALESKY: Mr. President.

ACTING PRESIDENT CARLUCCI: Senator Valesky.

SENATOR VALESKY: Would Senator Krueger yield for questions?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT CARLUCCI: The Senator yields.

SENATOR VALESKY: Mr. President, does this bill apply only to the City of Yonkers?

ACTING PRESIDENT CARLUCCI: Senator Krueger.

SENATOR KRUEGER: Excuse me, my mistake. I spoke incorrectly on the sponsor's bill.

No, it is a statewide option.

ACTING PRESIDENT CARLUCCI: Senator Valesky.

SENATOR VALESKY: Mr. President, would Senator Krueger continue to yield?

ACTING PRESIDENT CARLUCCI: The Senator yields.

SENATOR VALESKY: The original law in 2010, I believe you had indicated in your explanation, was the original law a request of a specific municipality?

ACTING PRESIDENT CARLUCCI: Senator Krueger.

SENATOR KRUEGER: One second.

In 2010, originally, it was asked for by NYCOM, the New York Conference of Mayors. And this year it has further been asked for and supported for an extension by the Westchester Municipal Officers Association.

ACTING PRESIDENT CARLUCCI: Senator Valesky.

SENATOR VALESKY: So if Senator Krueger would continue to yield, please.

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT CARLUCCI: The Senator yields.

SENATOR VALESKY: So just so I'm clear. So this extension, it is requested only by Westchester County and municipalities within the jurisdiction of Westchester County, or is it requested by all municipalities across the state?

ACTING PRESIDENT CARLUCCI: Senator

Krueger.

SENATOR KRUEGER: My understanding is that the Town of Ulster is particularly interested in the continuation and extension of this bill. And there's also been a survey of some other towns that could be interested in taking advantage of this, including, in my notes, the Town of Amherst.

ACTING PRESIDENT CARLUCCI: Senator Valesky.

SENATOR VALESKY: Mr. President, would Senator Krueger continue to yield.

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT CARLUCCI: The Senator yields.

SENATOR VALESKY: So this would be the second extension that we are being asked to vote on since the original law was approved in 2010. Was there any consideration of making the statute permanent, or is there a particular reason why we continue to do short-term extensions?

ACTING PRESIDENT CARLUCCI: Senator Krueger.

SENATOR KRUEGER: Excellent

question. Let me speak to counsel.

Through you, Mr. President. My understanding is that there might be an argument for a permanency, but that there's a concern by the Comptroller's office that they would actually like to see these towns get out of this system over time, and therefore we wouldn't want to necessarily make it a permanent system.

But I haven't asked the Comptroller personally today.

ACTING PRESIDENT CARLUCCI: Senator Valesky.

SENATOR VALESKY: Mr. President, would Senator Krueger continue to yield.

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT CARLUCCI: The Senator yields.

SENATOR VALESKY: Senator Krueger, I'm curious as to if we were not to pass this bill this session and not to do this extension, and this law were to expire, I'm just curious as to what the impact would be on the localities that requested this bill and, for that matter, all localities in the state, since this is a statewide bill.

ACTING PRESIDENT CARLUCCI: Senator Krueger.

SENATOR KRUEGER: Through you, Mr. President, it's my understanding if we do not offer them this extension option, they would have to pay back these BANs. So they would have to find the money to pay back this money, and likely go to the bond market to borrow what they just paid back.

The problem is, as the example I gave before, if you're paying .30 percent on current BANs, then you would have to retire them and go to the bond market to borrow to repay the money you'd be paying two and a half to three times the interest rate on the bonds that you need to retire the BAN debt, therefore costing the municipalities more money.

ACTING PRESIDENT CARLUCCI: Senator Valesky.

SENATOR VALESKY Mr. President, would Senator Krueger continue to yield.

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT CARLUCCI: The Senator yields.

SENATOR VALESKY: So is it Senator

Krueger's contention that costs for local governments, if we were not to pass this legislation, would increase? Is that a fair statement?

ACTING PRESIDENT CARLUCCI: Senator Krueger.

SENATOR KRUEGER: Yes. Through you, Mr. President, it is my understanding that the costs for these governments would increase if we didn't pass this.

ACTING PRESIDENT CARLUCCI: Senator Valesky.

SENATOR VALESKY: Mr. President, would Senator Krueger continue to yield.

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT CARLUCCI: The Senator yields.

SENATOR VALESKY: My understanding, Senator Krueger, is that in the original law there was a five-year rollover period and that this bill before us, I believe -- correct me if I'm wrong -- extends the rollover period from five to seven years. Is that correct?

And if so, what's the reason for the extension in that period of time?

ACTING PRESIDENT CARLUCCI: Senator Krueger.

SENATOR KRUEGER: I believe that the Senator is correct, this would extend for two more years a bill that originally was only for five years.

And the reason they're asking for the extension is because the economics of the bond market for these localities being so much more expensive than the current rate of the BANs they have out.

ACTING PRESIDENT CARLUCCI: Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

Thank you, Senator Krueger, for your responses.

SENATOR KRUEGER: Thank you.

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

Senator Stavisky.

SENATOR STAVISKY: Yes. Would Senator Krueger yield for a question?

SENATOR KRUEGER: Through you, Mr. President, certainly.

ACTING PRESIDENT CARLUCCI: The Senator yields.

SENATOR STAVISKY: Does the Senator remember we had a bond request from the City of Long Beach several months ago?

SENATOR KRUEGER: Yes, I do, Mr. President.

SENATOR STAVISKY: And does the Senator recall that there was already some indebtedness and we authorized another round of indebtedness to help the city?

ACTING PRESIDENT CARLUCCI: Senator Krueger.

SENATOR KRUEGER: Through you, I believe that was correct, Mr. President.

ACTING PRESIDENT CARLUCCI: Senator Stavisky.

SENATOR STAVISKY: And in fact so there is a precedent for doing this kind of legislation.

SENATOR KRUEGER: Through you, Mr. President, I think, without having done any research today, that there have been any number of precedents where we have allowed localities to extend out the timeline of both bonds, BANs and

repayments owed to the state.

So I do not think this concept is unprecedented, but I didn't do homework about any specific exact examples.

SENATOR STAVISKY: Thank you, Senator Krueger.

And in fact, the sponsor of that bill ironically was Senator Skelos, and Senator Libous had to get up and defend that bill. So I do see another similarity here.

Thank you, Mr. President.

ACTING PRESIDENT CARLUCCI: Thank you.

Are there any other members wishing to be heard?

Seeing none, the Secretary will ring the bell.

The Secretary will read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI:

Announce the result.

THE SECRETARY: Ayes, 56.

Absent from voting: Senators Espaillat and Montgomery.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

SENATOR HANNON: Could we have some order.

Mr. President, I would ask that we adjourn --

ACTING PRESIDENT CARLUCCI: Senator Hannon.

SENATOR HANNON: First of all, I presume there's no further business --

ACTING PRESIDENT CARLUCCI: Senator Hannon, we need to reannounce the result of the last bill.

THE SECRETARY: In relation to Calendar Number 449: Ayes, 55. Nays, 1. Senator Ball recorded in the negative.

Senators Espaillat and Montgomery absent from voting.

ACTING PRESIDENT CARLUCCI: The

bill is passed.

Senator Hannon, that completes the controversial reading of the calendar, and there is no further business before the desk.

SENATOR HANNON: All right. Then I would ask that we adjourn.

And I'd ask that we adjourn in the memory of our deceased former colleague, Catherine Abate, and do so until Tuesday, May 20th, at 3:00 p.m.

ACTING PRESIDENT CARLUCCI: On motion, we adjourn in memory of Senator Abate to Tuesday, May 20th, at 3:00 p.m.

(Whereupon, at 4:40 p.m., the Senate adjourned.)