

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 May 21, 2014

11 10:12 a.m.

12
13
14 REGULAR SESSION

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18 SENATOR TONY AVELLA, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

9 ACTING PRESIDENT AVELLA: In the
10 absence of clergy, may we please bow our heads
11 in a moment of silence.

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

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

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

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

23 Presentation of petitions.

24 Messages from the Assembly.

25 Messages from the Governor.

1 Reports of standing committees.
2 Reports of select committees.
3 Communications and reports from
4 state officers.

5 Motions and resolutions.

6 Senator Libous.

7 SENATOR LIBOUS: Motions and
8 resolutions, Mr. President?

9 ACTING PRESIDENT AVELLA: Yes.

10 SENATOR LIBOUS: I do have a motion
11 by Senator Young. On page 48, I offer the
12 following amendments to Calendar Number 622,
13 Senate Print 5855A, and ask that said bill retain
14 its place on the Third Reading Calendar.

15 ACTING PRESIDENT AVELLA: So
16 ordered.

17 SENATOR LIBOUS: Thank you,
18 Mr. President.

19 Oh, I have another one, by Senator
20 Hannon. On page 42, Calendar Number 561, Senate
21 Print 6562, and I ask that said bill retain its
22 place on the Third Reading Calendar.

23 ACTING PRESIDENT AVELLA: So
24 ordered.

25 SENATOR LIBOUS: I believe there's

1 a resolution at the desk that was previously
2 adopted, by Senator Bonacic, Number 5025. Could
3 I ask that you read it in its entirety and then
4 call on Senator Bonacic for a few words.

5 ACTING PRESIDENT AVELLA: The
6 Secretary will read.

7 THE SECRETARY: Legislative
8 Resolution Number 5025, by Senator Bonacic,
9 commending the Valedictorians, Salutatorians and
10 Honored Students of the 42nd Senate District, in
11 recognition of their outstanding accomplishments,
12 at a celebration to be held at the State Capitol
13 on May 21, 2014.

14 "WHEREAS, It is the sense of this
15 Legislative Body to act in accord with its
16 long-standing traditions, to honor the youth of
17 today -- the leaders of tomorrow -- whose
18 character and achievements exemplify the ideals
19 and values cherished by this great state and
20 nation; and

21 "WHEREAS, This Legislative Body is
22 justly proud to recognize and commend the high
23 achievements of these dedicated students in the
24 42nd Senate District on the occasion of a special
25 celebratory visit to the State Capitol in Albany,

1 New York, on Wednesday, May 21, 2014; at this
2 time the Valedictorians, Salutatorians and
3 Honored Students who have been selected by their
4 school leadership for outstanding community
5 service will receive special recognition from the
6 Senate in the Senate Chamber; lunch will be
7 served on the 3rd Floor Terrace of the
8 Legislative Office Building, followed by a tour
9 of the State Capitol; and

10 "WHEREAS, These Valedictorians,
11 Salutatorians and Honored Students represent the
12 best of developed potential inherent in our most
13 precious resource, our youth; their achievements
14 have brought enduring honor to their families and
15 communities and should be recognized and saluted;
16 and

17 "WHEREAS, The Valedictorians who are
18 being commended today for their outstanding
19 academic performances and exemplary achievements
20 include: Tyler Dugan, Cassandra Orr, Dayna
21 Herling, David Lonstein, Rafael Olan, Jr., Daniel
22 Collins, Charles Cerillo, Margaret Conley,
23 Nicole Irace, Nikolas Vanderhoof, Michael Wolek,
24 Nicholas Whittel, Katarina Manzi, Farrah Mills,
25 Megan Wells, Allison Davis, Jonathan Harned,

1 John Fullam, Alex Moliterno, Tara Fitzgerald,
2 Bradley Dreher, Travis Roeder, Alexandria Brooks,
3 Kristin Ott, Kelly Markisello, Heather Ogden,
4 Hannah Tucker; and

5 "WHEREAS, The Salutatorians who are
6 being commended today for their outstanding
7 academic performances and exemplary achievements
8 include: Sierra Bedient, Tiffany Leone, Koty
9 Kurtz, Asiyah Rahman, Adam Hurwitz, Alyssa
10 Kamrowski, Melissa Symanski, Brandon Sparkman,
11 Dulari Patel, Vanessa Santos, Megan Owens,
12 Tal Schwartz, Alexander Smith, Emma Spiegler,
13 Kimberlie Dusseldorp, Elliott Moran, Hauk Boyes,
14 Kristylynn Marina, David Baker, Joy Trimbell,
15 Nicholas Ruggeri; and

16 "WHEREAS, The Honored Students who
17 are being commended today and who have been
18 selected by their school leadership for
19 outstanding school or community service include:
20 Heleena Hilson, Julian Gottlieb, Nicholas
21 Vollano, Danielle Stratton, Beau Ressa,
22 Nery Campos, Rachel Barnhart, Lilly McCausland,
23 Megan Keating, Ryan Lamastro, Liam Fogarty,
24 Cody Franskevicc, Michael Murphy, Bridget
25 McKeever, William Farrell; and

1 "WHEREAS, These Valedictorians,
2 Salutatorians and Honored Students may now stand
3 with pride as they assess their achievements,
4 experience the satisfaction of their labors and
5 the joy of their accomplishments, eager to face
6 the new experiences of a challenging world; now,
7 therefore, be it

8 "RESOLVED, That this Legislative
9 Body pause in its deliberations to commend the
10 Valedictorians, Salutatorians and Honored
11 Students of the 42nd Senate District, in
12 recognition of their outstanding accomplishments,
13 at a celebration to be held at the State Capitol
14 on May 21, 2014; and be it further

15 "RESOLVED, That copies of this
16 resolution, suitably engrossed, be transmitted to
17 the aforementioned Valedictorians, Salutatorians
18 and Honored Students."

19 ACTING PRESIDENT AVELLA: Senator
20 Bonacic.

21 SENATOR BONACIC: Thank you,
22 Mr. President.

23 I rise with great pride today to
24 welcome our honored guests that are on both sides
25 of the gallery. We in the Senate, all of the

1 Senators, are very proud of what these
2 distinguished students have achieved.

3 This is the best of the best in our
4 Senate district. They are here today, about
5 125 people strong, with teachers,
6 superintendents, proud parents, and of course our
7 honored guests.

8 And what we have planned, we've
9 honored them with this Senate resolution so their
10 names will always be in the Senate minutes. We
11 have a program when we leave here, in one of the
12 hearing rooms, where we have distinguished
13 speakers from the University of New Paltz and
14 Sullivan County Community College, and our own
15 counsel Jessica Cherry, who had been a
16 valedictorian back in 2005 and now she serves as
17 counsel for the Judiciary Committee.

18 And what I would say to our honored
19 students is that we would hope that when you
20 continue your journey in life and you go on in
21 higher education in whatever profession you
22 choose, that you come back to New York, you come
23 back here to live, get married, raise your
24 children and work here. We still are the
25 greatest state in the country, and we need your

1 talent to keep us strong and to keep this nation
2 strong.

3 Congratulations, and thank you all
4 for being here.

5 Thank you, Mr. President.

6 (Standing ovation.)

7 ACTING PRESIDENT AVELLA: On behalf
8 of the Senate, I wish you well in your academic
9 achievements, welcome you to the Senate chamber,
10 and I know Senator Bonacic has a great day
11 planned for you. Congratulations.

12 This resolution was previously
13 adopted on 5/13/14.

14 Senator Libous.

15 SENATOR LIBOUS: Mr. President,
16 we're going to go to the noncontroversial list,
17 but I would ask members -- there's still one
18 other resolution that we need to do, but we need
19 to make sure that we can get that group into the
20 gallery. So we're going to do that after the
21 noncontroversial reading of the calendar.

22 So I would ask members, if they
23 could, to please stay for that resolution by
24 Senator DeFrancisco.

25 At this time we will take up the

1 reading of the noncontroversial calendar.

2 ACTING PRESIDENT AVELLA: The
3 Secretary will read.

4 THE SECRETARY: Calendar Number
5 200, by Senator Maziarz, Senate Print 6231A, an
6 act to amend the Correction Law.

7 ACTING PRESIDENT AVELLA: Read the
8 last section.

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

11 ACTING PRESIDENT AVELLA: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT AVELLA: Announce
15 the result.

16 THE SECRETARY: Ayes, 52. Nays, 1.
17 Senator Montgomery recorded in the negative.

18 ACTING PRESIDENT AVELLA: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 297, by Senator Grisanti, Senate Print 6393, an
22 act to amend the Vehicle and Traffic Law.

23 ACTING PRESIDENT AVELLA: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT AVELLA: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT AVELLA: Announce
6 the result.

7 THE SECRETARY: Ayes, 52. Nays, 1.
8 Senator Ball recorded in the negative.

9 ACTING PRESIDENT AVELLA: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 322, by Senator Martins, Senate Print 899A, an
13 act to amend the Election Law.

14 ACTING PRESIDENT AVELLA: Read the
15 last section.

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

18 ACTING PRESIDENT AVELLA: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT AVELLA: Announce
22 the result.

23 THE SECRETARY: Ayes, 53.

24 ACTING PRESIDENT AVELLA: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 323, by Senator Carlucci, Senate Print 3553A --

3 SENATOR SERRANO: Lay it aside.

4 ACTING PRESIDENT AVELLA: The bill
5 is laid aside.

6 THE SECRETARY: Calendar Number
7 451, by Senator Zeldin, Senate Print 6919A, an
8 act authorizing.

9 ACTING PRESIDENT AVELLA: Read the
10 last section.

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

13 ACTING PRESIDENT AVELLA: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT AVELLA: Announce
17 the result.

18 THE SECRETARY: Ayes, 52. Nays, 1.
19 Senator Bonacic recorded in the negative.

20 ACTING PRESIDENT AVELLA: The bill
21 is passed.

22 THE SECRETARY: Also Senator Larkin
23 recorded in the negative.

24 Ayes, 51. Nays, 2.

25 ACTING PRESIDENT AVELLA: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 455, by Senator Maziarz, Senate Print 6592, an
4 act to amend the State Technology Law.

5 ACTING PRESIDENT AVELLA: Read the
6 last section.

7 THE SECRETARY: Section 3. This
8 act shall take effect on the 90th day.

9 ACTING PRESIDENT AVELLA: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT AVELLA: Announce
13 the result.

14 THE SECRETARY: Ayes, 53.

15 ACTING PRESIDENT AVELLA: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 493, by Senator Seward, Senate Print 6960, an act
19 to amend the Insurance Law.

20 ACTING PRESIDENT AVELLA: Read the
21 last section.

22 THE SECRETARY: Section 7. This
23 act shall take effect immediately.

24 ACTING PRESIDENT AVELLA: Call the
25 roll.

1 (The Secretary called the roll.)
2 ACTING PRESIDENT AVELLA: Announce
3 the result.
4 THE SECRETARY: Ayes, 53.
5 ACTING PRESIDENT AVELLA: The bill
6 is passed.
7 THE SECRETARY: Calendar Number
8 532, by Senator DeFrancisco, Senate Print 2314,
9 an act to amend the Education Law.
10 ACTING PRESIDENT AVELLA: Read the
11 last section.
12 THE SECRETARY: Section 4. This
13 act shall take effect in six months.
14 ACTING PRESIDENT AVELLA: Call the
15 roll.
16 (The Secretary called the roll.)
17 ACTING PRESIDENT AVELLA: Announce
18 the result.
19 THE SECRETARY: Ayes, 53.
20 ACTING PRESIDENT AVELLA: The bill
21 is passed.
22 THE SECRETARY: Calendar Number
23 546, by Senator Golden, Senate Print 5593 --
24 SENATOR SERRANO: Lay it aside.
25 ACTING PRESIDENT AVELLA: The bill

1 is laid aside.

2 THE SECRETARY: Calendar Number
3 556, substituted earlier by Member of the
4 Assembly Rosenthal, Assembly Print 746A, an act
5 to amend the Public Health Law.

6 ACTING PRESIDENT AVELLA: Read the
7 last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect on the 90th day.

10 ACTING PRESIDENT AVELLA: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT AVELLA: Announce
14 the result.

15 THE SECRETARY: Ayes, 52. Nays, 1.
16 Senator Ritchie recorded in the negative.

17 ACTING PRESIDENT AVELLA: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 570, by Senator DeFrancisco, Senate Print 340A,
21 an act to amend the Penal Law.

22 ACTING PRESIDENT AVELLA: Read the
23 last section.

24 THE SECRETARY: Section 6. This
25 act shall take effect on the 90th day.

1 ACTING PRESIDENT AVELLA: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT AVELLA: Announce
5 the result.

6 THE SECRETARY: Ayes, 53.

7 ACTING PRESIDENT AVELLA: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 573, by Senator Grisanti, Senate Print 1721B, an
11 act to amend the Penal Law.

12 ACTING PRESIDENT AVELLA: Read the
13 last section.

14 THE SECRETARY: Section 25. This
15 act shall take effect on the 60th day.

16 ACTING PRESIDENT AVELLA: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT AVELLA: Senator
20 Grisanti to explain his vote.

21 SENATOR GRISANTI: Yes, thank you,
22 Mr. President.

23 My fellow colleagues, what you have
24 before you is a piece of legislation known as the
25 Protect Our Children Act. And basically it

1 addresses the problems of serious forms of child
2 abuse that are not adequately covered under
3 existing law. This legislation actually fills
4 and takes care of some of those gaps.

5 Many existing statutes are so overly
6 complicated as to be practically useless or carry
7 such disproportionately low punishments that it
8 actually permits serious child abuse cases to go
9 essentially having no meaningful consequences
10 whatsoever.

11 Current misdemeanors and nonviolent
12 felonies with probationary sentences do not do
13 enough to save or protect our children from the
14 cruel or repeated maltreatment of individuals.
15 This bill fixes these problems in a measured,
16 concise way. It creates new felonies, increases
17 penalties for existing crimes that include
18 aggravated manslaughter of a child, aggravated
19 abuse of a child, aggravated murder of a child,
20 obstructing the location of a child who is
21 missing, concealment of the death of a child, and
22 aggravated endangerment of a child.

23 These are all, believe it or not,
24 throughout many, many decades, laws that have
25 been lacking to protect our children or that have

1 absolutely little consequences when somebody is
2 charged with these crimes. It seals up these
3 loopholes and protects our children.

4 I urge all my colleagues to vote in
5 the affirmative, and I actually ask you to
6 contact your Assemblymembers to pass this bill to
7 protect our children.

8 Thank you, Mr. President. I vote
9 aye.

10 ACTING PRESIDENT AVELLA: Senator
11 Grisanti to be recorded in the affirmative.

12 Announce the result.

13 THE SECRETARY: Ayes, 54. Nays, 1.
14 Senator Montgomery recorded in the negative.

15 ACTING PRESIDENT AVELLA: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 616, by Senator Bonacic, Senate Print 7098, an
19 act to amend the Racing, Pari-Mutuel Wagering and
20 Breeding Law.

21 ACTING PRESIDENT AVELLA: Read the
22 last section.

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

25 ACTING PRESIDENT AVELLA: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT AVELLA: Announce
4 the result.

5 THE SECRETARY: Ayes, 55.

6 ACTING PRESIDENT AVELLA: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 632, by Senator Grisanti, Senate Print 6986, an
10 act to amend the Environmental Conservation Law.

11 ACTING PRESIDENT AVELLA: Read the
12 last section.

13 SENATOR SERRANO: Lay it aside,
14 please.

15 ACTING PRESIDENT AVELLA: The bill
16 is laid aside.

17 THE SECRETARY: Calendar Number
18 636, by Senator Boyle, Senate Print 7013A, an act
19 to amend the Environmental Conservation Law.

20 ACTING PRESIDENT AVELLA: Read the
21 last section.

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

24 ACTING PRESIDENT AVELLA: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT AVELLA: Announce
3 the result.

4 THE SECRETARY: Ayes, 54. Nays, 1.
5 Senator Ball recorded in the negative.

6 ACTING PRESIDENT AVELLA: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 649, by Senator Rivera, Senate Print 2226B, an
10 act to amend the Vehicle and Traffic Law.

11 ACTING PRESIDENT AVELLA: Read the
12 last section.

13 THE SECRETARY: Section 7. This
14 act shall take effect one year after it shall
15 have become law.

16 ACTING PRESIDENT AVELLA: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT AVELLA: Announce
20 the result.

21 THE SECRETARY: Ayes, 55.

22 ACTING PRESIDENT AVELLA: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 652, by Senator Savino, Senate Print 2963, an act

1 directing.

2 ACTING PRESIDENT AVELLA: Read the
3 last section.

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

6 ACTING PRESIDENT AVELLA: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT AVELLA: Announce
10 the result.

11 THE SECRETARY: Ayes, 55.

12 ACTING PRESIDENT AVELLA: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 708, by Senator Parker, Senate Print 844B, an act
16 to amend the Domestic Relations Law.

17 ACTING PRESIDENT AVELLA: Read the
18 last section.

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

21 ACTING PRESIDENT AVELLA: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT AVELLA: Announce
25 the result.

1 THE SECRETARY: Ayes, 54. Nays, 1.

2 Senator Montgomery recorded in the negative.

3 ACTING PRESIDENT AVELLA: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 711, by Senator Carlucci, Senate Print 1210, an
7 act to amend the Criminal Procedure Law.

8 ACTING PRESIDENT AVELLA: Read the
9 last section.

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

12 ACTING PRESIDENT AVELLA: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT AVELLA: Announce
16 the result.

17 THE SECRETARY: Ayes, 54. Nays, 1.
18 Senator Hassell-Thompson recorded in the
19 negative.

20 ACTING PRESIDENT AVELLA: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 729, by Senator Ranzenhofer, Senate Print 5947A,
24 an act authorizing.

25 ACTING PRESIDENT AVELLA: There is

1 a home-rule message at the desk.

2 Read the last section.

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

5 ACTING PRESIDENT AVELLA: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT AVELLA: Announce
9 the result.

10 THE SECRETARY: Ayes, 55.

11 ACTING PRESIDENT AVELLA: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 732, by Senator Larkin, Senate Print 271, an act
15 to remove from the Albert Wisner Memorial Public
16 Library.

17 ACTING PRESIDENT AVELLA: Read the
18 last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect on the first of July.

21 ACTING PRESIDENT AVELLA: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT AVELLA: Announce
25 the result.

1 THE SECRETARY: Ayes, 55.

2 ACTING PRESIDENT AVELLA: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 747, by Senator Peralta, Senate Print 40 --

6 SENATOR LIBOUS: Lay it aside.

7 ACTING PRESIDENT AVELLA: The bill
8 is laid aside.

9 THE SECRETARY: Calendar Number
10 777, by Senator Ritchie, Senate Print 7138, an
11 act to amend the Correction Law.

12 ACTING PRESIDENT AVELLA: Read the
13 last section.

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

16 ACTING PRESIDENT AVELLA: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT AVELLA: Announce
20 the result.

21 THE SECRETARY: Ayes, 55.

22 ACTING PRESIDENT AVELLA: The bill
23 is passed.

24 Senator Libous, that concludes the
25 noncontroversial reading of the calendar.

1 SENATOR LIBOUS: Mr. President,
2 we're going to go back to motions. But if you'd
3 give us a second, I want to make sure that
4 everything is in order.

5 Mr. President, everything is in
6 order. And at this time there's a previously
7 adopted resolution by Senator DeFrancisco. Could
8 you have the title read, it's Resolution 4438,
9 and then call on Senator DeFrancisco.

10 ACTING PRESIDENT AVELLA: The
11 Secretary will read.

12 THE SECRETARY: Legislative
13 Resolution Number 4438, by Senator DeFrancisco,
14 congratulating the Onondaga Thunder Bantam Travel
15 Tier III 14U Boys Hockey Team upon the occasion
16 of capturing the New York State Championship.

17 ACTING PRESIDENT AVELLA: Senator
18 DeFrancisco.

19 SENATOR DeFRANCISCO: Yes, thank
20 you, Mr. President.

21 The team is here in the gallery, and
22 they should know that this resolution was
23 actually adopted on April 29th in the Senate. It
24 was also adopted in the Assembly.

25 And I'm sure that not only Senator

1 Valesky and I, who are bringing you here, but I'm
2 sure Assemblymen Magnarelli, Barclay, Finch,
3 Roberts and Stirpe all would have loved to have
4 the opportunity, but there's no session in the
5 Assembly today.

6 So congratulations to the 14 and
7 under hockey team. This is the second time this
8 team -- maybe not all the individual members --
9 have had the privilege of winning and the honor
10 of winning a statewide championship. I played a
11 lot of sports, and I don't think I've -- I'm not
12 even close to a statewide championship in
13 anything, except maybe talking.

14 Other than that, but as far as
15 sports are concerned, that's a great honor. And
16 what I tell all the champions that come from our
17 community is that you're going to remember this
18 situation for the rest of your lives. The people
19 sitting next to you to the left and the right
20 will be your friends forever.

21 And I'm going to prove it. So this
22 is more than just a championship. Tomorrow night
23 we're having a dinner in honor of an 80-year-old
24 priest who used to be our baseball coach when we
25 were about 12 years old and beyond. And we have

1 33 people coming to honor him on his
2 80th birthday, all young kids that he coached.
3 But we've stayed together over all of these years
4 with great friendships, and the experience helped
5 us to succeed in other things in life.

6 So this championship is a wonderful
7 thing. We congratulate you. But remember the
8 long-term benefits you're getting from working
9 together and also winning. Because winning is a
10 good thing. And being successful is a good
11 thing. And that's what you've done and you will
12 continue to do.

13 So thank you for being here, and
14 again congratulations.

15 ACTING PRESIDENT AVELLA: Senator
16 Valesky.

17 SENATOR VALESKY: Thank you,
18 Mr. President.

19 I'm happy to join Senator
20 DeFrancisco in sponsoring and moving the
21 resolution through the legislative process a
22 couple of weeks to congratulate all of you.

23 And I certainly agree with
24 everything that Senator DeFrancisco has said.
25 You are certainly champions. You've proved it on

1 the ice rink, and I'm sure you prove it every day
2 in your class. You've learned a lot of important
3 lessons.

4 The only thing I would add, I know
5 that many of your coaches are here and your
6 parents are here. So if you haven't already
7 thanked them for all that they do for you, I
8 would certainly recommend that you do that.
9 Because I know there's a lot of time and
10 commitment on not only your part, but your entire
11 family. And a lot of sacrifices certainly have
12 been made, and it's a family affair and a team
13 effort that has brought home this championship.

14 So congratulations. Enjoy your day
15 here in the State Capitol.

16 ACTING PRESIDENT AVELLA: On behalf
17 of the Senate, let me offer congratulations.
18 Welcome to the chamber, and all the best.

19 (Applause.)

20 ACTING PRESIDENT AVELLA: Senator
21 Libous.

22 SENATOR LIBOUS: Mr. President, if
23 we can stay on motions and resolutions for a
24 minute, there's a little bit of housekeeping from
25 yesterday. The Veterans Hall of Fame resolution

1 should have been opened up for all members to go
2 on. And as our policy goes, if a member doesn't
3 want to be on it, please let the desk know.

4 ACTING PRESIDENT AVELLA:
5 Resolution 5165, by Senators Skelos and Klein,
6 which was adopted yesterday, is open for
7 cosponsorship. If anyone doesn't wish to be a
8 cosponsor, please notify the desk.

9 Senator Libous.

10 SENATOR LIBOUS: And I have a
11 motion on behalf of Senator Robach. On page 30,
12 I offer the following amendments to Calendar
13 Number 352, Senate Print 6841A, and ask that said
14 bill retain its place on the Third Reading
15 Calendar.

16 ACTING PRESIDENT AVELLA: So
17 ordered.

18 SENATOR LIBOUS: And,
19 Mr. President, if you'd just give me a second
20 here, we'll proceed in a minute.

21 Could we have the reading of the
22 controversial calendar, please.

23 ACTING PRESIDENT AVELLA: The
24 Secretary will ring the bell.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 323, by Senator Carlucci, Senate Print 3553A, an
3 act to amend Election Law.

4 SENATOR KRUEGER: Explanation.

5 ACTING PRESIDENT AVELLA: An
6 explanation has been requested by
7 Senator Krueger.

8 Senator Carlucci.

9 SENATOR CARLUCCI: Thank you,
10 Mr. President.

11 This bill is simply codifying into
12 law regarding village elections and the
13 requirement for receiving an absentee ballot.

14 Unfortunately, in New York we have
15 the dubious distinction of being one of the worst
16 states when it comes to voter participation.
17 This bill will move in the appropriate direction
18 of getting more people eligible to be able to
19 vote via absentee ballot during village
20 elections.

21 ACTING PRESIDENT AVELLA: Senator
22 Krueger.

23 SENATOR KRUEGER: Through you,
24 Mr. President, if the sponsor would please yield.

25 ACTING PRESIDENT AVELLA: Senator

1 Carlucci, will you yield for a question?

2 SENATOR CARLUCCI: Yes.

3 ACTING PRESIDENT AVELLA: Senator
4 Carlucci yields.

5 SENATOR KRUEGER: Thank you.

6 Are there any organizations
7 specifically opposed to this bill? And what are
8 their reasons for opposing it?

9 SENATOR CARLUCCI: I've been made
10 aware that NYCOM has put in a letter of
11 opposition to this bill. It's my understanding
12 that they're concerned that there will be too
13 many people voting and it might be a burden on
14 the municipality.

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

18 SENATOR CARLUCCI: Yes.

19 ACTING PRESIDENT AVELLA: Senator
20 Carlucci will yield.

21 SENATOR KRUEGER: Is it possible
22 that they were concerned that there would be new
23 additional costs for implementing these changes,
24 not their concern for more people voting costs
25 more?

1 SENATOR CARLUCCI: No, I don't see
2 any additional cost on the municipality.

3 SENATOR KRUEGER: Through you,
4 Mr. President, if the Senator would continue to
5 yield.

6 ACTING PRESIDENT AVELLA: Senator
7 Carlucci, will you continue to yield?

8 SENATOR CARLUCCI: Yes.

9 ACTING PRESIDENT AVELLA: Senator
10 Krueger.

11 SENATOR KRUEGER: So it's my
12 understanding, the way this bill is written, that
13 the village election absentee ballot applications
14 go to the village clerk, not the board of
15 elections.

16 So then is the village clerk
17 expected to transmit the folded-in absentee
18 applications for primary and general elections to
19 the absentee ballots that go to the county board
20 of elections? And if I'm right, how and what is
21 the timeline on this, and how will this get
22 accomplished?

23 SENATOR CARLUCCI: Well, this bill,
24 what it simply does is it brings the village
25 election section up to the 21st century.

1 What we allow during the general
2 elections is a process where people have the
3 ability to get an absentee ballot if they're
4 going to be out of the county. Unfortunately,
5 with the village elections, there's a list of
6 criteria that need to be followed in order for
7 someone to be eligible to receive an absentee
8 ballot. One of the examples would be that
9 they're a patient in a VA hospital. So in that
10 case, they could receive an absentee ballot.
11 However, if they're a patient in a non-VA
12 hospital, they would be ineligible to vote
13 absentee in a village election.

14 And that's one of many examples of
15 where we're really inhibiting the democratic
16 process in village elections.

17 ACTING PRESIDENT AVELLA: Senator
18 Krueger.

19 SENATOR KRUEGER: Thank you.
20 Through you, Mr. President, if the sponsor would
21 continue to yield.

22 ACTING PRESIDENT AVELLA: Senator
23 Carlucci, will you continue to yield?

24 SENATOR CARLUCCI: Yes.

25 SENATOR KRUEGER: So I agree that

1 modernization is a better answer.

2 Village elections take place at a
3 different time of year than our primary and
4 general elections for Congress, municipalities,
5 the State Legislature. Can the sponsor help me
6 understand when village elections take place?

7 SENATOR CARLUCCI: It depends -- to
8 the Senator's question, village elections do
9 vary. Many, or the majority of them, do occur in
10 March. But some do happen on the same day as the
11 general election in November and September in
12 New York.

13 ACTING PRESIDENT AVELLA: Senator
14 Krueger.

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

18 ACTING PRESIDENT AVELLA: Senator
19 Carlucci, will you continue to yield for another
20 question?

21 SENATOR CARLUCCI: Yes.

22 ACTING PRESIDENT AVELLA: The
23 Senator yields.

24 SENATOR KRUEGER: Thank you.

25 So the new language in the bill

1 mandates that absentee ballot applications for
2 village elections must also allow voters to apply
3 for absentee ballots in any primary or general
4 election as well; is that correct?

5 SENATOR CARLUCCI: Yes, that is
6 correct.

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

10 ACTING PRESIDENT AVELLA: Senator
11 Carlucci, will you continue to yield?

12 SENATOR CARLUCCI: Yes, I yield.

13 ACTING PRESIDENT AVELLA: Senator
14 Krueger.

15 SENATOR KRUEGER: So you're doing
16 the application for multiple elections in
17 multiple times a year at the same time.

18 What if your village election is in
19 March and, as described I believe in the bill,
20 you can file up to four months in advance of that
21 election but your general election isn't till
22 November. Are we actually proposing that
23 pre-March you will actually know whether you
24 would meet the standards for being eligible for
25 an absentee ballot in November? That could be

1 six, seven, eight months later. Is that how this
2 bill would be applied?

3 SENATOR CARLUCCI: Thank you for
4 bringing up that point. And I think this is a
5 very important point of the legislation.

6 When we talk about March elections,
7 what we've seen, particularly in my district in
8 the Lower Hudson Valley, we have many people that
9 leave New York and spend the winters in Florida
10 or in other places. This will allow people to
11 prepare that know that they're going to be out of
12 the county to be able to file and be able to
13 still have their voice counted in these village
14 elections that happen in March.

15 So that's one example of many. But
16 we wanted to expand the time frame to allow
17 them -- to give them up to four months, in an
18 effort to make sure that more people would be
19 able to vote in these village elections.

20 ACTING PRESIDENT AVELLA: Senator
21 Krueger.

22 SENATOR KRUEGER: Do we know how
23 many villages in the state this would affect?
24 Through you, Mr. President, excuse me.

25 ACTING PRESIDENT AVELLA: Senator

1 Carlucci, will you yield for another question?

2 SENATOR CARLUCCI: Yes, I would.

3 Yes, and the sponsor is asking how
4 many villages this would impact? This would
5 impact all of the villages in the State of
6 New York, particularly the villages that have the
7 March elections.

8 I believe that the majority of
9 villages in the state -- I believe there's
10 something around 500-and-something villages in
11 the state, of which I would say probably
12 80 percent are in March. But I don't know.
13 Maybe Senator Martins knows the answer to that.

14 ACTING PRESIDENT AVELLA: Senator
15 Krueger.

16 SENATOR KRUEGER: On the bill,
17 Mr. President.

18 ACTING PRESIDENT AVELLA: Senator
19 Krueger on the bill.

20 SENATOR KRUEGER: So on the one
21 hand I agree that we should have modernization
22 for the election process. This to some degree
23 parallels changes we made for primaries for other
24 types of elections, local elections.

25 And yet I'm still left with the

1 concern that we have specific reasons we put
2 limits on who can apply for an absentee ballot
3 and under what basis they are entitled to vote
4 absentee.

5 And under the scenario as I now
6 understand it, having gotten the answers from the
7 sponsor, again, your village election could be in
8 March, you can apply for the absentee up to four
9 months before. So you could actually be applying
10 January 1st for an absentee ballot for a
11 March election, but technically you're applying
12 at the same time for an absentee ballot for the
13 following September primary and general in
14 November.

15 So the concept that this bill would
16 allow just for people who live in villages the
17 right to an absentee ballot approval up to
18 11 months before a general election, when in fact
19 that same right wouldn't be offered to anyone not
20 living in a village, is a bit of a conflict for
21 me.

22 And I do understand that the primary
23 purpose of the bill was to address improving
24 access to vote in village elections, and I
25 support that. But I'm worried about the

1 unintended consequence from passing this bill
2 where if you live in a village, you have the
3 right to be approved for absentee voting up to
4 11 months before the general elections in larger
5 elections, while those of us who don't live in a
6 village would never have this opportunity or
7 right.

8 And I think it sets up a new
9 conflict of inequity in voting rights between
10 people who happen to live in villages and people
11 who don't live in villages. And the majority of
12 people in the State of New York don't live in
13 these 500 villages.

14 And so while I am actually
15 empathetic with the purpose of the bill and
16 appreciate the sponsor's efforts to address
17 concerns for village elections, I'm in honesty
18 not comfortable setting up a dual system where,
19 if you live in a village, you can basically apply
20 for absentee ballots for all elections up to as
21 many as 11 months in advance -- and if you don't
22 live in one of the 500 villages, you don't have
23 equal rights under the law.

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

1 ACTING PRESIDENT AVELLA: Senator
2 Krueger to be recorded in the negative.

3 Senator Stavisky.

4 SENATOR STAVISKY: Would the
5 sponsor yield for just one question?

6 ACTING PRESIDENT AVELLA: Senator
7 Carlucci, will you yield for a question?

8 SENATOR CARLUCCI: Yes.

9 ACTING PRESIDENT AVELLA: Senator
10 Carlucci yields.

11 SENATOR STAVISKY: There's
12 obviously an expense involved. Who's going to
13 pay for it? Is it going to be the county board
14 of elections? Is it going to be the village?

15 SENATOR CARLUCCI: Maybe the
16 Senator could enlighten me as to what the expense
17 would be.

18 SENATOR STAVISKY: Maintaining the
19 voter rolls, sending out, hiring the personnel to
20 handle --

21 SENATOR CARLUCCI: These are rules
22 that are currently required under state law. So
23 there is an expense, yes. But that's an expense
24 to hold an election. And that's currently under
25 state law that they're currently required to do.

1 This legislation does not increase
2 expenses on any village. What it does is exactly
3 what the previous speaker was talking about, is
4 to say, look, if we live in a village, we
5 shouldn't have a different set of standards in
6 terms of how we can be eligible to vote in an
7 election.

8 And that's the problem with the
9 current law, is that right now if you live in a
10 village, you're basically being disenfranchised
11 in voting in an absentee election. And that's
12 the problem.

13 And I think in New York we need to
14 be working together to erase the dubious
15 distinction of having one of the lowest voting
16 turnouts in the nation. And to say that we're
17 going to not support legislation like this is a
18 real problem in that regard. So I think we need
19 to be working to increase voter turnout and not
20 do the opposite of sticking with the status quo.

21 So yeah, there's no additional
22 expense on the villages.

23 ACTING PRESIDENT AVELLA: Senator
24 Stavisky, through the chair.

25 SENATOR STAVISKY: Through you,

1 Mr. President. On the bill.

2 ACTING PRESIDENT AVELLA: Senator
3 Stavisky on the bill.

4 SENATOR STAVISKY: There's no
5 additional expense incurred in improving this
6 process?

7 Thank you.

8 ACTING PRESIDENT AVELLA: Seeing no
9 one else wishing to speak, the Secretary will
10 ring the bell.

11 Read the last section.

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

14 ACTING PRESIDENT AVELLA: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT AVELLA: Senator
18 Savino to explain her vote.

19 SENATOR SAVINO: Thank you,
20 Mr. President.

21 I rise in support of this bill, and
22 I want to commend Senator Carlucci for taking
23 this step, although it may not seem that
24 important; it's village elections. I don't
25 represent any villages, so I don't really have

1 any skin in this game. But as a voter in the
2 State of New York, I think we all have some skin
3 in this game.

4 Recently a report was released
5 reflecting on the continuing erosion of voter
6 participation in every election in every part of
7 the State of New York. We just went through a
8 huge city election cycle where we had the mayor
9 and all the citywide elections held, and
10 City Council, and we had the lowest turnout in
11 more than 25 years. One of the reasons that was
12 cited in this report was barriers to voting
13 access. One of them is absentee ballots.

14 I support this legislation because
15 it's going to help close that gap. I think we
16 could go even further. I think we should have
17 duty-free absentee. People shouldn't have to
18 jump through hoops to be able to vote by absentee
19 ballot. We should removing barriers, not
20 maintaining a system that is continuing to
21 depress voter participation. I vote aye on this
22 bill.

23 ACTING PRESIDENT AVELLA: Senator
24 Savino to be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar 323, those recorded in the negative are
3 Senators Bonacic, Gipson, Krueger, Martins,
4 Montgomery, O'Brien, Rivera, Sanders and
5 Stavisky.

6 Absent from voting: Senators Ball,
7 Díaz, Flanagan, Kennedy, Little, Parker, Perkins,
8 Ranzenhofer and Sampson.

9 Ayes, 40. Nays, 9.

10 ACTING PRESIDENT AVELLA: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 546, by Senator Golden, Senate Print 5593, an act
14 to amend the Real Property Tax Law.

15 SENATOR KRUEGER: Explanation.

16 ACTING PRESIDENT AVELLA: Senator
17 Krueger asked for an explanation.

18 Senator Golden.

19 SENATOR GOLDEN: Thank you,
20 Mr. President.

21 This is an extension of the
22 Green Roof tax credit bill that we did here two
23 years ago. In the amendment that we did to it
24 two years ago, it was voted unanimously.

25 It gives the action of greening the

1 city to improve the quality of living for the
2 dwellers that enrich their communities with more
3 oxygen, reducing the amount of climate changing,
4 the pollutants in the area, and generally
5 improving the city's aesthetic appeal. It also
6 helps with the runoff water and creates
7 vegetation, and it's also in line with the former
8 mayor's commitment of a million new trees in the
9 City of New York.

10 ACTING PRESIDENT AVELLA: Senator
11 Krueger.

12 SENATOR KRUEGER: Through you,
13 Mr. President, if the sponsor would please yield.

14 ACTING PRESIDENT AVELLA: Senator
15 Golden, will you yield for a question?

16 SENATOR GOLDEN: Yes,
17 Mr. President.

18 ACTING PRESIDENT AVELLA: Senator
19 Golden yields.

20 SENATOR KRUEGER: Thank you.

21 In his explanation, Senator Golden
22 said that this is an expansion of the Green Roofs
23 legislation we passed. But my understanding is
24 this bill has much less stringent requirements
25 than the Green Roof tax abatement.

1 May I ask why he didn't use the same
2 standards of what had to actually take place on
3 the land that they explicitly put into the Green
4 Roof tax abatement?

5 SENATOR GOLDEN: Mr. President, the
6 question again?

7 ACTING PRESIDENT AVELLA: Senator
8 Krueger, will you repeat the question?

9 SENATOR KRUEGER: Certainly.

10 Senator Golden referenced this is an
11 expansion of the Green Roof tax abatement bill
12 that passed several years ago. But my
13 understanding is this bill has much less
14 stringent requirements of what you would actually
15 need to do in order to be eligible for the
16 abatement.

17 I am wondering why there are not
18 parallel requirements for this abatement compared
19 to the Green Roofs abatement he referenced.

20 SENATOR GOLDEN: The requirements
21 are somewhat different, but there are still
22 significant requirements here, that you have to
23 put down a cover and have drainage and have a
24 drainage runoff.

25 This is quite stringent rules and

1 regulations to get a tax abatement of \$450 per
2 square foot for one year.

3 ACTING PRESIDENT AVELLA: Senator
4 Krueger.

5 SENATOR KRUEGER: Through you,
6 Mr. President, did the sponsor misspeak when he
7 said \$450 per square foot per year?

8 ACTING PRESIDENT AVELLA: Are you
9 asking that the sponsor yield for a question?

10 SENATOR KRUEGER: Yes, I am asking.

11 ACTING PRESIDENT AVELLA: Senator
12 Golden, will you yield for another question?

13 SENATOR GOLDEN: Yes.

14 ACTING PRESIDENT AVELLA: Senator
15 Krueger.

16 SENATOR KRUEGER: The sponsor just
17 said --

18 SENATOR GOLDEN: It's \$4.50 per
19 square foot, you're quite correct.

20 SENATOR KRUEGER: Thank you.

21 SENATOR GOLDEN: You're quite
22 welcome, Mr. President.

23 ACTING PRESIDENT AVELLA: Senator
24 Krueger.

25 SENATOR KRUEGER: I was quite

1 concerned that the rate suddenly was \$450 per
2 square foot.

3 SENATOR GOLDEN: I thought you
4 would think that was probably low.

5 SENATOR KRUEGER: I wanted to give
6 the sponsor an opportunity to correct himself.
7 Thank you.

8 Mr. President, if through you the
9 sponsor would continue to yield.

10 ACTING PRESIDENT AVELLA: Senator
11 Golden?

12 SENATOR GOLDEN: Yes,
13 Mr. President.

14 ACTING PRESIDENT AVELLA: Senator
15 Golden yields.

16 SENATOR KRUEGER: What is the
17 estimated cost to the City of New York from this
18 tax abatement?

19 SENATOR GOLDEN: It depends on the
20 number of people that would apply for the tax
21 abatement, of up to \$100,000 per dwelling if that
22 is -- in fact they're entitled to that \$100,000
23 per dwelling, that would be entitled to any part
24 of that concrete city that we live in.

25 ACTING PRESIDENT AVELLA: Senator

1 Krueger.

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

5 ACTING PRESIDENT AVELLA: Senator
6 Golden, do you continue to yield?

7 SENATOR GOLDEN: I do,
8 Mr. President.

9 ACTING PRESIDENT AVELLA: Senator
10 Golden yields.

11 SENATOR KRUEGER: Why did the
12 sponsor go down the road of a tax abatement as
13 opposed to providing a tax credit or deduction to
14 incentivize the installation of soil and
15 vegetation on concrete-covered residential
16 property?

17 SENATOR GOLDEN: We believe the tax
18 abatement, the way we went, is the best way to
19 go.

20 ACTING PRESIDENT AVELLA: Senator
21 Krueger.

22 SENATOR KRUEGER: How will --

23 ACTING PRESIDENT AVELLA: Do you
24 want the sponsor to yield?

25 SENATOR KRUEGER: You know, I do,

1 thank you, Mr. President. I would like the
2 sponsor to yield.

3 ACTING PRESIDENT AVELLA: Will the
4 sponsor yield for another question?

5 SENATOR GOLDEN: Yes,
6 Mr. President.

7 ACTING PRESIDENT AVELLA: Senator
8 Krueger.

9 SENATOR KRUEGER: So as described
10 in the memo, this could be areas of
11 concrete-covered land almost anywhere in the
12 five boroughs -- behind buildings, empty lots, in
13 front of buildings that are currently concrete.

14 How will the City of New York be
15 able to track whether or not what was concrete is
16 now vegetation? What model is assumed within
17 this bill of how the city would inspect, enforce,
18 and approve whether you're eligible for this
19 abatement?

20 SENATOR GOLDEN: Mr. President,
21 through you. The City of New York has no problem
22 in finding out what you owe them, how much you
23 owe them, what your property is, what you have in
24 your backyard, whether you have a swimming pool
25 in your backyard or no swimming pool in your

1 backyard, whether you have trees in your backyard
2 or no trees in your backyard.

3 The City of New York uses -- what do
4 they call this, this Cloud that we have that we
5 go into the Internet. And they go into each one
6 of our properties. It knows exactly what's in
7 our backyards, and that's how they would know.
8 This is not for empty lots, this is for new
9 construction and old construction of dwellings,
10 and you have to prove that you picked up the
11 concrete and that you installed vegetation and a
12 drainage system.

13 SENATOR KRUEGER: Through you,
14 Mr. President, if the sponsor would continue to
15 yield.

16 ACTING PRESIDENT AVELLA: Senator
17 Golden, will you continue to yield for another
18 question?

19 SENATOR GOLDEN: Certainly. All
20 day, sir.

21 ACTING PRESIDENT AVELLA: Senator
22 Golden yields.

23 SENATOR KRUEGER: As I read the
24 bill, it's an abatement you can be eligible for
25 simply because it's zoned residential. How would

1 we know it wasn't an empty lot or wasn't certain
2 things? I don't see that section of the bill.
3 Perhaps the sponsor could read the section of the
4 bill he's referencing.

5 SENATOR GOLDEN: Mr. President, you
6 have to go to the City of New York, you have the
7 Department of Finance that will be running this
8 operation on the abatement. You have the
9 Department of Buildings that has a print of
10 every one of our homes in New York City. They
11 know exactly what's in our backyards. And if you
12 live in the City of New York they know exactly in
13 the condos and co-ops how much green space is
14 behind your building and how much green space is
15 not behind your building.

16 ACTING PRESIDENT AVELLA: Senator
17 Krueger.

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

21 ACTING PRESIDENT AVELLA: Senator
22 Golden, will you continue to yield?

23 SENATOR GOLDEN: I do,
24 Mr. President.

25 ACTING PRESIDENT AVELLA: Senator

1 Golden yields, Senator Krueger.

2 SENATOR KRUEGER: If you are a
3 building that is commercial and residential, as
4 many if not most buildings in my district are, at
5 least on the avenues, and you're talking about a
6 section of concrete perhaps behind the building
7 which is on usually the first floor where the
8 retail is, would this be residential abatement-
9 eligible or not residential abatement-eligible
10 when the piece of land abated the commercial
11 section of the building?

12 SENATOR GOLDEN: Yes, it would be.
13 And it goes according to the same rules of the
14 Green Roof tax credit on that particular issue.

15 ACTING PRESIDENT AVELLA: Senator
16 Krueger.

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

20 ACTING PRESIDENT AVELLA: Senator
21 Golden, do you continue to yield?

22 SENATOR GOLDEN: I do,
23 Mr. President.

24 ACTING PRESIDENT AVELLA: Senator
25 Golden yields, Senator Krueger.

1 SENATOR KRUEGER: Thank you.

2 Would this apply to all residential
3 apartment buildings, large-scale, one and two
4 family homes owned by individual homeowners?

5 SENATOR GOLDEN: Yes,
6 Mr. President, the more the merrier. It will
7 green the city to allow for vegetation to reduce
8 the sewerage, the water that's pushed through our
9 sewerage system on a regular basis. Yes, it
10 would, Mr. President.

11 ACTING PRESIDENT AVELLA: Senator
12 Krueger.

13 SENATOR KRUEGER: Can the sponsor
14 please yield to an additional question.

15 ACTING PRESIDENT AVELLA: Senator
16 Golden, will you yield for an additional
17 question?

18 SENATOR GOLDEN: Whatever the good
19 Madam Floor Leader wishes.

20 ACTING PRESIDENT AVELLA: Senator
21 Golden yields.

22 SENATOR KRUEGER: Thank you. Could
23 the sponsor help me understand what is meant by
24 the installation of soil and vegetation? Is
25 there some standard there for quantity of, depth

1 of, type of soil and vegetation?

2 SENATOR GOLDEN: No, there is not,
3 Mr. President. Soil for vegetation to grow. It
4 could be grass area is vegetation. As long as
5 there is a soil and a runoff for water,
6 rainwater, and there is vegetation that is
7 maintained for three years, you would be entitled
8 to that \$4.50 a square foot tax abatement for one
9 year.

10 ACTING PRESIDENT AVELLA: Senator
11 Krueger.

12 SENATOR KRUEGER: Through you,
13 Mr. President, if the sponsor would continue to
14 yield.

15 ACTING PRESIDENT AVELLA: Senator
16 Golden, do you continue to yield?

17 SENATOR GOLDEN: I thought there
18 was only one question before. But gladly, yes.

19 ACTING PRESIDENT AVELLA: Senator
20 Krueger.

21 SENATOR KRUEGER: Thank you.

22 So if I had a lot that was adjacent
23 to my residential property that was currently
24 concrete and it has drainage already, for
25 whatever reason -- it might have once upon a time

1 been the base of a building -- and I sprinkle
2 some dirt and dandelions start to grow, do I meet
3 the standard for an abatement?

4 SENATOR GOLDEN: Mr. President, two
5 parts to that. It cannot be an empty lot.
6 Again, it has to be part of the dwelling that the
7 individual lives in, number one.

8 Number two, you cannot put it on top
9 of the pavement, you have to rip the pavement up.
10 You have to have bills, you have to show that you
11 did that. And you have to show that you did a
12 soil and vegetation to that property. And
13 drainage.

14 ACTING PRESIDENT AVELLA: Senator
15 Krueger.

16 SENATOR KRUEGER: Through you,
17 Mr. President, might I ask the sponsor an
18 additional question?

19 SENATOR GOLDEN: Of course,
20 Mr. President.

21 ACTING PRESIDENT AVELLA: Senator
22 Golden yields for another question.

23 SENATOR KRUEGER: Thank you so
24 much.

25 What's the position of the City of

1 New York, and do we have a home-rule message from
2 the City Council?

3 SENATOR GOLDEN: There is no home
4 rule required here that I'm aware of,
5 Mr. President.

6 And I believe that the City -- that
7 you called this morning to get a letter of
8 opposition that you did not get. So I presume
9 that this would be no problem for the City of
10 New York, my dear Madam Floor Leader.

11 SENATOR KRUEGER: Through you,
12 Mr. President, on the bill.

13 ACTING PRESIDENT AVELLA: Senator
14 Krueger on the bill.

15 SENATOR KRUEGER: I want to thank
16 the sponsor for his answers.

17 He is correct, I did ask the City of
18 New York for a memo. I was curious what their
19 position was. And unfortunately, they did not
20 didn't have a memo.

21 But they did send me an email saying
22 they had several concerns about the bill -- did
23 not know how much it would cost the city, did not
24 now how the city would actually be able to
25 investigate and regulate without large cost to

1 itself. And despite the fact that the City of
2 New York strongly supports more greening efforts
3 in the environment of the five boroughs, that
4 they find this bill problematic.

5 I also find this bill problematic,
6 despite the fact that I appreciate the sponsor's
7 answers. I think there's probably a way to get
8 this bill to the place where I could support it.
9 But right now what we know is it will cost the
10 city something, but we don't know how much it
11 will cost the city.

12 We do know that when there is some
13 reduction in property taxes by somebody or
14 bodies, that the City of New York, in their need
15 to make up for that lost revenue, increases
16 somebody else's property taxes instead.

17 I am concerned that the regulation
18 is not parallel to the Green Roofs abatement and
19 could open itself up to exploitation by those who
20 actually aren't providing the kind of greening
21 that is useful for environmental and open-land-
22 use purposes.

23 There are some concerns that have
24 also been raised about the possibility that
25 City DEP would have issues with runoff and

1 potential flooding without planning for some of
2 this.

3 It's just not workable, in my
4 opinion, at this point. I will hope that before
5 it passes the other house, the sponsor might want
6 to work with the City of New York to see how the
7 bill could be amended such that it could receive
8 the support of the City and City Council.

9 And again, I generally stand by the
10 position that if I'm going to be passing a bill
11 or voting for a bill that reduces a locality's
12 tax revenue, I want to know that that locality
13 would like their tax revenue reduced. And as we
14 know, property tax is the only kind of tax that
15 localities get to control themselves. So I'm
16 particularly sensitive to not making a change or
17 a reduction in revenue for property tax for the
18 City of New York without hearing that the City of
19 New York is asking for it.

20 I recommend a no vote, and I'll be
21 voting no. Thank you, Mr. President.

22 ACTING PRESIDENT AVELLA: Seeing no
23 one else wishing to speak, the Secretary will
24 ring the bell.

25 Read the last section.

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

3 ACTING PRESIDENT AVELLA: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT AVELLA: Announce
7 the result.

8 THE SECRETARY: In relation to
9 Calendar Number 546, those recorded in the
10 negative are Senators Hoylman and Krueger.

11 Absent from voting: Senators Ball,
12 Díaz, Flanagan, Kennedy, Little, Parker, Perkins,
13 Ranzenhofer and Sampson.

14 Ayes, 47. Nays, 2.

15 ACTING PRESIDENT AVELLA: The bill
16 is passed.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President, at
19 this time, with unanimous consent, could we
20 please remove the lay-aside on Senate 632 and 747
21 and take them to a noncontroversial reading,
22 please.

23 ACTING PRESIDENT AVELLA: So
24 ordered.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 632, by Senator Grisanti, Senate Print 6986, an
3 act to amend the Environmental Conservation Law.

4 ACTING PRESIDENT AVELLA: Read the
5 last section.

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

8 ACTING PRESIDENT AVELLA: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT AVELLA: Announce
12 the result.

13 THE SECRETARY: Ayes, 57.

14 ACTING PRESIDENT AVELLA: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 747, by Senator Peralta, Senate Print 40, an act
18 to amend the Penal Law.

19 ACTING PRESIDENT AVELLA: Read the
20 last section.

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

23 ACTING PRESIDENT AVELLA: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT AVELLA: Announce
2 the result.

3 THE SECRETARY: Ayes, 57.

4 ACTING PRESIDENT AVELLA: The bill
5 is passed.

6 Senator Libous, that completes the
7 reading of the calendar.

8 SENATOR LIBOUS: We do have some
9 housekeeping, so if we can go to motions.

10 ACTING PRESIDENT AVELLA: Motions
11 and resolutions.

12 Senator Libous.

13 SENATOR LIBOUS: On behalf of
14 Senator Young, Mr. President, I wish to call up
15 her bill, Senate Print 4396, recalled from the
16 Assembly, which is now at the desk.

17 ACTING PRESIDENT AVELLA: The
18 Secretary will read.

19 THE SECRETARY: Calendar Number
20 168, by Senator Young, Senate Print 4396, an act
21 to amend the Soil and Water Conservation
22 Districts Law.

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

1 ACTING PRESIDENT AVELLA: The
2 Secretary will call the roll on reconsideration.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 57.

5 SENATOR LIBOUS: I now offer up the
6 following amendments.

7 ACTING PRESIDENT AVELLA: The
8 amendments are received, and the bill will retain
9 its place on the Third Reading Calendar.

10 Senator Libous.

11 SENATOR LIBOUS: Mr. President,
12 again on behalf of Senator Young, I wish to call
13 up her bill, Senate Print 4356, recalled from the
14 Assembly, which is now at the desk.

15 ACTING PRESIDENT AVELLA: The
16 Secretary will read.

17 THE SECRETARY: Calendar Number
18 257, by Senator Young, Senate Print 4356, an act
19 to amend the Soil and Water Conservation
20 Districts Law.

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

24 ACTING PRESIDENT AVELLA: The
25 Secretary will call the roll on reconsideration.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57.

3 SENATOR LIBOUS: Mr. President, I
4 offer up the following amendments.

5 ACTING PRESIDENT AVELLA: The
6 amendments are received, and the bill will retain
7 its place on the Third Reading Calendar.

8 SENATOR LIBOUS: Thank you,
9 Mr. President.

10 Mr. President, is there any further
11 business at the desk?

12 ACTING PRESIDENT AVELLA: There is
13 no further business at the desk.

14 SENATOR LIBOUS: Mr. President, I
15 move, there being no further business, that the
16 Senate will adjourn until Wednesday, May 28th, at
17 3:00 p.m., intervening days being legislative
18 days.

19 ACTING PRESIDENT AVELLA: On
20 motion, the Senate stands adjourned until
21 Wednesday, May 28th, at 3:00 p.m., intervening
22 days being legislative days.

23 (Whereupon, at 11:15 a.m., the
24 Senate adjourned.)

25