NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 16, 2014

2:30 p.m.

REGULAR SESSION

SENATOR PHIL M. BOYLE, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT BOYLE: The Senate will come to order.

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

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

ACTING PRESIDENT BOYLE: Joining us today to give our invocation is the Reverend Dr. Jean C. Romulus of the Horeb Alliance Church and National Action Network of West Hempstead.

REVEREND ROMULUS: Good afternoon, everyone. Let's bow our heads and pray.

Heavenly Father, we come before You this afternoon to give You glory and praise. We honor You, God. We praise Your name. We bless Your name. We adore You. We glorify You, God.

We thank You for this day that You give us, God, and that You give us the opportunity to be here and to pray in Your behalf.

God be with us. Whatever they're going to do today here, let You take the control on everything, God. Because You are God. You

create man, and You give him knowledge to do whatever they have to do.

When we go to visit the building, we see the beautiful things that You have led them to do. And You say that You go to prepare a place for us, God, and that place, nobody see it yet. No eyes could see that place. We thank You. We ask You, God, that we keep You in mind. And when that day comes, to go to live with You and to be able, when the trumpets sound, we could hear that trumpet and we will be able to live with You, not for 70 or 80 or 90 years, but we will be with You forever and ever.

We thank You for this day. We worship You, we adore You, God, and we ask Your wisdom. Without Your wisdom, we cannot do nothing. Help them in what they have to discuss today, not anyone that discuss something for their own glory, but for Your name to be glorified.

We thank You. We bless Your name. Be with us, and we leave our life to You. And we ask You, God, let us connect with You. Because if we unplug ourself to You, we will walk in darkness. You are the light, and let us be a

light in wherever that we go. And the light that we have in us, when the ones that walk in darkness, through us they can see the light, and they will live with You forever.

We thank You. We bless Your name. We praise You, not because we are good, but it is in the name of the Father, the Son and the Holy Ghost that we pray.

Amen. May God bless you all.

ACTING PRESIDENT BOYLE: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, June 15th, the Senate met pursuant to adjournment. The Journal of Saturday, June 14th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 15, Senator LaValle moves to discharge, from the Committee on Higher Education, Assembly Bill Number 9103 and substitute it for the identical Senate Bill

Number 6834, Third Reading Calendar 439.

On page 35, Senator Tkaczyk moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 7478B and substitute it for the identical Senate Bill Number 5676B, Third Reading Calendar 988.

On page 39, Senator Hannon moves to discharge, from the Committee on Finance, Assembly Bill Number 5294A and substitute it for the identical Senate Bill Number 2530A, Third Reading Calendar 1065.

On page 40, Senator Martins moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 7430A and substitute it for the identical Senate Bill Number 4760A, Third Reading Calendar 1072.

On page 41, Senator Carlucci moves to discharge, from the Committee on Finance, Assembly Bill Number 8835A and substitute it for the identical Senate Bill Number 6659A, Third Reading Calendar 1082.

On page 41, Senator Larkin moves to discharge, from the Committee on Finance, Assembly Bill Number 8761C and substitute it for

the identical Senate Bill Number 7625B, Third Reading Calendar 1091.

ACTING PRESIDENT BOYLE: Substitutions ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Would you call on Senator Valesky, Senator Gianaris, and then come back to me, please.

ACTING PRESIDENT BOYLE: Senator Valesky.

SENATOR VALESKY: Mr. President, I move to recommit my bill, Senate Bill 2161, Calendar Number 880 on the order of third reading, to the Committee on Local Government, with instructions to said committee to strike out the enacting clause.

ACTING PRESIDENT BOYLE: So

ordered.

SENATOR VALESKY: On behalf of Senator Savino, on page 42 I offer the following amendments to Calendar Number 1110, Senate Print 3667C, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT BOYLE: So ordered.

SENATOR VALESKY: Also on behalf of Senator Savino, on page 9 I offer the following amendments to Calendar Number 220, Senate Bill 4453, and ask that that bill will retain its place on the Third Reading Calendar.

ACTING PRESIDENT BOYLE: So ordered.

SENATOR VALESKY: Thank you.

ACTING PRESIDENT BOYLE: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

On behalf of Senator Sanders, on page 46 I offer the following amendments to Calendar Number 1303, Senate Print 7418, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT BOYLE: So ordered.

SENATOR GIANARIS: On behalf of Senator Krueger, on page 41 I offer the following amendments to Calendar Number 1089, Senate Print 7234A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT BOYLE: So ordered.

SENATOR GIANARIS: And on behalf of Senator Díaz, I wish to call up his bill, Senate Print Number 6364, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Calendar Number 420, by Senator Díaz, Senate Print 6364, an act to amend the Executive Law.

SENATOR GIANARIS: I move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT BOYLE: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

SENATOR GIANARIS: I now offer the

following amendments.

ACTING PRESIDENT BOYLE: The amendments are accepted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Grisanti, I move to recommit Senate Print 6877, Calendar Number 1298 on the order of third reading, to the Committee on Rules, with instructions to said committee to strike out the enacting clause.

ACTING PRESIDENT BOYLE: So ordered.

SENATOR LIBOUS: On behalf of Senator Marcellino, Mr. President, on page 26 I offer the following amendments to Calendar Number 727, Senate Print 4438, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT BOYLE: So ordered.

SENATOR LIBOUS: On behalf of Senator Lanza, I wish to call up his bill, Senate Print Number 3600, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT BOYLE: The

Secretary will read.

THE SECRETARY: Calendar Number 579, by Senator Lanza, Senate Print 3600, an act to amend the Criminal Procedure Law.

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

ACTING PRESIDENT BOYLE: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

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

ACTING PRESIDENT BOYLE: The amendments are accepted.

SENATOR LIBOUS: Thank you, Mr. President.

I'd like to offer amendments to the following Third Reading Calendar bills:

Senator Seward, page 13, Calendar Number 385, Senate Print 5376A;

Senator Boyle, page 14, Calendar Number 398, Senate Print 4988A;

Senator LaValle, page 22, Calendar Number 624, Senate Print 6630A;

Senator DeFrancisco, page 23, Calendar Number 665, Senate Print 3852A;

Senator Bonacic, page 23, Calendar Number 670, Senate Print 7266;

Senator O'Mara, page 29, Calendar Number 814, Senate Print 7273A;

Senator DeFrancisco, page 36, Calendar Number 995, Senate Print 7331;

Senator Little, page 37, Calendar Number 1021, Senate Print 7643;

Senator Flanagan, page 38, Calendar Number 1034, Senate Print 7227A;

Senator LaValle, page 47, Calendar Number 1348, Senate Print 6942;

Senator Grisanti, page 31, Calendar Number 912, Senate Print 7344C;

Senator Maziarz, page 34, Calendar Number 977, Senate Print 7312A.

Mr. President, I move that all these bills retain their place on the order of third reading.

ACTING PRESIDENT BOYLE: So ordered.

SENATOR LIBOUS: Mr. President, at this time could we have the noncontroversial

reading of the calendar.

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Calendar Number 45, by Senator Martins, Senate Print 6210, an act to authorize.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 51. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 100, by Senator Griffo, Senate Print 3468, an act to amend the Public Health Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 213, by Senator Robach, Senate Print 2510A, an act to amend the Penal Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 51. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 332, by Senator Lanza, Senate Print 3599, an act

to amend the Public Authorities Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 1. Senator DeFrancisco recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 361, by Senator Lanza, Senate Print 3965A, an act to amend the Penal Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49. Nays, 3. Senators DeFrancisco, Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 367, by Senator Young, Senate Print 2204A, an act to amend the Correction Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 1. Senator Sanders recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 439, substituted earlier by Member of the Assembly Glick, Assembly Print 9103, an act to amend Chapter 135 of the Laws of 2002.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 450, by Senator Martins, Senate Print 6831, an act to authorize.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 2. Senators Bonacic and O'Mara recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 646, by Senator Ritchie, Senate Print 1946A, an act to amend the Vehicle and Traffic Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT BOYLE: The bill

is laid aside.

THE SECRETARY: Calendar Number 750, by Senator Carlucci, Senate Print 1982C, an act to amend the Penal Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of November.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 773, by Senator Maziarz, Senate Print 6963, an act to amend the Public Authorities Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45. Nays, 8.

Senators Gianaris, Hoylman, Krueger, Montgomery, Parker, Perkins, Sanders and Squadron recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 786, by Senator Golden, Senate Print 4979C, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 801, by Senator Golden, Senate Print 7176A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 803, by Senator Ball, Senate Print 2798, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 2 --

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

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

THE SECRETARY: Calendar Number 886, by Senator Grisanti, Senate Print 6212, an act to amend the Village Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 941, by Senator Savino, Senate Print 3683, an act to amend the Tax Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50. Nays, 3. Senators Díaz, Krueger and Montgomery recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 948, by Senator Hannon, Senate Print 5258, an act to amend the Public Health Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 966, by Senator Martins, Senate Print 7351, an act to amend the Economic Development Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 971, by Senator Ritchie, Senate Print 4200, an

act to amend the Tax Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 976, by Senator Gallivan, Senate Print 7219, an act to amend the Public Officers Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number

988, substituted earlier by Member of the Assembly Santabarbara, Assembly Print 7478B, an act to allow.

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

Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1022, by Senator Gallivan, Senate Print 98, an act to amend the Social Services Law.

ACTING PRESIDENT BOYLE: Note that 1021 was high; it was amended today.

Read the last section for Calendar Number 1022.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1065, substituted earlier by Member of the Assembly Gunther, Assembly Print 5294A, an act to amend the Public Health Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1068, by Senator Addabbo, Senate Print 3392A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1072, substituted earlier by Member of the Assembly Weisenberg, Assembly Print 7430A, an act to amend the Tax Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Mr. President. I rise to thank my colleagues for supporting this bill.

This bill creates the Homeless Veterans Assistance Fund, to be administered by

the New York State Department of Veterans Affairs. It allows for a check-off on tax returns where people can make donations that go specifically toward helping our returning heroes who are homeless.

You know, it's one of the shames of society that we have veterans who go off to fight who put their lives on the line, and when they come home, one in eight homeless people in this country are veterans. They deserve better.

This bill will allow our state to commit resources and funds specifically to help homeless veterans. I want to thank my colleagues, and I want to thank Senator Skelos for allowing for this bill to move forward. Certainly it is appropriate and just that we support our veterans.

Mr. President, I vote aye.

ACTING PRESIDENT BOYLE: Senator Martins in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number

1073, by Senator Grisanti, Senate Print 4920A, an act to amend the Tax Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: In relation to Calendar 1073: Ayes, 52. Nays, 1. Senator Hoylman recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1082, substituted earlier by Member of the Assembly Gunther, Assembly Print 8835A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1091, substituted earlier by Member of the Assembly Skoufis, Assembly Print 8761C, an act to amend the State Finance Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 1091, those recorded in the negative are Senators Dilan, Gianaris, Hoylman, Krueger, Montgomery, Parker, Perkins, Rivera, Sanders and Squadron.

Ayes, 43. Nays, 10.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1117, by Senator Klein, Senate Print 6600, an act to amend the Executive Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49. Nays, 4. Senators Ball, Dilan, Perkins and Zeldin recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1130, by Senator Farley, Senate Print 7238A, an act in relation to authorizing.

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

Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1181, by Senator Stavisky, Senate Print 640A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1201, by Senator Young, Senate Print 2225D, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 10. This act shall take effect immediately.

ACTING PRESIDENT BOYLE: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Senator Young explain her vote.

SENATOR YOUNG: Thank you, Mr. President, to explain my vote.

Today we are passing a bill that is long overdue, and that's to finally make Kendra's Law permanent and to make sure that people who are violent or dangerous or mentally ill get the treatment that they need, so that we can avoid the types of tragedies such as the one that just afflicted New York City.

On June 1st, two little children, P.J. Avitto, age 6, and Mikayla Capers, age 7, got on an elevator, they were on their way to get ice cream, and they were attacked by the Brooklyn Butcher. His name is Daniel St. Hubert. He had just been released two weeks prior from a state correctional facility. He was shown to be violent, he was shown to be dangerous, he was a known schizophrenic, and yet the state dumped him out on the streets without appropriate evaluation or follow-up.

Poor little P.J. is dead right now,

Mikayla is recovering from 16 stab wounds. And we need to take action as a legislature to make sure that people who are a danger to themselves or others get the appropriate treatment. And if we can get this through the Assembly, then we can avoid so many similar tragedies down the road.

So I urge the Assembly to pass this legislation, and I want to thank my colleagues for supporting it today. By supporting this bill, you are saving lives.

ACTING PRESIDENT BOYLE: Senator Young to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 51. Nays, 3. Senators Krueger, Rivera and Tkaczyk recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1308, by Senator Golden, Senate Print 7628A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

Calendar Number 1348 is high; it was amended today.

Senator Libous, that completes the noncontroversial reading of the active list.

SENATOR LIBOUS: Mr. President, before we go to the controversial reading, I'd like to return to motions and resolutions, please.

ACTING PRESIDENT BOYLE: Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time I'd like to take up a previously adopted resolution by Senator Nozzolio. It would be Resolution Number 5749. Could we please have it read in its entirety, and then I would ask that you call on Senator Nozzolio.

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 5749, by Senator Nozzolio, mourning the death of Humphrey Donahue, distinguished citizen and devoted member of his community.

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

"WHEREAS, Humphrey Donahue of Geneva, New York, died peacefully in his home on Sunday, October 27, 2013, at the age of 84; and

"WHEREAS, Born February 10, 1929, to Edward and Mary Gavin Donahue, Humphrey Donahue was a graduate of DeSales High School, a member of St. Stephen's Church, attended Seton Hall University, and was a staff sergeant in the United States Army; and

"WHEREAS, On January 23, 1954, Humphrey Donahue married his wife, Carolyn Jensen, and in 1958 they moved to Rochester,

New York, where he worked as a member of Local 33 of the International Association of Bridge, Structural and Ornamental Iron Workers, AFL-CIO, of which he remained a member for over 50 years; and

"WHEREAS, Humphrey accepted an appointment, in 1969, as the field representative in New York State for the national American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), and was subsequently appointed to the esteemed New York City-based position of director of Region VII (New York, New Jersey, Puerto Rico, Virgin Islands) for the AFL-CIO, during which time he was instrumental in union organizing, negotiating contracts, and supporting legislation and political activity in the interests of working men and women; and

"WHEREAS, Humphrey Donahue distinguished himself in his profession with sincere dedication to his lifelong commitment to the advocacy of the rights of workers and his firm belief in the dignity of work and the strength of the family, which substantially contributed to the welfare of his community; and

"WHEREAS, In addition, his efforts

were recognized with awards received from the American Red Cross, the National AFL-CIO Community Services Program, the Harry VanArsdale, Jr., Labor History Project, the National Safety Council, the International Association of Machinists and Aerospace Workers, the Monmouth-Ocean Counties Labor Council, AFL-CIO; Niagara-Orleans Labor Council, AFL-CIO; Rochester and Vicinity Labor Council, AFL-CIO; and the New York State AFL-CIO; and

"WHEREAS, Humphrey Donahue's commitment to excellence, and his spirit of humanity, carried over into all fields of enterprise, including charitable and civic endeavors; and

"WHEREAS, As a member of the American Legion, Humphrey Donahue served in the color guard and was manager of the Winnek Post Drum & Bugle Corps; in 1998, he was named Irishman of the Year; in 2002, he received his 50-year certificate of continuous membership in the American Legion; and

"WHEREAS, Active within his community, Humphrey Donahue was a member of the American Arbitration Association, the Loyal

League of Yiddish Sons of Erin, and the Danish Brotherhood; and

"WHEREAS, Humphrey Donahue is survived by his wife of 59 years, Carolyn; daughters Karen Donahue and Linda H. Donahue (Rick Winkler); brothers Edward (Mary Jane) Donahue, Jack (Moraima), and Michael (Arlene); brother-in-law Robert (Helen) Jensen; long-time friends Jim and Mary Deane; and many dear cousins, nieces and nephews, and predeceased by his sister Margaret Hogan, brothers William Robert Donahue and Joseph Donahue, and nephews Peter Donahue and Greg Hogan; and

"WHEREAS, Armed with a humanistic spirit, imbued with a sense of compassion, and comforted by a loving family, Humphrey Donahue leaves behind a legacy which will long endure the passage of time and will remain as a comforting memory to all he served and befriended; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the death of Humphrey Donahue, distinguished citizen and devoted member of his community; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Humphrey Donahue."

ACTING PRESIDENT BOYLE: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. Mr. President, and my colleagues, on the resolution.

I stand with great pride as this body recognizes a genuine contributor to life as we know it in New York State, one who is from a small town, with a great big heart, a wonderful family, and worked tirelessly on behalf of the organization that he loved, and that's the AFL-CIO.

That Humphrey Donahue was a man who was connected to many of this body as well as the State Assembly. He was very active in issues of importance to working men and women throughout New York State.

I was pleased to know Humphrey on a number of levels. The first and foremost was his tireless advocacy on behalf of the working man's agenda, working woman's agenda for the state. I was also very pleased that our families were

linked, through my deceased brother-in-law Greg Hogan, who is Humphrey's nephew.

That the Donahue family is legendary for its expanse, for its involvement in community matters, for just their love of life and pursuit of everything that's good about this great country.

That I'm very pleased that two of Humphrey's daughters and his niece could be here today: Linda Donahue and Karen Donahue, Humphrey's daughters, as well as Jennifer Hannon, who is a niece and Humphrey's goddaughter.

That I'm also very honored, and I know Humphrey would be too, that one of his colleagues, who they worked together very closely through the years, Mario Cilento, as president of the New York State AFL-CIO, is here today because of his love of Humphrey, his working with Humphrey, and I know that they had a great long working relationship and friendship through the years.

Also in the gallery I know is Mike Neidl, who is our legislative representative of the AFL-CIO.

Ladies and gentlemen, it is

important to recognize those individuals who have given a great deal to their communities, to their families, and to their organizations. Humphrey Donahue is an A-plus in each of those categories. He loved his family, he did great work for his community and the central Finger Lakes, and his organization provided him a platform to work for working men and women across New York State.

His loss is felt by many. His impact is felt by many. And to that, Mr. President, that's why this resolution honoring Humphrey Donahue today is so fitting.

Thank you very, very much.

ACTING PRESIDENT BOYLE: Thank you, Senator.

And I'd like to thank Humphrey Donahue's friends and family for joining us here today and note that this resolution was previously adopted on June 10th.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Senator Tkaczyk has Resolution Number 5642. It was taken up previously and adopted. If we could have it read in its

entirety and call on Senator Tkaczyk.

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 5642, by Senator Tkaczyk, honoring Grace Rutagengwa upon the occasion of her designation as recipient of the Distinguished Service Award by Fulton-Montgomery Community College.

"WHEREAS, It is the sense of this Legislative Body to act, in accord with its long-standing traditions, honoring the youth of today, and leaders of tomorrow, whose character and achievements best exemplify the ideals and values cherished by this great state and nation; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to honor Grace Rutagengwa upon the occasion of her designation as recipient of the Distinguished Service Award by Fulton-Montgomery Community College; and

"WHEREAS, Grace Rutagengwa is receiving this esteemed honor for her

volunteerism as a student ambassador, welcoming new students to the Johnstown campus and conducting campus tours, and for sharing her survivor's story at local high schools, churches, and at the United Nations; and

"WHEREAS, Grace Rutagengwa earned her associate degree at Fulton-Montgomery Community College this year, marking yet another big step along an extraordinary journey for a survivor who endured the unspeakable horrors of the genocide in Rwanda in which her parents and three siblings were killed; and

"WHEREAS, Grace Rutagengwa, 22 years old, maintained a 3.0 GPA, with English being her fifth language; she proudly accepted her diploma from Robin DeVito, a mother of two who became her guardian and surrogate mother several years ago, and who raised her as her own; and

"WHEREAS, Friends dubbed Rutagengwa 'Amazing Grace' after learning of the atrocities she endured; Grace was the youngest of four children raised on her family's prosperous farm in Ntyazo in southern Rwanda; and

"WHEREAS, Her parents were

well-educated members of the minority Tutsis; they employed farmhands who were Hutus, the majority ethnic group; in the spring of 1994, ethnic tensions boiled over and ended in Africa's worst genocide in modern times; and

"WHEREAS, Grace Rutagengwa met Robin DeVito, who took her into her home in Duanesburg, and in 2011, she graduated from Duanesburg High School with a Regents diploma and scholastic awards; and

"WHEREAS, Grace Rutagengwa was the subject of a 2011 Times Union profile; Robin DeVito and Grace moved in 2012 to an apartment in Amsterdam, New York; and

"WHEREAS, An example of incredible perseverance, Grace Rutagengwa truly worked hard; currently, she works at St. Mary's Hospital in Amsterdam as a patient assistant in the radiology department and plans to continue her education at FMCC, studying radiology with a goal of becoming a radiology technician; and

"WHEREAS, It is the sense of this Legislative Body that when individuals of such noble aims and accomplishments are brought to our attention, they should be celebrated and

recognized by all the citizens of this great Empire State; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Grace Rutagengwa upon the occasion of her designation as recipient of the Distinguished Service Award by Fulton-Montgomery Community College, and best wishes for a future of purposeful success and well-being; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Grace Rutagengwa."

ACTING PRESIDENT BOYLE: Senator Tkaczyk.

SENATOR TKACZYK: Thank you, Mr. President.

I rise today to give a special recognition to one of my constituents who we've just read about, Grace Rutagengwa, and she is with us here in the chamber today.

Would you mind standing, Grace?

Grace is this extraordinary young woman who's had an incredible journey to get here to the floor of the Senate.

Grace is joined in the balcony by

her adoptive mother Robin DeVito, and also her basketball coach from Fulton-Montgomery Community College, Kevin Jones, as well as one of her earlier teachers, Anna Marie Collins and her husband, Jim, who helped tutor Grace when she was in high school. And also Grace's ESL teacher, Kathy Saso, is here, and several of Grace's friends, including Kristin Brown and Taiwo Ekundayo.

We all couldn't be prouder of Grace and her accomplishments, and I wanted her to be here today so that we could give her that recognition.

Grace, as you have heard, experienced incredible atrocities due to the Rwanda massacre. One of the last acts of Grace's mother was to hide her daughter under her skirt to protect her from their attackers. A neighbor found Grace, provided shelter for her until she could be safely transported out of the country, and they hid this 3-year-old little girl in a large suitcase to get her to safety.

She was very young and orphaned and had to endure incredible unsanitary and overcrowded conditions in camps in Congo and

Burundi, but she eventually was relocated back to Rwanda. And as an excellent student and determined athlete, she was selected to play with a traveling Rwanda basketball team. And when the team competed in a basketball tournament in New Jersey, she and a friend decided to seek and were given political asylum.

As luck would have it, she knew another African student who attended Fulton-Montgomery Community College, which has a number of international students and a strong English as a Second Language program. And it's there that she met Robin DeVito, who she and her family took Grace in and raised her as their own.

So she was able to graduate from Duanesburg High School with a Regents diploma, and continued to play basketball, not only at Duanesburg but also at FMCC.

And I just want to note what Grace wrote in her Duanesburg High School yearbook in honor of Robin. She wrote to give Robin a sense of gratitude to her for her love and support for providing Grace with a loving home. And she wrote: "You are my role model, and I will live

my life in honor of the example of love you have taught me."

I am often inspired by the people I come across every day in my district. I could not be more inspired by Grace and the work she has done and the accomplishments she's been able to make here in this country, and I wanted to recognize her on the floor of the Senate and wish her well in her future endeavors.

Thank you.

ACTING PRESIDENT BOYLE: Thank you very much.

And thank you for joining us, Grace. Congratulations on this well-deserved honor, and thank you for sharing your story of courage.

(Standing ovation.)

ACTING PRESIDENT BOYLE: This resolution was previously adopted on June 10th.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

At this time, on behalf of Senator Hannon, I wish to call up his bill, Senate Print 7125, recalled from the Assembly, but it's now at the desk.

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Calendar Number 1126, by Senator Hannon, Senate Print 7125, an act to amend the Public Health Law.

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

ACTING PRESIDENT BOYLE: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

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

ACTING PRESIDENT BOYLE: The amendments are accepted.

SENATOR LIBOUS: Mr. President, at this time I'd like to call an immediate meeting of the Rules Committee in Room 332. Immediate meeting of the Rules Committee in Room 332.

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

The Senate will stand at ease.

SENATOR LIBOUS: Senate will stand

at ease. Thank you, Mr. President.

(Whereupon, the Senate stood at ease at 3:12 p.m.)

(Whereupon, the Senate reconvened at 3:48 p.m.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT BOYLE: Senator Libous.

SENATOR LIBOUS: I believe there's a report of the Rules Committee at the desk. Could we have it read at this time.

ACTING PRESIDENT BOYLE: The Secretary will read the report of the Rules Committee.

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

Senate Print 20, by Senator Díaz, an act to amend the Penal Law;

Senate 48, by Senator Peralta, an act to amend the Penal Law;

Senate 383, by Senator Díaz, an act to amend the State Finance Law;

Senate 847, by Senator Parker, an act to amend the Economic Development Law;

Senate 973, by Senator Libous, an act to amend the Highway Law;

Senate 1109D, by Senator Maziarz, an act to amend the Mental Hygiene Law;

Senate 1172, by Senator Robach, an act to amend the Alcoholic Beverage Control Law;

Senate 1591C, by Senator Grisanti, an act to amend the General Business Law;

Senate 1685, by Senator Zeldin, an act to amend the Election Law;

Senate 1885C, by Senator Bonacic, an act to amend the Town Law;

Senate 2255, by Senator Klein, an act to amend the Education Law;

Senate 3297A, by Senator O'Mara, an act to amend the Tax Law;

Senate 3622, by Senator Lanza, an act to amend the Criminal Procedure Law;

Senate 3956C, by Senator Grisanti, an act to amend the Tax Law;

Senate 4332, by Senator Young, an act to amend the Agriculture and Markets Law;

Senate 4654A, by Senator Golden, an act to amend the Public Authorities Law;

Senate 4719B, by Senator Lanza, an

act to amend the Executive Law;

Senate 4797, by Senator Carlucci, an act to amend the Public Health Law;

Senate 4810, by Senator Martins, an act to amend the Real Property Tax Law;

Senate 4877, by Senator Griffo, an act to amend Chapter 912 of the Laws of 1920;

Senate 5188, by Senator Gallivan, an act to amend the Penal Law;

Senate 5228A, by Senator Carlucci, an act to amend the Mental Hygiene Law;

Senate 5872, by Senator Savino, an act to amend the Labor Law;

Senate 5875, by Senator Little, an act to amend the Executive Law;

Senate 5876, by Senator Robach, an act to amend the Real Property Law;

Senate 5890A, by Senator Felder, an act requiring;

Senate 5955A, by Senator Ball, an act to amend the Vehicle and Traffic Law;

Senate 5961, by Senator Marchione, an act to amend the Vehicle and Traffic Law;

Senate 6154, by Senator Avella, an act to amend the Administrative Code of the City

of New York;

Senate 6298, by Senator DeFrancisco, an act to amend the Penal Law;

Senate 6349, by Senator Lanza, an act to amend the Administrative Code of the City of New York;

Senate 6555A, by Senator Golden, an act to amend the Economic Development Law;

Senate 6696A, by Senator Klein, an act to amend the Public Health Law;

Senate 6715, by Senator Marchione, an act to amend the Election Law;

Senate 6717A, by Senator Martins, an act to amend the Tax Law;

Senate 6806, by Senator Grisanti, an act to amend the Social Services Law;

Senate 6875, by Senator Griffo, an act to amend the Social Services Law;

Senate 7037, by Senator Ritchie, an act to amend the Agriculture and Markets Law;

Senate 7055, by Senator Grisanti, an act to amend the Social Services Law;

Senate 7147, by Senator Felder, an act to amend the General Business Law;

Senate 7183A, by Senator Golden, an

act to amend Chapter 537 of the Laws of 2008;

Senate 7261, by Senator Klein, an act to amend the Administrative Code of the City of New York;

Senate 7370, by Senator Martins, an act to amend the Election Law;

Senate 7435, by Senator LaValle, an act to amend Chapter 21 of the Laws of 2011;

Senate 7466, by Senator Klein, an act to amend the Real Property Tax Law;

Senate 7473, by Senator Klein, an act to amend the Administrative Code of the City of New York;

Senate 7635, by Senator DeFrancisco, an act granting;

Senate 7644, by Senator Marcellino, an act to authorize;

Senate 7646, by Senator DeFrancisco, an act to authorize;

Senate 7720, by Senator Seward, an act to amend the Criminal Procedure Law;

Senate 7777, by Senator Carlucci, an act in relation to authorizing;

Senate 7786, by Senator Larkin, an act to amend the Criminal Procedure Law;

Senate 7839, by Senator Larkin, an act to amend the Retirement and Social Security Law;

Senate 7840, by Senator Golden, an act to amend the Civil Service Law;

Senate 7845, by Senator Bonacic, an act in relation to terms;

And Senate 7852, by Senator Young, an act to amend the Public Health Law.

All bills reported direct to third reading.

ACTING PRESIDENT BOYLE: Senator Libous.

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

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

(Response of "Aye.")

ACTING PRESIDENT BOYLE: Opposed?

(No response.)

ACTING PRESIDENT BOYLE: The report is accepted.

Senator Libous.

SENATOR LIBOUS: Mr. President,

could we go back to messages from the Assembly, please.

ACTING PRESIDENT BOYLE: Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Maziarz moves to discharge, from the Committee on Finance, Assembly Bill Number 8452 and substitute it for the identical Senate Bill Number 1109D, Third Reading Calendar 1372.

Senator Klein moves to discharge, from the Committee on Finance, Assembly Bill Number 151A and substitute it for the identical Senate Bill Number 2255, Third Reading Calendar 1377.

Senator Lanza moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 6530B and substitute it for the identical Senate Bill Number 4719B, Third Reading Calendar 1383.

Senator Martins moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 6215 and substitute it for the identical Senate Bill Number 4810, Third Reading Calendar 1385.

Senator Carlucci moves to discharge, from the Committee on Finance, Assembly Bill Number 7721A and substitute it for the identical Senate Bill Number 5228A, Third Reading Calendar 1388.

Senator Ball moves to discharge, from the Committee on Finance, Assembly Bill Number 8231A and substitute it for the identical Senate Bill Number 5955A, Third Reading Calendar 1393.

Senator Lanza moves to discharge, from the Committee on Cities, Assembly Bill Number 364 and substitute it for the identical Senate Bill Number 6349, Third Reading Calendar 1397.

Senator Marchione moves to discharge, from the Committee on Elections, Assembly Bill Number 5075 and substitute it for the identical Senate Bill Number 6715, Third Reading Calendar 1400.

Senator Grisanti moves to discharge, from the Committee on Social Services, Assembly Bill Number 8918 and substitute it for the identical Senate Bill Number 6806, Third Reading Calendar 1402.

Senator Griffo moves to discharge, from the Committee on Children and Families, Assembly Bill Number 8474 and substitute it for the identical Senate Bill Number 6875, Third Reading Calendar 1403.

Senator Ritchie moves to discharge, from the Committee on Agriculture, Assembly Bill Number 9118 and substitute it for the identical Senate Bill Number 7037, Third Reading Calendar 1404.

Senator Felder moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 9116 and substitute it for the identical Senate Bill Number 7147, Third Reading Calendar 1406.

Senator Martins moves to discharge, from the Committee on Elections, Assembly Bill Number 1230 and substitute it for the identical Senate Bill Number 7370, Third Reading Calendar 1409.

Senator LaValle moves to discharge, from the Committee on Higher Education, Assembly Bill Number 9715 and substitute it for the identical Senate Bill Number 7435, Third Reading Calendar 1410.

And Senator Klein moves to discharge, from the Committee on Cities, Assembly Bill Number 9170 and substitute it for the identical Senate Bill Number 7473, Third Reading Calendar 1412.

ACTING PRESIDENT BOYLE: Substitutions ordered.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time could we do the noncontroversial reading of Senate Supplemental Calendar 50A, please.

ACTING PRESIDENT BOYLE: The Secretary will read.

(Pause.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT BOYLE: Senator Libous.

SENATOR LIBOUS: Mr. President, we'll stand at ease momentarily and let the desk catch up. I apologize.

ACTING PRESIDENT BOYLE: The Senate will stand at ease momentarily.

(Whereupon, the Senate stood at ease at 3:57 p.m.)

(Whereupon, the Senate reconvened at 3:59 p.m.)

ACTING PRESIDENT BOYLE: The Senate will come to order.

The Secretary will read Senate Supplemental Calendar 50A.

THE SECRETARY: Calendar Number 1367, by Senator Díaz, Senate Print 20, an act to amend the Penal Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 2. Senators Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1368, by Senator Peralta, Senate Print 48, an act to amend the Penal Law.

ACTING PRESIDENT BOYLE: Read the

last section.

THE SECRETARY: Section 4. This act shall take effect on the first of November.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 3. Senators Montgomery, Parker and Perkins recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1369, by Senator Díaz, Senate Print 383, an act to amend the State Finance Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number

1370, by Senator Parker, Senate Print 847, an act to amend the Economic Development Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1371, by Senator Libous, Senate Print 973, an act to amend the Highway Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1372, substituted earlier by Member of the Assembly Gunther, Assembly Print 8452, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1373, by Senator Robach, Senate Print 1172, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1374, by Senator Grisanti, Senate Print 1591C, an act to amend the General Business Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 2. Senators Ball and Marchione recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1375, by Senator Zeldin, Senate Print 1685, an act to amend the Election Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT BOYLE: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1376, by Senator Bonacic, Senate Print 1885C, an act to amend the Town Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 120th day.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1377, substituted earlier by Member of the Assembly Nolan, Assembly Print 151A, an act to amend the Education Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 180th day.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1378, by Senator O'Mara, Senate Print 3297A, an act to amend the Tax Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 10. This act shall take effect immediately.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President. I rise to explain my vote no on this bill.

While it seems very admirable to be proposing all these reductions in taxes for volunteer -- incentives for volunteer fire and

other professionals around the state, it has a price tag estimated to be $70 million.

And these kinds of bills should be done within the budget, because, frankly, if we were to pass this into law right now, we would be obligated to come up with $70 million worth of savings within the budget or $70 million in new taxes, which I don't think any of us are prepared to do between now and Thursday.

I'll vote no, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 53. Nays, 3. Senators Krueger, Rivera and Sanders recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1379, by Senator Lanza, Senate Print 3622, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1380, by Senator Grisanti, senate Print 3956C, an act to amend the Tax Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1381, by Senator Young, Senate Print 4332, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1382, by Senator Golden, Senate Print 4654A, an act to amend the Public Authorities Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1383, substituted earlier by Member of the Assembly Cusick, Assembly Print 6530B, an act to amend the Executive Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1384, by Senator Carlucci, Senate Print 4797, an act to amend the Public Health Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Zeldin recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number

1385, substituted earlier by Member of the Assembly Ramos, Assembly Bill 6215, an act to amend the Real Property Tax Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 120th day.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1386, by Senator Griffo, Senate Print 4877, an act to amend Chapter 912 of the Laws of 1920.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President. I rise to explain my vote.

I do appreciate the sponsor attempting to move amateur mixed martial arts out of the shadows and into regulation, as this bill does. But I do also think that we are not going far enough in protecting the health and safety and welfare of amateur fighters. Namely, they should be wearing headgear.

And we've seen in other sports the rising incidence of injuries to the brain and long-term health consequences because of those injuries. And therefore, Mr. President, I'll be voting in the negative.

Thank you.

ACTING PRESIDENT BOYLE: Senator Hoylman to be recorded in the negative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I share my colleague's points. I will be voting yes for this bill, because it's better than nothing and nothing is what we have right now.

What is very disturbing is the

reports coming in about the dangers and violence associated with the amateur mixed martial arts events happening throughout the state. And there's really nothing amateur about them except apparently everybody makes money except the fighters. There have even been reports of activities, official amateur activities of children as young as 6 years old being involved in caged fighting matches.

So again, I won't vote no on this bill because at least it's a step forward for the state to finally take, but I hope that actually upon looking at this sport, the State Athletic Commission will immediately move to outlaw these kinds of activities at the amateur level because they are so, so dangerous.

Thank you, Mr. President. It's a yes vote.

ACTING PRESIDENT BOYLE: Senator Krueger to be recorded in the affirmative.

Any other Senators wishing to explain their votes?

Seeing none, announce the results.

THE SECRETARY: Ayes, 52. Nays, 4. Senators Díaz, Hoylman, LaValle and Perkins

recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1387, by Senator Gallivan, Senate Print 5188, an act to amend the Penal Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1388, substituted earlier by Member of the Assembly Gunther, Assembly Print 7721A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1389, by Senator Savino, Senate Print 5872, an act to amend the Labor Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1390, by Senator Little, Senate Print 5875, an act to amend the Executive Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 6. This

act shall take effect on the 90th day.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Senator Little to explain her vote.

SENATOR LITTLE: Thank you, Mr. President. And thank you to all my colleagues for voting for this bill.

This bill amends the Executive Law in relation to discriminatory practices because of familial status. And what it means by this is that you could not discriminate in choosing an employee based upon the fact that one had children and perhaps, if single, had more responsibilities for those children than the other who was single with no children or married who had a partner who was willing to take on a lot of those responsibilities.

We all know that this happens. We also all know that many single parents have to work, and yet they do need to tend to their children when they're sick, when they have school visits, when they have an emergency that happens that needs their attention. And they can be best

workers that anyone can have. So this way we prohibit discrimination against them based upon the fact that they have responsibilities at home.

Thank you very much for voting for this. I vote aye.

ACTING PRESIDENT BOYLE: Senator Little to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1391, by Senator Robach, Senate Print 5876, an act to amend the Real Property Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT BOYLE: The bill is laid aside.

THE SECRETARY: Calendar Number 1392, by Senator Felder, Senate Print 5890A, an act requiring.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1393, substituted earlier by Member of the Assembly Sweeney, Assembly Print 8231A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1394, by Senator Marchione, Senate Print 5961, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1395, by Senator Avella, Senate Print 6154, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

You know, it's always important to really look through these bills. Because on the surface, why wouldn't we want to do away with a

minimum daily cost for water. Well, apparently here's why, according to the memo of opposition from the City of New York.

One, because they have bonds out on the Water Authority. Changing this law would actually put the city in a position where they violated their fiduciary responsibility to their bondholders. And many constituents of all of ours are in fact bondholders. So I'm not sure why we'd want to pass a law that would result in the City of New York violating its bond agreements on anything.

And two, according to the City of New York, if this bill were to become law, while some people would see a reduction in their water bill, the 75 percent of us who this law wouldn't apply to would see an increase in the water bill to make up for it.

So it's not a reduction overall in water bills for people who live in the City of New York, it's a shifting of a portion of the cost from an existing population, approximately 25 percent of the water-bill payers, transferring those costs to the 75 percent other of us.

So I don't really think this proves

to be that great a dial when you look at it. The City of New York still can't afford to lose the $30 million in revenue. It still has a fiduciary responsibility to the bondholders for the bonds that exist.

And maybe I would like the 25 percent more than I would like the 75 percent if I knew them by name and address, but I don't think I really want to pass a law that simply transfers costs from one group of people to another without knowing much more detail.

I'll vote no, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1395, those recorded in the negative are Senators DeFrancisco, Gianaris, Gipson, Krueger, Little, Montgomery, Perkins, Rivera, Sanders and Serrano.

Ayes, 46. Nays, 10.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1396, by Senator DeFrancisco, Senate Print 6298,

an act to amend the Penal Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1397, substituted earlier by Member of the Assembly Dinowitz, Assembly Print 364, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 2. Senators Montgomery and Parker recorded in the

negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1398, by Senator Golden, Senate Print 6555A, an act to amend the Economic Development Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1399, by Senator Klein, Senate Print 6696A, an act to amend the Public Health Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1400, substituted earlier by Member of the Assembly Millman, Assembly Print 5075, an act to amend the Election Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT BOYLE: The bill is laid aside.

THE SECRETARY: Calendar Number 1401, by Senator Martins, Senate Print 6717A, an act to amend the Tax Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number

1402, substituted earlier by Member of the Assembly Peoples-Stokes, Assembly Print 8918, an act to amend the Social Services Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1403, substituted earlier by Member of the Assembly Rozic, Assembly Print 8474, an act to amend the Social Services Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1404, substituted earlier by Member of the Assembly Magee, Assembly Print 9118, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1405, by Senator Grisanti, Senate Print 7055, an act to amend the Social Services Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1406, substituted earlier by Member of the Assembly Simanowitz, Assembly Print 9116, an act to amend the General Business Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1407, by Senator Golden, Senate Print 7183A, an act to amend Chapter 537 of the Laws of 2008.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1408, by Senator Klein, Senate Print 7261, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT BOYLE: There is no home-rule message at the desk. The bill will be laid aside for the day.

The Secretary will continue.

THE SECRETARY: Calendar Number 1409, substituted earlier by Member of the Assembly Abinanti, Assembly Print 1230, an act to amend the Election Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1410, substituted earlier by Member of the Assembly Glick, Assembly Print 9715, an act to amend Chapter 21 of the Laws of 2011.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1411, by Senator Klein, Senate Print 7466, an act to amend the Real Property Tax Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 3. This act shall take effect July 1, 2015.

ACTING PRESIDENT BOYLE: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Gipson recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1412, by Member of the Assembly Quart, Assembly Print 9170, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 270th day.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Gipson recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1413, by Senator DeFrancisco, Senate Print 7635, an act granting.

ACTING PRESIDENT BOYLE: There is a

home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1414, by Senator Marcellino, Senate Print 7644, an act to authorize.

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

Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number

1415, by Senator DeFrancisco, Senate Print 7646, an act to authorize.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1416, by Senator Seward, Senate Print 7720, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 3. Senators Hoylman, Krueger and Perkins recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1417, by Senator Carlucci, Senate Print 7777, an act in relation to authorizing.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1418, by Senator Larkin, Senate Print 7786, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52. Nays, 4. Senators Hoylman, Krueger, Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1419, by Senator Larkin, Senate Print 7839, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1420, by Senator Golden, Senate Print 7840, an act to amend the Civil Service Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 12. This

act shall take effect immediately.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1421, by Senator Bonacic, Senate Print 7845, an act in relation to terms.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 1423, by Senator Young, Senate Print 7852, an act to amend the Public Health Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BOYLE: The bill is passed.

That completes the reading of the noncontroversial supplemental calendar, Senator Libous.

SENATOR LIBOUS: Mr. President, I want to take up the controversial calendar on the Supplemental 50A, but I'd like to take up Calendar Number 1400 first.

ACTING PRESIDENT BOYLE: The Secretary will ring the bell.

Senator Libous.

SENATOR LIBOUS: Mr. President, while we're waiting to get started there, I'd like to return to motions for a second.

ACTING PRESIDENT BOYLE: Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: On behalf of

Senator Marcellino, on page 21 I offer the following amendments to Calendar Number 605, Senate Print 5315A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT BOYLE: So ordered.

The Secretary will read Calendar Number 1400.

THE SECRETARY: Calendar Number 1400, by Member of the Assembly Millman, Assembly Print 5075, an act to amend the Election Law.

SENATOR KRUEGER: Explanation.

ACTING PRESIDENT BOYLE: Senator Krueger is requesting an explanation.

Senator Marchione.

SENATOR MARCHIONE: Thank you.

This bill simply would not allow a candidate whose name appears on the ballot to act as a poll watcher within that district.

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

ACTING PRESIDENT BOYLE: Senator Marchione?

SENATOR MARCHIONE: Yes.

ACTING PRESIDENT BOYLE: Senator

Marchione yields.

SENATOR KRUEGER: Thank you.

So I know it differs by different sections of the state of who's on a poll, on a ballot at any given time. If this became law, would it mean that any person who's running for a county committee slot for their specific party could not be a poll watcher?

SENATOR MARCHIONE: If -- I'll take the liberty of responding. That if that county committee person was in a primary for that seat, because that's the only way that name would appear on the ballot, then they would not be able to be a poll watcher in the district while their name appears on the ballot.

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

SENATOR MARCHIONE: Yes.

SENATOR KRUEGER: Thank you.

Would the same apply if a group of people were listed as judicial delegates or a judicial delegate slate, which is how we do this in my city? They also, none of them could be poll watchers?

SENATOR MARCHIONE: Any person whose name appears on the ballot for any position would not be able to act as poll watcher in the district in which their name appears on the ballot.

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

ACTING PRESIDENT BOYLE: Senator Krueger on the bill.

SENATOR KRUEGER: I appreciate the sponsor's answers to my questions.

I must admit, when you first look at the bill you think, all right, so if Liz Krueger is running for the Senate, perhaps Liz Krueger ought not be a poll watcher at her own poll sites. Although of course existing law already would be explicitly preventing me from electioneering or challenging inappropriate behaviors, because we already have a series of laws that stop candidates from doing inappropriate things to intimidate or impact what goes on in their polling sites.

So I must admit I first thought, well, candidates for the elected office of Congress, the Governor, State Senate, the

Assembly, I get that.

But then I realized it would apply to people who are simply trying to be elected to be their county party representatives, which we can have large numbers of in any given district. We could have one or two for each ED within any given district. It would apply to people attempting to be simply judicial delegates to party judicial conventions. It could apply to people trying to become district leaders or state committee people for their various parties.

And that at that level, you might actually be ruling out almost every local activist involved in political process or Election Day activities from actually being a poll watcher. And I actually think, while I understand the sponsor's goal that we certainly don't want people to be intimidating voters, intimidating election workers, that when you think about how many people could be prevented from being poll watchers -- who are in fact the most involved in the electoral process in their districts, the people who are the ones we count on to do the hard work of making sure the democratic process, small D, takes place

appropriately in our state -- that we could be writing off almost everyone who might currently be playing these roles in our district.

And I have not heard, and I did a little research today, that there's any record of these people in fact being found to be inappropriate when they are poll watchers. There were no reports of people running for judicial delegate, people running for a county committee slot attempting to intimidate voters or inappropriately direct voters or electioneer in the polling sites.

So personally, I think the bill overreaches in how many people this law would apply to. I think we would actually be sorry if it became law, because we'd realize all these committed good volunteer activists in our community who are not looking for paid electoral positions or full-time electoral positions or even positions that most of the public thinks of as electoral positions, would be prevented from doing exactly what they do now.

And they actually do a good job of helping make sure, in all parties in all districts, that the rules are being followed and

small D democracy is successfully taking place the vast majority of the time in the vast majority of polling sites in the state.

So I think this bill overreaches in the universe it would cover, and I'll be voting no.

Thank you, Mr. President.

ACTING PRESIDENT BOYLE: Thank you, Senator.

Seeing no other Senators wishing to speak, debate is closed and the Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Senator Marchione to explain her vote.

SENATOR MARCHIONE: Thank you, Mr. President. I rise just to further explain this bill and my position on it.

And I would encourage my colleagues to vote yes. This has already been approved in

the Assembly.

As Senator Krueger spoke earlier, you know, I've been a committee person in my respective town for 35 years. If someone wanted to run against me, they would run against me in a Republican primary, not a general election, and then my name is no longer there.

If you are a Democrat and you are a committee person, they would run against you in a Democrat primary, because you're only going for a seat within your respective party.

This by no means is something that would preclude our committee people from being able to act as poll watchers in a general election. This is a good common-sense bill that says those of us who are elected who go into a polling place already have an influence on people who come in and vote when we don't even say anything.

This is a good way, a good common-sense way to say we don't belong in the polls as poll watchers when our name appears on that ballot. And I would encourage my colleagues to vote yes.

Thank you, Mr. President.

ACTING PRESIDENT BOYLE: Senator Marchione to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 1400, those recorded in the negative are Senators Boyle, Krueger, Parker and Perkins.

Absent from voting: Senator O'Mara.

Ayes, 52. Nays, 4.

ACTING PRESIDENT BOYLE: The bill is passed.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT BOYLE: Senator Libous.

SENATOR LIBOUS: Could we please take up Calendar Number 1391, by Senator Robach.

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Calendar Number 1391, by Senator Robach, Senate Print 5876, an act to amend the Real Property Law.

ACTING PRESIDENT BOYLE: Read the last section.

SENATOR KRUEGER: Explanation.

ACTING PRESIDENT BOYLE: Explanation requested, Senator Robach.

SENATOR ROBACH: Yes, Mr. President. This is a piece of legislation which is very much similar to legislation we've passed previously banning discrimination in the workplace against victims of domestic violence, and this would similarly ban that in housing.

For those of us who work with advocates and have worked on this issue, unfortunately it's often too many times true --

SENATOR MARCELLINO: Mr. President.

ACTING PRESIDENT BOYLE: Senator Marcellino.

SENATOR MARCELLINO: I can't hear what's going on. Could we just get some order in the house, please.

ACTING PRESIDENT BOYLE: The Senate will come to order.

SENATOR ROBACH: Well, let me just start very quickly. This bill would impact the housing law similar to the bill we passed previously in this house which would ban discrimination against victims of domestic violence in the workplace. Often we know that the perpetrators of this crime will go to great lengths to make the victim's life revictimized or

make it difficult for them to move on.

And oftentimes if people are made aware, unfortunately, sometimes of the situation, they are less likely or more reluctant to rent apartments or other things.

I've worked on this bill with Alternatives for Battered Women, a group out of Rochester, for several years now, and other advocates, and I think this will be one more step in combating and ending the scourge of domestic violence in New York.

ACTING PRESIDENT BOYLE: Senator Krueger.

SENATOR KRUEGER: Mr. President, on the bill.

ACTING PRESIDENT BOYLE: On the bill, Senator.

SENATOR KRUEGER: Thank you.

Thank the sponsor for his explanation.

So this is the third bill in a row that involves trying to decrease discrimination against women in some capacity. We had the differential pay because of sex bill, we had the discriminatory practice because of familial

status, and now we have discrimination in domestic violence in housing. There is a lot of discrimination against women in New York State law.

Now, I don't object to this bill -- a portion of this bill, which is to prohibit housing discrimination against victims of domestic violence, as the sponsor just explained. But in fact this bill is a version of a bill that actually had moved through this house multiple times that also, in the other version, included prohibiting housing discrimination based on lawful source of income, as opposed to this bill simply studying the question of whether women are being discriminated against based on their source of income.

My City of New York has actually passed the better version of the bill, requiring that you cannot discriminate based on source of income including employment, child support, alimony, Social Security, disability assistance, federal, state or local public assistance, or housing assistance, including Section 8 vouchers.

That, once upon a time, was a bill that moved through both houses, and unfortunately

was vetoed in 2010, incorrectly, because of technical issues with the domestic violence definition, not objecting to the much broader categories of housing that women should not suffer discrimination under our law.

I was absent Thursday because I had a death in my family when two other bills involving women and discrimination passed this house. Maybe we'll see more. There's a package of all 10 bills proposing changes in decreasing discrimination against women in New York State law. It has passed the Assembly. It goes by the shorthand "Women's Equality Agenda."

And yet I gather from comments I heard from Thursday when I was not able to be here that there continues to be the argument that we can't do the full 10, that we can only select a few of the ways that women are discriminated against in New York State law and call it a day and call it a year.

And I'm here to say it's not acceptable, Mr. President. When women's lives are at risk, when women end up having to leave the State of New York to get healthcare because we still have laws on our books that

don't allow the law of this country, the federal law of this country, to be the law of New York State, it is not acceptable.

I am not voting against these bills here today; I am voting for these bills. But I am here to say half a loaf is not acceptable. The concept that there are women in this state --

ACTING PRESIDENT BOYLE: Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: I wondered if Senator Krueger would yield to a question.

SENATOR KRUEGER: I would like to finish my statement, and then I would be happy to yield to the Senator. Thank you.

The concept that women in this state, unlike men, would have their healthcare decisions challenged and not be protected by the law of this state, the concept that women in this state find that in some circumstances they actually have to leave the state to search for doctors to provide them healthcare services, that they put their lives at risk because having to leave the state, having to find a provider in another state, having to travel there can add one, two, three days before they can actually get

these healthcare services -- this is unacceptable in the 21st century.

New York State must have laws that make explicit that women's reproductive health rights are protected by our statutes. They should not be refused services. They should not have to go county by county because some counties have far less services than others.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT BOYLE: Senator Libous.

SENATOR LIBOUS: Is the speaker germane to the bill on the floor?

ACTING PRESIDENT BOYLE: Senator, could you please remain germane --

SENATOR KRUEGER: Through you, Mr. President, I believe I am. We're talking about a series of bills that are trying to end discrimination against women under our laws --

ACTING PRESIDENT BOYLE: Senator, we're speaking on one bill, the present bill.

SENATOR KRUEGER: Again, this bill is specific to domestic violence against women.

SENATOR LIBOUS: Thank you, Mr. President. Senator Krueger answered the

question.

SENATOR KRUEGER: Through you, Mr. President, to continue.

Domestic violence often ends up with women finding themselves in reproductive health situations they did not choose. Domestic violence is often associated with sexual assault in the home --

ACTING PRESIDENT BOYLE: Senator, please keep your comments germane to the present bill.

SENATOR KRUEGER: I believe domestic violence is germane to this bill, as the sponsor, Senator Robach, explained.

And domestic violence, if you look at the research, often correlates to women who are victims of domestic violence being prevented from getting the healthcare that they need in a timely manner. It often translates into sexual assault against the woman's will, which can translate into unwanted pregnancies. And in fact there's a great deal of scientific correlation between being the victim of domestic violence and being able to access in a timely manner the kind of healthcare that you need.

That is added to in our state because we don't have the right protections in place in our statutes for reproductive health, as we don't have the right statutes in place for domestic violence. And again, as I pointed out, the Senator's bill helps with that, but it doesn't address the totality of issues that victims of domestic violence can find themselves in over and over again.

In fact, domestic violence can correlate to employment discrimination, because the research shows that people who feel their right to domestically -- to cause domestic violence also don't want their victims to feel economically independent and able to leave, so they try to negatively impact their ability to move into and stay in the workforce. They try to make sure they don't have the economic resources to move on somewhere else. They try to prevent them from making their own decisions about pregnancy and childbearing.

So it all is one issue. It's all one mechanism to try to make sure our state law protects women, whether in their home, in their workplace.

And again, fundamentally, if the women of this state don't have access to the kind of healthcare they need -- without discrimination, upon request, in every county under every circumstance -- we have flunked the test of protecting victims of domestic violence, of protecting women in this state.

I hope in the next few days we can see all 10 bills that have been discussed in the context of being one set of issues moved to the floor of this house and passed.

I will vote for this bill. Thank you, Mr. President.

ACTING PRESIDENT BOYLE: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes --

SENATOR KRUEGER: Oh, I'm sorry. Excuse me. I am happy to answer Senator DeFrancisco's question.

SENATOR DeFRANCISCO: Senator, you indicated that 50 percent of the loaf was not acceptable. How about 60 percent?

ACTING PRESIDENT BOYLE: Senator Krueger.

SENATOR KRUEGER: Through you,

Mr. President, no. A hundred percent of the loaf is needed.

As I said, they all are interactive. If a victim of domestic violence can't get the reproductive health services she needs, we are not addressing the needs of victims of domestic violence.

SENATOR DeFRANCISCO: Would you yield to another question.

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT BOYLE: Senator DeFrancisco.

SENATOR DeFRANCISCO: By voting yes today like you say you're going to, does that mean you're in favor of this bill?

SENATOR KRUEGER: As I said, it's a weaker version than I believe we should be voting upon. We had stronger versions pass this house before. So there is a portion of this bill, the portion that specifically says that you cannot discriminate against victims of domestic violence in housing, that I am happy to vote for. But it is missing the other sections that it used to have.

And rather than be also explicitly

prohibiting discrimination based on lawful source of income, there we're only studying the question. So I'm not satisfied with that. I would prefer a stronger bill.

SENATOR DeFRANCISCO: But you're voting yes.

SENATOR KRUEGER: Yes, sir, I said that.

SENATOR DeFRANCISCO: Okay. Would she yield to another question.

ACTING PRESIDENT BOYLE: Senator, will you yield?

SENATOR KRUEGER: Certainly.

SENATOR DeFRANCISCO: Now, I don't believe you were present when we voted on the bill concerning human trafficking last week. Do you know if you were recorded as a yes on that particular vote?

SENATOR KRUEGER: One second. Yes, I did check in and then leave for the funeral of my uncle.

SENATOR DeFRANCISCO: No, that's fine.

Would she yield to another question?

ACTING PRESIDENT BOYLE: Senator

Krueger?

SENATOR KRUEGER: Certainly.

SENATOR DeFRANCISCO: Does that yes from last week, does that mean that you think it's important for this state to have a law, like the law you voted yes on, to prohibit sex trafficking and to make substantially greater penalties for sex trafficking?

SENATOR KRUEGER: Through you, Mr. President, I certainly think it is important for the State of New York to have stronger Laws to have stronger laws to protect victims of sex trafficking.

Interestingly, sex trafficking is another crime that directly correlates to access to reproductive health for women. Because in fact women who are sex trafficked, who have their rights and freedoms taken away from them, are absolutely most likely to be victims of not being able to get the kind of reproductive healthcare they need in a timely way. They're often being forced to stay in physical facilities they don't wish to. They don't have often insurance coverage or the right to going to doctors and often find themselves having to go way too late

in the process to get the kind of care they wish they had gotten months earlier.

And so that bill specifically, I believe, highly correlates. If you really are concerned about protecting victims of sex trafficking, it's almost like it's an automatic, you have to understand the importance of having legitimate, full access to reproductive health for these women. It's key for them. It's just key.

SENATOR DeFRANCISCO: Would Senator Krueger yield to another question.

SENATOR KRUEGER: Yes. Oh, I'm sorry, I forget to let you ask.

ACTING PRESIDENT BOYLE: Senator, you will yield --

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BOYLE: -- but we're going to try and keep the comments specific to the present bill.

SENATOR DeFRANCISCO: Yes. You know last year the Senate passed the sex trafficking bill and passed this bill that we're on today --

SENATOR GIANARIS: Mr. President.

ACTING PRESIDENT BOYLE: Senator Gianaris, why do you rise?

SENATOR GIANARIS: I'm sorry for interrupting, but I'd just like to support Senator Libous's comments from earlier. We are now getting way off Senator Robach's bill that is actually before us, and I would ask the president to enforce the germaneness rule.

ACTING PRESIDENT BOYLE: Senator Gianaris, you make a good point.

Senator DeFrancisco, if you can keep your comments to the present bill, Senator Robach's.

SENATOR DeFRANCISCO: I would be more than happy to.

And let's talk about Senator Robach's bill today that you are going to vote yes on. Do you know that bill passed last year?

SENATOR KRUEGER: Yes.

SENATOR DeFRANCISCO: And one other question and then I'll stop.

Do you believe that it was worth women who didn't have the protections of the Senator Robach bill concerning the discrimination based upon domestic violence, that it was worth

not providing them those protections for this last year because the Assembly wanted to hold out for 10 bills?

SENATOR KRUEGER: Through you, Mr. President. When I first decided to run for the Senate, one of the issues I ran on was a bill called the Women's health and Wellness Act. At the time, the Assembly had passed the bill approximately six times, if not seven years in a row, but the Senate would not pass the bill. Even though it was a bill to provide cancer screenings for breast cancer, cervical cancer and ovarian cancer. But the Senate wouldn't pass it even though the Assembly passed it. And why? Because that bill included birth control as well as cancer screenings.

And so a very large coalition of organizations and healthcare providers throughout the state said, and seven years they had to say it: We're not going to give up on fighting for women's rights for reproductive independence and health. And even though it's a tragedy that the Senate would force us to wait seven years before it would pass cancer screenings, they said, we need the whole package.

And eventually, after I joined the Senate, we were successful in passing the full Women's Health and Wellness Act. I believe that's a parallel story to today.

It's 2014. We have now been waiting, really since Roe v. Wade was codified in 1974, for New York State to modernize its law and to establish fundamental protections in our statutes that are our right as citizens of the United States but ironically don't seem to be our right as citizens of New York State.

So having waited since 1974, I believe that women and men in this state understand the critical nature of moving reproductive health legislation forward. And I think men and women of the state understand that every single issue that the Senator and I have been discussing and these bills all correlate together as a package that only in its totality assures the real protections women need.

ACTING PRESIDENT BOYLE: Senator DeFrancisco.

SENATOR DeFRANCISCO: On the bill.

ACTING PRESIDENT BOYLE: On the bill, Senator DeFrancisco.

SENATOR DeFRANCISCO: This debate is much the same, my comments on this debate are much the same as on the one last week concerning human trafficking.

There are nine major bills, this being one of them, Senator Robach's bill, that I think are pretty important for women, including Senator Savino's bill that we passed without debate, an act to amend the Labor Law in relation to prohibition of differential pay because of sex.

It is incredible to me that we would hold up the nine bills that are so essential to women in order -- and even these nine bills are being voted on by those who think there should be a 10-bill package, and I think that's great. The problem is that they're being held up another year.

I just wonder how many people are going to be discriminated by pay, discriminated as a result of domestic violence, discriminated against and harmed because of human trafficking because we have a philosophical difference about one of the 10 points. And there is a true philosophical difference.

Half a loaf won't do it, apparently, for some. Sixty percent won't do it, 70 percent -- 100 percent, all or nothing. That's wrong, and I call on the Assembly, like I did last week, to take these bills up separately. The nine are going to pass. The nine will help women immensely. And there's another day to debate Number 10, which I will not support.

So with that in mind, I would hope that this bill passes -- and I'm sure it will, probably unanimously, just like the one last week -- and let reason prevail in this Capitol and give women protections this year. Don't wait another year because you want it all.

Thank you, Mr. President.

ACTING PRESIDENT BOYLE: Thank you, Senator.

Senator Díaz.

SENATOR DIAZ: Mr. President on the bill.

ACTING PRESIDENT BOYLE: On the bill, Senator Díaz.

SENATOR DIAZ: I don't even know if I'm going to be out of order. But I heard Senator Hoylman few minutes ago explaining why he

was voting no because -- the reason that he gave why he was voting no in a bill. Then I heard Senator Krueger stood up and said, "I'm voting yes because it's better to have something than nothing." That was before.

But now I hear Senator Krueger saying it's all or nothing. So I don't know if I am reading Senator Krueger wrong, but if she said before that it was okay to vote yes when Senator Hoylman was saying the reason why to vote no, and she said it's better to have something than nothing. But now it's about those 10 points, she said it's better to have nothing if you're not going to have everything. So it's two different -- to me, it's two different explanations here.

And I'm supporting -- I also want to talk about the -- congratulate Senator Robach. Because when we talk about domestic violence and we're talking about -- that was Senator Krueger saying before, if we're talking about trying to protect women and stop anything that could hurt women, then I have to question myself and question what people saying.

But when we're trying to impose

legislation where we will ask nonphysicians to do abortion, ain't that -- ain't that asking for violence? Because if we say a nonphysician, a midwife could do something like that, I think that we're opening women for violence. We are not protecting women against violence. If we open -- if we are saying that a pharmacist could do something like that, ain't we open ourself and the women of this state for violence? So are we protecting talking about women violence, trying to protect from violence, or we are opening for more violence?

So we have to be sure that if we are here trying to talk about stop domestic violence, then we have to be sure what it is we want. Because opening the door for that, that might create, that might create a dangerous situation for women, that is not -- to me, that is not protecting women. That is throwing women to the wolves.

Senator Robach, thank you.

And Senator DeFrancisco, talking about those nine points that are so important for women and we should put and vote -- we did it already. We passed those nine votes. And some

people that want to protect women that said that they want to do something for women because of one point, Senator DeFrancisco say they don't want the other nine.

So I don't know, I don't know how is it that we are protecting women. Nine points, Senator Krueger and ladies and gentlemen, is better than nothing, as she said before to Senator Hoylman. Nine of the ten a lot better than nothing.

I'm voting yes. Thank you.

ACTING PRESIDENT BOYLE: Thank you, Senator.

Senator Squadron.

SENATOR SQUADRON: Thank you, Mr. President.

Just a brief point of clarification. I do want to say I think it's a very positive bill. I appreciate Senator Robach's explanation of it. And I think it's an important bill on its own rights and its own merits. And I'm glad that we all feel that way, and I hope Senator DeFrancisco proves correct that we have broad support for this bill today.

Just to clarify, though, we're not

talking about nine out of 10 or whatever it is. This bill is not really, fully a version of the Women's Equality Act that we talked about. It is not a complete source-of-income discrimination bill. I think Senator Robach was clear and straightforward about that in his explanation. It really is focused on victims of domestic violence, which is a critically important group of people.

It does push forward a study, but it doesn't do what we've done in New York City and in Nassau County, which is prohibit source-of-income discrimination in housing. That's the bill that passed this house with bipartisan support in 2010, passed the Assembly. It was unfortunately and incorrectly vetoed by Governor Paterson. It's a bill I still carry.

And, you know, when we're talking being one out of 10 or two out of 10 or nine out of 10, I do want to just be clear. As far as I'm concerned, this is a different important and meritorious bill. I'll be voting yes. And I hope we also have the opportunity to vote on the broader source of income discrimination bill.

Thank you, Mr. President.

ACTING PRESIDENT BOYLE: Thank you, Senator.

Are there any other Senators wishing to speak?

Seeing none, the debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Mr. Chairman. To explain my vote.

I want to congratulate Senator Robach for an excellent bill. You know, I think that I agree with some of my colleagues who think that the bill doesn't quite go quite far enough. But we certainly need this legislation protecting -- there's nothing more important in our society than protecting, you know, women, particularly domestic violence victims and survivors. But there's so much that needs to be

done.

And as has been indicated both by Senator Krueger and others, and what I'm certain that Senator Robach's study will show, is that domestic violence isn't a crime that happens uncontextually, that in fact it happens within a particular context. And we in fact should be trying to protect all members of our society, but particularly women, from all of those contexts.

I want to congratulate this chamber on an evolution that I've seen since I've been here, of not just coming here and debating bills and being outside and working through hard issues, but what we've started a tradition of is bringing bills to the floor that we know are important and giving them an up-and-down vote.

And so as we talk about this, debate about whether it's 10 separate bills or one bill, let's bring the omnibus women's equality package to the floor, let's give it a vote, and if people want to vote no, then let them vote no and let the bill go up and down on its merit. We did that with the DREAM Act, and that seemed to be fine. We did it with marriage equality a number of years ago.

Let this be another opportunity to show everyone that we are not afraid, that we are here ready for the moment, and that we are ready to give people in this state an opportunity to see where their representatives stand on the issues as relates to women in the State of New York.

Thank you very much. I'm voting ' aye.

ACTING PRESIDENT BOYLE: Senator Parker to be recorded in the affirmative.

Announce the result.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT BOYLE: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, let's go back to today's active list and read the controversial calendar, Number 646, please.

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Calendar Number 646, by Senator Ritchie, Senate Print 1946A, an act to amend the Vehicle and Traffic Law.

SENATOR KRUEGER: Explanation.

ACTING PRESIDENT BOYLE: Senator Krueger has requested an explanation.

Senator Ritchie.

SENATOR RITCHIE: This bill would permit all-terrain vehicles weighing up to 1500 pounds to be registered in New York State, provided they are limited to three seats and have safety mechanisms such as a roll bar and seat belts.

New York State is the only state that limits the weight that all-terrain vehicles can be registered up to a thousand pounds. In the past few weeks I have received over 4,000 signatures on a petition from individuals in Western New York, Hudson Valley, and the North Country asking that this bill be passed so that they can go back out -- many of them, they can go back out as senior citizens and enjoy the trails and the outdoors, and many individuals who are disabled.

Ironically enough, the only individuals who are using the trails when an ATV is over a thousand pounds right now are those out-of-state residents who actually register their all-terrain vehicle in their state and then

come to New York and they're able ride on our trails, when taxpaying citizens here are not allowed to.

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

ACTING PRESIDENT BOYLE: Senator Ritchie, will you yield?

SENATOR RITCHIE: Yes.

ACTING PRESIDENT BOYLE: Yes.

SENATOR KRUEGER: Thank you.

So this would allow vehicles that are currently known as UTVs, utility vehicles with weights up to 1500 pounds to be treated as if they're ATVs for recreational purposes in nonindustrial, nonfarm purposes, is that correct?

SENATOR RITCHIE: This would allow an ATV is that considered a utility vehicle up to 1500 pounds to be registered and used in the same way an ATV is currently.

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

ACTING PRESIDENT BOYLE: Do you continue to yield?

SENATOR RITCHIE: Yes,

Mr. President.

ACTING PRESIDENT BOYLE: Yes.

SENATOR KRUEGER: Can the sponsor explain to me the difference between our current ATVs, which are up to a thousand pounds, and these new 1500-pound ATVs, which my understanding are now called UTVs or side-by-sides, can she help me understand what's the difference besides the weight?

SENATOR RITCHIE: Actually, last week I had a number of dealers who came down and displayed their UTVs. Generally a UTV is a side-by-side. Many times they are equipped with safety items that are not on ATVs, such as roll bars and seat belts.

During the display there was a UTV that was just under a thousand pounds next to one that was just over a thousand pounds. One could be registered, one was not allowed to be registered. The only difference was the one that's not allowed has automatic steering, which actually makes it safer.

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

SENATOR RITCHIE: Yes.

ACTING PRESIDENT BOYLE: The sponsor yields.

SENATOR KRUEGER: Thank you.

I actually also saw these vehicles, because they were set up, on my way between the Capitol and the LOB. And I have to say they looked like cars to me. I'm looking at some photos now. I know we're not allowed to display things here, but I'm looking at some photos here.

Can the performance explain to me, when you talk about the dry weight of a vehicle being 1500 pounds, which is a 50 percent increase in the weight, given what these vehicles are set up to do and the number of number of people that they can hold, what would be the weight of these vehicles when, quote, fully loaded with the sort of equipment that the companies offer for sale and up to three people?

SENATOR RITCHIE: I guess, Senator Krueger, I wouldn't really be able to tell you that. Because you could have a side-by-side with a fairly small person in it, or an ATV with a fairly large person on it, and it might be the same. I can't really answer that question.

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

SENATOR RITCHIE: Yes.

ACTING PRESIDENT BOYLE: She does.

SENATOR KRUEGER: Thank you.

Would the sponsor agree that the research shows that a fully loaded UTV/ATV with a dry weight of 1500 pounds could have a weight of 3,000 pounds -- which, just for reference, is approximately the size of a Toyota Corolla, a car -- would the sponsor agree with me that it could be a situation where these vehicles would have the weight of a Toyota Corolla, which is 2,765 pounds?

ACTING PRESIDENT BOYLE: Senator Ritchie.

SENATOR RITCHIE: I would say that was pretty unlikely. But I guess if you're on the opposite side of the issue you could say that it could weigh 10,000 pounds, because you could put any amount on there to prove the point that you wanted to.

For the majority of people who are out there, many of them are senior citizens, they

are individuals with disabilities who might have a cooler with a couple of sodas in the back that are out on a ride enjoying the trail system. But that's just about all most people have. Or potentially a winch if they have a flat tire.

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

SENATOR RITCHIE: Yes.

SENATOR KRUEGER: Thank you.

So I appreciate her analysis that these vehicles may be used by senior citizens and others who currently can't use our smaller approved ATVs. My understanding is that these types of vehicles have different vehicle performance, they have different turning radiuses and maximum braking distances, and that they actually have a higher center of gravity, resulting in it being easier to tip over or roll.

Does the sponsor think there need to be any new limitations on these vehicles because of the differences in radius, braking, the potential risk of rolling and tipping over?

SENATOR RITCHIE: Actually, I believe the people who are using the UTVs now are

safer than they would be if they were on an ATV. Many times when UTVs are on the trails, they're going slower on a ride.

Just in St. Lawrence County they put together a 50-mile UTV/ATV trail. And there's a lot of interest not just in St. Lawrence County but across the state from individuals who want to go out, enjoy the outdoors and ride on the trails.

I know those who are on the other side of the issue, like the environmentalists, sent around probably one of those pictures that you're referring that has a vehicle that's well over the 1500-pound radius.

Also what was sent around was an UTV on a trail with probably a four-foot trench where they're looking like they're tearing it all up, which is actually a logging trail that a huge logging tractor trailer and skidder would be on.

So I guess I would say that UTVs generally are for people who want to go out and trail ride who are going at a slower rate of speed than normal, who just want to go out and enjoy the outdoors.

SENATOR KRUEGER: Through you,

Mr. President, if the sponsor would yield.

ACTING PRESIDENT BOYLE: Senator Ritchie, do you continue to yield?

SENATOR RITCHIE: Yes.

ACTING PRESIDENT BOYLE: Yes.

SENATOR KRUEGER: So this legislation would allow a 50 percent larger dry load of the type of vehicles able to be used off-road, although they could still cross highways. Does this legislation place any new limitations on who can operate these vehicles?

SENATOR RITCHIE: This legislation does not address that. The only thing it addresses is raising the weight and limiting it to three passengers, and also making sure that there are safety requirements on there.

Which is kind of interesting that, because New York is the only state that doesn't allow this right now -- I don't think any one of us would think California is not environmentally friendly. California allows these vehicles, and we don't have an issue; the state hasn't slid into the ocean. Vermont, with the mountains we have there, probably everyone would agree Vermont is fairly environmentally friendly too, and

there's no issues there.

New York State is the only state that does not allow these machines on their trails.

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

ACTING PRESIDENT BOYLE: Senator?

SENATOR RITCHIE: Yes.

ACTING PRESIDENT BOYLE: Yes.

SENATOR KRUEGER: So the bill highlights increasing the weight of the vehicles, and there's a different type of chassis and center of gravity. What speed do these machines go compared to the current machines that are only up to a thousand pounds in New York?

SENATOR RITCHIE: There is a different range of speeds. But for many of the ATVs that are currently allowed to be registered, they can actually go faster than the newer UTVs.

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

SENATOR RITCHIE: Yes.

SENATOR KRUEGER: Thank you.

Under current law a 10-year-old child can operate an ATV in the same manner as an adult, as long as they have passed something called a safety training course. This legislation would authorize vehicles capable of carrying up to three passengers. So this new legislation, if I'm reading it correctly, would authorize a 10-year-old child to drive three additional 10-year-old children around on a 1500-pound vehicle without adult supervision or additional regulation. Is that correct?

SENATOR RITCHIE: We did not make any changes other than the weight limit.

SENATOR KRUEGER: Through you, Mr. President, if the sponsor will continue to yield.

SENATOR RITCHIE: Yes.

SENATOR KRUEGER: And under current regulations, that 10-year-old who had taken a course could also drive this vehicle across roads and highways, would that be correct?

SENATOR RITCHIE: We did not change anything in the bill other than to allow the weight up to 1500 pounds.

SENATOR KRUEGER: Through you,

Mr. President, if the sponsor would continue to yield.

SENATOR RITCHIE: Yes, Mr. President.

SENATOR KRUEGER: So we've established that these vehicles can be as weighty as a car. Do they include air bags or reinforced windows or undergo rigorous crash testing that we do require for automobiles of a similar weight?

SENATOR RITCHIE: I guess the best way to answer that is, Senator Krueger, I would be more than glad to bring you up to my district any time to ride on the UTVs. And I'm pretty sure once you went on a ride on the trail in a side-by-side versus the older-style ATVs, at the end you would say that the UTVs are much safer and you would prefer to ride in them.

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

ACTING PRESIDENT BOYLE: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

I thank the sponsor for her answers. I also thank the sponsor for her invitation.

I've actually ridden on utility

vehicles on farm property, so I have no problem with the concept of these utility vehicles being used for industrial and agricultural purposes. I think that's actually that they are designed for.

My dilemma here is I don't support allowing them to be used for recreational purposes in an off-road capacity by people who, yes, can be doing damage to the environment in certain areas. The Senator is absolutely right when she says that environmental organizations have sent around memos opposing this. In fact, as far as I can tell, every environmental group I know has sent around memos saying this is a bad idea from an environmental perspective.

But I started off the day deciding to focus on the risk to human beings from allowing these larger, heavier, more likely to roll over vehicles to be able to be used for recreational purposes off-road and to be allowed to be used by people as young as 10 years old.

We would never let a 10-year-old get into a car and drive it, on roads or off roads. And yet these vehicles are as heavy as cars, can carry as many passengers as cars, can have the same risks as riding a jeep fast on a highway,

with rollover impacts and issues. But we would let 10-year-olds, because they took a safety course -- even though our safety courses aren't mandated for this specific type of vehicle, not as of now -- we would allow them to drive these vehicles, we would allow them to drive around other children in these vehicles, on family-owned property, off family-owned property, across roads and highways.

I have to say we might make this a law of New York State, but I certainly hope there's no parent in New York who would think it would be a good idea for their 10-year-old to have access to be the driver of these vehicles, because the dangers are enormous.

I pulled out an April 2014 report from the federal Consumer Product Safety Commission of the United States government. And in April 2014 they put out their 2012 annual report of ATV-related deaths and injuries. And the data is fairly -- to say disturbing would be an underemphasis on this. ATVs have been getting bigger, they've been getting faster. Younger and younger children, in state by state, have been allowed to ride them.

And not surprisingly, the rate of ATV-related emergency injury and the rate of death is shocking. In 2012 there were an estimated 107,900 ATV-related emergency-department-treated injuries in the United States. An estimated 25 percent of these were children younger than 16 years of age.

The increase in the estimated number of ATV-related emergency-department-treated injuries just in one year, 2011-2012, went up, but it's been going up since 2001. The number of deaths from ATV injuries has also grown.

It's true more people are using ATVs, but they keep getting bigger and faster. And the only protective rule New York State has is that you have to wear a helmet. You don't have to wear other safety protective items or have any specific types of protective equipment on these machines. They are designed to be industrial-use farm machines and other industry purposes. We use them in New York City at our parks as industrial vehicles.

This is too dangerous a kind of vehicle to be supporting on the grounds that elderly and disabled people want to use them. I

have to say some of the exact concerns I have for children driving these vehicles would be my concerns if I thought about people with physical disabilities or with limited reaction time to be using these vehicles off-road.

I understand that they are too heavy to float in water. So while ATVs, it turns out, the type of ATVs that we use here in New York State now actually have some level of ability to float back up to the surface, these types of machines are too heavy, and they simply go down.

My understanding is in winter, even though there are snowmobiles versus ATVs, that there are some people who like to use their ATVs going across icy lakes and rivers. Well, if there's actually enough buoyancy that if, God forbid, the ice cracked, you could get out and get to shore. But a machine that's so heavy that it will not float at all, it will immediately sink, that could have 10-year-old drivers or elderly and disabled riders is something that I envision as a serious safety issue for our state.

I'm not opposed to ATVs. I am concerned that allowing UTVs, side-by-sides, with a weight of 1500 pounds without putting anything

on it or anyone in it, translates to basically saying you can take cars and start driving through the woods or on icy lakes and rivers -- oh, and you can let your 10-year-old be the driver and the passengers.

I think it would be a serious mistake for New York State to allow this law to go into effect. I respect that other states apparently have done this. I find myself saying this too many times as a legislator, but I keep going back to the ruled of thumb that my mother taught me. If the other children are jumping off the bridge, you should still not jump off the bridge.

I believe that allowing the use of these kinds of vehicles for recreational purposes instead of industrial and farm purpose is the equivalent of letting children fall off the bridge while driving one of these machines.

I vote no, Mr. President. Thank you.

ACTING PRESIDENT BOYLE: Thank you.

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President on the bill.

ACTING PRESIDENT BOYLE: On the bill, Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, I deeply appreciate Liz Krueger's mom's advice. It's great advice. However, tell that to the hiker who broke his leg, an active, avid environmentalist traveling on foot through the woods. Who's responding to that 911 call when no automobile can meet that hiker? It's an ATV.

And most of the volunteer fire departments and rescue teams across upstate deploy ATVs when they can afford one and are trying to allocate scarce resources so that they can purchase ATVs, because that is the vehicle that is called upon most to rescue those hikers, those environmentalists who are opposed to this bill who are injured through no fault of the woods but are injured nonetheless and need the protection and the service that our volunteers are providing with ATVs.

So, Mr. President, this debate against the vehicle should be focused on those poor citizens who have, by some way or another, been injured while recreating in the woods and enjoying some of the beauty that we have in our

state, and whether that be woods or Senator Krueger alluded to the lakes.

That yes, you need to be prudent. You wouldn't drive an ATV on a frozen lake in late March. But during January and February the ice is, in many places in the Finger Lakes and even in some of the bays of Great Lake Ontario, more than a foot thick. And there are actual rescues that take place using ATVs helping people who are stranded on the ice.

So, Mr. President, I think that this bill by Senator Ritchie should be applauded. It makes a lot of sense. It's the rescue vehicle of the present and the future in our rural areas, and it's something that should be supported.

Thank you, Mr. President.

ACTING PRESIDENT BOYLE: Senator Libous.

SENATOR LIBOUS: Mr. President, I want to speak on this bill because I just think that in all due respect to my colleague Senator Krueger, those of us who own ATVs or UTVs do it for not only recreation but, as Senator Nozzolio said, two weeks ago a trooper was killed in my district. He pulled somebody over on the

highway, and somebody plowed right into him, killed him.

Unfortunately, this person had some mental illness, and he told everybody that God told him he needed to kill somebody. And unfortunately that trooper happened to be the next one in line.

The man took off into the woods, and they caught hum on two ATVs because the terrain was so rough they couldn't get him any other way, and they were able to climb the mountains and catch him. So they are used, as Senator Nozzolio said, for emergency situations.

But Senator Krueger, I would say this to you. Those of us who own these vehicles and use them on trails and enjoy them, it is a way of life for us in upstate New York, where it is much more rural than maybe it is in Manhattan.

And I would say to you that I think the bus lanes on First Avenue are more dangerous, or the bicycle lanes. I've almost been killed crossing First Avenue because the bikes go flying by -- and I'm serious, I'm dead serious -- probably 50, 60 miles an hour. And I would protest to you that the UTVs and ATVs are much

safer than the people on those bikes the way they fly through.

So our way of life is a little different. And I'm not saying that your way is wrong or our way is right. But these vehicles are something that -- just like snowmobiles. We have trails in upstate New York, and we like our snowmobiles and we enjoy them.

So what Senator Ritchie is doing here is a good piece of legislation. It's something that is part of our way of life in upstate New York. Many of my constituents, like the constituents of my colleagues, own these vehicles, they rent these vehicles, they enjoy these vehicles.

So I would say to you that we could probably sit here and come up with 10 or 15 different things that are dangerous in life. Like I said, crossing First Avenue and hitting the bicycle lane to me is extremely dangerous. I know that I take my life into my hands every time I do that.

Driving my car is extremely dangerous, especially, God forbid, if there's someone else on the road that's drunk.

We don't use these vehicles and try to create havoc. And I'm somewhat insulted that environmental groups would say that we're hurting the environment. There's more pollution in this country from a whole host of different things that are going to do more damage to the environment than any UTV or ATV.

So, Mr. President, this is a great bill. Senator Ritchie should be applauded. And it should pass this house and we should have the Governor sign it into law.

ACTING PRESIDENT BOYLE: Thank you.

Senator Griffo.

SENATOR GRIFFO: Mr. President, thank you.

I want to thank Senator Ritchie, too, for her leadership on this bill.

And I have had the pleasure in the past to discuss and debate this bill with Senator Krueger. I was hoping that after all that conversation we would have really had more of an opportunity to instill and educate you as to all the nuances of what this truly is. Because we know that cars are made to go up to speeds of 200 miles an hour, but people aren't encouraged

to drive that speed. Cars have accidents. Things like that happen.

And this bill really is a bill that talks about the definition of an ATV. So we're talking about all and every aspect of it, but really the essence of this bill talks about this definition of what it is and it is not.

So while I respect that we may have differences of opinion on this issue, I think it's important that we continue to do what is necessary in a state where we are trying to promote this state right now, and we don't want to send mixed messages to outdoor enthusiasts. On one hand we advertise heavily to promote the wonderful opportunities that exist, in particularly the North Country, at Tug Hill or various other parts of the state. On the other hand, we want to discourage the use of the UTV or the ATV, which are popular, as has been indicated, with many older riders.

So I think it's about time that we started to give the tourists who we're trying to attract to this state a consistent message that our trails are open for business, we'd love to have you buy, register and enjoy your

side-by-side here in this state. So Senator Ritchie, thank you.

And I think, again, I respect differences of opinion. But if you look at this factually, this is not only something that is governed by rules and the VTL in certain aspects, but also is an opportunity for this state economy to continue to grow.

I vote aye.

ACTING PRESIDENT BOYLE: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

When I was in the Assembly, I remember an Assemblyman putting in a bill to have New York divided into two states, New York City and the rest of upstate. And the reason that he was motivated -- it was Assemblyman Davidson, I remember the debate. The reason he put that bill in was because, he said, many of the New York City metropolitan representatives do not understand upstate culture and way of life.

And we have seen that repeatedly in some of the bills when it came to allowing some teenagers to hunt with their fathers using a gun,

a bow and arrow, and now it's ATV machines.

And I would like to just briefly -- and the other speakers have hit on it -- police, sheriff, emergency services use these vehicles for recovery, rescue, to track prisoners. And it's all positive.

In the upstate culture, we're losing jobs. We can't create them, as much as we try, with this tough recession. Tourism and self-promotion to get people to come up, whether it's the wine country, whether it's to go on an ATV, whether it's to fish or ski, we need the people to come up to create economic vitality.

Now, I always get a kick out of an elected official from the city thinking they have more intelligence than the parent or the family that would allow a child of that family to come on a motorcycle, use a snowmobile or one of these recreational vehicles. Believe it or not, the families upstate know how to take care of their children and know responsibly how to teach them for their culture and the things that they utilize.

So for all of those reasons, people make intelligent choices of how they want to

recreate. And sometimes accidents occur. Accidents occur on bicycles, they occur jaywalking in New York City. But we don't stop people from using bicycles. We don't stop people from walking across the streets in the city.

So this is a very good bill, and I thank Senator Ritchie for putting it forward. She's trying to keep jobs. She's trying --

ACTING PRESIDENT BOYLE: Senator Krueger, why do you rise?

SENATOR KRUEGER: I was wondering if the Senator would yield to a question.

SENATOR BONACIC: Can I just finish? And I would gladly listen to your questions.

SENATOR KRUEGER: Thank you.

SENATOR BONACIC: So this is just another way of people making intelligent choices using the machines that they want to use, taking responsibility for their own actions, watching out for their children and enjoying their culture. It also lends to enhancing economic vitally and creating jobs.

Thank you, Senator Ritchie. I vote yes.

I'm ready now for Senator Krueger -- from New York City, by the way. Yes, Senator Krueger.

SENATOR KRUEGER: Thank you.

Mr. President, if the Senator would please yield.

SENATOR BONACIC: Of course.

SENATOR KRUEGER: So if he was listening to the earlier discussion, he heard me describe that these vehicles can be the weight of a Toyota Corolla. And he highlights that there may be cultural differences. And I'm sure there are cultural differences between all 63 of us on any given day, for a lot of different reasons, and that parents want to be protective of their children and don't need regulations or laws by the State of New York telling them how to protect their children.

Does the Senator think we should allow 10-year-olds to have driver's licenses to drive Toyota Corollas if they're from upstate New York?

SENATOR BONACIC: Senator Krueger, please could you repeat the last question? Your head goes each way and not into the microphone.

SENATOR KRUEGER: Does the Senator think that 10-year-olds from upstate New York to be allowed to drive Toyota Corollas without driver's licenses? Is there no need for those?

SENATOR BONACIC: I do not. I do not. Of course not.

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

SENATOR BONACIC: I do.

SENATOR KRUEGER: So you think we should have driver's licenses, I'm assuming to protect both the driver of the vehicle and the other people who might be in the vehicle or in the area?

SENATOR BONACIC: You're talking of course. The answer is yes.

SENATOR KRUEGER: So through you, Mr. President, if the sponsor would continue to yield.

SENATOR BONACIC: I do.

SENATOR KRUEGER: If a vehicle is called an ATV or a UTV or a side-by-side but weighs as much as a car, can go as fast as a car, why don't we think we should have similar rules

applying to have the right to drive those?

SENATOR BONACIC: There are federal and state standards that determine when a vehicle falls into the category of a car and a recreation vehicle.

These ATV machines don't go on highways. They're normally in the woods where there's not a chance of hitting people or, in my opinion, not disturbing the environment. You're comparing apples and oranges.

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

ACTING PRESIDENT BOYLE: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

Just for the record, these vehicles can be driven across roadways and highways if they are registered. So yes, you would have some of the same risks as driving a car when you were moving in and out of the recreational off-road areas.

Someone spoke and said we need these vehicles for emergencies. I have no argument that they can and should be used for emergency purposes. The good news, they're already

allowed, under New York State law, to be used by emergency service people and for emergencies, and that is specifically in statute.

So there's nothing stopping our police, our fire, our EMTs, our ambulance services from using these types of vehicles for emergency responses. And actually as I think was highlighted by one of the speakers, sometimes they already take these vehicles that are currently allowed and used in New York State for industrial and agricultural purposes as a response vehicle in an emergency. So I have no objection to emergency service people using them.

It's interesting that we were comparing what's dangerous in one place versus another. I would be thrilled if this house wanted to move forward with the Vision Zero package of safety for pedestrians, vehicles and bikes in the City of New York, because I agree with Senator Libous when he talks about the dangers that can be very clear and present in New York City streets.

And I agree there's bigger environmental issues than the impact of off-terrain vehicles on specific parklands. I

would love to see, in the next four days, three days now that we have left in session, us to pass important global warming legislation, important legislation that could really deal with some of the big-picture global environmental dangers we face. Because it isn't just about a specific type of vehicle on a specific kind of land, it's much, much bigger than that.

Unfortunately, we don't get to those kinds of bills. And I think there's still time to.

It doesn't change my position on this bill. I will continue proudly to have my nickname that I appreciate from some of my colleagues of calling me Senator No Fun, because some of the things that people think are just good fun I think are really dangerous for children, and I will continue to speak out from that perspective.

So I'll continue with my no vote. Thank you, Mr. President.

ACTING PRESIDENT BOYLE: Thank you, Senator.

Are there any other Senators wishing to speak?

Seeing none, the debate is closed. The Secretary will ring the bell. Will all Senators please return to their seats.

Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the results.

THE SECRETARY: In relation to Calendar 646, those recorded in the negative are Senators Addabbo, Avella, Breslin, Carlucci, Díaz, Dilan, Gianaris, Gipson, Hoylman, Kennedy, Klein, Krueger, Latimer, LaValle, Marcellino, O'Brien, Peralta, Perkins, Rivera, Serrano, Squadron, Stavisky, Stewart-Cousins and Tkaczyk.

Ayes, 33. Nays, 24.

ACTING PRESIDENT BOYLE: The bill is passed.

SENATOR LIBOUS: Mr. President, there will be an immediate meeting of the Finance Committee in Room 332, an immediate meeting of the Finance Committee in Room 332.

And could we return to motions and resolutions, please.

ACTING PRESIDENT BOYLE: Motions and resolutions.

SENATOR LIBOUS: Mr. President, on behalf of Senator Hannon, on page 20 I offer the following amendments to Calendar Number 565, Senate Print 7027B, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT BOYLE: So ordered.

SENATOR LIBOUS: Mr. President, on behalf of Senator Nozzolio, I wish to call up his bill, Senate Print 7734, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Calendar Number 1224, by Senator Nozzolio, Senate Print 7734, an act to amend the Penal Law.

ACTING PRESIDENT BOYLE: Senator Libous.

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

ACTING PRESIDENT BOYLE: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

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

ACTING PRESIDENT BOYLE: The amendments are accepted.

SENATOR LIBOUS: Senator Valesky has a motion.

ACTING PRESIDENT BOYLE: Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

On behalf of Senator Savino, on page 22 I offer the following amendments to Calendar 623, Senate Bill 6617A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT BOYLE: So ordered.

Senator Libous.

(Pause.)

SENATOR LIBOUS: I was offering to give her a ride on my UTV.

(Laughter.)

SENATOR LIBOUS: Mr. President, is there any further business at the desk?

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

SENATOR LIBOUS: Thank you, Mr. President.

If there's no further business, I move that the Senate adjourn until Tuesday, June 17th, at 10:30 a.m.

ACTING PRESIDENT BOYLE: On motion, the Senate stands adjourned until Tuesday, June 17th, at 10:30 a.m.

(Whereupon, at 5:59 p.m., the Senate adjourned.)