

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 16, 2015

11 3:20 p.m.

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14 REGULAR SESSION

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18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask everyone present to please
5 rise and join with me as we recite the Pledge of
6 Allegiance to our Flag.

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

9 ACTING PRESIDENT GRIFFO: In the
10 absence of clergy, I ask everyone present to
11 please bow their head in a moment of silent
12 prayer and reflection.

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

15 ACTING PRESIDENT GRIFFO: The
16 reading of the Journal.

17 THE SECRETARY: In Senate, Sunday,
18 March 15th, the Senate met pursuant to
19 adjournment. The Journal of Saturday,
20 March 14th, was read and approved. On motion,
21 Senate adjourned.

22 ACTING PRESIDENT GRIFFO: Without
23 objection, the Journal stands approved as read.

24 Presentation of petitions.

25 Messages from the Assembly.

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

6 Motions and resolutions.

7 And Senator Libous, it's great to
8 have you in the chamber.

9 SENATOR LIBOUS: Thank you,
10 Mr. President. It's good to be here.

11 And on behalf of Senator Hannon, on
12 page 5 I offer the following amendments to
13 Calendar Number 55, Senate Print 676, and ask
14 that said bill would please retain its place on
15 the Third Reading Calendar.

16 ACTING PRESIDENT GRIFFO: The
17 amendments are received, and the bill shall
18 retain its place on third reading.

19 SENATOR LIBOUS: Mr. President, at
20 this time I would like to take up a privileged
21 resolution by Senator LaValle, have it please
22 read in its entirety. I'd like to open it up
23 for all members' cosponsorship. And then if you
24 could call on Senator Skelos, then Senator
25 LaValle after that.

1 ACTING PRESIDENT GRIFFO: Thank
2 you.

3 I would ask for some order in the
4 chamber, please.

5 The Secretary will read.

6 THE SECRETARY: Legislative
7 Resolution Number 1024, by Senators LaValle,
8 Skelos, Boyle, Croci, Flanagan, Hannon,
9 Marcellino, Martins and Venditto, mourning the
10 death of former Senator Owen H. Johnson, one of
11 New York State's longest-serving lawmakers and
12 noted community leader.

13 "WHEREAS, There are certain
14 outstanding members of our community who,
15 through their selfless commitment and
16 dedication, have served to better the quality of
17 life in our community and have had a measurable
18 positive impact on the lives of its residents;
19 and

20 "WHEREAS, Our local government, our
21 state and our country have endured and been made
22 strong by generations of Americans who felt a
23 sense of responsibility to their community, to
24 one another and to their families; and

25 "WHEREAS, This Legislative Body

1 wishes to express its sincerest sorrow upon the
2 occasion of the death of former New York State
3 Senator Owen H. Johnson, recognizing his
4 distinguished record of public service as a
5 representative for the people of the 4th Senate
6 District; he died on December 24, 2014, at the
7 age of 85; and

8 "WHEREAS, Born on July 3, 1929, Owen
9 H. Johnson, a resident of the Town of Babylon,
10 proudly served his country as a member of the
11 United States Marines from 1946-1948; and

12 "WHEREAS, After being honorably
13 discharged, Owen H. Johnson attended Hofstra
14 College, graduating in 1956 with a Bachelor of
15 Arts degree in history-political science; in
16 1998, he was recognized by his alma mater with a
17 distinguished Honorary Doctor of Laws degree; and

18 "WHEREAS, Senator Owen H. Johnson
19 began his illustrious political career with the
20 New York State Senate in 1973; and

21 "WHEREAS, Throughout his 40 years of
22 distinguished service, representing the people in
23 the Town of Babylon and Islip in Suffolk County,
24 Senator Owen H. Johnson sponsored legislation
25 which created New York's Environmental Protection

1 Fund; and

2 "WHEREAS, Furthermore, Senator Owen
3 H. Johnson helped to establish New York State's
4 adoption registry, to secure funds to construct
5 the independent league baseball stadium in Islip
6 (home of the Long Island Ducks), and to create
7 New York's Oak Bush Plains State Preserve in
8 Suffolk County; and

9 "WHEREAS, In 2003, Senator Owen H.
10 Johnson was appointed chairman of the Senate
11 Finance Committee; in this capacity, he led the
12 role of reviewing the Governor's budget proposal
13 and developing the Senate Majority Conference's
14 priorities for the state budget; and

15 "WHEREAS, As Finance Committee
16 chairman, he also served as a member of the
17 New York State Public Authorities Control Board
18 and was cochairman of the Legislative Audit
19 Committee; he was also chairman of the Senate
20 Subcommittee on the Long Island Marine District;
21 a commissioner of the Atlantic States Marine
22 Fisheries Commission; and vice chair of the
23 Legislative Commission on Government
24 Administration; and

25 "WHEREAS, Throughout his outstanding

1 career as a New York State Senator, Owen H.
2 Johnson chaired the committees on Transportation,
3 Environmental Conservation, Social Services and
4 Civil Service and Pensions; and

5 "WHEREAS, On the national level,
6 Senator Owen H. Johnson was a past national
7 chairman and a national director of the American
8 Legislative Exchange Council, the nation's
9 largest individual membership organization of
10 state legislators; and

11 "WHEREAS, In honor of his
12 extraordinary career, in 1995, Owen H. Johnson
13 was the first recipient of ALEC's Lifetime
14 Leadership Award, which was created to recognize
15 those members who helped shape the organization;
16 and

17 "WHEREAS, With a strong public
18 spirit, Owen H. Johnson was a member of Cross of
19 Christ Lutheran Church; he is survived by his
20 wife, Christel; two children, Owen H.R. Johnson
21 and Chirsten R.E. (Danny) Tymann; two
22 grandchildren, Eliza and Scarlett; and two
23 brothers, Herbert and John; as well as one
24 sister, Sigrid; and

25 "WHEREAS, It is the intent of this

1 Legislative Body to inscribe upon its records
2 this tribute to the memory of Senator Owen H.
3 Johnson, that future generations may know and
4 appreciate his admirable character, his many
5 benevolent deeds, and the respect and esteem in
6 which he was held; he will be deeply missed by
7 all he served and befriended; now, therefore, be
8 it

9 "RESOLVED, That this Legislative
10 Body pause in its deliberations to mourn the
11 death of former Senator Owen H. Johnson, and to
12 express its deepest condolences to his family;
13 and be it further

14 "RESOLVED, That a copy of this
15 resolution, suitably engrossed, be transmitted to
16 the family of Owen H. Johnson."

17 ACTING PRESIDENT GRIFFO: Senator
18 Skelos.

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

21 Today we really do celebrate Owen's,
22 O.J.'s, life and his accomplishments. And if you
23 want to say one thing about him in Suffolk
24 County, he was Mr. Suffolk County and certainly
25 an institution for so many years.

1 Owen served his community with
2 passion for decades and left a remarkable legacy
3 that benefited every part of this state.

4 As I mentioned, O.J., as we all
5 called him, was most passionate about his family,
6 number one, his constituents and his community.

7 He was adored by his constituents.
8 And if you had the opportunity to be in his
9 district and walk with him and go to meetings,
10 you could see the respect that every single one
11 of those individuals, whether they were
12 Republican or Democrat, had for O.J.

13 Forty distinguished years of
14 service. The longest tenured State Senator from
15 Long Island ever. He worked under eight
16 different Governors, from Rockefeller to Andrew
17 Cuomo. O.J. said "I first started this adventure
18 when I was 42, when Richard Nixon was president
19 and gasoline was 55 cents a gallon." I think
20 Owen would love to see the price of gasoline go
21 back down to that 55 cents again.

22 (Laughter.)

23 SENATOR SKELOS: Many years as
24 chair of the Senate Finance Committee, where he
25 would listen to testimony but also helped create

1 the Senate Republican Conference position as we
2 went into budget negotiations.

3 He chaired many additional
4 committees and also served as my assistant
5 majority leader.

6 He sponsored landmark laws. The
7 state's Environmental Protection Fund was an
8 Owen Johnson creation.

9 For those of us who have been here a
10 few years, we all remember his seafood reception
11 that was held in Albany, the popular event that
12 many of us looked forward to each year. It
13 started off modestly, with just a few bushels of
14 clams and a couple of six packs of beer, which
15 his chief of staff, Rory Whelan, would open. And
16 I'm talking about the beer, not the clams.

17 (Laughter.)

18 SENATOR SKELOS: That eventually
19 grew to 3,000 people coming through the seafood
20 lines where you had lobster, clams, clam chowder,
21 baked clams, everything. And it was really about
22 that industry and really small business people
23 coming up from Long Island to show what their
24 product was and how good it was here on
25 Long Island and New York State.

1 He always worked hard to strengthen
2 our economy. And as I mentioned, every detail --
3 and I know many of those who worked for Owen are
4 here today -- he paid attention personally to
5 every detail when a constituent had a problem.

6 Owen had conservative principles,
7 and they were steadfast. But he was also
8 practical, understanding that at some point in
9 government you have to get results. He adapted
10 to that, but never, never compromised his
11 principles.

12 In our conference -- everybody would
13 say "Owen is so quiet"; you should have been in
14 some of our Republican conferences when Owen felt
15 very strong about an issue. He wasn't shy in
16 terms of promoting that issue, looking to kill
17 legislation if he didn't think it was
18 appropriate. And he didn't care who was in
19 support of it -- the leader, whomever. If he
20 felt strong about that, that was it, Owen was
21 going to express his views.

22 And then when he retired, he said
23 it's time to spend some time with his family.

24 And I know, as I mentioned,
25 Christel, he adored you, he adored the entire

1 family, his grandkids. He looked forward to
2 that. But he did have such a passion about being
3 a Senator and a representative of the people.

4 And all of us who have the
5 opportunity to serve know that it is a sacrifice
6 from the family that we leave every week and come
7 here to Albany. So many of his accomplishments
8 we owe to you, the family, standing behind him,
9 understanding that this was his passion, this is
10 what Owen wanted to do. And you let him do it,
11 and for that we're very, very thankful to you.

12 What memories you have of a
13 wonderful man. We all have those memories that
14 had the opportunity to serve with him. He was
15 not just a colleague, he was a friend. He would
16 talk to anybody, chat with them, talk about
17 life's experiences. I know he did that an awful
18 lot with Colonel Larkin over at the Fort Orange.

19 But he didn't care if you were a
20 Democrat, Republican, conservative, liberal -- he
21 would take the time and chat with you and talk
22 about, as I said, his life's experiences, what
23 was going on with his family, and always would
24 love to know what was going on with your family.

25 So, Mr. President, this is a special

1 day because it gives us the opportunity to salute
2 this incredible, wonderful human being. And we
3 ask that God embrace him, hold him tight, and
4 that he have the peace that Owen earned.

5 Thank you, Mr. President.

6 ACTING PRESIDENT GRIFFO: Thank
7 you, Senator Skelos.

8 Senator LaValle.

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

11 Forty years Owen served in this
12 chamber, 40 years with great distinction. And
13 Owen Johnson was truly a great American. He had
14 great pride and love for this country. He had
15 great love for the county of Suffolk and for the
16 town of Babylon where he grew up. He talked
17 about the Johnson farms repeatedly, and -- but it
18 was done not just casually; you could look in his
19 eyes, whether he was talking about our country,
20 the county, or the town of Babylon.

21 He had an enormous love affair, and
22 the love affair was right back to him. Because
23 he was able to achieve a dream. He was the guy
24 next door who was fortunate enough to become a
25 State Senator and to be able to do things for his

1 community and for the people in that community.

2 He was a regular guy. And at his
3 wake, I heard that over and over again from
4 people who he helped with the smallest of
5 problems.

6 As Senator Skelos indicated, he was
7 steadfast to principles. He stood for something.
8 He stood for something and represented that with
9 passion. And we were lucky to have him as the
10 head of our delegation. And what brought us
11 through, as each of us in this chamber can relate
12 to, is that every delegation has pathways that
13 are not linear, they're difficult. And so Owen
14 was a great leader. Senator Skelos talked about
15 leadership that he was involved in with the
16 leader.

17 But one thing, and this came across,
18 was his love for his family. Many times we don't
19 share things, we disappear. Where was Owen?
20 Owen went back to a prom event. He was a father
21 first and a Senator second.

22 There were events that he and
23 Christel attended, and he made sure that he was
24 there. God only knows how many times he had to
25 disappoint, as we all do from time to time.

1 His stewardship with the environment
2 was incredible. The work that he did in terms of
3 marine life was and is legend.

4 So it was 40 years, 40 years filled
5 with helping people, shaping a community, trying
6 to keep some of the things that he knew in
7 childhood were important, the town that he lived
8 in.

9 And I would tell you, I was a staff
10 member when Owen was elected. And when you first
11 met Owen, you thought he came out of central
12 casting. This guy looked like a Senator, acted
13 like a Senator, and I think that we as colleagues
14 were very proud to be associated with him.

15 And lastly, in closing, great
16 demeanor. As the leader mentioned, he was not a
17 guy who yelled and screamed. But you know,
18 sometimes a quiet and steady hand wins the day,
19 and that was Owen Johnson.

20 ACTING PRESIDENT GRIFFO: Senator
21 Farley.

22 SENATOR FARLEY: Thank you,
23 Mr. President.

24 I rise to pay tribute to -- somebody
25 called him a great American -- a dear friend and

1 somebody I sat next to in conference for
2 30-some-odd years. Owen was an incredible man
3 and an incredible Senator.

4 And I offer my sympathy to his
5 family, his wife Christel and his son Owen. As I
6 walked into the chamber, I immediately recognized
7 his brother with the -- he has this Johnson look
8 to him.

9 You know, as we stand here and
10 celebrate Owen Johnson's life, we have to
11 remember he was a World War II veteran, a Marine.
12 And was he ever proud of being a Marine, and he
13 let you know that.

14 Owen stood on principle. He was
15 quite a conservative gentleman, to say the least.
16 A national figure, incidentally, who was
17 president of ALEC and helped found the
18 organization. I notice up in the gallery is Rory
19 Whelan, his sidekick and somebody that was
20 immensely close with him.

21 And you know, Owen, when he was in
22 conference, his cellphone used to go off, which
23 was a no-no, and he would go right underneath the
24 table to talk to his son Owen. He wouldn't shut
25 it off, he'd talk to his son anyway.

1 When Owen felt deeply on an issue,
2 he stood there. He was resolute on his issues.
3 And you know, for anybody that knew him, he was
4 very kind and gentle with people that didn't
5 necessarily agree with him. But I'll tell you,
6 it didn't change his opinion.

7 He was a remarkable Senator, and
8 this is a total tribute to the celebration of
9 Senator Owen Johnson's life. And to his family,
10 who he adored, my deepest sympathy. And Owen,
11 rest in peace.

12 ACTING PRESIDENT GRIFFO: Senator
13 Larkin.

14 SENATOR LARKIN: Thank you very
15 much, Mr. President.

16 I too, like Kenny, met O.J. when I
17 was a staff member. And I remember the first
18 time I went to see him about a bill on civil
19 service and pensions. He said: "And let me tell
20 you, I'm a Marine." I said, "Gee, I think
21 they're few and far between. I'm a soldier."
22 And from that day on, we became good friends.

23 And when I joined the Legislature,
24 for 30 years -- I don't want to disappoint the
25 family -- I had breakfast with him three to four

1 days a week. I had dinner three or four days. I
2 ate at Grandma's so much, when I walked in they
3 said: "What are you having tonight?"

4 And O.J. was very good: meatloaf
5 with that white cream. And I looked at that, and
6 I couldn't stand it. Today I ask my wife to make
7 it.

8 (Laughter.)

9 SENATOR LARKIN: But you know, one
10 of the things that the family should know about,
11 enjoying him, we sat at a window table, there was
12 two seats there. We went in one night, it had
13 been a long day here, budget time, and we come in
14 and he said, "Somebody's at our seat." So I
15 said, "What do you want me to do?" He said,
16 "Tell them to get out." I said, "You're older
17 than me, you tell them."

18 (Laughter.)

19 SENATOR LARKIN: O.J., like a
20 gentleman, said "Did you see the reserved sign
21 here on the table?" And the poor guy had this
22 young girl with him, he was trying to impress
23 her. And he said "No, I didn't."

24 He said, "Well, I'll let you sit
25 here. But in the future, please look for the

1 sign. I'm the Marine, and he's that dog-face."

2 (Laughter.)

3 SENATOR LARKIN: And you know, the
4 thing that I've seen in the morning, especially,
5 for the family, he'd take that cellphone -- when
6 we got cellphones. If not, somebody at the desk
7 would call him and say "Your family's on the
8 phone." He didn't care if they'd just brought
9 the food or he was halfway through it -- it
10 stopped, and he went to that phone.

11 And I remember when his daughter had
12 her first baby. He come in there, you think he'd
13 won a billion dollars: "I'm a grandfather." I
14 said, "We're not doing too bad." When the second
15 came, Holy God. He said, "Now look at me, I've
16 got two." He said, "Do you realize how proud we
17 should both be with grandchildren?"

18 What a loving family. And when his
19 son would call him, he said: "My God, he's going
20 to tell me something new in the world." And he
21 said it with pride.

22 And he talked about the business,
23 and how his daughter took care of the business
24 and how his family was on that tract of land
25 where he was so proud that you were there.

1 But I want to tell you, when the
2 leader said, or Libous, or whoever was sitting
3 there, "We're finished, it's 3:00" -- get out of
4 his way, he was on his way to Babylon, boy. He
5 was like the trotters in the races. He was out.

6 (Laughter.)

7 SENATOR LARKIN: I said, "Could we
8 talk a few minutes?" He said, "Yeah, I'll be in
9 the car. You can call me, I'll be home in two
10 hours."

11 Of course when we got cellphones,
12 Holy God. He said, "I've got this meeting, I've
13 got this meeting, I've got this meeting -- I'm in
14 and out, and I'm having dinner at home."

15 And he said to me something that
16 made me feel very good. He said, "You know,
17 we're lucky. We served in World War II. We
18 could have been killed. The good Lord kept us to
19 enjoy a family."

20 He said, "Billy, no matter what we
21 do, here as a State Senator we do things to make
22 people happy." And I can tell you, he didn't
23 care -- as Kenny said, he didn't care what your
24 branch was, all he cared was that you thought
25 enough of him to come to see him and ask him for

1 his help. And he did, he helped a lot of people.
2 Didn't care what the issue was.

3 But his issue was "We're great
4 Americans, and number-one priority for me is my
5 family." I said to him one day, we were kidding
6 about it and I said, "Hey, you know, you keep
7 saying family, family, family. We've been" --
8 this was about when he said he was quitting. I
9 said, "We've had breakfast and dinner for
10 30 years. Don't I get to be part of the family?"
11 He said, "You've just got to grow up a little
12 bit, you Army brat."

13 (Laughter.)

14 SENATOR LARKIN: O.J. was a human
15 being with a big heart. And he was very proud to
16 be an American. He thought Ronald Reagan walked
17 on water. He also thought it was a privilege to
18 be a state legislator. And he said, "You know,
19 Bill, we all ought to take a step back and
20 realize we were elected, we weren't coronated.
21 And we also should look how proud we are to be an
22 American."

23 And in the end, O.J. went home to
24 heaven. Very religious-minded individual, and
25 just always thought of somebody else. And he

1 said: "You know, Bill, let's remember, you can
2 extend yourself just a little bit and make
3 somebody else's life a pleasure. Don't be
4 ashamed to do it, because there comes a day when
5 you're going to need that."

6 To the Johnson family, God bless
7 him.

8 ACTING PRESIDENT GRIFFO: Senator
9 DeFrancisco.

10 SENATOR DeFRANCISCO: It's kind of
11 interesting to believe that anyone was the mentor
12 of Senator Larkin --

13 (Laughter.)

14 SENATOR DeFRANCISCO: -- that he
15 brought Senator Larkin into this business and
16 counseled him and the like.

17 When I first got in the Senate --
18 I've been here 23 years -- Owen, it was mentioned
19 by Dean, Owen was on this working Rules Committee
20 at the end of session. And any Senator on that
21 committee could X out a bill so it doesn't come
22 to the floor. And everybody would -- finally I
23 found out who was doing it all the time, and that
24 was Senator Johnson. The bill wasn't
25 conservative enough.

1 So from that point on, I tried to
2 learn how I had to change my bills so it was
3 conservative enough for Owen to approve it. It
4 didn't work too easily, but it worked.

5 Then I got the pleasure of sitting
6 next to him. Talk about mentoring somebody. He
7 had so much advice from all of his years of
8 experience. He would bring articles with him
9 from various publications that I never heard of.
10 None very middle-of-the-road, but many, many way
11 to the right.

12 And I read them, and then I got my
13 mind right as time went on and was able to get
14 some bills that made sense to Owen. And they got
15 on the floor, and we passed them.

16 I have the good fortune of taking
17 over his position as chair of Finance. And it's
18 amazing to me -- last week I stood up answering
19 question after question after question, and
20 follow-up questions. When Owen was chairman, he
21 would give a one-sentence answer and there would
22 never be a follow-up question.

23 So I've got to figure out how to do
24 that to shorten the process.

25 (Laughter.)

1 SENATOR DeFRANCISCO: But Owen was
2 a man of few words on the floor. And no one got
3 upset about it, everyone understood his positions
4 and were able to explain their positions,
5 different or not.

6 So a true gentleman, a true leader.
7 And I'm getting nervous because I'm looking over
8 there, it looks like Owen's over there sitting in
9 that chair, his brother.

10 Amazing, amazing man. And we're all
11 going to miss him. And hopefully we could attain
12 the success that he had over his long, very
13 successful, very fruitful career.

14 Thank you.

15 ACTING PRESIDENT GRIFFO: Senator
16 Marcellino.

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

19 When I first got here, moved out to
20 Long Island, O.J. was my representative. He was
21 the State Senator that represented the
22 Syosset-Woodbury area. After a while, through
23 redistricting and other machinations, he was
24 moved further east on the Island, and
25 Senator Marino came in and became the State

1 Senator that represented our area, and I
2 ultimately replaced Senator Marino in the Senate.

3 This state owes O.J. a tremendous
4 vote of thanks. Because one of the things, as
5 conservative as he was -- and I know people look
6 at conservatives and they look at the Republicans
7 and they say, Well, you people, you're not the
8 kind of environmentalists -- you're not
9 environmentalists. You don't really believe in
10 protecting the environment or preserving the
11 environment. That's not the case, obviously.

12 Owen wrote the bill that created the
13 Environmental Protection Fund. That fund -- as
14 we refer to it, the EPF -- has been used over the
15 years to fund many, many, many environmental
16 projects -- preserving open space, creating
17 parks, preserving water, cleaning up water,
18 helping communities throughout the State of
19 New York in various ways. It was one of the
20 finest pieces of legislation he had ever done.

21 And one day he came up to me and he
22 said, "You know," he says, "I need you to do
23 something for me." I said "What?" He said,
24 "Keep your mouth shut."

25 (Laughter.)

1 SENATOR MARCELLINO: Not easy to
2 do. He's laughing because he knows, it's never
3 easy to do.

4 I said "Why should I do that now?"
5 He said, "Because the leader" -- then Joe
6 Bruno -- "is going to offer you the chair of the
7 Environmental Committee, and I don't want you to
8 screw it up. I want you to get it."

9 So I kept my mouth shut. And sure
10 enough, the committee was offered to me. And it
11 was, by my way of thinking, a lot of fun to chair
12 that committee.

13 And one of the things I really
14 enjoyed doing was building on the EPF, Owen's
15 baby, creating it, expanding it and adding more
16 money to it and adding more categories to it so
17 that it is what it is today, so that we can use
18 that money and protect and preserve the
19 environment.

20 But it's all thanks to O.J. He
21 created it, he had the foresight and the thought
22 that this was something very important to do, and
23 he got it done. Everybody in this state, from
24 one end of it to the other, has benefited from it
25 and benefited from his presence.

1 So thank you to the family for
2 lending us Owen for all those many years.

3 And Owen, God bless you.

4 ACTING PRESIDENT GRIFFO: Senator
5 Flanagan.

6 SENATOR FLANAGAN: Thank you,
7 Mr. President.

8 You know, this is my 29th year here.
9 And one of my most cherished memories of being in
10 the Legislature was when my own father was
11 memorialized in the Assembly a number of years
12 ago. So to the Johnson family, this will be a
13 lasting, beautiful memory for a long period of
14 time.

15 And you get to hear the tributes
16 from various colleagues. I look around and I see
17 all the people on Owen's staff. And, you know,
18 while I'm listening carefully to the things that
19 were said, the people who worked with Owen loved
20 him. And you know that's a measure of somebody
21 as a supervisor, as a leader, as a boss, when
22 people come and they stay and they will kill for
23 you, they will stand in front of a train for you.

24 That's what he had. And he had
25 long-term friends as well as employees. I'm

1 looking at Bruce and Rory, I'm think of Gordon
2 and Jay and all the people who served him very
3 well.

4 And I think of that in the context
5 of how much he was a gentleman, how much he
6 believed in tradition, how much he believed in
7 protocol.

8 In the early part of my career, I
9 had a chance to go on one of those ALEC trips,
10 and we were standing like 10 feet from President
11 Reagan. He was in absolute full glory. He truly
12 loved the work that he did with that committee.

13 Kenny LaValle would know this very
14 clearly. One of the things that Owen was a
15 master at was he had a luncheon the day after
16 election for the Suffolk County members. When I
17 got to the Senate, you just understood that it
18 didn't really matter what you were doing, no
19 matter how late you were up the night before, the
20 bottom line is you went to Owen's country club
21 the following day and we kind of coalesced and
22 just talked about it.

23 And you talk about the ability to be
24 mentored. As much as I may have served here,
25 learning from him, watching him and listening to

1 him -- as people said, he was a man of few words.

2 But I just think of a couple of very
3 simple other things.

4 For anyone who did not have a chance
5 to attend his funeral, it was absolutely
6 beautiful. The quality of the comments that were
7 made about him by friends and family were
8 unbelievable.

9 And I didn't know this, but right at
10 the end -- for those who were there, they will
11 appreciate this -- there was like a Dixieland
12 band. I don't even know if I'm describing it the
13 right way. But the bottom line is, it was very
14 cool music as you were leaving the funeral, and
15 that's something he wanted. So I think that was
16 a reflection of him.

17 And in terms of something Senator
18 Marcellino just said, I would describe Owen as
19 not only a passionate and ardent
20 environmentalist, but he was a conservationist
21 well before it became popular. I think of him in
22 the mold of Teddy Roosevelt. You know, he was a
23 vanguard and protector of the environment well
24 before anybody really understood that. Things
25 like the Oak Brush Plains Preserve and the things

1 that he did locally, you just can't match.

2 And I want to mention somebody who
3 is not here. But I think the epitome of not only
4 being a leader but a good friend is demonstrated
5 by Owen's interaction not just with Republicans
6 but with Democrats. In our county we all know
7 very well our Democratic County Chairman Richie
8 Shaffer. And there was a time in Richie
9 Shaffer's career when he was right in the
10 cross hairs of a lot of different people. Owen
11 was a Democrat -- excuse me, he was a -- God, I
12 can't even believe I just said Owen was a
13 Democrat.

14 (Laughter.)

15 SENATOR FLANAGAN: Owen was a
16 Republican, a conservative Republican; Richie
17 Shaffer was a Democrat. But as a true friend,
18 when everyone else was walking out the door, a
19 true friend not only walks in but stays. He
20 proved his mettle as a colleague, as someone who
21 could demonstrate camaraderie.

22 And just on an purely personal
23 level, because I think we all come at this from
24 slightly different angles, I'm lucky to have
25 known him. I feel blessed. I feel like I'm a

1 better person, hopefully, and a better legislator
2 because of the things that he helped teach all of
3 us.

4 And my deepest condolences to the
5 family. And as everyone said, thank God you were
6 able to share him with us for as long as you did.

7 Thank you.

8 ACTING PRESIDENT GRIFFO: Senator
9 Bonacic.

10 SENATOR BONACIC: Thank you,
11 Mr. Chairman.

12 A lot of my colleagues have spoken
13 very eloquently about Owen. And it's hard to
14 describe the essence of a man, 40 years serving
15 here, in three or four minutes.

16 So I'd like to tell you how Owen
17 affected me. A couple of things I'd like to
18 share with you.

19 The strength of this Legislature is
20 the strength of the parts that make the whole.
21 So when you have strong legislators, this body
22 becomes stronger and more enlightened. That's
23 what Owen gave to this chamber. He was a giant,
24 a gentleman's gentleman, loved by his people.

25 Now, we can get reelected over and

1 over and over again for a variety of reasons.
2 But to be loved by your constituency and by your
3 colleagues, you know that that individual is very
4 special.

5 So let me tell you my two
6 experiences I can remember about Senator Owen
7 Johnson. Now I'm in the Assembly. In the
8 Assembly, normally, no Senators talk to the
9 Assembly. I'm a mid-Hudson guy, Owen is out
10 there in the Island, in Suffolk. So we go on a
11 convention to San Diego, ALEC, a conservative
12 think tank.

13 And I didn't know him that well.
14 I'm on a boat ride with him, okay, with other
15 dignitaries that he knew from ALEC. And he was
16 presented the Ronald Reagan Award. It was a huge
17 statue, and I think it could have been the anchor
18 for the boat if they ever tied string to it.

19 And after he got that award, we're
20 over the railing looking at the water, beautiful
21 San Diego. And what does he talk about? He
22 talks about how he misses his family, how this
23 job that we do takes us away from the family -- a
24 sacrifice everyone in this room knows. The press
25 never talks about it when they demonize this

1 body, but we know about it. And he felt badly.

2 Now, he didn't know me that well,
3 but he was sharing his heart with me. I never
4 forgot it.

5 The second instance, I become a
6 Senator now. Right? I'm down in mid-Hudson, all
7 about taxes and crime, and now I've got to go
8 become an upstate Senator, right? And what do
9 you have to be familiar with? The maple syrup
10 business, bluestone, water releases, fishing
11 rights. I mean, I had to reincarnate myself to
12 be able to talk to the people.

13 And Owen would come up to me, and
14 he'd start talking about my issues up in Delaware
15 County. I said, how can this man from the Island
16 know about my issues? Well, there's a weekly
17 paper called The Walton Reporter. And Owen used
18 to get this delivered to the Island. So he would
19 share and be an educator to me on these issues.

20 He was a man that was very learned,
21 and I could go on and on. But he made me a
22 better Senator, and he made this body a better
23 Legislature. We all loved him.

24 Thank you.

25 ACTING PRESIDENT GRIFFO: Senator

1 Breslin.

2 SENATOR BRESLIN: Thank you,
3 Mr. President.

4 I did not go to any of the ALEC
5 conventions --

6 (Laughter.)

7 SENATOR BRESLIN: -- which might
8 not be a shock to anyone on the Republican side.
9 But to the Johnson family, my condolences.

10 I would be probably viewed as a
11 progressive Democrat by the Republicans on the
12 other side of the aisle. And I had the
13 opportunity for several years during the budget
14 hearings to sit next to Owen, day after day after
15 day after day. And originally, because I came
16 much later than Owen, from afar I actually
17 thought -- you know, he was such a legend and so
18 highly respected that he might indeed have been
19 haughty and hard to approach. And I couldn't
20 have been more wrong. I could not have been more
21 wrong.

22 To have been able to sit next to him
23 day after day after day -- and as many of you
24 have said, at least once a day, to take that
25 cellphone and go beneath the desk, when there

1 were hundreds of people watching our hearing, and
2 be able to talk to a member of the family and to
3 help solve some kind of a problem, showed his
4 love, showed his true love to his family and the
5 family's love to him.

6 And after the hearings and after our
7 long conversations -- and I can honestly say that
8 philosophically, we did not agree on anything.

9 (Laughter.)

10 SENATOR BRESLIN: That I can
11 recall. But after those hearings, those many
12 weeks, I would go out, I think Rory is the one
13 who told me his inclination, and get Owen a
14 bottle of sherry. And we'd exchange discussions
15 about the hearings.

16 And despite the fact that we never,
17 ever agreed on anything, I don't remember ever
18 having a cross word with him. He was actually
19 extremely patient with me and my points of view,
20 even though I knew that he didn't agree with any
21 of them.

22 But he took his time, and we'd then
23 get into other areas that weren't so
24 controversial, and I really saw the true warmth
25 of a wonderful, wonderful human being. I am

1 proud to say that I was a friend, I was proud to
2 serve here with him. And it takes all different
3 kinds of points of view to get to a resolution.
4 But I am so blessed to have known Owen and to
5 have spent that time with him.

6 And to you, the Johnson family, you
7 have lost a legend, an icon, someone we will
8 never replace in this body.

9 Thank you.

10 ACTING PRESIDENT GRIFFO: Senator
11 Valesky.

12 SENATOR VALESKY: Thank you,
13 Mr. President.

14 It's certainly an honor and a
15 privilege to speak today to my colleagues and to
16 the family of Senator Johnson about his legacy.

17 And for me, I come to have known him
18 from a little bit of a different perspective than
19 many of my colleagues. I obviously did not sit
20 with him in conference and hear his stories and
21 have that kind of a relationship. I did not have
22 the opportunity to meet any of his family
23 members. And I was not here during the
24 legislative heyday of his career when he
25 accomplished so much through the legislative

1 process.

2 My experience with O.J. is a little
3 bit different. Some of us come to this Senate
4 chamber under unusual and sometimes extraordinary
5 political circumstances back home in our own
6 districts, and mine was one of those rather odd
7 political circumstances and situations. And when
8 I arrived after that election, I quickly
9 realized that there were many members of this
10 Senate who were very quick to want to see me
11 serve and pass on and back into the private
12 sector, shall we say. Right?

13 And that's sort of the reality of
14 the world in which we live, the political realm
15 in which we live. And many of you I'm sure have
16 gone through a similar experience when you first
17 had the honor to serve in the State Senate.

18 And that sort of political dynamic
19 and those tensions can make this place a little
20 bit intimidating to someone who's brand-new and
21 came from an unusual background.

22 But that having been said, it is
23 people like Owen Johnson who, for me -- for me --
24 represented one very important thing. And that
25 is whenever I would see Owen in the hallways, see

1 him here in the chamber, have an opportunity to
2 say hello, Senator Owen Johnson always said
3 hello. He always said hello with a smile no
4 matter who you were. He always had a story or a
5 joke or some little anecdote that would lighten
6 things up a little bit.

7 And for me, that really speaks to
8 the character of who he was. And for me
9 personally, Owen Johnson made this place that can
10 be intimidating at times a little less so. And
11 for that, I certainly thank him and salute his
12 service and will remember him fondly.

13 And may he rest in peace.

14 Thank you.

15 ACTING PRESIDENT GRIFFO: Senator
16 Little.

17 SENATOR LITTLE: Thank you very
18 much.

19 It truly is an honor to be part of
20 this recognition of Senator Johnson and all that
21 he has accomplished in his lifetime, and also to
22 say how much we miss him.

23 I came here from the Assembly, and I
24 think this is my 13th year. But he was so
25 welcoming and really just such a gentleman, so

1 interested in how I got here and my family and
2 all of the things that we're so proud of and he
3 was so proud of with his family.

4 And he did have one bill that caused
5 a problem for me in the North Country. And in
6 talking to him, he had a bill that said that
7 saltwater fishing was free. So if you were going
8 to fish in saltwater, it was absolutely free. So
9 my fishermen, my conservation people were calling
10 me saying how unfair that was, because they have
11 to pay to fish in the lakes in New York State.

12 So I talked to Senator Johnson, and
13 I went back to them and I said, "Well, I've
14 talked to Senator Johnson, and he said when
15 New York State starts stocking the ocean, then
16 he'll think about paying."

17 (Laughter.)

18 SENATOR LITTLE: That's so clever,
19 but also such a smart man. He truly is missed.
20 And you have to be so proud of him and all he
21 accomplished.

22 Thank you.

23 ACTING PRESIDENT GRIFFO: We extend
24 our deepest sympathy to the Johnson family here
25 today. Also, thank you for sharing this

1 outstanding American, this extraordinary public
2 servant and exceptional human being.

3 The question is on the resolution.
4 All in favor signify by saying aye.

5 (Overwhelming response of "Aye.")

6 ACTING PRESIDENT GRIFFO: Opposed?

7 (No response.)

8 ACTING PRESIDENT GRIFFO: The
9 resolution is adopted and, as so noted, is open
10 for cosponsorship.

11 Senator Libous.

12 SENATOR LIBOUS: Mr. President,
13 could I ask the members to please rise, and if we
14 could have a moment of silence in honor of our
15 colleague Senator Owen Johnson.

16 ACTING PRESIDENT GRIFFO: I would
17 ask everyone in the chamber to please rise in a
18 moment of silent tribute and memory to honor
19 Senator Owen Johnson.

20 (Whereupon, the assemblage rose and
21 respected a moment of silence.)

22 ACTING PRESIDENT GRIFFO: Senator
23 Libous.

24 SENATOR LIBOUS: Mr. President,
25 thank you.

1 And at this time could we please
2 take up the reading of the calendar for today,
3 the -- oh, I'm sorry, we have one other
4 resolution.

5 We have a resolution that was
6 previously adopted, by Senator Amedore. I
7 believe it's Number 472. Could we please have it
8 read in its entirety and then call on Senator
9 Amedore, please.

10 ACTING PRESIDENT GRIFFO: The
11 Secretary will read.

12 THE SECRETARY: Legislative
13 Resolution Number 472, by Senator Amedore,
14 commending Mike Feurstein for special recognition
15 as creator and founder of "How to UnMake a
16 Bully."

17 "WHEREAS, It is imperative to
18 safeguard schools and communities for the
19 children of the State of New York and, through
20 the recognition of the serious issues that face
21 them each day, offer our children an environment
22 that holds promise and security; and

23 "WHEREAS, It is the practice of this
24 Legislative Body to take note of and publicly
25 acknowledge individuals of remarkable integrity

1 and character whose endeavors have enhanced the
2 quality of life and education in this great
3 Empire State; and

4 "WHEREAS, An award-winning
5 filmmaker, Mike Feurstein, affectionately known
6 as Mr. Mike, is dedicated to giving students a
7 voice in the stand against bullying through film
8 and anti-bullying education; and

9 "WHEREAS, Creator and founder of
10 'How to UnMake a Bully' and partner in the DON'T
11 WAIT to UnMake a Bully program, Mike Feurstein
12 brings media into classrooms for project-based
13 enrichment and runs summer video camps for
14 middle-school students; he has filmed in many
15 area school districts including Ballston Spa
16 Central School, Saratoga Springs City School,
17 Schenectady City School, and most recently,
18 Greater Amsterdam School District; and

19 "WHEREAS, A filmmaker from
20 Schenectady, New York, Mike Feurstein also serves
21 as a teacher's aide; his students' work has been
22 screened throughout the world, including the
23 National Film Festival for Talented youth; and

24 "WHEREAS, Mike Feurstein's
25 educational series 'How to UnMake a Bully' earned

1 Telly and Sage College Champion of Character
2 Awards, as well as endorsements from the Kids'
3 Coalition for Quality Children's Media, The
4 Anti-Defamation League, and CBS-6 News, to name a
5 few; and

6 "WHEREAS, Furthermore, the 27-minute
7 film 'How to UnMake a Bully' was so well-received
8 it is being utilized by international
9 organizations as one of the best tools available
10 for anti-bullying instruction; and

11 "WHEREAS, In its third year, the
12 DON'T WAIT to UnMake a Bully program is
13 impacting students, teachers, administrators and
14 communities throughout the country; from New York
15 to Washington State, this vital program has been
16 instrumental in the stand against bullying
17 through positive media; and

18 "WHEREAS, Rare indeed is the
19 impressive dedication shown by an individual for
20 the benefit of others which Mike Feurstein has
21 displayed throughout his life; and

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

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

3 "RESOLVED, That this Legislative
4 Body pause in its deliberations to commend
5 Mike Feurstein for special recognition as creator
6 and founder of 'How to UnMake a Bully'; and be it
7 further

8 "RESOLVED, That a copy of this
9 resolution, suitably engrossed, be transmitted to
10 Mike Feurstein."

11 ACTING PRESIDENT GRIFFO: Senator
12 Amedore.

13 SENATOR AMEDORE: Thank you,
14 Mr. President.

15 I rise to introduce to this body
16 Mike Feurstein, who I believe has made such a
17 huge difference in thousands and thousands of
18 students, not only just in this state but across
19 the country, as you heard the Secretary read of
20 his great accomplishments, his gifts, his
21 talents.

22 See, Mr. Mike could have taken his
23 talents and went to Hollywood, but instead
24 Mr. Mike went to the classroom and is using his
25 talent to inspire, to mentor, and to teach our

1 young children how to unmake a bully, all the
2 while showing them how to use the tools, the
3 equipment of film production to teach them a
4 trade.

5 With us today, Mr. President, up in
6 the gallery is Mr. Mike, as he is affectionately
7 known by many thousands across the Capital
8 District. I have watched his work, I've seen it,
9 it's all over YouTube and it's all over so many
10 other great publications.

11 An award-winning filmmaker, this
12 individual earns and deserves all the accolades
13 and our great thanks because he is doing such a
14 great job in the schools across this great state
15 on a very important issue, the bullying issue
16 that we have passed many pieces of legislation
17 against in past years.

18 So to Mr. Mike and to all of the
19 students here who represent Amsterdam's Tecler
20 and McNulty elementary schools and so many
21 Schenectady and Ballston Spa schools, I
22 congratulate you for all of your hard work, your
23 great achievement. And keep up the message. We
24 appreciate it.

25 Thank you, Mr. President.

1 ACTING PRESIDENT GRIFFO: Senator
2 Farley.

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

5 I also rise to pay tribute to
6 Mr. Mike and what you're doing on an issue that
7 is so grave and so concerning to all of us,
8 bullying. And getting that message out there
9 that that has to be addressed and is being
10 addressed, and particularly in our schools.

11 And incidentally, in the gallery are
12 a number of my constituents and schools that are
13 in my district. And so much is being done in
14 this area.

15 And I'll let you know that this
16 house is very gravely concerned about the issue
17 of bullying that goes on in our schools, and we
18 must put a stop to it. And your filmmaking has
19 made a huge difference in bringing light on this
20 subject, and I applaud you for that.

21 And again, welcome to our chamber,
22 and I want you to know that this entire
23 Legislature is behind your cause.

24 Thank you.

25 ACTING PRESIDENT GRIFFO: Senator

1 Little.

2 SENATOR LITTLE: Thank you,
3 Mr. President.

4 I too would like to recognize and
5 thank Mr. Mike for what he has done.

6 This Legislature has passed
7 legislation in regard to bullying to try to
8 prevent and to stop it and to penalize people,
9 but legislation can only go so far. Whereas you
10 have gone into the classroom and really showed
11 our students what bullying does to other students
12 and how to prevent it.

13 And some harmless remark that can
14 get multiplied over and over and over on the
15 Internet and Twitter and all of those things does
16 so much more than any harmless remark ever did to
17 us when we were children.

18 So I want to congratulate you and
19 thank you for the work you've done in Keene
20 Central School. They truly have appreciated it.
21 And I know that our children in that school and
22 elsewhere that you've worked with think twice
23 before they engage in bullying.

24 Thank you.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator Little.

2 As noted, the resolution was adopted
3 on February 10, 2015.

4 We want to welcome Mike Feurstein
5 and all those who are with him today, and we want
6 to thank you for your work.

7 Thank you for being here.

8 (Applause.)

9 ACTING PRESIDENT GRIFFO: Senator
10 Libous.

11 SENATOR LIBOUS: Mr. President,
12 could we now have the reading of the
13 noncontroversial calendar.

14 ACTING PRESIDENT GRIFFO: The
15 Secretary will read.

16 THE SECRETARY: Calendar Number
17 122, by Senator Seward, Senate Print 3012, an act
18 to amend the Insurance Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

21 SENATOR SERRANO: Lay it aside.

22 ACTING PRESIDENT GRIFFO: Lay the
23 bill aside.

24 THE SECRETARY: On page 9, Senator
25 Amedore moves to discharge, from the Committee on

1 Children and Families, Assembly Bill Number 5803
2 and substitute it for the identical Senate Bill
3 Number 3520A, Third Reading Calendar 124.

4 ACTING PRESIDENT GRIFFO: The
5 substitution is so ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 124, by Member of the Assembly Fahy, Assembly
9 Print Number 5803, an act to amend the Social
10 Services Law.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

13 THE SECRETARY: Section 5. This
14 act shall take effect on the 60th day.

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT GRIFFO: Senator
19 Amedore to explain his vote.

20 SENATOR AMEDORE: Mr. President, to
21 explain my vote.

22 When a child is missing, every
23 second counts. And back in December, in the Town
24 of Knox, we all read about the tragic tragedy
25 that a 5-year-old was claimed missing by his

1 cousin but in reality was tragically murdered.

2 And the law enforcement agencies did
3 everything they possibly can to try to work with
4 CPS, but at the time, during the investigation,
5 there was some unclarity in the current statute
6 that this bill clarifies and makes it plain and
7 simple.

8 And we need to make sure that we
9 give law enforcement every possible tool for a
10 missing child case. So I vote in the aye.

11 ACTING PRESIDENT GRIFFO: Senator
12 Amedore will be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 SENATOR LIBOUS: Mr. President, I
18 believe that is Senator Amedore's first bill to
19 pass the Senate.

20 (Applause.)

21 ACTING PRESIDENT GRIFFO:
22 Congratulations, Senator Amedore.

23 The Secretary will continue to read.

24 THE SECRETARY: Calendar Number
25 132, by Senator Young, Senate Print 1367, an act

1 to amend the General Municipal Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 141, by Senator Little, Senate Print 1850A, an
14 act to amend the Parks, Recreation and Historic
15 Preservation Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT GRIFFO: Senator
24 Krueger to explain her vote.

25 SENATOR KRUEGER: Thank you,

1 Mr. President.

2 As I continue to point out each and
3 every year when we attempt to change snowmobile
4 laws, the American Association of Pediatricians
5 advises that children below the age of 16 should
6 not be driving snowmobiles.

7 The rate of brain damage and
8 accidents to children driving snowmobiles
9 continues to grow in this country, whether it's
10 on private property, on a trail, for a sporting
11 activity, or just as an activity alone.

12 I certainly hope parents will think
13 twice before they allow their children under age
14 16 to get on these very large, very fast
15 machines.

16 I'll be voting no, Mr. President.

17 ACTING PRESIDENT GRIFFO: Senator
18 Krueger to be recorded in the negative.

19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar Number 141, those recorded in the
22 negative are Senators Avella, Díaz, Espailat,
23 Hoylman, Krueger, Montgomery, Perkins, Rivera,
24 and Serrano.

25 Ayes, 52. Nays, 9.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 142, by Senator Flanagan, Senate Print 2056, an
5 act to amend the Parks, Recreation and Historic
6 Preservation Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 199, by Senator Ranzenhofer, Senate Print 2885,
19 an act to amend the Correction Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT GRIFFO: Senator
3 Krueger to explain her vote.

4 SENATOR KRUEGER: Thank you,
5 Mr. President.

6 If this bill excluded the lowest
7 level of sex offenders, which we know are
8 sometimes people who don't really fit the
9 category of predator, I could vote for this bill.

10 But because, unfortunately, this
11 bill covers all three levels of sex offender
12 under the law, I believe that would actually
13 prevent mentally ill people and developmentally
14 disabled people, who really have no other place
15 to go, from finding a a suitable setting in our
16 state system.

17 I'm hoping that before this perhaps
18 passes the other house, there will be some kind
19 of modification to exclude the lowest-level
20 offenders.

21 I'll be voting no, Mr. President.
22 Thank you.

23 ACTING PRESIDENT GRIFFO: Senator
24 Krueger to be recorded in the negative.

25 Senator DeFrancisco to explain his

1 vote.

2 SENATOR DeFRANCISCO: Yes, to
3 explain my vote. We're on 199?

4 ACTING PRESIDENT GRIFFO: That's
5 correct.

6 SENATOR DeFRANCISCO: Okay. I
7 just -- since this deals with prohibiting sex
8 offenders from residing in community residences,
9 today is an historic day dealing with sex
10 offenders and people who take advantage of women.

11 For the last two years we've been
12 asking, begging the Assembly to take apart the
13 ten-point Women's agenda and do the bills
14 separately, and we kept saying please talk to
15 your Assembly people, bring them apart, let's get
16 some results rather than inactivity.

17 And today the Assembly is scheduled
18 to pass the sex trafficking bill. And it's a
19 very, very good thing for everyone here in the
20 Senate and the Assembly, and hopefully they'll
21 continue to work on the other good parts of that
22 ten-point agenda.

23 Thank you.

24 ACTING PRESIDENT GRIFFO: Senator
25 DeFrancisco to be recorded in the affirmative.

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar Number 199, those recorded in the
4 negative are Senators Krueger, Montgomery,
5 Perkins and Rivera.

6 Ayes, 57. Nays, 4.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 200, by Senator Savino, Senate Print 3667, an act
11 to amend the Executive Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 201, by Senator Hassell-Thompson, Senate Print
24 3818, an act to amend the Correction Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 Senator Libous, that completes the
11 noncontroversial reading of today's active-list
12 calendar.

13 SENATOR LIBOUS: Mr. President, at
14 this time could we take up the controversial
15 calendar, please.

16 ACTING PRESIDENT GRIFFO: The
17 Secretary will ring the bell.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 122, by Senator Seward, Senate Print 3012, an act
21 to amend the Insurance Law.

22 ACTING PRESIDENT GRIFFO: Senator
23 Sanders.

24 SENATOR SANDERS: Thank you. Will
25 the sponsor yield for a question?

1 ACTING PRESIDENT GRIFFO: Does the
2 sponsor yield, Senator Seward?

3 SENATOR SEWARD: Yes, certainly,
4 Mr. President.

5 ACTING PRESIDENT GRIFFO: The
6 Senator yields.

7 SENATOR SANDERS: Greetings, sir.
8 I've been thinking about this bill,
9 and I was mulling it over and I just have a
10 question. And I'm hoping that perhaps you can
11 help me.

12 SENATOR SEWARD: Sure.

13 SENATOR SANDERS: In Washington,
14 D.C., and other places, people are concerned
15 about what they consider industry setting policy,
16 industry deciding to set policy. And I'm
17 worried, sir, that we inadvertently are doing
18 something similar.

19 Because -- and here's my question --
20 wouldn't allowing the insurance companies to
21 appoint all members of a board of directors at
22 the exclusion of the one-third independent
23 members, wouldn't that cost the board its
24 objectivity, since everyone will be either from
25 the industry or hoping to get back into the

1 industry?

2 SENATOR SEWARD: Well,
3 Mr. President, I'm not sure I follow quite what
4 the line of the question is there.

5 But I will say this. I think it is
6 important that we maintain in the law -- and this
7 bill doesn't alter that -- a certain required
8 degree of independent board of directors to
9 govern an insurance company.

10 In this case we're talking about
11 strictly life insurance companies, domestic life
12 insurance companies who are part of a larger
13 holding company.

14 And this bill doesn't change the
15 terms of the independent nature of the board.
16 This bill is only directed at how we're going
17 reach that goal of independent board of
18 directors.

19 This legislation is modeled after
20 the National Association of Insurance
21 Commissioners, their model that they have
22 determined -- this has been fully vetted. These
23 are not industry people, these are insurance
24 company regulators. And they have determined
25 that it is advisable in this day and age to allow

1 the parent insurance company or the mutual
2 insurance holding company and or the parent
3 publicly held corporation, that board of
4 directors to fulfill the independent board of
5 directors requirements for their New York
6 subsidiary, as they do in many other states.

7 So I agree that independence is
8 needed. But this bill only is directed at how
9 that independence is going to be accomplished.

10 It's interesting to note that, you
11 know, we have, in addition to life insurance
12 companies, we have property and casualty and
13 health insurance companies as well. There is no
14 requirement at all in the law regarding those
15 companies, only life insurance.

16 And so this would put our
17 domestic -- the subsidiaries that exist here in
18 New York on par with the P&C and health insurance
19 companies here in New York.

20 SENATOR SANDERS: Thank you.

21 On the bill, sir.

22 ACTING PRESIDENT GRIFFO: Senator
23 Sanders on the bill.

24 SENATOR SANDERS: I thank the
25 sponsor for those remarks, his answers. And he's

1 also given me an opportunity for more legislation
2 to make it equal.

3 New York has to be the Empire State,
4 and our standard is often higher than the rest of
5 the nation. And we should always view that when
6 we think of joining into any national standard:
7 Are we lowering our standard to the nation or
8 should we encourage the nation to move up to a
9 higher standard?

10 I think that inadvertently the
11 sponsor, who has done a great job on this and
12 other bills, has perhaps weakened our standard,
13 and for that reason I'm going to vote no, sir.

14 Thank you very much, Mr. President.
15 Thank you, Mr. Sponsor.

16 ACTING PRESIDENT GRIFFO: Thank
17 you, Senator Sanders.

18 Seeing and hearing no other Senator
19 who wishes to -- Senator Krueger?

20 SENATOR KRUEGER: No. Just to
21 record my vote no.

22 ACTING PRESIDENT GRIFFO: Seeing
23 and hearing no other Senator that wishes to be
24 heard, the debate is closed and the Secretary
25 will ring the bell.

1 SENATOR LIBOUS: Mr. President.

2 ACTING PRESIDENT GRIFFO: Senator
3 Libous.

4 SENATOR LIBOUS: I believe a number
5 of members are at the various conference
6 committee meetings, and they can certainly vote
7 by Rule 10.

8 So I would ask that obviously if
9 you're not at a conference committee meeting, if
10 you can get in the chamber. And then what we'll
11 do is we'll sort out those members who are
12 sitting on the various committees to make sure
13 that they get their vote in under Rule 10.

14 Acceptable to --

15 ACTING PRESIDENT GRIFFO: Without
16 objection, so noted. Rule 10 is incorporated.

17 Read the last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT GRIFFO: Senator
24 Breslin to explain his vote.

25 SENATOR BRESLIN: Thank you,

1 Mr. President. Very quickly.

2 This law will bring New York State
3 into conformity with the National Association of
4 Insurance Commissioners' model act, their
5 national model act. And it will do much to
6 strengthen and allow insurance companies to work
7 on a more efficient basis without jeopardizing in
8 any way the integrity of the company.

9 Thank you, Mr. President.

10 ACTING PRESIDENT GRIFFO: Senator
11 Breslin to be recorded in the affirmative.

12 The roll has been called, and the
13 Secretary will tally and announce the results.

14 THE SECRETARY: In relation to
15 Calendar 122, those recorded in the negative are
16 Senators Krueger and Sanders.

17 Absent from voting: Senators Parker
18 and Sampson.

19 Ayes, 59. Nays, 2.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 SENATOR LIBOUS: Mr. President.

23 ACTING PRESIDENT GRIFFO: Senator
24 Libous, that completes the noncontroversial
25 reading of today's calendar.

1 SENATOR LIBOUS: Okay.

2 ACTING PRESIDENT GRIFFO: Can I have
3 some order in the chamber, please.

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

6 ACTING PRESIDENT GRIFFO: There is
7 no further business at the desk.

8 SENATOR LIBOUS: Just before we
9 adjourn, I just want to remind members that
10 conference committees are beginning at 4:30.

11 So if you're on a committee, I would
12 guess by now you would know which committee is
13 meeting and what time they're going to meet. I'm
14 not going to read them all off, there's quite a
15 few.

16 But just to remind you that the
17 committee meetings are important so that we can
18 move the budget process ahead and get out of here
19 before April 1st, and I think that's something we
20 would all like to do.

21 So, Mr. President, there being no
22 further business before the desk, I would ask
23 that the Senate adjourn until Tuesday,
24 March 17th, at 3:00 p.m.

25 ACTING PRESIDENT GRIFFO: On

1 motion, the Senate will stand adjourned until
2 Tuesday, March 17th, at 3:00 p.m.

3 The Senate is adjourned.

4 (Whereupon, the Senate adjourned at
5 4:33 p.m.)

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