NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 25, 2016

10:18 a.m.

REGULAR SESSION

SENATOR PATRICK M. GALLIVAN, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GALLIVAN: 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 GALLIVAN: Father Lewis Brown is with us this morning to give the invocation. He's from All Saints Parish in Corning, New York.

FATHER BROWN: Good morning.

SENATORS: Good morning.

FATHER BROWN: With Memorial Day right around the corner, and after your wonderful event for veterans yesterday -- the poppies are here, from Flanders Fields, no doubt -- I pray today for the military: Active duty, reserve, retired, deceased. And as you listen, you may hear, in your mind's ear, wonderful melodies.

St. Augustine said those who sing pray twice. In a good naval tradition, I will make a splice by taking some lyrics of armed

forces service songs today, combining them with a hymn, Eternal Father, grant, we pray.

From rock and tempest, fire and foe, protect them, Lord, wheresoe'er they go, who count off the cadence loud and strong, who with the caissons go rolling along.

Lord, be with those in air, on land and sea who have journeyed from Montezuma's halls to the shores of Tripoli. Be Thou their shield forevermore from every peril to the corps.

O God, many will sail at break of day and shift colors when anchors are away. Hear us when we raise our plea for those in peril on the sea.

Lord, guide and guard all those who fly through the great spaces in the sky. May they who go in the wild blue yonder from Your loving care never wander.

Eternal Father, Lord of Hosts, watch over those who guard our coasts, whose motto Semper Paratus is their guide; always ready for the call, their mark of pride.

Protect them all, Heavenly Father, as we pray for those who serve nearby and so far

away. Strengthen our convictions and give us the courage to be the home for the brave and a land for the free.

Lord, there is one more request we make: Our veterans, do not forsake. Thy hand has made our nation free; in serving her, they were serving Thee.

Amen.

(Applause.)

ACTING PRESIDENT GALLIVAN: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 24th, the Senate met pursuant to adjournment. The Journal of Monday, May 23rd, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 64, Senator Serino moves to discharge, from the Committee on Investigations and Government

Operations, Assembly Bill Number 7555A and substitute it for the identical Senate Bill 7838, Third Reading Calendar 1016.

ACTING PRESIDENT GALLIVAN: Substitution ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, Mr. President, can we now take up -- excuse me. Senator Valesky, I believe, has a motion.

ACTING PRESIDENT GALLIVAN: Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

On behalf of Senator Avella, on page 59 I offer the following amendments to Calendar 955, Senate Bill 893A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GALLIVAN: So

ordered.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you please take up the noncontroversial reading of the calendar.

ACTING PRESIDENT GALLIVAN: (Gaveling.) Could we have some order.

The Secretary will read.

THE SECRETARY: Calendar Number 451, by Senator Squadron, Senate Print 148A, an act to amend the Penal Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 532, by Senator Valesky, Senate Print 7016, an act in relation to dissolving.

ACTING PRESIDENT GALLIVAN: There

is a home-rule message at the desk.

The Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect upon the completion and execution of appropriate and necessary intermunicipal agreement.

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 763, by Senator Avella, Senate Print 7316, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 816, by Senator Griffo, Senate Print 4304, an act to amend the Banking Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 869, by Senator Addabbo, Senate Print 2842A, an act to amend the Civil Service Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 884, by Senator Murphy, Senate Print 5353A, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 892, by Senator Marcellino, Senate Print 446, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 120th day.

ACTING PRESIDENT GALLIVAN: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 893, by Senator Golden, Senate Print 685, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 894, by Senator Golden, Senate Print 690, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 180th day.

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 895, by Senator Golden, Senate Print 1108, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48. Nays, 2. Senators Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 896, by Senator Larkin, Senate Print 2203, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49. Nays, 1. Senator Krueger recorded in the negative.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 897, by Senator Ritchie, Senate Print 2399, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number

898, by Senator Venditto, Senate Print 4952B, an act to amend the Highway Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 901, by Senator Larkin, Senate Print --

SENATOR DeFRANCISCO: Lay the bill aside for the day, please.

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

THE SECRETARY: Calendar Number 908, by Senator Ortt, Senate Print 2658A, an act to amend the Canal Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 2. Senators Krueger and Perkins recorded in the negative. Also Senator Dilan.

Ayes, 50. Nays, 3.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 912, by Senator Lanza, Senate Print 3388A, an act to amend the Executive Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49. Nays, 4. Senators Hassell-Thompson, Montgomery, Parker and Perkins recorded in the negative.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number

935, by Senator Ortt, Senate Print 2981, an act to amend the Correction Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 2. Senators Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 936, by Senator Ortt, Senate Print 3622, an act to amend the Correction Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 2.

Senators Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 937, by Senator Funke, Senate Print 4765, an act to amend the Correction Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 937, those recorded in the negative are Senators Comrie, Dilan, Hassell-Thompson, Montgomery, Perkins, Rivera and Sanders.

Ayes, 46. Nays, 7.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 938, by Senator Funke, Senate Print 4776A, an act to amend the Correction Law.

ACTING PRESIDENT GALLIVAN: Read

the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 939, by Senator Avella, Senate Print 4890A, an act to amend the Executive Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 2. Senators Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 944, by Senator Ortt, Senate Print 7469, an act to amend the Correction Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 947, by Senator LaValle, Senate Print 317, an act to amend the Town Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

(The Secretary called the roll.)

ACTING PRESIDENT GALLIVAN: Announce the result.

THE SECRETARY: In relation to Calendar 947, those recorded in the negative are

Senators Addabbo, Comrie, Dilan, Gianaris, Hassell-Thompson, Holyman, Krueger, Montgomery, Perkins, Persaud, Rivera, Sanders, Squadron, Stavisky and Stewart-Cousins.

Ayes, 39. Nays, 15.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 961, by Senator Golden, Senate Print 1468, an act to amend the Public Authorities Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GALLIVAN: Senator Krueger to explain your vote.

SENATOR KRUEGER: Thank you, Mr. President.

I'm voting no on this bill. We did lower the Verrazano Bridge tolls for people on Staten Island on the argument that there is no public transportation or any way to get on or off

the island other than across the bridges, and I accepted that argument.

But if we start to expand it to wherever a bridge comes or goes to, all we do is lower the amount of money available for the maintenance of these bridges. And of course the lower you bring a toll, the more likely you are to see more vehicles on it, increasing the need for maintenance.

And one of my colleagues made the argument that the people of Brooklyn suffer from asthma from the fumes of the vehicles going across the bridge, and I agree that the fumes coming off of the vehicles is a huge issue throughout our city and state. But frankly, lowering the cost increases the number of vehicles that will come across, which will increase the fume problem. So I don't see that argument as working either.

So I vote no, Mr. President.

Thank you.

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

Senator Savino to explain her vote.

SENATOR SAVINO: I rise to speak in

favor of this bill.

While I don't necessarily disagree with the concerns that have been raised by Senator Krueger, as a resident of Staten Island, we are uniquely aware of the toll taken on people by the toll on the Verrazano Bridge.

But that toll also does extend to the constituents of Brooklyn, particularly those in South Brooklyn.

Staten Island has a lot of euphemisms that are applied to it. Some call it The Rock. Some call it Staten Italy. But a lot of people call it Diet Brooklyn. And they call it that because there's a large number of people whose children have moved to Staten Island because they can't afford Brooklyn anymore. Many people's grandchildren and children are living on Staten Island.

And so for constituents of ours in Brooklyn, in Bay Ridge, in Borough Park, in Kensington, in Flatbush, in order for them to come and see their family, this $16 toll is an impediment or a bridge too far to cross.

So perhaps this isn't the only answer, but we believe that not only for families

but for businesses on Staten Island as well, it's an impediment to cross that bridge, it hurts us financially, and we need to find a solution to this. And this is one of those solutions that's being put forward.

So I support this bill. I urge my colleagues to do so. While we search for alternatives -- perhaps the Move New York plan is the answer, as we spread tolls around the city in a fairer way so that everybody participates. I don't know, we could argue it. But right now that toll is too high for all of us.

Thank you, Mr. President.

ACTING PRESIDENT GALLIVAN: Senator Savino to be recorded in the affirmative.

Announce the result.

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

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 969, by Senator Bonacic, Senate Print 1901, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GALLIVAN: Announce the result.

THE SECRETARY: In relation to Calendar 969, those recorded in the negative are Senators Comrie, Hassell-Thompson, Krueger, Montgomery, Parker, Perkins, Rivera and Sanders.

Ayes, 48. Nays, 8.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 970, by Senator Marcellino, Senate Print 1922, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 973, by Senator O'Mara, Senate Print 2780, an act to amend the Tax Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 974, by Senator DeFrancisco, Senate Print 2918, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 976, by Senator Ortt, Senate Print 2975, an act to amend the Penal Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 977, by Senator Funke, Senate Print 2977, an act to amend the Penal Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of November.

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 978, by Senator Larkin, Senate Print 3025, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 980, by Senator Stavisky, Senate Print 3162, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 992, by Senator Young, Senate Print 4722, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 992, those recorded in the negative are Senators Hassell-Thompson, Krueger, Perkins and Rivera.

Ayes, 52. Nays, 4.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 1003, by Senator Hannon, Senate Print 5907, an act to amend the Public Health Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 1005, by Senator Young, Senate Print 6005, an act to authorize.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 1008, by Senator Little, Senate Print 6852, an act to amend Chapter 368 of the Laws of 2008.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GALLIVAN: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I am voting for this bill, but I'd like to point out that we didn't hold hearings, we didn't check on the moral character of the members of the Warren County Board of Supervisors. We're simply granting them an extender for two years because they asked for one.

What a shame we can't do the same

thing for the schoolchildren of New York City.

Thank you, Mr. President.

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

Announce the result.

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

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 1011, by Senator Seward, Senate Print 7039, an act to amend the Insurance Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 1014, by Senator Klein, Senate Print 7614, an act to amend the Penal Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

THE SECRETARY: Section 8. This act shall take effect immediately.

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GALLIVAN: Senator Klein to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

The purpose of this legislation is to prohibit and deter persons from using children to panhandle or beg for money on city streets.

NBC News earlier this year did a very comprehensive report that showed time and time again there's these rings of women, older women, who are using children to panhandle. Sometimes it's not even their own children. They're actually having them sit on cold floors during the winter, not properly dressed, wandering around subway stations, sometimes in subway stations.

And the problem that exists is that presently under the law, using children under

16 years of age for the purpose of panhandling is prohibited under the Arts and Cultural Affairs Law, which makes it an undefined misdemeanor with local law enforcement lacking the ability to actually enforce the law.

That's the problem here. Local law enforcement is used to enforcing the Penal Law. That's their job. So my legislation would actually put this section back in the Penal Law where it belongs and strengthen the existing panhandling prohibition. And it would now be endangering the welfare of a child, which would be a Class A misdemeanor punishable up to one year in prison.

I think this legislation will protect our children in making sure that individuals don't use our children, prey on our children, to take part in illegal activity.

I vote yes, Mr. President.

ACTING PRESIDENT GALLIVAN: Senator Klein to be recorded in the affirmative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you very much.

I appreciate Senator Klein's efforts

here, but unfortunately I feel the bill is written in too broad a nature. It defines any collecting of alms or peddling of any sort to be a potential felony conviction.

So I was just the other day approached by a group of school students asking me for money on the streets to pay for athletic equipment. And so I believe that this bill needs a little tightening of the drafting so that we are not actually capturing people in a child welfare crime who may in fact just be adults participating with children to do things that are peddling or collecting money but don't fall into these kinds of categories.

I think it also is a statement on our approach in society that we have such horrendous Dickensian situations taking place where people find themselves sending out children in the street to beg for money. We need to do better with our response to social services and assuring that people have legitimate ways to earn a living without having to turn to these models.

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

ACTING PRESIDENT GALLIVAN: Senator

Krueger to be recorded in the negative.

Senator Hassell-Thompson to explain her vote.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

I rise because normally I am very supportive of any bills that purport to protect children. However, I too believe that this bill is overly broad.

I think that if you really expand the definition of peddling, I'm not sure that the sponsor realizes that he could be including Girl Scout cookies, he could be including trick-or-treat. All of these are forms of peddling. And they are alms, alms for the poor.

But more than that, I would have thought that the bill would have been brought into the 21st century. Because if it had included things like drug paraphernalia and some of the other things, as opposed to bones and rags, then it might have been a more relevant bill.

So I will be voting no, and I would suggest that this bill needs an overhaul.

Thank you, Mr. President.

ACTING PRESIDENT GALLIVAN: Senator Hassell-Thompson to be recorded in the negative.

Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Thank you.

This is a good bill, I believe, and I'm going to support it. But I thought I'd mention something for everyone's edification.

There's a great movie called August Rush that you all should see. It's the only movie that Robin Williams was the villain. He was the ringleader in using all of these young kids. And it was a horrible situation but it had a very, very happy ending.

So August Rush, and my vote is yes.

ACTING PRESIDENT GALLIVAN: Senator DeFrancisco to be recorded in the affirmative.

Senator Savino to explain her vote.

SENATOR SAVINO: Yes, thank you, Mr. President. I just would like to make a point about this.

There certainly is a difference between fundraising for school activities, selling Girl Scout cookies as a part of an organization or any of the other activities that

people might be concerned about.

But I would like to remind us that New York State is an amazing place. We are probably one of the most progressive states in the country. And enshrined in our Constitution is the right to public assistance. No woman with a child who is destitute should be sitting on the street begging for money. They can walk into any public assistance office in the state and apply for welfare so that her and her child can be taken care of -- they can eat, have a roof over their head.

This is activity that should never be allowed under any statute in this state. I thank Senator Klein for bringing this vote and certainly the media for focusing on this exploitation of children which should be adequately recognized as endangering the welfare of children.

Thank you, Mr. President.

ACTING PRESIDENT GALLIVAN: Senator Savino to be recorded in the affirmative.

Any other members wishing to be heard?

Announce the result.

THE SECRETARY: In relation to Calendar 1014, those recorded in the negative are Senators Hassell-Thompson, Krueger, Little, Montgomery, Parker, Perkins, Persaud and Rivera.

Ayes, 48. Nays, 8.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 1015, by Senator Valesky, Senate Print 7671, an act to amend the Onondaga Lake Amphitheater Infrastructure and Revitalization Project Act.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GALLIVAN: The bill is passed.

THE SECRETARY: Calendar Number 1016, substituted earlier by Member of the Assembly Rosenthal, Assembly Print 7555A, an act to amend the Tax Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GALLIVAN: Senator Serino to explain her vote.

SENATOR SERINO: Thank you, Mr. President.

I just want to say it's about time. Repealing this out-of-touch tax has been decades -- yes, decades -- in the making. To consider that we exempt cupcakes and circus performances from the sales tax in New York State but not the products women depend on is beyond comprehension.

Moving this legislation forward is a win for consumers, signaling a major step forward in overhauling our out-of-touch tax codes. And it's a win for women who have shouldered the burden of this tax for generations.

There has been a groundswell of support for this legislation since it was

introduced, and today we send a strong message to New York's women that they are being heard.

I thank my colleagues for recognizing the importance of this legislation and ensuring its passage this session, and I vote aye. Thank you.

ACTING PRESIDENT GALLIVAN: Senator Serino to be recorded in the affirmative.

Announce the result.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GALLIVAN: The bill is passed.

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

SENATOR DeFRANCISCO: Can we now return to motions and resolutions, please.

ACTING PRESIDENT GALLIVAN: Motions and resolutions.

SENATOR DeFRANCISCO: I wish to call up Senator Seward's bill, Senate Print Number 6955, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GALLIVAN: The Secretary will read the title of the bill.

THE SECRETARY: Calendar Number

412, by Senator Seward, Senate Print 6955, an act to amend the Highway Law.

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

ACTING PRESIDENT GALLIVAN: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GALLIVAN: The bill is restored to its place on the Third Reading Calendar.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I now offer the following amendments.

ACTING PRESIDENT GALLIVAN: The amendments are received, and the bill retains its place on the Third Reading Calendar.

SENATOR DeFRANCISCO: Is there any further business at the desk?

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

SENATOR DeFRANCISCO: I therefore move to adjourn until Wednesday, June 1st, at 3:00 p.m., intervening days being legislative

days.

ACTING PRESIDENT GALLIVAN: On motion, the Senate stands adjourned until Wednesday, June 1st, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 10:50 a.m., the Senate adjourned.)