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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

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

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

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

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

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

13 FATHER BROWN: Good morning.

14 SENATORS: Good morning.

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

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

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

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

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

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

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

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

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

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

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

8 Amen.

9 (Applause.)

10 ACTING PRESIDENT GALLIVAN: The
11 reading of the Journal.

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

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

20 Presentation of petitions.

21 Messages from the Assembly.

22 The Secretary will read.

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

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

4 ACTING PRESIDENT GALLIVAN:

5 Substitution ordered.

6 Messages from the Governor.

7 Reports of standing committees.

8 Reports of select committees.

9 Communications and reports from
10 state officers.

11 Motions and resolutions.

12 Senator DeFrancisco.

13 SENATOR DeFRANCISCO: Yes,

14 Mr. President, can we now take up -- excuse me.

15 Senator Valesky, I believe, has a motion.

16 ACTING PRESIDENT GALLIVAN: Senator
17 Valesky.

18 SENATOR VALESKY: Thank you,

19 Mr. President.

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

25 ACTING PRESIDENT GALLIVAN: So

1 ordered.

2 Senator DeFrancisco.

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

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

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 451, by Senator Squadron, Senate Print 148A, an
11 act to amend the Penal Law.

12 ACTING PRESIDENT GALLIVAN: Read
13 the last section.

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

16 ACTING PRESIDENT GALLIVAN: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 45.

20 ACTING PRESIDENT GALLIVAN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 532, by Senator Valesky, Senate Print 7016, an
24 act in relation to dissolving.

25 ACTING PRESIDENT GALLIVAN: There

1 is a home-rule message at the desk.

2 The Secretary will read the last
3 section.

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

8 ACTING PRESIDENT GALLIVAN: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 45.

12 ACTING PRESIDENT GALLIVAN: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 763, by Senator Avella, Senate Print 7316, an act
16 to amend the Agriculture and Markets Law.

17 ACTING PRESIDENT GALLIVAN: Read
18 the last section.

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

21 ACTING PRESIDENT GALLIVAN: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 44. Nays, 1.

25 Senator Montgomery recorded in the negative.

1 ACTING PRESIDENT GALLIVAN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 816, by Senator Griffo, Senate Print 4304, an act
5 to amend the Banking Law.

6 ACTING PRESIDENT GALLIVAN: Read
7 the last section.

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

10 ACTING PRESIDENT GALLIVAN: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 45.

14 ACTING PRESIDENT GALLIVAN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 869, by Senator Addabbo, Senate Print 2842A, an
18 act to amend the Civil Service Law.

19 ACTING PRESIDENT GALLIVAN: Read
20 the last section.

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

23 ACTING PRESIDENT GALLIVAN: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 45.

2 ACTING PRESIDENT GALLIVAN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 884, by Senator Murphy, Senate Print 5353A, an
6 act to amend the State Administrative Procedure
7 Act.

8 ACTING PRESIDENT GALLIVAN: Read
9 the last section.

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

12 ACTING PRESIDENT GALLIVAN: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 45.

16 ACTING PRESIDENT GALLIVAN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 892, by Senator Marcellino, Senate Print 446, an
20 act to amend the Vehicle and Traffic Law.

21 ACTING PRESIDENT GALLIVAN: Read
22 the last section.

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

25 ACTING PRESIDENT GALLIVAN: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 44. Nays, 1.

4 Senator Perkins recorded in the negative.

5 ACTING PRESIDENT GALLIVAN: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 893, by Senator Golden, Senate Print 685, an act
9 to amend the Vehicle and Traffic Law.

10 ACTING PRESIDENT GALLIVAN: Read
11 the last section.

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

14 ACTING PRESIDENT GALLIVAN: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 45.

18 ACTING PRESIDENT GALLIVAN: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 894, by Senator Golden, Senate Print 690, an act
22 to amend the Vehicle and Traffic Law.

23 ACTING PRESIDENT GALLIVAN: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 180th day.

2 ACTING PRESIDENT GALLIVAN: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 50.

6 ACTING PRESIDENT GALLIVAN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 895, by Senator Golden, Senate Print 1108, an act
10 to amend the Vehicle and Traffic Law.

11 ACTING PRESIDENT GALLIVAN: Read
12 the last section.

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

15 ACTING PRESIDENT GALLIVAN: Call
16 the roll.

17 (The Secretary called the roll.)

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

21 ACTING PRESIDENT GALLIVAN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 896, by Senator Larkin, Senate Print 2203, an act
25 to amend the Vehicle and Traffic Law.

1 ACTING PRESIDENT GALLIVAN: Read
2 the last section.

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

5 ACTING PRESIDENT GALLIVAN: Call
6 the roll.

7 (The Secretary called the roll.)

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

10 ACTING PRESIDENT GALLIVAN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 897, by Senator Ritchie, Senate Print 2399, an
14 act to amend the Vehicle and Traffic Law.

15 ACTING PRESIDENT GALLIVAN: Read
16 the last section.

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

19 ACTING PRESIDENT GALLIVAN: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 50.

23 ACTING PRESIDENT GALLIVAN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 898, by Senator Venditto, Senate Print 4952B, an
2 act to amend the Highway Law.

3 ACTING PRESIDENT GALLIVAN: Read
4 the last section.

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

7 ACTING PRESIDENT GALLIVAN: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 50.

11 ACTING PRESIDENT GALLIVAN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 901, by Senator Larkin, Senate Print --

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

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

19 THE SECRETARY: Calendar Number
20 908, by Senator Ortt, Senate Print 2658A, an act
21 to amend the Canal Law.

22 ACTING PRESIDENT GALLIVAN: Read
23 the last section.

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

1 ACTING PRESIDENT GALLIVAN: Call
2 the roll.

3 (The Secretary called the roll.)

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

7 Ayes, 50. Nays, 3.

8 ACTING PRESIDENT GALLIVAN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 912, by Senator Lanza, Senate Print 3388A, an act
12 to amend the Executive Law.

13 ACTING PRESIDENT GALLIVAN: Read
14 the last section.

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

17 ACTING PRESIDENT GALLIVAN: Call
18 the roll.

19 (The Secretary called the roll.)

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

23 ACTING PRESIDENT GALLIVAN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 935, by Senator Ortt, Senate Print 2981, an act
2 to amend the Correction Law.

3 ACTING PRESIDENT GALLIVAN: Read
4 the last section.

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

7 ACTING PRESIDENT GALLIVAN: Call
8 the roll.

9 (The Secretary called the roll.)

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

13 ACTING PRESIDENT GALLIVAN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 936, by Senator Ortt, Senate Print 3622, an act
17 to amend the Correction Law.

18 ACTING PRESIDENT GALLIVAN: Read
19 the last section.

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

22 ACTING PRESIDENT GALLIVAN: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 51. Nays, 2.

1 Senators Montgomery and Perkins recorded in the
2 negative.

3 ACTING PRESIDENT GALLIVAN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 937, by Senator Funke, Senate Print 4765, an act
7 to amend the Correction Law.

8 ACTING PRESIDENT GALLIVAN: Read
9 the last section.

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

12 ACTING PRESIDENT GALLIVAN: Call
13 the roll.

14 (The Secretary called the roll.)

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

19 Ayes, 46. Nays, 7.

20 ACTING PRESIDENT GALLIVAN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 938, by Senator Funke, Senate Print 4776A, an act
24 to amend the Correction Law.

25 ACTING PRESIDENT GALLIVAN: Read

1 the last section.

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

4 ACTING PRESIDENT GALLIVAN: Call
5 the roll.

6 (The Secretary called the roll.)

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

9 ACTING PRESIDENT GALLIVAN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 939, by Senator Avella, Senate Print 4890A, an
13 act to amend the Executive Law.

14 ACTING PRESIDENT GALLIVAN: Read
15 the last section.

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

18 ACTING PRESIDENT GALLIVAN: Call
19 the roll.

20 (The Secretary called the roll.)

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

24 ACTING PRESIDENT GALLIVAN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 944, by Senator Ortt, Senate Print 7469, an act
3 to amend the Correction Law.

4 ACTING PRESIDENT GALLIVAN: Read
5 the last section.

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

8 ACTING PRESIDENT GALLIVAN: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 53.

12 ACTING PRESIDENT GALLIVAN: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 947, by Senator LaValle, Senate Print 317, an act
16 to amend the Town Law.

17 ACTING PRESIDENT GALLIVAN: Read
18 the last section.

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

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GALLIVAN:
23 Announce the result.

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

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

5 Ayes, 39. Nays, 15.

6 ACTING PRESIDENT GALLIVAN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 961, by Senator Golden, Senate Print 1468, an act
10 to amend the Public Authorities Law.

11 ACTING PRESIDENT GALLIVAN: Read
12 the last section.

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

15 ACTING PRESIDENT GALLIVAN: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT GALLIVAN: Senator
19 Krueger to explain your vote.

20 SENATOR KRUEGER: Thank you,
21 Mr. President.

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

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

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

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

20 So I vote no, Mr. President.

21 Thank you.

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

24 Senator Savino to explain her vote.

25 SENATOR SAVINO: I rise to speak in

1 favor of this bill.

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

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

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

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

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

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

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

13 Thank you, Mr. President.

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

16 Announce the result.

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

19 ACTING PRESIDENT GALLIVAN: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 969, by Senator Bonacic, Senate Print 1901, an
23 act to amend the Criminal Procedure Law.

24 ACTING PRESIDENT GALLIVAN: Read
25 the last section.

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

3 ACTING PRESIDENT GALLIVAN: Call
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT GALLIVAN:
7 Announce the result.

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

12 Ayes, 48. Nays, 8.

13 ACTING PRESIDENT GALLIVAN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 970, by Senator Marcellino, Senate Print 1922, an
17 act to amend the Alcoholic Beverage Control Law.

18 ACTING PRESIDENT GALLIVAN: Read
19 the last section.

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

22 ACTING PRESIDENT GALLIVAN: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 56.

1 ACTING PRESIDENT GALLIVAN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 973, by Senator O'Mara, Senate Print 2780, an act
5 to amend the Tax Law.

6 ACTING PRESIDENT GALLIVAN: Read
7 the last section.

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

10 ACTING PRESIDENT GALLIVAN: Call
11 the roll.

12 (The Secretary called the roll.)

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

15 ACTING PRESIDENT GALLIVAN: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 974, by Senator DeFrancisco, Senate Print 2918,
19 an act to amend the Vehicle and Traffic Law.

20 ACTING PRESIDENT GALLIVAN: Read
21 the last section.

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

24 ACTING PRESIDENT GALLIVAN: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 55. Nays, 1.

3 Senator Dilan recorded in the negative.

4 ACTING PRESIDENT GALLIVAN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 976, by Senator Ortt, Senate Print 2975, an act
8 to amend the Penal Law.

9 ACTING PRESIDENT GALLIVAN: Read
10 the last section.

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

13 ACTING PRESIDENT GALLIVAN: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 55. Nays, 1.

17 Senator Perkins recorded in the negative.

18 ACTING PRESIDENT GALLIVAN: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 977, by Senator Funke, Senate Print 2977, an act
22 to amend the Penal Law.

23 ACTING PRESIDENT GALLIVAN: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first of November.

2 ACTING PRESIDENT GALLIVAN: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 56.

6 ACTING PRESIDENT GALLIVAN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 978, by Senator Larkin, Senate Print 3025, an act
10 to amend the Environmental Conservation Law.

11 ACTING PRESIDENT GALLIVAN: Read
12 the last section.

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

15 ACTING PRESIDENT GALLIVAN: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 56.

19 ACTING PRESIDENT GALLIVAN: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 980, by Senator Stavisky, Senate Print 3162, an
23 act to amend the Criminal Procedure Law.

24 ACTING PRESIDENT GALLIVAN: Read
25 the last section.

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

3 ACTING PRESIDENT GALLIVAN: Call
4 the roll.

5 (The Secretary called the roll.)

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

9 ACTING PRESIDENT GALLIVAN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 992, by Senator Young, Senate Print 4722, an act
13 to amend the Mental Hygiene Law.

14 ACTING PRESIDENT GALLIVAN: Read
15 the last section.

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

18 ACTING PRESIDENT GALLIVAN: Call
19 the roll.

20 (The Secretary called the roll.)

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

25 Ayes, 52. Nays, 4.

1 ACTING PRESIDENT GALLIVAN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 1003, by Senator Hannon, Senate Print 5907, an
5 act to amend the Public Health Law.

6 ACTING PRESIDENT GALLIVAN: Read
7 the last section.

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

10 ACTING PRESIDENT GALLIVAN: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 56.

14 ACTING PRESIDENT GALLIVAN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 1005, by Senator Young, Senate Print 6005, an act
18 to authorize.

19 ACTING PRESIDENT GALLIVAN: Read
20 the last section.

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

23 ACTING PRESIDENT GALLIVAN: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 56.

2 ACTING PRESIDENT GALLIVAN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 1008, by Senator Little, Senate Print 6852, an
6 act to amend Chapter 368 of the Laws of 2008.

7 ACTING PRESIDENT GALLIVAN: Read
8 the last section.

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

11 ACTING PRESIDENT GALLIVAN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT GALLIVAN: Senator
15 Krueger to explain her vote.

16 SENATOR KRUEGER: Thank you,
17 Mr. President.

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

25 What a shame we can't do the same

1 thing for the schoolchildren of New York City.

2 Thank you, Mr. President.

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

5 Announce the result.

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

8 ACTING PRESIDENT GALLIVAN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1011, by Senator Seward, Senate Print 7039, an
12 act to amend the Insurance Law.

13 ACTING PRESIDENT GALLIVAN: Read
14 the last section.

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

17 ACTING PRESIDENT GALLIVAN: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 56.

21 ACTING PRESIDENT GALLIVAN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 1014, by Senator Klein, Senate Print 7614, an act
25 to amend the Penal Law.

1 ACTING PRESIDENT GALLIVAN: Read
2 the last section.

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

5 ACTING PRESIDENT GALLIVAN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT GALLIVAN: Senator
9 Klein to explain his vote.

10 SENATOR KLEIN: Thank you,
11 Mr. President.

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

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

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

1 16 years of age for the purpose of panhandling is
2 prohibited under the Arts and Cultural Affairs
3 Law, which makes it an undefined misdemeanor with
4 local law enforcement lacking the ability to
5 actually enforce the law.

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

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

19 I vote yes, Mr. President.

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

22 Senator Krueger to explain her vote.

23 SENATOR KRUEGER: Thank you very
24 much.

25 I appreciate Senator Klein's efforts

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

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

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

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

25 ACTING PRESIDENT GALLIVAN: Senator

1 Krueger to be recorded in the negative.

2 Senator Hassell-Thompson to explain
3 her vote.

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

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

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

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

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

25 Thank you, Mr. President.

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

3 Senator DeFrancisco to explain his
4 vote.

5 SENATOR DeFRANCISCO: Thank you.

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

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

15 So August Rush, and my vote is yes.

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

18 Senator Savino to explain her vote.

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

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

1 people might be concerned about.

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

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

20 Thank you, Mr. President.

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

23 Any other members wishing to be
24 heard?

25 Announce the result.

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

5 Ayes, 48. Nays, 8.

6 ACTING PRESIDENT GALLIVAN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 1015, by Senator Valesky, Senate Print 7671, an
10 act to amend the Onondaga Lake Amphitheater
11 Infrastructure and Revitalization Project Act.

12 ACTING PRESIDENT GALLIVAN: Read
13 the last section.

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

16 ACTING PRESIDENT GALLIVAN: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 56.

20 ACTING PRESIDENT GALLIVAN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1016, substituted earlier by Member of the
24 Assembly Rosenthal, Assembly Print 7555A, an act
25 to amend the Tax Law.

1 ACTING PRESIDENT GALLIVAN: Read
2 the last section.

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

5 ACTING PRESIDENT GALLIVAN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT GALLIVAN: Senator
9 Serino to explain her vote.

10 SENATOR SERINO: Thank you,
11 Mr. President.

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

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

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

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

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

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

9 Announce the result.

10 THE SECRETARY: Ayes, 56.

11 ACTING PRESIDENT GALLIVAN: The
12 bill is passed.

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

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

17 ACTING PRESIDENT GALLIVAN: Motions
18 and resolutions.

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

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

25 THE SECRETARY: Calendar Number

1 412, by Senator Seward, Senate Print 6955, an act
2 to amend the Highway Law.

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

6 ACTING PRESIDENT GALLIVAN: Call
7 the roll on reconsideration.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 56.

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

13 Senator DeFrancisco.

14 SENATOR DeFRANCISCO: I now offer
15 the following amendments.

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

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

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

23 SENATOR DeFRANCISCO: I therefore
24 move to adjourn until Wednesday, June 1st, at
25 3:00 p.m., intervening days being legislative

1 days.

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

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

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