NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 17, 2016

10:34 a.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

ACTING PRESIDENT GRIFFO: In the absence of clergy, let us dwell upon the message of Matthew: And this gospel of the kingdom will we preach, and the whole world will give testimony to all nations that the end will come.

(Laughter; applause.)

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Thursday, June 16th, the Senate met pursuant to adjournment. The Journal of Wednesday, June 15th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT GRIFFO: Without objection, the Journal will stand approved as read.

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 7, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 7480A and substitute it for the identical Senate Bill 5301A, Third Reading Calendar 397.

On page 19, Senator Bonacic moves to discharge from the Committee on Rules, Assembly Bill 8630A and substitute it for the identical Senate Bill 6485A, Third Reading Calendar 1074.

On page 20, Senator Kennedy moves to discharge, from the Committee on Transportation, Assembly Bill Number 7574E and substitute it for the identical Senate Bill 5306E, Third Reading Calendar 1107.

On page 24, Senator Martins moves to discharge, from the Committee on Rules, Assembly Bill Number 10283A and substitute it for the identical Senate Bill 7709, Third Reading Calendar 1197.

On page 26, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 7731B and substitute it for

the identical Senate Bill 5541B, Third Reading Calendar 1313.

On page 29, Senator Funke moves to discharge, from the Committee on Finance, Assembly Bill Number 5133C and substitute it for the identical Senate Bill 1000D, Third Reading Calendar 1380.

On page 29, Senator Little moves to discharge, from the Committee on Rules, Assembly Bill Number 2981B and substitute it for the identical Senate Bill 817B, Third Reading Calendar 1410.

And on page 30, Senator Klein moves to discharge, from the Committee on Rules, Assembly Bill Number 8166A and substitute it for the identical Senate Bill 5485B, Third Reading Calendar 1442.

ACTING PRESIDENT GRIFFO: The substitutions are so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports of state officers.

Motions and resolutions.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Reverend President --

(Laughter.)

SENATOR DeFRANCISCO: -- can we now take up the reading of the noncontroversial calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 212, by Senator Amedore, Senate Print 6515A, an act to amend the Highway Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 397, substituted earlier by Member of the Assembly Skartados, Assembly Print 7480A, an act

to amend the General Municipal Law.

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47. Nays, 1. Senator Avella recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 700, by Senator Felder --

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 721, by Senator Martins, Senate Print 6471B, an act to amend the Public Authorities Law.

SENATOR DeFRANCISCO: Lay it aside temporarily, please.

ACTING PRESIDENT GRIFFO: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 899, by Senator Bonacic, Senate Print 5300B, an act to amend the Vehicle and Traffic Law.

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

The Secretary will read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 30th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 899, those recorded in the negative are Senators Croci, DeFrancisco and Ranzenhofer. Also Senator Serino.

Ayes, 44. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1074, substituted earlier by Member of the Assembly Gunther, Assembly Print 8630A, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1107, substituted earlier by Member of the Assembly Peoples-Stokes, Assembly Print 7574E, an act to amend the Vehicle and Traffic Law.

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Kennedy to explain his vote.

SENATOR KENNEDY: Yes, Mr. President, thank you very much.

I rise to explain my vote on this extremely important piece of legislation to the people of the City of Buffalo, especially the Fruit Belt neighborhood, a historic residential neighborhood in the heart of the City of Buffalo. It's right up and adjacent to the Buffalo Niagara Medical Campus that is expanding at an exponential rate, thousands of people being employed in the downtown corridor that weren't there in the past, and it's a great thing.

But this has created issues over the years, issues within the Fruit Belt neighborhood, the residential neighborhood, as it pertains to parking. And so what this bill ultimately does, it will allow the City of Buffalo to promulgate a permit system to ensure that residents that reside in the Fruit Belt neighborhood have that ability to park where they live.

And unfortunately, over the years it's become very difficult for that to happen. With the influx of workers and patients and visitors at the Buffalo Niagara Medical Campus, we've seen a lack of parking in the Fruit Belt

neighborhood. The result has been that residents, many of whom live in homes that don't have driveways, have to park oftentimes blocks away from where they live when they go out to perform simple tasks like going grocery shopping or driving their children to and from school or daycare or other events.

And at the end of the day, this is a transformational bill for the folks in the Fruit Belt neighborhood and in the Buffalo Niagara Medical Campus that utilize those services every single day.

This bill took quite a while to get done, and there are many people to thank. I want to thank, first and foremost, the sponsor in the Assembly, Assemblywoman Crystal Peoples-Stokes, for her leadership in shepherding this through the Assembly.

I want to thank Mayor Byron Brown and his team for really working collaboratively with other government leaders like Council President Darius Pridgen and the community leaders in labor, in the business community, in the residential community, who came together countless times, in meeting after meeting, to

really work to come up with this solution.

ACTING PRESIDENT GRIFFO: Can I have some order in the house, please.

Senator Kennedy, excuse me.

Some order. Thank you.

SENATOR KENNEDY: So there was really nothing easy about this bill, because it was very complex, the product was very complex, and the outcome is a very, very positive one.

I want to thank our friends in organized labor that also came to the table -- starting with CSEA, CWA, SEIU, and UUP -- who came to the table, worked through these issues and communicated, which was the most important thing.

I also want to give a special thanks to the leadership in my house, Senator Andrea Stewart-Cousins, for prioritizing this, working across the aisle with the committee chair of Transportation, Senator Joe Robach, also Senator Patrick Gallivan and the leadership of Senator Klein, Senator Flanagan, for bringing this to the floor today.

I vote aye, Mr. President. Thank you.

ACTING PRESIDENT GRIFFO: Senator Kennedy to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1192, by Senator Young, Senate Print 1989, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1192, those recorded in the negative are Senators Breslin, Comrie, Espaillat, Hamilton, Hoylman, Kaminsky, Krueger, Panepinto, Peralta, Perkins, Persaud, Rivera, Sanders, Savino, Serrano, Squadron, Stavisky and Stewart-Cousins.

Ayes, 38. Nays, 18.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1197, substituted earlier by Member of the Assembly Titone, Assembly Print 10283A, an act to amend the Workers' Compensation Law.

SENATOR DeFRANCISCO: Lay it aside temporarily.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill will be laid aside temporarily.

THE SECRETARY: Calendar Number 1233, by Senator Golden, Senate Print 4072B, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 40. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Golden to explain his vote.

SENATOR GOLDEN: Thank you, Mr. President. I rise briefly to explain this

great bill and thank my colleagues for voting for it.

We lose millions of dollars here in this great nation each and every year because of cybersecurity and identity theft. We've been working very closely with the Manhattan District Attorney, Cy Vance, on a comprehensive bill to address these issues. This bill identifies many new activities as identity theft and creates a graduated series of penalties based on the actual or potential damages by the number of persons and properties affected and the dollar figures, how it graduates.

Also the bill sets a new series of definitions and crimes related to the use of skimmer devices, such as cloned remotes, schemes to defraud through digital means. They came into my community in one weekend and emptied that community out of a million dollars in about 12 hours, going into six or seven different stores with these skimmer devices.

It's expanding that definition of illegal theft of computer related materials to cover positioning systems and personal preferences of machine operations, and making

such things as theft of vehicle access codes subject to larceny and criminal possession of criminal property provisions.

That's just a few of the different upgrades that we will do to bring cybersecurity and identity theft into the 21st century. We need to get these laws passed, we need to get them on the books, and we need to stop the billions and billions of dollars that we lose each and every year through identity theft and through cybersecurity.

I vote aye, and I thank my colleagues for voting aye as well.

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1260, by Senator DeFrancisco, Senate Print 6316, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1260, those recorded in the negative are Senators Comrie, Hamilton, Hoylman, Krueger, Persaud, Rivera, Sanders and Stavisky.

Ayes, 50. Nays, 8.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1273, by Senator LaValle, Senate Print 7549, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1283, by Senator Seward, Senate Print 4108D, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: Calendar Number 1284, by Senator Seward, Senate Print 6693, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

SENATOR VALESKY: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: Calendar Number 1291, by Senator Marchione, Senate Print 3538B, an act to amend the General Municipal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1309, by Senator DeFrancisco, Senate Print 7864A, an act to amend the General Municipal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1313, substituted earlier by Member of the Assembly Pretlow, Assembly Print 7731B, an act to amend the Racing, Pari-Mutuel Wagering and

Breeding Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1380, substituted earlier by Member of the Assembly Morelle, Assembly Print 5133C, an act to amend the Volunteer Firefighters' Benefit Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as Chapter 54 of the Laws of 2016.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 1410, substituted earlier by Member of the Assembly Gottfried, Assembly Print 2981B, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect in 180 days.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 2. Senators Boyle and Sanders recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1411, by Senator Hannon, Senate Print 6314, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 33. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1411, those recorded in the negative are Senators Akshar, Croci, Farley, Felder, Lanza, Martins, Nozzolio, Ortt, Ranzenhofer and Venditto.

Ayes, 50. Nays, 10.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Excuse me. Also Senator Kaminsky.

Ayes, 49. Nays, 11.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1442, substituted earlier by Member of the Assembly Crespo, Assembly Print 8166A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1442, those recorded in the negative are Senators Akshar, Amedore, Croci, Funke, Griffo, LaValle, Little, Murphy, Ortt, Serino and Seward. Also Senator O'Mara. Also Senator Ranzenhofer. Also Senator Ritchie.

Ayes, 46. Nays, 14.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1499, by Senator Akshar, Senate Print 6665A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to

Calendar 1499, those recorded in the negative are Senators Espaillat, Perkins and Serrano.

Ayes, 57. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 30, Senator Avella moves to discharge, from the Committee on Rules, Assembly Bill Number 8641B and substitute it for the identical Senate Bill 7983B, Third Reading Calendar 1520.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1520, by Member of the Assembly Hevesi, Assembly Print 8641B, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1571, by Senator Gallivan, Senate Print 6949C, an act to amend the Public Officers Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1699, substituted earlier by Member of the Assembly Magnarelli, Assembly Print 10255, an act in relation to redistributing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1897, by Senator Ortt, Senate Print 8142, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2016.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that completes the initial noncontroversial reading of the active list before the house.

SENATOR DeFRANCISCO: Can we go to the controversial reading of the calendar, specifically Calendar Number 721, which was laid aside temporarily.

ACTING PRESIDENT GRIFFO: We will return to the temporary lay-aside, and the substitution will commence.

The Secretary will read.

THE SECRETARY: On page 12, Senator Martins moves to discharge, from the Committee on Rules, Assembly Bill Number 8139D and substitute it for the identical Senate Bill 6471B, Third Reading Calendar 721.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 721, by Member of the Assembly Schimel, Assembly Print 8139D, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill

is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Could you also take up 1197, which was laid aside.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1197, substituted earlier by Member of the Assembly Titone, Assembly Print 10283A, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1197, those recorded in the negative are Senators Addabbo, Breslin, Comrie, Espaillat, Gianaris, Hamilton, Hassell-Thompson, Hoylman, Kaminsky, Krueger, Latimer, Panepinto, Peralta, Perkins, Persaud, Rivera, Sanders, Serrano,

Squadron, Stavisky and Stewart-Cousins. Also Senator Kennedy.

Ayes, 38. Nays, 22.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we now skip to 1284 on the calendar.

ACTING PRESIDENT GRIFFO: Are we still on noncontroversial, Senator DeFrancisco?

SENATOR DeFRANCISCO: No, we're on controversial. On each one of these.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1284, by Senator Seward, Senate Print 6693, an act to amend the Insurance Law.

SENATOR VALESKY: Explanation.

ACTING PRESIDENT GRIFFO: An explanation is requested by Senator Valesky, Senator Seward.

SENATOR SEWARD: We're on 1284, correct?

ACTING PRESIDENT GRIFFO: That is

correct.

SENATOR SEWARD: Thank you, Mr. President.

This bill eliminates the reinsurance limitation currently imposed on mortgage guarantee insurers, which prohibits coverage of more than 25 percent of a borrower's mortgage indebtedness to an insured lender unless this mortgage guarantee insurer obtains reinsurance for the amounts that exceed that 25 percent, the limit.

As we all know, mortgage guarantee insurance is a type of insurance that banks and other lenders purchase to protect them from losses if borrowers default on their residential home loans.

Now, the history here is back in 1994, based on the recommendation of the National Association of Insurance Commissioners, this 25 percent limit was included in New York State law. And the problem has been that since the statute was enacted, the market for reinsurance of these mortgage guarantee risks did not develop. And as such, the mortgage guarantee insurers have had to create affiliated reinsurers

on their own within their own companies and affiliations, to comply with these reinsurance requirements.

And this has created really what I would describe almost as a shell game and also a number of administrative expenses that lead to higher costs for everyone associated here.

Now, because of the fact that this reinsurance market never did develop, the NAIC, which is our National Association of Insurance Commissioners, they've recognized the problem and they have revised their model act to eliminate this 25 percent requirement.

So this legislation is putting New York back in compliance with the recommendation of the NAIC in this area. This legislation will have no negative effect on consumers or the insured lenders. This legislation alleviates the unnecessary administrative and financial burdens that have been placed on the mortgage guarantee insurance marketplace without making any changes to risk and capital requirements.

That's the explanation on the bill.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Seward.

Senator Savino.

SENATOR SAVINO: Thank you, Mr. President. Would the sponsor yield?

ACTING PRESIDENT GRIFFO: Senator Seward, do you yield?

SENATOR SEWARD: Yes.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR SAVINO: Thank you, Mr. President.

Through you, Mr. President, I only have one question for the sponsor, just to make sure I understand. Senator Seward, I think your explanation was pretty good, I think I got the idea. So just to make sure I totally get it, so mortgage guarantee insurance basically is insurance that banks purchase or lenders purchase to mitigate against their risk in the event that borrowers or homeowners default on mortgages that they have taken; is that correct?

SENATOR SEWARD: That is correct.

SENATOR SAVINO: Thank you. On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator

Savino on the bill.

SENATOR SAVINO: Unfortunately, I'm going to vote no on this bill -- not because I don't understand the need for it or I don't understand the work that Senator Seward has put into it or the importance of it.

But quite frankly, we in this state have been struggling with a foreclosure crisis that has depressed values of homes in our communities. We have struggled right up to the very last day of this legislative session to come up with a solution to deal with that foreclosure crisis, the issue of zombie properties and abandoned properties and the effect that they've had on our communities.

And the people who have refused to negotiate in good faith and come to a solution that we can all adopt and pass before we leave here today are the banks, the very people who are buying insurance to protect against their own loss in case, of course, there's exposure because of default.

So I'm voting no on this legislation. Until they're prepared to come to the table to help homeowners mitigate against

their loss, I say why should the banks have any more protection from anyone else. I vote no, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Savino to be recorded in the negative.

Senator Stavisky to explain her vote.

SENATOR STAVISKY: No, no, if the sponsor would yield, I have a couple of questions. Real quick. Two questions, real quick.

ACTING PRESIDENT GRIFFO: Senator Stavisky has some questions.

Senator Seward, do you yield?

SENATOR SEWARD: Yes, I do.

ACTING PRESIDENT GRIFFO: The Senator yields.

Can I get some order in the house?

Thank you.

SENATOR STAVISKY: Many years ago I worked in the actuarial department of an insurance company, so I do -- and even passed a couple of the exams. Let me ask you just two quick questions.

Is this going to affect any of the

reserves that are required by various entities?

SENATOR SEWARD: No, this legislation does not impact the required reserves.

SENATOR STAVISKY: Because at one point that was a problem.

SENATOR SEWARD: Absolutely.

SENATOR STAVISKY: Secondly, isn't it true that many of the insurance companies don't absorb the entire risk themselves but farm out some, you know, to the reinsurance companies?

SENATOR SEWARD: Yes, that is the concept behind reinsurance.

SENATOR STAVISKY: That's my point.

SENATOR SEWARD: The issue here has been for this type of reinsurance, that market never really developed as was envisioned back in 1994. And so that's why they've had to go this other route of setting up all these affiliated reinsurance insurers on their own. And thus they're still assuming the full risk. So why make them go through that?

That's the decision of the NAIC. New York and Ohio are the only states that continue to have this 25 percent requirement and

limit. And so we're just conforming with what the NAIC is recommending to the states at this time.

SENATOR STAVISKY: Thank you.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I'm supporting this bill. This bill makes a lot of sense, because we should be not continuing regulations that have no purpose, not be an outlying state as far as how the industry works, so that we can be attractive to companies that might want to do business here.

Every time there's an issue about a mortgage or a foreclosure, it's always the fault of the bank or it's the fault of the insurance company or it's the fault of somebody else. But I'll tell you what I -- whether it's zombie properties or anything else, but I remember there was a day in this Senate when there was a whole slew of bills, it was either in 2009 or 2010, a whole slew of bills that stretched out the mortgage foreclosure process to a point where it was virtually uncertain, when someone didn't pay their mortgage, for the bank to foreclose and get

on with the business of trying to repossess and sell the property.

So here we flash forward until 2016, and we've got all of these problems that seem to be blamed on banks and insurance companies -- banks for not taking care of their properties, and insurance companies for charging too much -- when in truth and fact, the rules that were put in back in those two years concerning foreclosures made it difficult to remove someone who, God forbid, was not paying their mortgage.

That lengthening of the process resulted in houses that were either just sitting there becoming dilapidated or people just squatting in the homes, making it even more impossible to try to get the banks with repossession of the property. And now we've got a whole series of rules to correct the rules that were put in effect during those two years.

So obviously we have problems. We've got to resolve them. My whole point of my discussion here is that people are blaming the wrong parties for the difficulties we're having in the foreclosure process. And therefore, when we do vote, I'm going to vote in favor of this

bill.

ACTING PRESIDENT GRIFFO: Seeing and hearing no other Senator that -- Senator Breslin.

SENATOR BRESLIN: Just briefly on the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Breslin on the bill.

SENATOR BRESLIN: The situation as it exists now has the unintended consequences of making the consumer pay more. It allows the guaranty companies to create this -- not a sham, but an added layer to cover the additional 25 percent with no market there. It does nothing additionally to protect the consumer. It raises the cost because of the administration of that 25 percent.

And accordingly, I vote in the affirmative. Thank you, Mr. President.

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

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1284, those recorded in the negative are Senators Avella, Comrie, Hamilton, Hassell-Thompson, Perkins, Sanders and Savino.

Absent from voting: Senators Montgomery and Parker.

Ayes, 53. Nays, 7.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we now take up, on the controversial calendar, Number 1283, please.

ACTING PRESIDENT GRIFFO: Taking up Calendar 1283, the Secretary will read.

THE SECRETARY: Calendar Number 1283, by Senator Seward, Senate Print 4108D, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: The bell

has been rung. We're on controversial.

Senator Peralta.

SENATOR PERALTA: Explanation, please, on the bill.

ACTING PRESIDENT GRIFFO: Senator Peralta has asked for an explanation, Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Before you begin, can we have some order in the house again? It's going to be difficult for the members to have this exchange.

Thank you, Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

This bill amends the Insurance Law by adding two new sections to authorize the issuance of automobile insurance policies to transportation network companies and these TNC drivers on a group basis and to regulate the interaction of private-passenger auto insurance policies with insurance policies covering transportation network services.

You know, this language that's

included in the bill is largely reflective of a national model agreement which has been adopted in many, many other states -- I think it's over 30 other states -- and is operating just fine.

You know, these transportation network companies are entities that provide a digital platform or an app that connects those that are seeking a ride with a local driver that's offering a ride using their personal vehicle. This model is often called ride sharing.

Now, here's the situation in New York State as it exists today. In New York City, these TNCs are currently operating pursuant to an agreement through the Taxi and Limousine Commission and their regulations. What this bill is needed for is to bring these transportation network companies to communities outside the City of New York.

There's a great deal of community demand for these services. Many, many mayors, county executives, other local officials are clamoring for this to be brought, this business model, this option -- it's only one option for transportation -- to be brought to their

communities. And I would say as more and more people become comfortable with using apps and so on, there's a great deal of consumer demand for these services as well.

So those of us who reside outside the City of New York in our communities, all we're asking is the opportunity to have this business model brought to our communities because of the demand that I've mentioned.

SENATOR PERALTA: Would the sponsor yield for a couple of questions?

ACTING PRESIDENT GRIFFO: Senator Seward, do you yield?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: Thank you.

Does this bill, in your opinion, adequately cover uninsured motorists?

SENATOR SEWARD: Well, the insurance requirements that are included in this legislation are once one of these TNC drivers -- and let's be clear here, we are talking about someone's personal automobile, and they have a personal auto insurance policy. But the minute

that they -- of course, they've signed up with one of these transportation network companies to be a driver, you know, when they have time and they have their vehicle available.

Once they turn on their app and become available to take a ride, then that vehicle in effect becomes available for a business purpose because they're going to be obviously charging for that ride. And so that's why it's important that a separate insurance policy kicks in at that time through a group policy that's been purchased by the TNC and in some cases the driver.

And so the requirements under this legislation would be double those that are -- the requirements that are on a personal auto policy. And the minute that the driver has received a request for a ride and that rider gets in that vehicle, it actually shoots up to a million-dollars requirement.

So to answer your question, I think the -- as we've seen in other states, these requirements that I've outlined are working and do adequately cover insurance coverage.

SENATOR PERALTA: Would the sponsor

yield for another question?

SENATOR SEWARD: Yes.

SENATOR PERALTA: Does this bill cover drivers for workers' compensation insurance?

SENATOR SEWARD: In this legislation, there is not language that would cover workers' compensation.

I will say this to the Senator: You know, I'm open to that. And I am looking at, either through a chapter amendment or a separate piece of legislation, once we actually can move forward with this ride sharing in New York, that that can be -- the workers' compensation question certainly is one that should be addressed in some way. There are different ways of doing it. And I'm open to that either through a chapter amendment or through a separate piece of legislation.

SENATOR PERALTA: If the sponsor will yield to another question.

SENATOR SEWARD: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: Does this bill

provide for drivers' background checks?

SENATOR SEWARD: Riders or drivers?

SENATOR PERALTA: Drivers. Background checks for drivers.

SENATOR SEWARD: This is an insurance bill. It covers the insurance aspects of ride sharing. And we, under this legislation, preserve local control over all of the other associated issues regarding how ride sharing would be handled in a particular community.

The legislation does require comprehensive background checks on the drivers. But in terms of -- the details of the background check requirements would be handled by each locality.

I should point out that this is, I think, a very, very important point. We're looking to deal with the insurance issues under this legislation, and all the other associated issues -- you know, you mentioned background checks for the drivers, there are others that are out there -- would be under the control of the local regulators in each community.

So these transportation network companies would have to come before -- if they

want to operate in a community, they would come before the local regulatory body and these issues could be dealt with at the local level. I think it's important to maintain that local control because then all of the local concerns, local situations can be dealt with on a community-by-community basis.

That's exactly what's happened in the City of New York. They're in agreement with the Taxi and Limousine Commission. All we're asking for is to let our similar regulatory entities in communities in the balance of the state be able to do the same.

SENATOR PERALTA: Would the sponsor yield for another question?

SENATOR SEWARD: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: Does this bill provide for mandatory regulation by counties? (Inaudible.)

SENATOR SEWARD: Yes, it could be done by -- on a county basis, is that what your question is?

SENATOR PERALTA: Yeah. It's the

difference between could it be done or is it mandatory for it to be done.

SENATOR SEWARD: This legislation authorizes the local communities to -- whether it be on a county level or city level or whatever the case may be, it authorizes them to regulate this industry. It does not require it.

Now, there's no question in my mind that communities will in fact regulate and exercise the authority that we are granting them under this legislation. There's no question in my mind that communities will in fact invoke local regulation. I don't see that as a problem at all.

SENATOR PERALTA: So -- would the sponsor yield for another question?

SENATOR SEWARD: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: So if it's not required and it's an option, what stops a county from not regulating Uber or Lyft?

SENATOR SEWARD: Well, as I said earlier, I think in -- these local communities will in fact -- there will be great pressure for

them to regulate this activity. And I just don't see that as a problem at all.

I think the local riders, local individuals and citizens in each community I think would demand nothing less of their local officials than to invoke the authority that we're granting them under this legislation.

SENATOR PERALTA: Would the sponsor continue to yield for another question?

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PERALTA: So let's say if hypothetically the locality doesn't implement regulation, if it's this bill on its own, is there a way to suspend or revoke authorizations from transportation providers who price-gouge or abuse passengers?

SENATOR SEWARD: Well, let me say this in terms of -- I know you're concerned about not requiring a local municipality to regulate. This language included in this bill is exactly the same language that is used for taxi and other livery services. And I don't know of a community in New York State that does not regulate taxi and livery services in their communities. And so the

same will happen here with TNCs. It's the exact same language.

So I don't -- the scenario that you suggest I just don't think is -- it's hypothetical, and I just don't see it happening.

SENATOR PERALTA: On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Peralta on the bill.

SENATOR PERALTA: Now, I understand the argument, the economic argument of how it may enhance the economy by creating jobs and how it possibly can reduce fares.

I understand the argument that's used of convenience -- you can press an app and in five minutes there's a car that shows up and picks you up. Especially outside of New York City, I understand that argument. I understand the argument of it's an upstart, how cool to have an app that I can press and there's a car that shows up. I understand that. That it brings the New York City urban experience elsewhere. I understand that argument.

And I understand the argument that this is just an insurance bill. But this

insurance bill will open the door to the lack of regulation. In New York City, TLC supposedly regulates Uber. They're licensed, but there is a regulation that exists.

Unfortunately, although Uber provides and Lyft provides their own background check, if the county chooses not to regulate -- because there's an option only, it's not mandated -- then Uber and Lyft will be driving around unregulated. And if that occurs, then there's no protection for the consumer, there's no protection for the passenger.

And that's a serious concern, a concern because anything can happen to the passenger because if the county does not provide an extensive or comprehensive -- the county, not Uber or Lyft -- an extensive background check, we don't know who these drivers are. We don't know who's picking up that passenger. And anything can happen. That's a concern.

So put aside the arguments of workers' rights, where they won't be able to receive minimum wage, where they won't be able to get sick days, they won't be able to get workers' compensation. Put aside that. Put aside the

drivers' rights.

Let's put aside the potential for discrimination in terms of who do you turn to, there is no process if there's a discrimination of not being picked up -- like there is in New York City, there's a process.

Put aside the dozens and dozens of lawsuits that already exist throughout the country against Uber and Lyft when we talk -- when we see that there is a lack of payment, shortchanging of payment of the drivers. In fact, in California and Massachusetts alone, there was a settlement of $100 million just for that. So let's put that aside. Let's put aside the process of who do you turn to when there's an overcharge on your credit card. Let's put all that aside, and let's talk about the safety issue of it.

The safety issue is a concern. Because as I strolled through different articles online, there's deaths attributed to these drivers through Uber and Lyft. But I don't want to get too tied up with the deaths, I want to do the alleged assaults by Uber and Lyft drivers.

In Pennsylvania, June 3rd of this

year, 2016, a woman says a dispute with an Uber driver turned violent in Pennsylvania. May 26, 2016, an Uber driver arrested for attempting to shoot an officer in Montgomery County. May 23, 2016, an Uber driver has been charged with strangling a University of Delaware student in a dorm parking lot. January 28, 2016, an Uber driver in Los Angeles arraigned on death and assault charges.

Now let's move on to alleged sexual assaults and harassment incidents. In Seattle, a Lyft driver investigated for sexual assault, April 28th of 2016. In North Carolina, an Uber driver arrested and charged with sexual battery, April 1, 2016. March 30, 2016, San Diego Uber driver charged with rape of an intoxicated person, faces eight years in prison.

Now, these are newspaper articles. It's not something that is compiled online to deface or disprove Uber or Lyft. These are newspaper articles.

The concern is public safety. And I am all for Uber coming outside of New York City. I'm okay with that. But let's level the playing field. Let's make sure that there is regulation.

Let's make sure that we mandate regulation. Let's make sure that we provide these background checks, these fingerprintings, that it's so important.

Lastly, I just want to read a bit of an LA Times story where an Uber driver is accused of raping a woman he picked up from a bar in Orange County. According to the report, she was raped and Los Angeles City officials sent a letter to the California Public Utilities Commission urging regulators to impose fingerprint scans and background checks on Uber or Lyft and limousine drivers in the city, because currently Uber and Lyft do not use fingerprint-based background checks.

Now, this is a matter of security. This is a matter of protecting the passengers. So if we're going to have Uber or Lyft up here in Albany, outside of New York City, I'm not against that. All I'm saying is let's make sure that they regulate. Let's make sure that it's mandated that there's regulation, that there are background checks, that there is fingerprinting.

Because we don't know who these drivers are. The last thing we need is for one

of these drivers to do something dumb. And guess who they're going to turn to in that county? They're going to turn to you, they're going to turn to you, they're going to turn to any one of us and say: Why did this happen? And our answer will be: Well, there was an option for a county to regulate. That's my point today.

So unfortunately I have to vote against this bill. But I do -- I'm glad to hear that you welcome any chapter amendments that can happen down the road, because I think it's very, very important for the safety of the passengers.

Thank you very much, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Panepinto.

SENATOR PANEPINTO: Yes, would the sponsor yield to a few questions, Mr. President?

ACTING PRESIDENT GRIFFO: Senator Seward, do you yield?

SENATOR SEWARD: Yes, Mr. President.

SENATOR PANEPINTO: Mr. President, does the sponsor have anything in the legislation regarding accessibility for handicapped individuals?

SENATOR SEWARD: Mr. President, this is an insurance bill that would open the door for the ride sharing to come to the balance of New York State, communities like Buffalo and Western New York.

In terms of the handicapped accessibility with the vehicles involved here, that would be under the auspices of the local regulator if they chose to make those requirements.

So, you know, following up on Senator Peralta's point, I notice that, you know, certainly some of those incidents that you talked about in newspaper articles, none of those occurred in the City of New York as I was listening. Because your local regulator, through your Taxi and Limousine Commission, has apparently good regulations that meet the needs of New York City.

All we're asking for is the same opportunity in the balance of the state so our local regulatory entities can come in with regulations that adequately protect the riders and deal with these various issues such as you've pointed out, Senator, in that community.

SENATOR PANEPINTO: Mr. President, would the sponsor continue to yield?

SENATOR SEWARD: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR PANEPINTO: Does the sponsor know where we are in the Assembly? I understand that this is only a one-house bill. Is there an Assembly companion bill that we can match up with this one?

SENATOR SEWARD: Mr. President, not at this time. The Assembly has a different version of ride sharing. At 11:30 on Friday morning, we have not come together. But hope springs eternal. And who knows what will happen in the closing hours of our session.

SENATOR PANEPINTO: Mr. -- Mr. President --

SENATOR SEWARD: -- this house to get on record as bringing this business option to the communities that want it throughout the State of New York.

SENATOR PANEPINTO: Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator

Panepinto on the bill.

SENATOR PANEPINTO: Yes. I mean, I appreciate the sponsor's willingness to accept chapter amendments on this bill. I raised this with the sponsor back in January when we first came back. It's a wildly popular option. People in upstate want Uber. My wife and all three of my daughters have Uber apps on their phones that they use every time they leave Buffalo and travel someplace around the country. You know, a little known fact for Buffalo, we're the only NFL market that doesn't have Uber, in Buffalo.

So, you know, I think that we want Uber upstate, but unfortunately, given the fact that, you know, we haven't addressed a number of issues in this bill, given various reasons, I'm going to have to vote against the bill under its present condition. It doesn't provide for workers' compensation insurance, it doesn't provide for background checks, it doesn't provide for handicapped accessibility. And I think that, you know, all of those things need to be built into a Senate bill before we send it out there to let the local localities administer it.

In Western New York, we don't have

as sophisticated of a taxicab administration as they do in New York City, so I'm not sure that we're prepared to have the level of administration and oversight that New York City has built into Uber.

So we need to do something on this. It's probably too late in this session to resolve it. But it's certainly something that we need to work on next year, because upstate New York definitely needs a full-service Uber option because it's an economic generator and it's wildly popular with young people. And we've got to fix this for upstate New York. But I will be voting against the present formation of this bill.

ACTING PRESIDENT GRIFFO: Thank you.

Senator Espaillat is next.

SENATOR ESPAILLAT: To explain my vote.

ACTING PRESIDENT GRIFFO: Senator Espaillat on the bill.

SENATOR ESPAILLAT: Thank you, Mr. President.

This is an app-related business.

And obviously we will be encountering these kinds of discussions in the future. You know, there is the Airbnb discussion, there is the Uber discussion. And I'm sure that in the future we will continue to have to debate these kinds of new models of business that are driven by apps and technology.

You know, in the City of New York there was a robust debate granting Uber the ability to recruit as many drivers as they wanted to. The City of New York wanted to cap the number of drivers that they could recruit, and Uber was successful in assuring that they could just basically go anywhere, even to some of the local bases, and recruit drivers there.

But this particular bill doesn't provide what the other industries provide for their drivers. The black car industry provides a workers' compensation fund. The livery industry, I was the sponsor along with I believe Senator Savino, of the livery drivers' compensation fund.

And so this is concerning, because many drivers drive Uber during peak hours and then they go back to their livery bases after a certain time when the peak hours are over. So

they go back and forth. And in one business, they are protected by workers' compensation; in the other business, in the Uber business, they are not.

So regulation must occur. Transportation is too important not to have some levels of regulation -- for safety purposes, of course, for the passengers; for insurance purposes, of course, so there's appropriate coverage for the passengers; accessibility, so that we can have transportation available for all people; and then of course workers' compensation. The drivers themselves must receive some level of protection.

And so this model does not open itself up to regulation. And that is the big concern that many people have, not only in New York State but across the world. If you see what's happening with Uber in Paris, in Mexico, in Asia, you will see that people are concerned because it's an unregulated business.

And so we are New York State. We are the Empire State. We're not saying no to an app-related or an app-motivated business that will be part of the future; we want to be open to

innovation and whatever that might bring. But we want to make sure that this industry is regulated and that people in wheelchairs will have accessibility to it. That the drivers, if they get in an accident and they lose, you know, their ability to work, that they get some level of compensation. That in fact there is some kind of background checks so our daughters and mothers are not going into a car with someone that is a predicate felon.

So these are issues that are very relevant, and I am concerned that Uber, in their quest to move forward upstate, is also moving forward to monopolize the industry.

I will be voting no, Mr. President.

ACTING PRESIDENT GRIFFO: Can I have some order in the house, please.

Senator Breslin.

SENATOR BRESLIN: Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator Breslin on the bill.

SENATOR BRESLIN: I think that Senator Seward presented an insurance -- as he identified it, an insurance-only structure for

the future of companies like Uber in upstate New York.

And upstate New York is not farm country. It may not be like New York City, but we have counties that make regulations across upstate New York. We don't have counties that do nothing with cab services that exist. And I can tell you personally, as many upstate legislators can tell you, we have been crying out for a new service with the apps. We have, in many respects upstate, a third-world service.

In New York City, when you walk around the streets, you are flooded with cabs, flooded with people who can pick you up and deliver you where you want to go. That isn't the case in upstate New York. Many of us have more complaints on cab service than any other issue.

We would love a comprehensive bill. And we do that at certain occasions, the comprehensive bill, to control totally each of the localities. In this case, it's an insurance-only bill leaving it up to localities, who, across upstate New York, there's no county that I'm aware of that doesn't have regulations concerning transportation for hire.

This is not -- this is a bill that will lead to regulation upstate. This does not mean, because there's an insurance platform, that someone can immediately start service in a particular county. They're still subject to rules in that particular county.

So I ask that we approve this to allow upstate New York to have the same kinds of cab services that I know exist in New York City, with the same kinds of stringent regulation. And the future would be with an argument over workers' compensation, with an argument over what percentage would be wheelchair-accessible. Those are the same arguments that confront each of the counties upstate today, yesterday, and in years past, and will continue to be an argument.

Upstate counties are perfectly able to regulate this service in a proper way that will produce a benefit to its consumers.

I will vote in the affirmative.

ACTING PRESIDENT GRIFFO: Thank you.

Senator Peralta.

SENATOR PERALTA: Thank you, Mr. President. On the bill, I just wanted to

clarify --

ACTING PRESIDENT GRIFFO: Senator Peralta on the bill.

SENATOR PERALTA: I just wanted to clarify a few things, because it was brought up.

In New York, a woman says Uber driver grabbed, assaulted her on April 30, 2015. In Brooklyn, an Uber driver exposed himself to sexually assault a passenger, February 29, 2016. In New York, a New York-based journalist sexually harassed and stalked by Uber driver, March 28, 2014.

In fact, it's gotten so bad, the sexual assault situation, that Councilmember Cumbo introduced a bill to mandate that all drivers, including Uber and Lyft, get sexual assault training.

Look, I think that -- and I believe that upstate is capable of regulating themselves. I believe that. I agree that we can leave it up to the localities. But let's mandate it. Let's mandate that they regulate. Not an option for them to regulate, let's mandate. And what that is, it's up to the localities. That can be up to Albany, that can be to upstate wherever, whatever

county you represent.

But let's mandate that they do that, as opposed to giving them just an option. Because if we don't do that, then what we're doing is we're really sacrificing public safety in the interest of convenience.

So thank you very much, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President. First of all, I'd like to --

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer on the bill.

SENATOR RANZENHOFER: I'd like to commend the sponsor for his leadership on this bill to try to bring Uber and transportation services to upstate New York, particularly Western New York.

And as I look through the organizations and individuals that are in support of this, I look at the Amherst Chamber of Commerce, I look at the Buffalo Bills, I look at the Buffalo Niagara Medical Campus, I look at the Buffalo Sabres, I look at Mothers Against Drunk

Driving, I look at the Rochester Business Alliance and others. And it's just amazing that we are having this debate.

And I've listened very closely to everybody on both sides of the issue, and I think everybody is comfortable with the insurance limits. And what it really boils down to is what type of control. And all this bill does is have the exact same system that is currently in existence right now for New York City.

New York City is not mandated to do this. New York City on their own has chosen to regulate this particular industry, just like every other municipality is going to choose to regulate this industry. But when this was available for New York City and actually across the country, this is something that is done on a local level.

And it's just amazing to me that we have a service which is going to save lives for people that are going out and eating and drinking and will not get in their car, but they'll be able to call for a transportation service. We have people that work in Buffalo -- and Senator Kennedy had alluded to this earlier, with

the parking, the Buffalo Niagara Medical Campus. I mean, this is something that everybody across the state wants. And it also provides the protections that you're clamoring for with a system that is in place right now and working well in a locality in this state.

I am very, very much in favor of this. I think this is sorely needed. I have the app on my phone, but I can't use it because this is stalled right now over a question of whether or not we should have local control -- which is exactly the system that we have in New York City, we have local control.

So I'm very comfortable with the explanation and the leadership provided by Senator Seward. It would a shame if we left this session and went home and said that, Can you believe it, people are actually opposed to instituting these transportation services in the rest of the state. That would be a shame.

So I'll be voting yes when it comes to a vote, and again I want to congratulate my colleague on all of his work in trying to provide this very, very important service for my constituents and for constituents all across this

great state.

ACTING PRESIDENT GRIFFO: Senator Croci on the bill.

SENATOR CROCI: On the bill, Mr. President.

I just want to rise to express that I shared some of my colleagues' concerns about security. One of the things that has led me to support this legislation now is the fact that municipalities can, in fact, impose more stringent requirements on security. So if I'm a county, if I'm a town in Suffolk County, I can actually require fingerprinting if I want to. And that legislation is important, because I think biometrics for some of these drivers are critical.

The other thing I like about it is it's not a cash business, so the individuals have credit cards, there's an electronic trail for these individuals who are driving, not only with the companies that they register with but with those who are paying for it. So there's an electronic trail of those drivers in those records.

So I'm gratified to see that the

legislation now includes language that would allow municipalities to fingerprint, and I will be voting aye, Mr. President.

ACTING PRESIDENT GRIFFO: Seeing and hearing no other Senator that wishes to be heard, the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

First and foremost, I want to thank the bill's sponsor for bringing this important piece of legislation to the floor.

This is going to close the disparity between upstate and downstate in the transportation options that exist. This is going to allow great organizations like Uber and Lyft to take hold in communities that are growing,

like the City of Buffalo and Western New York, allowing more transportation options and opportunities for not only the folks that live in the community but the folks that are increasingly visiting our great community -- Buffalo, Western New York -- and the great tourist destination that it is.

And I'm very, very honored and proud to stand here in support of this bill.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Kennedy to be recorded in the affirmative.

Okay, I'm going to need some order in the house. And I'd like those who are voting in the negative to please raise your votes again.

And, Senator Krueger, do you want to explain your vote? We are on the two-minute rule.

Senator Krueger.

SENATOR KRUEGER: Thank you, Mr. President.

I'm voting no on this bill because it's a fundamentally flawed model of where we should be going. I believe we can get there. This is a one-house bill. And so we will have

future opportunities to have a broader discussion of how to do this correctly.

I hear my colleagues from throughout the state saying we want this, we need this. I don't disagree with them. They say New York City has this, it's working. New York City has this under a very specific regulatory model. That's not what this bill offers us. A bill could offer us something like that, but this is not what happens.

And the fact is even though it is just an insurance bill, which has been said over and over again, and would leave the localities the ability to create their own taxi and limousine commissions with all the bells and whistles for protections that New York City has built in, frankly I don't see that as realistic from an operational or economic perspective.

And simply creating a bill that has an insurance standard and none of the other protections or evening-of-the-playing-field realities that I think you need to have, leaves one or two companies in the position to say to every locality: You take us or you leave us, you don't get to regulate us.

I think it's a mistake to go down this road. I hope we come up with a better road so that we can have improved options for accessing rides by people who don't have vehicles of their own or shouldn't be driving vehicles of their own.

This is a tough one, but it's a no, Mr. President. Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1283, those recorded in the negative are Senators Addabbo, Avella, Comrie, Espaillat, Hamilton, Krueger, Montgomery, Panepinto, Peralta, Perkins, Persaud, Rivera, Sanders, Savino, Serrano and Stavisky. Also Senator Dilan.

Absent from voting: Senator Parker.

Ayes, 44. Nays, 17.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that completes the reading of the controversial active list for today.

SENATOR DeFRANCISCO: I'd like to now call an immediate meeting of the Finance Committee in Room 332.

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

And the Senate will stand temporarily at ease.

(Whereupon, the Senate stood at ease at 11:57 a.m.)

(Whereupon, the Senate reconvened at 12:40 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, we're going to next do the report from the Finance Committee, and do the nominations or the confirmations. And once those are done, we're going to break for a Democrat conference and an Independent conference, if they choose, and possibly one for the Republicans.

And the plan is, depending on how long it takes to start the Finance nominations, the plan will then be to give you a period of

time within which we will move to Rules for another set of bills.

So as soon as members come in that have anything to do with the Finance Committee, we'll get started.

(Pause.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

May I have some order, please.

SENATOR DeFRANCISCO: Is there a report of the Finance Committee at the desk?

ACTING PRESIDENT GRIFFO: There is a report of the Finance Committee at the desk.

SENATOR DeFRANCISCO: Could you read the report?

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Senator Young, from the Committee on Finance, reports the following nominations.

As members of the Port of Oswego Authority: Thomas W. Schneider, of Oswego; Amy Morrill Tresidder, of Oswego; John Enright, of Oswego.

As members of the Industrial Board

of Appeals: Gloribelle Perez, of New York, and Molloy Doherty, of New York.

As commissioner of the State Insurance Fund: Navneet Kathuria, of New York.

As a member of the State Athletic Commission: Ndidi Massay, of Nyack.

As a member of the Long Island Park, Recreation and Historic Preservation Commission: Susan Gordon Ryan, of Point Lookout.

As members of the New York State Council on the Arts: Elsie McCabe Thompson, of New York; Katherine Nicholls, of Roslyn Harbor; and Estrellita B. Brodsky, of New York.

As members of the New York State Bridge Authority: Roderick O. Dressel, of New Paltz; Diane L. Jablonski, of Poughkeepsie; and Richard Gerentine, of Marlboro.

As a member of the Central New York Regional Transportation Authority: Robert F. Cuculich, of Liverpool.

As a member of the State Board of Real Property Tax Services: Scott C. Becker, of Buffalo.

As a member of the Republic Airport Commission: Frank A. Nocerino, of North

Massapequa.

As members of the Justice Center Advisory Council: Joseph M. Macbeth, of Altamont; Glenn Liebman, of Albany; Norwig Debye-Saxinger, of Kinderhook; and Sylvia Lask, of the Bronx.

As members of the Administrative Review Board for Professional Medical Conduct: Steven V. Grabiec, of Grand Island, and Peter S. Koenig, Sr., of DeWitt.

As members of the Council on Human Blood and Transfusion Services: Philip McCarthy, M.D., of Williamsville, and Timothy Hilbert, M.D., of New York.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you, Mr. President. I move the nominations.

ACTING PRESIDENT GRIFFO: Thank you, Senator Young.

Senator Espaillat.

SENATOR ESPAILLAT: Thank you, Mr. President.

Once again we have a list of nominees for nonpaid positions in different

commissions and councils and the Insurance Fund and authorities who were not here today to discuss their issues as to what they will be doing if appointed.

But I have a larger list of about 80 potential appointments to be taken up before the end of this session, three of which, only, are Latino members.

Now, we have a report put together by the New York State Assembly Puerto Rican/Hispanic Task Force entitled "WANTED: A Seat at the Table." And we know that if we're not at the table, we will be eaten for lunch.

And so this particular report focuses only on the authorities and focuses on 40 of the 700 public authorities which incur massive debt for the state, which issue contracts, which are an important integral part of New York State government, quasi-governmental agencies.

The membership of the boards are appointed often if not almost entirely by the governor and in some cases by the mayor of the City of New York or local jurisdictions.

And this report shows that out of those 40 authorities looked at, only 4 percent of

the membership was of Hispanic descent, and only 6 percent of the membership were African-American. So 10 percent out of these authorities' membership on the boards are either Hispanic or African-American.

This is not consistent with the population of the State of New York -- or the City of New York, for that matter -- that shows that 15 percent of the population of the State of New York is African-American and 16 percent is Hispanic and 7 percent is Asian.

So this continues to be a real problem that government -- imagine a government without women. Imagine authorities and all the board members were male. Or imagine even authorities where all the board members came from the City of New York, they didn't come from different regions. This is really a problem.

You know, I am concerned about diversity on this board and the lack of participation, the lack of effort to bring qualified people to be members of these boards. And for that reason, Mr. President, I will be voting in the negative on all nominations.

ACTING PRESIDENT GRIFFO: Okay, the

question is on --

Senator Ortt.

SENATOR ORTT: Yes, Mr. President, I want to speak to the appointments -- and I may be ahead of myself -- on the Justice Center.

ACTING PRESIDENT GRIFFO: Yes. Senator Ortt on the nominations.

SENATOR ORTT: And the members of the Board of Review for Professional Medical Conduct, as well as all of these nominations, but particularly the Justice Center.

The Justice Center, for those who don't know, is a very, very important agency that was created that has a great impact on employees of the state as well as employees of nonprofits who work with folks with developmental disabilities, who work with folks who have mental health-related challenges. They also have a huge impact on the safety of our most vulnerable residents.

It's a very important board that has both its detractors and its proponents. But the bottom line is we got these nominations for this very important board at the last minute. And so regardless of, for me, the background or their

ethnicity, we don't even really have time to properly vet these individuals who serve on critical boards.

So it's just, to me, so much harder to tell people who have a loved one with a developmental disability or a worker who's under investigation by the Justice Center or someone who says they're not moving fast enough -- it's hard to articulate that we put a priority on this population when we simply rubber-stamp or are put in a position to rubber-stamp these nominees.

And I think a lot of my colleagues here share that view. The Legislature has a role to play, and it's not to just sweep all these through, but it's to properly vet, to ask questions, to find out what these people bring to the table without just looking at a resume.

You wouldn't do that if you were hiring someone for a job, and you certainly shouldn't do it -- it's not good government, it's not good business. And it doesn't require reforms, it just requires people to do their jobs the proper way.

I am going to be voting for the nominees to the Justice Center specifically

because I know some of them and I know they bring good perspective and they bring proper credentials and they care about this community. However, it's an important point that we as a Legislature need to make to the Executive; these positions -- we could have received these nominations at any point in the past six months, at any point. To receive them now, to me, is insulting not only to us but it's insulting to the members on this piece of paper, the nominees, and it's especially insulting to the people that these boards, they impact their lives -- whether its workers of the state, whether people with developmental disabilities or people with mental health issues or anybody that falls under the Justice Center.

So, Mr. President, I will be voting aye. However, I think it's very important that, going forward, we as legislators stand up and say either we get the nominations in a timely manner or we won't act on them until the next session.

So thank you.

ACTING PRESIDENT GRIFFO: The question is on the names as read for the positions as indicated.

All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(Response of "Nay.")

ACTING PRESIDENT GRIFFO: Accordingly, the names presented for the positions that have been identified are confirmed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President.

Could you now please recognize Senator Valesky.

ACTING PRESIDENT GRIFFO: Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

There will be an immediate meeting of the Independent Democratic Conference in Room 432 of the Capitol.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Independent Democratic Conference in Room 432 of the Capitol.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Now would you

recognize Senator Serrano.

ACTING PRESIDENT GRIFFO: Senator Serrano.

SENATOR SERRANO: Thank you, Mr. President.

There will be an immediate meeting of the Democratic Conference in Room 315.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Democratic Conference in Room 315.

SENATOR DeFRANCISCO: And lastly, we will reconvene in Room 332 at 1:20 for the next Rules Committee meeting. So at 1:20, a meeting of the Rules Committee in 332. Until then, we'll stand at ease.

ACTING PRESIDENT GRIFFO: There will be a Rules Committee meeting in Room 332 at 1:20 p.m. Until such time, the Senate stands at ease.

(Whereupon, the Senate stood at ease at 12:52 p.m.)

(Whereupon, the Senate reconvened at 2:06 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

SENATOR DeFRANCISCO:

Mr. President, it's my understanding that you have a Rules Committee report at the desk.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, there is a report of the Rules Committee at the desk.

The Secretary will read.

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

Senate Print 5523, by Senator Boyle, an act to amend the Tax Law;

Senate 5597, by Senator Flanagan, an act to amend Chapter 97 of the Laws of 2011;

Senate 5846, by Senator Larkin, an act to amend the Education Law;

Senate 5936B, by Senator Ritchie, an act to amend the Retirement and Social Security Law;

Senate 6032B, by Senator Croci, an act to amend the Executive Law;

Senate 6035, by Senator Golden, an act to amend the General Municipal Law;

Senate 6049, by Senator DeFrancisco, an act to amend the Labor Law;

Senate 6079, by Senator Latimer, an act to amend Chapter 381 of the Laws of 2010;

Senate 6097, by Senator Breslin, an act to amend Chapter 105 of the Laws of 2009;

Senate 6312, by Senator Hannon, an act to amend the State Finance Law;

Senate 6340A, by Senator Lanza, an act to amend the Multiple Dwellings Law;

Senate 6787, by Senator Robach, an act to amend the Penal Law;

Senate 6948A, by Senator Hannon, an act to amend the Public Health Law;

Senate 7378, by Senator DeFrancisco, an act to amend the Workers' Compensation Law;

Senate 7442, by Senator DeFrancisco, an act to amend the General Municipal Law;

Senate 7477, by Senator Breslin, an act to amend Chapter 454 of the Laws of 2010;

Senate 7606, by Senator Amedore, an act to amend the Penal Law;

Senate 7640A, by Senator Gallivan, an act to amend the General Municipal Law;

Senate 7663, by Senator Ortt, an act to amend the Public Health Law;

Senate 7832, by Senator Ritchie, an

act to amend the Penal Law;

Senate 7850, by Senator Larkin, an act to amend the General Municipal Law;

Senate 7907, by Senator Lanza, an act to amend Local Finance Law;

Senate 7944, by Senator Golden, an act to amend the Civil Service Law;

Senate 7946, by Senator Lanza, an act to amend the Public Health Law;

Senate 8002, by Senator DeFrancisco, an act to amend the Civil Practice Law and Rules;

Senate 8019, by Senator Amedore, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

Senate 8083, by Senator Felder, an act to amend the Education Law;

Senate 8101, by Senator Carlucci, an act to amend the Mental Hygiene Law;

And Senate 8123, by Senator Lanza, an act to amend the Arts and Cultural Affairs Law.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Move to accept the report of the Rules Committee.

ACTING PRESIDENT GRIFFO: All in favor of accepting the Rules Committee report say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Rules Committee report has been accepted and is before the house.

SENATOR DeFRANCISCO: Thank you.

Are there messages from the Assembly?

ACTING PRESIDENT GRIFFO: There are messages, Senator DeFrancisco.

And the Secretary will read.

THE SECRETARY: Senator Latimer moves to discharge, from the Committee on Rules, Assembly Bill Number 9072 and substitute it for the identical Senate Bill 6079, Third Reading Calendar 1961.

Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 8607 and substitute it for the identical Senate

Bill 6097, Third Reading Calendar 1962.

Senator Lanza moves to discharge, from the Committee on Rules, Assembly Bill Number 8704C and substitute it for the identical Senate Bill 6340A, Third Reading Calendar 1964.

Senator Breslin moves to discharge, from the Committee on Transportation, Assembly Bill Number 9997 and substitute it for the identical Senate Bill 7477, Third Reading Calendar 1969.

Senator Gallivan moves to discharge, from the Committee on Rules, Assembly Bill Number 10249A and substitute it for the identical Senate Bill 7640A, Third Reading Calendar 1972.

Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 10210 and substitute it for the identical Senate Bill 7850, Third Reading Calendar 1975.

Senator Lanza moves to discharge, from the Committee on Rules, Assembly Bill Number 10120 and substitute it for the identical Senate Bill 7907, Third Reading Calendar 1976.

Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 10445 and substitute it for the identical Senate

Bill 7944, Third Reading Calendar 1977.

Senator Amedore moves to discharge, from the Committee on Rules, Assembly Bill Number 6124C and substitute it for the identical Senate Bill 8019, Third Reading Calendar 1980.

Senator Carlucci moves to discharge, from the Committee on Rules, Assembly Bill Number 9171A and substitute it for the identical Senate Bill 8101, Third Reading Calendar 1982.

And Senator Lanza moves to discharge, from the Committee on Rules, Assembly Bill Number 10713 and substitute it for the identical Senate Bill 8123, Third Reading Calendar 1983.

ACTING PRESIDENT GRIFFO: The substitutions are so ordered.

Senator DeFrancisco.

SENATOR DeFRANCISCO: We have on our desks a calendar, Supplemental Calendar 56A. Could we please do the noncontroversial reading of that calendar.

ACTING PRESIDENT GRIFFO: We will refer to Supplemental Calendar 56A, which is on the members' desks, and the Secretary will read.

THE SECRETARY: Calendar Number

1954, by Senator Boyle, Senate Print 5523, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: Calendar Number 1955, by Senator Flanagan, Senate Print 5597, an act to amend Chapter 97 of the Laws of 2011.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1955, those recorded in the negative are Senators Comrie, Dilan, Hoylman, Krueger, Montgomery, Panepinto, Perkins, Persaud, Rivera, Serrano and Squadron. Also Senator Hassell-Thompson.

Ayes, 50. Nays, 12.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1956, by Senator Larkin, Senate Print 5846, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar 1956: Ayes, 61. Nays, 1. Senator Ranzenhofer recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is still passed.

THE SECRETARY: Calendar Number 1957, by Senator Ritchie, Senate Print 5936B, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Krueger recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1958, by Senator Croci, Senate Print 6032B, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Rivera to explain his vote.

And I'm going to ask for some order in the house again. Can I have some order,

please.

Senator Rivera, you may explain your vote.

SENATOR RIVERA: Thank you, Mr. President.

I'm afraid, my colleagues and Mr. President, that this bill is named incorrectly. It purports to be in relation to creating the New York Cares Act. I would argue that it is the New York Does Not Care Act.

What it would do ultimately is take folks that are in our state, different parts of our state, who have children here, who work here, who are our neighbors, who are students in classrooms, and it basically makes it easier for localities to criminalize them.

Now, we certainly can have a conversation -- and unfortunately, at the national level there has been a failure to reform our immigration system. However, I do not believe that the best way to deal with this is to take what amounts to millions of people across the country, and thousands if not hundreds of thousands in the State of New York, and make it easier for localities to criminalize their

behavior, particularly if we're talking about men and women who are here trying to make lives better for themselves and their families, who might have children here, who might be potentially targeted for deportation, where so many families have been broken up already.

So ultimately, ladies and gentlemen, I do believe that this is not only incorrectly named but should be defeated, and I would encourage my colleagues to do the same. I will be voting in the negative.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Rivera to be recorded in the negative.

Senator Espaillat to explain his vote.

SENATOR ESPAILLAT: Thank you, Mr. President.

The U.S. Chamber of Commerce for many, many decades opposed immigration. They felt that undocumented immigrants took away American jobs, and so they opposed immigration. But in the last decade or so, the U.S. Chamber of commerce has supported immigration. They recognize that it is the best economic engine,

the best economic development program to get our country up and going again.

And we have been passing in this chamber, one of my colleagues reminded us today, a bunch of pieces of legislation in support of business. And yet the U.S. Chamber of Commerce continues to say that one of the best aspects of immigration is a source of cheap labor, and that it will infuse energy into the economies across the country. And here we are attempting to pass a bill that will send a chilling effect across the state.

Maybe we will deport the 10,000 kids that came unaccompanied from Central America, fleeing war and persecution. Or maybe we should have a federal agent at every school to determine whether or not the children are here documented or not and, if they're not, maybe we could deport the whole family back to where they came from. Or perhaps we could have them in the emergency rooms in the hospitals, and when people go there in excruciating pain, we could have another agent there to determine whether or not they should receive medical services and they should be deported back home.

I think that's not American. I think it is gravely un-American to act that way. Mr. President, I will be voting no.

ACTING PRESIDENT GRIFFO: Senator Espaillat to be recorded in the negative.

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

I wanted to share with our colleagues that in my district, in Greenwich Village, there is, at a church called Judson, two sanctuary families that have lived, under the auspices of the New Sanctuary Coalition of New York City. That's a group of pastors, religious leaders, who have formed a collective to help keep deportable immigrants and their kids together. It's all about keeping kids with their parents -- nothing more, nothing less. No one is trying to get a free ride. We're just trying to protect these families and stop them from being split up.

I agree, there's nothing about this bill that should be called the New York Cares Act. It's amusing. It's one of those kind of Orwellian misnomers like a Peacekeeper missile, I

guess, where somebody calls it something in the hopes that you won't know what it really is. But we all know what this is. This is an attempt to impose Donald Trump-like ideas on the State of New York, and we should not stand for it.

I'll be voting in the negative.

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

Senator Hamilton to explain his vote.

SENATOR HAMILTON: Yes, Mr. President, I rise also to say that I am a descendant of immigrants. Most of us in this room are descendants of immigrants. But for some reason, when the hue of immigrants coming to this country has come upon us, the laws have become more strict.

Immigration is a federal issue the last time I checked in the law books. It's not really a state issue. But here we are now trying to impose sort of like a quasi-federal law on immigrants. But then for some reason immigrants -- we want to send them home, but they can come here and work as farmworkers. So we can make them work 60 hours a week, not pay them

minimum wage, and sort of have a quasi-Jim Crow system set up for immigrants. So you can work here, you get no workers' compensation, you get no sick days, basically you just work and then leave after we make a large profit on your sweat equity.

And now we have the New York Cares Act. I don't know why it's called the New York Cares Act, because we're not caring about immigrants. I don't even know who we're caring about, unless you want to call it the Donald Trump Care Act. Let's build a bigger wall, you know, keep all the immigrants out. And that seems to be the mantra now that we're hearing over and over and over again. Let's keep the immigrants out, only to work the fields as farmhands, and then send them back to their countries.

These are people. We're all God's children in this country. Everybody who is a human being should be treated with dignity and respect. And so I would have to say, no, I'm voting no on this bill.

I want to say in my district I have one of the largest Asian populations, hardworking

people; people from the Dominican Republic, hardworking people; people from Haiti, hardworking people; people from Jamaica, hardworking people; people from Barbados, hardworking people. And I just want to say this bill, to me, is not bringing us together. And we need to let the federal government deal with immigration, not the state. So I'll be voting no, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hamilton to be recorded in the negative.

Again, I want to remind members we're on explanation of votes, there are time requirements.

Senator Sanders to explain his vote.

SENATOR SANDERS: Thank you, Mr. President.

We've heard arguments about this from the left-of-center, perhaps, but why don't we have an argument from the right-of-center?

My friends, this is not the type of bill that we need to be coming up with now. When you have groups like ISIS, when you have groups like al-Qaida, they are looking at the bills, they are looking at stuff so that they can use

this and say this is what America is about. In their propaganda, they are coming up and saying here are the bills, here's the information that this is what America is.

This is not the time to be giving them cannon fodder -- or cannon bullets, or bullets. This is the time to be saying America is not like that at all: Whatever nonsense that you guys are believing, whatever foolishness and propaganda that you're believing, we don't do that here.

So I urge us to think higher than that, to think of how we can be at our best, America at its best, not America scared, worried, hiding. To beat these guys, we're going to have to be united, we're going to have to be strong, we're going to say anybody who wants in and is a decent citizen, et cetera, you're welcome.

Of course we're going to have laws. Of course we're going to protect our borders. Of course we're going to do all of those things. But if you're here and you buy into the American ideals, then we're going to stand together against all of those madmen and madwomen who say that they can bring this thing down.

So I urge us, let's not play into these guys' hands. We've got a hard battle. Some of us know how hard it is overseas. Let's not make those guys on the front lines' job harder when they come up here with their recruiting devices --

ACTING PRESIDENT GRIFFO: Senator Sanders, could you conclude, please?

SENATOR SANDERS: And at that, sir, I respect the process, and that's called democracy. And I sit down.

ACTING PRESIDENT GRIFFO: Senator Sanders to be recorded in the negative.

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Mr. President.

Mr. President, once again, you know, I am at a loss to explain some of the comments that I'm hearing from my colleagues on the other side of the aisle. Perhaps if they went back and reread the bill, they would better understand that they're perhaps speaking about a different bill, but not the bill that's before the house right now.

Because this bill speaks to the

ability of localities to hold criminals when there's a federal detention order, so that those criminals can then be deported if they have committed crimes here.

We're not dealing with immigration. We're not dealing with the larger national issues. This isn't an issue having to deal with how we treat people who are here in this country. How resources are available to them, whether or not they're available to them is a separate issue.

This is a very specific issue. And so although we are having a broader discussion that perhaps will be held at another time, at another place, and perhaps we can get some clarity when it comes to immigration policy in our country. That's not what this is.

This bill is very specific when it calls to our responsibility here in Albany to protect the residents and citizens of New York. That's what this bill does.

And so yes, if you believe that criminals should be let out and that we should not enforce federal laws and we should just be able to ignore them with impunity, at the risk of

those very citizens and residents here in New York who support us and vote for us, and their families, then yeah, vote against this bill.

But if you believe in law and order, if you believe in structure, and if you believe that those criminals who are here who are doing bad things should be held accountable and that federal laws should be enforced and if they're here illegally and they've done things illegally and they've hurt people here, we should not let them out to do further harm to our citizens, residents and our families, then you vote for this bill.

Mr. President, I vote aye.

ACTING PRESIDENT GRIFFO: Senator Martins to be recorded in the affirmative.

Senator Croci to close.

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

ACTING PRESIDENT GRIFFO: Excuse me. Senator Croci, then Senator Peralta.

SENATOR CROCI: Thank you. To explain my vote.

I think, yeah, there has been a

misreading of the bill. This bill seeks to ensure that those people in this country to do us harm, that the federal government has the ability to enforce its ability to go and get those individuals.

I'm sure there's no one in this house who would argue that in the case of a domestic terrorist or somebody who's in this country illegally who seeks to do us harm, who's come in to affect our communities, that the FBI or other law enforcement shouldn't be able to ask that local municipality to detain them.

And that was the purpose of this bill. I think my colleagues know my committee and our work and what we do, and there are many on this committee who have done this work. It's an important bill because it gives law enforcement the ability to get individuals who've been detained for a broken taillight who may be in this country and have, in the back of their car, a trunk full of ammonium nitrate, and wouldn't it be nice to be able to detain them in this day and age.

As far as the immigration aspect, I sailed into Fleet Week on the U.S.S. Bataan. We

passed Ellis Island. It was the first time in my family's history that somebody passed Ellis Island and didn't have to get off the boat and go through Ellis Island to check into this country.

So as a proud immigrant, descendant of immigrants, I would say that this is about ensuring that those of us who are here and we want safety in our homes and our families, that the federal government has the ability to do their jobs in these neighborhoods.

Thank you. I vote aye.

ACTING PRESIDENT GRIFFO: Senator Croci to be recorded in the affirmative.

Senator Peralta to explain his vote.

SENATOR PERALTA: Thank you, Mr. President.

I don't think anyone here is for protecting criminals. The problem here is how you define the crime. The problem here is what happens with individuals that jump a turnstile, what happens with an individual that plays cards or runs the numbers. Under the defined definition on the federal level, those individuals can be deported. And when those individuals can be deported, then we have a

separation of families. You know?

And what kind of message are we sending when we allow these individuals to be deported because they jumped a turnstile? Well, maybe the individual was running very late to work, and maybe he forgot his money and there was a reason why he had to jump that turnstile -- because if he didn't get to work, he was going to get fired.

So there's so many different issues that can come about this. It's not just about hardened criminals. Look, if it was about the hardened criminals, I don't think anybody here would stand up and argue against it. But it's the people who get caught up in the system, right, because they cast such a wide net, that becomes the problem. Those individuals who get deported because that net is so wide. That's what we're arguing against here.

So, Mr. President, I vote in the negative.

ACTING PRESIDENT GRIFFO: Senator Peralta to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to

Calendar 1958, those recorded in the negative are Senators Addabbo, Avella, Breslin, Carlucci, Comrie, Dilan, Espaillat, Gianaris, Hamilton, Hassell-Thompson, Hoylman, Klein, Krueger, Montgomery, Panepinto, Peralta, Perkins, Persaud, Rivera, Sanders, Savino, Serrano, Squadron, Stavisky, Stewart-Cousins and Valesky.

Ayes, 36. Nays, 26.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1959, by Senator Golden, Senate Print 6035, an act to amend the General Municipal Law.

ACTING PRESIDENT GRIFFO: 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 immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1960, by Senator DeFrancisco, Senate Print 6049, an act to amend the Labor Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: Calendar Number 1961, substituted earlier by Member of the Assembly Otis, Assembly Print 9072, an act to amend Chapter 381 of the Laws of 2010.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1961, those recorded in the negative are Senators Akshar, Gallivan, Kaminsky, Lanza, Martins and Murphy.

Ayes, 56. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Also Senator Ortt. Also Senator Croci. Also --

(Pause.)

ACTING PRESIDENT GRIFFO: Reannounce the results.

THE SECRETARY: In relation to Calendar 1961, those recorded in the negative are Senators Akshar, Croci, Gallivan, Griffo, Kaminsky, Kennedy, Lanza, Martins, Murphy, Ortt and Serino.

Ayes, 51. Nays, 11.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1962, substituted earlier by Member of the Assembly McDonald, Assembly Print 8607, an act to amend Chapter 105 of the Laws of 2009.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1962, those recorded in the negative are Senators Akshar, Croci, Kaminsky, Lanza, LaValle, Martins and Murphy.

Ayes, 55. Nays, 7.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1963, by Senator Hannon, Senate Print 6312, an act to amend the State Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1964, substituted earlier by Member of the Assembly Rosenthal, Assembly Print 8704C, an act

to amend the Multiple Dwellings Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

I know we will be having a much longer conversation about this issue a little bit later, but I want to take this time to thank Senator Lanza and the rest of the sponsors of this piece of legislation --

ACTING PRESIDENT GRIFFO: Can I get some order in the chamber?

Excuse me, Senator Rivera.

SENATOR RIVERA: Absolutely.

ACTING PRESIDENT GRIFFO: Please.

Senator Rivera, you may continue.

SENATOR RIVERA: Thank you, Mr. President.

As I was saying, I'd like to thank Senator Lanza and all the other sponsors of this piece of legislation, as well as many folks who have worked to put something like this together.

I live in the Bronx, as all of you know. I represent about 318,000 people, and I have about 70,000 units of rent-stabilized apartments in my district, including the one that I live in. The only district that has more than that is Senator Espaillat's.

And the pressure -- and so you would -- and there's not a lot -- when we're talking about Airbnb, there's not a lot of Airbnb folks in my district that have an Airbnb. In other words, they're not -- when you look at the map of Airbnb, you do not see a lot in my neighborhood.

But every time that this company facilitates a bad landlord putting a rent-stabilized unit on Airbnb, it puts pressure on the units that are in my district. And when few people can afford to live in the City of New York and more and more are leaving, when poor and working-class people are finding it harder to find a place to live, it is appalling that a

company that very easily could identify illegal listings and take them off of their website does not do that.

Until they do, this is precisely what we need to do. We need to make it harder on those people that are breaking the law, that are doing something that's inappropriate and that is putting a pressure on so many people that are just trying to find an affordable place to live -- we have to make sure that we can hold them to account.

So I thank Senator Lanza as well as the rest of the folks that worked very hard on this piece of legislation, and we're going to continue to make sure that the people of the State of New York that are finding it harder and harder to have an affordable place to live can do so and also hold companies that do the wrong thing, hold them accountable.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Rivera to be recorded in the affirmative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I rise to thank Senator Lanza for his work in ensuring this bill is before us today and is going to pass. And it has passed the Assembly.

And as my colleague Senator Rivera already explained, it is crucially important throughout areas of New York State that are finding themselves under attack for the right to privacy in one's own residence in multi-family dwellings.

I have recently heard from counties around the state that they are now seeing the same problems all of us in New York City are already familiar with.

I vote aye, Mr. President. Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1964, those recorded in the negative are Senators Amedore, Marchione, Montgomery, Ranzenhofer and Seward. Also Senator Farley.

Ayes, 56. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 1965, by Senator Robach, Senate Print 6787, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1966, by Senator Hannon, Senate Print 6948A, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1967, by Senator DeFrancisco, Senate Print 7378, an act to amend the Workers' Compensation Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: Calendar Number 1968, by Senator DeFrancisco, Senate Print 7442, an act to amend the General Municipal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Kaminsky and Serino recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1969, substituted earlier by Member of the Assembly Fahy, Assembly Print 9997, an act to amend Chapter 454 of the Laws of 2010.

ACTING PRESIDENT GRIFFO: 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 immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1971, by Senator Amedore, Senate Print 7606, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 1971, those recorded in the negative are Senators Hassell-Thompson, Montgomery, Perkins and Sanders. Also Senator Hoylman.

Ayes, 57. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1972, substituted earlier by Member of the Assembly Schimminger, Assembly Print 10249A, an act to amend the General Municipal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger to explain her vote.

I wasn't sure if you were waving to me or you wanted to talk.

SENATOR KRUEGER: Both, Mr. President. I was feeling friendly.

ACTING PRESIDENT GRIFFO: You have the floor.

SENATOR KRUEGER: Thank you.

I don't know why we don't just pass a bill saying any not-for-profit can do any kind of gambling game they wish at any time.

Now, it might be a problem for the for-profit gambling model we've set up, but I really just find it hard to believe we just keep finding more and more individual gambling activities that we will allow not-for-profits, whoever they are, for whatever reasons, to run without appropriate regulatory oversight.

I'm a passionate believer in not-for-profits and the importance of funding them and funding their services. But the same way as I don't believe gambling is a silver bullet for the New York State budget, I also don't see expanded gambling everywhere all the time as a magic bullet for the not-for-profit sector.

And so I'll vote no, Mr. President. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 60. Nays --

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer to explain his vote.

SENATOR RANZENHOFER: First of all, I'd like to commend Senator Gallivan on this bill. It is very timely and very needed. I'm a cosponsor on the bill.

And what this bill really does is in response to a problem in many communities. So for instance, what happens is you'll have a Rotary Club or a Lions Club or a Kiwanis Club or a fire department that has these local raffles that raise money to buy fire equipment, safety equipment, lifesaving equipment. With some of these other Rotary Clubs and Kiwanis Clubs, they make donations to disabled organizations and others. And they've been doing this for years, and it's been a purely fine and acceptable practice.

What this does is really allows community involvement and community participation in your individual community. So instead of going to the town or the county and have the taxpayers fund these services which are so needed

and so necessary, a fire company is allowed to have a raffle, a Rotary Club is allowed to have a raffle -- which they have been doing for dozens and dozens of years. All of a sudden, someone said it became illegal.

And what this bill does is this attempts to correct this so we can maintain the fine work that our service clubs do, that our fire departments do.

So I would urge my colleagues to support this legislation, because by voting against it what you're saying is we don't want our service clubs, we don't want our fire departments to be able to buy equipment that is going to save lives, to be able to help our disabled community or our youth. Because that's what this money goes for. It goes right back into the community to help the very community that they're serving right now.

So I'm going to be voting yes, and I want to commend Senator Gallivan for leading the charge and for working with him on this piece of legislation.

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 1972, those recorded in the negative are Senators Krueger, LaValle and Perkins.

Ayes, 59. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1973, by Senator Ortt, Senate Print 7663, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1974, by Senator Ritchie, Senate Print 7832, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 3. Senators Hoylman, Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1975, substituted earlier by Member of the Assembly Skoufis, Assembly Print 10210, an act to amend the General Municipal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1975, those recorded in the negative are

Senators Amedore, Avella, Comrie, Felder, Golden, Kennedy, Klein, Lanza, Murphy, Perkins, Rivera and Squadron. Also Senator Hamilton. Also Senator Marcellino. Also Senator Hoylman.

Ayes, 47. Nays, 15.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1976, substituted earlier by Member of the Assembly Farrell, Assembly Print 10120, an act to amend the Local Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1977, substituted earlier by Member of the Assembly Abbate, Assembly Print 10445, an act to amend the Civil Service Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1978, by Senator Lanza, Senate Print 7946, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1979, by Senator DeFrancisco, Senate Print 8002,

an act to amend the Civil Practice Law and Rules.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: Calendar Number 1980, substituted earlier by Member of the Assembly Pretlow, Assembly Print 6124C, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Krueger recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1981, by Senator Felder, Senate Print 8083, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays --

ACTING PRESIDENT GRIFFO: Senator Krueger to explain her vote.

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

My understanding is that under the specifics of this bill, education money, public funding intended for bus trips from 4 o'clock on for students could actually instead be shifted to pay the private school tuition of certain employees.

One, that's taking the money away from actually busing the children. And this is a capped, funded program, so it would actually be reducing the number of children who could get access to busing from 4 o'clock on.

And two, if in fact some of this funding went to private school tuition that was religious school tuition, it would be a violation of church/state, using government money to pay

tuition for religious schools.

So on those two grounds, Mr. President, I must vote no. Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1981, those recorded in the negative are Senators Hassell-Thompson, Krueger, Montgomery, Perkins and Sanders.

Ayes, 57. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1982, substituted earlier by Member of the Assembly Gunther, Assembly Print 9171A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2015.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

I want to thank my colleagues for supporting this important piece of legislation. This legislation, the ABLE Act, stands for Achieving a Better Life Experience.

And what we are really doing is recognizing the significant and the extra cost it takes for living with a disability. And not only an individual living with a disability, but also a family raising a child living with a disability. This legislation recognizes that extra cost.

So what we're doing here is allowing for individuals and families to set up accounts which would accrue tax-free and allow individuals to spend that money on achieving a better life experience. So doing things like having accessible technology or education or allowing people to apply for and achieve work and be employed continuously.

So I want to thank my colleagues for supporting this legislation. This will make sure

that we get these accounts off the ground and running and allow people to really make sure they're achieving that better life experience.

So I want to thank my colleagues for supporting this legislation. I'll be voting in the affirmative. Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Carlucci to be recorded in the affirmative.

Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes, I want to congratulate Senator Carlucci on this amendment to the program that he spearheaded last year. Or maybe it was the year before. Years blend, like days blend nowadays.

But the reason it's important for me to stand up is we had a young woman here, Kayla McKeon, from Syracuse, who has Down syndrome and won an award, national award for Advocate of the Year for advocating for helping people with Down syndrome.

And this is the bill she's been advocating for for several years, until it was finally passed and now amended. And I know how much it means to people with disabilities, and

it's an important bill. And Senator Carlucci, you should be commended for your continued efforts in this area.

Thank you.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco will be recorded in the affirmative.

Senator Marchione to explain her vote.

SENATOR MARCHIONE: Thank you, Mr. President.

I'd also like to congratulate Senator Carlucci on this legislation.

Last year, if you all remember, on Down Syndrome Day we all had silly socks that we wore. And this year we also had a special resolution in recognition and honor of the Down syndrome population.

This is a terrific bill. I have a nephew that has Down syndrome. I ended up having a wonderful opportunity to go down to New York City and speak, and one of the things that they said when I was there was this was the most important piece of legislation that they had on their agenda.

So I'm thrilled to see this come

through again with the amendments in it, and I want to congratulate Senator Carlucci on this.

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1983, substituted earlier by the Assembly Committee on Rules, Assembly Print 10713, an act to amend the Arts and Cultural Affairs Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Squadron to explain his vote.

SENATOR SQUADRON: Thank you, Mr. President.

Mr. President, you and the rest of

this house have often heard me stand up and talk about the fact that there are great things we should be doing in the State of New York but the majority in this house does not allow them to happen. That is not the case on this bill.

This is a bill in which, working with Senator Lanza in a bipartisan fashion, this house, with Senator Lanza's leadership, passed the best reform to the ticket reselling law since it was changed almost a decade ago.

Senator Lanza's bill that passed this house would have cracked down on the bots -- the bots that purchased a thousand tickets in one minute for a U2 concert, 15,000 tickets in one day for 20 U2 shows across North America, 520 tickets in three minutes for a Beyoncé concert, et cetera, et cetera -- with both a misdemeanor and a felony penalty.

That bill would have gone even farther, that Senator Lanza passed through this house unanimously. Based on the wisdom of some other states and the U.K., it would have created more transparency in this market -- remember, markets are supposed to have transparency -- than we currently have.

In fact, in the U.K. they did a study on transparency in the ticket selling market and they found that ticket reselling platforms often make it difficult to distinguish between primary and secondary websites. The secondary websites are paying search engines to appear first when someone searches for tickets for events. Secondary resale sites appear at the top of listings and Google searches and others, which causes confusion for consumers, who assume the first results are the most legitimate or the most relevant.

Displaying the face value and the fact that it's a secondary site ensures that people know they might still be able to get tickets at face value on the primary market; ensures folks know that the refund, if the show is canceled -- as happened to my sons and I in a Mets game this winter after the snowstorm -- is going to be different at a secondary website; and allows consumers to know that there may be other, cheaper options available.

That provision passed this house. Unfortunately, it's not in this bill because unfortunately we would not have been able to get

a law with those provisions despite the great work of Senator Lanza and the bipartisan work of every member of this house.

That is disappointing. It is deeply disappointing because we know that ticket reselling laws have been taking advantage of consumers in this state for almost a decade, and Albany has done nothing about it.

So today we're doing something about it. This bill is an important step forward. It's going to crack down on the bots that are abusing the system. I thank Senator Lanza for pushing this as far as it could be pushed. But I also want to say as the Attorney General's great report showed, there is more we must do to crack down on abuses in ticket reselling and to fix that market.

Those of us who believe in markets should know --

ACTING PRESIDENT GRIFFO: Senator Squadron, how do you vote?

SENATOR SQUADRON: -- perfect information is a perfect market.

Thank you, Mr. President, I am coming to the conclusion.

Unfortunately, we are not fixing the market. We are cracking down on a major abuse. I thank Senator Lanza for his leadership, I thank the Attorney General for his extraordinary report, and I look forward to working with the Governor on this.

And I think you have to know, to quote Taylor Swift -- yesterday I spoke about a famous constituent, the Statue of Liberty; Taylor Swift, also an equally famous constituent of mine -- 'cause the players gonna play, play, play, play, play, and the haters gonna hate, hate, hate, hate, hate. Baby, we're not going to shake, shake, shake, shake, shake, shake it off, shake it off, we're going to get this done.

I vote yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Squadron in the affirmative.

Didn't sound like Taylor Swift, though.

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

Can I have some order in the house.

SENATOR DeFRANCISCO: I just wanted

to mention it's comforting to me to see Senator Squadron praising Senator Lanza so much. It's an amazing thing.

And the reason I say that is I've got something I have to disclose. I have to disclose this about Senator Lanza. He told me recently that on his birth certificate, it says "Andrew Rules Lanza."

(Laughter.)

SENATOR DeFRANCISCO: This is Senator Rules! This is Senator Rules!

(Laughter; Applause.)

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

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

And Senator DeFrancisco, that does complete the Senate Supplemental Calendar 56A, noncontroversial reading.

SENATOR DeFRANCISCO: All right, would you please do the controversial reading.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1954, by Senator Boyle, Senate Print 5523, an act to amend the Tax Law.

SENATOR KRUEGER: Explanation.

ACTING PRESIDENT GRIFFO: Senator Krueger has asked for --

SENATOR DeFRANCISCO: Lay the bill aside for the day.

ACTING PRESIDENT GRIFFO: The bill will be laid aside for the day.

THE SECRETARY: Calendar Number 1960, by Senator DeFrancisco, Senate Print 6049, an act to amend the Labor Law.

SENATOR DeFRANCISCO: Last section.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: Thank you. If the sponsor would yield for a couple of questions.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, do you yield?

SENATOR DeFRANCISCO: Okay, can we lay this bill aside temporarily and go to the next controversial one.

ACTING PRESIDENT GRIFFO: We will lay this bill aside temporarily and move on to another Senator DeFrancisco bill.

THE SECRETARY: Calendar Number 1967, by Senator DeFrancisco, Senate Print 7378, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT GRIFFO: Senator Addabbo.

SENATOR ADDABBO: Thank you, Mr. President. Would the sponsor please yield for a couple of questions?

SENATOR DeFRANCISCO: Yes, I will.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco yields, Senator Addabbo.

SENATOR ADDABBO: Thank you, Senator DeFrancisco.

Does your Bill 7378 seek to amend the budget portion that related to paid family leave, a budget that was previously adopted by this Legislature earlier in the year?

SENATOR DeFRANCISCO: That is correct, to give relief to small business owners with less than 50 employees that -- from the paid family leave provisions.

SENATOR ADDABBO: Mr. President,

would the sponsor continue to yield?

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR DeFRANCISCO: Yes.

SENATOR ADDABBO: At that time, Senator DeFrancisco, how did you vote on that portion of the budget?

SENATOR DeFRANCISCO: I'm sure I voted yes. And you know why?

SENATOR ADDABBO: Why?

SENATOR DeFRANCISCO: The reason I vote yes is because unfortunately, the way the budget process is, there's bills that require you to vote for a package of many, many different bills. And some bills are horrible, some bills aren't so bad, some bills are wonderful. And so you don't have a choice to pick and choose what clauses; you say yea and nay.

But during the budget process, I made my position very clear on this issue.

SENATOR ADDABBO: Thank you. Would the sponsor continue to yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR ADDABBO: Thank you.

Can the sponsor confirm that your bill would carve out the employees of businesses with less than 50 employees from the Paid Family Leave program?

SENATOR DeFRANCISCO: Yes, sir.

SENATOR ADDABBO: Would the sponsor continue to yield?

SENATOR DeFRANCISCO: Just like they do, by the way, in California. So --

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR ADDABBO: Just a point of order, I don't believe California does exempt. I don't believe.

SENATOR DeFRANCISCO: Okay, there's a -- okay, go ahead.

SENATOR ADDABBO: But would the sponsor continue to yield?

SENATOR DeFRANCISCO: Yes.

SENATOR ADDABBO: Considering that the Paid Family Leave program was just recently enacted in our budget and it really doesn't take effect until 2018, what do you see is the reason or the purpose of this bill now?

SENATOR DeFRANCISCO: Sometimes, in order to get ideas into law, you have to put a bill in, do it again, do it again. Educate. Try to get in a position where people understand your position. And maybe, rather than in the heat of the budget, to try to get that as a priority item for anyone.

And I believe that this is important for small businesses who have a tough enough process trying to make a living in this state and create jobs.

So it's more to keep things active on this issue so that when we do get to a budget time again, maybe we'll have convinced more people than we did the last time.

SENATOR ADDABBO: Will the sponsor continue to yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR ADDABBO: Senator DeFrancisco, you mentioned the small businesses, obviously ahead of the enactment in 2018. How many small businesses are we looking at throughout the state with less than 50 employees?

SENATOR DeFRANCISCO: I have no idea. I have no idea.

The principle is that there are states with paid family leave -- if it's not California, I know there are some. And that it's logical to do it because larger businesses are in a position -- and we've done this other type of legislation because larger businesses are in a much better position to provide this benefit.

SENATOR ADDABBO: Would the sponsor continue to yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR ADDABBO: Again, my understanding is that California, New Jersey, the other states that do have it -- Rhode Island -- do not have an exemption for small businesses.

But be that as it may, you do not know how many businesses. Would you know how many employees that we're talking about would be affected by this carveout?

SENATOR DeFRANCISCO: I do not know. But I do know that we've made this carveout in other areas of the law. And I

thought that was a logical point to provide this potential change.

SENATOR ADDABBO: Would the sponsor continue to yield?

Carveouts not in paid family leave --

SENATOR DeFRANCISCO: No, no, in other areas.

SENATOR ADDABBO: But not paid family leave.

Just as a point of order before another question, just so that the sponsor understands, we may not know how many businesses below 50 employees, but while doing the research and working on this issue, we were looking at carveouts for businesses below 25 employees, far less than the 50 suggested here in 7378.

And of the businesses with less than 25 employees, 2 million workers throughout the state were going to be affected by that carveout.

So would you agree that if we're looking at the -- if the sponsor would continue to yield --

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR ADDABBO: -- would you then agree, if we were looking at businesses less than 25 affecting 2 million, certainly your bill, less than 50, would affect far more than 2 million workers throughout the state.

SENATOR DeFRANCISCO: Absolutely. And if you would like to negotiate to 25 and support that, we could make a deal right now.

(Laughter.)

SENATOR ADDABBO: So is the sponsor -- if he'd continue to yield --

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR ADDABBO: -- is the sponsor willing to lay this bill aside for the day?

SENATOR DeFRANCISCO: Pardon me?

SENATOR ADDABBO: Do you agree to lay this bill aside for the day and we can renegotiate?

SENATOR DeFRANCISCO: No, we've got time. We'll be here a while.

(Laughter.)

SENATOR ADDABBO: Unfortunately, we have time. Unfortunately.

Would the sponsor continue to yield?

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR ADDABBO: Does the sponsor believe that the employees that are carved out -- now we're talking about more than 2 million employees throughout the state. Do you believe that these employees that are carved out that would not be receiving paid family leave have needs that are different than those of people who would get paid family leave in our state, that they don't deserve paid family leave or they have different needs due to your carveout?

SENATOR DeFRANCISCO: No, I don't think it's different needs.

It's the fact that in order to pay for paid family leave to employees, you have to have employers. And if employers are being hit with additional costs of doing business, especially the smaller ones, whether you do it 25 or 50, you're in a position that you're going to have less jobs. You have less jobs, you don't need paid family leave because you're home all the time.

And one other thing, one other thing that I think is extremely important, an aspect

that really kind of got lost on people. Some small businesses have told me that not only would they have to pay paid family leave, but if they're, say, a business with 10 employees and two of them have paid family leave and they -- so they've got to hire two more employees to fill that need when the other two employees are out. When the other two employees come back, they're going to have to pay unemployment for providing the two employees temporarily. And it's -- the costs -- the costs get spiraling up.

And what will end up happening is the owners of these small businesses, especially the very small businesses, will be working 70 hours a week rather than 60 because they don't want to have to hire somebody temporarily. So it's a real burden. It's not just a philosophical argument.

So wherever the line is drawn -- whether it's 50, 25 or something else -- this has got to be reconsidered.

SENATOR ADDABBO: Will the sponsor continue to yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The

sponsor yields.

SENATOR ADDABBO: Thank you.

I am so glad, Senator DeFrancisco, you brought up the cost to a small business. Because of the many variations and changes that paid family leave went through during its negotiations prior to the budget, the one constant that really remained was that there would be no cost to the businesses.

That other variations, other alternative bills had costs, minimal costs to the small businesses. The budget bill had no cost to the small businesses. It was a payroll deduction from the employee -- a deduction obviously paid by the employee so that the employee certainly would be paid by this fund and that the small business would not have to pay the employee, could actually pocket that money of that salary.

So the fact is the small businesses would have no cost to themselves. There may be a small administrative procedure, but no actual cost.

SENATOR DeFRANCISCO: Can I respond to that?

SENATOR ADDABBO: Sure.

SENATOR DeFRANCISCO: Okay. I just indicated some of the costs that they have. They have the cost of having to hire a new employee and then paying -- they have training a new employee, they have to hire a new employee, they have to pay unemployment when they have to fire that new employee. So there is cost, the interruption in the business and the like.

But I've got another proposition for you. There's no cost to the employer right now. I will bet you, on June 17, 1916 {sic}, that within five years there will be an estimate that the cost of paid family leave is so dramatic that we're going to have to find another source to pay it. And guess where that source is going to be? The taxpayers of the State of New York. I'll betcha five bucks right now.

(Laughter.)

SENATOR ADDABBO: Did we approve the gaming and betting of --

(Laughter.)

SENATOR DeFRANCISCO: Yes, Senator Bonacic has a new bill. It's coming up on the last calendar.

(Laughter; overtalk.)

ACTING PRESIDENT GRIFFO: Members, please go through the chair.

SENATOR ADDABBO: Sorry, Mr. President. Would the sponsor continue to yield?

SENATOR DeFRANCISCO: Yes.

SENATOR ADDABBO: Again, is the sponsor aware that when we looked at paid family leave and we structured it in such a way, we looked at other states that had similar concerns that you did, but they've had paid family leave for many years now? California, Rhode Island, and New Jersey, they've had businesses there actually -- polls will show that they actually liked paid family leave.

Are you aware that we looked at other states and these other states are not -- their small businesses are not having the issues that you foresee?

SENATOR DeFRANCISCO: I don't know -- I don't know the answer to that question. I don't know how satisfied the small business owners are.

SENATOR ADDABBO: Would the sponsor continue to yield?

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR DeFRANCISCO: Yeah.

I was just told that -- I forgot this. That's why we have bright people running this place.

The federal paid family leave has an exception for 50 employees or under. So there are -- there's precedent for this. And what other states do, I'm not -- I can't tell you precisely.

SENATOR ADDABBO: If the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR ADDABBO: Federal leave, unpaid, apples and oranges. So that's why I didn't bring it up. That's why we don't compare it. Paid family leave, totally different than the federal family leave, which is unpaid.

Would the sponsor continue to yield?

SENATOR DeFRANCISCO: Yes.

SENATOR ADDABBO: Does your bill, 7378, have an opt-in clause for these small businesses?

SENATOR DeFRANCISCO: An opt in?

SENATOR ADDABBO: Small businesses carved out under your bill can opt in to paid family leave for their employees?

SENATOR DeFRANCISCO: I don't think so. But I could imagine -- if it's a free society and people can contract with their employees any way they want, they could certainly offer it as an incentive to be employed, or a little extra, depending upon what earnings they have and what ability to pay. Certainly they could -- they don't have to opt in in a specific program, they could provide that benefit without a government program.

SENATOR ADDABBO: So if the sponsor would continue to yield, Mr. President.

So under your bill, 7378, we would have some employees in New York State covered, some employees not covered, unable to opt in. That's your plan, Senator DeFrancisco?

SENATOR DeFRANCISCO: That's my bill. That's my proposal.

SENATOR ADDABBO: Okay. Will the sponsor continue to yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR ADDABBO: I guess the last question. Remaining hours, possibly days in session, is there an Assembly sponsor for your bill?

SENATOR DeFRANCISCO: No.

SENATOR ADDABBO: On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Addabbo on the bill.

SENATOR ADDABBO: All along we've always said small businesses, employees, all workers, all businesses throughout the state need paid family leave. We are really breaking ground for our state, for our workers. We've always said that.

To have a carveout, especially of 50 employees or more, which now we know would be, in fact, more than 2 million workers throughout the state, would put these small businesses at such a disadvantage, they could not compete with the large businesses -- who already have paid family leave out of their own pocket. They didn't wait for us to do it, they're paying for

it out of their own pocket. And these small businesses can't compete with that. These employees of these small businesses -- these small businesses wouldn't be able to retain these productive, incredible employees because of this carveout.

I stated in the approved budget all workers, all businesses will be benefited by paid family leave. And therefore, I do not see a reason for this one-house bill today, and I'll be voting in the negative.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Savino.

SENATOR SAVINO: Senator Griffo, don't sound so disappointed.

Would Senator DeFrancisco yield for a couple of questions, just for clarity?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco yields.

SENATOR SAVINO: Thank you. Through you, Mr. President.

Senator DeFrancisco, I just want to make -- I have a couple of questions. I just

want to make sure I understand. Because the language of the bill -- thank you. I have two. I have to keep going back and forth.

So the language of the bill, you're redefining what an employer is. So an employer, except when otherwise expressly stated, yadda, yadda, yadda, and who has 50 or more employees.

So essentially you're changing the definition of what an employer is with respect to workers' comp law and disability law under Chapter 600 of the Laws of 1949.

Do you foresee, if this bill were to pass in both houses and be signed, would it affect any other sections under the workers' compensation and disability laws?

SENATOR DeFRANCISCO: I don't see it as doing that. And I state unequivocally that that was not the intent.

SENATOR SAVINO: I would imagine it wouldn't be the intent. But you can say unequivocally that that's not the intent, but I'm not sure I would agree that unequivocally that wouldn't be what would occur.

I would suggest that that might in fact actually happen. Because I'm not sure that

you've -- the way the bill -- because it's a very narrowly drafted bill, that it would not, in effect, remove coverage of all the other types of protections that employees would have under the law.

On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Savino on the bill.

SENATOR SAVINO: Thank you.

While I might completely disagree with the intent of the legislation, having worked on paid family leave for many years, I don't think that what Senator DeFrancisco wants to do is deprive people of coverage for workers' compensation or unemployment insurance if they are in fact entitled to it as an employee.

I would suggest that since he recognizes that this might be a long-term problem -- I think he said in his own comments that sometimes you introduce a bill and you have to do it a few times before you make it right -- you might want to take another look at this, because I do believe the way the bill was drafted it could very well lead to an employer with less than 50 employees being in a position where they

wouldn't have coverage for workers' comp at all, or TDI, or any of the other requirements that we have for employers, in an effort to take the burden off of them on paid family leave. Again, I disagree with that as a burden.

But I do think the bill is too broadly written. I'm unfortunately going to have to again disagree with my good friend Senator DeFrancisco and vote in the negative on this bill.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Panepinto.

SENATOR PANEPINTO: Yes, on the bill.

ACTING PRESIDENT GRIFFO: Senator Panepinto on the bill.

SENATOR PANEPINTO: You know, I think one of the proudest pieces of legislation this body passed was paid family leave.

And some of the statistics Senator Addabbo was asking for, I actually have. I mean, if we raised it to 50 employees, 80 percent of New York State employees would not be covered. Because the majority of employers in the state,

the vast majority, are under 50.

So this is really about, you know, gutting, you know, the most progressive piece of legislation that this body has passed in maybe the last 10 years. To provide paid family leave to mothers and to fathers to take care of children and sick grandparents and sick parents is something that's wildly popular and necessary in this state. And we really should not consider undoing a great piece of legislation which is going to benefit working families across the state.

So I vote no, Mr. President.

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

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes. The debate is closed; is that correct?

ACTING PRESIDENT GRIFFO: That is correct.

SENATOR DeFRANCISCO: I'd like to lay the bill aside temporarily, because we have a Higher Education meeting that has to be called

from the floor right now.

So could we set aside the noncontroversial calendar and lay this bill aside temporarily.

ACTING PRESIDENT GRIFFO: We will lay the bill aside and the controversial calendar aside temporarily.

And you're calling for a meeting of the Higher Ed Committee; is that correct?

SENATOR DeFRANCISCO: Yes, in Room 332. There's a video interview that's being conducted in there precisely at 3:30, of the former Lieutenant Governor, so we had to adjust our schedule.

ACTING PRESIDENT GRIFFO: So the leader is calling for an immediate meeting of the Higher Education Committee in Room 332. The calendar will be temporarily laid aside. The debate has been closed on this particular bill.

And the Senate will stand temporarily at ease?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT GRIFFO: The Senate will stand at ease.

(Whereupon, the Senate stood at ease

at 3:24 p.m.)

(Whereupon, the Senate reconvened at 4:03 p.m.)

ACTING PRESIDENT MURPHY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I'd like to call an immediate meeting of the Finance Committee in Room 332.

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

SENATOR DeFRANCISCO: Thank you.

ACTING PRESIDENT MURPHY: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:04 p.m.)

(Whereupon, the Senate reconvened at 5:07 p.m.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, is there a report of the Finance Committee at the desk?

ACTING PRESIDENT GRIFFO: There is a report of the Finance Committee at the desk. And the Senate will come to order.

The Secretary will read.

THE SECRETARY: Senator Young, from the Committee on Finance, reports the following nomination.

As a trustee of the State University of New York Board of Trustees: Robert J. Duffy, of Victor.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

I rise to move the nomination of Robert Duffy as trustee of the State University of New York.

Governor Duffy is very well known to this chamber. As we all know, he served with distinction as New York State's lieutenant governor from 2011 to 2014.

He hails from Rochester, New York, and he presently is serving as head of the Greater Rochester Chamber of Commerce and also the Rochester Business Alliance, where he's doing a great job in working to grow the economy and grow more jobs in New York State.

He has an extensive background in

economic development and the business arena. And as we know, our SUNY campuses are economic engines in New York, not only providing jobs but also giving people the excellent education that they need to go out and thrive and have careers. So that's a perfect match.

His serving and traveling the entire state as lieutenant governor makes him exceptionally qualified to serve as a SUNY trustee. We just had him via video conference in the Finance Committee meeting, and he again demonstrated his very in-depth knowledge of New York State, the SUNY campuses. And he brings a breadth of experience that will help launch SUNY into an exciting new era, including programs like the Regional Economic Development Councils, START-UP NY, and the Mandate Relief Council.

And his commitment to public service -- and I think this is extraordinarily important -- but his commitment to public service has been recognized through multiple awards and honors, and he has served his community in this great state with great honor and distinction.

So I am extraordinarily happy to forward his nomination, and so I move the

nomination, Mr. President.

Congratulations to him.

ACTING PRESIDENT GRIFFO: The question is on the nomination of Robert J. Duffy as a trustee of the State University of New York Board of Trustees. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Robert J. Duffy has been confirmed as a trustee of the State University of New York Board of Trustees.

The Secretary will continue.

THE SECRETARY: As a member of the Metropolitan Transportation Authority: David R. Jones, of New York.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you very much, Mr. President.

I rise to put forward the nomination of David R. Jones as a member of the Metropolitan Transportation Authority.

Mr. Jones just met with the Senate Finance Committee. And he has a background as an

administrator, an attorney. He's a member of the New York State and federal bars. And he does have an extensive history.

He actually was a Senate intern to the late United States Senator Robert F. Kennedy in 1967. He has served as a law clerk to Federal District Judge Constance Baker Motley from 1974 to '75. And he has other experiences, such as special advisor to the mayor of the City of New York, City Hall, from 1979 to 1983. So he worked for Mayor Koch.

I believe that he's someone who will be diligent and will be committed. So it is a pleasure to put forward his nomination.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you. I rise to second the nomination of David Jones to be a member of the MTA board.

Senator Young's details about David Jones actually stop in 1983. He certainly didn't stop in 1983. And for 30 years, I believe I heard him say, he has been the head of the Community Service Society, I think one of the preeminent think-tank policy organizations on

issues for low-income New Yorkers, on poverty issues, on urban planning.

And he is an ideal nominee to represent the interests of millions of people on the MTA board. And I applaud Mayor de Blasio for recommending him, nominating him to this board. I know that he will work very hard and make us all very proud.

So congratulations.

ACTING PRESIDENT GRIFFO: Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President.

I rise also to second the nomination and concur with my colleagues.

You know, David Jones is one of those kind of civic leaders in New York City who is legendary, legendary to policymakers, to elected officials, to business leaders. People value his opinion, his breadth of experience, his understanding of New York City at a granular level, and his compassion for New York City's immigrants, for New York City's citizens who are most in need, and for New York City's future.

On the community services side, his

studies on issues ranging from tenants to healthcare to public education have really been a blueprint for so many of us in this chamber and in New York City on how to seek out a better future for everyone.

So I'm so pleased that we'll be having him at the MTA, and we'll continue to look to him for his advice on how to proceed with that very complicated agency which has great needs in its capital plan.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Espaillat.

SENATOR ESPAILLAT: Thank you, Mr. President.

Indeed, Mr. Jones is a legendary activist and policymaker, one that we always turn to through the Community Service Society, where he produces reports that really shed light on many of the issues affecting the poor, the working class, the middle class across the city and the state. And I'm sure that on a daily basis, his data, his stats that he produces at the Community Service Society are cited by some representative either in the Assembly or in the

Senate to shed light on the issues that we must all work with.

He is a city nominee, coming from the City of New York to the MTA. I must say that the city is doing far better than the state in nominating and considering diversity. Again, let me bring light to this study, "WANTED: A Seat at the Table," which tells us that we looked at 40 authorities out of 700 and they show a dismal representation of people like Mr. Jones.

And so I stand again to bring light to this problem that we must all address. Unfortunately, we do this every year, pretty much at the end of session, and it becomes very difficult to wrestle with it. Many times even colleagues across the aisle have said that they get their resumes, you know, within hours before they actually review them and prepare to ask questions of these nominees.

So this process is broken. It must be fixed. And I'm sure that Mr. Jones himself and the Community Service Society, if they get the time to take a look at this appointment process, will be equally as critical as I've been tonight of this entire process, Mr. President.

I unfortunately will be voting no.

ACTING PRESIDENT GRIFFO: The question is on the nomination of David R. Jones as a member of the Metropolitan Transportation Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(Response of "Nay.")

ACTING PRESIDENT GRIFFO: David R. Jones is hereby confirmed as a member of the Metropolitan Transportation Authority.

Congratulations, Mr. Jones, and best wishes.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As members of the Minority Health Council: Susan C. Scrimshaw, Ph.D., of Troy, and Lenora Reid-Rose, of Fairport.

As members of the Public Health and Health Planning Council: John Rugge, M.D., of Queensbury; Anderson Torres, Ph.D., of the Bronx; Harvey Lawrence, of Brooklyn; and Kevin D. Watkins, M.D., of Olean.

As a member of the State Camp Safety

Advisory Council: Douglas W. Pierce, of Roslyn.

As members of the Behavioral Health Services Advisory Council: Glenn A. Martin, M.D., of Forest Hills, and Grant Mitchell, M.D., of Tarrytown.

As a member of the State Fire Prevention and Building Code Council: Patrick Dolan, Jr., of Masbeth.

As a member of the State Board of Historic Preservation: Paul M. Stewart, of Albany.

As a member of the Buffalo and Fort Erie Public Bridge (Peace Bridge) Authority: Kenneth A. Manning, of Williamsville.

As director of the Great Lakes Protection Fund: Jill Spisiak Jedlicka, of Lancaster.

As members of the Metropolitan Transportation Authority: James E. Vitiello, of Staatsburg; Neal J. Zuckerman, of Garrison; John J. Molloy, of Wantagh; Andrew M. Saul, of Katonah; Carl V. Wortendyke, of Upper Nyack; John Samuelson, of Brooklyn; and Peter Ward, of Staten Island.

As a member of the Genesee State

Park, Recreation and Historic Preservation Commission: Martin R. Miskell, of Geneseo.

And as a member of the Veterans Affairs Commission: John F. Paddock, Jr., of Skaneateles.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

I rise to move the nominations. I do want to point out, however, that this is a lengthy list of distinguished New Yorkers, but I would like to single out two of them.

One is Kevin Darnell Watkins, M.D., M.Ph., as a member of the Public Health and Health Planning Council. Dr. Watkins serves very well as the Cattaraugus County director of public health, and I know he'll do a phenomenal job on the Health Planning Council.

And also, as a member of the Genesee State Park, Recreation and Historic Preservation Commission, Martin R. Miskell. And he hails from Livingston County. I've personally known him a long time. His family has been involved with Letchworth State Park for many, many years, and

he is carrying on that family tradition.

So again, I'd like to move the nomination of all these individuals.

ACTING PRESIDENT GRIFFO: The question is on the nominations of the names that have been read for the positions that have been identified. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The New York State Senate hereby confirms those names and positions that were listed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Well, we would like to go back to Calendar Number 56A, Number 1979. But don't call it up yet. Just at ease for a moment. We're waiting for something important.

ACTING PRESIDENT GRIFFO: We are returning to the controversial calendar.

We'll instruct the Secretary to ring the bell.

(Pause.)

ACTING PRESIDENT GRIFFO: Senator

DeFrancisco.

SENATOR DeFRANCISCO: The something important that we were waiting for has now been taken care of.

Did you call the bill yet? Would you please do so.

ACTING PRESIDENT GRIFFO: Yes, we're going to call Calendar Number 1979.

The Secretary will read.

THE SECRETARY: Calendar Number 1979, by Senator DeFrancisco, Senate Print 8002, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT GRIFFO: Senator Panepinto.

SENATOR PANEPINTO: Mr. President, I have some questions on the bill for the sponsor. Will the sponsor yield?

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, do you yield?

SENATOR DeFRANCISCO: Yes, I do.

ACTING PRESIDENT GRIFFO: May I have just a little order in the chamber.

And there's not a lot of us here, but at least we can make it quiet so we can hear the two members.

Senator Panepinto.

SENATOR PANEPINTO: Mr. President, through you. Could the sponsor explain the logic behind the proposal of this bill?

SENATOR DeFRANCISCO: Yes. Basically, tobacco litigation has traditionally, in view of the love that the general public has for the tobacco industry, usually when there's a successful verdict, it's usually a verdict that is in a lot of figures as far as the number is concerned.

And as we know, the main settlement that was reached many years ago requires the tobacco companies to pay a certain amount of dollars to the counties and to the state. And that settlement, we want to keep those dollars coming in. And if on appeal, when a litigant wins a substantial verdict, in many instances, as you well know -- sometimes there's punitive damages and the like -- in many instances those verdicts are reduced.

What we want to do is to strike a balance as to what bond amount would have to be issued and paid for by the tobacco company in order to secure payment of whatever the ultimate

payoff is. This bill limits the amount of that bond to $250 million.

The logic is we don't want the tobacco companies to have insufficient assets not to be able to post the bond, ending up then that their individual assets can be gone after to take care of the ultimate verdict, which is probably going to be a lot lower than the verdict was.

And the point is we want to make a reasonable bond to protect the -- whatever the verdict may be, but we don't need to put tobacco companies out of business because we'll lose the revenue that each of the counties have been receiving.

SENATOR PANEPINTO: Through you, Mr. President. So it seems like you want to apply this prospectively towards future tobacco litigation and future settlements.

SENATOR DeFRANCISCO: Absolutely. Absolutely.

SENATOR PANEPINTO: Will it apply to tobacco -- I'm sorry, through you, Mr. President. Will it apply to the master tobacco settlement agreement also, though?

SENATOR DeFRANCISCO: No, it has

nothing to do with that.

This is a limit on the bond that the court can order to secure the ultimate -- you have to post bond when you appeal. So this is the limit on what they would have to pay, the bond that they would have to get, $250 million, and the cost that it would be for that bond to be posted.

SENATOR PANEPINTO: Through you, Mr. President. So right now New York State gets $755 million a year that is dispersed to the various counties through the tobacco master settlement agreement, and the tobacco companies do not have to post any bond for that. They have to have that cash on hand.

This legislation would not affect the master tobacco settlement money, then?

SENATOR DeFRANCISCO: Absolutely not. And that's why -- we just want to make sure they have the wherewithal to continue making those payments rather than posting substantial bonds and paying for it, having to have a certain amount of assets. So that's the reason.

SENATOR PANEPINTO: So through you, Mr. President. This bill, then, would encourage

other people to be suing tobacco companies for their punitive behavior and limit their -- not limit their recovery, but make sure we didn't make them insolvent.

SENATOR DeFRANCISCO: No, not really. They can sue for whatever they want, the verdict can be whatever they want.

This is just when the losing party -- in this case, the tobacco company -- wants to appeal, there's got to be a bond posted. It's by law. We're just saying we don't want to have the bond excessive so these payments stop under the existing settlement, so we're limited at $250 million, which is substantial money anyway.

SENATOR PANEPINTO: Okay. Through you, Mr. President. Do you have an Assembly cosponsor on the bill, or is there an Assembly same-as?

SENATOR DeFRANCISCO: There is not. Once again, hope springs eternal. And hopefully people will understand, you know, why it's important.

I've got so many groups supporting it, not only the governments, the county governments, the New York Association of

Counties, et cetera. AFL-CIO, CSEA, Police Conference, AFSCME, New York State Professional Firefighters, Uniformed Fire -- so the people who are benefiting, the localities and those that work for those localities, are just as interested in making sure that the money keeps coming in.

But there's been a disagreement on the amount of the bond, and that's where we never seem to get a same-as in the Assembly.

SENATOR PANEPINTO: So if I understand correctly, this is really just to then provide some security for the money that is now flowing to the states and the counties, to make sure that no other verdicts bankrupt the tobacco companies.

SENATOR DeFRANCISCO: That's basically it.

But -- and they're saving -- the fact that they have to post a substantial amount of money -- for example, they still are required, under this, to post up to 30 percent cash and $250 million bond. So 30 percent of a billion dollars is some real money.

And so this would still protect that particular litigant without making it excessive

so the existing settlements don't get impaired.

SENATOR PANEPINTO: Through you, Mr. President. Is it only limited to tobacco companies, or does it apply to other pharmaceutical companies, medical supply companies --

SENATOR DeFRANCISCO: No.

SENATOR PANEPINTO: -- and doctors' groups of that nature?

SENATOR DeFRANCISCO: No, this only applies to the tobacco product -- stay of enforcement for tobacco product master settlement agreements participating, et cetera, et cetera. It's only dealing with tobacco.

SENATOR PANEPINTO: So through you, Mr. President. So, you know, Ford Motor --

SENATOR DeFRANCISCO: It's any litigation, civil litigation against those parties that are part of the tobacco settlement. Say a new company hasn't settled anything and as a result they get a huge verdict, the judge can require whatever bond they want. It's just when these people who are part of the settlement that's existing that is making these payments, they're getting this protection.

SENATOR PANEPINTO: So through you, Mr. President. So if in fact there was a mass tort against an automobile manufacturer or a medical device manufacturer --

SENATOR DeFRANCISCO: No. No.

SENATOR PANEPINTO: Okay.

On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Panepinto on the bill.

SENATOR PANEPINTO: I appreciate Senator DeFrancisco's clarification on the bill that it's really about protecting, you know, those settlement monies that are coming in at $755 million a year. And I appreciate, I have a much better understanding of it now after speaking with him about it.

I still think it is, you know, not the right thing to do to try and protect a litigant like Big Tobacco, because for 50 years they denied that they were responsible, they lied about responsibility, and it took 50 years of litigation across the country to hold them responsible. So while there are streams of income that come from them now, to the tune of $755 million a year, I don't think they should

get a special benefit just because we've finally held them responsible after 50 years of litigation.

So I'll be voting in the negative on this bill, Mr. President. Thank you.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you, Mr. President.

I listened to the debate. I just -- I'm going to end up in the same place as Senator Panepinto, but I just want to highlight again my understanding.

Yes, the State of New York draws down significant revenue each year from the master settlement that I think took place perhaps in 1999. Each year we receive money. There have been no cases in New York State that would risk bankrupting the tobacco industry since that time. This law would make an exception for only Big Tobacco not having to provide bonds against the threat of a decision against them, which I fear actually then disadvantages the plaintiffs who would be bringing those cases.

Now, of course, the cases in tobacco

situations -- excuse me. The cases against Big Tobacco involve people losing their lives. And when people sue, once they die, not such a good case. So dragging out the case and the appeals increases the chances that the companies don't ever have to pay, or they have to pay far less.

And by changing the law -- again, in theory to protect us, although we haven't needed that protection now for almost 20 years -- the changing of the law to protect us would really be advantaging Big Tobacco's ability to drag out cases against itself and do potential harm to individuals or groups of plaintiffs.

So yes, I want New York State to be whole, so to speak, in the money we get from the master settlement, but I don't want New York State policy to disadvantage people now, in real life, who have been harmed and are suing in our courts for their right to a fair settlement.

And so I do believe that making an exception in normal law for Big Tobacco with this bill, while it may make us a little more secure -- although, again, it hasn't been a problem since 1999 -- we would be doing immediate harm to other cases of plaintiffs that may be

going through the courts right now.

I don't see a reason that we should be doing a harm to others, so I vote no, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President.

I'll be voting no because I think we need to reexamine the entire way that the tobacco master settlement agreement has been operating.

The money is supposed to be used toward antismoking efforts. When was the last time you saw an antismoking ad? The money is actually going to localities. In fact, $700,000 went for a public golf course sprinkler in Niagara County, New York.

The tobacco master settlement money is not going to the right source. It's supposed to be an effort to recover liability from the tobacco companies to prevent young people and others from picking up the dangers of smoking, but it hasn't fulfilled its promise.

We need to rethink the whole process, and I'll be voting in the negative.

ACTING PRESIDENT GRIFFO: Seeing and hearing no other Senator that wishes to be heard, debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day.

ACTING PRESIDENT GRIFFO: The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: As you're voting, I just want to explain my vote by answering some of the points that were made.

ACTING PRESIDENT GRIFFO: Can I have some order in the house, please.

Senator DeFrancisco.

SENATOR DeFRANCISCO: As the vote's being taken, I just wanted to explain my vote by answering a couple of points.

The fact that no cases have been brought so far, that's the whole point. You don't want to wait until after the fact to have to call a special session of the Legislature that

might interfere with the closing of the Legislature or whatever other things we otherwise would be doing. So that's why we're trying to do it in advance.

It's not protection to the tobacco industry, it's protection of the people, the counties that are receiving the dollars.

And thirdly, if there's not enough advertisement or publicity about stopping smoking, that has nothing to do with this bill. That has to do with the enforcement or the terms of the master settlement agreement.

And just before you make your final vote, to give you an opportunity to vote yes, you will be voting against the AFL-CIO and all the people of that organization.

(Audience reaction.)

ACTING PRESIDENT GRIFFO: (Gaveling.)

SENATOR DeFRANCISCO: Did we get a film of those reactions from the Democrats --

(Laughter.)

SENATOR DeFRANCISCO: -- as far as the AFL-CIO? The CSEA, how about an "ooh" for that? No? The Police Conference of New York.

A-F-S-C-M-E.

UNIDENTIFIED SENATOR: Say it faster.

(Laughter; reaction.)

SENATOR DeFRANCISCO: I never say it because it comes out the wrong way.

(Laughter.)

SENATOR DeFRANCISCO: New York State Professional Firefighters. You're against firefighters. You're against the Uniformed Fire Officers Association and all the counties who receive this money.

So if you can vote no and you can have a clean conscience, then so be it.

I vote aye.

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

We're starting to sound a little bit like Parliament here.

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you, Mr. President.

I rise to point out I am voting no

because, while I respect all the organizations who wrote memos saying they're worried that if there were big settlements for plaintiffs in tobacco cases, perhaps we wouldn't get paid, again, we've been getting paid since 1999.

And the current annual income of the five largest tobacco companies is $320 billion annually. They're not going belly up. I wish they were, because that would mean people weren't smoking and buying their products. But unfortunately, they're doing just fine. Five biggest companies, $320 billion per year. They're not the ones who need a break.

I vote no.

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

Senator Hannon to explain his vote.

SENATOR HANNON: Just to bring out some facts about the numbers that Senator Krueger made mention of.

The amount of money that flows through these settlements is fixed, and it's fixed by the total number of companies and it's fixed according to a formula. So no matter what their profits are, it's a matter of what's going

on under those settlements.

So that's the reason for this bill, not for what they're doing in their general revenues.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Hannon to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 1979, those recorded in the negative are Senators Addabbo, Breslin, Comrie, Dilan, Espaillat, Gianaris, Hamilton, Hassell-Thompson, Hoylman, Kaminsky, Kennedy, Krueger, Latimer, Montgomery, Panepinto, Peralta, Perkins, Persaud, Rivera, Sanders, Serrano, Squadron, Stavisky and Stewart-Cousins. Also Senator Carlucci.

Absent from voting: Senators Felder, O'Mara and Parker.

Ayes, 34. Nays, 25.

ACTING PRESIDENT GRIFFO: The bill is passed.

One minute, Senator DeFrancisco.

THE SECRETARY: Senator O'Mara in the affirmative.

Ayes, 35. Nays, 25.

ACTING PRESIDENT GRIFFO: The bill is passed.

SENATOR DeFRANCISCO: I'm sorry, I thought it was already done.

We now don't have anything else on the calendar, and we're going to have to stand at ease. And as soon as I have more information, I will announce it and contact each of the floor leaders.

ACTING PRESIDENT GRIFFO: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 5:48 p.m.)

(Whereupon, the Senate reconvened at 6:02 p.m.)

ACTING PRESIDENT AKSHAR: The Senate will come to order.

Senator DeFrancisco.

SENATOR DeFRANCISCO: As promised, I'm giving you an update.

The update is that there will be a meeting of the Republican Conference, the Majority Conference, in Room 332 at 6:15.

And until then, we'll stand at ease. I will notify the Floor Leaders what's up as soon

as I know about it.

ACTING PRESIDENT AKSHAR: There will be a meeting of the Republican Conference in Room 332 at 6:15.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 6:03 p.m.)

(Whereupon, the Senate reconvened at 6:07 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President, there's been a change. And the change is there's an immediate meeting of the Finance Committee in Room 332.

Immediately following that, the Republican Conference will go into conference in Room 332.

ACTING PRESIDENT GRIFFO: So there is an immediate meeting of the Senate Finance Committee. All members of the Senate Finance Committee should report to Room 332.

Senate Finance Committee in Room 332, followed by a meeting of the Republican

Conference.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 6:07 p.m.)

(Whereupon, the Senate reconvened at 9:16 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Is there -- Mr. President, is there a report of the Finance Committee at -- oh, excuse me. I keep forgetting this motion.

Can we go back to motions and resolutions?

ACTING PRESIDENT GRIFFO: We will return to motions and resolutions.

SENATOR DeFRANCISCO: I'd like to call up Senate Print 8026, by Senator Little, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1668, by Senator Little, Senate Print 8026,

Concurrent Resolution of the Senate and Assembly.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR DeFRANCISCO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR DeFRANCISCO: Now, is there a Finance Committee report at the desk?

ACTING PRESIDENT GRIFFO: There is a Finance Committee report at the desk.

The Secretary will read.

THE SECRETARY: Senator Young, from the Committee on Finance, reports the following nominations.

As a member of the Workers' Compensation Board, Margaret A. Barberis, of Glenville.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you,

Mr. President.

I'm very pleased to rise to put forward the name of Margaret A. Barberis as a Member of the Workers' Compensation Board.

Ms. Barberis is a nurse by profession. She is an accomplished corporate administrator with 20 years of experience in workers' compensation, health and safety standards and procedures for leading North American and international organizations. She's a respected builder and leader of multifaceted, goal-oriented teams. And she has excellent qualifications in managing large-scale projects from concept through planning, design, development, training, tracking and task management.

She's a dedicated professional, self-motivated, outgoing, and a flexible team member with diverse interpersonal and organizational skills using developmental excellence as a standard.

And she actually was educated at Empire State College, graduating with a master's certificate in healthcare administration. Before that, she earned a B.S. degree and a business

management and economics degree at Empire State College, and also graduated from the Schenectady Community College Ellis School of Nursing.

So she certainly is well qualified for this position, and therefore we believe that she should be nominated for this position and confirmed.

ACTING PRESIDENT GRIFFO: Thank you, Senator Young.

The question is on the appointment and nomination of Margaret A. Barberis as a member of the Workers' Compensation Board.

All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Margaret A. Barberis has been confirmed as a member of the Workers' Compensation Board.

(Applause.)

ACTING PRESIDENT GRIFFO: Congratulations, and good luck.

The Secretary will read.

THE SECRETARY: As a member of the Workers' Compensation Board, Steven A. Crain, of

Saratoga Springs.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

We have another very well qualified, highly dedicated individual for the Workers' Compensation Board, and that's Steven A. Crain.

Mr. Crain is a person who has worked for the Civil Service Employees Association for many years, serving in several capacities. He's been senior associate counsel, associate counsel, deputy counsel, and then general counsel, where he jointly managed the legal department of the statewide labor union, supervising several staff and overseeing statewide litigation and representation.

He also has great experience in education. His degree was actually earned -- let's see, it's here somewhere. Well, actually, he does have teaching experience, which I did want to mention. His education is a juris doctorate at the New York Law School and a bachelor of arts at the State University of New York at Cortland, and also he has teaching

experience at Cornell University School of Industrial and Labor Relations, and the Marist College Special Academic Programs in Poughkeepsie.

So as you can note from his background, very professional, very well qualified, and we are very proud to put his name forward also for the Workers' Compensation Board.

ACTING PRESIDENT GRIFFO: The question is on the nomination of Steven A. Crain as a member of the Workers' Compensation Board. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Steven A. Crain has been confirmed as a member of the Workers' Compensation Board.

Congratulations, and good luck.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As member and chair of the Public Employment Relations Board, John F. Wirenius, of Albany.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

This is an extraordinarily important position, and Mr. Wirenius is also highly qualified. His education is that he's a graduate of the Columbia University School of Law. He also earned his bachelor's degree at Fordham College in the Bronx.

And his background also is extensive. He has worked most recently for the New York State Public Employment Relations Board from July 2014 to present, so he's been in training since that time. He has served as deputy chair and general counsel and served as chief legal advisor to the board. He also has worked in the New York City Office of Collective Bargaining and also for the New York State United Teachers as associate counsel. So he was very impressive when he came before the Finance Committee.

And for all of those reasons, Mr. President, we are nominating him to be chair of PERB. Thank you.

ACTING PRESIDENT GRIFFO: The question is on the nomination of John F. Wirenius as member and chair of the Public Employment Relations Board. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Just very briefly, I want to apologize for the Senate, for the length of time you've been cooling your heels.

But I want to tell you there's something positive that's got to make you feel better. We're not going home yet, okay?

(Laughter.)

SENATOR DeFRANCISCO: We're going to still be here for a long time more.

But congratulations to all of you.

ACTING PRESIDENT GRIFFO: John F. Wirenius is hereby confirmed as member and chair of the Public Employment Relations Boards.

Congratulations and best of luck.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: As members of the Republic Airport Commission: Vincent A. Bologna, Jr., of West Babylon, and Joan Flaumenbaum, of Farmingdale.

As members of the Adirondack Park Agency: Sherman Craig, of Wanakena; Daniel Wilt, of Lake Pleasant; Chad P. Dawson, Ph.D., of Lafayette; John L. Ernst, of New York; and Barbara Rice, of Saranac Lake.

As directors of the New York Convention Center Operating Corporation: George Tsunis, of Matinecock; Lee H. Perlman, of Larchmont; and Sara Berman, of New York.

As director of the State of New York Mortgage Agency and director of the Municipal Bond Bank Agency: Joyce L. Miller, of New York.

As members of the New York State Thruway Authority: Stephen Saland, of Poughkeepsie, and Robert Megna, of Albany.

As members of the Capital District Transportation Authority: Eugene Daniel Napierski, of Saratoga Springs, and Mark Schaeffer, of Albany.

As members of the Ogdensburg Bridge and Port Authority: James T. Farrell, of Canton; Vernon D. Burns, of Ogdensburg; Lynn M. Fountain, of Massena; and Megan J.M. Whitton, of Gouverneur.

As member and vice chair of the Workers' Compensation Board: Freida D. Foster, of New York.

As members of the Workers' Compensation Board: Mark R. Stasko, of Cicero; Frederick M. Ausili, of Dix Hills; Mark Daniel Higgins, of West Seneca; Ursula Levelt, of Newburgh; Loren Lobban, of Buffalo; and Clarissa M. Rodriguez, of Queens.

ACTING PRESIDENT GRIFFO: Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

We are most grateful that these citizens are willing to step up and give their time and their talents to the people of New York State. And so for that reason, I move the nomination of all of the candidates.

ACTING PRESIDENT GRIFFO: The question is on the nomination of all those who

have been listed for the positions identified.
All in favor signify by saying aye.
(Response of "Aye.")
ACTING PRESIDENT GRIFFO: Opposed?
(No response.)
ACTING PRESIDENT GRIFFO: Those that have been read, the names and the positions listed, have hereby been confirmed.
Senator DeFrancisco.
SENATOR DeFRANCISCO: Yes, we're now going to go into various conferences to review bills. And once the conferences are done, we will start the final countdown.
So would you please recognize Senator Valesky.
ACTING PRESIDENT GRIFFO: Senator Valesky.
SENATOR VALESKY: Thank you, Mr. President.
There's an immediate meeting of the Independent Democratic Conference in Room 432 of the Capitol.
ACTING PRESIDENT GRIFFO: There's an immediate meeting of the Independent Democratic Conference in Room 432 of the Capitol.

SENATOR DeFRANCISCO: Now would you recognize Senator Gianaris, please.

ACTING PRESIDENT GRIFFO: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

There will be a meeting of the Democratic Conference at 9:30 in the Democratic Conference Room.

ACTING PRESIDENT GRIFFO: There will be a meeting of the Democratic Conference at 9:30 in the Democratic Conference Room.

SENATOR DeFRANCISCO: Can we please stay at ease.

ACTING PRESIDENT GRIFFO: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 9:27 p.m.)

(Whereupon, the Senate reconvened at 11:39 p.m.)

ACTING PRESIDENT ROBACH: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, Mr. President, I would like to call right now a Rules Committee meeting for 11:55 p.m.,

15 minutes from now.

ACTING PRESIDENT ROBACH: There will be a Rules Committee meeting at 11:55 in Room 332. If the members could get there promptly, they'll save us a little bit of time.

SENATOR DeFRANCISCO: In fact, no one will be penalized if they get there early.

(Laughter.)

SENATOR DeFRANCISCO: If we could now stand at ease.

ACTING PRESIDENT ROBACH: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 11:39 p.m.)

(Whereupon, the Senate reconvened at 12:11 a.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

SENATOR DeFRANCISCO: Mr. President.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: First I would like to move, according to the Senate rules, that we continue the session beyond midnight.

ACTING PRESIDENT GRIFFO: Without objection, it is so ordered.

SENATOR DeFRANCISCO: Thank you, Mr. President.

Do you have a Rules Committee report at the desk?

ACTING PRESIDENT GRIFFO: There is a committee report at the desk.

SENATOR DeFRANCISCO: Would you please read the report.

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

Senate Print 3355, by Senator Little, an act to amend the Tax Law;

Senate 4386A, by Senator Ranzenhofer, an act to amend the Public Authorities Law;

Senate 4542C, by Senator Klein, an act to amend the Administrative Code of the City of New York;

Senate 5639A, by Senator DeFrancisco, an act to amend the Insurance Law;

Senate 6346B, by Senator Carlucci, an act to amend the Public Health Law;

Senate 6764, by Senator Golden, an act to amend the Retirement and Social Security Law;

Senate 6872, by Senator Stewart-Cousins, an act to amend the Tax Law;

Senate 6937A, by Senator Golden, an act to amend the Tax Law;

Senate 6965, by Senator Farley, an act to amend the Tax Law;

Senate 7093, by Senator Farley, an act to amend the Tax Law;

Senate 7134, by Senator Latimer, an act to amend the Tax Law;

Senate 7135, by Senator Latimer, an act to amend the Tax Law;

Senate 7152, by Senator Latimer, an act to amend the Tax Law;

Senate 7153, by Senator Latimer, an act to amend the Tax Law;

Senate 7154, by Senator Latimer, an act to amend the Tax Law;

Senate 7172, by Senator Breslin, an act to amend Chapter 405 of the Laws of 2005;

Senate 7324, by Senator Squadron, an act to amend the Civil Service Law;

Senate 7413A, by Senator Little, an act to amend the Private Housing Finance Law;

Senate 7491A, by Senator LaValle, an act in relation to granting;

Senate 7499, by Senator Larkin, an act to amend the Tax Law;

Senate 7553A, by Senator Valesky, an act to amend the Environmental Conservation Law;

Senate 7728, by Senator Boyle, an act to amend the Alcoholic Beverage Control Law;

Senate 7790A, by Senator Marchione, an act to amend the Tax Law;

Senate 7898A, by Senator Griffo, an act to amend Chapter 367 of the Laws of 2013;

Senate 8006, by Senator Ortt, an act to amend the General Business Law;

Senate 8049, by the Senate Committee on Rules, an act to amend the Education Law;

Senate 8127, by Senator DeFrancisco, an act relating to;

Senate 8153, by Senator Bonacic, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

Senate 8158, by Senator O'Mara, an act to amend the Public Health Law;

Senate 8159, by Senator Flanagan, an act to amend the Tax Law;

And Senate 8161, by the Senate Committee on Rules, an act to amend the Tax Law.

All bills ordered direct to third reading.

SENATOR DeFRANCISCO: Move to accept the Rules report.

ACTING PRESIDENT GRIFFO: All in favor of accepting the Committee on Rules report say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Committee on Rules report is accepted and before the house.

Senator DeFrancisco, we have messages, with your permission.

SENATOR DeFRANCISCO: That's wonderful. Please take up the messages from the Assembly.

ACTING PRESIDENT GRIFFO: The

Secretary will read.

THE SECRETARY: Senator Ranzenhofer moves to discharge, from the Committee on Finance, Assembly Bill Number 5991A and substitute it for the identical Senate Bill 4386A, Third Reading Calendar 1984.

Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 7738A and substitute it for the identical Senate Bill 5639A, Third Reading Calendar 1986.

Senator Carlucci moves to discharge, from the Committee on Rules, Assembly Bill Number 9078B and substitute it for the identical Senate Bill 6346B, Third Reading Calendar 1987.

Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 9199 and substitute it for the identical Senate Bill 6764, Third Reading Calendar 1988.

Senator Stewart-Cousins moves to discharge, from the Committee on Rules, Assembly Bill Number 209A and substitute it for the identical Senate Bill 6872, Third Reading Calendar 1989.

Senator Latimer moves to discharge,

from the Committee on Rules, Assembly Bill Number 9691 and substitute it for the identical Senate Bill 7134, Third Reading Calendar 1993.

Senator Latimer moves to discharge, from the Committee on Rules, Assembly Bill Number 9692 and substitute it for the identical Senate Bill 7135, Third Reading Calendar 1994.

Senator Latimer moves to discharge, from the Committee on Rules, Assembly Bill Number 9694 and substitute it for the identical Senate Bill 7152, Third Reading Calendar 1995.

Senator Latimer moves to discharge, from the Committee on Rules, Assembly Bill Number 9690 and substitute it for the identical Senate Bill 7153, Third Reading Calendar 1996.

Senator Latimer moves to discharge, from the Committee on Rules, Assembly Bill Number 9693 and substitute it for the identical Senate Bill 7154, Third Reading Calendar 1997.

Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 9713 and substitute it for the identical Senate Bill 7172, Third Reading Calendar 1998.

Senator Squadron moves to discharge, from the Committee on Rules, Assembly Bill Number

9870 and substitute it for the identical Senate Bill 7324, Third Reading Calendar 1999.

Senator Little moves to discharge, from the Committee on Rules, Assembly Bill Number 10668 and substitute it for the identical Senate Bill 7413, Third Reading Calendar 2000.

Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 10014A and substitute it for the identical Senate Bill 7491A, Third Reading Calendar 2001.

Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 9776 and substitute it for the identical Senate Bill 7499, Third Reading Calendar 2002.

Senator Boyle moves to discharge, from the Committee on Rules, Assembly Bill Number 10248 and substitute it for the identical Senate Bill 7728, Third Reading Calendar 2004.

Senator Marchione moves to discharge, from the Committee on Rules, Assembly Bill Number 10302 and substitute it for the identical Senate Bill 7790A, Third Reading Calendar 2005.

Senator Griffo moves to discharge, from the Committee on Rules, Assembly Bill Number

10362A and substitute it for the identical Senate Bill 7898A, Third Reading Calendar 2006.

Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 10033 and substitute it for the identical Senate Bill 8161, Third Reading Calendar 2012.

And Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 10736 and substitute it for the identical Senate Bill 8153, Third Reading Calendar 2014.

ACTING PRESIDENT GRIFFO: The substitutions are received and so ordered.

We're going to return to reports of committees, Senator DeFrancisco. We have two more bills that need to be read into the record from Rules.

The Secretary will read.

SENATOR DeFRANCISCO: Wait. Excuse me. What are you doing now? I couldn't hear you.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, there were two bills that were omitted originally --

SENATOR DeFRANCISCO: Okay, thank

you. Go ahead.

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

Senate Print 8006, by Senator Ortt, an act to amend the General Business Law;

And Senate 8153, by Senator Bonacic, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

Both bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: And the committee report has already been approved and is before the house.

SENATOR DeFRANCISCO: Mr. President.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: It's my understanding that there's a supplemental active list at the desk, and the first bill is Calendar 49, just to make sure we're all on the same page.

ACTING PRESIDENT GRIFFO: It's a

one-page supplemental active list, it's on everyone's desk. And Calendar Number 49 would begin that.

SENATOR DeFRANCISCO: Okay. Can we now do the noncontroversial reading of that list.

ACTING PRESIDENT GRIFFO: So Calendar Number 49 from the Senate supplemental active list, and the Secretary will read.

THE SECRETARY: On page 4, Senator Klein moves to discharge, from the Committee on Rules, Assembly Bill Number 6857A and substitute it for the identical Senate Bill 4085B, Third Reading Calendar 49.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 49, by Member of the Assembly Crespo, Assembly Print 6857A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Klein to explain his vote.

Can I have some order in the house? We've got a lot before us, and a lot of people in the chamber. So if I could just have some order, please. Thank you.

Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

This legislation enables the State Liquor Authority, the SLA, to revoke, cancel, suspend or impose a civil fine on a business that obtains a liquor license for on-premises consumption, because the nature of such business substantially changes in a manner that could increase the incidence of local crime or a nuisance.

Unfortunately, what we're seeing specifically around New York City is many bars go before the community board and then the State Liquor Authority claiming that they're opening up a family restaurant, a sports bar, a small local tavern -- and before you know it, they turn

themselves into a nightclub, a cabaret, of course without a cabaret license.

Most of the time they're open very late into the evening, causing havoc in local communities.

This is legislation would actually be able to change that if the license applicant deliberately misleads the SLA or they substantially alter the nature and character of the business and how they operate it.

So I think this is an important way, I think, for the community to be able to have a stake in who operates in their community, and certainly in this case who actually lies to the SLA as well as the local community board of the intent of their business.

I vote yes, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Amedore recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to

Calendar 49: Ayes, 60. Nays, 2. Senators Amedore and Murphy recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 9, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 9715 and substitute it for the identical Senate Bill 7120, Third Reading Calendar 554.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 554, by Member of the Assembly Abbate, Assembly Print 9715, an act to amend the Civil Service Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 631, by Senator Martins, Senate Print 6636A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect December 31, 2018.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator DeFrancisco recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 23, Senator Golden moves to discharge, from the Committee on Cities, Assembly Bill Number 9929 and substitute it for the identical Senate Bill 7593, Third Reading Calendar 1189.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1189, by Member of the Assembly Farrell, Assembly

Print 9929, an act to amend the Local Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 23, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 10372 and substitute it for the identical Senate Bill 7594A, Third Reading Calendar 1190.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1190, by Member of the Assembly Abbate, Assembly Print 10372, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT GRIFFO: Read the

last section.

THE SECRETARY: Section 5. This act shall take effect July 1, 2016.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1347, by Senator Avella, Senate Print 1048A, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Ortt recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 28, Senator

Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 10562 and substitute it for the identical Senate Bill 7895, Third Reading Calendar 1362.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1362, by the Assembly Committee on Rules, Assembly Print 10562, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Ortt recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 29, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 9376A

and substitute it for the identical Senate Bill 6816A, Third Reading Calendar 1408.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1408, by Member of the Assembly Magnarelli, Assembly Print 9376A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Sanders recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Senator Little moves to discharge, from the Committee on Rules, Assembly Bill Number 10721A and substitute it for the identical Senate Bill 8026A, Third Reading Calendar 1668.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1668, by the Assembly Committee on Rules, Assembly Print 10721A, Concurrent Resolution of the Senate and Assembly.

ACTING PRESIDENT GRIFFO: Call the roll on the resolution.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

THE SECRETARY: Calendar Number 1930, by Senator Lanza, Senate Print 8146, an act to amend Chapter 154 of the Laws of 1921.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect upon the enactment into law by the State of New Jersey.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that completes the noncontroversial reading of the supplemental active list calendar.

SENATOR DeFRANCISCO: Mr. President, can we stand at ease briefly.

ACTING PRESIDENT GRIFFO: The Senate will stand at ease temporarily.

(Whereupon, the Senate stood at ease at 12:27 a.m.)

(Whereupon, the Senate reconvened at 1:24 a.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President, can we now take up the noncontroversial reading of Calendar 56B.

But there may be a special order in doing this, is that the idea?

ACTING PRESIDENT GRIFFO: Okay, I would ask members to look at their Supplemental Calendar 56B.

SENATOR DeFRANCISCO: Just one

moment. I'll just check with Beth.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we please take up the noncontroversial reading of Calendar 56B. But I'd like to call specific bills in order, if we could.

ACTING PRESIDENT GRIFFO: Very good, Senator DeFrancisco.

For the members, if you'd refer to Senate Supplemental Calendar 56B, and stay alert. And we will return to specific calendars upon the call of the Floor Leader.

SENATOR DeFRANCISCO: Please call up, on the noncontroversial reading, Calendar 1989.

ACTING PRESIDENT GRIFFO: The Secretary will read Calendar Number 1989.

THE SECRETARY: Calendar Number 1989, substituted earlier by Member of the Assembly Abinanti, Assembly Print 209A, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1989, those recorded in the negative are Senators Akshar, Bonacic, Carlucci, Croci, Funke, Gallivan, Griffo, Kaminsky, Lanza, Larkin, LaValle, Marcellino, Martins, Murphy, O'Mara, Ortt, Ranzenhofer, Ritchie, Serino, Venditto and Young. Also Senator Hannon.

Ayes, 40. Nays, 22.

ACTING PRESIDENT GRIFFO: The bill is passed.

SENATOR DeFRANCISCO: Excuse me, Mr. President. In order to avoid confusion, let's go with the regular order.

ACTING PRESIDENT GRIFFO: We'll begin with Calendar Number 1970.

THE SECRETARY: Calendar Number 1970, by Senator Little, Senate Print 3355, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1970, those recorded in the negative are Senators Amedore, Bonacic, Carlucci, Croci, Funke, Gallivan, Golden, Griffo, Hannon, Kaminsky, Kennedy, Lanza, Larkin, Martins, Murphy, Ortt, Ranzenhofer, Serino, Venditto and Young. Also Senator Akshar.

Ayes, 41. Nays, 21.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1984, substituted earlier by Member of the Assembly Crespo, Assembly Print 5991A, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1985, by Senator Klein, Senate Print 4542C, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 1985, those recorded in the negative are Senators Comrie, Golden, Hamilton, Hassell-Thompson, Hoylman, Krueger, Montgomery, Ortt, Perkins, Persaud, Rivera, Sanders and Squadron. Also Senator Dilan. Also Senator Serrano.

Ayes, 47. Nays, 15.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1986, substituted earlier by Member of the Assembly Magnarelli, Assembly Print 7738A, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1987, substituted earlier by Member of the Assembly Mayer, Assembly Print 9078B, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1988, substituted earlier by Member of the Assembly Abbate, Assembly Print 9199, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1990, by Senator Golden, Senate Print 6937A, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 7. This

act shall take effect January 1, 2017.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1991, by Senator Farley, Senate Print 6965, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 1991, those recorded in the negative are Senators Carlucci, Croci, Funke, Gallivan, Golden, Griffo, Hannon, Kaminsky, Kennedy, LaValle, Marcellino, Martins, Murphy, O'Mara, Ritchie, Serino, Venditto and Young. Also Senator Lanza. Also Senator Bonacic. Also Senator Ranzenhofer.

(Pause.)

ACTING PRESIDENT GRIFFO: The Secretary will reannounce the results.

THE SECRETARY: In relation to Calendar 1991, those recorded in the negative are Senators Akshar, Bonacic, Carlucci, Croci, Funke, Gallivan, Golden, Griffo, Hannon, Kaminsky, Kennedy, Lanza, Larkin, LaValle, Little, Marcellino, Martins, Murphy, O'Mara, Ortt, Ranzenhofer, Ritchie, Serino, Venditto and Young.

Ayes, 37. Nays, 25.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1992, by Senator Farley, Senate Print 7093, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: The Secretary will announce the results.

THE SECRETARY: In relation to Calendar 1992, those recorded in the negative are Senators Akshar, Bonacic, Carlucci, Croci, Funke, Gallivan, Golden, Griffo, Hamilton, Hannon, Kaminsky, Kennedy, Lanza, Larkin, LaValle, Marcellino, Ortt, Ranzenhofer and Young. Also Senator Sanders. Also Senator Martins.

ACTING PRESIDENT GRIFFO: Hold on. The Secretary will re-tally.

Reannounce the results.

THE SECRETARY: Senator Sanders in the affirmative.

Ayes, 42. Nays, 20.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1993, substituted earlier by Member of the Assembly Buchwald, Assembly Print 9691, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1993, those recorded in the negative are Senators Akshar, Bonacic, Carlucci, Croci, Funke, Gallivan, Golden, Griffo, Hannon, Kaminsky, Kennedy, Lanza, Larkin, LaValle, Marcellino, Martins, Murphy, O'Mara, Ortt, Ranzenhofer, Ritchie, Serino, Venditto and Young.

Ayes, 38. Nays, 24.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1994, substituted earlier by Member of the Assembly Buchwald, Assembly Print 9692, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce

the results.

THE SECRETARY: In relation to Calendar 1994, those recorded in the negative are Senators Akshar, Bonacic, Carlucci, Croci, Funke, Golden, Griffo, Hannon, Kaminsky, Kennedy, Lanza, Larkin, LaValle, Marcellino, Martins, Murphy, O'Mara, Ortt, Ranzenhofer, Ritchie, Serino, Venditto and Young. Also Senator Gallivan.

Ayes, 38. Nays, 24.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1995, substituted earlier by Member of the Assembly Otis, Assembly Print 9694, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 1995, those recorded in the negative are Senators Akshar, Bonacic, Carlucci, Croci, Funke,

Gallivan, Golden, Griffo, Hannon, Kaminsky, Kennedy, Lanza, Larkin, LaValle, Marcellino, Martins, Murphy, O'Mara, Ortt, Ranzenhofer, Ritchie, Serino, Venditto and Young.

Ayes, 38. Nays, 24.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1996, substituted earlier by Member of the Assembly Paulin, Assembly Print 9690, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1996, those recorded in the negative are Senators Akshar, Bonacic, Carlucci, Croci, Funke, Gallivan, Golden, Griffo, Hannon, Kaminsky, Kennedy, Lanza, Larkin, LaValle, Marcellino,

Martins, Murphy, O'Mara, Ortt, Ranzenhofer, Ritchie, Serino, Venditto and Young.

Ayes, 38. Nays, 24.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1997, substituted earlier by Member of the Assembly Otis, Assembly Print 9693, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1997, those recorded in the negative are Senators Akshar, Bonacic, Carlucci, Croci, Funke, Gallivan, Golden, Griffo, Hannon, Kaminsky, Kennedy, Lanza, Larkin, LaValle, Marcellino, Martins, Murphy, O'Mara, Ortt, Ranzenhofer, Ritchie, Serino, Venditto and Young.

Ayes, 38. Nays, 24.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1998, substituted earlier by Member of the Assembly Fahy, Assembly Print 9713, an act to amend Chapter 405 of the Laws of 2005.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 1998, those recorded in the negative are Senators Akshar, Croci, Funke, Griffo, Kaminsky, Lanza, Larkin, Marcellino, Martins, Murphy, Ranzenhofer, Ritchie and Venditto. Also Senator Golden. Also Senator Young. Also Senator Hannon. Also Senator Bonacic.

Ayes, 45. Nays, 17.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 1999, substituted earlier by Member of the Assembly Rozic, Assembly Print 9870, an act to amend the Civil Service Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2000, substituted earlier by the Assembly Committee on Rules, Assembly Print 10668, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Ortt recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2001, substituted earlier by Member of the Assembly Murray, Assembly Print 10014A, an act in relation to granting.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2002, by Member of the Assembly Skoufis, Assembly Print 9776, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 2002, those recorded in the negative are Senators Akshar, Bonacic, Carlucci, Croci, Funke, Gallivan, Golden, Griffo, Hamilton, Hannon, Kaminsky, Kennedy, Lanza, LaValle, Marcellino, Martins, Murphy, O'Mara, Ortt, Ranzenhofer, Ritchie, Serino, Venditto and Young.

Ayes, 38. Nays, 24.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2003, by Senator Valesky, Senate Print 7553A, an act to amend the Environmental Conservation Law.

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

ACTING PRESIDENT GRIFFO: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 2004, substituted earlier by Member of the

Assembly Steck, Assembly Print 10248, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Krueger recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2005, substituted earlier by Member of the Assembly Barrett, Assembly Print 10302, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce

the results.

THE SECRETARY: In relation to Calendar 2005, those recorded in the negative are Senators Akshar, Bonacic, Carlucci, Croci, Funke, Gallivan, Golden, Griffo, Hannon, Kaminsky, Kennedy, Lanza, Larkin, LaValle, Marcellino, Martins, Murphy, O'Mara, Ortt, Ranzenhofer, Ritchie, Serino, Venditto and Young.

Ayes, 38. Nays, 24.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2006, substituted earlier by Member of the Assembly Brindisi, Assembly Print 10362A, an act to amend Chapter 367 of the Laws of 2013.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2007, by the Senate Committee on Rules, Senate Print 8049, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2008, by Senator DeFrancisco, Senate Print 8127, an act relating to.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 2008, those recorded in the negative are Senators Avella, Breslin, Carlucci, Comrie, Espaillat, Gianaris, Hassell-Thompson, Hoylman, Kennedy, Klein, Krueger, Latimer, Martins, Panepinto, Peralta, Perkins, Rivera, Savino, Serrano, Squadron, Stewart-Cousins and Valesky.

Ayes, 40. Nays, 22.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2009, by Senator O'Mara, Senate Print 8158, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco --

SENATOR DeFRANCISCO: Lay it aside temporarily.

ACTING PRESIDENT GRIFFO: The bill will be laid aside temporarily.

It's high. Despite the fact that we have a message, there's an Assembly sub on its way.

THE SECRETARY: Calendar Number 2010, by Senator Flanagan, Senate Print 8159, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: The bill is high and ineligible for consideration. It will be laid aside temporarily.

THE SECRETARY: Calendar Number 2012, substituted earlier by Member of the Assembly Buchwald, Assembly Print 10033, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Squadron to explain his vote.

SENATOR SQUADRON: I'd like to congratulate Senator Lanza for this bill.

(Laughter.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 2012, those recorded in the negative are Senators Akshar, Bonacic, Carlucci, Croci, Funke, Gallivan, Golden, Griffo, Hannon, Kaminsky,

Kennedy, Lanza, Larkin, LaValle, Marcellino, Martins, Murphy, O'Mara, Ortt, Ranzenhofer, Ritchie, Serino, Venditto and Young.

Ayes, 38. Nays, 24.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2013, by Senator Ortt, Senate Print 8006, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2014, substituted earlier by the Assembly Committee on Rules, Assembly Print 10736, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Can I have some order in the house, please.

Senator Bonacic to explain his vote.

And again, I'm going to ask for order in the house. You were so quiet for so long.

Go ahead, Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

First of all, this bill will authorize the Gaming Commission to register businesses to operate online interactive fantasy sports websites in New York.

It also provides legislative findings that interactive fantasy sports requires a significant degree of skill and, as such, are not games of chance, which are prohibited by the New York State Constitution and the Penal Law Section 225.

Finally, it provides a regulatory structure for the offering of fantasy sports and the taxation of the proceeds from these sports.

So what we're doing here is we're authorizing these sports. We're going to regulate it, we're going to monitor it, we're going to tax it, and we're going to put consumer protections in place.

And let me just briefly tell you that there will be a 15.5 percent tax on the gross revenue. And that will be defined as interactive fantasy sports revenue minus paid entry fees and monies paid by -- for winnings paid out and promotional credits. And it will amount to roughly about $5.85 million. It would all go to education.

This is a three-way agreement with each house and the Governor.

And football season is around the corner. You're going to make a lot of New Yorkers very happy.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bonacic will be recorded in the affirmative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

If it looks like a duck, it swims like a duck, it quacks like a duck, it's a duck. This is another gambling bill. This continues New York State's path into dreaming that all of our economic development and research problems can be solved by increasing the number of people who use all of their disposable income in different styles of gambling.

Maybe we can roll them all together in a movie theater that serves liquor, and everybody can just spend their days sitting in their chairs, drinking, watching the movies, and choosing their type of online gambling.

It's not a very attractive future for the State of New York. It's not really in the best interests of the people of New York. I'm particularly entertained by the resolution on our desks clarifying that if New Jersey increases some kind of gambling for themselves, we'll explore how we can do even more. I'm not even sure we could figure out how to do even more, but I'm confident we'll see more bills in the future that just continue down this rabbit hole.

I vote no, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 2014, those recorded in the negative are Senators Amedore, Carlucci, Farley, Funke, Hoylman, Klein, Krueger, LaValle, Little, Marcellino, Marchione, Persaud, Sanders, Savino, Squadron and Stewart-Cousins. Also Senator Espaillat.

Ayes, 45. Nays, 17.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that concludes the noncontroversial reading of Senate Supplemental Calendar 56B.

SENATOR DeFRANCISCO: I'm going to call an immediate meeting of the Rules Committee.

However, due to the lateness of the hour, we have handed out sheets, those on the Rules Committee, and by agreement the three floor leaders are going to go into 332 and put it on the record, so we don't lose people between the two locations. If anybody objects to that and

wants to come to 332, they're certainly welcome to come and ask whatever questions they want.

Immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT GRIFFO: There's an immediate meeting of the Rules Committee in 332.

I would ask members to stay close to the chamber, because we're going to begin to conduct the business of the house again very shortly.

The Senate will stand temporarily at ease.

(Whereupon, the Senate stood at ease at 2:15 a.m.)

(Whereupon, the Senate reconvened at 2:42 a.m.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, Mr. President, is there a Rules report at the desk?

ACTING PRESIDENT GRIFFO: There is a Rules report at the desk.

And the Secretary will read.

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

Senate Print 8160, by Senator Flanagan, an act to amend the Election Law;

And Senate 8163, by Senator Croci, Concurrent Resolution of the Senate and Assembly.

Both bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move to accept the Rules report.

ACTING PRESIDENT GRIFFO: All in favor of accepting the Committee on Rules report say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Committee on Rules report is accepted and before the house.

SENATOR DeFRANCISCO: There is a Senate Supplemental Calendar 56C with the bills that were just on this last Rules report, and I'd

request that you call up Calendar Number 2011.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 2011, by Senator Flanagan, Senate Print 8160, an act to amend the Election Law.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Is there a message at the desk?

ACTING PRESIDENT GRIFFO: There is a message of necessity from the Governor at the desk.

SENATOR DeFRANCISCO: I move that we accept the message.

ACTING PRESIDENT GRIFFO: All in favor of accepting the message say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Please read the last section.

ACTING PRESIDENT GRIFFO: The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Squadron to explain his vote.

SENATOR SQUADRON: Thank you, Mr. President.

It's become a little bit of a cliche as we talk about this, but the hour is late and I know folks would like to get through this. But this is an important bill. It is an ethics bill. It has a number of reforms, a number of them worthy. Many of us have not had a great deal of time to review it, so there certainly are questions and more time would be of benefit. But the bill is before us, and I will be voting in favor of it.

However, I have to say this bill does seem in some ways to be missing the point. We have an ethics crisis here in Albany. We have an ethics crisis in the Legislature. We've seen

the leaders of both houses involved in corruption cases in the last year. And this bill frankly is a little bit like taking an aspirin for a broken arm. It may make you feel a little better, but it's not going to fix the underlying problem.

Because we know from those corruption cases, we know from editorial boards and good government groups across the state that the way we deal with outside income in the Legislature and the LLC loophole are central to the ethics crisis that we face today.

As you know, the LLC loophole allows nearly anonymous and unlimited sums of campaign contributions to flood our political system. It has figured prominently in scandals in Albany. And research and studies have shown again and again that it is used to undermine the campaign finance laws and the transparency laws that we have. This bill does nothing to address the LLC loophole.

Now, you've heard me talk about this again and again and again -- at this year's budget, at the end of session last year, at last year's budget. In committees, I have tried again and again. It's not just me; the Assembly has

passed bills to close the LLC loophole in each of last two years. Just today, Speaker Heastie restated its importance while announcing this bill.

The Governor has put it in the last two budget proposals. This year the Governor put out eight, count 'em, eight bills -- some of which would have even let the Legislature off the hook in order to move forward the LLC loophole -- and yet none of them have moved in this house.

Here we are, another ethics bill, another session come and gone, and in some ways it seems as though nothing has changed. Although if anyone has been watching Albany, we know that so much should have changed. The people of the State of New York know that things have changed. They are calling out for reform. They are calling out for us to stand up and say we know we must do better.

Today we are taking a positive step, but we are leaving the most important reforms on the table. And that is because, unfortunately, this house and this majority have refused to take them up.

We should be dealing with outside

income. We should be closing the LLC loophole. We are not doing those things. There are things in this bill we're doing that are positive. I'll vote yes. But the job is not done. The people of New York know that we are not addressing the crisis. And unfortunately, we will have to address it again next year.

I vote aye, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Squadron to be recorded in the affirmative.

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

I too will be voting aye on this ethics package.

You know, it is interesting, we passed a bill on fantasy sports, but I would imagine that a lot of New Yorkers think that we are actually living in a fantasy land here. Because they are concerned about ethics, they are concerned about reform and good government, and I don't think we've delivered today.

I wanted to speak specifically about outside income. I carry legislation that would limit outside income to 15 percent of your base

salary. It's modeled after members of Congress. That's what we should do in Albany.

Frankly, if we had a full-time legislature, as my bill would require, maybe we wouldn't be here at 3 a.m. in the morning passing legislation. Maybe we would actually be able to manage legislation in a better fashion where we could actually have hearings, where we could actually review the bills before us in a manner that would be respectful of the important issues that we have before us at this early morning.

I think that the reason, fundamentally, that we should have a full-time legislature, we should limit outside income, is because we report to one group of people, and that's our constituents. We shouldn't have two masters. We shouldn't have side jobs. We shouldn't have private clients. We shouldn't have an attorney-client privilege that's essentially secret, kept from our constituents.

We owe it to New Yorkers to make this legislature full-time, to limit our outside income, to follow the rules that we have before us in my legislation. And I'm hopeful that next session we can take it up.

Thank you very much. I'll be voting in the positive.

ACTING PRESIDENT GRIFFO: Senator Hoylman to be recorded in the affirmative.

Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Mr. President.

I'm probably going to be the outlier in the Senate, perhaps in the entire Legislature, because I am voting no on this bill for the very reasons that Senator Squadron and Senator Hoylman have articulated so well.

No disrespect to the crafters of this legislation or the intention behind it, but we started out this legislative session being told that we had to do something about ethics, that we had to find a way to address the issue of corruption or the conviction of some of the members of this Legislature that are no longer with us. And this is what we have been told is the solution to that.

Well, quite frankly, nobody that has gone to prison or been convicted that has served in this body was convicted of anything having to do with independent expenditures. So I don't

think this is the solution to it.

On the face, I have serious concerns about this bill because I think it's too rushed. I think there has not been enough analysis of it and the effect it could have on some entities that utilize independent expenditures, particularly labor unions. I do have a particular fondness for them. I think that we could potentially be making felons out of campaign staff innocently.

And so I'm voting no in principle, because I think this has to still be analyzed. The issue of Citizens United, the issue of independent expenditures is an issue that will rightly be dealt with by a duly elected Congress that will finally tackle that issue.

We need to do something about ethics here in New York State. I don't think this is the solution. Again, no disrespect to anybody who participated in the development. Certainly reducing the influence of money in politics is important. But I in principle am not going to vote in favor of this bill. I don't think this is the solution. And unfortunately I may be the only one, but this time I'm voting no.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Savino to be recorded in the negative.

We're going to continue explanation of votes, but I also want to remind the members that we have our time restriction on the explanation of votes.

Senator Kaminsky to explain his vote.

SENATOR KAMINSKY: Thank you, Mr. President.

I'm glad we're starting to talk openly and forthrightly about ethics reform. And let's continue to do so. This does mark an extremely important step.

Pension forfeiture is critically important. The public is fed up with thinking that politicians in Albany get to live by a different standard than they do. They know if they got caught stealing at their jobs, they would never get a pension and no one would think twice taking it from them. So when they see the worst politicians living off taxpayers, they are rightly fed up and angry. And it is a symbol of everything that has gone wrong.

And so today we take an important step forward to say no more. No more will corrupt convicted politicians be able to get pensions from the taxpayer. And that's an important battle in the war on corruption. But it is far, far from over.

And when we look at how far we have to go and how many steps need to be taken, I sometimes wonder what people think is actually at the root of a lot of this corruption. Pension forfeiture, critically important. But do we not think that the threat of jail, of going to federal prison -- for, in a recent case, more than 10 years -- is not enough to deter somebody from committing a crime?

So what are we going to do when we go back to our constituents and say we think there will be less corruption because we did X? What are we going to tell them? And I wonder what people think is at the root of that. And part of me thinks that some people think that the root of what we have is not a problem with Albany but a problem with overzealous prosecutors. And I think that's the exact wrong place to look.

To think that a bill passed in the

Finance Committee that would put a leash on prosecutors after all of the corruption we've had is like something from another planet. We need to have a conversation about expanding prosecutorial powers in the white-collar arena.

You know, the public corruption unit that I was proud to serve in --

ACTING PRESIDENT GRIFFO: Senator Kaminsky, can you conclude, please? We're on a two-minute explanation.

SENATOR KAMINSKY: Thank you. We need to do a lot more. We need to expand our powers for district attorneys so they have the powers federal prosecutors do. We need to restrict outside income. We absolutely need to close the LLC loophole. We need to give people real answers to these real problems, because their faith in government is lost.

Today is a good step forward; we've got a mile to go. Let's all do it together. I vote in the affirmative, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Kaminsky to be recorded in the affirmative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you,

Mr. President.

Well, I have a summary, but I'm not sure any of us could actually tell you what exactly is in this bill. It became available I believe at 1:45 a.m. It's now 10 to 3:00 in the morning. Many of us have been up for 24 hours at least.

I will tell you it's a little bit like rearranging deck chairs on the Titanic. There's a little bit of progress, there's a little more transparency. But as my colleagues have already said as they got up and spoke, it doesn't deal with the fundamental problems of ethics violations and the fact that too many things that actually are getting people in trouble and ending up having them sent to jail, everyone here actually thinks is legal.

I don't know whether all of the gambling lobbyists left the building by now. But every time there's gambling in states, there's political corruption associated within X amount of time.

So I'm sure everybody was talking about how much money they were working to move for different bills this week. Was it legal? I

don't know. But if we don't get money out of politics, we're just going to continue the same cycle.

So out of respect for the fact that there are some things in here that I like at 3:00 in the morning, I'll vote for the bill. But please don't anyone have the illusion we got anything done the way the public needed us to get things done.

And frankly, if we don't hurry up and figure out how we write the right bills and set the correct rules for ourselves as legislators, we'll just watch the next group get rolled out of here by prosecutors and we'll read the newspaper stories and say, What the hell are we doing with our lives?

I vote yes, Mr. President.

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

Senator Panepinto to explain his vote.

SENATOR PANEPINTO: Yes, thank you, Mr. President.

Senator Savino won't be alone in voting against this bill. You know, I've made

the choice to leave this chamber. And we do need ethics reform. But -- and so I have a little more flexibility than some of us here.

But this is a flawed bill which is intended to disenfranchise working people in this state. Because I think it singles out labor PACs for different treatment than hedge fund people, for different treatment than charter school PACs. And we're putting, you know, the working people of New York State at a disadvantage because they will not be able to exercise their collective power in the political process.

So we need ethics reform, we need good ethics reform, we need to close the LLC loophole. But this bill punishes the working people of this state and attempts to disenfranchise them in a way that should not happen in New York State. So I will join Senator Savino in voting no against this legislation.

ACTING PRESIDENT GRIFFO: Senator Panepinto to be recorded in the negative.

Senator Sanders to explain his vote.

SENATOR SANDERS: Well, I'm not going to go as far as my colleague before me, but I will say this, that this is -- it's a step

forward, we can't argue that, but it's a baby step. And if we believe that this is the only step that we need, then it's a step backwards.

Until we get serious and say that we want to take this flood of money out of politics and close the LLC loophole, until we get serious and say that we need a full-time Legislature which has limited outside income, until we have campaign matching funds -- until we find ways of doing these things, we are not going to address the needs of the people.

This bill, I agree, seems to strike at the power of working people, of unions in particular, and leave the hedge funds unharmed, untouched.

So under those conditions, I agree that it is not the full step that we need, it's a baby step. But we need some type of step, and let's take it together.

Thank you, Mr. President. I'm voting yes.

ACTING PRESIDENT GRIFFO: Senator Sanders to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60. Nays, 2.

Senators Panepinto and Savino recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will continue.

THE SECRETARY: Calendar Number 2015, by Senator Croci, Senate Print 8163, Concurrent Resolution of the Senate and Assembly.

ACTING PRESIDENT GRIFFO: Call the roll on the resolution.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Croci to explain his vote.

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

You know, too often Americans I think have expressed that government is letting them down and that we're not listening. A historic step has been taken tonight with regard to a constitutional amendment in this state to take pensions away from individuals who have violated a public trust. Those individuals, elected or high appointed officials, will now be denied a public pension if they have violated that public trust.

That's what the men and women who are meeting you in a deli for coffee in the morning are asking for. That's what they're invested in. They know the public pensions come out of their pockets, and they very much want that taken away.

We have taken that step tonight. A constitutional amendment is no small thing. And I'm very pleased that we have done that. I think that there is a lot more work to do, but I think, you know, that the men and women who we represent invest a lot of time and emotion into us. They look at who we are, they try to determine if they're going to vote for us and reelect us. And sometimes it takes them by surprise when things happen. But tonight I think we've given them a reason again to believe in us.

And I think that this is an important step forward, and I just congratulate this chamber that here in Albany, in New York State, we were able to do this. I congratulate my colleagues. And I congratulate our colleagues in the Assembly, Assemblyman Buchwald, who has helped so diligently with this.

So I will be voting aye.

ACTING PRESIDENT GRIFFO: Senator Croci to be recorded in the affirmative.

Senator Savino on the resolution.

SENATOR SAVINO: Thank you, Mr. President.

Again, I'm sure I will be an outlier.

I appreciate Senator Croci and his work on this and the feelings of everyone in this chamber, and certainly everyone in the Legislature and in the state. I am as offended as anyone by the criminality of someone who abuses the public trust.

I vote against this, as I voted against the previous resolution, because I've spent the better part of my career protecting the concept of defined benefits, fighting to make sure we recognize that pensions are not a reward for good or bad behavior. They're not like a gold watch. They are property. They belong to us individually, to all members of the pension system.

So I have a concern about this slippery slope. I hate to use that term, but I worry about that. Because once you crack the

door open, we will begin to see all sorts of reasons why we should strip pensions from anybody.

At the end of the day, our pension is the subject of deferred -- compulsory deferred salary. It is taken from us, goes into the pension system, and when we retire and collect that pension, it is not taxpayer-funded. It is taxpayer-guaranteed, though. It is taxpayer-guaranteed. So if the pension system defaults, the taxpayers have to make up for it. It's never happened. We have the best system in the country.

But it is our property, and we should not be deprived of our property in the absence of due process. So I'm going to continue to oppose this concept, not because I care about enriching criminals or I'm not as offended as you are, but I worry more about the slippery slope. Because there are many, many people that have spent a long time trying to deprive hardworking people of defined benefits; they would take away all of our pensions. And I will stand guard against that as long as I have to.

So unfortunately, Senator Croci, I

have to vote against this measure. But I do appreciate your efforts and the efforts of all of my colleagues to bring justice for the people of the State of New York.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Savino is recorded in the negative.

Senator Hamilton to speak on the resolution.

SENATOR HAMILTON: Yes, Mr. President, I rise to congratulate Senator Croci on the bill.

But I have to agree with Senator Savino. Our pensions are a property right that we worked hard for. And we need to end corruption. But my concern is for the family -- for the housewife who stood by her husband for 30 years, took care of the children. What happens to her if the pension is taken away? How does she survive?

So we need to end corruption, but at the same time we cannot devastate families and women who usually stay at home.

So I'm going to vote in the affirmative, but I think we need to look at this

in the future to mitigate the harsh reality on the women who usually stay home and work hard, and to make sure that no family is devastated fully for a bad act.

And I just want to say -- that's all I have to say. Thank you.

ACTING PRESIDENT GRIFFO: Senator Hamilton is recorded in the affirmative.

Announce the results on the call of the resolution.

SENATOR HAMILTON: I'm voting down.

ACTING PRESIDENT GRIFFO: The Secretary will announce the results.

THE SECRETARY: In relation to Calendar 2015, those recorded in the negative are Senators Hamilton, Hassell-Thompson, Montgomery, Panepinto and Savino.

Ayes, 57. Nays, 5.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator DeFrancisco, that completes the reading of Senate Supplemental Calendar 56C.

SENATOR DeFRANCISCO: All right, can we go back to Senate Supplemental Calendar Number 56B.

ACTING PRESIDENT GRIFFO: We will return to Senate Supplemental Calendar 56B.

SENATOR DeFRANCISCO: And on page 3 of that calendar, 56B, is Calendar Number 2009, by Senator O'Mara.

Is there a message from the Assembly?

ACTING PRESIDENT GRIFFO: We have a substitution at the desk.

The Secretary will read.

THE SECRETARY: Senator O'Mara moves to discharge, from the Committee on Rules, Assembly Bill Number 10740 and substitute it for the identical Senate Bill 8158, Third Reading Calendar 2009.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2009, by the Assembly Committee on Rules, Assembly Print 10740, an act to amend the Public Health Law.

SENATOR DeFRANCISCO: We will now take up that bill.

Is there a message of necessity at

the desk?

ACTING PRESIDENT GRIFFO: There is a message of necessity at the desk.

SENATOR DeFRANCISCO: In that case, I move to accept it.

ACTING PRESIDENT GRIFFO: All in favor of accepting the Governor's message of necessity indicate by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted, and the bill is before the house.

SENATOR DeFRANCISCO: Can we now take up that bill.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill

is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Now can we go to Supplemental Calendar 56A.

ACTING PRESIDENT GRIFFO: We will return to Supplemental Calendar 56A.

SENATOR DeFRANCISCO: And there were two bills laid aside temporarily many, many hours ago. One is Calendar 1960. I would like to lay that aside for the day.

ACTING PRESIDENT GRIFFO: Calendar 1960 is laid aside for the day.

SENATOR DeFRANCISCO: Similarly, 1967 on that same calendar, I would like to lay that aside for the day.

ACTING PRESIDENT GRIFFO: Calendar Number 1967 will be laid aside for the day.

SENATOR DeFRANCISCO: Next can we go to Calendar Number 56B.

ACTING PRESIDENT GRIFFO: Returning to Calendar Number 56B.

SENATOR DeFRANCISCO: And on page 4 of that calendar, if we'd go to Calendar 2010.

ACTING PRESIDENT GRIFFO: We will be on Calendar 2010.

SENATOR DeFRANCISCO: And is there a message of necessity at the desk?

ACTING PRESIDENT GRIFFO: Let us read first.

The Secretary will read.

THE SECRETARY: Calendar Number 2010, by Senator Flanagan, Senate Print 8159, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Now, Senator DeFrancisco, there is a message at the desk.

SENATOR DeFRANCISCO: I move to accept it.

ACTING PRESIDENT GRIFFO: All in favor of accepting the message say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The message is accepted, and the bill is before the house.

SENATOR DeFRANCISCO: Please take up the bill.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Klein to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

I want to speak on one portion that I want to thank all of my colleagues. We worked very hard on this issue. This is the issue of zombie properties.

You know, over the past year I put together reports all over the state to shed light on the problem of zombie properties. These are properties that are sort of in this legal limbo. They're in foreclosure, but the final foreclosure didn't take place. The homeowner is long gone, so they're abandoned, and they've become blights in our community.

Again, I want to thank my colleagues because I've had the opportunity to work with Senator Funke and Senator Robach in Monroe County, I had the opportunity to work with

Senator Croci in Suffolk County, Senator Murphy in the Hudson Valley region, and of course Senator Kennedy in Buffalo.

I also want to thank the former chair and sort of the house expert on banking, Senator Farley, for his support on this issue as well.

This is something that's extremely important. Because what we've found over the years, for every zombie property on a block, surrounding home values go down $5,000 per zombie home.

So what we're saying is individuals who did the right thing, they paid their mortgage, they had nothing to do with the financial meltdown or the foreclosure crisis, their properties are going down $5,000 per foreclosed home. We saw in areas property values as a whole going down $15 million, $20 million, contingent upon the area and how many zombie properties they had.

Well, this legislation really takes, I think, a very comprehensive approach to finally fix this problem. First and foremost, we're going to create a registry under the auspices of

the Division of Financial Services, which is going to track zombie properties.

Banks will now be required to report those zombie properties that are now abandoned, after due diligence. We're also giving communities the opportunity to call a 1-800 number to report zombie properties. And once the banks are put on notice, if they don't repair the properties, they will be fined $500 per day for failure to repair.

You know, nobody wants a dilapidated home on their block. Nobody wants to have squatters living in these abandoned homes. So I think, all in all, we've gone a long way towards making sure this problem is corrected.

I think this is something that is extremely important. As part of this bill, we now give banks the duty or the requirement to actually now maintain these homes.

Another part that we corrected is we expedited our foreclosure process in the State of New York. So now once the foreclosure process is moving along, we now give banks the opportunity to move the foreclosure, making sure the property is abandoned, and maintain these homes.

I think what we did today is something important. We have now kept the American dream of homeownership alive, not only for this generation but future generations.

I vote yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Klein recorded in the affirmative.

Senator Kaminsky to explain his vote.

SENATOR KAMINSKY: Thank you, Mr. President.

After the foreclosure crisis and Hurricane Sandy, as many of my colleagues know, the South Shore of Long Island has a real plight of zombie properties. They can really take a toll on a community and a neighborhood. They're quite dangerous. They lower property value. And it really, you know, was a real terrible sign about ineffective government.

So today is a real big step forward, and I congratulate Senator Klein for his really hard work on this.

I had Speaker Heastie in my district, and I remember him looking at a sign on the window that said "Not Fit for Human

Habitation," and I would like to think that moment played a small part in having the bills come together today. So this is a really terrific moment.

But there is another part of this bill that is troubling, that we haven't really addressed the link between teacher evaluations and school funding. Why those things are tied together, I don't understand. We continue to live in this bizarre world where we say we've taken a timeout, we say there's a moratorium on tests, we say we're recalibrating how we test teachers, the Common Core rollout has been stopped -- and yet we tie our most precious school funding to that very system.

It's certainly broken. Our school funding is too important to have to run this gauntlet. And at some point we're going to look at this evaluation system and want to do something real about it and not want it to be anywhere near our testing. Kicking the can down the road three months doesn't really do that. We really haven't stepped up to the plate on that. We have to tackle that as soon as we can next year.

But there are important parts of this bill that are going to benefit our communities tremendously, so I will vote in the affirmative.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Kaminsky to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Latimer recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator LaValle, that completes the reading of Senate Supplemental Calendar 56B.

SENATOR LaVALLE: Mr. President, are there messages from the Assembly at the desk?

ACTING PRESIDENT GRIFFO: There are.

The Secretary will read.

THE SECRETARY: The Assembly sent for concurrence the following bill. On motion by Senator Flanagan, the rules were suspended and said bill ordered to a third reading: Assembly Bill Number 8019C.

ACTING PRESIDENT GRIFFO: Without

objection, so ordered to third reading.

The Secretary will read.

THE SECRETARY: Calendar Number 2016, by Member of the Assembly O'Donnell, Assembly Print 8019C, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Breslin to explain his vote.

SENATOR BRESLIN: Thank you, Mr. President.

This bill that was just put on our desks, S5984, a Golden-O'Donnell bill, it appears as though it was intended for New York City. But it's quite clear that when they -- in the analysis portion of it, that it could substantially increase the cost of school buses throughout upstate New York and have a dramatic impact on existing and future contracts without a

negotiated settlement, which could raise the prices for school districts, which are tremendously under pressure now with the tax cap.

So accordingly, I vote no and would hope that the sponsors would look at an amendment to exclude the New York City area and identify their area as the portion of the state that they are concerned with.

And again I vote no, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Breslin recorded in the negative.

Senator Stavisky to explain her vote.

SENATOR STAVISKY: Thank you, Mr. President.

I'm going to vote no because this bill links the transportation costs to different consumer price indices. There are a lot of consumer price indices. There are some that deal with education or higher education, known as HEPI, and it's unfair to link it to different consumer price indexes.

And therefore I vote no.

ACTING PRESIDENT GRIFFO: Senator Stavisky to be recorded in the negative.

I need a show of hands again if you're in the negative.

This bill is on your tablets.

Announce the results.

THE SECRETARY: In relation to Calendar 2016, those recorded in the negative are Senators Addabbo, Breslin, Comrie, Hamilton, Kaminsky, Kennedy, Latimer, Montgomery, Panepinto, Perkins, Persaud, Rivera, Sanders, Stavisky and Stewart-Cousins. Also Senator Carlucci. Also Senator Little. Also Senator Griffo.

Ayes, 44. Nays, 18.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Could we return to motions and resolutions. There should be a resolution by Senator Flanagan at the desk.

ACTING PRESIDENT GRIFFO: We will return to motions and resolutions.

SENATOR DeFRANCISCO: Read the title only, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution by Senator Flanagan, recognizing the importance of protecting New York State's gaming market, and state revenues derived therefrom, against dilution resulting from new gaming competition in neighboring states.

ACTING PRESIDENT GRIFFO: All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(Response of "Nay.")

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: You have resolutions from the Finance Committee at the desk. Could they be read, please.

ACTING PRESIDENT GRIFFO: There are resolutions at the desk, and they have been put on the members' desks.

And the Secretary will begin to read.

THE SECRETARY: Senate Resolution 6503, by Senators Flanagan and Klein, LBD Number 97821-05-6, establishing a plan setting forth a

methodology for allocating certain appropriations for the 2016-2017 state fiscal year for services and expenses.

ACTING PRESIDENT GRIFFO: Call the roll on the resolution.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

THE SECRETARY: Senate Resolution 6504, by Senators Flanagan and Klein, LBD Number 97844-04-6, establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2016-2017 state fiscal year for services and expenses of military base retention and research efforts.

ACTING PRESIDENT GRIFFO: Call the roll on the resolution.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

THE SECRETARY: Senate Resolution 6505, by Senators Flanagan and Klein, LBD Number 97856-02-6, establishing a plan setting forth the

methodology for allocating a certain appropriation for the 2016-2017 state fiscal year, for additional grants in aid to certain school districts, public libraries and not-for-profit institutions.

ACTING PRESIDENT GRIFFO: Call the roll on the resolution.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

THE SECRETARY: Senate Resolution 6506, by Senators Flanagan and Klein, LBD Number 97792-05-6, establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2016-2017 state fiscal year: PUBLIC PROTECTION.

ACTING PRESIDENT GRIFFO: Call the roll on the resolution.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

THE SECRETARY: Senate Resolution 6507, by Senators Flanagan and Klein, LBD Number

97816-08-6, establishing a plan setting forth an itemized list of grantees for certain appropriations for additional grants-in-aid to certain school districts, public libraries, and not-for-profit institutions in the 2016-2017 state fiscal year.

ACTING PRESIDENT GRIFFO: Call the roll on the resolution.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

THE SECRETARY: Senate Resolution 6508, by Senators Flanagan and Klein, LBD Number 97842-03-6, establishing a plan setting forth an itemized list of grantees for the New York State Economic Development Assistance Program.

ACTING PRESIDENT GRIFFO: Call the roll on the resolution.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, can we

return to messages from the Assembly.

ACTING PRESIDENT GRIFFO: We will return to messages from the Assembly.

And the Secretary will read.

THE SECRETARY: The Assembly sent for concurrence the following bill. On motion by Senator Flanagan, the rules were suspended and said bill ordered to third reading: Assembly Bill Number 8365.

ACTING PRESIDENT GRIFFO: Without objection, it will be directed to third reading.

The Secretary will read.

THE SECRETARY: Calendar Number 2017, by Member of the Assembly Heastie, Assembly Print 8365, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: Ayes, 59. Nays, 3.

Senators Avella, Carlucci and Kennedy recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Is that it?

ACTING PRESIDENT GRIFFO: That is it.

(Laughter.)

SENATOR DeFRANCISCO: In that case, we're going to recognize the leaders to make comments appropriate for 3:25 in the morning.

(Laughter.)

SENATOR DeFRANCISCO: First, Senator Stewart-Cousins, please.

ACTING PRESIDENT GRIFFO: First of all, can I have some order in the house, please.

Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Good morning. Good morning!

SENATORS: Good morning!

(Laughter.)

SENATOR STEWART-COUSINS: Thank you, Mr. President.

And I want to begin by thanking

Senator Flanagan. Senator Flanagan, it has been a privilege to work with you. Your friendship, your accessibility, your willingness to work across the aisle is very much appreciated. So thank you.

And Senator Klein, you as well. It's a pleasure to have a partnership with you and to, as we say, get things done.

Speaking of partners, I also want to thank Governor Cuomo, who helped us achieve some historic victories this year. And of course Speaker Heastie, who has been a friend and a real progressive leader.

I also want to take a moment to mention two Democratic members who have decided to retire from the chamber.

Ruth, you have been an inspiration and a fighter for justice for the entire time you've been here, 16 years. We will miss you. And we do look forward to working with you in your continued role in public service.

Thank you so very much.

(Standing ovation.)

SENATOR STEWART-COUSINS: So good everybody's awake. I've got more.

(Laughter.)

SENATOR STEWART-COUSINS: And of course Senator Panepinto. You obviously have not been here as long as Ruth, but clearly in the short time you've been in this chamber, you've made a real difference. And it's a pleasure, it has been a pleasure to work with you because it is just clear that you truly care about working people and the people of Western New York. I wish you continued success.

Thank you, Senator Panepinto.

(Applause.)

SENATOR STEWART-COUSINS: I know that obviously Senator Flanagan will recognize Senators who are departing from that side.

But Senator Farley, Senator Nozzolio, and Senator Martins -- again, we are obviously on different sides of the aisle, but your service in this chamber has really helped to strengthen not only us, but the state. So again, you will be missed, and thank you so very, very much for what you have given us.

Now I want to just take a moment to thank our staffs. And we know how they work to make us all look good. And that's staff on both

sides of the aisle.

And I will just give a shout-out to Beth -- hey, Beth -- you know, because we spend a lot of time together, and it's very, very much appreciated.

And of course in terms of our great staff, I want to give a special thank you to Suzy Ballantyne, my chief of staff; to Shontell, who is, you know, just hard-driving; and to Mike and Louie, who head up departments that, again, help us to get the job done.

Thank you all for your work.

(Applause.)

SENATOR STEWART-COUSINS: And then I just want to speak about my conference. And I'm going to take a few minutes to do this, because I don't get a chance usually to thank you. I thank you collectively, but individually -- it's late, it's already late, so I'll just take a minute or so.

But I want to thank you, first of all, to my deputy, Senator Gianaris, whose just fabulous work on the floor makes it all happen and makes it all happen in ways that we are very proud and pleased and get the job done.

And I know that you've had different partners, and Senator DeFran has been, you know, certainly a great partner in that, after Senator Libous.

But again, the work that you do here makes all the difference for what we are able to accomplish. So thank you, Senator Gianaris.

(Applause.)

SENATOR STEWART-COUSINS: When I think about my conference, I think of the admonition of Frederick Douglass. Frederick Douglass said: Agitate, agitate, agitate.

And that's what we've done. We've agitated and we've advocated. We may not get the credit, we may not get the accolades, but we've put our heads down and we've made it clear that we stand up for all New Yorkers. We have tried to point the way.

We are the conference that for many years has fought to lift over a million people out of poverty and provide a real minimum wage. And this year, in this chamber, with agitation and advocacy, we succeeded. We're a conference that agitated for paid family leave. And this year, in this chamber, we got it. And let me

give special thanks to Senator Addabbo here, and to Senator Savino and Senator Klein. Incredible work.

This was a conference that pointed to the growing heroin problem. Way back in 2013, Senator Breslin and Senator Montgomery and Senator Parker held hearings on this issue, came up with some great legislative ideas to combat this growing epidemic. And yesterday, in this chamber, those efforts came to fruition and this house actually passed legislation and, most importantly, finally reversed 40 years of misguided drug policy. Thank you.

In this conference, with Senator Latimer as our Education ranker, we pointed out problems with the teacher evaluation process, the flawed rollout of Common Core, we pointed out the need for more funding and better funding and more equal distribution. And this year -- thank you again -- we've increased the funding.

We, along with Dreamers Senator Peralta, Senators Espaillat, Perkins and Rivera, and our Higher Education ranker Senator Stavisky, pointed out that all of our children deserve access to affordable, quality higher education.

We fought to make sure our students are safe, to make sure they have opportunities to thrive and the technological tools to succeed. And thank you, Senator Hamilton, for your strong voice in that regard.

We're a conference, with the help of so many great women like Senator Krueger and Senator Persaud, that talked about the importance of women's health. And this year, not only did we pass smart breast cancer bills and legislation, but we passed maternal depression legislation -- although, as we know, we still have to fight for women's control over their health choices.

We're a conference that advocates for justice and agitates for the vulnerable. And Senator Díaz, who is recuperating, is somebody who fights for seniors and makes sure that they get the proper respect and resources that they deserve.

We've agitated for our small businesses, one of the special interests of Senator James Sanders. Thank you.

We're a conference that's looked at transportation and infrastructure. And we want

to thank Senator Martin Dilan for your work in that area.

We're a conference with Senator Serrano out front fighting for our environment and making sure that our parks are fully funded.

We're a conference that agitates for all New York, from the tip of Long Island -- and of course with Senator Kennedy's advocacy -- to the streets of Buffalo.

And while it's very disappointing, Senator Hoylman, that we didn't pass the Child Victims Act today, you made this issue move forward and we're closer than ever to bringing justice to victims.

And finally, we're a conference that year after year has called for strong election and ethics reforms, with so many great reformers leading the fight, including Senator Squadron, who chaired our policy group; Senator Comrie, ranker on Elections; and our newest member, Senator Kaminsky.

And while we're finally dealing with some of the problems that we've been pushing for years, we know there's still more to do. To be clear -- and I know it's clear, because we've

said it -- these reforms today, while a good step, don't address the scandals that have rocked this building.

We needed to take concrete steps to restore trust in our state government, including restricting outside income, closing the LLC loophole, and reforming our broken campaign finance system. While of course this is disappointing, we will, as a conference, continue to agitate, agitate, agitate for a government that's worthy of our great state.

But it is an incredible honor to serve in this body, and it's an incredible honor to serve with all of you on both sides of the aisle.

So in closing, thank you for your friendship, thank you to my conference for being a great conference. Good luck in this election year. I'm sure we will see each other next year.

God bless. Thank you.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Stewart-Cousins.

Senator Klein.

SENATOR KLEIN: Thank you,

Mr. President. Thank you all very, very much.

I too want to say a very special thank you to my colleague the Democratic leader of the Senate, Senator Andrea Stewart-Cousins. It was a pleasure partnering on so many issues this year to make New York a better place.

I also want to thank our Majority Leader, Senator John Flanagan, who certainly has had a baptism by fire. But, you know, I've watched a lot of leaders over the years in both the Assembly and the Senate, but there's very few who have risen to the occasion so quickly as John.

He's hardworking, he cares about his members, he cares about all of us. He's a true leader, and I think he deserves a tremendous round of applause.

(Applause.)

SENATOR KLEIN: I too want to wish the very best to our colleagues on both sides of the aisle who are leaving us. We learned so much from you over the years. It was a pleasure to work with each and every one of you, again, to further the interests of New Yorkers.

As a conference of five, luckily I

can't afford to lose any members, so they're all going to stay right here as long as possible. But I too want to thank my members, my colleagues, my friends in the Independent Democratic Conference.

Senator Valesky, who serves as our floor leader, who does a tremendous job in making sure the trains run on time in the State Senate; Senator Carlucci, Senator Avella, of course Senator Savino -- these are some of the hardest-working members ever. As Senator Stewart-Cousins said, they can be agitators. But more importantly, they have a laser-beam focus on getting things done that they care about. No one cares more about accomplishing what the residents of their districts send them here to do. And it's a pleasure to serve with them and, more importantly, it's a pleasure to call them friends.

You know, this was certainly a session which was marked by much turmoil. You know, we've seen it before, but certainly never this degree. To lose two leaders of both of our respective houses is something that certainly would shock any legislative body. But I think

the best way we're able to regain the voters' trust, the best way that we can make sure that things get done was both of us, all of us here on both sides of the aisle, of getting things done, to show that we can function as one of the great legislative bodies, the upper house of our Legislature, the New York State Senate.

Getting things done like paid family leave, making sure people no longer have to choose between what their heart tells them to do and what their pocketbook allows them to do. Raising the minimum wage to $15 for some of the hardest-working workers here in New York State. To actually put forth the largest middle-income tax cut in the history of State of New York, to benefit all hardworking New Yorkers. Those are things that if we're lucky, we can get done over a 10-year period. We accomplished it in two.

And to now turn around, in the waning days of session and protect homeowners all over the State of New York from zombie properties, to make sure that the children of East Ramapo get the education they deserve -- thanks to David Carlucci. To make sure that we still lead in this state, that we make sure that

we do what our constituents sent us here to do, solve problems.

I think all of us will recognize the only way we're going to get ahead of the curve and the only way we're going to continue to serve is to work together. I think everyone realizes that the public trust is a sacred trust. And by working together and doing the people's business, I think we can best accomplish that.

I also want to say a very special thank you to staff. I think all of us know -- it amazes me sometimes -- how they work so hard on very little sleep and can produce so many reports and negotiations and everything else. And I certainly want to thank my chief of staff, who was with us a long time, but assumed the role of chief of staff only over the last couple of months -- she certainly rose to the occasion -- my chief of staff of the IDC, Dana Carotenuto; deputy chief of staff, Jessica Joyce; policy director, Gabriel Paniza; my counsel, Shelley Andrews; director of communications, Candice Giovi; and director of finance, Francesc Marti. I'd like to give you all a tremendous round of applause.

(Applause.)

SENATOR KLEIN: And, you know, one of the things that I've certainly learned over last sort of two years now, especially over the last year, is the Republican staff. Hardworking, dedicated, but one special lady, Beth Garvey, I think is the glue that sort of keeps everything together.

She sort of has an encyclopedic knowledge of everything, she's tough but fair, and it's a pleasure to be able to work with her. And I think she deserves a special round of applause as well.

(Applause.)

SENATOR KLEIN: You know, I always say that I believe, you know, over the years and, you know, being in politics, you know, we all sometimes like the excitement of a campaign. But I think we all agree that governing is still the most important thing. So I wish all of my colleagues well, to have a safe and productive summer. And remember that good government is good politics, and good politics is good government.

Thank you all.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Klein.

Majority Leader Senator John Flanagan.

SENATOR FLANAGAN: Thank you, Mr. President.

I rise to just offer my own comments, and I -- my goodness, there are so many things to contemplate, even while other people are speaking.

Let me start by thanking the Governor of the State of New York for working with us in getting a number of very important things done, and our colleague Assemblyman Heastie, the Speaker of the New York State Assembly, for working with us as well. There's always bumps in the road, but somehow we get to the end of the road. And I think this year we have every opportunity to be proud of the work that we've done in so many different ways.

In this house I want to compliment -- and I always feel that any time I get a chance to speak about her, I want to compliment Senator Stewart-Cousins for her

extraordinary dedication to her conference, to the people that she represents, and to quality public service in the State of New York.

And we work very well together, and sometimes people don't see that. People on the outside don't always see that. It's a lot easier to write stuff that sounds -- you know, all kinds of crazy things. But our ability to work together is a reflection of how we can actually get things done.

And by extension, I would be remiss if I didn't recognize Mike Gianaris and Shontell. Senator Gianaris actually calmed John DeFrancisco down this year --

(Laughter.)

SENATOR FLANAGAN: -- which is no small feat. But to both of you, thank you for your extraordinary work as well.

To my colleague and friend and someone who I've developed a much greater affection and affinity for, that's Senator Jeff Klein. Jeff has the innate ability of coming up with issues that I've never even heard about or don't quite understand, but he always makes them important.

And by the way, if we spend any more time on zombie properties --

(Laughter.)

SENATOR FLANAGAN: Right now we probably all feel like zombies in this property at the end of the day.

But compassionate and dedicated in so many different ways, as his entire conference. I want to compliment Dana as well as for working very, very well with Beth Garvey. And, you know, we are very fortunate to have those opportunities.

So, Senator Klein, again, my deep appreciation for your leadership and your friendship.

So we have three people that I want to speak of, and I'm going to start in reverse order.

Senator Jack Martins is tenacious. He is out there nonstop, unrelenting, knows his stuff, feels passionate about issues. And watch out, Congress, because he's on his way.

To Senator Jack Martins, you have been an extraordinary colleague, a great Senator, and the people that you have represented for your

time here in the Senate have been afforded an opportunity to be very, very well served. We only wish you the best, and thank you so much for everything that you've done to help us and the people of the State of New York.

(Standing ovation.)

SENATOR FLANAGAN: And second, all of you know Senator Nozzolio has decided not to seek reelection. And I have to tell you, for me, the highlight of the latter part of session was that he came back. When he left, I don't think any of us thought -- when we finished the budget, everyone thought he was not coming back. But the good news is that he is in good health, he's in good shape.

And Mike has had a really distinguished career over so many years, serving in so many different levels of government -- a champion for the Finger Lakes region, the 54th Senate District. He's one of the first people I met when I came to Albany. He was an Assemblyman and he was a mentor and a colleague and a friend instantaneously.

So the people in his area have been blessed by his hard work and his dedication and

his unbelievable ability to deliver. So even though Senator Nozzolio is not here, I clearly want to say thank you for his many, many years of public service.

(Applause.)

SENATOR FLANAGAN: Hugh Farley -- "Huge" Farley, there he is, as he is commonly known. The champion of libraries, Senator Hugh Farley, 40 years. I don't know if that makes him dedicated or insane or a combination of both.

(Laughter.)

SENATOR FLANAGAN: But Senator Farley, for me personally -- and I think it's characteristic of how many people feel about him -- he loves the Senate. He loves public service. And he is so -- the only thing he's dedicated to more than his district and his constituents is his family. And when you talk to Senator Farley, at his core, his very core, it's all about his family.

And he's had the great fortune of being able to work with his son for so many years, who's part of our staff here. To you, Bob, thank you.

To Senator Farley, it's so hard to

quantify in such a short period of time. I think the people of the State of New York owe you a tremendous, tremendous debt of gratitude, and I think all of us individually. I feel -- I believe you've made me a better Senator. I believe you've made me a better leader. I believe you've made me a better public servant. And you have led by example. And that Irish charm and that Irish sense of humor, you've never lost a step in that regard in any single way.

So to you, Senator Farley, we are blessed and fortunate to have served with you. Godspeed to you and your family, and only the best.

(Extended standing ovation.)

SENATOR FLANAGAN: Senator Farley, I think next year we should pass a legislative resolution naming the Legislative Library after you, considering all your love for libraries.

SENATOR DeFRANCISCO: Great idea. Great idea.

SENATOR FLANAGAN: Why not, right?

So I just want to go over a couple of quick things. And I'm going to put this in kind of a dual context. I'm going to start with

this and I'm going to end with it. We are all very fortunate and privileged to serve in government. And it is harder and harder and harder to serve in government. And yet we still do it. We have our newest colleagues, Senator Persaud, Senator Akshar, who have just joined us, and we have a gentleman who served for 40 years.

So we do this because we love. We do this because we want to actually help people. And sometimes I think that gets lost in the equation in terms of how and why we do things.

So let me just tick off things that we did this year together. Together.

Heroin, $167 million appropriated, at least 11 chapters this year. And everyone knows that's quality of life that is a really, really important issue to every family in every community across the State of New York.

Breast cancer. Obviously the Governor took a deep and abiding interest in this issue because of a personal situation, and that's okay. Because that's a catalyst for actually getting things done. But all of us in this room care very deeply about those issues. And I think we have made excellent progress for access and

opportunity and excellent healthcare for women who need it in particular.

Education. I said it before; I'm not going to belabor the point. Thank God the GEA is gone. Another record aid increase in aid to education $1.4 billion. A billion dollars in the TAP program, more access and college affordability, SUNY and CUNY capital beyond what the budget had already this year. We made a lot of progress in a lot of different areas.

A multi-billion-dollar tax cut, as was described by Senator Klein. If we'd started out in the beginning of the year and said we'd have a $4-plus billion tax cut, nobody would have believed it.

Parity for transportation funding, getting back to a highway plan, a dedicated plan with long-term planning. That allows the people of the State of New York to have better highways, roads, and bridges -- and better safety.

So there are a lot of things that we have accomplished that I think we should absolutely be proud of.

And I want to talk, if I may, about the people who work here. Senator Griffo, you

and all of our colleagues who stand on that rostrum know how important a role it is. I want to thank you and everybody who's up on that podium and rostrum with you. There's no way this place runs without collegiality and efficiency. So to all of you up there and of course our colleague Senator Griffo, thank you for all the help that you give to us.

And next, Sen -- see, I almost called him Senator. Technically, he probably is. Senator Frank Patience, the Secretary of the Senate.

(Laughter; applause.)

SENATOR FLANAGAN: Frank liked that title. He's thinking twice about it now.

But, you know, Frank, he runs and ultimately he's in charge of the day-to-day operations. Everything -- leases, district offices, telephones, all those things. And he has a fantastic staff that helps him out every day.

So to you, Frank, thank you, and by extension, everyone who is part of your support staff.

And I'm going to parenthetically add

one group. In these kinds of days, this place is still immaculate, still immaculate. And we treat it like a frat house sometimes, the way we have all our food coming in. But just think of the maintenance people who do all the work to keep this place in tiptop shape. They're unheralded in many ways, but they exemplify the quality of people that we have working here.

Some of the other folks that are here, we have our communications team, led by Kelly Cummings. And when we all have an opportunity to look good, it's a function of a lot of things, and primarily it's the people who help get that stuff done. So to Kelly and her team, truly appreciate the help.

Mike Paoli, in our finance shop. Mike is a quiet gentleman who has years and years of experience and is very highly regarded and very well respected, who gets things done. And none of this stuff happens without him and everybody -- and a lot of them are standing back here -- who works in our finance office. And I have such deep appreciation and respect for all the work that they do.

Clearly our counsel's office is -- I

can't even fathom sometimes the amount of work that they do. And Beth Garvey leads our counsel's office.

And the stuff on the floor that gets done, I don't know where he is, but Joe Messina is like the closer. He's hiding back there. He gets all kinds of stuff done. He is a complete gentleman and works with everybody to make sure that we are doing things in a proper and timely fashion. And he has been complimented in his efforts by Lisa Harris, who is really, really, really good at what she does.

So we are very lucky to have someone at the helm like Beth and, by extension, everybody who works in that office as well.

In addition -- I see you're up there. She's got her arms folded. Rebecca has also been -- she's like, Finish speaking, because I want to get out of here.

(Laughter.)

SENATOR FLANAGAN: Rebecca has done an outstanding job.

And, you know, let me -- I want to add to that my personal staff, people who have been with me close to 20 years or more. I can't

do anything the way I need to, and hopefully get it done right, without their incredible dedication and support, and for that I am blessed and I am very grateful.

Here on the floor, Senator Cathy Young has distinguished herself in so many different respects, having chaired Housing and now spent a gazillion hours analyzing bills, preparing resolutions, doing hearings, enacting things here on the floor, and acquitting herself very well every single time and opportunity.

She makes us look good as a conference, I think she makes us look good as a Senate, and, Senator Young, I truly appreciate everything you do on our behalf.

And last but by clearly no means least, the ever-charming colleague, Floor Leader --

(Laughter.)

SENATOR FLANAGAN: Why does everybody laugh when I call him charming?

(Laughter.)

SENATOR FLANAGAN: I actually mean it. He is charming.

John DeFrancisco, I am personally

extraordinarily grateful to him for being a friend, a colleague, a mentor and someone who actually really cares about what he does. And when -- we don't always agree, and you know that happens with everybody in this room, he pushes, he prods, he perseveres, and all with good intent and all with good reason.

So to Senator DeFrancisco, working with Mike Gianaris, we got a lot of good things done. We got a lot of good things done.

John, thank you very, very much for all the help that you provide to all of us.

And last but by no means least, I -- if people outside here forget everything else I just said, this is what I want people to understand. What we do is important. How we do it is important. When we do it is important. But every single person in this room, Senators and staff, we should be proud of who we are, we should be proud of what we do, never walk away from it, never apologize for it, and frankly take credit for a lot of the good things that we get done.

Our staff is phenomenal. And they take tremendous pride in the work that they do.

So I just want to reiterate, we don't always get it done in a timely fashion, we may not always get it done right, but gosh darn it, these people and our colleagues here are extraordinarily dedicated people. I am proud to be a public servant. I am proud to be an elected official. And as we head off into the summer, I wish everyone a fantastic, healthy, happy and safe summer.

And, Senator Griffo, we are out of here.

(Laughter.)

SENATOR FLANAGAN: Thank you very much.

ACTING PRESIDENT GRIFFO: Thank you, Senator Flanagan.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Flanagan.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Those were all appropriate speeches for 3:20 in the morning.

(Laughter.)

SENATOR DeFRANCISCO: Now, is there any further business at the desk?

ACTING PRESIDENT GRIFFO: There is no further business before the desk.

SENATOR DeFRANCISCO: At this time I would like to move to recommit the entire calendar to Rules.

ACTING PRESIDENT GRIFFO: It is so ordered.

SENATOR DeFRANCISCO: The Senate is now adjourned and will reconvene at the call of the Majority Leader.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned at the call of the Temporary President, intervening days being legislative days.

(Whereupon, at 4:01 a.m., the Senate adjourned.)