

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 June 20, 2017

11 11:33 a.m.

12
13
14 REGULAR SESSION

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16
17
18 SENATOR THOMAS D. CROCI, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

9 ACTING PRESIDENT CROCI: In the
10 absence of clergy, may we bow our heads in a
11 moment of silent prayer and reflection.

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

14 ACTING PRESIDENT CROCI: The
15 reading of the Journal.

16 THE SECRETARY: In Senate, Monday,
17 June 19th, the Senate met pursuant to
18 adjournment. The Journal of Sunday, June 18th,
19 was read and approved. On motion, Senate
20 adjourned.

21 ACTING PRESIDENT CROCI: Without
22 objection, the Journal stands approved as read.

23 ACTING PRESIDENT CROCI:
24 Presentation of petitions.

25 Messages from the Assembly.

1 The Secretary will read.

2 ACTING PRESIDENT CROCI: On
3 page 7, Senator Bonacic moves to discharge, from
4 the Committee on Rules, Assembly Bill Number
5 4448A and substitute it for the identical Senate
6 Bill 999A, Third Reading Calendar 198.

7 On page 12, Senator Bonacic moves
8 to discharge, from the Committee on Judiciary,
9 Assembly Bill Number 1482 and substitute it for
10 the identical Senate Bill 2079, Third Reading
11 Calendar 426.

12 On page 13, Senator Avella moves to
13 discharge, from the Committee on Rules,
14 Assembly Bill Number 7553 and substitute it for
15 the identical Senate Bill 4835, Third Reading
16 Calendar 480.

17 On page 15, Senator Croci moves to
18 discharge, from the Committee on Rules,
19 Assembly Bill Number 7008B and substitute it for
20 the identical Senate Bill 5317A, Third Reading
21 Calendar 518.

22 On page 25, Senator LaValle moves
23 to discharge, from the Committee on Rules,
24 Assembly Bill Number 6893A and substitute it for
25 the identical Senate Bill 5385A, Third Reading

1 Calendar 816.

2 On page 28, Senator Savino moves to
3 discharge, from the Committee on Health,
4 Assembly Bill Number 7006 and substitute it for
5 the identical Senate Bill 5629, Third Reading
6 Calendar 903.

7 On page 29, Senator Jacobs moves to
8 discharge, from the Committee on Rules,
9 Assembly Bill Number 8408 and substitute it for
10 the identical Senate Bill 5795A, Third Reading
11 Calendar 977.

12 On page 33, Senator Larkin moves to
13 discharge, from the Committee on Aging,
14 Assembly Bill Number 1603 and substitute it for
15 the identical Senate Bill 4732, Third Reading
16 Calendar 1101.

17 And on page 34, Senator Marchione
18 moves to discharge, from the Committee on Rules,
19 Assembly Bill Number 7951 and substitute it for
20 the identical Senate Bill 5995, Third Reading
21 Calendar 1118.

22 ACTING PRESIDENT CROCI: The
23 substitutions are so ordered.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Lanza.

6 SENATOR LANZA: Mr. President, I
7 move that we adopt the Resolution Calendar, with
8 the exception of Resolution Number 2934.

9 ACTING PRESIDENT CROCI: All in
10 favor of adopting the Resolution Calendar, with
11 the exception of Resolution 2934, please signify
12 by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT CROCI: Opposed,
15 nay.

16 (No response.)

17 ACTING PRESIDENT CROCI: The
18 Resolution Calendar is adopted.

19 Senator Lanza.

20 SENATOR LANZA: Mr. President, may
21 we take up previously adopted Resolution Number
22 2573, by Senator Tedisco, read the title only,
23 and call on Senator Tedisco to speak.

24 ACTING PRESIDENT CROCI: The
25 Secretary will read, title only.

1 THE SECRETARY: Legislative
2 Resolution Number 2573, by Senator Tedisco,
3 commending the Capital Region Chamber of Commerce
4 upon the occasion of celebrating the Military
5 Appreciation event on June 20, 2017.

6 ACTING PRESIDENT CROCI: Senator
7 Tedisco on the resolution.

8 SENATOR TEDISCO: Thank you,
9 Mr. President and colleagues.

10 I'm honored today to be the sponsor
11 of UMAC Day for the Capital Region, which is
12 United Military Affairs Council Day, along with
13 the support of several of my colleagues in the
14 Capital Region -- Senator Amedore, Senator
15 Marchione, Senator Breslin.

16 To my right are several outstanding
17 members of UMAC, a whole group of tremendous
18 military leaders representing a number of
19 important military installations here in the
20 Capital Region. Along with them are their
21 partners in this partnership with UMAC, and they
22 are the representatives and leaders here in our
23 region of the Chamber of Commerce.

24 And after I say a few words, I'd
25 like to introduce them and have them stand and

1 give them an important welcome.

2 But first let me say today we
3 recognize the sacrifice and heroic service of our
4 men and women who serve and protect our country.
5 They are the best, they're the brightest, most
6 courageous and compassionate fighting force for
7 freedom on this earth. They're the men and women
8 of the armed forces of the United States of
9 America.

10 Not only is the Capital Region
11 blessed to be the home to these vital military
12 installations that keep our state and nation
13 safe, but they also provide -- as they may
14 through your senatorial area in this
15 Legislature -- our local economy with a
16 tremendous amount of economic boost, which is
17 estimated to be over \$1 billion a year to help
18 our small businesses and help expand and let our
19 economy move forward and thrive.

20 Located in Glenville, the Stratton
21 Air National Guard Base is home to the
22 109th Airlift Wing, which flies the world's only
23 ski-equipped aircraft. The 109th has the
24 responsibility of flying missions for the
25 National Science Foundation-led program to

1 Antarctica and to Greenland and the North Pole.
2 Recently, you may have seen, they flew a rescue
3 mission to Antarctica to save the life of
4 Apollo 11 astronaut Buzz Aldrin.

5 The Nuclear Power Training Unit in
6 Ballston Spa trains our naval personnel to work
7 on nuclear-powered submarines and aircraft
8 carriers. Half of the Navy's personnel who train
9 on those types of vessels come through this
10 particular facility.

11 The men and women who work on these
12 military bases are ready at a moment's notice to
13 fight for our country and defend our freedom.
14 These facilities are tremendously important to
15 our local economy. They have our backs each and
16 every day. We're here today as legislators and
17 business leaders to say we have their backs and
18 will fight to continue to support and host these
19 facilities.

20 Thank you to our servicemen and
21 -women for their patriotism, professionalism, and
22 commitment in serving our country. May God bless
23 you and your families, our great state, and the
24 United States of America.

25 At this time I would like to

1 introduce these outstanding military leaders and
2 our leaders from the Chamber of Commerce, and
3 maybe they can stand as I introduce each one of
4 them.

5 One might be recognized a little bit
6 more than some of the other ones. He was a part
7 of our family a few years back, and I heard he
8 could really hit the ball on the softball team at
9 one point.

10 His name is Colonel Shawn A.
11 Clouthier, commander of the 109th Airlift Wing,
12 Stratton Air National Guard Base, and he is part
13 of the Senate family. He was a senior account
14 clerk for the Senate for 12 years, and Frank
15 Patience says the books have never been that good
16 since you've left. So congratulations.

17 (Laughter.)

18 SENATOR TEDISCO: Colonel Alan N.
19 Ross, vice wing commander of the 109th Airlift
20 Wing, Stratton Air National Guard Base.

21 Chief Master Sergeant Denny L.
22 Richardson, command chief of the 109th Airlift
23 Wing, Stratton Air National Guard Base.

24 Commander Judd A. Krier, commanding
25 officer of the Nuclear Power Training Unit,

1 Ballston Spa.

2 Commander Robert J. Michael II,
3 commanding officer of Naval Support Activity,
4 Saratoga Springs.

5 Colonel John Andonie, chief of
6 staff, New York Army National Guard.

7 Lieutenant Colonel Mark Frank,
8 42nd Infantry Division, Headquarters and
9 Headquarters Battalion.

10 Second Lieutenant Lasheri Mayes,
11 2nd Battalion, 108th Infantry.

12 First Sergeant Leah Crisalli,
13 133rd Quartermaster Company.

14 Sergeant First Class Robert Griffin,
15 206 Military Police Company.

16 Also with us are individuals
17 returning from recent deployment: Master
18 Sergeant Henry Smith, 109th Airlift Wing;
19 Master Sergeant Michael Patterson, 109th Airlift
20 Wing; Technical Sergeant Caleb Brumleve,
21 109th Airlift Wing. He smiled then -- maybe I
22 got that a little wrong.

23 (Laughter.)

24 SENATOR TEDISCO: Representing the
25 United Military Affairs Council -- and our leader

1 on the Chamber of Commerce -- Mark Eagan, chief
2 executive officer of the Capital Region Chamber;
3 and Tom O'Connor, legislative director with the
4 Capital Region Chamber of Commerce.

5 Also with us is an important
6 individual who helps develop job creation and
7 business development and help our economy,
8 Amy Amoroso, director of the Veteran Business
9 Outreach Center.

10 Mr. President and my colleagues,
11 please welcome the best and the brightest and the
12 most fantastic group of military leaders and
13 business leaders who have worked together to keep
14 the retention of these important facilities, not
15 only protecting our freedom and liberty, but
16 protecting our economic vitality for the number
17 of jobs and dollars that flow through their
18 involvement in being here.

19 Mr. President, I wish you would
20 welcome them, commend them, salute them, and
21 offer them all the cordialities of this august
22 Senate body.

23 ACTING PRESIDENT CROCI: Thank you,
24 Senator Tedisco.

25 Senator Amedore.

1 SENATOR AMEDORE: Thank you,
2 Mr. President.

3 I rise to echo Senator Tedisco's
4 words and to showcase what I believe is our very
5 finest of the Capital Region, these great men and
6 women who wear our nation's uniform proudly in
7 service to give their all, their life, their
8 sacrifice, so that you and I can live freely and
9 believe in this great country and the values that
10 this country offers.

11 So I thank them for all of your hard
12 work, your service, and for being part of the
13 Capital Region. Because the vitality, the
14 health, the liveliness, the success economically
15 as well as security, all is a big part because of
16 the installations we have right here and the fine
17 work that you do and the service that you give
18 us.

19 So thank you all. Mr. President,
20 please again welcome them to the Senate chamber.
21 Thank you.

22 ACTING PRESIDENT CROCI: We will.
23 Senator Marchione.

24 SENATOR MARCHIONE: Thank you,
25 Mr. President.

1 I rise to add my voice and my thanks
2 to the military that are here today -- in fact,
3 all military who protect and serve. You are the
4 best of the best.

5 I'd also like to thank Senator
6 Tedisco for this resolution today.

7 You know, I'm very grateful for all
8 that you do and all the sacrifices that you and
9 your families make in protection of all of us.
10 But I also want you to know how grateful I am for
11 the community service that you provide to the
12 community and the presence that you have in our
13 community.

14 You are absolutely an economic
15 driver in all of our communities, but you also
16 are community participants. We are at many
17 events -- the Saratoga Springs Naval Group are at
18 the events that I'm at. They're at the parades.
19 They are just part of the Chamber. You have
20 integrated into our community, and you give so
21 much locally as well as the protections that you
22 provide.

23 Last week there was an event with
24 the naval group through Milton, and showing
25 different stuff to us and facilities and opening

1 up and transparency. I know that the Chamber
2 works just so closely. Amy Amoroso, thank you.

3 Thank you, you all play such an
4 integral part, not only in the protection of all
5 of us but also in the community that you just
6 embrace and become part of.

7 So thank you so very much for all
8 that you do. I'm grateful that you are here, I'm
9 grateful for our service, and I'm thankful for
10 this tremendous resolution honoring all of you.

11 Thank you, Mr. President.

12 ACTING PRESIDENT CROCI: Thank you,
13 Senator Marchione.

14 To the Capital Chamber and to all of
15 the members of our uniformed armed forces here
16 today with us, we welcome you to the New York
17 State Senate. We extend all the privileges and
18 courtesies of this house to you. On behalf of a
19 very grateful state and nation, we thank you for
20 your service to our country.

21 And with that, if you would please
22 rise and be recognized by this house.

23 (Standing ovation.)

24 ACTING PRESIDENT CROCI: Senator
25 Lanza.

1 SENATOR LANZA: Mr. President,
2 please call up Resolution Number 2934, by Senator
3 Peralta, title only.

4 ACTING PRESIDENT CROCI: Very well.

5 With relation to the previous
6 resolution, Senator Tedisco has opened it up for
7 cosponsorship. If you would like to be a
8 cosponsor, please notify the desk.

9 The Secretary will read Resolution
10 2934.

11 THE SECRETARY: Legislative
12 Resolution Number 2934, by Senator Peralta,
13 commemorating the 208th Independence Day in
14 Ecuador on August 10, 2017.

15 ACTING PRESIDENT CROCI: All in
16 favor of adopting Resolution 294 please signify
17 by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT CROCI: Opposed,
20 nay.

21 (No response.)

22 ACTING PRESIDENT CROCI: The
23 resolution is adopted.

24 Senator Lanza.

25 SENATOR LANZA: Mr. President,

1 there will be an immediate meeting of the
2 Judiciary Committee off the floor in Room 124 of
3 the Capitol for nominations.

4 ACTING PRESIDENT CROCI: There will
5 be an immediate meeting of the Judiciary
6 Committee in Room 124 of the Capitol for
7 nominations.

8 Senator Lanza.

9 SENATOR LANZA: Mr. President, may
10 we now please move to the noncontroversial
11 reading of the calendar.

12 ACTING PRESIDENT AKSHAR: The
13 Secretary will read.

14 THE SECRETARY: Calendar Number 85,
15 by Senator DeFrancisco, Senate Print 241, an act
16 to amend the Criminal Procedure Law.

17 ACTING PRESIDENT AKSHAR: Read the
18 last section.

19 SENATOR SERRANO: Lay it aside,
20 please.

21 ACTING PRESIDENT AKSHAR: Lay the
22 bill aside.

23 THE SECRETARY: Calendar Number
24 105, by Senator Avella, Senate Print 1288, an act
25 to amend the Administrative Code of the City of

1 New York.

2 ACTING PRESIDENT AKSHAR: Read the
3 last section.

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

6 ACTING PRESIDENT AKSHAR: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT AKSHAR: Announce
10 the result.

11 THE SECRETARY: In relation to
12 Calendar 105: Ayes, 56. Nays, 2. Senators
13 DeFrancisco and Krueger recorded in the negative.

14 ACTING PRESIDENT AKSHAR: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 128, by Senator Lanza, Senate Print 2600, an act
18 to amend the General Municipal Law.

19 ACTING PRESIDENT AKSHAR: Read the
20 last section.

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

23 ACTING PRESIDENT AKSHAR: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT AKSHAR: Announce
2 the results.

3 THE SECRETARY: Ayes, 58.

4 ACTING PRESIDENT AKSHAR: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 198, substituted earlier by Member of the
8 Assembly Pretlow, Assembly Print 4448A, an act to
9 amend the Racing, Pari-Mutuel Wagering and
10 Breeding Law.

11 ACTING PRESIDENT AKSHAR: Read the
12 last section.

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

15 ACTING PRESIDENT AKSHAR: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT AKSHAR: Announce
19 the result.

20 THE SECRETARY: Ayes, 58.

21 ACTING PRESIDENT AKSHAR: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 270, by Senator Golden, Senate Print 3552A, an
25 act to amend the Retirement and Social Security

1 Law.

2 ACTING PRESIDENT AKSHAR: Read the
3 last section.

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

6 ACTING PRESIDENT AKSHAR: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT AKSHAR: Announce
10 the result.

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT AKSHAR: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 350, by Senator Flanagan, Senate Print 3532, an
16 act to amend the Parks, Recreation and Historic
17 Preservation Law.

18 ACTING PRESIDENT AKSHAR: Read the
19 last section.

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

22 ACTING PRESIDENT AKSHAR: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT AKSHAR: Announce

1 the result.

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT AKSHAR: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 426, substituted earlier by Member of the
7 Assembly Weinstein, Assembly Print 1482, an act
8 to amend the Estates, Powers and Trusts Law.

9 ACTING PRESIDENT AKSHAR: Read the
10 last section.

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

13 ACTING PRESIDENT AKSHAR: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT AKSHAR: Announce
17 the result.

18 THE SECRETARY: Ayes, 58.

19 ACTING PRESIDENT AKSHAR: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 480, substituted earlier by Member of the
23 Assembly Buchwald, Assembly Print 7553, an act to
24 amend the Family Court Act.

25 ACTING PRESIDENT AKSHAR: Read the

1 last section.

2 THE SECRETARY: Section 10. This
3 act shall take effect on the 90th day.

4 ACTING PRESIDENT AKSHAR: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT AKSHAR: Announce
8 the result.

9 THE SECRETARY: Ayes, 58.

10 ACTING PRESIDENT AKSHAR: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 482, by Senator Klein, Senate Print 1990, an act
14 to amend the Administrative Code of the City of
15 New York.

16 ACTING PRESIDENT AKSHAR: Read the
17 last section.

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

20 ACTING PRESIDENT AKSHAR: Call the
21 roll.

22 (The Secretary called the roll.)

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

25 SENATOR KRUEGER: Thank you,

1 Mr. President.

2 I rise to explain why I'm voting no.
3 Not because I'm opposed to the possibility of
4 private developers getting involved in repairs to
5 NYCHA -- and it should go through a detailed and
6 complex contract process, because you can't just
7 have anybody coming into buildings and doing
8 whatever -- but I'm opposed because it actually
9 overrides the local government of New York City,
10 the City Council, the ULURP process, City
11 Planning, the borough president's ability to vote
12 to change zoning to approve or disapprove
13 development of different types and heights and
14 location, and somehow allows developers to make
15 their own deals without going through the normal
16 city process in exchange for helping NYCHA.

17 It's two things that shouldn't be
18 combined together this way without heavy input
19 from the City of New York and its local
20 government, and it's a superseding of local
21 powers. And I vote no, Mr. President.

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

24 Announce the result.

25 THE SECRETARY: In relation to

1 Calendar 482, those recorded in the negative are
2 Senators Comrie, Gianaris, Krueger, Persaud,
3 Rivera, Sanders, Serrano and Squadron.

4 Ayes, 50. Nays, 8.

5 ACTING PRESIDENT AKSHAR: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 489, by Senator Ortt, Senate Print 714, an act to
9 amend the Penal Law.

10 ACTING PRESIDENT AKSHAR: Read the
11 last section.

12 THE SECRETARY: Section 24. This
13 act shall take effect on the 60th day.

14 ACTING PRESIDENT AKSHAR: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT AKSHAR: Announce
18 the result.

19 THE SECRETARY: Ayes, 58.

20 ACTING PRESIDENT AKSHAR: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 518, substituted earlier by Member of the
24 Assembly DenDekker, Assembly Print 7008B, an act
25 to amend the Executive Law.

1 ACTING PRESIDENT AKSHAR: Read the
2 last section.

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

5 ACTING PRESIDENT AKSHAR: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT AKSHAR: Announce
9 the result.

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT AKSHAR: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 572, by Senator Bonacic, Senate Print 5377, an
15 act to amend the Racing, Pari-Mutuel Wagering and
16 Breeding Law.

17 SENATOR SERRANO: Lay it aside,
18 please.

19 ACTING PRESIDENT AKSHAR: The bill
20 is laid aside.

21 THE SECRETARY: Calendar Number
22 601, by Senator Young, Senate Print 549, an act
23 to amend the Education Law.

24 ACTING PRESIDENT AKSHAR: Read the
25 last section.

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

3 ACTING PRESIDENT AKSHAR: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT AKSHAR: Announce
7 the result.

8 THE SECRETARY: Ayes, 57. Nays, 1.
9 Senator Dilan recorded in the negative.

10 ACTING PRESIDENT AKSHAR: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 645, by Senator Hannon, Senate Print 2542A, an
14 act to amend the Tax Law.

15 ACTING PRESIDENT AKSHAR: Read the
16 last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect on the first day of the
19 month.

20 ACTING PRESIDENT AKSHAR: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT AKSHAR: Announce
24 the result.

25 THE SECRETARY: Ayes, 57. Nays, 1.

1 Senator Ranzenhofer recorded in the negative.

2 ACTING PRESIDENT AKSHAR: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 699, by Senator Marcellino, Senate Print 2587B,
6 an act to amend the Vehicle and Traffic Law.

7 ACTING PRESIDENT AKSHAR: Read the
8 last section.

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

11 ACTING PRESIDENT AKSHAR: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT AKSHAR: Announce
15 the result.

16 THE SECRETARY: Ayes, 58.

17 ACTING PRESIDENT AKSHAR: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 732, by Senator LaValle, Senate Print 3851, an
21 act to amend the Education Law.

22 ACTING PRESIDENT AKSHAR: Read the
23 last section.

24 THE SECRETARY: Section 15. This
25 act shall take effect immediately.

1 ACTING PRESIDENT AKSHAR: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT AKSHAR: Announce
5 the result.

6 THE SECRETARY: Ayes, 58.

7 ACTING PRESIDENT AKSHAR: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 733, by Senator Little, Senate Print 138, an act
11 to amend the Tax Law.

12 ACTING PRESIDENT AKSHAR: Read the
13 last section.

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

16 ACTING PRESIDENT AKSHAR: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT AKSHAR: Announce
20 the result.

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT AKSHAR: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 816, substituted earlier by Member of the

1 Assembly Thiele, Assembly Print 6893A, an act to
2 amend the Economic Development Law.

3 ACTING PRESIDENT AKSHAR: Read the
4 last section.

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

7 ACTING PRESIDENT AKSHAR: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT AKSHAR: Announce
11 the result.

12 THE SECRETARY: Ayes, 58.

13 ACTING PRESIDENT AKSHAR: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 894, by Senator Ranzenhofer, Senate Print 3875,
17 an act to amend the Education Law.

18 ACTING PRESIDENT AKSHAR: Read the
19 last section.

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

22 ACTING PRESIDENT AKSHAR: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT AKSHAR: Senator

1 Hamilton to explain his vote.

2 SENATOR HAMILTON: Yes,
3 Mr. President, I rise to vote yes on this bill.
4 I think this bill is a phenomenal bill that
5 Senator Ranzenhofer has introduced.

6 My son was in a robotics competition
7 this year, and it just stimulated his intuitive
8 knowledge of being creative. And I hope that one
9 day computer technology will be part of the
10 curriculum in our schools -- math, English,
11 science, computer technology.

12 So I just want to commend Senator
13 Ranzenhofer for introducing this bill.

14 ACTING PRESIDENT AKSHAR: Senator
15 Hamilton to be recorded in the affirmative.

16 Announce the result.

17 THE SECRETARY: Ayes, 58.

18 ACTING PRESIDENT AKSHAR: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 903, substituted earlier by Member of the
22 Assembly Gottfried, Assembly Print 7006 --

23 SENATOR DeFRANCISCO: Lay the bill
24 aside.

25 ACTING PRESIDENT AKSHAR: The bill

1 is laid aside.

2 THE SECRETARY: Calendar Number
3 911, by Senator Robach, Senate Print 409, an act
4 to amend the Penal Law.

5 ACTING PRESIDENT AKSHAR: Read the
6 last section.

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

9 ACTING PRESIDENT AKSHAR: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT AKSHAR: Announce
13 the results.

14 THE SECRETARY: Ayes, 58.

15 ACTING PRESIDENT AKSHAR: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 977, substituted earlier by Member of the
19 Assembly Simotas, Assembly Print 8408, an act to
20 amend the State Administrative Procedure Act.

21 ACTING PRESIDENT AKSHAR: Read the
22 last section.

23 THE SECRETARY: Section 8. This
24 act shall take effect October 1, 2017.

25 ACTING PRESIDENT AKSHAR: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT AKSHAR: Results.

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT AKSHAR: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1042, by Senator Funke, Senate Print 1356B, an
9 act to amend the Education Law.

10 ACTING PRESIDENT AKSHAR: Read the
11 last section.

12 SENATOR SERRANO: Lay it aside,
13 please.

14 ACTING PRESIDENT AKSHAR: The bill
15 is laid aside.

16 THE SECRETARY: Calendar Number
17 1068, by Senator Lanza, Senate Print 5016A, an
18 act to amend the Executive Law.

19 ACTING PRESIDENT AKSHAR: Read the
20 last section.

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

23 ACTING PRESIDENT AKSHAR: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT AKSHAR: Announce
2 the result.

3 THE SECRETARY: Ayes, 58.

4 ACTING PRESIDENT AKSHAR: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1101, substituted earlier by Member of the
8 Assembly Skoufis, Assembly Print 1603, an act to
9 amend the Real Property Tax Law.

10 ACTING PRESIDENT AKSHAR: Read the
11 last section.

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

14 ACTING PRESIDENT AKSHAR: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT AKSHAR: Announce
18 the result.

19 THE SECRETARY: Ayes, 58.

20 ACTING PRESIDENT AKSHAR: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1113, by Senator LaValle, Senate Print --

24 SENATOR DeFRANCISCO: Lay the bill
25 aside temporarily.

1 ACTING PRESIDENT AKSHAR: The bill
2 will be laid aside temporarily.

3 THE SECRETARY: Calendar Number
4 1118, substituted earlier by Member of the
5 Assembly Wallace, Assembly Print 7951, an act to
6 amend the Town Law.

7 ACTING PRESIDENT AKSHAR: Read the
8 last section.

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

11 ACTING PRESIDENT AKSHAR: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT AKSHAR: Announce
15 the result.

16 THE SECRETARY: Ayes, 58.

17 ACTING PRESIDENT AKSHAR: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1119, by Senator LaValle, Senate Print 6039A, an
21 act to provide.

22 ACTING PRESIDENT AKSHAR: Read the
23 last section.

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

1 ACTING PRESIDENT AKSHAR: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT AKSHAR: Announce
5 the result.

6 THE SECRETARY: Ayes, 58.

7 ACTING PRESIDENT AKSHAR: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1242, by Senator LaValle, Senate Print 4425, an
11 act to amend the Education Law.

12 ACTING PRESIDENT AKSHAR: Read the
13 last section.

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

16 ACTING PRESIDENT AKSHAR: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT AKSHAR: Announce
20 the result.

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT AKSHAR: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1251, by Senator Felder, Senate Print 6074, an

1 act to amend the General City Law.

2 ACTING PRESIDENT AKSHAR: Read the
3 last section.

4 THE SECRETARY: Section 12. This
5 act shall take effect immediately.

6 ACTING PRESIDENT AKSHAR: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT AKSHAR: Announce
10 the result.

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT AKSHAR: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1252, by Senator Felder, Senate Print 6271, an
16 act to amend the Administrative Code of the City
17 of New York.

18 ACTING PRESIDENT AKSHAR: Read the
19 last section.

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

22 ACTING PRESIDENT AKSHAR: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT AKSHAR: Announce

1 the result.

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT AKSHAR: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1255, by Senator Ortt, Senate Print 370A, an act
7 to amend the Public Authorities Law.

8 ACTING PRESIDENT AKSHAR: Read the
9 last section.

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

12 ACTING PRESIDENT AKSHAR: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT AKSHAR: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar 1255, those recorded in the negative are
19 Senators DeFrancisco, Dilan, Krueger, Rivera,
20 Serrano and Squadron.

21 Ayes, 52. Nays, 6.

22 ACTING PRESIDENT AKSHAR: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1260, by Senator Ortt, Senate Print 1750, an act

1 to amend the Tax Law.

2 ACTING PRESIDENT AKSHAR: Read the
3 last section.

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

6 ACTING PRESIDENT AKSHAR: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT AKSHAR: Announce
10 the result.

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT AKSHAR: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1295, by Senator Hamilton, Senate Print 5204B, an
16 act to amend the Not-For-Profit Corporation Law.

17 ACTING PRESIDENT AKSHAR: Read the
18 last section.

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

21 ACTING PRESIDENT AKSHAR: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT AKSHAR: Announce
25 the result.

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT AKSHAR: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1299, by Senator Ranzenhofer, Senate Print 6396,
6 an act to amend the Not-For-Profit Corporation
7 Law.

8 ACTING PRESIDENT AKSHAR: Read the
9 last section.

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

12 ACTING PRESIDENT AKSHAR: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT AKSHAR: Announce
16 the result.

17 THE SECRETARY: Ayes, 58.

18 ACTING PRESIDENT AKSHAR: That bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1315, by Senator Lanza, Senate Print 5070, an act
22 to amend the Criminal Procedure Law.

23 ACTING PRESIDENT AKSHAR: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT AKSHAR: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT AKSHAR: Announce
6 the result.

7 THE SECRETARY: Ayes, 57. Nays, 1.
8 Senator Sanders recorded in the negative.

9 ACTING PRESIDENT AKSHAR: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1317, by Senator Lanza, Senate Print 5195A, an
13 act to amend the Criminal Procedure Law.

14 ACTING PRESIDENT AKSHAR: Read the
15 last section.

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

18 ACTING PRESIDENT AKSHAR: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT AKSHAR: Announce
22 the result.

23 THE SECRETARY: In relation to
24 Calendar 1317, those recorded in the negative are
25 Senators Dilan, Krueger, Persaud, Rivera and

1 Squadron.

2 Ayes, 53. Nays, 5.

3 ACTING PRESIDENT AKSHAR: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1335, by Senator Bonacic, Senate Print 5413, an
7 act to authorize.

8 ACTING PRESIDENT AKSHAR: Read the
9 last section.

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

12 ACTING PRESIDENT AKSHAR: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 57. Nays, 1.
16 Senator DeFrancisco recorded in the negative.

17 ACTING PRESIDENT AKSHAR: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1355, by Senator Bonacic, Senate Print 6244, an
21 act to amend the Rural Electric Cooperative Law.

22 ACTING PRESIDENT AKSHAR: Read the
23 last section.

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

1 ACTING PRESIDENT AKSHAR: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT AKSHAR: Announce
5 the result.

6 THE SECRETARY: Ayes, 58.

7 ACTING PRESIDENT AKSHAR: That bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1357, by Senator Griffo, Senate Print 6336, an
11 act to amend the Energy Law.

12 ACTING PRESIDENT AKSHAR: Read the
13 last section.

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

16 ACTING PRESIDENT AKSHAR: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT AKSHAR: Announce
20 the result.

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT AKSHAR: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1360, by Senator Marchione, Senate Print 176, an

1 act to amend the Penal Law.

2 ACTING PRESIDENT AKSHAR: Read the
3 last section.

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

6 ACTING PRESIDENT AKSHAR: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 57. Nays, 1.
10 Senator Benjamin recorded in the negative.

11 ACTING PRESIDENT AKSHAR: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1365, by Senator Murphy, Senate Print 303, an act
15 to direct.

16 ACTING PRESIDENT AKSHAR: Read the
17 last section.

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

20 ACTING PRESIDENT AKSHAR: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT AKSHAR: Announce
24 the result.

25 THE SECRETARY: Ayes, 58.

1 ACTING PRESIDENT AKSHAR: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1378, by Senator Young, Senate Print 833, an act
5 to establish.

6 ACTING PRESIDENT AKSHAR: Read the
7 last section.

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

10 ACTING PRESIDENT AKSHAR: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT AKSHAR: Announce
14 the result.

15 THE SECRETARY: Ayes, 58.

16 ACTING PRESIDENT AKSHAR: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1391, by Senator Marcellino, Senate Print 1257,
20 an act to amend the Vehicle and Traffic Law.

21 ACTING PRESIDENT AKSHAR: Read the
22 last section.

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

25 ACTING PRESIDENT AKSHAR: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT AKSHAR: Announce
4 the result.

5 THE SECRETARY: Ayes, 57. Nays, 1.
6 Senator Funke recorded in the negative.

7 ACTING PRESIDENT AKSHAR: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1395, by Senator Marcellino, Senate Print 1309,
11 an act to amend the Highway Law.

12 ACTING PRESIDENT AKSHAR: Read the
13 last section.

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

16 ACTING PRESIDENT AKSHAR: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT AKSHAR: Announce
20 the result.

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT AKSHAR: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1396, by Senator Marcellino, Senate Print 1312,

1 an act to amend the Vehicle and Traffic Law.

2 ACTING PRESIDENT AKSHAR: Read the
3 last section.

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

6 ACTING PRESIDENT AKSHAR: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT AKSHAR: Announce
10 the result.

11 THE SECRETARY: In relation to
12 Calendar 1396, those recorded in the negative are
13 Senators Avella, Gianaris, Hamilton, Krueger,
14 Persaud, Rivera, Serrano and Squadron.

15 Ayes, 50. Nays, 8.

16 ACTING PRESIDENT AKSHAR: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1418, by Senator Marcellino, Senate Print 2403,
20 an act to amend the Penal Law.

21 ACTING PRESIDENT AKSHAR: Read the
22 last section.

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

25 ACTING PRESIDENT AKSHAR: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT AKSHAR: Announce
4 the result.

5 THE SECRETARY: Ayes, 57. Nays, 1.
6 Senator Squadron recorded in the negative.

7 ACTING PRESIDENT AKSHAR: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1440, by Senator DeFrancisco, Senate Print 3129,
11 an act to amend the Civil Practice Law and Rules.

12 SENATOR SERRANO: Lay it aside,
13 please.

14 ACTING PRESIDENT AKSHAR: The bill
15 is laid aside.

16 THE SECRETARY: Calendar Number
17 1463, by Senator LaValle, Senate Print 4138, an
18 act to amend the Education Law.

19 ACTING PRESIDENT AKSHAR: Read the
20 last section.

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

23 ACTING PRESIDENT AKSHAR: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT AKSHAR: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar 1463, those recorded in the negative are
5 Senators Alcantara, Benjamin, Brooks, Comrie,
6 Díaz, Dilan, Gianaris, Krueger, Latimer,
7 Montgomery, Peralta, Persaud, Rivera, Sanders,
8 Serrano, Squadron and Stewart-Cousins.

9 Ayes, 41. Nays, 17.

10 ACTING PRESIDENT AKSHAR: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1465, by Senator Gallivan, Senate Print 4252A, an
14 act to authorize.

15 ACTING PRESIDENT AKSHAR: Read the
16 last section.

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

19 ACTING PRESIDENT AKSHAR: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT AKSHAR: Announce
23 the result.

24 THE SECRETARY: Ayes, 58.

25 ACTING PRESIDENT AKSHAR: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1472, by Senator Seward, Senate Print 4454, an
4 act to amend the Vehicle and Traffic Law.

5 ACTING PRESIDENT AKSHAR: Read the
6 last section.

7 THE SECRETARY: Section 2. This
8 act shall take effect January 1, 2018.

9 ACTING PRESIDENT AKSHAR: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT AKSHAR: Announce
13 the result.

14 THE SECRETARY: Ayes, 58.

15 ACTING PRESIDENT AKSHAR: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1473, by Senator Seward, Senate Print 4547, an
19 act to amend the Vehicle and Traffic Law.

20 ACTING PRESIDENT AKSHAR: Read the
21 last section.

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

24 ACTING PRESIDENT AKSHAR: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT AKSHAR: Announce
3 the result.

4 THE SECRETARY: In relation to
5 Calendar 1473, those recorded in the negative are
6 Senators Akshar, Dilan, Funke, Gallivan, Griffio,
7 Helming, Marchione, Ortt, Ritchie and Serino.

8 Ayes, 48. Nays, 10.

9 ACTING PRESIDENT AKSHAR: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1510, by Senator Klein, Senate Print 4711, an act
13 to amend the General Business Law.

14 SENATOR SERRANO: Lay it aside,
15 please.

16 ACTING PRESIDENT AKSHAR: The bill
17 is laid aside.

18 THE SECRETARY: Calendar Number
19 1660, by Senator Robach, Senate Print 6042B, an
20 act to amend the Criminal Procedure Law.

21 ACTING PRESIDENT AKSHAR: Read the
22 last section.

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

25 ACTING PRESIDENT AKSHAR: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT AKSHAR: Announce
4 the result.

5 THE SECRETARY: In relation to
6 Calendar 1660, those recorded in the negative are
7 Senators Dilan, Krueger and Rivera.

8 Ayes, 55. Nays, 3.

9 ACTING PRESIDENT AKSHAR: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1829, by Senator Croci, Senate Print --

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

15 ACTING PRESIDENT AKSHAR: That bill
16 will be laid aside for the day.

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

19 SENATOR DeFRANCISCO: Could you
20 take up the controversial reading in order,
21 please.

22 ACTING PRESIDENT AKSHAR: The
23 Secretary will ring the bell.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number 85,

1 by Senator DeFrancisco, Senate Print 241, an act
2 to amend the Criminal Procedure Law.

3 SENATOR RIVERA: Explanation.

4 SENATOR DeFRANCISCO: Okay.

5 ACTING PRESIDENT AKSHAR: Senator
6 DeFrancisco.

7 SENATOR DeFRANCISCO: This is a
8 very easy bill to explain, and it's spelled out
9 in the bill memo.

10 Basically what it is is that from
11 time to time, people are being considered for the
12 judicial diversion program, which is a great
13 program. The problem is in determining whether
14 or not someone should be granted that benefit,
15 what has to be clear is that whoever is making
16 that decision, the judge that's making the
17 decision, should have all the information needed
18 in order to make a good decision.

19 And what this does is make sure that
20 sealed records of the juvenile are accessible,
21 whether it's a juvenile or a criminal case, are
22 accessible to the judge or whoever is determining
23 whether judicial diversion should be done.

24 We had a situation in our community
25 where an officer was killed by someone who was

1 out on a judicial diversion program who had a
2 violent history, but the judge had no clue about
3 it because records were sealed when that person
4 was a juvenile. So this is what the reason
5 behind it is.

6 SENATOR RIVERA: Mr. President,
7 through you, if the sponsor would yield for a few
8 questions.

9 ACTING PRESIDENT AKSHAR: Will the
10 sponsor yield for a question?

11 SENATOR DeFRANCISCO: Yes.

12 ACTING PRESIDENT AKSHAR: The
13 sponsor yields.

14 SENATOR RIVERA: Thank you,
15 Mr. President.

16 So what the judge can currently see,
17 this would expand that past a 10-year window, is
18 that correct?

19 SENATOR DeFRANCISCO: It can expand
20 it. At any time the judge could take a look at
21 the juvenile records of an individual to see what
22 history of violence they have, in making a
23 determination as to whether judicial diversion is
24 appropriate.

25 SENATOR RIVERA: Through you,

1 Mr. President, if the sponsor will continue to
2 yield.

3 ACTING PRESIDENT AKSHAR: Senator
4 DeFrancisco, do you continue to yield?

5 SENATOR DeFRANCISCO: Yes.

6 ACTING PRESIDENT AKSHAR: The
7 Senator yields.

8 SENATOR RIVERA: So through you,
9 Mr. President, are you saying that that would be
10 the case if this bill were to pass? Or are you
11 saying that is the current status?

12 SENATOR DeFRANCISCO: The judge
13 cannot see the sealed records now. If this
14 happens, he could see or she could see the sealed
15 records to make a more responsible decision as to
16 whether this person was appropriate for judicial
17 diversion.

18 SENATOR RIVERA: Through you,
19 Mr. President, if the sponsor would continue to
20 yield.

21 ACTING PRESIDENT AKSHAR: Does the
22 sponsor yield?

23 SENATOR DeFRANCISCO: Yes.

24 ACTING PRESIDENT AKSHAR: The
25 sponsor yields.

1 SENATOR RIVERA: Through you,
2 Mr. President, this is in any case -- what kind
3 of specific diversion programs are we talking
4 about that the person would be eligible for that
5 this would -- that the judge would take this new
6 information into consideration for?

7 SENATOR DeFRANCISCO: I don't -- I
8 can't list for you, chapter and verse, every
9 judicial diversion program. There's more in some
10 jurisdictions and less in others.

11 But I can just tell you if that is a
12 decision that a judge has to make, I believe --
13 and that's why the bill is here before us -- I
14 believe that the judge should have all of the
15 information.

16 And since judicial diversion is a
17 benefit, it's actually a thing that the person
18 who's being considered -- it's good for that
19 person, it's a benefit -- that person should be
20 willing and the court should have all the
21 information about that person before a violent
22 person -- even if the violence was shown as a
23 juvenile, the judge could decide whether this is
24 the appropriate person to go in such a program.

25 SENATOR RIVERA: Mr. President, on

1 the bill.

2 ACTING PRESIDENT AKSHAR: Senator
3 Rivera on the bill.

4 SENATOR RIVERA: Thank you,
5 Mr. President. I thank the sponsor for the
6 answers.

7 It seems to me that -- while
8 certainly on its face the bill seems
9 commonsensical, it seems that you would have an
10 individual that might or might not have done
11 something in sealed records in the past, and that
12 a judge should take that -- this would open it up
13 so that it opens it up into consideration.

14 The issue I have with it,
15 Mr. President, is that it seems that it would
16 be -- it would create a very broad category of
17 information that would then be available to the
18 judge to make that decision. It seems that if
19 there has been a person that for the last
20 10 years has -- if that is the current window
21 that exists, if a person in their youth might
22 have done something wrong, but if for the last
23 10 years the judge already has access to all the
24 information -- and certainly the sponsor can
25 correct me if I'm wrong, but if the judge has all

1 the information for those last 10 years of that
2 person's life, then certainly it would make sense
3 that those 10 years should be the most
4 significant in determining whether this person
5 should be given the opportunity for a diversion
6 program.

7 If, say, over the last 10 years that
8 individual has done, again, everything in his or
9 her power to be on the straight and narrow, may
10 have -- they may have made a mistake many years
11 ago, but in that case that the sponsor mentioned,
12 it would be important to know what those 10 years
13 that the judge did have access to information,
14 what those 10 years actually showed from that
15 person.

16 It seems that if that -- those
17 10 years should be enough for a judge to
18 determine, Mr. President, if that person should
19 be allowed to get access to a diversion program
20 or not.

21 ACTING PRESIDENT AKSHAR: Senator
22 DeFrancisco, why do you rise?

23 SENATOR DeFRANCISCO: Maybe I
24 didn't clearly state the situation. The judge in
25 a diversion decision has to --

1 SENATOR RIVERA: Am I being asked
2 to yield, Mr. President?

3 SENATOR DeFRANCISCO: Oh, I'm
4 sorry, I was --

5 ACTING PRESIDENT AKSHAR: Senator
6 DeFrancisco, do you wish to explain a prior
7 question?

8 SENATOR DeFRANCISCO: I'd just like
9 to -- I think I may have -- he may have
10 misinterpreted one of my answers, and I'd like
11 to --

12 SENATOR RIVERA: Well, through you,
13 Mr. President, I would certainly yield for a
14 clarification.

15 ACTING PRESIDENT AKSHAR: Senator
16 Rivera yields for a clarification.

17 SENATOR DeFRANCISCO: In
18 determining whether someone is eligible for
19 judicial diversion, the judge can go back
20 10 years. The problem is, they can see
21 everything in the prior 10 years except sealed
22 records. So it's not that the judge already has
23 the prior 10 years of information, it's some of
24 it is excluded, the sealed records.

25 That's why this bill is saying the

1 judge should take a look at those sealed records,
2 because there's a gap in the 10 years as to what
3 happened and what that child's -- or juvenile's
4 conduct was or his adult conduct when that person
5 was a juvenile.

6 SENATOR RIVERA: Through you,
7 Mr. President, if the sponsor would continue to
8 yield, actually, for another question.

9 SENATOR DeFRANCISCO: Yes.

10 ACTING PRESIDENT AKSHAR: Senator
11 DeFrancisco yields for another question.

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

14 Through you, what would be the
15 reason that a record would be sealed? What are
16 some of the reasons that would exist for a record
17 to be sealed?

18 SENATOR DeFRANCISCO: If you go
19 through Family Court, they're automatically
20 sealed for any juvenile offense. That's the law
21 presently. And that's why the judge currently
22 doesn't have that, the judge doesn't have that
23 information before the judge. So automatically
24 they're sealed.

25 SENATOR RIVERA: Through you,

1 Mr. President, if the sponsor will continue to
2 yield.

3 ACTING PRESIDENT AKSHAR: Senator
4 DeFrancisco, do you yield?

5 SENATOR DeFRANCISCO: Yes.

6 ACTING PRESIDENT AKSHAR: Senator
7 DeFrancisco yields.

8 SENATOR RIVERA: So this is --
9 would this be true in all cases? Meaning,
10 Mr. President, through you, if there are certain
11 instances during that juvenile's records that
12 something that that juvenile did, there are --
13 would there be, across the board, every single
14 thing that that person could have been
15 responsible for would be sealed? Or would it be
16 certain things and others would then not be
17 sealed?

18 SENATOR DeFRANCISCO: My
19 understanding in Family Court is that records are
20 automatically sealed when you are a juvenile.
21 And if that juvenile, or later an adult, wants
22 the benefit of judicial diversion so they don't
23 go through the court system, potential jail and
24 the like, the judge making that decision has a
25 gap if there's a juvenile record.

1 And as a result of that, this bill
2 will eliminate that gap by unsealing the records.

3 SENATOR RIVERA: Mr. President,
4 through you, if the sponsor will continue to
5 yield.

6 ACTING PRESIDENT AKSHAR: Does the
7 sponsor yield for a question? Senator
8 DeFrancisco, will you yield for another question?

9 SENATOR DeFRANCISCO: Oh, yes.
10 Yes.

11 SENATOR RIVERA: One second,
12 Mr. President.

13 ACTING PRESIDENT AKSHAR: Yes, sir.

14 SENATOR RIVERA: Thank you for the
15 time, Mr. President. And thank you to the
16 sponsor.

17 Would there be an instance --
18 through you, Mr. President, would there be an
19 instance in which there was a dismissal or
20 adjournment of a case that -- in other words,
21 would part of that sealed record potentially be
22 things that were ultimately dismissed or
23 adjourned? In other words, something that
24 wouldn't necessarily tell you that this person is
25 not worthy to be in a diversion program?

1 SENATOR DeFRANCISCO: Let me -- I'm
2 not sure I fully understand it, but I guess --
3 there's dispositions in court, adjournments in
4 contemplation of dismissal, if that's what you're
5 talking about, where cases are set aside for a
6 period of six months and then dismissed if the
7 person doesn't get into any further trouble.

8 But that's not what I'm talking
9 about. We're talking about juvenile records that
10 are sealed. And I suppose that an adjournment in
11 contemplation of dismissal can be sealed as well.
12 Any records that are sealed that the judge
13 normally now doesn't have access to, the judge
14 would have access to, to give a clear
15 understanding of who is before the judge and
16 whether judicial diversion is appropriate.

17 And the key is you don't get
18 judicial diversion by right, it's a benefit. And
19 if the public ought to be able to be -- the judge
20 ought to be able to know whether the public is in
21 danger if there were some violent activities in
22 his past.

23 SENATOR RIVERA: Through you,
24 Mr. President, if the sponsor will continue to
25 yield.

1 ACTING PRESIDENT AKSHAR: Does the
2 sponsor yield for an additional question?

3 SENATOR DeFRANCISCO: Yes.

4 ACTING PRESIDENT AKSHAR: The
5 sponsor yields.

6 SENATOR RIVERA: I may have more
7 than one, Mr. President. But for the moment,
8 one.

9 So how would a -- since I'm reading
10 the text of the bill, how would an adjournment in
11 contemplation of a dismissal, quote, unquote, be
12 relevant to determining whether a person should
13 be allowed access to a diversion program or not?
14 Mr. President, through you.

15 SENATOR DeFRANCISCO: What we're
16 dealing with is a complete description of the
17 defendant's criminal history, including sealed
18 cases. And that could be juvenile delinquent
19 cases that are sealed such as juvenile delinquent
20 determination, juvenile offender cases, youthful
21 offender, where the person's conviction is set
22 aside because they're in that category that a
23 youthful offender can be granted so he has no
24 criminal record.

25 An adjournment in contemplation of

1 dismissal. It may be that the individual was
2 given an adjournment in contemplation of
3 dismissal for an assault, and if the assault
4 was -- if he stayed out of trouble and the judge
5 said if he stays out of trouble for six months,
6 we will dismiss it at the end of the six months.

7 So the point simply is any one of
8 these instances could result in the judge
9 learning more about a person's tendency towards
10 violence or what his background is, or her
11 background is. And that's what we want the judge
12 to have, everything. The individual's trying to
13 get a break. And the judge should not be
14 blindsided by some type of sealed records.

15 And it happened, as I said, where an
16 individual was killed by somebody on judicial
17 diversion, and the judge at the time did not have
18 any information about some of the sealed records
19 that are listed here.

20 SENATOR RIVERA: Thank you,
21 Mr. President. On the bill.

22 ACTING PRESIDENT AKSHAR: Senator
23 Rivera on the bill.

24 SENATOR RIVERA: I thank the
25 sponsor for his further clarifications.

1 While I certainly think that it
2 is -- that having a judge have as much
3 information as possible would be important, it
4 seems to me that the scope of the bill is a
5 little too broad and it brings up certain
6 instances that -- where an individual might have
7 not been guilty of anything, might have been
8 involved in something that has nothing to do with
9 the likelihood of them to be successful or not
10 successful in a diversion program.

11 And if we're going to -- and we've
12 had a version of this conversation for the last
13 couple of days. If we're going to have a
14 conversation about rehabilitation, treatment, the
15 ability of people to be able to rebuild their
16 lives, it seems that if there was something
17 serious enough in that person's background that
18 would then not warrant that person receiving a
19 diversion program, the judge would currently be
20 able to see it.

21 And this -- and while I certainly --
22 I saw the sponsor shaking his head. It seems
23 that the scope of this bill in some instances --
24 I could probably agree with some of what the bill
25 establishes, but I think in some instances it

1 might go too far and it might seem to me to
2 create a prejudicial situation in which the judge
3 might just say, you know what, this person, you
4 know, got caught with drugs when they were 17,
5 I'm not a fan of that, so I'm going to make it so
6 that this person does not get a diversion
7 program.

8 Ultimately, Mr. President, it seems
9 that the -- I would agree with some of what the
10 sponsor is trying to do. I don't think that this
11 bill -- I think that this bill might be too broad
12 in certain instances, and I will be forced to
13 vote in the negative.

14 Thank you, Mr. President.

15 ACTING PRESIDENT AKSHAR: Thank
16 you, Senator Rivera.

17 Senator Benjamin, why do you rise?

18 SENATOR BENJAMIN: I have
19 questions.

20 Now, do I have to say through the --
21 would the sponsor yield for some questions?

22 ACTING PRESIDENT AKSHAR: Senator
23 DeFrancisco, do you yield?

24 SENATOR DeFRANCISCO: Yes, I would.

25 ACTING PRESIDENT AKSHAR: The

1 sponsor yields.

2 SENATOR BENJAMIN: Okay. The first
3 question is -- oh, through you, Mr. President.

4 ACTING PRESIDENT AKSHAR: Thank
5 you, Senator.

6 SENATOR BENJAMIN: -- would the
7 defendant be required to authorize the release of
8 his or her past sealed records?

9 SENATOR DeFRANCISCO: I'm sorry,
10 would the defendant be required to do what?

11 ACTING PRESIDENT AKSHAR: Senator
12 Benjamin, repeat your question, please.

13 SENATOR BENJAMIN: Would the
14 defendant be required to authorize this release
15 of the past sealed records?

16 SENATOR DeFRANCISCO: No, he would
17 not be required, it's automatic. He doesn't have
18 to authorize anything. If the law says that the
19 judge has access to all records in making the
20 judge's determination, there would have to be
21 no -- there's no consent necessary.

22 SENATOR BENJAMIN: That's not my --
23 I'm sorry, through you, Mr. President. That's
24 not my understanding. My understanding --

25 ACTING PRESIDENT AKSHAR: Are you

1 asking a question, Senator Benjamin?

2 SENATOR BENJAMIN: I am asking a
3 question.

4 ACTING PRESIDENT AKSHAR: Does the
5 sponsor yield for an additional question?

6 SENATOR DeFRANCISCO: Yes.

7 ACTING PRESIDENT AKSHAR: The
8 sponsor yields.

9 SENATOR BENJAMIN: Are you sure
10 about that answer?

11 SENATOR DeFRANCISCO: I'm
12 absolutely positive about the answer.

13 The -- in order -- the --

14 SENATOR BENJAMIN: Sorry. I'm new.

15 SENATOR DeFRANCISCO: That's all
16 right.

17 The person who's going -- who wants
18 judicial diversion, they have to consent to be in
19 the program. So if you don't want your sealed
20 records looked at by anybody, you don't have to
21 ask to be in the program. The benefit is that
22 it's a better thing than going through the
23 criminal process.

24 So as a condition to you being
25 considered for what you've asked for, at that

1 point the judge should have access to all
2 records, including sealed records.

3 SENATOR BENJAMIN: Through you,
4 Mr. President, would the sponsor yield?

5 SENATOR DeFRANCISCO: Yes.

6 ACTING PRESIDENT AKSHAR: The
7 sponsor yields for another question.

8 SENATOR BENJAMIN: Okay. Have you
9 made mistakes when you were a young person,
10 Mr. Sponsor?

11 SENATOR DeFRANCISCO: No, I have
12 never made a mistake in my life.

13 (Laughter.)

14 SENATOR DeFRANCISCO: I never made
15 a mistake in my life. But I would suppose -- I
16 would suppose --

17 ACTING PRESIDENT AKSHAR: Senator
18 Krueger, why do you rise?

19 SENATOR KRUEGER: I don't know
20 whether it's a point of personal privilege or
21 just a point of fact. I've actually heard
22 Senator DeFrancisco say he made mistakes on the
23 floor of the Senate multiple times in the
24 15 years we've worked together.

25 ACTING PRESIDENT AKSHAR: Thank

1 you, Senator Krueger.

2 SENATOR KRUEGER: Thank you.

3 ACTING PRESIDENT AKSHAR: Thank
4 you.

5 SENATOR DeFRANCISCO: In response,
6 I was mistaken when I said I made a mistake.

7 (Laughter.)

8 SENATOR DeFRANCISCO: No, but
9 seriously, I know what you're getting at. But if
10 I'm looking for a benefit, if I don't want to go
11 through the criminal process and I want to get my
12 case diverted, I should be willing, I should put
13 out my whole record so that a judge can determine
14 whether I'm an appropriate candidate or not.

15 So whether people have made mistakes
16 before, the fact is this is a benefit that the
17 person is asking for, and all this does is give
18 the judge the whole story before making a
19 decision. And there have been decisions made
20 that were incorrect decisions but not known until
21 after the fact.

22 SENATOR BENJAMIN: Through you,
23 Mr. President, would the sponsor continue to
24 yield?

25 ACTING PRESIDENT AKSHAR: Does the

1 sponsor yield?

2 SENATOR DeFRANCISCO: Yes.

3 ACTING PRESIDENT AKSHAR: The
4 sponsor yields.

5 SENATOR BENJAMIN: Okay. Do you
6 believe that 10 years is a reasonable amount of
7 time to assess whether a potential defendant is
8 dangerous to society?

9 SENATOR DeFRANCISCO: Okay, I think
10 any time, including the prior history of the
11 individual over that person's lifetime, I think
12 is important for the judge to know about.

13 It's not that you're considering
14 this for enhanced punishment and the like,
15 they're considering the record to determine
16 whether a break is going to be given. And that's
17 the purpose for it.

18 SENATOR BENJAMIN: Through you,
19 Mr. President, will the sponsor continue to
20 yield?

21 ACTING PRESIDENT AKSHAR: Does the
22 sponsor continue to yield?

23 SENATOR DeFRANCISCO: Yes.

24 ACTING PRESIDENT AKSHAR: The
25 sponsor yields.

1 SENATOR BENJAMIN: Do you believe
2 that there are defendants who would choose not to
3 request this program specifically because there
4 are things that are sealed that they don't want
5 to be released to the public?

6 I'm sorry, not released to the
7 judge. I apologize. I apologize.

8 SENATOR DeFRANCISCO: Yeah, it's
9 not released -- it's not released to the public.

10 The fact is that there may be some,
11 I don't know. But I would think -- my theory in
12 life generally is there's no harm in asking. And
13 if I want to get a benefit and I'm asking for it,
14 And the records are unsealed by the judge -- not
15 posted on some website, looked at by the judge --
16 there's no harm. The worst thing that could
17 happen to me is that I'd get denied something
18 that I wanted.

19 So there may be some people that
20 might not want to do that. I'm not quite sure it
21 makes sense.

22 SENATOR BENJAMIN: Last question.
23 Through you, Mr. President, will the sponsor
24 continue to yield?

25 ACTING PRESIDENT AKSHAR: Does the

1 sponsor continue to yield?

2 SENATOR DeFRANCISCO: Yes.

3 ACTING PRESIDENT AKSHAR: The
4 sponsor yields.

5 SENATOR BENJAMIN: This is my last
6 question.

7 Would the judge be able to utilize
8 information that is now unsealed to make a
9 determination in regards to any penalties that
10 that defendant might receive, assuming that the
11 judge does not go along with the judicial
12 diversion program?

13 SENATOR DeFRANCISCO: The only
14 purpose for the opening of those sealed records
15 is to make a determination, as the bill says, as
16 to whether or not the person is eligible for the
17 judicial diversion program.

18 As a practical matter, the judge may
19 know this in his mind, as the case goes forward,
20 whether a judge is going to consider this for
21 some later part of the proceeding. I don't know.
22 But I believe presently if he goes through the
23 regular court proceeding and there's a time for
24 sentencing -- depending upon the sentencing, the
25 judge may be able to automatically get the

1 information behind the sealed records.

2 SENATOR BENJAMIN: On the bill.

3 ACTING PRESIDENT AKSHAR: Senator
4 Benjamin on the bill.

5 SENATOR BENJAMIN: While I do
6 believe there are parts of this bill that are
7 fair and make sense, I am very concerned about
8 any bill that gives defendants the disincentive
9 to try to participate in programs that keep them
10 out of jail.

11 I think that the bill should be
12 revised to consider that, because I do respect
13 some components of this bill. But I have a hard
14 time giving judges more information that is part
15 of sealed records that can be utilized against
16 defendants.

17 So with that being said, I vote no
18 on this bill. Thank you.

19 ACTING PRESIDENT AKSHAR: Seeing no
20 members wishing to be heard, the debate is
21 closed. The Secretary will ring the bell.

22 Senator DeFrancisco.

23 SENATOR DeFRANCISCO: It's my
24 understanding that the debate is closed
25 presently?

1 ACTING PRESIDENT AKSHAR: Yes.

2 SENATOR DeFRANCISCO: Then would
3 you lay the bill aside temporarily.

4 ACTING PRESIDENT AKSHAR: This
5 particular bill will be laid aside temporarily.

6 SENATOR DeFRANCISCO: We can
7 continue with calling the controversial calendar.

8 ACTING PRESIDENT AKSHAR: The
9 Secretary will read.

10 THE SECRETARY: Calendar Number
11 572, by Senator Bonacic, Senate Print 5377, an
12 act to amend the Racing, Pari-Mutuel Wagering and
13 Breeding Law.

14 SENATOR KRUEGER: Explanation.

15 SENATOR DeFRANCISCO: Excuse me.
16 Rather than going in the regular order, because
17 as you can see, certain people are in the
18 Judiciary Committee -- since Senator Bonacic is
19 not here, Senator Savino is not here -- Senator
20 Funke is here, so can we take up 1042.

21 ACTING PRESIDENT AKSHAR: The
22 Secretary will read Calendar 1042.

23 THE SECRETARY: Calendar Number
24 1042, by Senator Funke, Senate Print 1356B, an
25 act to amend the Education Law.

1 ACTING PRESIDENT AKSHAR: Senator
2 Kennedy, why do you rise?

3 SENATOR KENNEDY: Will the sponsor
4 provide an explanation, please?

5 ACTING PRESIDENT AKSHAR: Will the
6 sponsor provide an explanation?

7 SENATOR FUNKE: Absolutely.
8 Senator Kennedy, thank you very much for the
9 question.

10 We have 11 accredited colleges that
11 have programs for athletic trainers in the State
12 of New York, and many of them are leaving the
13 state because they need to be in a circumstance
14 now -- with this explosion of athletics in our
15 country, we've seen women's sports in particular
16 grow at a phenomenal rate in the last 25 years,
17 through the college ranks to the high school
18 ranks. And right now athletic trainers are
19 limited to supplying their services to the
20 colleges and the high schools within the
21 framework of the athletic field.

22 But as everybody knows, in this room
23 all of us do something else. We are either
24 runners or marathon runners or golfers or tennis
25 players or engage in other adaptive sports. And

1 so this would allow for athletic trainers -- who
2 must have a master's degree and must have a
3 license -- to be able to work with those active
4 individuals in adaptive athletics in other
5 settings.

6 SENATOR KENNEDY: Would the sponsor
7 yield for some questions.

8 ACTING PRESIDENT AKSHAR: Will the
9 sponsor yield for a question?

10 SENATOR FUNKE: Yes.

11 ACTING PRESIDENT AKSHAR: The
12 sponsor yields.

13 SENATOR KENNEDY: Thank you.

14 Are you familiar with the opposition
15 to this bill from the various organizations that
16 represent physical therapists and nurses and
17 others?

18 SENATOR FUNKE: Yes. Through you,
19 Mr. President, we've had numerous roundtables on
20 this issue. And we have discussed all the
21 particulars with those who have expressed
22 concerns, and really believe that we have had a
23 complete and full airing of their concerns.

24 And we believe that athletic
25 trainers who are licensed, who have master's

1 degrees, who are going to be required to have
2 master's degrees, certainly understand the scope
3 within which they are going to be allowed to
4 conduct the things that they do so well.

5 They must work under the supervision
6 of a physician, and in doing so we think the
7 safety of the public would be ensured through
8 protection against services from unqualified
9 individuals. Because currently right now
10 athletic trainers are certified. That means,
11 unfortunately, that a lot of people can claim to
12 be athletic trainers who are not and treat people
13 who they should not be treating. So this would
14 allow full licensure and I think allay the fears
15 of many people.

16 But they are going to work under the
17 supervision of a physician. They will not be
18 engaging in things that they should not be
19 engaging in. And certainly that would be part of
20 their curriculum.

21 SENATOR KENNEDY: Will the sponsor
22 continue to yield?

23 ACTING PRESIDENT AKSHAR: Does the
24 sponsor yield?

25 SENATOR FUNKE: Yes.

1 ACTING PRESIDENT AKSHAR: The
2 sponsor yields.

3 SENATOR KENNEDY: Is the sponsor
4 aware of opposition from the New York State
5 Physical Therapy Association, the Medical Society
6 of New York State, the New York State Nurses
7 Association, and the Buffalo Rehab Group?

8 SENATOR FUNKE: Yes, we've worked
9 with all of them. And I'd just like to point out
10 the Medical Society no longer opposes this
11 legislation.

12 And let me give you an example of
13 the physical therapy side. Let's say you're a
14 marathon runner and you broke a leg. A physical
15 therapist is the person who is going to rehab you
16 and get you back to that point where you can run
17 again.

18 The athletic trainer is the person
19 who is going to take it from that step forward
20 and get you back into marathon capability to be
21 able to run that marathon and get you up to the
22 level that you need to be after that. They in no
23 way are going to be engaging in what the physical
24 therapists do.

25 SENATOR KENNEDY: Will the sponsor

1 continue to yield.

2 ACTING PRESIDENT AKSHAR: Does the
3 sponsor continue to yield?

4 SENATOR FUNKE: Yes.

5 ACTING PRESIDENT AKSHAR: The
6 sponsor yields.

7 SENATOR KENNEDY: Do you believe
8 that this legislation that's been proposed
9 expands the scope of practice for athletic
10 trainers?

11 SENATOR FUNKE: I believe it
12 expands the scope of practice for athletic
13 trainers to extend beyond the athletic field and
14 beyond a high school or a college to be able to
15 help those active individuals in other sports and
16 in other capacities.

17 I'll give you another example of
18 that. Let's take an example of a Cirque du
19 Soleil -- somebody who is engaged in Cirque du
20 Soleil. I think everybody in this room would
21 agree that they are phenomenal athletes in their
22 own right. An athletic trainer would be able to
23 keep them on par, to keep them in top physical
24 condition.

25 SENATOR KENNEDY: Will the sponsor

1 continue to yield?

2 ACTING PRESIDENT AKSHAR: Does the
3 sponsor continue to yield?

4 SENATOR FUNKE: Yes.

5 ACTING PRESIDENT AKSHAR: The
6 sponsor yields.

7 SENATOR KENNEDY: Are you aware
8 that the New York State Physical Therapy
9 Association, in their memo of opposition, claims
10 that the legislation grants athletic trainers the
11 ability to treat a wide range of conditions that
12 use various clinically appropriate therapeutic
13 modalities and techniques that are currently in
14 place specifically to licensed physical
15 therapists?

16 SENATOR FUNKE: Once again, under
17 this bill -- through you, Mr. President. Once
18 again, under this legislation, the athletic
19 trainers must work under the supervision of a
20 physician. So whatever treatment they are
21 providing will be under the supervision of a
22 physician.

23 Under the bill itself, they are to
24 engage in the prevention, recognition,
25 examination, evaluation, assessment, management,

1 treatment and rehabilitation of
2 neuromusculoskeletal injuries that occur in
3 active individuals with treatment in accordance
4 with a supervising physician.

5 SENATOR KENNEDY: Will the sponsor
6 continue to yield?

7 ACTING PRESIDENT AKSHAR: Does the
8 sponsor continue to yield?

9 SENATOR FUNKE: Yes.

10 ACTING PRESIDENT AKSHAR: The
11 sponsor yields.

12 SENATOR KENNEDY: Will the sponsor
13 define an "active individual"?

14 SENATOR FUNKE: Active individuals
15 are anybody who engages in some athletic
16 competition outside the scope of high school or
17 college, outside of the narrow scope that
18 athletic trainers operate under now.

19 SENATOR KENNEDY: Will the sponsor
20 continue to yield?

21 SENATOR FUNKE: Adaptive athletics.

22 ACTING PRESIDENT AKSHAR: Does the
23 sponsor continue to yield?

24 SENATOR FUNKE: Yes.

25 ACTING PRESIDENT AKSHAR: The

1 sponsor yields.

2 SENATOR KENNEDY: At any age?

3 SENATOR FUNKE: At any age.

4 ACTING PRESIDENT AKSHAR: At any
5 age.

6 SENATOR KENNEDY: Will the sponsor
7 continue to yield?

8 SENATOR FUNKE: Can I just point
9 out, Senator, we're not looking to treat
10 geriatric individuals.

11 SENATOR KENNEDY: Will the sponsor
12 continue to yield?

13 ACTING PRESIDENT AKSHAR: Will the
14 sponsor continue to yield?

15 SENATOR FUNKE: Yes, sir.

16 ACTING PRESIDENT AKSHAR: The
17 sponsor yields.

18 SENATOR KENNEDY: What about a
19 geriatric individual who's a marathon runner?

20 SENATOR FUNKE: Certainly if
21 they're healthy enough to run a marathon, they
22 might be able to take advantage of the use of an
23 athletic trainer.

24 SENATOR KENNEDY: Will the sponsor
25 continue to yield?

1 ACTING PRESIDENT AKSHAR: Does the
2 sponsor yield for another question?

3 SENATOR FUNKE: But let me just
4 point out that if we're talking about somebody
5 who's had a stroke or some other debilitating
6 circumstance, we're not looking to deal with
7 that. This is about adaptive athletics.

8 ACTING PRESIDENT AKSHAR: Senator
9 Funke, you'll yield for another question, sir?

10 SENATOR FUNKE: Yes.

11 ACTING PRESIDENT AKSHAR: The
12 sponsor yields.

13 SENATOR KENNEDY: Thank you.

14 In what types of settings outside of
15 athletic settings? Are we talking about hospital
16 settings, clinical settings, public, private,
17 business, schools? What settings are we talking
18 about?

19 SENATOR FUNKE: All of the above.

20 SENATOR KENNEDY: Will the sponsor
21 continue to yield?

22 ACTING PRESIDENT AKSHAR: Does the
23 sponsor yield?

24 SENATOR FUNKE: Yes.

25 ACTING PRESIDENT AKSHAR: The

1 sponsor yields for another question.

2 SENATOR KENNEDY: Do you believe
3 that this legislation opens the door for the
4 potential for an athletic trainer to take the
5 place of a physical therapist?

6 SENATOR FUNKE: No.

7 SENATOR KENNEDY: Will the sponsor
8 continue to yield?

9 ACTING PRESIDENT AKSHAR: Does the
10 sponsor yield for another question?

11 SENATOR FUNKE: Yes.

12 ACTING PRESIDENT AKSHAR: The
13 sponsor yields.

14 SENATOR KENNEDY: Do you believe
15 that this legislation opens the door for the
16 possibility of an athletic trainer taking the
17 place of a nurse?

18 SENATOR FUNKE: No. I do believe,
19 however, that there is always in the medical
20 profession, or in treating injuries, or when it
21 comes to physical therapists overlapping with
22 doctors, or athletic trainers potentially
23 overlapping with EMS personnel or overlapping
24 with nurses, that there is always going to be
25 some overlap and that through the proper

1 education, through the proper licensing, that
2 athletic trainers are going to know when it's
3 time to hand it off to somebody else.

4 And I think they're all working
5 together for the same outcome. And I think that
6 in today's world, when it comes to concussion
7 protocols that we're all concerned about on the
8 athletic field, when it comes to those
9 circumstances outside the athletic field in high
10 school or in college, whether you're playing a
11 men's league soccer game, whether you're playing
12 a softball game, I think to err on the side of
13 caution and better care is certainly the way to
14 go.

15 We want people who are athletic
16 trainers to be licensed. We want them to know
17 what they're doing, to take better care of all of
18 us and all of our children.

19 SENATOR KENNEDY: Will the sponsor
20 continue to yield?

21 ACTING PRESIDENT AKSHAR: Senator
22 Funke, do you yield for another question?

23 SENATOR FUNKE: Yes.

24 ACTING PRESIDENT AKSHAR: The
25 sponsor yields.

1 SENATOR KENNEDY: Senator, you
2 mentioned that the legislation put forth will not
3 infringe on physical therapists or nurses.

4 However, the New York State Nurses
5 Association specifically, in their opposition
6 memo, are very concerned that this legislation
7 opens up the possibility for athletic trainers to
8 take the place of the work that school nurses are
9 currently doing. Are you aware of that?

10 SENATOR FUNKE: I'm aware of their
11 opposition. But I don't necessarily agree with
12 it because I think they know, and I know, that
13 they work together with athletic trainers now in
14 a high school setting.

15 SENATOR KENNEDY: Will the sponsor
16 continue to yield?

17 ACTING PRESIDENT AKSHAR: Does the
18 sponsor yield for another question?

19 SENATOR FUNKE: Yeah, and let me
20 just follow up with that. But school nurses do
21 not attend, as a matter of course, athletic
22 contests in high school. Athletic trainers are
23 the ones who are there.

24 ACTING PRESIDENT AKSHAR: The
25 sponsor yields for another question.

1 SENATOR FUNKE: So how they
2 infringe upon that, I don't know.

3 Yes.

4 SENATOR KENNEDY: Great.

5 First of all, I would disagree with
6 that.

7 Does this bill allow for
8 out-of-state practitioners to practice in
9 New York?

10 SENATOR FUNKE: No.

11 SENATOR KENNEDY: Will the sponsor
12 continue to yield.

13 ACTING PRESIDENT AKSHAR: Will the
14 sponsor yield for an additional question?

15 SENATOR FUNKE: Yes.

16 ACTING PRESIDENT AKSHAR: The
17 sponsor yields.

18 SENATOR KENNEDY: Is the sponsor
19 aware of the New York State Nurses Association
20 opposition memo claiming that this will allow for
21 out-of-state athletic trainers to come to
22 New York with little to no oversight other than
23 what they currently have from another state?

24 SENATOR FUNKE: Through you,
25 Mr. President. Similar to the bill that we

1 passed in this house last week with traveling
2 physicians, if they are traveling with an
3 athletic team, they certainly know their athletes
4 better than anybody else, and they will be able
5 to treat those athletes as they see fit, when
6 they are coming from out of state into New York
7 State with an athletic team.

8 SENATOR KENNEDY: Will the sponsor
9 continue to yield --

10 SENATOR FUNKE: I mean, they're not
11 going to give up that right to be an athletic
12 trainer just because they walked into New York
13 State with their own team from Ohio State
14 University or something.

15 ACTING PRESIDENT AKSHAR: Senator
16 Funke, will you yield for another question?

17 SENATOR FUNKE: Yes.

18 ACTING PRESIDENT AKSHAR: The
19 sponsor yields.

20 SENATOR KENNEDY: If athletic
21 trainers as outlined in this proposed
22 legislation, if it were to become law, and as the
23 sponsor has already articulated, will be allowed
24 to do their work as defined by this legislation
25 on and off the field in schools, in clinics, in

1 hospitals, does that not expand the scope of
2 practice well beyond just the neurological issues
3 like concussions on the field, as you have cited?

4 SENATOR FUNKE: No.

5 SENATOR KENNEDY: Will the sponsor
6 continue to yield?

7 ACTING PRESIDENT AKSHAR: Senator
8 Funke, do you yield?

9 SENATOR FUNKE: Yes.

10 ACTING PRESIDENT AKSHAR: The
11 sponsor yields.

12 SENATOR KENNEDY: What about a
13 broken bone?

14 SENATOR FUNKE: What about a broken
15 arm?

16 SENATOR KENNEDY: A broken bone. A
17 leg, an arm, a foot, a hand. Would an athletic
18 trainer, under this legislation, be allowed --

19 SENATOR FUNKE: An athletic trainer
20 would do the initial treatment, certainly, as
21 they would in any athletic contest. They would
22 do the initial treatment, then they would hand
23 off to the physician under which they are being
24 supervised to begin with.

25 SENATOR KENNEDY: Will the sponsor

1 continue to yield?

2 ACTING PRESIDENT AKSHAR: Does the
3 sponsor yield for another question?

4 SENATOR FUNKE: Yes.

5 ACTING PRESIDENT AKSHAR: The
6 sponsor yields.

7 SENATOR KENNEDY: Under the current
8 proposed legislation, at what point does that
9 treatment end?

10 SENATOR FUNKE: After the initial
11 treatment? As soon as there's somebody else on
12 the scene. They can hand off to EMS, they can
13 hand off to a team doctor -- they would hand off
14 to a team doctor.

15 SENATOR KENNEDY: Will the sponsor
16 continue to yield?

17 ACTING PRESIDENT AKSHAR: Senator
18 Funke, do you yield?

19 SENATOR FUNKE: Yes.

20 ACTING PRESIDENT AKSHAR: The
21 sponsor yields.

22 SENATOR KENNEDY: Is that outlined
23 in this legislation?

24 SENATOR FUNKE: That is not
25 specifically outlined in this legislation, no, it

1 is not. There's no hand-off for anybody.

2 SENATOR KENNEDY: Will the sponsor
3 continue to yield?

4 ACTING PRESIDENT AKSHAR: Senator
5 Funke, do you yield?

6 SENATOR FUNKE: I'd just like to
7 follow up. I don't know that there's a hand-off
8 in any of these scope-of-practice circumstances.

9 ACTING PRESIDENT AKSHAR: Will you
10 yield for an additional question?

11 SENATOR FUNKE: Yes.

12 ACTING PRESIDENT AKSHAR: Senator
13 Kennedy, the sponsor yields.

14 SENATOR KENNEDY: So
15 hypothetically --

16 SENATOR FUNKE: Hypothetically.

17 SENATOR KENNEDY: -- an injury
18 happens at a marathon or on a football field or a
19 hockey rink or a baseball diamond or a Cirque du
20 Soleil, and under the guidelines of this
21 legislation an athletic trainer is the first on
22 the scene to respond to the initial treatment.
23 But it is not outlined in the legislation when
24 that treatment ends. How is that athletic
25 trainer and the profession of licensed athletic

1 trainers in the State of New York supposed to
2 recognize, by virtue of the profession, by virtue
3 of this legislation, that their treatment must
4 end and it has to go to the next level -- to a
5 physical therapist, to a nurse for that higher
6 level of treatment?

7 SENATOR FUNKE: I understand your
8 point.

9 Through you, Mr. President, the
10 point of the matter is -- I'll go back to the
11 beginning -- they are always, always operating
12 under the supervision of a physician.

13 SENATOR KENNEDY: Will the sponsor
14 continue to yield?

15 ACTING PRESIDENT AKSHAR: Will the
16 sponsor yield for a question?

17 SENATOR FUNKE: Yes.

18 ACTING PRESIDENT AKSHAR: The
19 sponsor yields.

20 SENATOR KENNEDY: Under the
21 supervision of the physician as outlined in the
22 legislation, is a prescription necessary for that
23 athletic trainer's work?

24 SENATOR FUNKE: No. No. But there
25 are written protocols, certainly.

1 I mean, we're talking about
2 individuals who are going to go to school,
3 they're going to be certified as athletic
4 trainers, they're going to get master's degrees,
5 they're going to have to go through a licensing
6 procure with specific protocols, they're going to
7 have to operate under the supervision of a
8 physician.

9 Yes, are they going to be first on
10 the scene in an athletic contest? If a physician
11 is present, if there's a team doctor on hand,
12 certainly the team doctor is going to be there
13 first. But if there is no team doctor, an
14 athletic trainer is going to get out there and
15 try to do what they can do and what they do best
16 and be first on that scene. And then certainly
17 be prepared to hand off to the next person. That
18 could very well be EMS. It could be an ambulance
19 on the scene.

20 SENATOR KENNEDY: Will the sponsor
21 continue to yield?

22 ACTING PRESIDENT AKSHAR: Senator
23 Funke, do you yield?

24 SENATOR FUNKE: Yes.

25 ACTING PRESIDENT AKSHAR: Senator

1 Funke yields.

2 SENATOR KENNEDY: If we are
3 allowing these out-of-state trainers to come to
4 New York under their guidelines, under their
5 licensure, and they have the same expanded scope
6 of practice, should they be subject to the same
7 requirements that New York State-licensed
8 athletic trainers would be under this
9 legislation?

10 SENATOR FUNKE: As soon as they
11 come into New York State, they'd be under the
12 same requirements that SED requires of athletic
13 trainers in New York State.

14 SENATOR KENNEDY: Would the
15 sponsor --

16 SENATOR FUNKE: That's state law.

17 SENATOR KENNEDY: I'm sorry? Would
18 the sponsor repeat that last statement? I'm
19 sorry.

20 SENATOR FUNKE: I believe that's
21 state law.

22 SENATOR KENNEDY: Would the sponsor
23 continue to yield?

24 ACTING PRESIDENT AKSHAR: Senator
25 Funke, do you yield.

1 SENATOR FUNKE: Yes.

2 ACTING PRESIDENT AKSHAR: The
3 sponsor yields for another question.

4 SENATOR KENNEDY: Can you describe
5 the modalities that would be allowed to be
6 utilized to treat these injuries by these
7 licensed athletic trainers?

8 SENATOR FUNKE: Whatever is within
9 the scope of what they have learned and been able
10 to accomplish. They will do what they can when
11 they can. And then -- they again are under the
12 supervision of a physician, and they would hand
13 off to somebody, you know, if they can't
14 accomplish what they want to accomplish on the
15 scene.

16 I mean, it's like -- come on, it's
17 like anything else. You know, you're going to go
18 as far as you can go and you're going to hand it
19 off.

20 But these are qualified individuals.
21 And currently what we have in the State of
22 New York is probably a system where it is so
23 narrow in scope and so limited that fewer --
24 students who graduate from the 11 accredited
25 athletic training programs in this state choose

1 to go elsewhere to find work.

2 So it just seems to me that it makes
3 sense to have a better system in place for
4 athletic trainers, given the explosion of sports
5 going on in our state and around this country, so
6 that we understand fully that our kids are
7 protected, that individuals are protected when
8 they go out and engage in athletic endeavors.
9 Under the supervision, always, of a physician.

10 SENATOR KENNEDY: Will the sponsor
11 continue to yield?

12 ACTING PRESIDENT AKSHAR: Senator
13 Funke, do you yield for another question?

14 SENATOR FUNKE: Yes.

15 ACTING PRESIDENT AKSHAR: The
16 sponsor yields.

17 SENATOR KENNEDY: So this is a B
18 print, and I know that this has been in the works
19 for quite some time by the sponsor. And I know
20 that these various organizations, associations
21 that represent tens of thousands of licensed
22 healthcare practitioners across the state were at
23 the table negotiating a bill with the athletic
24 trainers that did not expand the scope of
25 practice that infringed upon nursing or physical

1 therapists.

2 Can the sponsor explain what
3 happened to those conversations and why the
4 opposition from the Physical Therapy Association
5 and Nurses Association?

6 SENATOR FUNKE: Let me just say
7 this. Athletic trainers right now are one of
8 only two professions that are limited in terms of
9 where they can practice. So if we're talking
10 about expanding scope, we're talking about
11 expanding outside of the athletic field. We very
12 well can be talking about, for example, military
13 personnel now. The federal government has
14 athletic trainers who work with those who go to
15 basic training. When it comes to police and
16 fire, we may be looking at the same circumstances
17 as far as athletic trainers are concerned.

18 We have come together, we have
19 discussed everything at the table. I think it's
20 a matter of people get a little bit antsy when
21 we're talking about scope of practice. It
22 happens in every profession. Everybody is
23 concerned, and they are rightly concerned. But I
24 think that we have addressed every concern that
25 has been brought up by physical therapists, by

1 EMS, by nurses.

2 And I believe that we have something
3 here that makes sense, that protects the public,
4 that protects our young people, and that gives
5 athletic trainers licensing, better preparedness,
6 requires them to go back and get further training
7 after a couple of years to make certain that they
8 are kept up with everything that is brand-new in
9 the world of athletics and injuries.

10 And I think that we have addressed
11 all the concerns that all these various groups
12 have had. And I have great respect for physical
13 therapists, great respect for doctors and nurses
14 and everybody. But again, these individuals,
15 licensed athletic trainers, can only operate
16 under the supervision of a doctor. And I think
17 that pretty much says it all.

18 SENATOR KENNEDY: Will the sponsor
19 continue to yield?

20 ACTING PRESIDENT AKSHAR: Senator
21 Funke, do you yield for a question?

22 SENATOR FUNKE: Yes.

23 ACTING PRESIDENT AKSHAR: The
24 sponsor yields.

25 SENATOR KENNEDY: Can you describe,

1 furthermore, other treatment modalities that may
2 be used in the extended treatment, since within
3 the guidelines of the legislation there is no end
4 point?

5 SENATOR FUNKE: This will be
6 according to a written protocol from the
7 physician under whom they are operating and
8 working. I don't want to say operating. They're
9 not going to do operations, either.

10 SENATOR KENNEDY: Will the sponsor
11 continue to yield?

12 ACTING PRESIDENT AKSHAR: Will the
13 sponsor yield for another question?

14 SENATOR FUNKE: Yes.

15 ACTING PRESIDENT AKSHAR: The
16 sponsor yields.

17 SENATOR KENNEDY: So if not -- and
18 correct me if I'm wrong, I believe the sponsor
19 said that these athletic trainers would not need
20 a prescription to do the work. That's accurate?

21 SENATOR FUNKE: A prescription to
22 do work?

23 SENATOR KENNEDY: A prescription to
24 do their treatment, to provide the treatment.

25 SENATOR FUNKE: No.

1 SENATOR KENNEDY: Okay. So under
2 the circumstances that -- will the sponsor
3 continue to yield?

4 ACTING PRESIDENT AKSHAR: Senator
5 Funke, do you yield for another question?

6 SENATOR FUNKE: Yes.

7 ACTING PRESIDENT AKSHAR: Senator
8 Funke yields.

9 SENATOR KENNEDY: Under the
10 circumstances that an athletic trainer doesn't
11 need the prescription, under what sort of
12 supervisory protocol, supervisory umbrella would
13 the physician provide that oversight?

14 SENATOR FUNKE: Again -- through
15 you, Mr. President. Again, they have standard
16 orders from the physician under whom they are
17 being supervised and a standard work order for
18 what they're going to do.

19 SENATOR KENNEDY: On the bill,
20 Mr. President.

21 ACTING PRESIDENT AKSHAR: Senator
22 Kennedy on the bill.

23 SENATOR KENNEDY: Thank you, first
24 and foremost, to the sponsor for indulging me in
25 these questions. I have some very, very strong

1 concerns that as far as I'm concerned, as it
2 pertains to legislation in this house, are grave
3 concerns to this -- as it pertains to this
4 legislation.

5 I believe that the sponsor is very
6 much well intentioned. I believe that licensure
7 of any healthcare practitioners, especially in
8 this state, historically and currently, is not
9 only very strong practice, but I think New York
10 State sets a precedent for the rest of the nation
11 to follow.

12 So in licensing, not just certifying
13 athletic trainers, I think generally speaking
14 that's a good thing.

15 The scope-of-practice expansion --
16 when we talk about treating an individual on the
17 field, at an athletic event, during an emergency
18 situation, whether it be a concussion or a broken
19 bone or a contusion or an abrasion or any other
20 sort of medical/physical issue that may happen
21 through the course of athletic participation by
22 these active individuals of all ages, it's good
23 to have licensed, supervised athletic trainers.

24 However, when we talk about
25 treatment of those same injuries, and there is no

1 end point to the treatment, and it isn't just the
2 immediate emergency intervention during that
3 course of that athletic situation, whatever it
4 may be, we start to get into the abyss of these
5 healthcare practitioners and the scope of
6 practice.

7 And while overlapping communication
8 is good, and the sponsor talked about overlap and
9 these different practices, these different
10 professions overlapping -- nursing, physical
11 therapy, occupational therapy, speech therapy,
12 any other sort of healthcare practice -- nursing,
13 if I didn't say that already. Overlap in
14 communication is very good.

15 But an overlap, an overextension and
16 an encroachment on a scope of practice to which
17 both the New York State Physical Therapy
18 Association and the New York State Nurses
19 Association both claim an encroachment on their
20 respective scopes of practice, that's a very bad
21 thing.

22 And New York State, quite frankly,
23 under the guidance of Senator LaValle and the
24 Higher Education Committee and Senator Stavisky
25 and the Higher Education Committee, over decades

1 has refused to allow the scope of practice of any
2 healthcare profession to be violated. And
3 unfortunately, I believe that this legislation
4 does just that. It violates the scope of
5 practice, backed up by the various professions.

6 These healthcare practitioners --
7 you know, we talk about elite athletes. These
8 physical therapists and these nurses, they're
9 elite healthcare practitioners. They go to
10 school for years on end. They go to continuing
11 ed. And again, there are great things in here.
12 Continuing education. That's a wonderful thing.
13 That ensures that once these athletic
14 trainers are licensed that they have to continue
15 their education, they have to continue to go
16 back, they cannot be complacent.

17 But if they're continuing to do the
18 work of other professions, it will violate those
19 professions, it will violate the elite status of
20 those professions, and it will get in the way and
21 set a precedent that I think is very, very bad
22 for healthcare in this state and very, very bad
23 for the continuing education for -- again,
24 specifically amid this legislation as it pertains
25 to physical therapists and nurses, but I believe

1 that there are others.

2 So with that, I would urge my
3 colleagues to vote no on this. I will be voting
4 no on this legislation amid serious concerns of
5 both myself, brought on by the respective
6 professions. Again, I absolutely applaud the
7 sponsor and sponsors, cosponsors, of this bill
8 for advancing a strong agenda to improve
9 healthcare and those that provide healthcare amid
10 emergency situations on the field. You know,
11 when an individual gets a concussion, you want
12 somebody there that knows what they're doing.
13 When an individual gets hurt in one way or
14 another, you want someone in the healthcare field
15 to know what they're doing to intervene.

16 But it's in the aftermath of that
17 that I think that this legislation goes far,
18 far -- too far. And for that, I'll be in the
19 negative, and I would urge my colleagues to do
20 the same. Thank you.

21 ACTING PRESIDENT AKSHAR: Senator
22 Murphy, why do you rise?

23 SENATOR MURPHY: Yes, thank you,
24 Mr. President. On the bill.

25 ACTING PRESIDENT AKSHAR: Senator

1 Murphy on the bill.

2 SENATOR MURPHY: Senator Funke, I
3 commend you.

4 As a healthcare practitioner for
5 over 23 years, I for 19 years have sat on the
6 sidelines to help kids that have had concussions,
7 broken bones, compound fractures. And until I
8 had volunteered my time back there, they had
9 nobody, absolutely nobody but the head coach that
10 learned CPR. And there was no advanced medical
11 treatment for these kids unless we waited for a
12 half hour to 45 minutes sometimes for that
13 ambulance to get there to treat this person.

14 So distinction between physical
15 therapists and nurses. These trainers do
16 sometimes treat these athletes in order to get
17 them back on the field for that next game,
18 whether it be Saturday or Sunday. Neuromuscular
19 injuries are so much harder to treat than just a
20 broken bone. A pulled hamstring -- you see in
21 the NFL sometimes these athletes, they're out for
22 four weeks, six weeks, treatment every day.

23 So these injuries can be quantified
24 in different categories. Nursing, I've been
25 there -- my wife has been a nurse for over

1 25 years. Unbelievable profession. They are at
2 the front line, I believe, in the hospital.
3 They're the ones that take care of people. These
4 physical therapists do prescription -- what do I
5 want to say. Prescription -- they get their
6 diagnosis from the doctor and treat that
7 diagnosis through the different modalities such
8 as ultrasound, electrical stim, hot packs, on the
9 treadmill.

10 So there is different categories
11 that we must address here. This is life or death
12 sometimes on the field with these athletic
13 trainers. There's an enormous difference with
14 regards to the athletic trainers to physical
15 therapists to nurses and to working underneath
16 the doctor, which these athletic trainers do.

17 Mr. President, I will be voting in
18 the aye.

19 ACTING PRESIDENT AKSHAR: Seeing no
20 other members wishing to be heard, the debate is
21 closed.

22 SENATOR DeFRANCISCO: Now, is the
23 debate closed?

24 ACTING PRESIDENT AKSHAR: The
25 debate is closed.

1 SENATOR DeFRANCISCO: So I will --
2 since we've got people running in and out and we
3 don't wait for everybody for every vote, I will
4 move to lay this bill aside temporarily and take
5 up the vote shortly.

6 ACTING PRESIDENT AKSHAR: This
7 particular bill will be laid aside temporarily.
8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: Now can you
10 call up Calendar 1510, by Senator Klein.

11 ACTING PRESIDENT AKSHAR: The
12 Secretary will read.

13 THE SECRETARY: Calendar Number
14 1510, by Senator Klein, Senate Print 4711, an act
15 to amend the General Business Law.

16 ACTING PRESIDENT AKSHAR: Senator
17 Krueger, why do you rise?

18 SENATOR KRUEGER: I would like to
19 ask the sponsor some questions, please.

20 ACTING PRESIDENT AKSHAR: Will the
21 sponsor yield for a question?

22 SENATOR KLEIN: Yes, Mr. President.

23 ACTING PRESIDENT AKSHAR: The
24 sponsor yields.

25 SENATOR KRUEGER: Thank you.

1 So it seems to me this bill does
2 three things; I have questions on each section.

3 It defines optional vehicle
4 protection in a certain way and then establishes
5 new pricing for those optional vehicle
6 protections. Can the sponsor please explain what
7 that change would be?

8 SENATOR KLEIN: Through you,
9 Mr. President, this is an update of legislation
10 which I passed back in 2002. And it's been a
11 long time since then, and we've seen some very
12 positive changes in the rental car industry.

13 Before the passage of this
14 legislation, it was almost impossible to be able
15 to rent a car in New York at a reasonable price.
16 The reason why is because there was a lot of
17 theft going on, a lot of individuals weren't able
18 to rent a car in New York, and that's why the
19 prices were so high.

20 Also many rental car businesses, the
21 majority, were unwilling to consider getting any
22 kind of high-end vehicles.

23 The change in the law -- and we've
24 seen it now -- is the proliferation of the rental
25 car industry. Consumers have benefited by a

1 very, very big discount or decrease in the price
2 of a rental car. So now we want to update the
3 changes.

4 First, the optional vehicle
5 protection plan now will be sort of a scale of \$9
6 for a car -- that's \$9 a day for a car priced
7 under \$20,000; \$12 a day for a car valued between
8 \$20,000 to \$35,000; \$15 a day for a car valued
9 between \$35,000 and \$50,000; and then a fair
10 market value for a car over \$50,000.

11 Just to clarify, 80 percent of the
12 individuals who rent cars in New York would be
13 between the \$9 and \$12 a day category, meaning
14 that most of the cars that are rented are under
15 \$35,000.

16 The other addition to the
17 legislation, or an update, is a new bill of
18 rights for the consumer, where everything is
19 spelled out very, very clearly that they do not
20 necessarily have to buy an optional vehicle
21 protection plan, that most of the times it's
22 covered under their existing insurance or if they
23 rent with a credit card.

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

1 yield.

2 ACTING PRESIDENT AKSHAR: Senator
3 Klein, will you yield for a question?

4 SENATOR KLEIN: Yes, Mr. President.

5 ACTING PRESIDENT AKSHAR: The
6 sponsor yields.

7 SENATOR KRUEGER: So I appreciate
8 that he highlighted that the bill of rights would
9 explain you don't need to purchase this.

10 Does the sponsor agree that most
11 people's private auto insurance credit card or
12 travel insurance already includes the optional
13 collision damage and therefore they don't
14 actually need to take out this supplemental
15 insurance from the rental car companies?

16 SENATOR KLEIN: Yeah, I do agree.
17 The majority of individuals would have collision
18 on their own, their own insurance would probably
19 cover most damage to these vehicles. In
20 addition, if they rent with a credit card, they
21 would be covered.

22 But this actually makes sure to
23 spell out a lot clearer than the original
24 legislation back in 2002, where I believe we only
25 had posting requirements, and the posting

1 requirements were still left up to the individual
2 car rental business. Now we spell out very
3 specifically what they have to post, and it's
4 also contained in the contract.

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

8 ACTING PRESIDENT AKSHAR: Senator
9 Klein, will you yield for another question?

10 SENATOR KLEIN: Yes, Mr. President.

11 ACTING PRESIDENT AKSHAR: The
12 sponsor yields.

13 SENATOR KRUEGER: Thank you.

14 So as he laid out the new charges,
15 he did say that for vehicles above \$50,000 in
16 value that there wouldn't be a set amount for
17 this supplemental insurance, it would be left up
18 to the rental companies based on some formula of
19 market value. I didn't really understand that in
20 the bill.

21 So could he explain what he thinks
22 the market value for this optional collision
23 damage would represent in real dollars per day
24 for people?

25 SENATOR KLEIN: Well, presently the

1 fair market value is enforced presently under
2 existing statute by the Attorney General.

3 The over \$50,000 gives a dealer the
4 opportunity to rent a high-end car. Some
5 probably won't take part in it, but there's some
6 that maybe want to rent a Porsche or some very,
7 very high-end model. And in return, most of the
8 time I would think their existing insurance may
9 not cover it. And it gives them the option. And
10 it also gives the individual car rental the
11 opportunity to post or actually state the fair
12 market value of the optional vehicle protection
13 for that high-end vehicle.

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

17 ACTING PRESIDENT AKSHAR: Will the
18 sponsor yield for another question?

19 SENATOR KLEIN: Yes, Mr. President.

20 ACTING PRESIDENT AKSHAR: The
21 sponsor yields.

22 SENATOR KRUEGER: Thank you.

23 So when I was reading some articles
24 about car rental coverage in other states, they
25 were giving examples where the cost of the

1 nonmandatory, optional auto insurance could
2 actually double the cost of the rental car per
3 day. Is it the sponsor's understanding that that
4 could actually be the story in New York?

5 SENATOR KLEIN: That's why we
6 actually -- actually, looking at other optional
7 vehicle protection plans in other states, it is
8 much higher. And that's why I thought it was
9 important to cap out the price in New York to
10 make sure we specifically state how much it's
11 going to be for various categories of vehicles.

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

15 ACTING PRESIDENT AKSHAR: Senator
16 Klein, will you yield for a question?

17 SENATOR KLEIN: Yes, Mr. President.

18 ACTING PRESIDENT AKSHAR: The
19 sponsor yields.

20 SENATOR KRUEGER: Thank you.

21 So the sponsor talked about having a
22 bill of rights. But in his bill, page 6,
23 Section -- sorry, the section number -- well,
24 actually it's -- the section is on notices, so it
25 starts on an earlier page. But if we turn to

1 page 6, paragraph H, it explicitly does away with
2 the current requirements that the rental
3 insurance materials be in plain English.

4 Why would we take away the
5 obligation for their materials to be in plain
6 English?

7 SENATOR KLEIN: Well, now that we
8 actually have it contained in statute, it's clear
9 enough where that portion is no longer necessary.

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

13 ACTING PRESIDENT AKSHAR: Will the
14 sponsor continue to yield?

15 SENATOR KLEIN: Yes, Mr. President.

16 ACTING PRESIDENT AKSHAR: The
17 sponsor yields.

18 SENATOR KRUEGER: So where in the
19 statute would it require it to be in plain
20 English in another section?

21 SENATOR KLEIN: Actually, the
22 entire -- what I referred to as the notices is
23 actually all going to be in statute. What I
24 referred to earlier as the bill of rights in the
25 legislation, it's referred to as notices, is all

1 going to be contained in the statute.

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

5 ACTING PRESIDENT AKSHAR: Will the
6 sponsor continue to yield?

7 SENATOR KLEIN: Yes, Mr. President.

8 ACTING PRESIDENT AKSHAR: The
9 sponsor yields.

10 SENATOR KRUEGER: So if I
11 understood the sponsor's answer correctly -- so I
12 just want to confirm I heard him right -- he
13 doesn't believe we need the plain English
14 obligation for the contract at all because the
15 notices section, which starts on page 5 of his
16 bill, lays out at least some of the contractual
17 arrangements in plain English, but it's not the
18 entire contract. Is that correct?

19 SENATOR KLEIN: It lays out each
20 and every one of the consumer protections in the
21 statute.

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

25 ACTING PRESIDENT AKSHAR: Senator

1 Klein, do you continue to yield?

2 SENATOR KLEIN: Yes, Mr. President.

3 ACTING PRESIDENT AKSHAR: The
4 sponsor yields.

5 SENATOR KLEIN: I just want to add
6 also on that, besides spelling out the entire
7 consumer protections in the statute, the entire
8 statute is also enforced by the Attorney General
9 of the State of New York.

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

13 ACTING PRESIDENT AKSHAR: Does the
14 sponsor yield?

15 SENATOR KLEIN: Yes, Mr. President.

16 ACTING PRESIDENT AKSHAR: The
17 sponsor yields.

18 SENATOR KRUEGER: Thank you.

19 And in the -- I guess it's the final
20 section of the bill, starting on page 11,
21 paragraph 16, it seems to establish a new
22 requirement that if there is damage to a vehicle,
23 that if the renter or their insurance company
24 doesn't put in writing within 72 hours their
25 desire to inspect the vehicle and challenge the

1 insurance company's determination, they have
2 waived their right to do so. Am I reading that
3 new section correctly?

4 SENATOR KLEIN: Well, actually, it
5 does waive it, but then they actually have to be
6 asked a subsequent time before it actually is
7 waived.

8 And I think that also comes into
9 play because we also extended the opportunity for
10 an individual to cancel the optional vehicle
11 protection plan. Previously it was 24 hours; we
12 give them much more time to actually cancel it.

13 SENATOR KRUEGER: Through you --
14 I'm not sure I understood correctly. So if the
15 sponsor could please explain the difference
16 between the 24-hour and the 72-hour.

17 ACTING PRESIDENT AKSHAR: Senator
18 Klein, can you clarify your point as raised by
19 Senator Krueger?

20 SENATOR KLEIN: The point is we
21 give more time for an individual, I guess if they
22 determine that maybe their insurance company or
23 their individual insurance does cover what they
24 need so they no longer need the optional vehicle
25 protection plan, so 24 hours later -- I believe

1 even 48 hours later -- they can cancel it and
2 only pay the portion of what was used so far.

3 That I believe is another important
4 consumer protection measure. Because, you know,
5 oftentimes someone goes to a Rent-A-Car counter
6 or rents a car, they take the optional vehicle
7 protection plan, and then they find out, by I
8 guess calling home, that their insurance actually
9 covers it.

10 SENATOR KRUEGER: On the bill,
11 Mr. President.

12 ACTING PRESIDENT AKSHAR: Senator
13 Krueger on the bill.

14 SENATOR KRUEGER: I want to thank
15 the sponsor for his answers.

16 I'm mixed on the bill because I
17 actually think the bill of rights idea is a good
18 consumer protection. But I am concerned that
19 with the scaling up of the cost of the optional
20 insurance -- which again, for most people who are
21 renting cars, isn't necessary at all -- we're
22 going to see an increase in the cost paid by some
23 percentage of people who are renting vehicles who
24 don't know that they actually already have this
25 insurance.

1 And I would suspect that if you were
2 to correlate people who would want to rent the
3 more expensive vehicles, they are the most likely
4 to already have coverage through their own
5 insurance, a credit card. And so we're actually
6 allowing the rental companies to dramatically
7 increase the cost for a kind of insurance that
8 isn't really needed most of the time anyway,
9 which I don't see as a positive for consumers.

10 But then there are other sections of
11 the bill that I'll accept actually probably do
12 help clarify the rules of the road, so to speak.

13 I'm torn, and I'm still voting no.
14 Thank you, Mr. President. I want to thank the
15 sponsor for his answers.

16 ACTING PRESIDENT AKSHAR: Seeing no
17 other members wishing to be heard on this
18 particular bill, the debate is closed.

19 Senator DeFrancisco.

20 SENATOR DeFRANCISCO: The debate
21 being closed, to try to get the votes
22 efficiently, we'd like to lay this bill aside
23 temporarily.

24 ACTING PRESIDENT AKSHAR: This bill
25 will be laid aside temporarily.

1 SENATOR DeFRANCISCO: And if you
2 could call up Senator Savino's bill, which is
3 903.

4 ACTING PRESIDENT AKSHAR: The
5 Secretary will read.

6 SENATOR DeFRANCISCO: Oh, before
7 you do that, I'm sorry --

8 ACTING PRESIDENT AKSHAR: Excuse
9 me, Secretary.

10 SENATOR DeFRANCISCO: -- Senator
11 LaValle has asked me to call an immediate meeting
12 of the Higher Education Committee in Room 332.

13 ACTING PRESIDENT AKSHAR: There
14 will be an immediate meeting of the Higher
15 Education Committee in Room 332.

16 The Secretary will read Calendar
17 Number 903.

18 THE SECRETARY: Calendar Number
19 903, substituted earlier by Member of the
20 Assembly Gottfried, Assembly Print Number 7006,
21 an act to amend the Public Health Law.

22 ACTING PRESIDENT AKSHAR: Senator
23 Croci, why do you rise?

24 SENATOR CROCI: On the bill,
25 Mr. President.

1 ACTING PRESIDENT AKSHAR: Senator
2 Croci on the bill.

3 SENATOR CROCI: Mr. President, I
4 want to first compliment my colleague and my
5 friend who is the sponsor of this, because I
6 believe there's a genuine desire in this house to
7 help veterans who have posttraumatic stress
8 disorder. We may sometimes disagree on how we go
9 about doing that, but I want you to follow me for
10 a second so you understand why I'm concerned
11 about this legislation.

12 We grow up in New York State --
13 great neighborhoods in the country, great
14 neighborhoods in the suburbs, neighborhoods,
15 great neighborhoods in the cities. Our brain
16 takes pictures of our lives as Americans and
17 New Yorkers. You get into a combat situation,
18 and suddenly you're faced with images that those
19 pictures can't compute with, that don't make any
20 sense. It takes a lot of veterans a very long
21 time, even after they're redeployed, coming home,
22 to actually come home because of this reason.

23 We have done a lot of work in our
24 country since World War I to identify some of
25 these causes and to deal with them. What we are

1 learning is that posttraumatic stress disorder
2 and traumatic brain injury could sometimes be
3 misdiagnosed. And what we're also learning is
4 that when our veterans come home and they come to
5 the VA, for a long time in the VA system they
6 were overmedicated.

7 Here's what I don't want to happen,
8 Mr. President. I don't want a veteran who's
9 coming home with posttraumatic stress disorder or
10 traumatic brain injury, first, to be misdiagnosed
11 and given a substance for which there is no
12 approval to treat. And secondly, I want that
13 individual to truly come home and have recovery.

14 And the veterans that we have seen
15 who have achieved that recovery, like the Vietnam
16 veterans who have worked hard and struggled hard,
17 that is abstinence-based. And it is a wonderful
18 thing to see, after years of being tormented,
19 that peace in their eyes, that sense of peace.

20 The Vietnam Veterans of America,
21 through the Veterans Health Council, is opposed
22 to this legislation. Not because they don't want
23 to help veterans, but first and foremost, if you
24 look at the FDA's schedule of prescribed
25 medicines, Schedule I for controlled substances,

1 criteria for scheduling and schedules under the
2 Controlled Substances Act, Schedule I includes
3 heroin, hallucinogens, marijuana and others.
4 Which means the federal government still
5 recognizes marijuana as illegal.

6 So whatever our vote is here today,
7 outside the State of New York, the government
8 considers it illegal.

9 The other thing I'd like to refer
10 you to are two studies, one done by NYU Langone
11 and the other published in the Clinical
12 Psychology Review, both inconclusive about how
13 medical marijuana or marijuana could help PTSD.
14 And one goes so far -- and I'll read from the NYU
15 Langone study, which is from 2016, that says
16 "Available evidence is stronger for marijuana's
17 harmful effects on the development of psychosis
18 and substance misuse than for the development of
19 depression and anxiety. Marijuana use is also
20 associated with worse treatment outcomes in
21 naturalistic studies and with maladaptive coping
22 styles that maintain PTSD symptoms. Known risks
23 of marijuana thus currently outweigh unknown
24 benefits for PTSD."

25 And these studies are probably the

1 more comprehensive studies that have even been
2 done here.

3 Now, I would love to come back to
4 this chamber in 30 years and be completely wrong
5 because there have been double-blind studies with
6 a -- gold standard studies that have proven,
7 using a control group and placebos, that yes, in
8 fact, medical marijuana or marijuana helps
9 individuals who have posttraumatic stress
10 disorder.

11 From personal experience in working
12 with veterans, Mr. President, I think you're just
13 masking their symptoms. You're helping them with
14 their symptoms, but that long-term recovery --
15 and I have seen veterans from Vietnam who hadn't
16 slept in over 40 years, who have come home and
17 through alternative, abstinence-based treatments
18 are new people. It saved their lives. Veterans
19 from Afghanistan and Iraq tormented by their
20 deployments, who are close to death, saved by
21 alternative treatments. So I believe in
22 alternative treatments.

23 But I believe the Hippocratic oath
24 says that "first, do no harm." And I'm just
25 afraid, because of the lack of evidence, because

1 our federal government does not recognize, first
2 of all, this substance is even legal, and because
3 of ongoing concerns by our mental health
4 professionals who treat our veterans every day, I
5 think we're premature, Mr. President. I think
6 we're premature in substituting our knowledge and
7 our opinions for that of the FDA, mental health
8 professionals. And essentially, this is
9 something that the National Institutes of Health,
10 this is something that further studies should
11 tell us: Listen, even though it may not help, it
12 won't do harm. And that's what I want to
13 protect.

14 Mr. President, whether you're a
15 leader in the Senate, whether you're a leader in
16 the military, I believe as a military officer
17 that my responsibility as a leader is first to
18 get my mission done and to take care of my
19 people. Other than that, we don't need leaders
20 in the military. That's what we're there for.
21 That's why we commission officers and we have
22 leaders.

23 I don't believe that I'm taking care
24 of my people, particularly my friends and my
25 comrades who have come home with severe

1 posttraumatic stress disorder and traumatic brain
2 injury, by just saying that, you know, whatever
3 you think will work, work. Because we know that
4 they come home and they self-medicate with
5 alcohol. We know people self-medicate with
6 marijuana. We know people self-medicate with
7 opioids. And this body has done a tremendous
8 amount of work to ensure that opioids and other
9 drugs are more controlled and dispensed in ways
10 that are appropriate.

11 We are -- we're entering uncharted
12 waters, and I don't -- in the time that we will
13 spend in this chamber today, 22 veterans will
14 kill themselves. Twenty-two. It happens every
15 day in the United States. I don't want to be
16 responsible for telling them that I have a
17 panacea for you or telling them that I have a
18 treatment for you that we know is going to work
19 and we're putting our names and reputations as
20 New York State Senators behind it, because I
21 don't believe we can yet, Mr. President.

22 And while I compliment my colleague,
23 the sponsor, for bringing an alternative
24 treatment to the floor, I had wished that there
25 were other alternative treatments included in

1 this legislation -- equine therapy, art therapy,
2 hyperbaric oxygen treatment, cognitive behavioral
3 therapy.

4 Something that this Senate has --
5 the Dwyer Peer-to-Peer Program, which is a
6 peer-to-peer abstinence-based model that has
7 worked throughout our state. Counties all over
8 the state want the Dwyer program. Why is that?
9 Because I truly believe when you have that kind
10 of recovery from either posttraumatic stress
11 disorder or traumatic brain injury, you're
12 finally coming home. And it may take 20 years,
13 30 years, but you're finally coming home. Let's
14 not delay the homecoming of our veterans.

15 Thank you, Mr. President. I'll be
16 voting nay.

17 ACTING PRESIDENT AKSHAR: Thank
18 you, Senator Croci.

19 Senator Savino, why do you rise?

20 SENATOR SAVINO: On the bill.

21 ACTING PRESIDENT AKSHAR: On the
22 bill.

23 SENATOR SAVINO: Unless other
24 members want to speak on the bill first; then I
25 will speak last, as is tradition, as the sponsor

1 of the bill.

2 ACTING PRESIDENT AKSHAR: Senator
3 Rivera has asked to be heard.

4 Senator Rivera, why do you rise?

5 SENATOR RIVERA: On the bill,
6 Mr. President.

7 ACTING PRESIDENT AKSHAR: Senator
8 Rivera on the bill.

9 SENATOR RIVERA: I am sure that the
10 sponsor would go at length into a response. I
11 was hoping to kind of figure out what she was
12 going to cover and then -- she was probably not
13 going to leave much on the table. And I'm sure
14 she is not when she stands up to give the
15 explanation.

16 Mr. President, I'll be voting in the
17 positive on this piece of legislation. I think
18 that over the last couple of years we've had a
19 conversation that has been productive -- although
20 in many of our eyes, not productive enough -- in
21 moving forward with medical marijuana in the
22 State of New York.

23 It seems, unless I am understanding
24 the bill incorrectly, that we are just saying
25 that one of the conditions that could be treated

1 with medical marijuana -- which I will remind
2 everyone, as per the bill that we passed a few
3 years ago, it is not -- it actually has to be
4 processed. It is not a smokeable type of
5 material. It can be only used and dispensed in
6 very particular ways. It is a very, very
7 restrictive program. Many of us have argued,
8 indeed, that it is too restrictive.

9 And the bottom line is that it has
10 been -- and again, the sponsor will go deep into
11 this. It is precisely because we care so much
12 about veterans, it is precisely because we care
13 so much about those individuals that protect us
14 that we are saying that this should be treatment
15 that is available to them.

16 This bill does nothing except add to
17 the bill that we've already passed. This is one
18 of the conditions for which it would be --
19 someone would be eligible to have this not
20 prescribed, but suggested to them.

21 And it seems, Mr. President, that
22 there's a constant confusion, which is one that
23 we've been trying to battle for a very long time,
24 that precisely because there is a category at the
25 federal level of different types of drugs, and

1 opioids and marijuana are in the same category,
2 that we should equate them. And that is totally
3 false. It has been absolutely debunked many,
4 many times over. It is -- regardless of how much
5 some folks continue to say it, it is not a
6 gateway drug. It is indeed -- we need to study
7 it more to see the type of effects, the positive
8 effect that it could have on all sorts of
9 conditions, and PTSD just being one of them.

10 So, Mr. President, I'll be voting in
11 the affirmative on this. And I know that the
12 sponsor would have much more to add, because
13 bottom line, this is just a way to say for those
14 folks that we care so much about, we want to give
15 them another opportunity to be able to be healed.
16 And this is precisely what this piece of
17 legislation does.

18 So I thank the sponsor not only for
19 her battles that she's waged so far, but for her
20 continued battles in making sure that we expand
21 this type of treatment to more and more
22 individuals. And hopefully we will continue to
23 make this program more accessible and better in
24 the State of New York, because it has already
25 helped many, many, many people, Mr. President.

1 I'll be voting in the affirmative.

2 Thank you.

3 ACTING PRESIDENT AKSHAR: Any other
4 members wishing to be heard other than Senator
5 Savino?

6 Senator Savino on the bill.

7 SENATOR SAVINO: Thank you,
8 Mr. President.

9 I want to thank Senator Rivera for
10 his comments. And I want to thank Senator Croci
11 for his impassioned conversation on the floor
12 here.

13 I do understand his concern. And I
14 share the concerns that he has for the problems
15 that many of our veterans are facing. I don't
16 for one minute dispute that his concern is
17 heartfelt and real.

18 You know, it's almost amazing to me
19 that it's about three years ago this week, give
20 or take a few days, that this Legislature enacted
21 the Compassionate Care Act, when we took it up
22 here on the floor. Some of you were not here.
23 We have a couple of new members that weren't
24 here. But it was historic then. And if you'll
25 recall, I said then what I will say now.

1 We were doing two things when we
2 adopted the Compassionate Care Act. We were
3 developing a public health policy, and we were
4 also resocializing the way people think about
5 marijuana, after having spent close to 70 years
6 being told over and over that marijuana is
7 dangerous and marijuana is bad, that there are
8 good drugs and bad drugs. And good drugs come
9 from the pharmacy, and bad drugs come from the
10 black market.

11 And that's what we were trying to
12 change, the way people think about marijuana, in
13 recognition of the fact that 22 other states
14 before us had adopted a medical marijuana
15 program, and that the world didn't end and the
16 sky didn't fall and patients were seeing that
17 they had an option -- an option. Not having lost
18 the healthcare that they had, but they had an
19 alternative option so they could deal with
20 chronic, debilitating, lifelong serious
21 conditions like epilepsy, like multiple
22 sclerosis, like chronic pain associated with
23 cancer and the associated treatment. We saw that
24 in other states, and we were bringing it to
25 New York.

1 We wanted to add PTSD at the time,
2 but there was some skepticism on the part of the
3 Executive. There was a lot of skepticism on the
4 part of the Executive about the whole approach.
5 And so we set aside PTSD.

6 But we knew it was an issue that we
7 needed to revisit for two reasons. Not just
8 because of the level of posttraumatic stress
9 disorder that was affecting our veterans, and
10 that has always been there, but posttraumatic
11 stress disorder affects a lot of people. If you
12 have been the victim of domestic violence,
13 rape -- firefighters and police officers --
14 there's any number of people who have been
15 exposed to a traumatic incident in their life,
16 and they are suffering from posttraumatic stress
17 disorder.

18 And I know there's a concern about
19 whether or not there are double-blind studies
20 that talk about whether medical marijuana helps
21 with posttraumatic stress disorder or whether the
22 drugs that people are being given now are better.
23 But here's what I know. The FDA has only
24 approved two medications for the treatment of
25 posttraumatic stress disorder. They are Zoloft

1 and Paxil. Both of them are antidepressants.
2 However, the vast majority of patients who are
3 being treated for posttraumatic stress disorder
4 are not being prescribed either one of those
5 drugs. They are being prescribed off-label
6 drugs. You know what that -- off-label is -- you
7 know, that means a doctor can give you something
8 that it was not originally designed or approved
9 by the FDA.

10 The vast majority of people who are
11 suffering from posttraumatic stress disorder are
12 being prescribed benzodiazepines. Valium. I'm
13 competing with Senator Díaz's cellphone.

14 ACTING PRESIDENT AKSHAR: Senator
15 Diaz, can you mute that phone or go out in the
16 hallway, please? Thank you, sir.

17 SENATOR SAVINO: They're being
18 prescribed Valium, Ativan, other highly
19 addictive, dangerous drugs. Coupled with mood
20 disorder medications, anticonvulsants -- and
21 maybe, yes, Senator Croci, some of them also may
22 have other pain medications to deal with injuries
23 that they had.

24 They are living on toxic chemicals.
25 And what they're asking for is the option for an

1 alternative treatment that 28 other states have
2 seen fit to add to their medical marijuana
3 programs. They're not saying anything more.
4 They would like to have the same option that
5 28 other states have.

6 This is important for all patients
7 that have posttraumatic stress disorder, but it's
8 even more particularly important for veterans.
9 Why? Because most veterans get their healthcare
10 from the VA. And if they are utilizing marijuana
11 outside of a licensed medical marijuana program
12 in their state, they run the risk that they will
13 be penalized by the Veterans Administration. So
14 they need to be in a licensed program in their
15 own state.

16 That's why it's important that we
17 add it to New York State, so that those veterans
18 who want to use this as an option will have the
19 right to do so, so that they won't self-medicate
20 from the black market, they won't risk the
21 benefits that they have from the Veterans
22 Administration.

23 I agree with you, this is not the
24 only option. I'm willing to work with anybody
25 who wants to work on adding other treatments.

1 Maybe not this program; I don't know that it's
2 necessary to add it to the Compassionate Care
3 Act. But if there are alternative treatments
4 that will work for PTSD, whether it's equine
5 therapy or cognitive therapy, I'm open to working
6 with you, Senator Croci, on any other plan.

7 I've never said that medical
8 marijuana is an alternative or a replacement for
9 traditional medicine. It should be on a option
10 available to patients. And right now, New York
11 State is an outlier, and we shouldn't be.

12 Right now, Massachusetts is about to
13 become a recreational state. And that's
14 important; we should keep that in mind. Because
15 our patients could very easily cross the border
16 into Massachusetts and buy marijuana for adult
17 use, putting themselves at risk legally and
18 financially. We don't want to see that happen.

19 We need to provide patients in
20 New York State who are suffering from this
21 condition, as well as other conditions, stability
22 and safety. That's why we need to continue to
23 expand this law and work on it and stabilize it.

24 You know, as I said three years ago,
25 we didn't know where we were going to go with

1 this. Last Friday I was the keynote speaker at a
2 convention at the Javits Center in New York City,
3 where thousands of people came from not just
4 New York, but across the country, to the Cannabis
5 World Convention Business Expo, because marijuana
6 is legal in 29 states.

7 Twenty-nine states are now deriving
8 revenue -- in fact, the State of Colorado is
9 making so much money off the tax revenue that
10 they can pay for their entire education system
11 off of it. Other states are regulating it. We
12 have safe, clean products. They are eradicating
13 the black market.

14 The only thing standing in the way
15 is a federal government that continues to be
16 willfully ignorant about the benefits of medical
17 marijuana in general, marijuana in particular.

18 I believe it's our responsibility as
19 state legislators to stabilize our own programs
20 and then push the federal government to finally
21 do the right thing and de-schedule marijuana so
22 that then the FDA will be able to do the research
23 that, Senator Croci, they should do. So we can
24 have American research institutions provide the
25 type of security that you would feel comfortable

1 with, that others would feel comfortable with.
2 That will only happen if the federal government
3 finally recognizes that they've been standing on
4 the wrong side of this issue.

5 Sixty-six percent of the American
6 people live in a state that has legal marijuana.
7 The time is now. And I thank all of my
8 colleagues for supporting me. You know, back
9 from the very beginning when Joe Robach, Senator
10 Robach, and Tom O'Mara and Bill Larkin were the
11 first to sign onto this bill -- and I will tell
12 you, nothing surprised me more than this time
13 when Senator Golden was the first to cosponsor
14 this bill. That's how many minds have been
15 changed, because we did it the right way in
16 New York and we're going to continue to help
17 patients.

18 Thank you, Mr. President.

19 ACTING PRESIDENT AKSHAR: Seeing no
20 other members wishing to be heard, the debate is
21 closed in regards to Calendar 903.

22 Senator DeFrancisco.

23 SENATOR DeFRANCISCO: So the debate
24 is closed?

25 ACTING PRESIDENT AKSHAR: Yes, sir.

1 SENATOR DeFRANCISCO: We'll lay
2 that aside temporarily.

3 And we have a little stalemate here,
4 since the -- well, first of all, the Bonacic
5 bill, can we call that up?

6 ACTING PRESIDENT AKSHAR: So this
7 particular bill, Calendar 903, will be laid aside
8 temporarily.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 572, by Senator Bonacic, Senate Print 5377, an
12 act to amend the Racing, Pari-Mutuel Wagering and
13 Breeding Law.

14 SENATOR DeFRANCISCO: Lay that bill
15 aside for the day.

16 ACTING PRESIDENT AKSHAR: That bill
17 will be laid aside for the day.

18 SENATOR DeFRANCISCO: And so that
19 leaves one bill that's laid aside temporarily
20 that we're waiting for a hand-up from the
21 Assembly. And the other bill is my bill, and
22 we're waiting for Senator Krueger, who is in the
23 Higher Ed Committee. So we're sort of at a
24 stalemate.

25 So we're going to stand at ease.

1 When we get back, we'll finish the last bill,
2 we'll take the votes on all the other bills that
3 we've laid aside temporarily so we can get
4 everybody in at once. And then after that, we'll
5 be calling a Rules Committee meeting immediately
6 after.

7 So that's your roadmap so far for
8 today. So we're at ease until we get -- we're
9 able to debate this last bill on this calendar.

10 ACTING PRESIDENT AKSHAR: Everyone
11 heard the roadmap.

12 The Senate will stand at ease.

13 (Whereupon, the Senate stood at ease
14 at 1:49 p.m.)

15 (Whereupon, the Senate reconvened at
16 2:54 p.m.)

17 ACTING PRESIDENT AKSHAR: The
18 Senate will come to order.

19 Senator DeFrancisco.

20 SENATOR DeFRANCISCO: Yes, I
21 believe there's one more bill on the
22 noncontroversial calendar. Could we take up
23 that, please -- the controversial calendar.

24 ACTING PRESIDENT AKSHAR: One last
25 bill on the controversial calendar.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 1440, by Senator DeFrancisco, Senate Print 3129,
4 an act to amend the Civil Practice Law and Rules.

5 ACTING PRESIDENT AKSHAR: Senator
6 Krueger.

7 SENATOR KRUEGER: How are you,
8 Mr. President?

9 ACTING PRESIDENT AKSHAR: I'm
10 wonderful, Senator. Thank you.

11 SENATOR KRUEGER: Thank you. Would
12 the sponsor please yield for a few questions.

13 ACTING PRESIDENT AKSHAR: Senator
14 DeFrancisco, do you yield for a question?

15 SENATOR DeFRANCISCO: Yes.

16 ACTING PRESIDENT AKSHAR: The
17 sponsor yields.

18 SENATOR KRUEGER: Thank you.

19 So seeing this bill year after year,
20 the sponsor and I have debated it multiple years.
21 The issue goes back to 2006. We're now in 2017.
22 Why does the sponsor continue to believe we need
23 to give tobacco companies an exception to the
24 normal law of filing a bond when you have lost in
25 court and are appealing? Why, of all the

1 companies out there in the world, should we be
2 doing this for tobacco companies when we're now
3 10 or 11 years into the settlement deal and it's
4 working fine, thank you?

5 SENATOR DeFRANCISCO: Because hope
6 springs eternal. That this is a good bill. It
7 was a good bill in 2006, and it's a good bill
8 now.

9 And let me tell you how good it is.
10 You know who supports it? Most of the county
11 executives, if not all. The New York State
12 Association of Counties. The AFL-CIO. CSEA.
13 DC-37. PEF. AFSCME. NYSUT -- NYSUT.

14 (Laughter.)

15 SENATOR DeFRANCISCO: NYSPFFA,
16 PCNA, every other acronym you can come up with.

17 And the reason they do is they
18 understand a very basic point, and that is that
19 there has been billions of dollars from tobacco
20 settlements that have been paid to counties over
21 the years since the master settlement agreement
22 took place.

23 In fact, New York State, New York
24 City and other counties, received approximately
25 \$1 billion -- approximately, mind you --

1 \$1,432,460,402, approximately, in 2016 alone, and
2 \$14.5 billion so far from tobacco companies.

3 And you know what will happen if the
4 tobacco companies can't pay those amounts every
5 year to the counties and to the City of New York?
6 They won't get the money to pay the settlement.

7 So why do we have a limit on the
8 bond? If there's a case that goes out and the
9 jury finds 8 gazillion dollars against the
10 tobacco companies -- because most people don't
11 really love tobacco companies. If you get a
12 jury, they can come up with a huge number. And
13 to appeal it, they have to post a bond. And if
14 they have to post a bond in an amount that is
15 going to bankrupt them, they don't pay this
16 money, and CSEA members don't get paid, PEF
17 members don't get paid, and AFL-CIO members don't
18 get paid.

19 And every state has a limit on the
20 bond for that same reason. And our limit is
21 \$250 million. And that's just what they have to
22 hold up in order to have an appeal without paying
23 the jury verdict. If they're ultimately awarded
24 the whole amount, the plaintiffs, well,
25 everything is going to go bankrupt anyway. But

1 while the appeals are going through, it limits
2 the amount of bond that they have to pay to
3 protect those master settlement agreements.

4 And now, after that, I'm sure you
5 agree with me, Senator Krueger.

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

8 ACTING PRESIDENT AKSHAR: Senator
9 Krueger on the bill.

10 SENATOR KRUEGER: So earlier today
11 the sponsor misspoke that he had never made a
12 mistake. Here again, I'm sorry, I feel he's made
13 a mistake.

14 It is true that there are many
15 organizations that he listed that support his
16 bill. And I think it's very rare that the
17 sponsor gets to list that he's on the same side
18 as those organizations, so I know he's excited
19 about it. But the fact is tobacco companies have
20 a terrible history and reputation for lying to
21 the public, over and over and over again, about
22 their products, the dangers of their products,
23 and even doing a mass campaign that they're going
24 to not be able to make their payments to the
25 state and the localities of New York when they

1 have been making their payments for over 10 years
2 already. And if you look up the net revenue of
3 some of these companies, they are making more
4 money than ever before.

5 The danger of this kind of bill,
6 Mr. President, is it actually sends a message to
7 others who might have been harmed and might be
8 choosing or attempting to sue these companies,
9 that they are not going to be able to get a fair
10 day in court and even get the return they should
11 if they have been harmed.

12 Now, there is a way, I believe, that
13 we could address this, a bill that the sponsor
14 and I might be able to agree on. And that would
15 be that the state could institute a formal appeal
16 bond cap based on a percentage of a defendant's
17 total assets or average net revenue over the past
18 several years.

19 So if there are individual companies
20 who can show they could be at risk of failing to
21 meet their obligations to us -- again, nobody has
22 yet -- but if individual companies could show
23 that they were actually at risk because of their
24 net revenues being so low or their total assets
25 being so low, we can explore individual appeal

1 caps.

2 Now, let's take a couple of those
3 companies. I looked up Altria today, one of the
4 largest companies in the settlement fund. Do you
5 know how much their net revenue is for 2016,
6 Mr. President?

7 ACTING PRESIDENT AKSHAR: I don't,
8 Senator.

9 SENATOR KRUEGER: It was over
10 \$25 billion, net revenue in 2016.

11 There's no reason we need to give
12 Altria or companies making that kind of money a
13 deal on the bonds they have been holding and they
14 should continue at that rate to be holding, to
15 ensure that the law is equal across the board for
16 companies who face any kind of criminal
17 determination or civil determination in court.
18 It's the right thing for the people of New York
19 for us to have the same laws applying across the
20 board.

21 And again and again, I guess we can
22 debate this bill each year. We're not having a
23 problem that needs a fix. So this is a solution
24 in search of a problem, Mr. President. I urge a
25 no by my colleagues.

1 Thank you.

2 ACTING PRESIDENT AKSHAR: Thank
3 you, Senator Krueger.

4 Seeing no other members wishing to
5 be heard, the debate is closed.

6 Senator DeFrancisco.

7 SENATOR DeFRANCISCO: At this point
8 could you ring the bell.

9 And I would like to announce, when
10 the bell is being rung, we are asking everyone to
11 come in because there's several bills that have
12 been laid aside where we're going to take a vote
13 on all of those bills so we only have to herd the
14 cattle once.

15 So please ring the bell.

16 ACTING PRESIDENT AKSHAR: The bell
17 has been rung.

18 For everybody listening, please
19 report back to the chamber so we can take up
20 these bills.

21 Senator DeFrancisco.

22 SENATOR DeFRANCISCO: Would
23 everyone please take their seats so we can make
24 sure people are here and we can get started.

25 ACTING PRESIDENT AKSHAR: I'll ask

1 everybody to take their seats, please. All the
2 members take your seats so we can get through
3 these votes. Thank you.

4 Senator DeFrancisco.

5 SENATOR DeFRANCISCO: The bill
6 that's before the house right now, could you give
7 me the number and the title and call the roll.

8 ACTING PRESIDENT AKSHAR: Calendar
9 Number 1440 is before the house. I'll ask the
10 Secretary to read the last section.

11 THE SECRETARY: Section 4. This
12 act shall take effect on the 30th day.

13 ACTING PRESIDENT AKSHAR: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT AKSHAR: Announce
17 the results.

18 THE SECRETARY: In relation to
19 Calendar 1440, those recorded in the negative are
20 Senators Addabbo, Bailey, Brooks, Carlucci, Díaz,
21 Hoylman, Kaminsky, Kennedy, Krueger, Peralta,
22 Persaud, Rivera, Sanders, Serrano, Squadron,
23 Stavisky and Stewart-Cousins.

24 Absent from voting: Senator Comrie.

25 Ayes, 45. Nays, 17.

1 ACTING PRESIDENT AKSHAR: The bill
2 is passed.

3 Senator DeFrancisco.

4 SENATOR DeFRANCISCO: Could you go
5 in order on the other bills we laid aside, except
6 for Senator LaValle. We still have to lay that
7 aside temporarily.

8 ACTING PRESIDENT AKSHAR: We'll
9 begin at Calendar Number 85.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number 85,
12 by Senator DeFrancisco, Senate Print 241, an act
13 to amend the Criminal Procedure Law.

14 ACTING PRESIDENT AKSHAR: Read the
15 last section.

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

18 ACTING PRESIDENT AKSHAR: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT AKSHAR: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar 85, those recorded in the negative are
25 Senators Alcantara, Avella, Bailey, Benjamin,

1 Breslin, Carlucci, Díaz, Dilan, Gianaris,
2 Hamilton, Hoylman, Klein, Krueger, Montgomery,
3 Parker, Peralta, Persaud, Rivera, Sanders,
4 Savino, Serrano, Squadron, Stavisky,
5 Stewart-Cousins and Valesky.

6 Absent from voting: Senators Comrie
7 and Sanders.

8 Ayes, 36. Nays, 25.

9 ACTING PRESIDENT AKSHAR: The bill
10 is passed.

11 We'll take up Calendar Number 903.
12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 903, substituted earlier by Member of the
15 Assembly Gottfried, Assembly Print 7006, an act
16 to amend the Public Health Law.

17 ACTING PRESIDENT AKSHAR: Read the
18 last section.

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

21 ACTING PRESIDENT AKSHAR: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT AKSHAR: Senator
25 Croci to explain his vote.

1 SENATOR CROCI: Thank you,
2 Mr. President.

3 I want to thank my colleagues on
4 this important piece of legislation, which I
5 believe has come before the house for our
6 consideration.

7 It is again my contention that if
8 this bill included language that would have
9 ensured a mental health professional was the one
10 prescribing medical marijuana, if that individual
11 received counseling in addition, and that was
12 included in this legislation -- otherwise, I
13 believe we're substituting our judgment on a
14 matter that the federal government has said is a
15 prescribed substance and something that I believe
16 will delay a veteran's return home.

17 Because ultimately the hardest thing
18 about a deployment is coming home. And the
19 sooner we allow them to live and experience the
20 kind of emotions we do in an abstinence-based
21 paradigm, the sooner that they are returning
22 home. Please do not allow our veterans to delay
23 their homecoming. Thank you.

24 I'll be voting no.

25 ACTING PRESIDENT AKSHAR: Senator

1 Croci to be recorded in the negative.

2 Senator Marchione.

3 SENATOR MARCHIONE: Thank you,
4 Mr. President.

5 I will also be voting no on this
6 bill.

7 And for me, I agree with what
8 Senator Croci has just said. But I also think if
9 this were tied to therapy -- we don't know if
10 medical marijuana on its own is really going to
11 provide assistance, but we do know therapy does
12 really help. And if you combine the medical
13 marijuana with a mandate that you must be in
14 therapy, my vote would have been different on
15 this as well. But today, Mr. President, I vote
16 no.

17 ACTING PRESIDENT AKSHAR: Senator
18 Marchione to be recorded in the negative.

19 Senator Ortt.

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

22 I want to echo the comments of my
23 colleague Senator Croci.

24 We all want to help veterans in this
25 chamber. We all talk about helping veterans in

1 this chamber. And I believe that most of us have
2 done some very good things on behalf of our
3 veterans who have served this country.

4 And PTSD amongst our veterans and
5 amongst other members of the populace is a very
6 real issue. The problem is there simply isn't
7 enough evidence that this will do anything for
8 our veterans or for anyone else suffering with
9 PTSD. It's highly subjective.

10 And the fact is if it was tied to
11 other types of therapy, then maybe we could talk
12 about this bill. If it included other types of
13 therapy, maybe we could talk about this bill.
14 Because the fact of the matter is because of the
15 lack of evidence that this really helps
16 veterans -- when we talk about helping veterans,
17 what does that mean? It means getting them back
18 on their feet, getting them back into the
19 workforce, getting them back into society.
20 Obviously we have a number of veterans returning
21 from Iraq and Afghanistan who suffer from very
22 real -- whether it's TBI or PTSD-related
23 symptoms.

24 But unfortunately, I believe this
25 bill really is more about furthering the

1 legalization of marijuana, medical marijuana in
2 this case, and not really solely about helping
3 veterans, although it purports to do that.

4 So for me at this time, on this
5 piece of legislation, I will be voting no,
6 Mr. President. Thank you.

7 ACTING PRESIDENT AKSHAR: Senator
8 Ortt to be recorded in the negative.

9 Senator Savino.

10 SENATOR SAVINO: Thank you,
11 Mr. President. To explain my vote.

12 I have always prided myself on the
13 fact that as a legislator in this body, I listen
14 to the concerns of my colleagues, particularly
15 when it comes to drafting complicated
16 legislation. So I just want to allay the
17 concerns that have been raised about who would be
18 recommending for the treatment of PTSD.

19 And you have to reflect back to the
20 original statute. Under the medical marijuana
21 program in the State of New York, there are only
22 three categories of people who are allowed to
23 recommend patients for medical marijuana use.
24 They are doctors licensed by the State of
25 New York; they are physician's assistants,

1 because they are also licensed by the State of
2 New York; and nurse practitioners. But of those
3 three, only one treats people for PTSD. And of
4 those who treat people for PTSD, the only people
5 that do that are psychiatrists.

6 So only psychiatrists in New York
7 State would recommend patients for medical
8 marijuana for the treatment of posttraumatic
9 stress disorder. Psychologists couldn't do it,
10 social workers couldn't do it, mental health
11 therapists couldn't do it. No one other than a
12 psychiatrist could do so.

13 But for those who are concerned
14 about combining this with therapy, I agree. And
15 that might be where the Department of Health,
16 through the regulatory process, there are
17 regulations that are also drafted for the
18 implementation of any and all of the changes in
19 this program. We can recommend that the
20 Department of Health include in the regulations
21 for the implementation of posttraumatic stress
22 disorder that there be a therapeutic program
23 along with the medical marijuana treatment.

24 So I want to thank my colleagues for
25 supporting it and for offering concrete ideas as

1 we move forward. But please feel secure in the
2 fact that only a psychiatrist licensed by the
3 State of New York would diagnose PTSD and
4 recommend patients in the State of New York.

5 Thank you, Mr. President.

6 ACTING PRESIDENT AKSHAR: Senator
7 Savino to be recorded in the affirmative.

8 Senator Rivera to explain his vote.

9 SENATOR RIVERA: Thank you,
10 Mr. President. To explain my vote.

11 Whatever disagreements I might have
12 had with Senator Savino over the years on a lot
13 of issues, there's something that I can say about
14 her without a doubt. She is incredibly thorough,
15 incredibly thoughtful, and she approaches things
16 in a comprehensive manner. Which is what she
17 just did in explaining how this is just a bill to
18 allow for one more option of treatment that does
19 not exclude or shut off any other type of
20 treatment that these individuals might still be
21 receiving.

22 I would implore my colleagues,
23 please educate yourselves better about what this
24 is. We care deeply, not only about veterans but
25 about other individuals that might have PTSD or

1 have other conditions.

2 We have tried mightily to expand
3 this program because we believe that offering it
4 as an option between the patient and a doctor
5 that then does not prescribe -- that does not
6 happen in the State of New York -- but makes a
7 recommendation for this treatment is a way to
8 deal with all sorts of issues. And it has been
9 shown over and over again that it does work.

10 And ultimately, this is about an
11 option that should exist for individuals that
12 are, along with their doctors, making a decision
13 about what is best treatment for them.

14 So please, let's give them the
15 option. Let's give veterans the option, let's
16 give individuals that suffer from PTSD the
17 option, and let's continue to work to make this
18 program work better, be more extensive, and
19 follow the lead of Senator Savino in doing so.

20 So I will be voting in the positive,
21 Mr. President.

22 ACTING PRESIDENT AKSHAR: Senator
23 Rivera to be recorded in the affirmative.

24 Senator Krueger.

25 SENATOR KRUEGER: Thank you.

1 I rise to thank Senator Savino for
2 her work on this bill and to raise why I do think
3 this is so important for people who are suffering
4 from PTSD and other traumatic experiences.

5 The fact is -- and I have spoken to
6 more than a few people who they are advised, even
7 when they are going through the Veterans
8 Administration programs, to take relatively
9 strong drugs along with their therapy, drugs to
10 deal with the anxiety, drugs to go to sleep at
11 night, drugs to wake up in the morning. Many of
12 them talk about not wanting to take these drugs
13 because of the impact that it has on them and
14 their life and the risk of addiction or actual
15 addiction.

16 Others talk about the difficulty,
17 because they refuse to take those drugs, to get
18 the help they need and to get past this. Some of
19 them choose to self-medicate with alcohol.

20 What we do know about marijuana, it
21 has medicinal value in a variety of different
22 ways with different people. It has been tested
23 and researched in various countries around the
24 world. It has been tested and researched in
25 various states in this country. We know it's

1 less addictive than most other drugs that
2 actually might be prescribed to veterans and
3 others suffering from these illnesses. We know
4 it is less harmful than overmedicating with
5 alcohol when you aren't getting the help you
6 need.

7 It seems to me that giving
8 professionals -- and as described, in the State
9 of New York, psychiatrists -- another
10 nonaddictive product to offer as part of the
11 arsenal of the kinds of medical treatment that we
12 ought to be giving people should be something we
13 are proud to do. And I know that if this becomes
14 law or if perhaps the State Department of Health
15 chooses, under their regulations, to expand to
16 marijuana for PTSD, we will see many people in
17 the State of New York getting the treatment they
18 need and feeling better sooner. And that I know
19 is something we all want.

20 Thank you, Mr. President. I vote
21 yes.

22 ACTING PRESIDENT AKSHAR: Senator
23 Krueger to be recorded in the affirmative.

24 Senator Bonacic to explain his vote.

25 SENATOR BONACIC: I wasn't going to

1 speak on this issue, but what I find alarming is
2 22 veterans a day are committing suicide. And if
3 the use of medical marijuana can give them a
4 sense of comfort to resist suicidal tendencies
5 while they seek other therapies, it's worth a
6 shot.

7 I vote yes.

8 ACTING PRESIDENT AKSHAR: Senator
9 Bonacic to be recorded in the affirmative.

10 Seeing no other members wishing to
11 be heard, I'll ask the Secretary to announce the
12 result.

13 THE SECRETARY: In relation to
14 Calendar 903, those recorded in the negative are
15 Senators Akshar, Amedore, Boyle, Croci,
16 DeFrancisco, Díaz, Latimer, LaValle, Marcellino,
17 Marchione, Ortt, Phillips and Serino.

18 Ayes, 50. Nays, 13.

19 ACTING PRESIDENT AKSHAR: The bill
20 is passed.

21 ACTING PRESIDENT GRIFFO: The
22 Secretary will read.

23 THE SECRETARY: Calendar Number
24 1042, by Senator Funke, Senate Print 1356B, an
25 act to amend the Education Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT GRIFFO: Senator
9 Funke to explain his vote.

10 Can I have some order in the
11 chamber, please.

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

14 I spent a lot of time on the
15 athletic field or covering athletic competitions,
16 and in that time I came to know, work and respect
17 the knowledge and experience of those who serve
18 as athletic trainers.

19 You know, 30 years ago maybe it made
20 sense to limit their scope of practice to
21 organized athletics, but no longer. Tens of
22 millions of Americans bike, jog, swim on their
23 own. More still participate in dance,
24 performance, skating or thousands of other
25 activities and enterprises where the knowledge

1 and expertise of an athletic trainer is needed
2 and is certainly valuable.

3 This bill in essence allows athletic
4 trainers to use their unique skills and their
5 abilities to treat regular folks in the same way
6 they are used to treat elite athletes. There's
7 nothing wrong with that.

8 Thankfully, this bill passed last
9 year with only one no vote. And my friend who
10 debated this bill earlier, the pride of Buffalo
11 and Duke University, Senator Kennedy, voted in
12 favor of it.

13 The chairman of the Higher Ed
14 Committee is Senator LaValle, and someone I
15 consider an expert on these matters as well. We
16 did all we could to address all of the concerns,
17 even those that came late and I believe were
18 ill-founded.

19 And I have the utmost respect for
20 all the professionals that we worked with. Where
21 would we be without our physical therapists,
22 without our nurses, our EMTs and our docs? But
23 when the opposition amounts to a debate over
24 words like "assess" and "treat," which exist in
25 many fields and which many professions do every

1 day, we simply cannot allow one profession to
2 take ownership of a word simply because it occurs
3 in their scope of practice. That's unreasonable.

4 Doctors, nurses, physical therapists
5 and athletic trainers are all working together
6 right now as we speak, and this does nothing to
7 change those relationships or those protocols.
8 Patients will not in any way be at risk because
9 of this bill. In fact, their health and
10 treatment will be enhanced by passage of this
11 legislation to license athletic trainers in the
12 State of New York.

13 I vote aye, Mr. President. I urge
14 my colleagues to do the same. Thank you.

15 ACTING PRESIDENT GRIFFO: Senator
16 Funke to be recorded in the affirmative.

17 Senator Kennedy to explain his vote.

18 SENATOR KENNEDY: Thank you,
19 Mr. President.

20 First of all, I want to thank my
21 colleague, our colleague, for bringing this bill
22 forward, although I will be marked in the
23 negative and urge my colleagues to vote the same
24 against this bill that is infringing on the scope
25 of practice of physical therapists and nurses

1 that have come out very aggressively against this
2 legislation in the past year.

3 Who, as of last year when it was
4 approved unanimously by this body, were at the
5 table negotiating but have since come out in
6 forceful and, again, aggressive opposition
7 because of the fact that again, while
8 well-intentioned to license a field of healthcare
9 to help individuals on the field of play during
10 athletic activities, this encroaches on the
11 ability for the elite healthcare practitioners of
12 physical therapists and nurses -- many of which
13 are master's degree and doctorate-educated in
14 those fields -- to treat those patients in the
15 hospital setting, in the clinical setting, away
16 from the athletic field.

17 So while it makes perfect sense for
18 all of us to have those licensed healthcare
19 practitioners at the field of play when an
20 individual is injured physically, with their
21 anatomy or unfortunately in circumstances of a
22 concussion, this bill goes way too far.

23 And I urge a negative vote. This
24 will set a precedent that I think is very, very
25 concerning. Especially, as I mentioned during

1 our debate, the Higher Education Committee for
2 many, many years has prevented this overarching
3 violation of the scope of practice in so many
4 different healthcare fields.

5 With that, Mr. President, I'm in the
6 negative.

7 ACTING PRESIDENT GRIFFO: Senator
8 Kennedy to be recorded in the negative.

9 Senator LaValle to explain his vote.

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

12 I rise to support Senator Funke's
13 bill to license athletic trainers.

14 The committee, Higher Ed Committee,
15 goes to great lengths to make sure that scopes of
16 practice are protected. To get a scope of
17 practice, it is a hard-fought thing to get that
18 recognition, that licensure.

19 And so on this bill, between last
20 year and this year, we have had what I call
21 roundtable discussions where all the professions
22 come in, weigh in, and argue for whatever their
23 position is.

24 In some cases -- in the case of the
25 physical therapists, it took approximately

1 14 years, 14 years for that profession to get
2 recognized and then, after that, to get
3 recognition to receive third-party payments,
4 insurance, to come into the scene.

5 I would tell you that this bill did
6 pass last year, should pass again this year and,
7 if need be, discussions will continue. But the
8 committee takes very, very seriously, as was
9 mentioned, the issue of scopes of practice, and
10 it doesn't happen in a willy-nilly fashion.

11 So Senator Funke, his staff, the
12 Higher Ed team have worked very hard in this
13 bill, have opened their ears to listen across the
14 board to various input -- whether it be the
15 physical therapists, the doctors, the nurses, the
16 EMTs, across the board.

17 So I believe that we've dotted every
18 I, crossed every T. And again, Senator Funke,
19 thank you for your hard work, your staff's hard
20 work, and the Higher Ed team working on this
21 bill. I vote aye.

22 ACTING PRESIDENT GRIFFO: Senator
23 LaValle to be recorded in the affirmative.

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar 1042, those recorded in the negative are
2 Senators Alcantara, Avella, Bailey, Benjamin,
3 Breslin, Brooks, Carlucci, Comrie, DeFrancisco,
4 Dilan, Gianaris, Hamilton, Hoylman, Kaminsky,
5 Kennedy, Krueger, Latimer, Montgomery, Parker,
6 Peralta, Persaud, Phillips, Rivera, Sanders,
7 Serrano, Squadron, Stavisky and Stewart-Cousins.

8 Ayes, 35. Nays, 28.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 1510, by Senator Klein, Senate Print 4711, an act
14 to amend the General Business Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Senator
23 Díaz, are you in the affirmative or negative?
24 Senator Díaz, how do you vote on the bill?

25 SENATOR DÍAZ: (Thumbs down.)

1 ACTING PRESIDENT GRIFFO: Okay,
2 good.

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar 1510, those recorded in the negative are
6 Senators Díaz, Krueger, Sanders and Squadron.

7 Ayes, 59. Nays, 4.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 Senator DeFrancisco, we're still
11 waiting for one more bill. Would you like to --
12 what is your choice?

13 SENATOR DeFRANCISCO: My choice is
14 to go to motions and resolutions.

15 ACTING PRESIDENT GRIFFO: We will
16 return to motions and resolutions.

17 SENATOR DeFRANCISCO: On page 34, I
18 offer the following amendments to Calendar Number
19 1124, Senate Print 6318A, by Senator Hannon, and
20 ask that said bill retain its place on the
21 Third Reading Calendar.

22 ACTING PRESIDENT GRIFFO: The
23 amendments are received, and the bill shall
24 retain its place on third reading.

25 SENATOR DeFRANCISCO: Would you

1 please recognize Senator Gianaris.

2 ACTING PRESIDENT GRIFFO: Senator
3 Gianaris.

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

6 In accordance with Senate Rule XII,
7 and pursuant to written notice of such motion
8 filed yesterday, June 19, 2017, Senator Hoylman
9 moves for chamber consideration of Senate Bill
10 262 on the Senate Third Reading Calendar,
11 Calendar Number 423. And I ask that such motion
12 be taken up and acted upon immediately, and I ask
13 that Senator Hoylman please be heard on the
14 motion.

15 ACTING PRESIDENT GRIFFO: Senator
16 Hoylman, you may be heard on the motion for
17 chamber consideration.

18 SENATOR HOYLMAN: Thank you,
19 Mr. President.

20 This is the first time we've
21 attempted this, Rule XII, Section 2, which would
22 bring a bill to the floor if we in fact get
23 three-fifths support, it having gone to third
24 reading previously in another committee.

25 And the bill I'm moving,

1 Mr. President, concerns some technical changes to
2 the terminology used in the Estates, Powers and
3 Trusts Law and the Surrogate's Court Procedure
4 Act to conform with the Marriage Equality Act of
5 2011.

6 And as I mentioned, this bill was
7 heard in the legislative committee of the
8 Judiciary and passed with very few dissenting
9 votes, so it should be a no-brainer for us.

10 It removes terms like "paternal" and
11 "maternal" and "husbands" and "wives" and
12 replaces them with terms like "spouses," which
13 are essentially gender-neutral and reflect modern
14 families like mine. Obviously, I have a husband
15 and a daughter, and I think they should be
16 incorporated in the marriage equality statute.
17 After all, that's what New York State passed in
18 2011.

19 And let me say that this is so
20 important. I mean, it is Pride Month, after all,
21 where we celebrate LGBT accomplishments. And I
22 can't tell you what it means for an LGBT
23 New Yorker to know that New York was one of the
24 first states in the nation to recognize marriage
25 equality. I can't tell you what it means to my

1 family -- to my daughter, that her family is
2 recognized in the laws of the State of New York.

3 It's about respect. It's about
4 dignity. It's about protecting all of our
5 families no matter what their composition. It's
6 a technicality, I admit that, but it speaks
7 volumes. It speaks volumes about this chamber,
8 it speaks volumes about following the rules of
9 the State Senate, it speaks volumes about how we
10 afford respect to each and every New Yorker.

11 So if you have two daddies or two
12 mommies or you're LGBT yourself and you're
13 watching this, know that the New York State
14 Senate is attempting to stand up for your rights,
15 is attempting to make certain that our marriage
16 equality laws conform with modern families.

17 I hope, Mr. President, that my
18 colleagues will join me and LGBT New Yorkers
19 across the state during Pride Month in supporting
20 this resolution.

21 Thank you, Mr. President.

22 ACTING PRESIDENT GRIFFO: Thank
23 you, Senator Hoylman.

24 Again, I want to remind the members
25 here that this is a question on a motion. So the

1 question is on the motion for chamber
2 consideration made by Senator Gianaris on behalf
3 of Senator Hoylman. All those in favor to
4 approve the motion for chamber consideration
5 signify by saying aye.

6 SENATOR GIANARIS: Show of hands,
7 please, Mr. President.

8 ACTING PRESIDENT GRIFFO: A show of
9 hands has been requested and so directed.

10 Announce the results.

11 THE SECRETARY: Ayes, 30.

12 ACTING PRESIDENT GRIFFO: The
13 motion fails.

14 Senator DeFrancisco.

15 SENATOR DeFRANCISCO: There will be
16 an immediate meeting of the Rules Committee in
17 Room 332. And we will start when we have a
18 quorum.

19 ACTING PRESIDENT GRIFFO: There
20 will be an immediate meeting of the
21 Rules Committee in Room 332. All members of the
22 Rules Committee should report immediately to
23 Room 332 to allow the committee to undertake
24 business before the committee.

25 The Senate will stand temporarily at

1 ease.

2 (Whereupon, the Senate stood at ease
3 at 3:47 p.m.)

4 (Whereupon, the Senate reconvened at
5 4:35 p.m.)

6 ACTING PRESIDENT GRIFFO: The
7 Senate will come to order.

8 SENATOR DeFRANCISCO:
9 Mr. President, is there a Rules report at the
10 desk?

11 ACTING PRESIDENT GRIFFO: There is
12 a Rules report at the desk.

13 SENATOR DeFRANCISCO: Can we please
14 read the Rules report.

15 ACTING PRESIDENT GRIFFO: The
16 Secretary will read the Rules report.

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

20 Senate Print 407, by Senator Robach,
21 an act to amend the State Finance Law;

22 Senate 450, by Senator Young, an act
23 to amend the Labor Law;

24 Senate 602, by Senator Boyle, an act
25 to create;

1 Senate 643, by Senator Boyle, an act
2 to amend the Penal Law;

3 Senate 683, by Senator Kennedy, an
4 act to amend the Social Services Law;

5 Senate 692B --

6 SENATOR DeFRANCISCO: Excuse me.

7 While Senator Griffo is relaxing --

8 (Laughter.)

9 SENATOR DeFRANCISCO: -- I just
10 would like to call an immediate meeting of the
11 Higher Education Committee.

12 ACTING PRESIDENT GRIFFO: Senator
13 DeFrancisco, we were conferring.

14 But we will call an immediate
15 meeting of the Higher Education Committee in Room
16 332. Is that in Room 332?

17 SENATOR DeFRANCISCO: Yes. Thank
18 you. Can we --

19 ACTING PRESIDENT GRIFFO: May we
20 have some order in the house, please.

21 The Secretary will continue.

22 THE SECRETARY: Senate Print 692B,
23 by Senator Ortt, an act to amend the Education
24 Law;

25 Senate 704, by Senator Ortt, an act

1 to amend the Insurance Law;

2 Senate 772, by Senator
3 Stewart-Cousins, an act to amend the Real
4 Property Tax Law;

5 Senate 832, by Senator Young, an act
6 to amend the Vehicle and Traffic Law;

7 Senate 872, by Senator Ortt, an act
8 to amend the Mental Hygiene Law;

9 Senate 1120, by Senator Funke, an
10 act to amend the New York State Urban Development
11 Corporation Act;

12 Senate 1261, by Senator Marcellino,
13 an act to amend the Vehicle and Traffic Law;

14 Senate 1380A, by Senator LaValle, an
15 act to amend the Education Law;

16 Senate 1596A, by Senator LaValle, an
17 act to amend the Education Law;

18 Senate 1737, by Senator Parker, an
19 act to amend the Education Law;

20 Senate 1993B, by Senator Akshar, an
21 act to amend the Workers' Compensation Law;

22 Senate 2142A, by Senator Alcantara,
23 an act to amend the Real Property Law;

24 Senate 2153, by Senator Marcellino,
25 an act to amend the Tax Law;

1 Senate 2209, by Senator Breslin, an
2 act to amend the General Municipal Law;
3 Senate 2213A, by Senator LaValle, an
4 act to amend the Education Law;
5 Senate 2221, by Senator Parker, an
6 act to amend the Vehicle and Traffic Law;
7 Senate 2236, by Senator Parker, an
8 act to amend the Elder Law;
9 Senate 2349, by Senator Parker, an
10 act to amend the Vehicle and Traffic Law;
11 Senate 2546, by Senator Hannon, an
12 act to amend Chapter 474 of the Laws of 1996;
13 Senate 2559, by Senator Golden, an
14 act to amend the Tax Law;
15 Senate 2597, by Senator Ranzenhofer,
16 an act to amend the Education Law;
17 Senate 2603, by Senator LaValle, an
18 act to amend the Education Law;
19 Senate 2767, by Senator Golden, an
20 act to establish;
21 Senate 2823, by Senator O'Mara, an
22 act to amend the Environmental Conservation Law;
23 Senate 2935, by Senator Gallivan, an
24 act to amend the Religious Corporations Law;
25 Senate 2995, by Senator Golden, an

1 act to amend the Executive Law;
2 Senate 3019, by Senator Ritchie, an
3 act to authorize;
4 Senate 3029A, by Senator Helming, an
5 act to amend the Executive Law;
6 Senate 3159A, by Senator Golden, an
7 act to amend the Tax Law;
8 Senate 3198, by Senator Serrano, an
9 act to amend the Parks, Recreation and Historic
10 Preservation Law;
11 Senate 3270A, by Senator Parker, an
12 act to amend the Economic Development Law;
13 Senate 3541, by Senator Lanza, an
14 act to amend the Public Health Law;
15 Senate 3544, by Senator Lanza, an
16 act to amend the Education Law;
17 Senate 3557, by Senator Boyle, an
18 act to amend the Tax Law;
19 Senate 3677, by Senator Addabbo, an
20 act to amend the Penal Law;
21 Senate 3848, by Senator Murphy, an
22 act to amend the General City Law;
23 Senate 3936A, by Senator Young, an
24 act to amend the Vehicle and Traffic Law;
25 Senate 4051C, by Senator LaValle, an

1 act to amend the Environmental Conservation Law;
2 Senate 4406A, by Senator Sanders, an
3 act to amend the Public Health Law;
4 Senate 4557B, by Senator Ortt, an
5 act to amend the Social Services Law;
6 Senate 4730, by Senator Larkin, an
7 act to direct;
8 Senate 4832, by Senator Marcellino,
9 an act to amend the Education Law;
10 Senate 4861, by Senator Díaz, an act
11 to amend the Parks, Recreation and Historic
12 Preservation Law;
13 Senate 4876, by Senator Golden, an
14 act to amend the Executive Law;
15 Senate 5014, by Senator Krueger, an
16 act to amend the Executive Law;
17 Senate 5068, by Senator Gallivan, an
18 act to amend the Correction Law;
19 Senate 5256A, by Senator Golden, an
20 act to amend the Retirement and Social Security
21 Law;
22 Senate 5343B, by Senator Lanza, an
23 act to amend the Penal Law;
24 Senate 5409A, by Senator Gallivan,
25 an act to amend the Correction Law;

1 Senate 5627, by Senator Savino, an
2 act to amend the Public Health Law;

3 Senate 5706, by Senator Golden, an
4 act to amend the Administrative Code of the City
5 of New York;

6 Senate 5709, by Senator Montgomery,
7 an act to direct;

8 Senate 5724, by Senator Golden, an
9 act to amend the Social Services Law;

10 Senate 5739, by Senator Young, an
11 act to amend the Tax Law;

12 Senate 5751A, by Senator Golden, an
13 act to amend the Executive Law;

14 Senate 5781, by Senator Hannon, an
15 act to amend the Vehicle and Traffic Law;

16 Senate 5804, by Senator Boyle, an
17 act to amend Chapter 635 of the Laws of 1987;

18 Senate 5841, by Senator Hannon, an
19 act to amend the Social Services Law;

20 Senate 5844A, by Senator Murphy, an
21 act to amend the Alcoholic Beverage Control Law;

22 Senate 5852, by Senator Marcellino,
23 an act to amend the Tax Law;

24 Senate 5858, by Senator Ritchie, an
25 act to amend the Domestic Relations Law;

1 Senate 5887, by Senator Golden, an
2 act to amend the Tax Law;

3 Senate 5981, by Senator Ortt, an act
4 to amend the Alcoholic Beverage Control Law;

5 Senate 5988, by Senator Lanza, an
6 act to amend the Penal Law;

7 Senate 6057, by Senator Golden, an
8 act to amend the Real Property Tax Law;

9 Senate 6058A, by Senator Golden, an
10 act to amend the Real Property Tax Law;

11 Senate 6085, by Senator Boyle, an
12 act relating to;

13 Senate 6089, by Senator Marcellino,
14 an act to amend Chapter 507 of the Laws of 1974;

15 Senate 6120, by Senator Murphy, an
16 act to amend the Alcoholic Beverage Control Law;

17 Senate 6177A, by Senator Little, an
18 act to amend the Real Property Law;

19 Senate 6189, by Senator Lanza, an
20 act to amend the Executive Law;

21 Senate 6202, by Senator Lanza, an
22 act to amend the Administrative Code of the City
23 of New York;

24 Senate 6212A, by Senator Lanza, an
25 act to amend the Vehicle and Traffic Law;

1 Senate 6269, by Senator Larkin, an
2 act to amend the Real Property Tax Law;
3 Senate 6304, by Senator Lanza, an
4 act to amend the Public Authorities Law;
5 Senate 6317, by Senator Hannon, an
6 act to amend the Public Authorities Law;
7 Senate 6320B, by Senator Golden, an
8 act to amend the Tax Law;
9 Senate 6324, by Senator Golden, an
10 act to amend the Social Services Law;
11 Senate 6325, by Senator Golden, an
12 act to amend the Tax Law;
13 Senate 6439A, by Senator Seward, an
14 act to amend the Insurance Law;
15 Senate 6494, by Senator Golden, an
16 act in relation to;
17 Senate 6497A, by Senator Comrie, an
18 act authorizing;
19 Senate 6513B, by Senator Alcantara,
20 an act to amend the New York City Charter;
21 Senate 6526, by Senator Carlucci, an
22 act in relation to;
23 Senate 6535, by Senator Ortt, an act
24 to amend the Environmental Conservation Law;
25 Senate 6536, by Senator Ortt, an act

1 to amend the New York State Urban Development
2 Corporation Act;

3 Senate 6572A, by Senator Seward, an
4 act to amend Chapter 589 of the Laws of 2015;

5 Senate 6599, by Senator Larkin, an
6 act to amend the Education Law;

7 Senate 6627, by Senator Young, an
8 act to amend the Administrative Code of the City
9 of New York;

10 Senate 6648, by Senator Larkin, an
11 act to amend the Not-For-Profit Corporation Law;

12 Senate 6654, by Senator Hannon, an
13 act to repeal Section 19;

14 Section 6664, by Senator Gallivan,
15 an act in relation to;

16 Senate 6672, by Senator Hannon, an
17 act to amend the Public Health Law;

18 Senate 6673, by Senator Hannon, an
19 act to amend the Public Health Law;

20 Senate 6686, by Senator Ranzenhofer,
21 an act to amend the State Finance Law;

22 Senate 6694, by Senator Funke, an
23 act to amend the Economic Development Law;

24 Senate 6696, by Senator Jacobs, an
25 act to amend the Alcoholic Beverage Control Law;

1 Senate 6703, by Senator Peralta, an
2 act authorizing;

3 Senate 6707, by Senator Avella, an
4 act to amend New York State Urban Development
5 Corporation Act;

6 Senate 6712, by Senator Golden, an
7 act to amend the Real Property Tax Law;

8 Senate 6713, by Senator Golden, an
9 act to amend the Public Health Law;

10 Senate 6717, by the Senate Committee
11 on Rules, an act to amend the County Law;

12 Senate 6718, by Senator O'Mara, an
13 act to amend Chapter 672 of the Laws of 1993;

14 Senate 6724, by Senator Serrano, an
15 act to authorize;

16 Senate 6726, by Senator Young, an
17 act to amend Chapter 408 of the Laws of 1999;

18 Senate 6732, by Senator Serino, an
19 act to amend the Social Services Law;

20 Senate 6734, by Senator Croci, an
21 act to amend the Criminal Procedure Law;

22 Senate 6739, by Senator Savino, an
23 act to amend the Executive Law;

24 Senate 6740, by Senator Phillips, an
25 act to amend the Criminal Procedure Law;

1 Senate 6745, by the Senate Committee
2 on Rules, an act to amend Chapter 73 of the Laws
3 of 1940;

4 Senate 6749, by Senator Savino, an
5 act to amend the Election Law;

6 Senate 6751, by Senator Comrie, an
7 act to amend the Real Property Tax Law;

8 Senate 6754, by Senator Valesky, an
9 act to amend the Canal Law;

10 Senate 6755, by Senator Golden,
11 Concurrent Resolution of the Senate and Assembly;

12 Senate 6756, by Senator Griffo, an
13 act to amend the General Business Law;

14 Senate 6759, by Senator Hannon, an
15 act to amend the Public Health Law;

16 Senate 6762, by Senator Griffo, an
17 act to amend the Real Property Tax Law;

18 Senate 6764, by Senator Lanza, an
19 act to amend the Criminal Procedure Law;

20 Senate 6769, by Senator Lanza, an
21 act to amend the Tax Law;

22 Senate 6776, by Senator Hannon, an
23 act to amend Chapter 54 of the Laws of 2016;

24 Senate 6779, by Senator Young, an
25 act to legalize, validate, ratify and confirm;

1 Senate 6780, by Senator LaValle, an
2 act to amend the State Finance Law; and

3 Senate 6782, by Senator Croci, an
4 act to amend the Vehicle and Traffic Law.

5 All bills reported direct to third
6 reading.

7 ACTING PRESIDENT GRIFFO: Senator
8 DeFrancisco, I'll entertain a motion.

9 SENATOR DeFRANCISCO: Yes, can we
10 go back to messages from the Assembly, please.

11 But before we do that, I'd like to
12 call an immediate meeting of the Investigations
13 Committee in Room 124.

14 ACTING PRESIDENT GRIFFO: There
15 will be an immediate meeting of the Government
16 Operations and Investigations Committee in
17 Room 124 of the Capitol.

18 Senator DeFrancisco, can I entertain
19 a motion to accept the Rules Committee report?

20 SENATOR DeFRANCISCO: Yes, I would
21 like to do that.

22 ACTING PRESIDENT GRIFFO: All in
23 favor of accepting the Committee on Rules report
24 as read signify by saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT GRIFFO: Opposed?

2 (No response.)

3 ACTING PRESIDENT GRIFFO: The
4 Committee on Rules report is before the house.

5 We will return now to messages from
6 the Assembly.

7 The Secretary will read.

8 ACTING PRESIDENT GRIFFO: Senator
9 Robach moves to discharge, from the Committee on
10 Rules, Assembly Bill Number 1644 and substitute
11 it for the identical Senate Bill 407, Third
12 Reading Calendar 1985.

13 Senator Funke moves to discharge,
14 from the Committee on Corporations and
15 Authorities, Assembly Bill Number 6110 and
16 substitute it for the identical Senate Bill 1120,
17 Third Reading Calendar 1995.

18 Senator LaValle moves to discharge,
19 from the Committee on Rules, Assembly Bill Number
20 934A and substitute it for the identical Senate
21 Bill 1596A, Third Reading Calendar 1998.

22 Senator Ritchie moves to discharge,
23 from the Committee on Rules, Assembly Bill Number
24 735 and substitute it for the identical Senate
25 Bill 3019, Third Reading Calendar 2016.

1 Senator Young moves to discharge,
2 from the Committee on Rules, Assembly Bill Number
3 282A and substitute it for the identical Senate
4 Bill 3936A, Third Reading Calendar 2025.

5 Senator LaValle moves to discharge,
6 from the Committee on Rules, Assembly Bill Number
7 4289C and substitute it for the identical Senate
8 Bill 4051C, Third Reading Calendar 2026.

9 Senator Larkin moves to discharge,
10 from the Committee on Veterans and Homeland
11 Security, Assembly Bill Number 4859 and
12 substitute it for the identical Senate Bill 4730,
13 Third Reading Calendar 2030.

14 Senator Golden moves to discharge,
15 from the Committee on Rules, Assembly Bill Number
16 8092 and substitute it for the identical Senate
17 Bill 5256A, Third Reading Calendar 2036.

18 Senator Gallivan moves to discharge,
19 from the Committee on Rules, Assembly Bill Number
20 7985A and substitute it for the identical Senate
21 Bill 5409A, Third Reading Calendar 2038.

22 Senator Young moves to discharge,
23 from the Committee on Rules, Assembly Bill Number
24 7523 and substitute it for the identical Senate
25 Bill 5739, Third Reading Calendar 2043.

1 Senator Murphy moves to discharge,
2 from the Committee on Rules, Assembly Bill Number
3 7593A and substitute it for the identical Senate
4 Bill 5844A, Third Reading Calendar 2049.

5 Senator Ortt moves to discharge,
6 from the Committee on Rules, Assembly Bill Number
7 7878 and substitute it for the identical Senate
8 Bill 5981, Third Reading Calendar 2053.

9 Senator Murphy moves to discharge,
10 from the Committee on Rules, Assembly Bill Number
11 8242 and substitute it for the identical Senate
12 Bill 6120, Third Reading Calendar 2059.

13 Senator Hannon moves to discharge,
14 from the Committee on Rules, Assembly Bill Number
15 7892 and substitute it for the identical Senate
16 Bill 6317, Third Reading Calendar 2066.

17 Senator Golden moves to discharge,
18 from the Committee on Rules, Assembly Bill Number
19 8101 and substitute it for the identical Senate
20 Bill 6494, Third Reading Calendar 2071.

21 Senator Carlucci moves to discharge,
22 from the Committee on Rules, Assembly Bill Number
23 8095 and substitute it for the identical Senate
24 Bill 6526, Third Reading Calendar 2074.

25 Senator Ortt moves to discharge,

1 from the Committee on Rules, Assembly Bill Number
2 8107 and substitute it for the identical Senate
3 Bill 6536, Third Reading Calendar 2076.

4 Senator Seward moves to discharge,
5 from the Committee on Rules, Assembly Bill Number
6 8264 and substitute it for the identical Senate
7 Bill 6572A, Third Reading Calendar 2077.

8 Senator Larkin moves to discharge,
9 from the Committee on Rules, Assembly Bill Number
10 881A and substitute it for the identical Senate
11 Bill 6599, Third Reading Calendar 2078.

12 Senator Larkin moves to discharge,
13 from the Committee on Rules, Assembly Bill Number
14 3037B and substitute it for the identical Senate
15 Bill 6648, Third Reading Calendar 2080.

16 Senator Funke moves to discharge,
17 from the Committee on Rules, Assembly Bill Number
18 8161A and substitute it for the identical Senate
19 Bill 6694, Third Reading Calendar 2086.

20 Senator Young moves to discharge,
21 from the Committee on Rules, Assembly Bill Number
22 7688 and substitute it for the identical Senate
23 Bill 6726, Third Reading Calendar 2095.

24 And Senator Savino moves to
25 discharge, from the Committee on Rules, Assembly

1 Bill 8286B and substitute it for the identical
2 Senate Bill 6739, Third Reading Calendar 2098.

3 ACTING PRESIDENT GRIFFO: The
4 substitutions are all so ordered.

5 Senator DeFrancisco.

6 SENATOR DeFRANCISCO: Can we now
7 take up the noncontroversial reading of the
8 calendar. There's a Senate Supplemental Calendar
9 58A which has these bills on it. It's on your
10 computer, your iPad. And the first bill is 1985,
11 by Senator Robach.

12 ACTING PRESIDENT GRIFFO: The
13 Secretary will begin the noncontroversial reading
14 of Senate Supplemental Calendar 58A.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 1985, substituted earlier by Member of the
18 Assembly Skoufis, Assembly Print 1644, an act to
19 amend the State Finance Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1986, by Senator Young, Senate Print 450, an act
7 to amend the Labor Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT GRIFFO: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar 1986, those recorded in the negative are
19 Senators Alcantara, Avella, Breslin, Brooks,
20 Comrie, Dilan, Krueger, Montgomery, Peralta,
21 Persaud, Rivera, Serrano and Stewart-Cousins.
22 Also Senator Bailey.

23 Ayes, 49. Nays, 14.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1987, by Senator Boyle, Senate Print 602, an act
3 to create.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 63.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1988, by Senator Boyle, Senate Print 643, an act
16 to amend the Penal Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62. Nays, 1.
25 Senator Montgomery recorded in the negative.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1989, by Senator Kennedy, Senate Print 683, an
5 act to amend the Social Services Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

8 THE SECRETARY: Section 6. This
9 act shall take effect on the 90th day.

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT GRIFFO: Announce
14 the results.

15 THE SECRETARY: In relation to
16 Calendar 1989, those recorded in the negative are
17 Senators DeFrancisco, Funke, Griffio, Jacobs,
18 Little, Marcellino, Marchione, Ranzenhofer,
19 Serino and Seward. Also Senator Amedore. Also
20 Senator Ritchie.

21 Ayes, 51. Nays, 12.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1990, by Senator Ortt, Senate Print 692B, an act

1 to amend the Education Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

4 THE SECRETARY: Section 9. This
5 act shall take effect 12 months after it shall
6 have become a law.

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT GRIFFO: Senator
11 Latimer to explain his vote.

12 SENATOR LATIMER: Thank you,
13 Mr. President. I'm happy to rise in support of
14 Senator Ortt's bill.

15 This is a bill that I carried in the
16 other house for many years. I'm happy to see it
17 pass here in this house, and I hope that we can
18 bring this to law for all of the school
19 psychologists around New York State.

20 Thank you very much, and I want to
21 be recorded in the affirmative.

22 ACTING PRESIDENT GRIFFO: Senator
23 Latimer to be recorded in the affirmative.

24 Announce the results.

25 THE SECRETARY: Ayes, 63.

1 ACTING PRESIDENT GRIFFO: The bill
2 passes.

3 THE SECRETARY: Calendar Number
4 1991, by Senator Ortt, Senate Print 704, an act
5 to amend the Insurance Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

8 THE SECRETARY: Section 4. This
9 act shall take effect January 1, 2018.

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT GRIFFO: The bill
15 passes.

16 THE SECRETARY: Calendar Number
17 1992, by Senator Stewart-Cousins, Senate Print
18 772, an act to amend the Real Property Tax Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 63.

2 ACTING PRESIDENT GRIFFO: The bill
3 passes.

4 THE SECRETARY: Calendar Number
5 1993, by Senator Young, Senate Print 832, an act
6 to amend the Vehicle and Traffic Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 62. Nays, 1.
15 Senator Avella recorded in the negative.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1994, by Senator Ortt, Senate Print 872, an act
20 to amend the Mental Hygiene Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 63.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1995, substituted earlier by Member of the
8 Assembly Pichardo, Assembly Print 6110, an act to
9 amend the New York State Urban Development
10 Corporation Act.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 63.

19 ACTING PRESIDENT GRIFFO: The bill
20 passes.

21 THE SECRETARY: Calendar Number
22 1996, by Senator Marcellino, Senate Print 1261,
23 an act to amend the Vehicle and Traffic Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT GRIFFO: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar 1996, those recorded in the negative are
10 Senators Amedore, Croci, Funke, Helming, Little,
11 Marchione, Ortt, Ranzenhofer, Robach, Serino and
12 Seward.

13 Ayes, 52. Nays, 11.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1997, by Senator LaValle, Senate Print 1380A, an
18 act to amend the Education Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

21 THE SECRETARY: Section 8. This
22 act shall take effect on the 180th day.

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 63.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1998, substituted earlier by Member of the
6 Assembly Glick, Assembly Print 934A, an act to
7 amend the Education Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1999, by Senator Parker, Senate Print 1737, an
20 act to amend the Education Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

23 THE SECRETARY: Section 3. This
24 act shall take effect December 1, 2017.

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62. Nays, 1.

4 Senator DeFrancisco recorded in the negative.

5 ACTING PRESIDENT GRIFFO: The bill
6 passes.

7 THE SECRETARY: Calendar Number
8 2000, by Senator Akshar, Senate Print 1993B, an
9 act to amend the Workers' Compensation Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: In relation to
18 Calendar 2000, those recorded in the negative are
19 Senators Alcantara, Krueger, Peralta, Rivera and
20 Squadron.

21 Ayes, 58. Nays, 5.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 2001, by Senator Alcantara, Senate Print 2142A,

1 an act to amend the Real Property Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT GRIFFO: Senator
10 Croci to explain his vote.

11 SENATOR CROCI: Thank you,
12 Mr. President.

13 While a well-intentioned piece of
14 legislation, as somebody who represents an area
15 of Long Island that was devastated by Superstorm
16 Sandy, I would just point that even if your house
17 was rebuilt and all the Sheetrock and the drywall
18 was replaced, even if everything in the house was
19 rebuilt, after four years and you finally get to
20 a point where you have a new house and you're
21 ready to sell it, I believe this could affect
22 Superstorm Sandy victims adversely, in ways that
23 this bill hadn't intended.

24 So I will be a no vote. Thank you.

25 ACTING PRESIDENT GRIFFO: Can we

1 have a show of hands raised of those in the
2 negative, please.

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar 2001, those recorded in the negative are
6 Senators Akshar, Amedore, Bonacic, Boyle, Croci,
7 DeFrancisco, Felder, Funke, Gallivan, Griffio,
8 Helming, Jacobs, Kaminsky, Lanza, Marchione,
9 Ortt, Ranzenhofer, Ritchie, Robach, Serino and
10 Seward. Also Senator Little.

11 Ayes, 41. Nays, 22.

12 ACTING PRESIDENT GRIFFO: The bill
13 passes.

14 THE SECRETARY: Calendar Number
15 2002, by Senator Marcellino, Senate Print 2153,
16 an act to amend the Tax Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

19 THE SECRETARY: Section 4. This
20 act shall take effect April 21, 2018.

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 63.

25 ACTING PRESIDENT GRIFFO: The bill

1 passes.

2 THE SECRETARY: Calendar Number
3 2003, by Senator Breslin, Senate Print 2209, an
4 act to amend the General Municipal Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

7 THE SECRETARY: Section 6. This
8 act shall take effect on the 90th day.

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 63.

13 ACTING PRESIDENT GRIFFO: The bill
14 passes.

15 THE SECRETARY: Calendar Number
16 2004, by Senator LaValle, Senate Print 2213A, an
17 act to amend the Education Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 63.

1 ACTING PRESIDENT GRIFFO: The bill
2 passes.

3 THE SECRETARY: Calendar Number
4 2005, by Senator Parker, Senate Print 2221, an
5 act to amend the Vehicle and Traffic Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT GRIFFO: The bill
15 passes.

16 THE SECRETARY: Calendar Number
17 2006, by Senator Parker, Senate Print 2236, an
18 act to amend the Elder Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 63.

2 ACTING PRESIDENT GRIFFO: The bill
3 passes.

4 THE SECRETARY: Calendar Number
5 2007, by Senator Parker, Senate Print 2349, an
6 act to amend the Vehicle and Traffic Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: In relation to
15 Calendar 2007: Ayes, 61. Nays, 2. Senators
16 Bonacic and Montgomery recorded in the negative.

17 ACTING PRESIDENT GRIFFO: The bill
18 passes.

19 THE SECRETARY: Calendar Number
20 2008, by Senator Hannon, Senate Print 2546, an
21 act to amend Chapter 474 of the Laws of 1996.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 63.

5 ACTING PRESIDENT GRIFFO: The bill
6 passes.

7 THE SECRETARY: Calendar Number
8 2009, by Senator Golden, Senate Print 2559, an
9 act to amend the Tax Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62. Nays, 1.
18 Senator Krueger recorded in the negative.

19 ACTING PRESIDENT GRIFFO: The bill
20 passes.

21 THE SECRETARY: Calendar Number
22 2010, by Senator Ranzenhofer, Senate Print 2597,
23 an act to amend the Education Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT GRIFFO: Senator
7 Latimer to explain his vote.

8 SENATOR LATIMER: Thank you,
9 Mr. President.

10 I rise in support of Senator
11 Ranzenhofer's bill.

12 There's a couple of different ways
13 to interpret this. But the way I look at this
14 bill is this is an opportunity for mandate relief
15 on the part of school districts. Many school
16 districts that have an annual audit wind up
17 spending money more frequently than need be. A
18 less frequent audit, particularly where nothing
19 has been found in a prior audit, would be less
20 spending on behalf of that school district.

21 So with that thought in mind, I
22 believe Senator Ranzenhofer's bill is a mandate
23 relief bill. And I withdraw my request to speak,
24 and I intend to vote in the affirmative on the
25 bill.

1 ACTING PRESIDENT GRIFFO: Senator
2 Latimer to be recorded in the affirmative.

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar 2010, those recorded in the negative are
6 Senators Alcantara, Avella, Bailey, Benjamin,
7 Brooks, Comrie, Dilan, Jacobs, Kaminsky, Krueger,
8 LaValle, Marcellino, Montgomery, Persaud, Rivera
9 and Squadron.

10 Ayes, 47. Nays, 16.

11 ACTING PRESIDENT GRIFFO: The bill
12 passes.

13 THE SECRETARY: Calendar Number
14 2011, by Senator LaValle, Senate Print 2603, an
15 act to amend the Education Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

18 THE SECRETARY: Section 3. This
19 act shall take effect one year after it shall
20 have become a law.

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62. Nays, 1.
25 Senator Krueger recorded in the negative.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 2012, by Senator Golden, Senate Print 2767, an
5 act to establish.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT GRIFFO: The bill
15 passes.

16 THE SECRETARY: Calendar Number
17 2013, by Senator O'Mara, Senate Print 2823, an
18 act to amend the Environmental Conservation Law.

19 SENATOR SERRANO: Lay the bill
20 aside, please.

21 ACTING PRESIDENT GRIFFO: The bill
22 is laid aside.

23 THE SECRETARY: Calendar Number
24 2014, by Senator Gallivan, Senate Print 2935, an
25 act to amend the Religious Corporation Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 63.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 2015, by Senator Golden, Senate Print 2995, an
13 act to amend the Executive Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 63.

22 ACTING PRESIDENT GRIFFO: The bill
23 passes.

24 THE SECRETARY: Calendar Number
25 2016, substituted earlier by Member of the

1 Assembly Gunther, Assembly Print 735, an act to
2 authorize.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 63.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 2017, by Senator Helming, Senate Print 3029A, an
15 act to amend the Executive Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

18 THE SECRETARY: Section 2. This
19 act shall take effect April 1, 2018.

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT GRIFFO: The bill
25 passes.

1 THE SECRETARY: Calendar Number
2 2018, by Senator Golden, Senate Print 3159A, an
3 act to amend the Tax Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

6 THE SECRETARY: Section 14. This
7 act shall take effect immediately.

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: In relation to
12 Calendar 2018, those recorded in the negative are
13 Senators Akshar, Krueger, Serino and Tedisco.
14 Also Senator LaValle.

15 Ayes, 58. Nays, 5.

16 ACTING PRESIDENT GRIFFO: The bill
17 passes.

18 THE SECRETARY: In relation to
19 Calendar 2018, those recorded in the negative are
20 Senators Akshar, Jacobs, Krueger, LaValle,
21 Little, Serino and Tedisco. Also Senator
22 Marchione.

23 Ayes, 55. Nays, 8.

24 ACTING PRESIDENT GRIFFO: The bill
25 passes again.

1 THE SECRETARY: Calendar Number
2 2019, by Senator Serrano, Senate Print 3198, an
3 act to amend the Parks, Recreation and Historic
4 Preservation Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 63.

13 ACTING PRESIDENT GRIFFO: The bill
14 passes.

15 THE SECRETARY: Calendar Number
16 2020, by Senator Parker, Senate Print 3270A, an
17 act to amend the Economic Development Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 63.

1 ACTING PRESIDENT GRIFFO: The bill
2 passes.

3 THE SECRETARY: Calendar Number
4 2021, by Senator Lanza, Senate Print 3541, an act
5 to amend the Public Health Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT GRIFFO: The bill
15 passes.

16 THE SECRETARY: Calendar Number
17 2022, by Senator Lanza, Senate Print 3544, an act
18 to amend the Education Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 63.

2 ACTING PRESIDENT GRIFFO: The bill
3 passes.

4 THE SECRETARY: Calendar Number
5 2023, by Senator Boyle, Senate Print 3557, an act
6 to amend the Tax Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT GRIFFO: The bill
16 passes.

17 THE SECRETARY: Calendar Number
18 2024, by Senator Murphy, Senate Print 3848, an
19 act to amend the General City Law.

20 SENATOR SERRANO: Lay it aside,
21 please.

22 ACTING PRESIDENT GRIFFO: Lay it
23 aside.

24 THE SECRETARY: Calendar Number
25 2025, substituted earlier by Member of the

1 Assembly Santabarbara, Assembly Print 282A, an
2 act to amend the Vehicle and Traffic Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 63.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 2026, substituted earlier by Member of the
15 Assembly Thiele, Assembly Print 4289C, an act to
16 amend the Environmental Conservation Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 63.

25 ACTING PRESIDENT GRIFFO: The bill

1 passes.

2 THE SECRETARY: Calendar Number
3 2027, by Senator Sanders, Senate Print 4406A, an
4 act to amend the Public Health Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 63.

13 ACTING PRESIDENT GRIFFO: The bill
14 passes.

15 THE SECRETARY: Calendar Number
16 2028, by Senator Addabbo, Senate Print 3677, an
17 act to amend the Penal Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 63.

1 ACTING PRESIDENT GRIFFO: The bill
2 passes.

3 THE SECRETARY: Calendar Number
4 2029, by Senator Ortt, Senate Print 4557B, an act
5 to amend the Social Services Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT GRIFFO: The bill
15 passes.

16 THE SECRETARY: Calendar Number
17 2030, substituted earlier by Member of the
18 Assembly Barrett, Assembly Print 4859, an act to
19 direct.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT GRIFFO: The bill
4 passes.

5 THE SECRETARY: Calendar Number
6 2031, by Senator Marcellino, Senate Print 4832,
7 an act to amend the Education Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT GRIFFO: The bill
17 passes.

18 THE SECRETARY: Calendar Number
19 2032, by Senator Díaz, Senate Print 4861, an act
20 to amend the Parks, Recreation and Historic
21 Preservation Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 63.

5 ACTING PRESIDENT GRIFFO: The bill
6 passes.

7 THE SECRETARY: Calendar Number
8 2033, by Senator Golden, Senate Print 4876, an
9 act to amend the Executive Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT GRIFFO: The bill
19 passes.

20 THE SECRETARY: Calendar Number
21 2034, by Senator Krueger, Senate Print 5014, an
22 act to amend the Executive Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT GRIFFO: Senator
6 Krueger to explain her vote.

7 SENATOR KRUEGER: Thank you.

8 I wanted to thank my colleagues if
9 they're voting for this bill.

10 I can't think of anything more fun,
11 and I refer everyone to watching BBC occasionally
12 when the prime minister comes before Parliament.
13 Thank you, Mr. President. I vote yes.

14 ACTING PRESIDENT GRIFFO: Senator
15 Krueger in the affirmative.

16 Announce the results.

17 THE SECRETARY: Ayes, 61. Nays, 2.
18 Senators Griffo and Ranzenhofer recorded in the
19 negative.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 2035, by Senator Gallivan, Senate Print 5068, an
24 act to amend the Correction Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 63.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 2036, substituted earlier by Member of the
12 Assembly Abbate, Assembly Print 8092, an act to
13 amend the Retirement and Social Security Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 63.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 2037, by Senator Lanza, Senate Print 5343B, an

1 act to amend the Penal Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

4 SENATOR SERRANO: Lay it aside,
5 please.

6 ACTING PRESIDENT GRIFFO: The bill
7 is laid aside.

8 THE SECRETARY: Calendar Number
9 2038, substituted earlier by Member of the
10 Assembly Blake, Assembly Print 7985A, an act to
11 amend the Correction Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61. Nays, 2.
20 Senators Hoylman and Montgomery recorded in the
21 negative.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 2039, by Senator Savino, Senate Print 5627, an

1 act to amend the Public Health Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect 60 days after it shall have
6 become a law.

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT GRIFFO: Announce
11 the results.

12 THE SECRETARY: Ayes, 62. Nays, 1.
13 Senator Croci recorded in the negative.

14 ACTING PRESIDENT GRIFFO: The bill
15 passes.

16 THE SECRETARY: Calendar Number
17 2040, by Senator Golden, Senate Print 5706, an
18 act to amend the Administrative Code of the City
19 of New York.

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

22 The Secretary will read the last
23 section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 63.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 2041, by Senator Montgomery, Senate Print 5709,
9 an act to direct.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62. Nays, 1.
18 Senator Bonacic recorded in the negative.

19 ACTING PRESIDENT GRIFFO: The bill
20 passes.

21 THE SECRETARY: Calendar Number
22 2042, by Senator Golden, Senate Print 5724, an
23 act to amend the Social Services Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 62. Nays, 1.
7 Senator Savino recorded in the negative.

8 ACTING PRESIDENT GRIFFO: The bill
9 passes.

10 THE SECRETARY: Calendar Number
11 2043, substituted earlier by Member of the
12 Assembly Farrell, Assembly Print 7523, an act to
13 amend the Tax Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 61. Nays, 2.
22 Senators Hoylman and Krueger recorded in the
23 negative.

24 ACTING PRESIDENT GRIFFO: The bill
25 passes.

1 THE SECRETARY: Calendar Number
2 2044, by Senator Golden, Senate Print 5751A, an
3 act to amend the Executive Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT GRIFFO: Senator
12 Little to explain her vote.

13 SENATOR LITTLE: I think I'd better
14 explain my vote before I get thrown out of here.

15 I have nothing against Mother
16 Teresa. I think she's a person to admire and to
17 try to be like. I just don't know where this
18 ends. Probably when we run out of days.

19 But that's my reason for voting no.
20 Thank you.

21 ACTING PRESIDENT GRIFFO: Senator
22 Little in the negative.

23 Announce the results.

24 THE SECRETARY: Ayes, 61. Nays, 2.
25 Senators Hoylman and Little recorded in the

1 negative.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 2045, by Senator Hannon, Senate Print 5781, an
6 act to amend the Vehicle and Traffic Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 2046, by Senator Croci, Senate Print 6782, an act
19 to amend the Vehicle and Traffic Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 2047, by Senator Boyle, Senate Print 5804, an act
7 to amend Chapter 635 of the Laws of 1987.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 2048, by Senator Hannon, Senate Print 5841, an
20 act to amend the Social Services Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 63.

4 ACTING PRESIDENT GRIFFO: The bill
5 passes.

6 THE SECRETARY: Calendar Number
7 2049, substituted earlier by Member of the
8 Assembly Schimminger, Assembly Print 7593A, an
9 act to amend the Alcoholic Beverage Control Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62. Nays, 1.
18 Senator Díaz recorded in the negative.

19 ACTING PRESIDENT GRIFFO: The bill
20 passes.

21 THE SECRETARY: Calendar Number
22 2050, by Senator Marcellino, Senate Print 5852,
23 an act to amend the Tax Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

1 THE SECRETARY: Section 2. This
2 act shall take effect January 1, 2019.

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 63.

7 ACTING PRESIDENT GRIFFO: The bill
8 passes.

9 THE SECRETARY: Calendar Number
10 2051, by Senator Ritchie, Senate Print 5858, an
11 act to amend the Domestic Relations Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

14 THE SECRETARY: Section 6. This
15 act shall take effect on the 90th day.

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 60. Nays, 3.
20 Senators Funke, Helming and Marchione recorded in
21 the negative.

22 ACTING PRESIDENT GRIFFO: The bill
23 passes.

24 THE SECRETARY: Calendar Number
25 2052, by Senator Golden, Senate Print 5887, an

1 act to amend the Tax Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62. Nays, 1.
10 Senator Akshar recorded in the negative.

11 ACTING PRESIDENT GRIFFO: The bill
12 passes.

13 THE SECRETARY: Calendar Number
14 2053, substituted earlier by Member of the
15 Assembly Morinello, Assembly Print 7878, an act
16 to amend the Alcoholic Beverage Control Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62. Nays, 1.
25 Senator Díaz recorded in the negative.

1 ACTING PRESIDENT GRIFFO: The bill
2 passes.

3 THE SECRETARY: Calendar Number
4 2054, by Senator Lanza, Senate Print 5988, an act
5 to amend the Penal Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

8 THE SECRETARY: Section 33. This
9 act shall take effect on the 90th day.

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT GRIFFO: The bill
15 passes.

16 THE SECRETARY: Calendar Number
17 2055, by Senator Golden, Senate Print 6057, an
18 act to amend the Real Property Tax Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62. Nays, 1.
2 Senator Krueger recorded in the negative.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 2056, by Senator Golden, Senate Print 6058A, an
7 act to amend the Real Property Tax Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT GRIFFO: The bill
17 passes.

18 THE SECRETARY: Calendar Number
19 2057, by Senator Boyle, Senate Print 6085, an act
20 relating to.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62. Nays, 1.

4 Senator Krueger recorded in the negative.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 2058, by Senator Marcellino, Senate Print 6089,
9 an act to amend Chapter 507 of the Laws of 1974.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT GRIFFO: The bill
19 passes.

20 THE SECRETARY: Calendar Number
21 2059, substituted earlier by Member of the
22 Assembly Barrett, Assembly Print 8242, an act to
23 amend the Alcoholic Beverage Control Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 62. Nays, 1.
7 Senator Díaz recorded in the negative.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 2060, by Senator Little, Senate Print 6177A, an
12 act to amend the Real Property Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 63.

21 ACTING PRESIDENT GRIFFO: The bill
22 passes.

23 THE SECRETARY: Calendar Number
24 2061, by Senator Lanza, Senate Print 6189, an act
25 to amend the Executive Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT GRIFFO: Senator
9 Hoylman to explain his vote.

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

12 We broke a record today. This is
13 the 55th sex offender bill that the Senate has
14 voted on. We voted on 50 last year.

15 There was also news today that we
16 apparently are not voting on the Child Victims
17 Act. I support this legislation, but I'm
18 extremely disappointed that all the work that the
19 Assembly did to pass the Child Victims Act, the
20 Governor's program bill, the support of the
21 Attorney General, the support of advocates and
22 thousands of survivors across the State of
23 New York has not moved this body to actually
24 comprehensively address the issue of child sexual
25 abuse.

1 Thank you, Mr. President. I vote in
2 the affirmative.

3 ACTING PRESIDENT GRIFFO: Senator
4 Hoylman in the affirmative.

5 Announce the results.

6 THE SECRETARY: Ayes, 62. Nays, 1.
7 Senator Montgomery recorded in the negative.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 2062, by Senator Lanza, Senate Print 6202, an act
12 to amend the Administrative Code of the City of
13 New York.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

16 SENATOR SERRANO: Lay it aside,
17 please.

18 ACTING PRESIDENT GRIFFO: Lay it
19 aside.

20 THE SECRETARY: Calendar Number
21 2063, by Senator Lanza, Senate Print 6212A, an
22 act to amend the Vehicle and Traffic Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 90th day.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: In relation to
9 Calendar 2063: Ayes, 62. Nays, 1. Senator
10 Felder recorded in the negative.

11 ACTING PRESIDENT GRIFFO: The bill
12 still passes.

13 THE SECRETARY: Calendar Number
14 2064, by Senator Larkin, Senate Print 6269, an
15 act to amend the Real Property Tax Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 2065, by Senator Lanza, Senate Print 6304, an act
3 to amend the Public Authorities Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 63.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 2066, substituted earlier by Member of the
16 Assembly Englebright, Assembly Print 7892, an act
17 to amend the Public Authorities Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect on the same date and in the
22 same manner as Section 9 of Part T of Chapter 57
23 of the Laws of 2017.

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 2067, by Senator Golden, Senate Print 6320B, an
7 act to amend the Tax Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT GRIFFO: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar 2067, those recorded in the negative are
19 Senators Bailey, Comrie, Dilan, Gianaris,
20 Hoylman, Krueger, Persaud, Rivera, Squadron and
21 Stewart-Cousins. Also Senator Montgomery.

22 Ayes, 52. Nays, 11.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 2068, by Senator Golden, Senate Print 6324, an
2 act to amend the Social Services Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT GRIFFO: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar 2068, those recorded in the negative are
14 Senators Alcantara, Benjamin, Hoylman,
15 Montgomery, Ranzenhofer and Savino. Also Senator
16 Gianaris. Also Senator Bailey. Also Senator
17 Stavisky. Also Senator Rivera. Also Senator
18 Squadron.

19 ACTING PRESIDENT GRIFFO:
20 Reannounce.

21 THE SECRETARY: In relation to
22 Calendar 2068, those recorded in the negative are
23 Senators Alcantara, Bailey, Benjamin,
24 DeFrancisco, Gianaris, Hoylman, Montgomery,
25 Ranzenhofer, Rivera, Savino, Squadron and

1 Stavisky.

2 Ayes, 51. Nays, 12.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 2069, by Senator Golden, Senate Print 6325, an
7 act to amend the Tax Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 61. Nays, 2.
16 Senators Díaz and Montgomery recorded in the
17 negative.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 I'm going to ask the members, if
21 you're in the negative, please raise your hand.

22 THE SECRETARY: In relation to
23 Calendar 2069, those recorded in the negative are
24 Senators Benjamin, Díaz and Montgomery.

25 Ayes, 60. Nays, 3.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 2070, by Senator Seward, Senate Print 6439A, an
5 act to amend the Insurance Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 62. Nays, 1.
14 Senator Krueger recorded in the negative.

15 ACTING PRESIDENT GRIFFO: The bill
16 passes.

17 THE SECRETARY: Calendar Number
18 2071, substituted earlier by Member of the
19 Assembly Weinstein, Assembly Print 8101, an act
20 in relation to terms and conditions.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 63.

4 ACTING PRESIDENT GRIFFO: The bill
5 passes.

6 THE SECRETARY: Calendar Number
7 2072, by Senator Comrie, Senate Print 6497A, an
8 act authorizing.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: In relation to
17 Calendar 2072, those recorded in the negative are
18 Senators Akshar, Bonacic and Ortt. Also Senator
19 Ranzenhofer.

20 Ayes, 59. Nays, 4.

21 ACTING PRESIDENT GRIFFO: The bill
22 passes.

23 THE SECRETARY: Calendar Number
24 2073, by Senator Alcantara, Senate Print 6513B,
25 an act to amend the New York City Charter.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 62. Nays, 1.
9 Senator DeFrancisco recorded in the negative.

10 ACTING PRESIDENT GRIFFO: The bill
11 passes.

12 THE SECRETARY: Calendar Number
13 2074, substituted earlier by Member of the
14 Assembly Jaffee, Assembly Print 8095, an act in
15 relation to.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 2075, by Senator Ortt, Senate Print 6535, an act
3 to amend the Environmental Conservation Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT GRIFFO: Senator
12 Krueger to explain her vote.

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

15 You know, sometimes we perhaps rush
16 bills too fast. This bill is written so broadly
17 that it would provide for a \$10,000 tax credit in
18 any given year to any homeowner, business,
19 not-for-profit or farm -- no definitions or
20 parameters, no restrictions -- for preventive
21 measures to prevent future flooding.

22 New York State has 7600 freshwater
23 lakes, ponds and reservoirs, 70,000 miles of
24 rivers and streams, almost 3,000 miles of
25 coastline. This bill could end up bankrupting

1 the state.

2 Hurricane Sandy alone had 305,000
3 housing units in New York State damaged or
4 destroyed from flooding and 23,000 New York City
5 businesses impacted. That one storm would cost
6 \$3.3 billion, assuming everyone took the \$10,000
7 tax credit.

8 I'm not saying we don't have a lot
9 that we can do and need to do to respond to
10 emergencies and crises. But when you open up
11 your tax code to let anyone and everyone be
12 exempt from any and all taxes -- and over the
13 last week or so, Mr. President, we've passed a
14 pile of these bills. Somebody has to stop and
15 say, Who's going to pay the light bill? Because
16 I'm not sure there will be anything left in the
17 state's treasury.

18 I vote no.

19 ACTING PRESIDENT GRIFFO: Senator
20 Krueger in the negative.

21 Announce the results.

22 THE SECRETARY: Ayes, 62. Nays, 1.
23 Senator Krueger recorded in the negative.

24 ACTING PRESIDENT GRIFFO: The bill
25 passes.

1 THE SECRETARY: Calendar Number
2 2076, substituted earlier by Member of the
3 Assembly Bronson, Assembly Print 8107, an act to
4 amend the New York State Urban Development
5 Corporation Act.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT GRIFFO: The bill
15 passes.

16 THE SECRETARY: Calendar Number
17 2077, substituted earlier by Member of the
18 Assembly Cahill, Assembly Print 8264, an act to
19 amend Chapter 589 of the Laws of 2015.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT GRIFFO: The bill
4 passes.

5 THE SECRETARY: Calendar Number
6 2078, substituted earlier by Member of the
7 Assembly Gunther, Assembly Print 881A, an act to
8 amend the Education Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 62. Nays, 1.
17 Senator Latimer recorded in the negative.

18 ACTING PRESIDENT GRIFFO: The bill
19 passes.

20 THE SECRETARY: Calendar Number
21 2079, by Senator Young, Senate Print 6627, an act
22 to amend the Administrative Code of the City of
23 New York.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: In relation to
7 Calendar 2079, those recorded in the negative are
8 Senators Hamilton, Hoylman, Krueger and Squadron.

9 Ayes, 59. Nays, 4.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 2080, substituted earlier by Member of the
14 Assembly Skoufis, Assembly Print 3037B, an act to
15 amend the Not-For-Profit Corporation Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 2081, by Senator Hannon, Senate Print 6654, an
3 act to repeal Section 19.

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

6 The Secretary will read the last
7 section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 Calendar Number 2082 requires a
17 home-rule message. It's not available at this
18 time, so the bill will be laid aside for the day.

19 The Secretary will read 2083.

20 THE SECRETARY: Calendar Number
21 2083, by Senator Hannon, Senate Print 6672, an
22 act to amend the Public Health Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 2084, by Senator Hannon, Senate Print 6673, an
10 act to amend the Public Health Law.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 63.

19 ACTING PRESIDENT GRIFFO: The bill
20 passes.

21 THE SECRETARY: Calendar Number
22 2085, by Senator Ranzenhofer, Senate Print 6686,
23 an act to amend the State Finance Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 63.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 2086, substituted earlier by Member of the
11 Assembly Lupardo, Assembly Print 8161A, an act to
12 amend the Economic Development Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 63.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 2087, by Senator Jacobs, Senate Print 6696, an
25 act to amend the Alcoholic Beverage Control Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 62. Nays, 1.
9 Senator Díaz recorded in the negative.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 2088, by Senator Peralta, Senate Print 6703, an
14 act authorizing.

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

17 The Secretary will read the last
18 section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 63.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 2089, by Senator Avella, Senate Print 6707, an
4 act to amend the New York State Urban Development
5 Corporation Act.

6 ACTING PRESIDENT GRIFFO: Senator
7 Ritchie.

8 SENATOR RITCHIE: Can we lay this
9 bill aside temporarily, please.

10 ACTING PRESIDENT GRIFFO: Lay it
11 aside temporarily.

12 THE SECRETARY: Calendar Number
13 2090, by Senator Golden, Senate Print 6712, an
14 act to amend the Real Property Tax Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: In relation to
23 Calendar 2090, those recorded in the negative are
24 Senators Krueger, Rivera, Serrano and Squadron.

25 Ayes, 59. Nays, 4.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 2091, by Senator Golden, Senate Print 6713, an
5 act to amend the Public Health Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 2092, by the Senate Committee on Rules, Senate
18 Print 6717, an act to amend the County Law.

19 SENATOR SERRANO: Lay it aside,
20 please.

21 ACTING PRESIDENT GRIFFO: Lay it
22 aside.

23 THE SECRETARY: Calendar Number
24 2093, by Senator O'Mara, Senate Print 6718, an
25 act to amend Chapter 672 of the Laws of 1993.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 63.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 2094, by Senator Serrano, Senate Print 6724, an
13 act to authorize.

14 ACTING PRESIDENT GRIFFO: A
15 home-rule message is at the desk.

16 Read the last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 63.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 2095, substituted earlier by Member of the
2 Assembly Gunther, Assembly Print 7688, an act to
3 amend Chapter 408 of the Laws of 1999.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT GRIFFO: Senator
12 Young to explain her vote.

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

15 This bill extends Kendra's Law until
16 June 30, 2022.

17 Although this legislation is
18 compelling and very much needed, I am
19 disappointed that the Assembly would not consider
20 making Kendra's Law permanent.

21 As you know, Kendra's Law actually
22 is a statutory framework for people to receive
23 assistant outpatient treatment in the community.
24 This is a very rigorous process and actually gets
25 people with severe mental illness the help that

1 they need. Studies have shown that it's reduced
2 homelessness, incarcerations, suicides and
3 violence. And that's why we need to make sure
4 that this passes.

5 Unfortunately, Kendra's Law expires
6 in June of this year. That's why we have to do
7 this. I am still hopeful that the Assembly will
8 do the right thing and make Kendra's Law
9 permanent. But in the meantime, it would be a
10 tragedy if we did not extend it.

11 So that's why I'm putting forward
12 this bill. And someday, someday we should make
13 Kendra's Law permanent, just because it helps so
14 many lives in so many positive ways. So I'll be
15 voting yes, Mr. President, and I urge my
16 colleagues to join me.

17 Thank you.

18 ACTING PRESIDENT GRIFFO: Senator
19 Young to be recorded in the affirmative.

20 Announce the results.

21 THE SECRETARY: Ayes, 63.

22 ACTING PRESIDENT GRIFFO: The bill
23 passes.

24 THE SECRETARY: Calendar Number
25 2096, by Senator Serino, Senate Print 6732, an

1 act to amend the Social Services Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect April 1, 2018.

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 63.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 2097, by Senator Croci, Senate Print 6734, an act
14 to amend the Criminal Procedure Law.

15 ACTING PRESIDENT GRIFFO: Can we
16 have some order, please, in the house.

17 Read the last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 62. Nays, 1.
24 Senator Hoylman recorded in the negative.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 2098, substituted earlier by Member of the
4 Assembly Otis, Assembly Print 8286B, an act to
5 amend the Executive Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 2009, by Senator Phillips, Senate Print 6740, an
18 act to amend the Criminal Procedure Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 63.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 2100, by the Senate Committee on Rules, Senate
6 Print 6745, an act to amend Chapter 73 of the
7 Laws of 1940.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62. Nays, 1.
16 Senator Rivera recorded in the negative.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 2101, by Senator Savino, Senate Print 6749, an
21 act to amend the Election Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 63.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 2102, by Senator Comrie, Senate Print 6751, an
9 act to amend the Real Property Tax Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 2103, by Senator Valesky, Senate Print 6754, an
22 act to amend the Canal Law.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 2104, by Senator Golden, Senate Print 6755,
10 Concurrent Resolution of the Senate and Assembly.

11 ACTING PRESIDENT GRIFFO: Call the
12 roll on the concurrent resolution.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT GRIFFO: The
16 resolution is adopted.

17 THE SECRETARY: Calendar Number
18 2105, by Senator Griffio, Senate Print 6756, an
19 act to amend the General Business Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

22 THE SECRETARY: Section 9. This
23 act shall take effect on the 180th day.

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 2106, by Senator Hannon, Senate Print 6759, an
7 act to amend the Public Health Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

10 THE SECRETARY: Section 9. This
11 act shall take effect on the 90th day.

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 2107, by Senator Griffo, Senate Print 6762, an
20 act to amend the Real Property Tax Law.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

23 THE SECRETARY: Section 5. This
24 act shall take effect January 1, 2018.

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 63.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 2108, by Senator Lanza, Senate Print 6764, an act
8 to amend the Criminal Procedure Law.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 63.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 2109, by Senator Lanza, Senate Print 6769, an act
21 to amend the Tax Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 63.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 2110, by Senator Hannon, Senate Print 6776, an
9 act to amend Chapter 54 of the Laws of 2016.

10 SENATOR GIANARIS: Lay it aside.

11 ACTING PRESIDENT GRIFFO: Lay it
12 aside.

13 THE SECRETARY: Calendar Number
14 2111, by Senator Young, Senate Print 6779, an act
15 to legalize, validate, ratify and confirm.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 2112, by Senator LaValle, Senate Print 6780, an
3 act to amend the State Finance Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 63.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 Senator DeFrancisco, that completes
15 the noncontroversial reading of the Supplemental
16 Calendar 58A.

17 However, we do have a substitution
18 that we can make, without objection.

19 SENATOR DeFRANCISCO: Well, then,
20 why don't you do that.

21 ACTING PRESIDENT GRIFFO: Okay.
22 The Secretary will read.

23 THE SECRETARY: Senator Avella
24 moves to discharge, from the Committee on Rules,
25 Assembly Bill Number 7636 and substitute it for

1 the identical Senate Bill 6707, Third Reading
2 Calendar 2089.

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

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 2089, by Member of the Assembly Kim, Senate Print
8 7636, an act to amend the New York State Urban
9 Development Corporation Act.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT GRIFFO: The bill
19 passes.

20 Senator DeFrancisco, that completes
21 the noncontroversial reading.

22 SENATOR DeFRANCISCO: Could we take
23 up the controversial reading of the calendar.

24 ACTING PRESIDENT GRIFFO: The
25 Secretary will ring the bell.

1 The Secretary will read.

2 SENATOR DeFRANCISCO: One moment,
3 please.

4 ACTING PRESIDENT GRIFFO: Senator
5 DeFrancisco.

6 SENATOR DeFRANCISCO: Can we take
7 up the controversial reading now, in order.

8 ACTING PRESIDENT GRIFFO: The
9 Secretary will take up the controversial reading,
10 in order.

11 And the bell has been rung, and the
12 Secretary will read.

13 THE SECRETARY: Calendar Number
14 2013, by Senator O'Mara, Senate Print 2823, an
15 act to amend the Environmental Conservation Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT GRIFFO: Will
24 those in the negative please raise their hand.

25 SENATOR DeFRANCISCO: Lay the bill

1 aside for the day, please.

2 ACTING PRESIDENT GRIFFO: Lay the
3 bill aside for the day.

4 (Reaction from members.)

5 SENATOR DeFRANCISCO: If we could
6 take up the following bill on the controversial
7 reading next, 2092.

8 ACTING PRESIDENT GRIFFO: The
9 Secretary will read Calendar 2092.

10 THE SECRETARY: Calendar Number
11 2092, by the Senate Committee on Rules, Senate
12 Print 6717, an act to amend the County Law.

13 ACTING PRESIDENT GRIFFO: Senator
14 Latimer.

15 SENATOR LATIMER: Point of personal
16 information, Mr. President. Are we on the bill
17 or are we explaining votes right now?

18 ACTING PRESIDENT GRIFFO: We are on
19 the controversial reading of the calendar. So
20 you're on the bill if you choose to speak.

21 SENATOR LATIMER: Thank you,
22 Mr. President. On the bill.

23 ACTING PRESIDENT GRIFFO: But we
24 would welcome you to explain your vote, if you so
25 choose.

1 SENATOR LATIMER: Thank you.

2 If we're on the bill, then I'll give
3 a little bit of background. I'm in very strong
4 opposition to this. And rather than try to
5 question Senator Rules, as my friend Senator
6 Squadron would say, I wanted to just lay out my
7 thinking on this.

8 I shared these thoughts previously
9 in this chamber. And even if you already know
10 how you vote, you ought to think about what I'm
11 about to say.

12 This is now the second time in this
13 room that this Senate is reversing a decision
14 that was made legally by a local government. It
15 was done earlier this year in a New York City
16 bill, and I heard the rationale behind that bill.
17 Now we are doing it again in Suffolk County.

18 And at the time that we had that, I
19 said we are asking now for every major policy
20 issue that's controversial in any county, in any
21 village, any town or any city, to come before
22 this Senate and this Assembly for further
23 discussion.

24 We know the governmental system
25 allows for any individual who has standing to sue

1 a local government decision on process through
2 Article 78, and it will go to an appellate court.
3 But now we've created a new appellate system.
4 And that appellate system is come to the State
5 Legislature, and if we don't like a particular
6 bill, for whatever the reason is, policy reason,
7 we will now, in the New York State Senate and the
8 New York State Assembly, we will consider
9 reversing a decision made by that local
10 government.

11 What we have before us here is not a
12 request from the local government with a
13 home-rule bill. For those of us who have to get
14 home-rule bills, we got through a process to show
15 that the local government asks for something that
16 we vote for. And I have stood here and voted for
17 all kinds of extender bills from all across this
18 state, in counties that I have probably never set
19 foot in, because the local legislature of that
20 county or the local city or the town or the
21 village wants something, the Senator of that
22 district says this is something that's important,
23 and just out of principle of local rule, I vote
24 for those bills, even if those bills involve
25 things that can be used in a future campaign

1 against me.

2 However, what we have done in this
3 bill, or will do in this bill if we vote for it,
4 is we are now talking about authority that
5 already exists within the County of Suffolk, and
6 we are going to override that. Suffolk does not
7 need a home-rule request to do what they did.
8 The bill that they passed was voted on by 13 to
9 4. I don't represent Suffolk County. I wasn't
10 there for the votes, just like I wasn't there for
11 the votes in Essex County when they decided they
12 wanted to extend a hotel tax and I wasn't there
13 in Niagara County when they voted to extend
14 something as well.

15 However, in this particular case,
16 Suffolk had a process. And that process involved
17 a negotiation that included the Food Industry
18 Alliance, it involved environmentalists, and it
19 had a bipartisan vote of 13 to 4 that passed this
20 bill into law.

21 We are now, with this bill, going to
22 reverse that if we vote in the majority. So
23 consider we set a precedent once, and now we're
24 doubling down on that precedent. And what we're
25 saying is that if there is a local opposition to

1 a bill, whether it has majority support or not in
2 opposition, we will consider legislation that
3 would reverse the decision made at a local
4 government.

5 Let me go on to say that when you
6 create that new appellate court, you now send a
7 chilling message to every village, every town,
8 every city and every county in this state that
9 says you may elect your local officials in those
10 places, but don't consider that the final word on
11 it. The final word will come only if the State
12 Legislature chooses to make it the final word.

13 And you undermine the principle of
14 home rule and local government. You tell people:
15 Vote for your councilmembers, but they may not be
16 the final word on something. Because in this
17 case, they already have the authority to make
18 this decision, they've gone through a process and
19 made this decision, but we in our infinite wisdom
20 don't like that decision, and we've done that.

21 So consider what might happen in
22 this chamber if a different philosophy was in
23 majority. Consider that. Consider if the
24 Village of Akron had a law in Erie County that a
25 different majority in this chamber did not like

1 and decided, under the same principle as this
2 vote, we are going to reverse what the Village of
3 Akron did. Or the Village of Amityville in
4 Suffolk County, or the Village of Aurora in
5 Cayuga County, or the Town of Ashland in Chemung
6 County. Or the same name, the Town of Ashland in
7 Greene County. Or the Town of Afton in Chenango,
8 the Town of Amenia, in Dutchess County. Or the
9 City of Amsterdam in Montgomery County. And I'm
10 only in the A's. I could do local governments
11 all the way down to Z.

12 That's what we're doing today when
13 we vote on this bill, knowing it's a one-house
14 bill, it's going nowhere in the other house, it's
15 not going to reverse the policy, but we're
16 opening the door to a terrible precedent and
17 we're doubling down on that precedent. And that
18 precedent is bring your problems to Albany if you
19 can't get them resolved in Town Hall, in
20 Village Hall, or in the County Office Building.

21 Now, we should not drive the train
22 in this direction without clearly understanding
23 what we're doing. And you could argue that there
24 was a case in the New York City case, and it was
25 argued on this floor by those of you who said

1 that the voices of one part of New York City
2 wasn't heard and the voices of another part of
3 New York City wasn't heard. But now you're ready
4 to make that extension go further. You have
5 three communities in Suffolk County that have
6 voted to ban these types of plastic bags. I have
7 three communities in Westchester County, all in
8 my Senate district, that have also voted to ban
9 them. But will that ban stand up if we decide at
10 some future time to review that because somebody
11 doesn't like it?

12 We are making a terrible mistake
13 here, my friends. We're opening the door to a
14 terrible precedent. Whatever the merit of this
15 Suffolk bill is or isn't, it was decided by the
16 duly elected officials of Suffolk County. And
17 all of -- most of us, many of us outside of
18 New York, and some inside New York City, have
19 served in those local positions, have served, as
20 I have, as a councilman in my community, as a
21 county legislator in my home county.

22 And we are reversing that decision
23 with this vote today. And even if it doesn't
24 pass in the other house, we are making a
25 statement. And it's a bad statement. It's an

1 undermining statement. Think when you were town
2 supervisor, when you served on a school board or
3 a city council, or you were county executive of a
4 county, or you were a county legislator, what
5 we're doing here when we say we don't like the
6 content of this and we're going to flip it --
7 that's what we're doing today. That's what we're
8 doing today.

9 I'm not here to filibuster. I'm not
10 here to tell you about my dog or other things
11 that would stretch this thing out.

12 (Laughter.)

13 SENATOR LATIMER: I will say that I
14 have two terrific dogs, Biscuit and Brandy, and I
15 take no back seat to Senator Parker in admiration
16 for my dogs. And I think I have the skill set to
17 go on all night also. But I don't want to do
18 that.

19 I want you to hear my voice. In the
20 minority, I want you to hear my voice. I want
21 you to see that sometimes in this chamber it's
22 not just about what you can do because you have
23 the votes, but what you ought to do. What you
24 ought to do, and what you ought to refrain from
25 doing.

1 I don't lecture, my friends. I have
2 great respect for everybody in this chamber. And
3 there are passionate issues that we get up and
4 speak about. There are resolutions that we speak
5 about with great passion. We all spoke about Ray
6 Hess earlier, and now those speeches have become
7 eulogies for Ray Hess. I am probably more
8 passionate about this than half of the other
9 things I've ever gotten up to speak about.

10 And when I think Senator Ranzenhofer
11 has a good bill, darn it, I get up and say it. I
12 don't worry about the partisan lines. When I
13 think someone in the IDC has got a good bill, I
14 sign onto it, because I don't let those things
15 get in the way. When I have a question for
16 Senator Serino, I don't get up here and use this
17 theater. We talk about it and we try to come to
18 some common agreement.

19 So when I tell you, as a member of
20 the minority, consider what we're doing here,
21 it's a bad precedent, I mean it.

22 And I will retract my opportunity to
23 speak. When it comes time to vote, I will vote
24 in the negative.

25 ACTING PRESIDENT GRIFFO: Senator

1 Kaminsky.

2 SENATOR KAMINSKY: Will the sponsor
3 yield for some questions?

4 SENATOR CROCI: I am not the
5 sponsor, but I will take questions on the
6 legislation.

7 ACTING PRESIDENT GRIFFO: Senator
8 Croci will yield.

9 SENATOR KAMINSKY: Thank you.
10 Through you, Mr. President.

11 Can the sponsor please tell us
12 whether he's reviewed the Suffolk bag bill and
13 what is wrong with it?

14 ACTING PRESIDENT GRIFFO: You're
15 addressing it to Senator Croci, Senator Kaminsky.

16 SENATOR KAMINSKY: Senator Croci.

17 ACTING PRESIDENT GRIFFO: Senator
18 Croci.

19 SENATOR CROCI: Yes, I have it in
20 front of me, the resolution that was adopted by
21 the Suffolk County Legislature.

22 And the problem with it is that
23 Article IX of the New York State Constitution, as
24 enumerated, does not provide the County of
25 Suffolk with the power to tax. So that is within

1 the province of this body and the Assembly.

2 SENATOR KAMINSKY: Through you,
3 Mr. President, will the sponsor yield for an
4 additional question?

5 ACTING PRESIDENT GRIFFO: Senator
6 Croci will yield, Senator Kaminsky.

7 SENATOR KAMINSKY: Senator Croci.

8 ACTING PRESIDENT GRIFFO: Senator
9 Croci.

10 SENATOR CROCI: Yes, I do, for a
11 question.

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

14 Is it Senator Croci's position that
15 there is no county in New York State that can
16 pass such a rule or a law?

17 SENATOR CROCI: It is my
18 position -- it's not my position, it is the
19 Constitution which says that a county does not
20 have the power, in this instance and in these
21 cases, to create a tax of this nature.

22 SENATOR KAMINSKY: Will Senator
23 Croci yield for some additional questions?

24 SENATOR CROCI: I yield.

25 ACTING PRESIDENT GRIFFO: Senator

1 Croci yields.

2 SENATOR KAMINSKY: Through you,
3 Mr. President. Senator Croci, do you believe
4 that plastic bags are an environmental hazard?

5 SENATOR CROCI: I do.

6 SENATOR KAMINSKY: Will Senator
7 Croci yield for an additional question.

8 ACTING PRESIDENT GRIFFO: Senator,
9 do you yield?

10 SENATOR CROCI: I will.

11 ACTING PRESIDENT GRIFFO: The
12 Senator yields.

13 SENATOR KAMINSKY: Does Senator
14 Croci or his colleagues have a plan to deal with
15 such environmental hazards?

16 SENATOR CROCI: I'll respond, while
17 it's irrelevant to this specific bill, I would
18 say that we have proposed and I certainly have
19 been vocal, even as a town supervisor, in
20 ensuring that instead of punishing the population
21 that uses these bags on their way home from work,
22 to grab something quick to make dinner, our
23 senior citizens who rely on these, people who
24 utilize these, the merchants who like providing
25 them as a convenience, that we should institute a

1 refund.

2 I remember, as a young man, cans and
3 bottles all over the place until the 5-cent or
4 the 10-cent refunds were implemented, and they
5 disappeared from our landfills and they
6 disappeared from our parks because there was an
7 incentive to take those and bring them back or
8 refund them.

9 In addition, I would add that we
10 have a program in the State of New York, under
11 our Environmental Conservation Law, which
12 requires our merchants to have receptacles
13 prominently displayed for the return of these
14 plastic bags. The program is still ongoing; we
15 haven't really seen the effect of it yet.

16 And then there's a Governor's bag
17 commission, his task force which he's just
18 implemented, which is designed to go statewide
19 and look at this problem so we don't have
20 disparate laws throughout the state and different
21 municipalities.

22 That is something I think we should
23 wait for. Certainly you ask, Senator -- through
24 you, Mr. President, the Senator asked if we have
25 a plan. Well, I think the Governor's task force

1 is going to come up with several recommendations.

2 SENATOR KAMINSKY: Will Senator
3 Croci continue to yield?

4 SENATOR CROCI: I will yield for a
5 question, yes.

6 ACTING PRESIDENT GRIFFO: The
7 Senator yields.

8 SENATOR KAMINSKY: Through you,
9 Mr. President. But at this time there is no
10 Senate majority or otherwise -- or other
11 conference bill that you know of that would
12 address the plastic bag issue like Suffolk is
13 trying to address?

14 SENATOR CROCI: Through you,
15 Mr. President, I'm not aware of a specific bag
16 bill that's proposed by any member. And I would
17 say that I would be dubious of that, particularly
18 if it's being proposed and implemented on a
19 municipality at this time.

20 I think that we should wait for not
21 only the existing program that's in effect that
22 requires a receptacle, I think we should also
23 look very carefully at the recommendations of the
24 task force that the Governor has recently
25 commissioned.

1 SENATOR KAMINSKY: Thank you.

2 On the bill, Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator
4 Kaminsky on the bill.

5 SENATOR KAMINSKY: I thank Senator
6 Croci for stepping up and answering these
7 important questions.

8 Look, I think at this time we have
9 very few hours to do very precious work. And I
10 don't think this is very constructive. We have a
11 real problem involving plastic bags that we're
12 not actually taking -- look, we could argue the
13 merits of this bill, whether it's a tax, whether
14 it's a fee, how much plastic ends up in our
15 landfills.

16 Senator Latimer raised a really
17 important argument about -- I want to call it
18 federalism, but it's kind of the state version of
19 federalism in terms of who has power at what
20 level. These are all critical questions. But
21 the point is I -- like I can't believe we're
22 doing this. We have like a few hours to go, we
23 have a lot of problems throughout our state from
24 top to bottom, and yet we've got a one-house bill
25 to tell Suffolk, that already passed a law by at

1 tremendous majority, that they shouldn't be able
2 to be doing this.

3 I'd much rather spend this time
4 figuring out how we're going to solve the plastic
5 bag issue, working with people across the aisle
6 to get them out of our waterways and our
7 landfills. And I think we could do a lot better
8 than this.

9 I do understand that when people
10 complain about having to pay the fees, as they do
11 in my hometown of Long Beach where I live -- I've
12 seen both people celebrate this thing and I've
13 seen people spit on the floor at grocery stores
14 when they have to pay this fee. These are all
15 great things that we could debate. But I really
16 don't think this is productive. I frankly think
17 that's why no one wants to attach their name to
18 this.

19 I am not surprised that Senator
20 Croci stepped up and took this. He's somebody
21 who serves, and he does his duty, and I
22 appreciate that. But we could do better, and
23 that's why I'm going to be voting against this
24 bill. And I thank you for your time,
25 Mr. President, and Senator Croci as well.

1 ACTING PRESIDENT GRIFFO: Senator
2 Hoylman.

3 SENATOR HOYLMAN: Thank you,
4 Mr. President.

5 Would the sponsor yield to a few
6 questions?

7 ACTING PRESIDENT GRIFFO: Are you
8 asking Senator Croci to yield?

9 SENATOR HOYLMAN: I'm asking you
10 to --

11 ACTING PRESIDENT GRIFFO: Senator
12 Croci has stood forward before.

13 SENATOR HOYLMAN: Oh, the sponsor,
14 I'm sorry. And I -- that was totally -- so who
15 do I ask?

16 ACTING PRESIDENT GRIFFO: Senator
17 Croci.

18 SENATOR CROCI: While I'm not the
19 sponsor of this legislation --

20 SENATOR HOYLMAN: I'm sorry, that
21 was --

22 SENATOR CROCI: -- I'd be happy to
23 take a question from my colleague.

24 SENATOR HOYLMAN: Thank you. It is
25 confusing, you have to admit. Thank you.

1 ACTING PRESIDENT GRIFFO: Senator
2 Hoylman, please direct to the chair.

3 SENATOR HOYLMAN: Yes, that's what
4 I was doing. And I'll continue to do so,
5 Mr. President.

6 So the -- what do I call you?
7 (Laughter.)

8 ACTING PRESIDENT GRIFFO: Senator
9 Crocì.

10 SENATOR HOYLMAN: Thank you.
11 Senator Croci. It's Senator Croci. Through you,
12 Mr. President --

13 SENATOR CROCI: Mr. President, if I
14 were to reveal myself as Senator Rules,
15 Senator Squadron's head would explode. So I
16 don't want to do that.

17 (Laughter.)

18 SENATOR CROCI: Sorry.

19 SENATOR HOYLMAN: Through you,
20 Mr. President.

21 ACTING PRESIDENT GRIFFO: Senator
22 Crocì yields.

23 SENATOR HOYLMAN: Senator Croci
24 says that one of the justifications for this bill
25 is that the current Suffolk law does not comply

1 with the State Constitution. Is that correct?

2 SENATOR CROCI: What I have said,
3 Mr. President, is that the County of Suffolk,
4 like the Town of Islip, of which I was
5 supervisor, does not have the power to tax under
6 Article IX of our Constitution, and they did not
7 have the power to implement this tax. That is my
8 contention.

9 I think it's established state law
10 as well.

11 SENATOR HOYLMAN: Through you,
12 Mr. President, would Senator Croci continue to
13 yield.

14 SENATOR CROCI: I yield for a
15 question.

16 ACTING PRESIDENT GRIFFO: The
17 Senator yields.

18 SENATOR HOYLMAN: Through you.
19 Isn't it correct, Senator Croci, that the
20 five-cent fee, slash, tax actually goes to the
21 retailer, not to the County of Suffolk or any
22 other government entity?

23 SENATOR CROCI: Under this county
24 resolution, that is correct. But it doesn't
25 matter, because it is compulsory, and therefore I

1 would think any reasonable review of it would be
2 considered a tax.

3 SENATOR HOYLMAN: Would the sponsor
4 continue to -- Senator Croci continue to yield?

5 SENATOR CROCI: I yield for a
6 question, yes.

7 ACTING PRESIDENT GRIFFO: The
8 Senator yields.

9 SENATOR HOYLMAN: Does Senator
10 Croci know that the difference between a tax and
11 a fee is that taxes go to government, taxes go to
12 the commonweal, taxes go to the public, not in
13 the pockets of retailers?

14 So this can't be considered a tax,
15 it doesn't fall under the definition of tax.
16 Maybe in your shorthand assessment it's a tax,
17 but by law, Suffolk County has imposed a fee. Do
18 you disagree?

19 SENATOR CROCI: Mr. President,
20 through you. A fee is something that you
21 administer in exchange for a service. The County
22 of Suffolk, in this case, is not providing any
23 service for the payment of this fee. If it, in
24 your contention -- Senator Hoylman's continuation
25 is a fee, they're not providing any service.

1 That would be a fee. So it is a tax.

2 SENATOR HOYLMAN: Would the Senator
3 continue to yield.

4 SENATOR CROCI: I yield for a
5 question, yes.

6 ACTING PRESIDENT GRIFFO: The
7 Senator yields.

8 SENATOR HOYLMAN: I disagree. I
9 think that any imposition of a fee that goes to
10 the commonweal, goes to the government, under
11 New York statute is called a tax.

12 But I'll leave that for now and come
13 back to your question about -- your assertion
14 that Suffolk isn't providing a service. I would
15 agree that it is. It's a fee that, while going
16 to the retailers, will reduce plastic bag waste,
17 which we have determined -- and more importantly,
18 Suffolk County has determined -- is a scourge to
19 their population and damaging to the environment.

20 But I want to ask you about the
21 statewide plastic bag task force that Governor
22 Cuomo created. Is the Senate majority
23 represented on that task force?

24 SENATOR CROCI: So Mr. President,
25 through you, my understanding is we are

1 represented on that task force.

2 But again, that's irrelevant to the
3 bill at hand in Suffolk County, because in the
4 Suffolk resolution itself they say that if there
5 is superseding legislation by the State of
6 New York, that they will revisit this resolution.

7 Mr. President, I have -- at the
8 local level, as a former supervisor who operated
9 and helped shut down our remaining landfills, I
10 was eager to find a solution for the plastic bag
11 issue. One of the solutions that no one wants to
12 discuss is our waste-to-energy facility in Islip,
13 which could take these, turn them into power, and
14 then we sell that power back to the grid. That
15 was one of the solutions.

16 Another solution is to create a
17 refund for these bags. I guarantee you, like
18 plastic bottles and cans and glass bottles, they
19 will disappear from the remaining landfills, they
20 will disappear from our streets.

21 I'm a fisherman, I'm a boating
22 enthusiast. In the summertime when I get out on
23 the water, I don't want to see a plastic bag in
24 that water. I don't want to see a drinking straw
25 in that water.

1 But the contention here is that the
2 county should have the right to impose a tax.
3 And as a home-rule guy myself and as a former
4 local elected municipal executive, I can tell you
5 I didn't like when the state told me what to do.
6 But I could not impose a tax as the town
7 supervisor, neither can a county, neither can a
8 village.

9 SENATOR HOYLMAN: Would the Senator
10 continue to yield.

11 SENATOR CROCI: I yield for a
12 question. Yes, I do.

13 ACTING PRESIDENT GRIFFO: The
14 Senator yields.

15 SENATOR HOYLMAN: Thank you.

16 Does the Senator know when -- and
17 actually, I do not know the answer to this. Does
18 the Senator know when the Suffolk County bag fee
19 bill goes into effect?

20 SENATOR CROCI: Next year.

21 SENATOR HOYLMAN: Would the Senator
22 continue to yield.

23 ACTING PRESIDENT GRIFFO: Does the
24 senator yield?

25 SENATOR CROCI: Yes, I yield for a

1 question.

2 ACTING PRESIDENT GRIFFO: Senator
3 Croci yields.

4 SENATOR HOYLMAN: Since the bag fee
5 law from Suffolk County doesn't go into effect
6 until next year, wouldn't it be more prudent to
7 wait for the Governor's task force on plastic
8 bags, of which the Senator says the majority is
9 represented, to actually convene, discuss this
10 issues, and determine whether we should in fact
11 bring forward state legislation to invalidate a
12 local law?

13 SENATOR CROCI: Mr. President, he
14 had me right up until the last four words.

15 Yes, we should wait for the
16 Governor's task force to make its recommendations
17 before we decide to, I believe, abrogate our
18 responsibility and allow legislatures outside of
19 the State Legislature to impose a tax.

20 I believe, and I believe there's a
21 reasonable reading, that this is a tax and not a
22 fee. And I'll leave it at that. But you had me
23 right up until that last portion, because I do
24 believe that we should wait before we start
25 changing the policies in Albany.

1 SENATOR HOYLMAN: On the bill,
2 Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator
4 Hoylman on the bill.

5 SENATOR HOYLMAN: Thank you to the
6 Senator for his responses.

7 There's clearly a difference of
8 philosophy, as my colleagues preceding me have
9 pointed out. Not only do we disagree with the
10 plain-language definition of tax, which is black
11 and white in our statute, but we also seem to
12 disagree on local control and disagree as to
13 whether the Senate should nullify local attempts
14 at improving our environment.

15 I really find it quite breathtaking
16 that as we watch what is happening in Washington
17 with the federal administration withdrawing our
18 country out of the Paris climate accord, that the
19 response in Albany is to double down on that and
20 to begin to chip away at local laws that are
21 meant to improve our environment, reduce plastic
22 waste, reduce the production of fossil fuels,
23 lessen carbon dioxide emissions, and clean our
24 air for future generations. These are all linked
25 to each other.

1 And I am distressed, sorely
2 distressed, that our response is today's bill,
3 which we know is a one-house wonder but
4 apparently will serve as a good press release
5 back home.

6 So all due respect to my colleague
7 who spoke on the bill, I couldn't agree more with
8 Senators Kaminsky and Latimer that we are making
9 a grave mistake by nullifying local efforts to
10 improve our environment for future generations,
11 to combat climate change, to lessen dependence on
12 fossil fuels, and to resist the worst
13 anti-environmental agenda in history coming from
14 the White House.

15 I vote nay, Mr. President.

16 ACTING PRESIDENT GRIFFO: Hearing
17 and seeing no other Senator wishing to be heard,
18 the debate is closed.

19 The Secretary will ring the bell.

20 Senator DeFrancisco, why do you
21 rise?

22 SENATOR DeFRANCISCO: While we're
23 waiting, I don't know if we could deal with a
24 couple of other bills here and make an
25 announcement.

1 ACTING PRESIDENT GRIFFO: Sure.

2 Sure.

3 SENATOR YOUNG: (Inaudible.)

4 ACTING PRESIDENT GRIFFO: We just
5 called the vote, Senator Young, so we're waiting
6 for members to come into the chamber. So as we
7 wait for members to come into the chamber,
8 Senator DeFrancisco would like to entertain some
9 other --

10 SENATOR DeFRANCISCO: Well, she
11 wants to explain her vote or whatever.

12 SENATOR YOUNG: No, I wanted to
13 speak on the bill.

14 ACTING PRESIDENT GRIFFO: Oh, on
15 the bill. I'm sorry --

16 SENATOR DeFRANCISCO: Could we --
17 could I excuse myself and allow the debate to
18 continue while the food is getting cold.

19 ACTING PRESIDENT GRIFFO: Okay, so
20 we will reopen debate, without objection.

21 Senator Young on the bill.

22 SENATOR YOUNG: Thank you,
23 Mr. President. And I just felt the need to say a
24 few things on this particular piece of
25 legislation.

1 First of all, I commend Senator
2 Croci for debating the bill. But I have to say I
3 listened intently to my colleagues from the other
4 side of the aisle. Senator Latimer was
5 passionate about local control regarding this
6 bill.

7 Now, this bill was actually authored
8 by legislator Dr. William Spencer, Democrat from
9 Centerport. In an article that I just read in
10 the Long Island media, he noted that the county
11 would need New York State approval to keep the
12 fee and signaled that he would lobby the State
13 Legislature for that authorization.

14 So Senator Croci, to your point,
15 even the author of this bill in Suffolk County
16 admitted that it needed state approval to move
17 forward. So I'd like to correct my colleague who
18 said that -- and there are several that said that
19 the local government had the authority to do
20 that.

21 Senator Kaminsky talked about the
22 fact that there's a problem with plastic bags.
23 However, this tax is not just on plastic bags,
24 it's on paper bags also.

25 And so what I've read from comments,

1 again, online by people who would actually have
2 to suffer under this tax, what they're saying is
3 this hurts senior citizens, Long Island already
4 is unaffordable, it increases the burden and it's
5 emblematic of what happens in New York State
6 where people are taxed to death. Our side of the
7 aisle wants to change that. We've been working
8 to cut taxes.

9 And finally, Senator Hoylman talked
10 about the fact that this is not a tax or a fee.
11 I would note that it's something that people have
12 to pay for a service every time that they go to
13 the store. On top of it, the county would reap
14 benefits from this because there's a \$500 fine
15 associated with this if a retailer does not
16 comply.

17 This is anti-small business, this is
18 anti-consumer, anti-senior citizen. We need to
19 do everything we can to make New York State a
20 more affordable place to live and work. This
21 particular piece of legislation that we're
22 passing today is a very important statement
23 because we're putting our foot down and saying
24 enough is enough, on behalf of the consumers and
25 the taxpayers in New York State.

1 Thank you.

2 ACTING PRESIDENT GRIFFO: Senator
3 Díaz.

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

6 Mr. President, would Senator Ortt
7 allow me to ask him a question or two?

8 ACTING PRESIDENT GRIFFO: Are you
9 asking Senator Croci?

10 SENATOR DÍAZ: Senator Croci, yes.

11 ACTING PRESIDENT GRIFFO: Senator
12 Croci, do you yield to a question?

13 SENATOR CROCI: I absolutely do.

14 SENATOR DÍAZ: Thank you.

15 Senator Croci, I heard my colleagues
16 comparing a tax and a fee. If a senior citizen
17 who doesn't have money to pay the bills, who
18 doesn't have money to buy medicine, scratching to
19 survive, if they go to a store and they have to
20 pay for each plastic bag five cents, two,
21 10 cents, three, 15 cents, would -- for that
22 senior citizen, would it make a difference if
23 it's a tax or a fee?

24 SENATOR CROCI: Mr. President,
25 through you. No, Senator, that senior citizen is

1 still going to be paying that tax or fee,
2 whatever you choose to call it. And if the
3 merchant wanted to give that individual a break,
4 they would be fined for not charging the fee or
5 the tax, whatever you prefer to call it.

6 SENATOR DÍAZ: Mr. President, would
7 Senator Croci --

8 SENATOR CROCI: I yield for a
9 question, yes.

10 ACTING PRESIDENT GRIFFO: The
11 Senator yields.

12 SENATOR DÍAZ: I remember when that
13 bill came from the city here, the same bill, more
14 like the same bill, and I was really passionate
15 against the bill because of the protection of
16 senior citizens and people who don't have money,
17 don't have the resources to pay -- I understand
18 that we have to clean the environment.

19 But let me ask you, when that bill
20 came here from the City of New York, did you vote
21 in favor or against that bill?

22 SENATOR CROCI: Mr. President,
23 through you, I voted against -- I voted against
24 the bag tax in New York City as well.

25 SENATOR DÍAZ: Mr. President, on

1 the bill.

2 ACTING PRESIDENT GRIFFO: Senator
3 Díaz on the bill.

4 SENATOR DÍAZ: I, for one, am
5 always trying to protect and be sure that senior
6 citizens are protected, and the needy. I
7 represent a very poor neighborhood, a very, very
8 poor neighborhood.

9 I understand that we need to clean
10 the environment. I understand that things have
11 to be done. But if every time that we want to
12 clean the environment, we have to punish the poor
13 people, the people that -- the needy ones, senior
14 citizens, people getting welfare that they don't
15 even have money to buy their food, people that
16 are struggling to send their children to
17 school -- and I'm always asked why do we have to
18 put those people to pay for it.

19 Again, I'm saying we have to clean
20 the environment, but to punish the needy, to
21 punish the senior citizens and to have them pay a
22 tax, if you to call it, or a fee, if you want to
23 call it -- it doesn't make a difference. It does
24 not make a difference for a senior citizen, for a
25 needy person. It doesn't make a difference if it

1 is a tax or if it is a fee. They have to pull it
2 from their pocket. Sometimes they don't even
3 have money to buy their food, to buy their
4 medicine. They have to choose, they have to
5 decide if they're going to buy their medicine, if
6 they're going to buy food or if they pay their
7 utilities or if they pay their rent, they have to
8 decide.

9 I mean, you've got to live in one of
10 those neighborhoods. You've got to live there,
11 you've got to see the people. In my office, my
12 office, we have 40, 50, 60 people daily there.
13 In my community, we are not legislators, we are
14 social workers. We're not legislators, we're
15 social workers, because we've got to -- the
16 people that we're dealing with, they really,
17 really are people that are scratching to --
18 scratching for pennies to live.

19 And to come here and say that we are
20 protecting them and to force them to pay 5 cents
21 for plastic bags -- let it be in the City of
22 New York, let it be in Suffolk County, in any
23 part of the state, to come here and say that
24 we're protecting senior citizens, that we're
25 protecting the needy, that we're protecting those

1 people that really need our protection, and come
2 here to impose on them to pay 5 cents per plastic
3 bag -- too hard for me to swallow. I am in
4 support of that bill, Mr. President.

5 ACTING PRESIDENT GRIFFO: Senator
6 Squadron.

7 SENATOR SQUADRON: Thank you,
8 Mr. President.

9 And I would like to associate myself
10 with Senators Latimer and Kaminsky and Hoylman on
11 this issue.

12 I do want to thank Senator Croci for
13 standing up and defending this bill, since he is
14 not the sponsor of it, and also for trying to
15 protect Senator Rules. But I'm not going to let
16 you do it, Senator, I'm not going to let you take
17 the fall for that Senator.

18 But it is a real issue. We're
19 talking about a bill that nullifies or overrides
20 a local action. We're talking about an issue
21 where again and again, seemingly, the state is
22 coming in and believing that its wisdom is
23 greater than the wisdom of localities on this
24 issue.

25 And we're talking about a moment

1 where the biggest locality in the State of
2 New York desperately needs reauthorization of the
3 governance system for the 1.1 million schoolkids
4 in the largest school system in America, needs a
5 number of other policies, and we can't get a vote
6 on those, all at the same time that this bill
7 doesn't have a name on it, isn't owned by anyone.

8 So again, Senator Croci, to his
9 credit, stood up and defended the bill. I
10 disagree with his contention about whether this
11 is a fee or not. I think it's clearly a fee and
12 clearly something localities should be able to
13 do.

14 But we really shouldn't be looking
15 at bills like this. In this case we're not just
16 taking on an issue without accountability in this
17 house, we're actually overriding an entire
18 elected body, an entire other branch or level of
19 government in our state, and doing it with a bill
20 sponsored by a Senator who doesn't exist.

21 It's really -- it's not a good
22 practice, either on the merits or on the process.
23 I would urge our house not to do it anymore. And
24 I would urge a member to stand up and put their
25 name on this bill, much as Senator Croci stood up

1 and did defend his take on the merits of the
2 bill.

3 I'll be voting no.

4 ACTING PRESIDENT GRIFFO: Senator
5 Latimer.

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

8 I rise for a second time only to
9 clarify some of what my colleagues believe to be
10 true about what is a tax and what is a fee.

11 My understanding is that a tax is a
12 broad-based levy that applies to everybody within
13 a category, and a fee is something that you pay
14 for a specific activity or service.

15 When we say a tax or a fee, there's
16 no difference, if that's our new definition of a
17 tax, then any of our municipal recreation
18 departments that charge a person for renting a
19 ball field to play a game, that's not a fee,
20 that's a tax, and that requires special
21 legislation to allow them to do that. Doesn't
22 it, if you follow the logic?

23 If the logic is that a fee is a tax,
24 and then if you have a fee to get a building
25 permit -- wait a minute, that's not automatically

1 the authority of a village or a town or a city to
2 levy if it's a tax, if fees are taxes.

3 Not everybody needs a building
4 permit. Not everybody rents a ball field. You
5 use that service and pay a fee when you consume
6 that service.

7 If I go into a grocery store in my
8 home community, which has a ban on plastic bags,
9 I never pay the fee because I never get a plastic
10 bag because there's only paper bags available to
11 me in the community that I live in.

12 When we say verbally that a tax is a
13 fee, we are setting public policy, we are not
14 stating a fact.

15 And if it is true, as one of the
16 Senators commented, that this is an
17 unconstitutional action, then the easiest way to
18 resolve this is not with a one-house bill, it's
19 an Article 78 action. We're all familiar with
20 that. You go to court. You go before a State
21 Supreme Court judge, and you make the case that
22 Suffolk acted outside of their authority. And a
23 judge will decide, outside of the world of
24 politics, whether or not the reading of the law
25 says that the imposition of this law was in fact

1 a tax that they were not authorized to do, it
2 kicks it back to the county, and then the county
3 would have to come for home-rule legislation
4 through the state to do what they want to do.

5 But that's not what we're doing
6 today. We're reversing a decision made below.

7 As far as the concern about people
8 who are poor, I grew up in one of those
9 neighborhoods that you reference. And in that
10 poor neighborhood, my mom and dad scratched
11 together two nickels to make a dime, and we paid
12 for those things that we absolutely had to pay
13 for. I understand that life. And I understand
14 that there are people in my district, one of the
15 wealthy districts in the state, that are just as
16 poor as people in other parts of the state.

17 But if the concept is that a person
18 can't afford to pay for something and therefore
19 it ought to be free, then we have a whole other
20 set of policies to do here, don't we? There are
21 a host of different things that we charge for as
22 governments, local and state governments, we
23 ought not to charge for at all because people
24 can't afford to pay -- senior citizen people, on
25 limited income. And I'm more than happy to have

1 those conversations, because I think that in
2 general, means to pay should be the driving
3 force, not absolute cost of something to pay.

4 But let me just restate my position.
5 It is at differing agreements with other people
6 in this room. I do not believe that a tax is a
7 fee. A fee is something you pay when you have a
8 certain service or activity. It is not levied to
9 everybody. An income tax is levied to everybody.
10 A property tax is levied to all property unless
11 that property is exempt from taxes by the law
12 that creates it. A mortgage recording tax, a
13 hotel tax is a tax. A fee to use a recreational
14 facility is based on your use of the product or
15 the service, not based on a broad-based levy.

16 So in my understanding of it, a tax
17 is not a fee. This is a fee when you use a
18 plastic bag. You don't have to use a plastic
19 bag. You can use a paper bag. It may not be as
20 convenient for you, or you can bring a cloth bag.

21 So I think we're wrong to say a tax
22 is a fee. I think we're wrong to assert, as
23 constitutional lawyers -- which I am not -- that
24 this is automatically unconstitutional. Let an
25 Article 78 action determine the constitutionality

1 or lack of constitutionality of it, and then it
2 will kick it back to the county if it isn't
3 constitutional, and then we will see it as a
4 home-rule bill.

5 I stand on my original comments. We
6 are overriding a local decision because we think
7 we don't like the policy. That's what we're
8 doing. We have a rationale for why we don't like
9 the policy, but it doesn't hold up under
10 scrutiny. A tax is not a fee, and it is not
11 automatically unconstitutional because any one or
12 two or ten of us think it's unconstitutional.

13 ACTING PRESIDENT GRIFFO: Senator
14 Díaz, why do you rise?

15 SENATOR DÍAZ: Would Senator
16 Latimer stand for a question?

17 SENATOR LATIMER: Yes, I will,
18 Senator, sure.

19 ACTING PRESIDENT GRIFFO: May I
20 remind both speakers this is your second time
21 rising on the bill, so that's it.

22 Senator Díaz.

23 SENATOR DÍAZ: No, I just want a
24 clarification.

25 When you were speaking, Senator, you

1 said something about -- that I didn't quite
2 understand. Just something that if people
3 doesn't -- if we don't do this because they
4 don't -- because for those that don't pay, that
5 cannot afford to pay, something like you say. I
6 don't know if you remember it.

7 SENATOR LATIMER: Well, I didn't
8 reference you personally.

9 SENATOR DÍAZ: No, no. For people.

10 SENATOR LATIMER: What I said
11 was is that if the concern over this fee is the
12 inability of somebody to pay it, their wealth or
13 lack of wealth, then that triggers a host of
14 other policy decisions where the state, the
15 county, the local governments charge for services
16 that perhaps we should not charge for.

17 A person needs mass transit. In
18 principle, if I take what you said correctly, a
19 person who is poor who needs to move about should
20 in theory have free transportation in order to
21 get to school and work. We charge them a fee,
22 called a transit fare, because we need somebody
23 to sponsor the thing.

24 But that was the philosophy that I
25 referenced.

1 SENATOR DÍAZ: Through you, would
2 Senator Latimer allow me one more question?

3 ACTING PRESIDENT GRIFFO: Would you
4 allow him one more question?

5 SENATOR LATIMER: Absolutely.

6 SENATOR DÍAZ: Are you in favor of
7 the DREAM Act to give money to people that cannot
8 afford to pay?

9 SENATOR LATIMER: Yes. Yes, I
10 supported DREAM Act --

11 ACTING PRESIDENT GRIFFO: Through
12 the chair, Senator Latimer, please.

13 SENATOR DÍAZ: No, I'm trying to --

14 ACTING PRESIDENT GRIFFO: Right,
15 you're asking him a question, but we're still
16 going to direct through the chair. You asked him
17 to yield for a final question, asked the final
18 question, and I'm allowing him to answer through
19 the chair.

20 SENATOR DÍAZ: Yeah, Mr. Chairman.
21 If we don't do things because people cannot pay,
22 then what about the DREAM Act? That's what I'm
23 trying to --

24 SENATOR LATIMER: I support the
25 DREAM Act. It's not a question to me, so I'm

1 good.

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

5 The Secretary will ring the bell.

6 The Secretary will read the last
7 section.

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

10 ACTING PRESIDENT GRIFFO: The
11 Secretary will call the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT GRIFFO: Senator
14 Flanagan.

15 SENATOR FLANAGAN: Thank you,
16 Mr. President.

17 I would like to apologize, because
18 it hurts my feelings and I know it's unproductive
19 if Senator Squadron doesn't have the right person
20 to speak to.

21 Senator Croci did an outstanding job
22 on behalf of this piece of legislation. But I
23 don't want anyone to labor under any
24 misimpression: I'm the one that asked for this
25 bill. So I'm here because I was trying to do

1 stuff to end session, but I wanted to come in
2 here to make sure that you, Senator Squadron,
3 felt better that if anyone was going to be
4 maligned, you could do it to me directly.

5 Now having said that, you know, when
6 we had this -- I recall very vividly listening to
7 our colleague who was so incredibly eloquent,
8 Senator Felder, when we were dealing with this
9 issue with the City of New York. I actually
10 listened to the debate, and I think about this
11 from a consumer standpoint and I listened to Tom
12 Croci talk about being a boater and an
13 environmentalist in many ways. We all care about
14 the environment.

15 We view this as a tax, plain and
16 simple. And I think it's within our purview and
17 prerogative to make sure that we can enact
18 legislation -- Senator Latimer, you are right,
19 one can always bring an Article 78 proceeding.
20 But by God, we can do it here a lot quicker if
21 people are in agreement. We shouldn't have to
22 have to endure litigation when we can take
23 prospective action here and frankly overrule what
24 I think is an ill-founded and unwise decision on
25 behalf of the people, about 1.4 million people in

1 the County of Suffolk.

2 So, Mr. President, I am John
3 Flanagan. I am the one who advanced this
4 legislation. And I'm making it clear I'm voting
5 yes. Thank you.

6 ACTING PRESIDENT GRIFFO: Senator
7 Flanagan in the affirmative.

8 Senator Boyle to explain his vote.

9 SENATOR BOYLE: Mr. President, now
10 that Senator Rules has been unmasked, I'd like to
11 explain my vote.

12 (Laughter.)

13 SENATOR BOYLE: I will put my
14 pro-environment voting record up against many of
15 my colleagues in this chamber. And I believe
16 that plastic bags are a nightmare for our
17 environment. They have been for many years.
18 More and more municipalities throughout the
19 country and the world are banning them.

20 That, I believe, is the way to go.
21 We cannot go county by county, village by
22 village, town by town.

23 I'm hopeful that the Governor's task
24 force does just that, I'll put my two cents in,
25 but it's a ban on plastic bags is what we should

1 have in New York State. And until then, I vote
2 in the affirmative.

3 ACTING PRESIDENT GRIFFO: Senator
4 Boyle in the affirmative.

5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar 2092, those recorded in the negative are
8 Senators Alcantara, Bailey, Benjamin, Brooks,
9 Carlucci, Comrie, Dilan, Gianaris, Hamilton,
10 Hoylman, Kaminsky, Kennedy, Krueger, Latimer,
11 LaValle, Montgomery, Murphy, Parker, Rivera,
12 Serrano, Squadron, Stavisky and Stewart-Cousins.

13 Absent from voting: Senators Larkin
14 and Sanders.

15 Ayes, 38. Nays, 23.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 Senator Ritchie.

19 SENATOR RITCHIE: Mr. President, if
20 we could address a few bills on the calendar and
21 call up Calendar Number 2037.

22 ACTING PRESIDENT GRIFFO: The
23 Secretary will call up Calendar Number 2037.

24 SENATOR RITCHIE: And can we lay
25 that aside for the day.

1 ACTING PRESIDENT GRIFFO: The bill
2 is laid aside for the day.

3 SENATOR RITCHIE: Thank you. Can
4 we call up Calendar 2024 and lay that aside for
5 the day.

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

8 SENATOR RITCHIE: And Calendar
9 2062, and lay that aside for the day also.

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

12 SENATOR RITCHIE: And we're now
13 going to stand at ease, and Finance will be
14 called at 8:00 p.m.

15 ACTING PRESIDENT GRIFFO: The
16 Senate will stand temporarily at ease, with a
17 Finance Committee meeting at 8:00 p.m. in
18 Room 332.

19 The Senate is at ease.

20 (Whereupon, the Senate stood at ease
21 at 6:51 p.m.)

22 (Whereupon, the Senate reconvened at
23 9:57 p.m.)

24 ACTING PRESIDENT CROCI: The Senate
25 will come to order. Can we have order in the

1 house, please.

2 Senator DeFrancisco.

3 SENATOR DeFRANCISCO: I believe
4 there were a couple of items on that last
5 calendar we should clean up, one of which was
6 Calendar 1113, Senate Print 6776B. I understand
7 there's a substitution at the desk.

8 ACTING PRESIDENT CROCI: There is.
9 The Secretary will read.

10 THE SECRETARY: On page 34, Senator
11 LaValle moves to discharge, from the Committee on
12 Rules, Assembly Bill 7522B and substitute it for
13 the identical Senate Bill 5776B, Third Reading
14 Calendar 1131.

15 ACTING PRESIDENT CROCI: The
16 substitution is so ordered.

17 SENATOR DeFRANCISCO: Can we take
18 up that bill.

19 ACTING PRESIDENT CROCI: The
20 Secretary will read.

21 THE SECRETARY: Calendar Number
22 1113, by Member of the Assembly Palumbo,
23 Assembly Print 7522B, an act to amend Chapter 924
24 of the Laws of 1941.

25 ACTING PRESIDENT CROCI: Read the

1 last section.

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

4 ACTING PRESIDENT CROCI: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 63.

8 ACTING PRESIDENT CROCI: The bill
9 is passed.

10 Senator DeFrancisco.

11 SENATOR DeFRANCISCO: The only
12 other item was Calendar 2110, by Senator Hannon.
13 Would you lay that bill aside for the day.

14 ACTING PRESIDENT CROCI: The bill
15 will be laid aside for the day.

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

18 ACTING PRESIDENT CROCI: There is a
19 Finance Committee report at the desk.

20 SENATOR DeFRANCISCO: Could we take
21 up that Finance report.

22 ACTING PRESIDENT CROCI: Very well.
23 The Secretary will read.

24 THE SECRETARY: As a commissioner
25 of the Public Service Commission, Diane Burman,

1 of Delmar.

2 ACTING PRESIDENT CROCI: Senator
3 Young.

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

6 I rise to advance the name of Diane
7 Burman, of Delmar, as a commissioner of the
8 Public Service Commission. Ms. Burman is very
9 well known to this chamber. She served
10 extraordinarily well as chief counsel for the
11 New York State Senate. And also she has a very
12 strong background in energy issues and service to
13 the state.

14 She currently is serving as a
15 commissioner at the Public Service Commission. I
16 believe she has done an outstanding job. She's
17 very worthy of reappointment by this body, and so
18 therefore I am very honored, privileged, and
19 proud to put forward the name of Diane Burman as
20 commissioner of the Public Service Commission.

21 ACTING PRESIDENT CROCI: Senator
22 DeFrancisco.

23 SENATOR DeFRANCISCO: Yes, I'd like
24 to second the motion.

25 She's perfect for the Public Service

1 Commission because she not only knows a lot about
2 energy, but she has unlimited energy. When she
3 worked for the Senate as chief counsel, she never
4 stopped. In fact, she -- actually, the only
5 thing that stopped her was exhaustion one day.

6 And no one could possibly work
7 harder than Diane Burman. No one has a better
8 grasp of energy issues, and nobody is more
9 balanced on energy issues than Diane Burman. And
10 I'm really proud to second her nomination because
11 she's a great public servant and she's going to
12 do a wonderful job in the future, as she has in
13 the past.

14 Thank you, Mr. President.

15 ACTING PRESIDENT CROCI: Seeing no
16 one else wishing to speak, the question is on the
17 nomination of Diane Burman as commissioner of the
18 Public Service Commission. All in favor please
19 signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT CROCI: Opposed,
22 nay.

23 (No response.)

24 ACTING PRESIDENT CROCI: Diane
25 Burman is hereby reappointed as commissioner of

1 the Public Service Commission.

2 Congratulations.

3 (Standing ovation.)

4 ACTING PRESIDENT CROCI: The
5 Secretary will read.

6 THE SECRETARY: As commissioner and
7 chairman of the Public Service Commission, John
8 B. Rhodes, of New York.

9 ACTING PRESIDENT CROCI: Senator
10 Young.

11 SENATOR YOUNG: Thank you,
12 Mr. Chairman.

13 It is with great pleasure that I
14 rise to nominate John B. Rhodes as commissioner
15 and chairman of the Public Service Commission.

16 Mr. Rhodes is also well known to
17 this body. He is a public servant who has been
18 serving the people of New York State, especially
19 on energy issues, for several years now. He
20 currently -- or prior to this nomination, he
21 served as a the head of the New York State Energy
22 Research and Development Authority, NYSERDA,
23 which does important work regarding energy
24 issues.

25 So I believe very strongly that

1 Mr. Rhodes is a great choice by the Governor. I
2 commend the Governor for putting his name
3 forward. And I would urge my colleagues to join
4 me in voting for John B. Rhodes.

5 Thank you, Mr. President.

6 ACTING PRESIDENT CROCI: Thank you,
7 Senator Young.

8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: Yes, I rise
10 to second the nomination of Mr. Rhodes.

11 I was very happy to learn that as
12 head of NYSERDA he had a practice of doing a
13 cost/benefit analysis of his own in determining
14 whether these projects were good projects, worthy
15 of the money of the taxpayers in NYSERDA. And I
16 look forward to that philosophy as we go forward
17 in determining how the public's money is spent in
18 the Public Service Commission.

19 He's obviously eminently qualified,
20 and I know he's going to do an excellent job.
21 And I know at some point he's going to support my
22 cost/benefit bill for the Public Service
23 Commission.

24 Thank you, Mr. President.

25 ACTING PRESIDENT CROCI: Thank you.

1 Seeing no other member wishing to
2 speak, the question is on the nomination of John
3 B. Rhodes to be commissioner and chairman of the
4 Public Service Commission.

5 All in favor please signify by
6 saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT CROCI: Opposed,
9 nay.

10 (No response.)

11 ACTING PRESIDENT CROCI: Mr. John
12 B. Rhodes is hereby confirmed as commissioner and
13 chairman of the Public Service Commission.

14 Congratulations.

15 (Standing ovation.)

16 ACTING PRESIDENT CROCI: The
17 Secretary will read.

18 THE SECRETARY: As commissioner of
19 the Public Service Commission, Philip G. Wilcox,
20 of North Tonawanda.

21 ACTING PRESIDENT CROCI: Senator
22 Young.

23 SENATOR YOUNG: Yes, Mr. President,
24 I'm very enthused to advance the name of Philip
25 G. Wilcox as commissioner of the Public Service

1 Commission.

2 Mr. Wilcox is very well known to the
3 Western New York delegation, not only in the
4 Senate but also in the Assembly. He is somebody
5 that we have relied upon for a very long time as
6 far as giving us information and his perspective
7 on energy issues.

8 And I believe very -- I am a strong
9 believer in his abilities and his work ethic and
10 his willingness to serve the people of New York
11 State, and especially the ratepayers, on very
12 significant energy issues.

13 So I am again very happy to advance
14 the name of Philip G. Wilcox. I know he'll do an
15 excellent job. So I would urge our members to
16 support his nomination.

17 ACTING PRESIDENT CROCI: Senator
18 Jacobs.

19 SENATOR JACOBS: Thank you,
20 Mr. President. It's an honor to speak for a
21 moment about Phil Wilcox.

22 I was very, very happy to hear about
23 his name being mentioned. He hails from Western
24 New York, and I couldn't think of anyone better
25 for the position. I've known Phil for well over

1 a decade, and he's very passionate about Western
2 New York, rebuilding the Western New York
3 economy, and also how energy is relevant to all
4 those issues.

5 And I am very excited to continue to
6 talk with him about a certain power plant that
7 recently closed in my district and how we can
8 find a viable reuse that will reestablish a tax
9 base there.

10 But very happy to have him and very
11 honored to vote for his nomination today.

12 ACTING PRESIDENT CROCI: Senator
13 Ranzenhofer.

14 SENATOR RANZENHOFER: Yes, thank
15 you, Mr. President. I also rise today in support
16 of Mr. Wilcox.

17 As was mentioned earlier, he is very
18 familiar to the members of the Western New York
19 delegation. His expertise on energy issues is
20 very well known to the members of our delegation.
21 He's a very hard worker. And I look forward to
22 work with him in his new role as a commissioner
23 on the PSC.

24 Thank you, Mr. President.

25 ACTING PRESIDENT CROCI: Senator

1 Kennedy.

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

4 I rise to support this nomination.
5 I want to thank the Governor for putting forth
6 such a great list of nominees. I stand to
7 recognize Mr. Phil Wilcox on his nomination as
8 commissioner at the PSC.

9 I'll tell you, he is an absolutely
10 extraordinary individual. I'm proud to have not
11 only known him but to have worked with him for
12 well over a decade, both here in Albany as well
13 as out in Western New York -- someone that brings
14 an amazing level of expertise to the table,
15 someone who has worked in the energy field, in
16 the energy industry, someone that knows the ins
17 and the outs, someone that has fought on behalf
18 of working men and women across this great state.

19 And at the two-plus-hour-long line
20 of questioning this morning, he did an
21 exceptional job of articulating his vision for
22 the future of New York State and of connecting
23 the need for power downstate to the power sources
24 that are available across New York State,
25 especially up where we reside in Western

1 New York.

2 So with that, Mr. President, I'll be
3 strongly supporting and advocating for Mr. Phil
4 Wilcox. Thank you.

5 ACTING PRESIDENT CROCI: Seeing no
6 other members wishing to speak, the question is
7 on the nomination of Philip G. Wilcox as
8 commissioner of the Public Service Commission.

9 All in favor please signify by
10 saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT CROCI: Opposed,
13 nay.

14 (No response.)

15 ACTING PRESIDENT CROCI: Philip G.
16 Wilcox is confirmed as a commissioner of the
17 Public Service Commission.

18 Congratulations.

19 (Standing ovation.)

20 ACTING PRESIDENT CROCI: The
21 Secretary will read.

22 THE SECRETARY: As commissioner of
23 the Public Service Commission, James S. Alesi, of
24 East Rochester.

25 ACTING PRESIDENT CROCI: Senator

1 Young.

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

4 I rise to put forward the name in
5 nomination of James S. Alesi as commissioner of
6 the Public Service Commission.

7 Mr. Alesi is well known to this
8 body. He is a former State Senator, served for
9 16 years. During that time period he had the
10 opportunity to work on many important issues,
11 including energy issues, economic development
12 issues. He certainly understands how important
13 it is to protect the ratepayers.

14 And therefore I am advancing his
15 name as a commissioner, and I would urge my
16 colleagues to vote yes.

17 ACTING PRESIDENT CROCI: Senator
18 Funke.

19 SENATOR FUNKE: Mr. President, I
20 rise to support the appointment of Senator Jim
21 Alesi, who actually held my seat and also served
22 as a State Assemblyman.

23 He is a dedicated public servant.
24 He has worked very hard to serve our region. It
25 is great to have him on the PSC now. And being a

1 resident of my district, it's particularly
2 important to have somebody from the Rochester
3 region serving on the Public Service Commission.
4 I know he will work hard on behalf of the energy
5 issues that are important to all of us in this
6 chamber.

7 So I support and salute Senator Jim
8 Alesi on his appointment.

9 ACTING PRESIDENT CROCI: Seeing no
10 other member wishing to speak on the nominee, the
11 question is on the nomination of James S. Alesi
12 as commissioner of the Public Service Commission.
13 All in favor please signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT CROCI: Opposed,
16 nay.

17 (No response.)

18 ACTING PRESIDENT CROCI: James S.
19 Alesi is confirmed as commissioner of the Public
20 Service Commission. Congratulations, sir.

21 The Secretary will read.

22 THE SECRETARY: As a member of the
23 Battery Park City Authority, Louis J. Bevilacqua,
24 of New York.

25 ACTING PRESIDENT CROCI: Senator

1 Squadron.

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

4 Battery Park City is a vibrant
5 mixed-use community in my district in Lower
6 Manhattan. Originally it was 92 acres of water
7 that was turned into 92 acres of land. It was a
8 development project that is now fully developed
9 and is home, as of 2010, to more than 13,000
10 people; today, thousands more than that.

11 Unfortunately, the Battery Park City
12 Authority, with its seven members, has and will
13 have after this appointment zero residents of
14 Battery Park City on it. It is a basic principle
15 that in local governance you have a local voice.
16 And in Battery Park City, that is sorely lacking.

17 All seven appointees are made by the
18 Governor. Over the last two years, every elected
19 official in the area has written to the Governor
20 to ask for actual Battery Park City residents to
21 be appointed to the board. Just this past
22 Thursday, we asked the Governor to rescind this
23 appointment and one of the other two appointments
24 that he made and we'll be voting on tonight,
25 unfortunately.

1 I have looked at Mr. Bevilacqua's
2 resume and history, and he appears to be someone
3 who we would be lucky to have in state service.
4 And I wanted to say to him and to his family that
5 it is not about his qualifications as a public
6 servant that I vote in opposition to him today.

7 It is about the fact that he has not
8 had any community ties to the area nor is he a
9 resident of Battery Park City, and it is simply
10 unacceptable to continue to have no resident
11 voice in Battery Park City.

12 Next we'll be hearing about
13 Catherine McVay Hughes, who is a long-time
14 Lower Manhattan community leader and will be a
15 great addition to the board. And then we will be
16 hearing about the appointment of George Tsunis,
17 another person who appears certainly to have the
18 sort of resume that we would welcome in state
19 service. Unfortunately, not in this role,
20 because he too does not have a deep connection to
21 the community nor is he a resident of Battery
22 Park City.

23 It is critical when we talk about a
24 local governance body like Battery Park City
25 Authority, that we have a local voice. The idea

1 that zero out of seven would be residents is
2 simply unacceptable. It's why I, along with
3 Assemblymembers Glick and Niou, have been pushing
4 legislation to ensure resident voice on Battery
5 Park City Authority. It's legislation I continue
6 to hope will pass this year. I've been working
7 with Senator Ranzenhofer and others to that
8 exactly that purpose.

9 But tonight, unfortunately, I need
10 to vote against Mr. Bevilacqua and urge my
11 colleagues to join me in doing it. It is simply
12 not right that these appointments are considered
13 anything other than a local voice for a local
14 community that needs to be governed.

15 So I vote no on this appointment,
16 Mr. President.

17 ACTING PRESIDENT CROCI: Senator
18 Young.

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

21 I would like to advance the name of
22 Louis J. Bevilacqua as a member of the Battery
23 Park City Authority. I believe that
24 Mr. Bevilacqua is highly qualified, and I would
25 encourage our colleagues to vote aye on his

1 nomination.

2 Thank you.

3 ACTING PRESIDENT CROCI: Thank you,
4 Senator Young.

5 Seeing no other member wishing to
6 speak, the question is on the nomination of Louis
7 Bevilacqua as a member of the Battery Park City
8 Authority.

9 Senator Gianaris.

10 SENATOR GIANARIS: Mr. President,
11 according to Rule VIII of the Senate rules, at
12 the request of five Senators, I'd like this to be
13 a recorded vote. And we have five Senators
14 making the request.

15 ACTING PRESIDENT CROCI: All those
16 opposed to the confirmation of Louis J.
17 Bevilacqua, please show hands.

18 THE SECRETARY: Nays, 17.

19 ACTING PRESIDENT CROCI: The motion
20 fails.

21 The nomination of Louis Bevilacqua
22 as a member of Battery Park City Authority is
23 hereby confirmed.

24 The Secretary will read.

25 THE SECRETARY: As a member of the

1 Battery Park City Authority, Catherine McVay
2 Hughes, of New York.

3 ACTING PRESIDENT CROCI: Senator
4 Young.

5 SENATOR YOUNG: Thank you,
6 Mr. President.

7 I would like to commend the Governor
8 on the advancement of Catherine McVay Hughes' name
9 as a member of the Battery Park City Authority.

10 Again, we are very fortunate to have
11 someone highly qualified to be recommended for
12 this position, so I would encourage our members
13 to vote yes on this nomination.

14 Thank you so much, Mr. President.

15 ACTING PRESIDENT CROCI: Senator
16 Squadron.

17 SENATOR SQUADRON: Thank you.

18 Catherine McVay Hughes, while not a
19 Battery Park City resident, is a long-time Lower
20 Manhattan leader. She served on the community
21 board in Lower Manhattan for nearly two decades,
22 including as chair.

23 She was deeply involved in the
24 redevelopment and recovery after the attacks of
25 September 11th and on post-9/11 health issues,

1 which she, from the perspective of a community
2 member, really helped bring to the fore as a
3 national issue.

4 She's also worked on broader
5 environment and environmental health issues. She
6 was the cochair of New York Rising in the
7 aftermath of Hurricane Sandy, been a member of
8 the board of multiple organizations. And her
9 judgment, her commitment to the community, her
10 integrity, her energy will all be a great
11 addition to the Battery Park City board, and she
12 will be a strong addition.

13 So I support Catherine McVay Hughes
14 as an appointee in the board and hope my
15 colleagues will join me.

16 Thank you, Mr. President.

17 ACTING PRESIDENT CROCI: The
18 question is on the nomination of Catherine McVay
19 Hughes to be a member of the Battery Park City
20 Authority. All those in favor please signify by
21 saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT CROCI: Opposed,
24 nay.

25 (No response.)

1 ACTING PRESIDENT CROCI: Catherine
2 McVay Hughes is confirmed as a member of the
3 Battery Park City Authority.

4 The Secretary will read.

5 THE SECRETARY: As a member of the
6 Battery Park City Authority, George Tsunis, of
7 Matinecock.

8 ACTING PRESIDENT CROCI: Senator
9 Young.

10 SENATOR YOUNG: Again, we have
11 someone who is willing to commit himself as a
12 public servant in the role as a member of the
13 Battery Park City Authority.

14 We always are thankful for people
15 who put their names forward like this. We think
16 that they really are worthy of getting our
17 support. And I thank the Governor for
18 recommending George Tsunis as a member of that
19 authority.

20 ACTING PRESIDENT CROCI: Senator
21 Boyle.

22 SENATOR BOYLE: Mr. President, I
23 rise to strongly recommend George Tsunis.

24 I've known him for many, many years.
25 He's a successful businessman and a

1 philanthropist, and I know that he will be a very
2 thoughtful and kind and diligent worker and
3 member of the Battery Park City Authority.

4 Thank you.

5 ACTING PRESIDENT CROCI: Senator
6 Squadron.

7 SENATOR SQUADRON: Thank you,
8 Mr. President.

9 I too want to thank Mr. Tsunis for
10 his willingness to serve and want to reiterate
11 that I think he is exactly the kind of person
12 that we welcome into state service, especially of
13 this type.

14 Unfortunately, he is not a resident
15 of Battery Park City. And with his appointment,
16 we will have seven members of the Battery Park
17 City Authority board, of whom zero are residents
18 of Battery Park City.

19 The Roosevelt Island Operating
20 Corporation, every single member is a resident of
21 Roosevelt Island.

22 It's simply not appropriate to have
23 a thriving mixed-use community with well more
24 than 13,000 residents and have no community
25 representation on it at all.

1 If we had my goal of a majority of
2 local residents, Mr. Tsunis I'm sure would round
3 that out appropriately. Since we have none, I
4 need to unfortunately oppose Mr. Tsunis's
5 appointment, urge the Governor to respond to the
6 community's needs. And I look forward to working
7 with all my colleagues to get this legislation
8 passed that would ensure that in the future, over
9 the next 26 hours or so.

10 So I will oppose Mr. Tsunis's
11 nomination, and I hope and urge my colleagues to
12 join me in the interest of local representation
13 for a local community.

14 Thank you, Mr. President.

15 ACTING PRESIDENT CROCI: The
16 question is on the motion to confirm the
17 nomination of George Tsunis of Matinecock to be a
18 member of the Battery Park City Authority. All
19 those in favor please signify by saying aye.

20 SENATOR GIANARIS: Mr. President.

21 ACTING PRESIDENT CROCI: Senator
22 Gianaris.

23 SENATOR GIANARIS: Thank you.

24 Once again, pursuant to Rule VIII, I
25 believe we have five Senators prepared to request

1 a recorded vote on this nomination.

2 ACTING PRESIDENT CROCI: Very good.

3 All those opposed to the
4 confirmation of George Tsunis as a member of the
5 Battery Park City Authority please show your
6 hands.

7 Results?

8 THE SECRETARY: Nays, 15.

9 ACTING PRESIDENT CROCI: George
10 Tsunis is hereby confirmed as a member of the
11 Battery Park City Authority.

12 The Secretary will read.

13 THE SECRETARY: As trustees of the
14 Board of Trustees of the City University of
15 New York: Henry Berger, of New York; Kevin D.
16 Kim, of New York; and Michael Arvanites, of
17 Staten Island.

18 ACTING PRESIDENT CROCI: Senator
19 Young.

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

22 I'm pleased to nominate the
23 following, Henry Berger and Michael Arvanites --
24 could we have some order -- as trustees of the
25 Board of Trustees of the City University of

1 New York. These are Mayor de Blasio's
2 nominations. And also Kevin D. Kim, of New York,
3 as a CUNY trustee also.

4 I have spoken to all three of the
5 candidates. They are extremely qualified, have
6 impressive resumes, articulated some very worthy
7 goals as members of the Board of Trustees for
8 CUNY, and therefore I believe very strongly that
9 they are qualified, ready to serve, and that we
10 should approve their appointments.

11 Thank you, Mr. President.

12 ACTING PRESIDENT CROCI: The
13 question is on the nominations of Henry Berger,
14 Kevin Kim, and Michael Arvanites as trustees of
15 the Board of Visitors of the City University of
16 New York. All those in favor please signify by
17 saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT CROCI: Opposed,
20 nay.

21 (No response.)

22 ACTING PRESIDENT CROCI: Henry
23 Berger, Kevin D. Kim, and Michael Arvanites are
24 confirmed as trustees of the Board of Trustees of
25 the City University of New York.

1 The Secretary will read.

2 THE SECRETARY: As trustees of the
3 Board of Trustees of Cornell University: Howard
4 Milstein, of New York, and Martin F. Scheinman,
5 of Sands Point.

6 ACTING PRESIDENT CROCI: Senator
7 Young.

8 SENATOR YOUNG: Thank you,
9 Mr. President.

10 Cornell University is truly one of
11 the gems that we have in New York State. We're
12 very fortunate to have it as one of our higher
13 education institutions that also has a portion of
14 it that is under New York State.

15 For reappointment, we have Howard
16 Milstein, of New York, and Martin Scheinman, of
17 Sands Point. And these are people who have
18 served the people of New York State in the past,
19 also have served Cornell University, obviously
20 are very qualified for these positions. And so I
21 am very privileged to put forward their names.

22 Thank you, Mr. President.

23 ACTING PRESIDENT CROCI: Seeing no
24 other Senator wishing to speak, the question is
25 on the nominations of Howard Milstein and Martin

1 Scheinman to be trustees of the Board of Trustees
2 of Cornell University. All those in favor please
3 signify by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT CROCI: Opposed,
6 nay.

7 (No response.)

8 ACTING PRESIDENT CROCI: Howard
9 Milstein and Martin Scheinman are confirmed as
10 trustees of the Board of Trustees of
11 Cornell University.

12 The Secretary will read.

13 THE SECRETARY: As a member of the
14 New York State Energy Research and Development
15 Authority, Kate Fish, of Lake Placid.

16 ACTING PRESIDENT CROCI: Senator
17 Young.

18 SENATOR YOUNG: Thank you,
19 Mr. President.

20 Kate Fish, of Lake Placid, would be
21 a new appointment to the New York State Energy
22 Research and Development Authority.

23 I know that my colleague Senator
24 Little, who is her Senator, recommends her very
25 highly.

1 And she was here earlier today. She
2 was able to speak to several members. She was
3 able to articulate her vision as someone who is
4 serving NYSERDA. And so I believe that she would
5 make a great addition to NYSERDA, and I am
6 advocating for her approval by this august body.

7 Thank you.

8 ACTING PRESIDENT CROCI: The
9 question is on the nomination of Kate Fish to be
10 a member of the New York State Energy Research
11 and Development Authority. All those in favor
12 please signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT CROCI: Opposed,
15 nay.

16 (No response.)

17 ACTING PRESIDENT CROCI: Kate Fish
18 is hereby confirmed as a member of the New York
19 State Energy Research and Development Authority.

20 The Secretary will read.

21 THE SECRETARY: As trustees of the
22 New York Power Authority: Michael A.L. Balboni,
23 of East Williston, and Dennis G. Trainor, of
24 Holbrook.

25 ACTING PRESIDENT CROCI: Senator

1 Young.

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

4 Obviously energy issues are kind of
5 a theme of tonight. But also it's because they
6 are so incredibly important for the people of
7 New York State.

8 We have as a new appointment,
9 Michael A.L. Balboni, of East Williston. Several
10 of our colleagues were able to serve with Senator
11 Balboni. They have known him for many years. We
12 actually miss him in the Senate, but we also have
13 somebody who is very adeptly representing that
14 district now.

15 However, Senator Balboni has had a
16 wealth of experience in many areas. He does know
17 a lot about energy and the New York Power
18 Authority. So I would strongly recommend his
19 advancement and confirmation.

20 Also, we have Dennis G. Trainor, of
21 Holbrook. Again, an excellent choice by the
22 Governor for the New York Power Authority.

23 And so I would urge my colleagues to
24 vote yes on both nominations.

25 ACTING PRESIDENT CROCI: The

1 question is on the nominations of Michael A.L.
2 Balboni and Dennis G. Trainor to be trustees of
3 the New York Power Authority. All those in favor
4 please signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT CROCI: Opposed,
7 nay.

8 (No response.)

9 ACTING PRESIDENT CROCI: Michael
10 A.L. Balboni and Dennis G. Trainor are hereby
11 confirmed as trustees of the New York Power
12 Authority.

13 The Secretary will read.

14 THE SECRETARY: As members of the
15 New York State Energy Research and Development
16 Authority: Charles Bell, of Ossining, and
17 Sukanya Paciorek, of Brooklyn.

18 ACTING PRESIDENT CROCI: Senator
19 Young.

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

22 Again, we have qualified individuals
23 willing to step forward. I would like to point
24 out to the members that Charles Bell, of
25 Ossining, is a reappointment, while Sukanya

1 Paciorek, of Brooklyn, is a new appointment.

2 Thank you, Mr. President. I
3 nominate them.

4 ACTING PRESIDENT CROCI: The
5 question is on the nomination of Charles Bell and
6 Sukanya Paciorek as members of the New York State
7 Energy Research and Development Authority. All
8 those in favor please signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT CROCI: Opposed,
11 nay.

12 (No response.)

13 ACTING PRESIDENT CROCI: Charles
14 Bell and Sukanya Paciorek are hereby confirmed as
15 members of the New York State Energy Research and
16 Development Authority.

17 The Secretary will read.

18 THE SECRETARY: As a member of the
19 New York State Housing Finance Agency and
20 director of the State of New York Mortgage
21 Agency, Kenneth G. Adams, of Brooklyn.

22 ACTING PRESIDENT CROCI: Senator
23 Young.

24 SENATOR YOUNG: Thank you,
25 Mr. President.

1 I rise very enthusiastically to
2 nominate Kenneth G. Adams, of Brooklyn, for the
3 position of member of the New York State Housing
4 Finance Agency and director of the State of New
5 York Mortgage Agency. These are very key
6 positions. As former chair of the Housing
7 Committee, I can tell you how important these
8 agencies are.

9 Ken Adams is somebody who I've had
10 the privilege of knowing for many years. He
11 obviously is an expert in economic development
12 issues but also served the state in other
13 capacities. I am glad that he wants to continue
14 to serve in these new roles. I think he'll do an
15 excellent job.

16 And so I enthusiastically nominate
17 him for this position.

18 ACTING PRESIDENT CROCI: The
19 question is on the nomination of Kenneth G. Adams
20 to be a member of the New York State Housing
21 Finance Agency and director of the State of
22 New York Mortgage Agency. All those in favor
23 please signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT CROCI: Opposed,

1 nay.

2 (No response.)

3 ACTING PRESIDENT CROCI: Kenneth G.
4 Adams is hereby confirmed as a member of the
5 New York State Housing Finance Agency and
6 director of the State of New York Mortgage
7 Agency.

8 The Secretary will read.

9 THE SECRETARY: As a member of the
10 board of directors of the New York Convention
11 Center Operating Corporation, Christine Ferer, of
12 New York.

13 ACTING PRESIDENT CROCI: Senator
14 Young.

15 SENATOR YOUNG: Thank you,
16 Mr. President.

17 I nominate Christine Ferer, of
18 New York, as a member of the board of directors
19 of the New York City Convention Center Operating
20 Corporation. And I appreciate the members' vote
21 on this issue.

22 ACTING PRESIDENT CROCI: The
23 question is on the nomination of Christine Ferer
24 to be a member of the board of directors of the
25 New York Convention Center Operating Corporation.

1 All those in favor please signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT CROCI: Opposed,
4 nay.

5 (No response.)

6 ACTING PRESIDENT CROCI: Christine
7 Ferer is hereby appointed as a member of the
8 board of directors of the New York Convention
9 Center Operating Corporation.

10 The Secretary will read.

11 THE SECRETARY: As members of the
12 Behavioral Health Services Advisory Council:
13 Lisa Dunn Alford, of Manlius; Lieutenant Colonel
14 William LeCates, M.D., of Cooperstown; Stephanie
15 Orlando, of Slingerlands; and Patrice
16 Wallace-Moore, of Mount Vernon.

17 ACTING PRESIDENT CROCI: Senator
18 Young.

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

21 I nominate these individuals in
22 their capacity as members of the Behavioral
23 Health Services Advisory Council.

24 This is a volunteer position they
25 are undertaking, and certainly we are grateful

1 for their service.

2 Thank you, Mr. President.

3 ACTING PRESIDENT CROCI: All those
4 in favor of confirming the names read of the
5 individuals for members of the Behavioral Health
6 Services Advisory Council, please signify by
7 saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT CROCI: Opposed,
10 nay.

11 (No response.)

12 ACTING PRESIDENT CROCI: The list
13 of candidates read are hereby confirmed as
14 members of the Behavioral Health Services
15 Advisory Council.

16 The Secretary will read.

17 THE SECRETARY: As a member of the
18 Board of Visitors of the Bronx Psychiatric
19 Center, Sandra Unger, of the Bronx.

20 As a member of the Board of Visitors
21 of the Brooklyn Developmental Disabilities
22 Services Office, Calvin A. Fischetti, of
23 Brooklyn.

24 As a member of the Board of Visitors
25 of the Kingsboro Psychiatric Center, Bettie J.

1 King, of Brooklyn.

2 As a member of the Board of Visitors
3 of the Manhattan Psychiatric Center, Marlon R.A.
4 Mattson, M.D., of New York.

5 As a member of the Board of Visitors
6 of the Rockland Psychiatric Center, James
7 Scaringe, of Orangeburg.

8 As members of the Board of Visitors
9 of the Capital District Psychiatric Center:
10 Alan Kott, of Guilderland, and Robert Surico, of
11 Schenectady.

12 As members of the Board of Visitors
13 of the Capital District Developmental
14 Disabilities Services Office: Katherine T. Less,
15 of Scotia; Kathe R. Sheehan, of Scotia; Susann V.
16 Getsch, Ph.D., of Ballston Spa; and Susan P.
17 O'Connor, of Delmar.

18 As members of the Board of Visitors
19 of the Central New York Developmental
20 Disabilities Services Office: Virginia M. Ellis,
21 of Auburn; Nancy Marie Jones, of Blossvale;
22 Laura Kiefer, of Little Falls; Carol K. Neveu, of
23 Oneida; Jeannine Leroy Nolan, of Fayetteville;
24 and Anna Marie de Riemer-Gallay, of Ava.

25 As members of the Board of Visitors

1 of the Buffalo Psychiatric Center: Harold T.
2 Fabinsky, of Orchard Park, and Ellen J.
3 Maternowski, of Lakewood.

4 As members of the Board of Visitors
5 of the Creedmoor Psychiatric Center: Gloria M.
6 Allen, M.D., of Saint Albans; Lula Fisher, of
7 Queens Village; Judy Grubin, of Jackson Heights;
8 and Henry Lau Kee, of Flushing.

9 As members of the Board of Visitors
10 of the Elmira Psychiatric Center: Joanna M.
11 Papontos, of Seneca Falls, and Judith Phillips,
12 of Watkins Glen.

13 As members of the Board of Visitors
14 of the Helen Hayes Hospital: Kathleen Sweeney,
15 of Haverstraw, and Jeffrey R. Sweet, of
16 Peekskill.

17 As members of the Board of Visitors
18 of the Long Island Developmental Disabilities
19 Services Office: Mary Fasano, of Massapequa
20 Park, and Mark Douglas Gustin, of Valley Stream.

21 As members of the Board of Visitors
22 of the Mohawk Valley Psychiatric Office: Anne M.
23 Jackson, of Boonville, and Beverly Piechowicz, of
24 Marcy.

25 As members of the Board of Visitors

1 of the Richard H. Hutchins Psychiatric Center:
2 Marla Byrnes, of Syracuse, and Nancy Egel Kroot,
3 of Cortland.

4 As members of the Board of Visitors
5 of the Rochester Psychiatric Center: Rita
6 Cronise, of Victor; Eileen W. Farlow, of
7 Pittsford; Donna Leigh-Estes, of Rochester; and
8 Judith D. Watt, of Sodus Point.

9 As members of the Board of Visitors
10 of the Western New York Developmental
11 Disabilities Services Office: Charles D.J. Case,
12 of East Aurora, and Ann L. Scherff, of LeRoy.

13 As members of the Board of Visitors
14 of the South Beach Psychiatric Center: Jean
15 Lowry Conelli, of Staten Island; Joan M. Rowley,
16 of Staten Island; Beverly Salierno-Peare, of
17 Brooklyn; and Howard Weiner, of Staten Island.

18 As members of the Board of Visitors
19 of the St. Lawrence Psychiatric Center: Richard
20 M. LaValley, of Canton, and Patrick R. Rourk, of
21 Norwood.

22 As members of the Board of Visitors
23 of the Staten Island Developmental Disabilities
24 Services Office: Joanne Certo, of Staten Island;
25 Christine Dickhut, of Staten Island; and Robert

1 D. McCarren, Sr., of Staten Island.

2 As members of the Board of Visitors
3 of the Sunmount Developmental Disabilities
4 Services Office: Gilbert Allen Duken, of
5 Plattsburgh; Jane M. DuMoulin, of Cadyville; and
6 Paul A. Maroun, of Tupper Lake.

7 As members of the Board of Visitors
8 of the Taconic Developmental Disabilities
9 Services Office: Kathleen Bartles, of
10 Pine Plains; Ronald S. Lehrer, of Poughkeepsie;
11 Mark B. Searle, of Poughkeepsie; and
12 Cheryl Wilcox, of Wassaic.

13 ACTING PRESIDENT CROCI: Senator
14 Young.

15 SENATOR YOUNG: Mr. President, I
16 rise to nominate all of these individuals as
17 members of the Boards of Visitors.

18 I do want to commend these
19 particular individuals for their willingness to
20 serve New York State. These are strictly
21 voluntary positions, and yet they're incredibly
22 important because the Boards of Visitors oversee
23 the care provided by New York State-operated
24 facilities of people with mental health,
25 behavioral health and intellectual and

1 developmental disabilities.

2 We in this body know how important
3 that is to make sure that we are providing the
4 best care possible through our New York State
5 facilities, and therefore I nominate all of them
6 and encourage our members to vote aye.

7 ACTING PRESIDENT CROCI: All those
8 in favor of the appointments of those names read
9 by the Secretary for the positions indicated,
10 please signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT CROCI: Opposed,
13 nay.

14 (No response.)

15 ACTING PRESIDENT CROCI: Those
16 individuals' names read by the Secretary are
17 hereby confirmed for the positions indicated.

18 Senator Gallivan.

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

21 ACTING PRESIDENT CROCI: There is
22 no further business before the desk.

23 SENATOR GALLIVAN: There will be a
24 Rules Committee meeting tomorrow at 9:00 a.m. in
25 Room 332.

1 The Republican Conference will meet
2 at 10:00 a.m. in Room 332.

3 And there being no further business
4 at the desk, I move that the Senate adjourn until
5 Wednesday, June 21st, at 11:00 a.m.

6 ACTING PRESIDENT CROCI: There will
7 be a 9:00 a.m. Rules Committee meeting in
8 Room 332, followed by a Republican Conference
9 meeting in Room 332 at 10:00 a.m.

10 And on motion, the Senate stands
11 adjourned until Wednesday, June 21st, at
12 11:00 a.m.

13 (Whereupon, at 10:37 p.m., the
14 Senate adjourned.)

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