



Transcript: Jun 18, 2013 11:59 AM

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 - Session: REGULAR SESSION
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NEW YORK STATE SENATE
THE STENOGRAPHIC RECORD
ALBANY, NEW YORK
June 18, 2013
REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President **FRANCIS W. PATIENCE**, Secretary
P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

ACTING PRESIDENT GRIFFO: In the absence of clergy today, I ask all to please bow their heads in a moment of silent prayer and reflection.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

The Secretary will read.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 6, Senator Young moves to discharge, from the Committee on Rules, Assembly Bill Number 5900A and substitute it for the identical Senate Bill Number 3843A, Third Reading Calendar 176.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

THE SECRETARY: On page 8, Senator Latimer moves to discharge, from the Committee on Local Government, Assembly Bill Number 2288A and substitute it for the identical Senate Bill Number 2122A, Third Reading Calendar 231.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

THE SECRETARY: On page 14, Senator Squadron moves to discharge, from the Committee on Housing, Construction and Community Development, Assembly Bill Number 5438 and substitute it for the identical Senate Bill Number 226, Third Reading Calendar 435.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

THE SECRETARY: On page 15, Senator Boyle moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 7411 and substitute it for the identical Senate Bill Number 4367A, Third Reading Calendar 466.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

THE SECRETARY: On page 20, Senator Carlucci moves to discharge, from the Committee on Rules, Assembly Bill Number 7904 and substitute it for the identical Senate Bill Number 4861A, Third Reading Calendar 597.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

THE SECRETARY: On page 27, Senator DeFrancisco moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 7262 and substitute it for the identical Senate Bill Number 4696, Third Reading Calendar 838.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

Messages from the Governor.
Reports of standing committees.
Reports of select committees.
Communications and reports from state officers.
Motions and resolutions.
Senator Libous.

SENATOR LIBOUS: Mr. President, Senator Valesky I believe has a motion.

ACTING PRESIDENT GRIFFO: Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

On behalf of Senator Savino, on page 21 I offer the following amendments to Calendar Number 660, Senate Print Number 4589, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Ranzenhofer, I wish to call up his bill, Print Number 2118, recalled from the Assembly, and it's now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 50, by Senator Ranzenhofer, Senate Print 2118, an act to amend the Public Health Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

SENATOR LIBOUS: I offer up the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Gallivan, I wish to call up his bill, Senate Print 89, recalled from the Assembly, and it's now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1214, by Senator Gallivan, Senate Print 89, an act to amend the Executive Law.

SENATOR LIBOUS: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

SENATOR LIBOUS: I offer up the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR LIBOUS: Mr. President, on behalf of Senator Gallivan, I move to amend Senate Bill Number 352A by striking out the amendments made on June 17th and restoring it to its original print, 352.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR LIBOUS: Mr. President, at this time I'd like to adopt the Resolution Calendar, with the exception of Resolution 2419, by Senator Larkin; Resolution 2421, by Senator Little; Resolution 2485, by Senator Carlucci; and Resolution 2490, by Senator Breslin.

ACTING PRESIDENT GRIFFO: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 2419, 2421, 2485, and 2490, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

SENATOR LIBOUS: Mr. President, if you'd just give me a second here.

(Pause.)

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

Senator Libous.

SENATOR LIBOUS: Mr. President, I want to take up Resolution 2421, by Senator Little, have the title read, and call on Senator Little.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 2421, by Senator Little, memorializing Governor Andrew M. Cuomo to proclaim July 1, 2013, as the "Spirit of 1776" Wagon Day in the State of New York.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

This is a resolution that is supported by all of the women Senators here in the chamber. And it is important because New York State is the cradle for the women's rights movement in the United States.

As we all know, in 2020 we will celebrate the anniversary of women's right to vote, 100 years, in 1920. And in 2017 we will celebrate the first women's vote in New York State.

So why is the "Spirit of 1776" Wagon important? This is part of a women's exhibit that was in the museum for 2012, it was there, and it actually led the way in the women's movement from Seneca Falls to the Supreme Court. And the exhibit showcased a horse-drawn campaign wagon called the "Spirit of 1776" that was used in parades and special events.

This wagon was part of the beginning movement for the campaigners who were campaigning for women's right to vote. The wagon was used in Manhattan. It was taken to parades in Long Island. It was used throughout that part of New York State.

It's a historical artifact symbolizing the significance of New York women's participation in the suffrage movement, which really lasted over a 72-year period, starting in 1848 in Seneca Falls, New York, and ending with the ratification of the 19th Amendment that allowed women to vote in New York State that took place, as I said, in 1917 and 1920 on the national level.

We have in the gallery Susan Zimet, who is an organizer and really spearheaded a group of women together, a national group of women that is called Votes for Women 2020 and is promoting the celebration in order to educate, inspire, and promote the history of women's right to vote, with a focus on the past and an eye to the future, with the goals of preserving and promoting New York State history sites. And we have many sites in New York State. Just to mention a few, the Susan B. Anthony House, the Matilda Joslyn Gage Home, and the Harriet Tubman Home.

And the goal of Votes for Women 2020 is to create in New York State a Women's Heritage Trail. And with that, we're beginning that whole beginning by using this wagon that was used in the very initial trail that brought us to having women have the right to vote in New York and in this country.

So I commend Susan for starting this. And I ask all of you to join with me as we celebrate the "Spirit of 1776" Wagon and ask the Governor to proclaim July 1, 2013, as that day. And I believe we're going to have having the wagon here tomorrow outside the Capitol at 10 o'clock in the morning. Thank you.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Little.
Senator Tkaczyk.

SENATOR TKACZYK: Thank you, Mr. President.

I want to thank Senator Little for bringing this resolution to the floor. I wholeheartedly support it.

And I think when we look at our history, celebrating the fact that women have the right to vote is a great thing. I want to thank Susan Zimet and the others who have been working on this. And I wholeheartedly support the resolution, not only the resolution but what we're about to embark on.

And I would love to work with Senator Little on a trail around the state that recognizes the important role women have played in our history to get us to this point. A hundred-year anniversary is something we need to start working on now. And I look forward to working with Senator Little on this in the future.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

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

I raise to thank Senator Little for allowing for us to be a cosponsor, particularly because the work of the suffragette is not yet finished. It certainly is represented very well in this Senate by the women who serve here.

And I know that men are still not ready for us to have the "vote" vote, but I think what we are doing here is celebrating a major milestone that women have made in changing the way in which government works.

And so I thank her and appreciate the opportunity to have been one of the signers on this important piece of legislation in the form of a resolution.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President.

I rise to thank Senator Little for her efforts and also acknowledge the historic link between the women's rights movement and the LGBT community, as summarized by the President of the United States in his inaugural address, where he noted the connection between Seneca Falls and Stonewall, which is in my district.

And I wanted to thank all the advocates here today, and I look forward to working with them as we prepare for this historic anniversary, Mr. President.

Thank you, Senator Little.

ACTING PRESIDENT GRIFFO: Thank you, Senator Hoylman.

Is there any other Senator who wishes to be heard?

The question is on the resolution. All in favor of adopting the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's a resolution at the desk, Number 2490, by Senator Breslin. He'd like it read in its entirety, and then if we could call on him for comments.

ACTING PRESIDENT GRIFFO: I'm going to ask for some order in the chamber, please.

The Secretary will read the resolution.

THE SECRETARY: Legislative Resolution Number 2490, by Senator Breslin, mourning the untimely death of Lieutenant Colonel Todd Clark, of Albany, New York, and paying tribute to his courageous actions as a member of the United States Army.

"WHEREAS, The courage and bravery of our military personnel since the United States Armed Forces commenced Operation Iraqi Freedom will ensure our continued role as a nation which embodies the ideals of democracy, and as a defender of liberty for people throughout the world; and

"WHEREAS, Members of the Armed Services from the State of New York, who have served so valiantly and honorably during Operation Enduring Freedom, deserve a special salute from this Legislative Body; and

"WHEREAS, It is with feelings of deepest regret that this Legislative Body mourns the untimely death of 40 year-old Lieutenant Colonel Todd Clark, of Albany, New York, and pays tribute to his courageous actions as a member of the United States Army; he died in the line of duty on Saturday, June 8, 2013; and

"WHEREAS, Lieutenant Colonel Todd Clark was a brigade-level advisor with the United States Army's 10th Mountain Division; and

"WHEREAS, Lieutenant Colonel Todd Clark spent more than 17 years in the military; he graduated from Christian Brothers Academy in 1990, enrolled at Texas A&M and entered the United States Army shortly after earning his degree; and

"WHEREAS, Serving his second tour in Afghanistan, Lieutenant Colonel Todd Clark had completed three other tours in Iraq, and spent roughly 12 years overseas; and

"WHEREAS, In July of 2010, Lieutenant Colonel Todd Clark was injured by a roadside bomb in the southern Afghan province of Kandahar; he received a Purple Heart and, after recovering, he became deeply involved in the Wounded Warrior program; and

"WHEREAS, Lieutenant Colonel Todd Clark is survived by his proud parents, Jack and Kathleen Clark, his loving wife, Shelley, and their two beautiful children, Madison and Collin; and

"WHEREAS, The banner of freedom will always wave over our beloved New York and all of America, the land of the free and the home of the Brave; and

"WHEREAS, Residents of this great state must never forget the courage with which these men and women served their country, and must recognize that no greater debt is owed than that owed to those who gave their lives for their beloved nation and to those who continue to be missing in action; and

"WHEREAS, The freedoms and security we cherish as Americans come at a very high price for those serving in the military in times of conflict; it is fitting and proper that we who are the beneficiaries of those who risk their lives, leaving their families behind, express our appreciation and eternal gratitude for their sacrifices and courageous acts; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the untimely death of Lieutenant Colonel Todd Clark, of Albany, New York, and to pay tribute to his courageous actions as a member of the United States Army; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted

to the family of Lieutenant Colonel Todd Clark."

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

As we meet here today in our New York State Legislature, in the Senate, at the same time the Clark family is preparing for the funeral of Lieutenant Colonel Todd Clark today. And Todd Clark and others are responsible for allowing us to have those freedoms.

A young man -- only 40 -- 17 years in the service, a graduate of Christian Brothers Academy here in Albany. Seventeen years in the service, but it goes beyond that.

Todd served three tours in Iraq, and he was now in his second tour in Afghanistan. On his first tour in Afghanistan, he was wounded by a roadside explosion. He knew the dangers of being there, but he also knew that he was protecting our country and serving our country.

And we mourn him this day for what he has done and what he represents. A lieutenant colonel at 40, he leaves a wife, Shelley, and two young children.

And it's no coincidence that he rose to that level of lieutenant colonel. He's the son of a decorated service veteran who knew the risks, but he knew it was necessary to protect this country.

We will mourn his loss, but we should not forget that loss. And we should continue to praise those people who make the ultimate sacrifice to allow us to participate in the most wonderful democracy in the world.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Breslin.

Senator Ritchie.

SENATOR RITCHIE: I would like to thank Senator Breslin for bringing this resolution to the Senate today.

As you know, Fort Drum, which is the home of the Army's 10th Mountain Division, is in my district. Colonel Clark and his family made their home in Evans Mills, just outside the gates on the post. Some of you may recall Colonel Clark in 2012 when he joined us here in this chamber as part of the first Fort Drum Day.

I envisioned Fort Drum Day as a way for this body to celebrate this post and highlight the important role it plays in the North Country community and our state's economy. But the commanding general at the time insisted that we rename it 10th Mountain Division and Fort Drum Day, in that order, because it was important for us to recognize the individual fellow men and women, our fellow New Yorkers, who serve in our armed forces and the sacrifices they have made for our freedom.

The price of that we see today, and we acknowledge it today. Lieutenant Colonel Todd Clark and his fellow officer Lieutenant Colonel Jaimie Leonard, another graduate of West Point and also a constituent of Colonel Larkin's, are the fourth and the fifth Fort Drum soldiers who have given their lives in Afghanistan this year. Their loss is a tragedy for their families, to the community and the state.

Today as we learn about Lieutenant Colonel Clark, as we honor his life and his dedication and his commitment, I encourage my colleagues to remember the sacrifice of all our men and women in uniform. Say a prayer for them each day and be proud to a live in a nation that produces such brave men and women like Lieutenant Colonel Clark and Lieutenant Colonel Leonard.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Ritchie.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I rise also to pay tribute to a magnificent American and somebody that gave his life.

Anybody that's been reading the local papers about this sad and tragic story that has happened to the Clark family and the tribute that has been paid in this community to this person that gave his life for his country -- you know, Senator Ritchie

was saying he was a member of the 10th Mountain Division, one of the most celebrated fighting divisions that has ever been part of our armed forces and who we honored here in this Senate. He goes back to that long tradition of defending our country.

And Colonel Clark did so much and served so long and finally gave his life on behalf of this country. And I think everybody in this chamber should be proud of his service and what his family has done for our country.

It is with great sorrow and gratitude that I stand to praise this magnificent person, Colonel Clark.

ACTING PRESIDENT GRIFFO: Thank you, Senator Farley.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I also rise to speak on this resolution.

Having served in the Air Force, fortunately I did not have to serve in combat. And the thing that I reflect on in listening to this resolution is that it's very difficult to even imagine someone who served in Iraq for three tours and was on his second tour in Afghanistan. I mean, this is truly a special person.

It's one thing to serve and be called a veteran; it's another to serve in combat. But to repeatedly serve in combat which increases exponentially the chances of something terrible happening shows the character of this particular individual, Todd Clark.

So when we reflect on this resolution and reflect on him, we truly have to recognize a special, special individual who not only served, not only served repeatedly, but put himself in harm's way on five different occasions.

So God rest his soul, and God please give peace to Todd Clark's family.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco.

Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

You know, it's a sad day when we have to come and bear the news brought to us about our fellow human beings, and especially our New Yorkers.

Here are two individuals who have been in combat for over five years. They were on a special mission, military intelligence. They had seen the fight of battle. And yet it comes home to us, because now it's our turn.

Too often I think we as Americans pass it by as, oh, two soldiers got killed yesterday, three got killed last week. If it weren't for those individuals, you wouldn't be sitting on your you-know-what here today in Albany.

They made the supreme sacrifice. They cared about our country. They cared about our state. And yet they pursued in defense of this great nation.

You know, I think Patty said it quite clearly, John, a few others -- Senator Farley -- this is a gift we've been given of these great, honest, sincere and dedicated Americans who have made a supreme sacrifice. Their family, their family is distraught. Where do they go from here? How do they make up their families? How do they move on?

They're blessed in one respect because from the Academy we take care of our own. But just don't go home tonight and think, well, we praised a couple of soldiers. They're not a couple of soldiers, they're a couple of distinguished American citizens who happen to be part of our armed forces who gave something so that we can continue to live on in a peaceful, happy way.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Larkin.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, I'd like to open up this resolution to all the members. And as our custom is, if someone doesn't want to be on it, just let the desk know.

ACTING PRESIDENT GRIFFO: The resolution is open for cosponsorship. If you choose not to be a cosponsor, please notify the desk.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time like to take up Resolution Number 2485, by Senator Carlucci. Read the title and call on Senator Carlucci, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 2485, by Senator Carlucci, honoring Jill A. Warner upon the occasion of her designation as recipient of the Thomas P. Morahan Annual Leadership Award in Mental Health and Developmental Disabilities.

ACTING PRESIDENT GRIFFO: Senator Carlucci.

SENATOR CARLUCCI: Mr. President, I rise to honor Jill Warner as the recipient of the Thomas P. Morahan Leadership Award in Mental Health and Developmental Disabilities.

As many of you know, Senator Thomas Morahan served in this chamber and dedicated his career and really his life to serving those with developmental disabilities and mental health issues, and made it a priority to make sure that we protect our most vulnerable populations. So it's so fitting that we honor, in his legacy, a true champion of our most vulnerable populations.

And Jill Warner serves as the executive director and CEO of Jawonio. And Jawonio is a premier organization in serving people living with developmental disabilities as well as mental health issues.

And what Jill Warner has done is really has led this organization, led Jawonio into the 21st century in dealing with so many different complex issues that we have to deal with today. And not using the silos of the past but using a service where we know that there's dual diagnosis, that people that are living with developmental disabilities might also have a mental health issue.

And they've really broken down those barriers to make sure they're delivering the best quality care possible to our most vulnerable populations.

So it's such an honor and really it's a great privilege to be able to recognize such a true public servant as Jill Warner, who's not only really walked the footsteps of Senator Morahan by not just talking the talk but walking the walk, and not just doing this as a job but really as a passion for her life.

So I want to thank you for your contributions, and it's an honor to have Jill Warner here with us today.

Thank you.

ACTING PRESIDENT GRIFFO: Jill, we want to extend our congratulations to you and our best wishes as you receive this award named in honor of the esteemed late member of the Senate, Senator Tom Morahan. So congratulations. Welcome to the chamber.

(Applause.)

ACTING PRESIDENT GRIFFO: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

And as is our custom, we'll open up the resolution for anyone. And those who wish not to sponsor it can notify the desk.

ACTING PRESIDENT GRIFFO: So noted and instructed.

SENATOR MAZIARZ: Thank you.

Mr. President, can we please take up Senate Resolution Number 2419, by Senator Larkin, read the title only.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 2419, by Senator Larkin, commemorating the Amyotrophic Lateral Sclerosis (ALS) Association's 5th Annual Hudson Valley Walk to Defeat ALS on October 20, 2013, in New York State.

ACTING PRESIDENT GRIFFO: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

Mr. President, I wish to call up Senate Print Number 4567, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 292, by Senator Zeldin, Senate Print 4567, an act to amend the Environmental Conservation Law.

SENATOR MAZIARZ: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

SENATOR MAZIARZ: I now move to commit Senate Print Number 4567, Calendar Number 292 on the order of third reading, to the Committee on Rules, with instructions to said committee to strike the enacting clause.

ACTING PRESIDENT GRIFFO: So ordered, as requested.

SENATOR MAZIARZ: Thank you, Mr. President.

Mr. President, we are going to have a Rules Committee meeting at 1:00 p.m. sharp, and the Senate will stand at ease until that time.

ACTING PRESIDENT GRIFFO: There will be a Rules Committee meeting in Room 332 at 1:00 p.m. sharp.

Until such time, the Senate stands at ease.

(Whereupon, the Senate stood at ease at 12:33 p.m.)

(Whereupon, the Senate reconvened at 1:51 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

Could we return to the reports of standing committees.

ACTING PRESIDENT GRIFFO: We'll return to reports of standing committees.

SENATOR MAZIARZ: Mr. President, I believe there's a report of the Rules Committee at the desk.

ACTING PRESIDENT GRIFFO: There is a report of the Rules Committee before the desk. The Secretary will read.

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

Senate Print 20, by Senator Diaz, an act to amend the Penal Law;
Senate 48, by Senator Peralta, an act to amend the Penal Law;
Senate 769, by Senator LaValle, an act to amend the Indian Law;
Senate 815, by Senator Adams, an act to amend the Penal Law;
Senate 985, by Senator Martins, an act to amend the Civil Practice Law and

Rules;

Senate 1052, by Senator Maziarz, an act to amend the Penal Law;
Senate 1187A, by Senator Maziarz, an act to amend the Public Authorities Law;
Senate 1205, by Senator Carlucci, an act to amend the Real Property Tax Law;
Senate 1591A, by Senator Grisanti, an act to amend the General Business Law;
Senate 1980, by Senator Carlucci, an act to amend the Agriculture and Markets

Law;

Senate 2011, by Senator Ranzenhofer, an act to amend the Education Law;
Senate 2186A, by Senator Robach, an act to amend the Public Health Law;
Senate 2373, by Senator Klein, an act to amend the Insurance Law;
Senate 2375B, by Senator Klein, an act to amend the Public Health Law;
Senate 2433A, by Senator Klein, an act to amend the Racing, Pari-Mutuel

Wagering and Breeding Law;

Senate 2443, by Senator Ranzenhofer, an act to amend the General Obligations

Law;

Senate 2665B, by Senator Ball, an act to amend the Agriculture and Markets Law;
Senate 2753A, by Senator Marchione, an act to amend the Education Law;
Senate 2901, by Senator Marchione, an act to amend the Racing, Pari-Mutuel

Wagering and Breeding Law;

Senate 2921A, by Senator LaValle, an act authorizing;
Senate 3143, by Senator Krueger, an act to amend the Social Services Law;
Senate 3465, by Senator Seward, an act to amend the Insurance Law;
Senate 3642, by Senator LaValle, an act to amend the Tax Law;
Senate 3678A, by Senator Gallivan, an act to amend the Social Services Law;
Senate 4064, by Senator Marcellino, an act to amend the Penal Law;
Senate 4216, by Senator Golden, an act to amend the Penal Law;
Senate 4653B, by Senator Stewart-Cousins, an act to authorize;
Senate 4728A, by the Committee on Rules, an act to amend the Civil Practice Law

and Rules;

Senate 4730, by Senator Skelos, an act to amend the Executive Law;
Senate 4735A, by Senator Farley, an act to allow;
Senate 4777D, by Senator Golden, an act making an appropriation;
Senate 4801A, by Senator Marcellino, an act to amend the Civil Rights Law;
Senate 4829A, by Senator Lanza, an act to amend the Penal Law;
Senate 4855A, by Senator Savino, an act to amend the Navigation Law;
Senate 4929, by Senator Nozzolio, an act to amend the Correction Law;
Senate 5144, by Senator Skelos, an act to amend the Family Court Act;
Senate 5162B, by Senator Savino, an act to amend the Retirement and Social

Security Law;

Senate 5236, by Senator Seward, an act to amend the Insurance Law;
Senate 5347, by Senator Golden, an act to amend the Tax Law;
Senate 5422A, by Senator Ritchie, an act to amend the Penal Law;
Senate 5426A, by Senator Gallivan, an act to amend the Penal Law;
Senate 5489A, by Senator Grisanti, an act directing;
Senate 5518A, by Senator Lanza, an act to amend the Penal Law;
Senate 5556A, by Senator Flanagan, an act to amend the Education Law;
Senate 5568A, by Senator Flanagan, an act to amend the Education Law;
Senate 5588, by Senator Carlucci, an act to amend the Real Property Tax Law;
Senate 5655A, by Senator Carlucci, an act to authorize;

Senate 5666, by Senator Valesky, an act authorizing;
Senate 5691, by Senator Farley, an act to amend the Tax Law;
Senate 5698, by Senator DeFrancisco, an act to amend the Public Authorities
Law;
Senate 5706, by Senator Valesky, an act to amend the Education Law;
Senate 5728, by Senator Ranzenhofer, an act to amend the New York State Urban
Development Corporation Act;
Senate 5753, by Senator Breslin, an act to authorize;
Senate 5774, by Senator Nozzolio, an act to authorize;
Senate 5775, by Senator Klein, an act to amend the Insurance Law;
Senate 5779A, by Senator Adams, an act to amend the Social Services Law;
Senate 5799, by Senator Savino, an act implementing;
Senate 5801, by Senator Carlucci, an act to define;
Senate 5802, by Senator Griffo, an act to amend the Mental Hygiene Law;
And Senate 5805, by Senator Farley, an act to amend the Military Law.
All bills reported direct to third reading.

SENATOR MAZIARZ: Mr. President, could we have a motion to accept the report of the Rules Committee.

ACTING PRESIDENT GRIFFO: All in favor of accepting the Committee on Rules report signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?
(No response.)

ACTING PRESIDENT GRIFFO: The Committee on Rules report is accepted.
Senator Maziarz.

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

Mr. President, on behalf of Senator Gallivan, on page number 27 I offer the following amendments to Calendar Number 832, Senate Print Number 4820, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT GRIFFO: We will return to motions and resolutions.
The amendments are accepted, and the bill will retain its place on third reading, Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

Mr. President, I move to amend Senate Bill Number 4998A by striking out the amendments made on 6/17/2013 and restoring it to its original printed, Number 4998. And that's on behalf of Senator Lanza.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR MAZIARZ: Thank you, Mr. President.

Mr. President, would you please recognize Senator Gianaris.

ACTING PRESIDENT GRIFFO: Senator Gianaris.

SENATOR GIANARIS: Mr. President, on behalf of Senator Stewart-Cousins, I move to commit Senate Print 4241B, Calendar 491 on the order of third reading, to the Committee on Rules with instructions to said committee to strike out the enacting clause.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR GIANARIS: And on behalf of Senator Dilan, I wish to call up Senate Print 391, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 11, by Senator Dilan, Senate Print 391, an act to amend the Vehicle and Traffic Law.

SENATOR GIANARIS: I move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

SENATOR GIANARIS: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

Senator Maziarz.

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

Mr. President, can we at this time take up the noncontroversial reading of today's active list.

ACTING PRESIDENT GRIFFO: We will now go to the active list, noncontroversial reading.

The Secretary will read.

THE SECRETARY: Calendar Number 76, by Senator Fuschillo, Senate Print 780A, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 176, substituted earlier by Member of the Assembly Wright, Assembly Print 5900A, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: On page 7, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 3180A and substitute it for the identical Senate Bill Number 2098A, Third Reading Calendar 194.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 194, by Member of the Assembly Abbate, Assembly Print Number 3180A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 231, substituted earlier by Member of the

Assembly Paulin, Assembly Print 2288A, an act in relation to authorizing.

SENATOR GIANARIS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 279, by Senator Bonacic, Senate Print 2042, an act to amend the Labor Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Hassell-Thompson recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 339, by Senator Fuschillo, Senate Print 3528A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 401, by Senator Klein, Senate Print 4101A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 435, substituted earlier by Member of the Assembly Silver, Assembly Print 5438, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Squadron to explain his vote.

SENATOR SQUADRON: Thank you, Mr. President.

We know that in New York City we have a housing crunch, and that's true on affordable housing, it's true on housing for middle-class families. This bill, by working with Mitchell-Lama communities, will expand the number of middle-class families who have access to affordable housing, which is exactly why the Mitchell-Lama program was originally created.

It does it in a way that still allows folks currently on the wait list to get in but takes away a requirement that made it that much harder for folks starting their careers and starting their families to live in Mitchell-Lama housing, and it's a great

bill for that reason.

I want to thank Speaker Silver and Assemblymember Millman in the other house, Senator Golden in this house, and the rest of my colleagues for their support of this bill.

And as we tackle a challenge that needs so many solutions -- this is an important piece of it -- I want to especially thank a constituent -- well, a former constituent until the new districts lines got drawn for us -- Toba Potosky, who brought this issue to my attention and has worked to bring citywide focus to it.

I vote aye, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 57. Nays, 3. Senators Ball, Diaz and Maziarz recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 466, substituted earlier by Member of the Assembly Titone, Assembly Print 7411, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator LaValle recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

Calendar Number 491, the enacting clause was stricken during motions so it's no longer on the calendar. So we'll go to Calendar Number 494.

THE SECRETARY: Calendar Number 494, by Senator Skelos, Senate Print 4295A, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 528, by Senator Grisanti, Senate Print 904, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 597, substituted earlier by Member of the Assembly Gunther, Assembly Print 7904, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the same date and in the same manner as Part A of Chapter 501 of the Laws of 2012.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 619, by Senator Flanagan, Senate Print 1528, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 619, those recorded in the negative are Senators Ball, Gallivan, Hassell-Thompson, Krueger and Marchione.
Ayes, 55. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 625, by Senator Skelos, Senate Print 5069A, an act to amend the Domestic Relations Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 714, by Senator Libous, Senate Print 966, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect February 22, 2014.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 714, those recorded in the negative are Senators Adams, Hassell-Thompson, Hoylman, Krueger, Montgomery, Parker, Perkins and Rivera. Also Senators Sanders and Squadron.
Ayes, 50. Nays, 10.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 797, by Senator DeFrancisco, Senate Print 4512A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 803, by Senator DeFrancisco, Senate Print 552, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.
(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I wish that the sponsor had been able to amend his bill in some way before it came before us on the floor, because while I understand the intention is to try to make landlords pay their taxes -- and I want them to pay their taxes. Because it sets it up that public assistance should not pay the rent for poor tenants if the landlord has failed to pay the -- excuse me. It sets it up so that public assistance social services shall not pay the rent if the landlord is behind on his taxes.

The dilemma there is despite the way the bill is written, advocates who represent poor tenants in courts throughout the state are quite sure that tenants are going to end up being evicted through no fault of their own. Because they did not not pay the rent, the public agency was told not to pay the rent.

And so there could have been a way perhaps to amend the bill so that the social service agency paid the money towards the taxes owed, rather than to the landlord, and had it counted as such. But the bill is not written in that way.

So my fear is even though the intention is good, that if this were to become law it would result in poor tenants who had done no wrong ending up losing their homes. So I'll be voting no.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger to be recorded in the negative.
Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes. In Syracuse there was a situation last year, and I'm sure it's continuing, where there were landlords in the City of Syracuse that were receiving the monies from the tenants directly through the social services department and then not bothering to pay their taxes, to the tune of hundreds of thousands of dollars.

I certainly sympathize with tenants who aren't having their landlords pay -- make sure that the monies are being used to pay taxes so they don't get evicted. But in the long run what this is going to do is if the landlord wants to stay in business, they've got to pay their taxes like anybody else. And I'm sure that in the long run that's going to happen.

And I guess, if you take a look at these same landlords, they're probably the same ones that are providing uninhabitable premises because they don't care about their responsibilities, making it difficult for tenants to live in those places.

So I think in the long term this is going to be a very beneficial thing for the City of Syracuse, and I urge others to consider it for their municipalities as well. Thank you.

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

THE SECRETARY: In relation to Calendar 803, those recorded in the negative are Senators Adams, Avella, Breslin, Dilan, Espaillat, Hassell-Thompson, Hoylman, Krueger, Montgomery, Parker, Perkins, Rivera, Sanders, Serrano, Squadron and Tkaczyk.
Ayes, 45. Nays, 16.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 838, substituted earlier by Member of the Assembly Gottfried, Assembly Print Number 7262, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.
(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 963, by Senator Bonacic, Senate Print 2015, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 4. Senators Ball, Ranzenhofer, Tkaczyk and Zeldin recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1052, by Senator Martins, Senate Print 4211, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator Bonacic recorded in the negative. Also Senator Larkin in the negative.
Ayes, 60. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1053, by Senator Martins, Senate Print 4212, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1065, by Senator Marcellino, Senate Print 5182A, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

In relation to Calendar Number 1073, a home-rule message has not been received. So as a result, the bill will be laid aside for day.

The Secretary will go to Calendar Number 1080.

THE SECRETARY: Calendar Number 1080, by Senator Latimer, Senate Print 4843, an act to amend the State Technology Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1207, by Senator Savino, Senate Print 5011A, an act to amend Chapter 879 of the Laws of 1939.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1311, by Senator Libous, Senate Print 1913, an act to amend the Highway Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger to explain your vote.

SENATOR KRUEGER: Thank you, Mr. President.

I am voting no. The estimated price on this bill is I believe approximately \$23 million to \$25 million to change signage. We could pay for the DREAM Act with that money this year, not change signage. I'll vote no.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Krueger in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 1311, those recorded in the negative are Senators Ball, DeFrancisco, Dilan, Espaillat, Gipson, Griffo, Hoylman, Krueger, Montgomery, O'Brien, Peralta, Rivera, Serrano, Stavisky and Tkaczyk.

Ayes, 47. Nays, 15.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1365, by Senator Libous, Senate Print --

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

ACTING PRESIDENT GRIFFO: Lay the bill aside for the day.

Senator Maziarz, that concludes the reading of the active list and noncontroversial calendar.

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

Could we now take up Senate Supplemental Calendar Number 54A, please, the noncontroversial reading.

ACTING PRESIDENT GRIFFO: We will now take up Senate Supplemental Calendar 54A, noncontroversial, and the Secretary will read.

THE SECRETARY: Calendar Number 1414, by Senator Diaz, Senate Print 20, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1415, by Senator Peralta, Senate Print 48, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1416, Senator LaValle moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 73 and substitute it for the identical Senate Bill Number 769, Third Reading Calendar 1416.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1416, by Member of the Assembly Thiele, Assembly Print 73, an act to amend the Indian Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1417, by Senator Adams, Senate Print 815, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1418, by Senator Martins, Senate Print 985, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1419, by Senator Maziarz, Senate Print 1052, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1420, by Senator Maziarz, Senate Print 1187A, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1421, by Senator Carlucci, Senate Print 1205, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

Calendar Number 1422 is high. The Secretary will read Calendar Number 1423.

THE SECRETARY: Calendar Number 1423, by Senator Carlucci, Senate Print 1980, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of January.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Diaz and Espaillat recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1424, by Senator Ranzenhofer, Senate Print 2011, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1425, Senator Robach moves to discharge, from the Committee on Finance, Assembly Bill Number 962A and substitute it

for the identical Senate Bill Number 2186A, Third Reading Calendar 1425.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1425, by Member of the Assembly Kellner, Assembly Print Number 962A, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1426, by Senator Klein, Senate Print 2373, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1427, by Senator Klein, Senate Print 2375B, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect after one year.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1428, Senator Klein moves to discharge, from the Committee on Racing, Gaming and Wagering, Assembly Bill Number 2329A and substitute it for the identical Senate Bill Number 2433A, Third Reading Calendar 1428.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1428, by Member of the Assembly Pretlow, Assembly Print Number 2329A, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 1428, those recorded in the negative are Senators Ball, Diaz, Espaillat, Hoylman, Krueger, Serrano and Squadron. Also Senator Parker.

Ayes, 54. Nays, 8.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1429, by Senator Ranzenhofer, Senate Print

2443, an act to amend the General Obligations Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

THE SECRETARY: Calendar Number 1430, by Senator Ball, Senate Print 2665B, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1431, by Senator Marchione, Senate Print 2753A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1432, Senator Marchione moves to discharge, from the Committee on Racing, Gaming and Wagering, Assembly Bill Number 7156, and substitute it for the identical Senate Bill Number 2901, Third Reading Calendar 1432.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1432, by Member of the Assembly Pretlow, Assembly Print 7156, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Diaz and Espaillat recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1433, by Senator LaValle, Senate Print 2921A, an act authorizing.

ACTING PRESIDENT GRIFFO: There is no home rule at the desk. The bill shall be laid aside for the day.

THE SECRETARY: Calendar Number 1434, by Senator Krueger, Senate Print 3143, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1435, by Senator Seward, Senate Print 3465, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1436, by Senator LaValle, Senate Print 3642, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 1436, those recorded in the negative are Senators Adams, Addabbo, Avella, Dilan, Espaillat, Gianaris, Hassell-Thompson, Hoylman, Krueger, Montgomery, Parker, Peralta, Perkins, Rivera, Sanders, Serrano, Squadron, Stavisky and Tkaczyk.

Ayes, 43. Nays, 19.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1437, by Senator Gallivan, Senate Print 3678A, an act to amend the Social Services Law.

SENATOR MAZIARZ: Lay it aside for the day, please.

ACTING PRESIDENT GRIFFO: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1438, by Senator Marcellino, Senate Print 4064, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1439, by Senator Golden, Senate Print 4216, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1440, by Senator Stewart-Cousins, Senate Print 4653B, an act to authorize.

ACTING PRESIDENT GRIFFO: There is no home-rule message present at the desk. The bill will be laid aside for the day.

THE SECRETARY: Calendar Number 1441, by the Committee on Rules, Senate Print 4728A, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 10. This act shall take effect on the 270th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1442, by Senator Skelos, Senate Print 4730, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1443, by Senator Farley, Senate Print 4735A, an act to allow.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1444, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 6692C and substitute it for the identical Senate Bill Number 4777D, Third Reading Calendar 1444.

ACTING PRESIDENT GRIFFO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1444, by Member of the Assembly Weisenberg, Assembly Print 6692C, an act making an appropriation.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Golden to explain his vote.

SENATOR GOLDEN: Thank you, Mr. President.

I rise to thank all of my colleagues here in this chamber for the good fight that we put up for OPWDD. And I want to thank Harvey Weisenberg and the Assembly for their good fight in getting over 140 sponsors to sponsor this bill. And of course our Governor for going along with us to make sure that these changes were made.

This bill will restore funding cuts to the State Office for People With Developmental Disabilities for the nonprofit service providers and address the service

reductions of federal funds without undermining the care provided to New Yorkers in need of OPWDD services.

Earlier this year I made a promise to explore the ways that we could restore the funding cuts associated with OPWDD nonprofit service providers. And today I'm proud to be able to say that I'm making good on that promise.

As I said the day we voted on the 2013-2014 New York State budget, that vote was not the end of the conversation related to the budget of the Office for People With Developmental Disabilities. The people of our state must have and their families deserve the chances for us to provide the very best programs to meet their needs and provide a respectable quality of life to each and every one of those families.

This legislation will guarantee that the services available will not be affected by those budget cuts. And again, this would not have happened if it weren't for the championship of the Assembly and Harvey Weisenberg and every member here in this body that stood up and fought for those people with disabilities.

So I thank my colleagues, and I vote aye.

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

Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes. Of all the issues this year in the budget deliberations and the budget hearings, this was the most difficult one to deal with.

The federal government had required certain reimbursements for overpayments in this area, and the Governor rightly made some cuts, as was any necessary to show good faith to the federal government. However, we were only able to restore \$30 million of the cuts.

The Governor made a commitment that the cuts would only go to the areas that dealt with administrative costs, as opposed to direct services, which was a wonderful commitment. What this bill does is completely close the loop by saying that to the extent that the reductions in administrative costs do not cover the cuts, there will be additional funding in order to make sure all services to the recipients are able to be paid.

So it's a great bill. It was a fight that, as Senator Golden mentioned, all of us fought. And it's important that this be done, and it was done. So everybody cooperated, and we really appreciate this final result.

I vote aye.

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

Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

I rise to support this legislation and want to thank and echo what the previous speakers had talked about in thanking the members of the Senate and the Assembly.

It's so important that in these changing times that we make sure there's a floor, a foundation for our most vulnerable populations. And I know in Rockland and Westchester Counties we have so many service providers that pour their heart and soul into providing services for developmentally disabled. And with facing those potential cuts, we were facing the possibility of closing programs, jeopardizing the quality of service that so many people have become dependent on and expect.

And if we're going to continue to improve the quality of life of people in New York State that live with developmental disabilities, both them and their families, this is an important step to put our money where our mouth is.

And I want to thank my colleagues in the Senate and the Assembly, and the Governor, for coming together, working with the advocates to make sure we restored this essential funding.

So, Mr. President, I'm voting aye on this bill. Thank you.

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

Senator LaValle to explain his vote.

SENATOR LaVALLE: Thank you, Mr. President.

I rise to congratulate Senator Golden, Assemblyman Weisenberg, who have been

dogged in their fight to make sure that funding was restored to deal with the most vulnerable population.

It is also a great victory for our system that we have protected the most vulnerable in our society, and that people spoke out, we listened, and the system worked.

Again, Senator Golden, congratulations. Assemblyman Weisenberg, congratulations to you.

I vote yes.

ACTING PRESIDENT GRIFFO: Senator LaValle to be recorded in the affirmative.
Senator Marchione to explain her vote.

SENATOR MARCHIONE: Thank you, Mr. President.

You know, like probably everyone in this room, there's a lot of tough pieces of legislation that come before us. But that one issue for me was the toughest, that we are balancing the budget on the backs of our most vulnerable. It was difficult when they came to visit, it was difficult to think that we were taking monies away from the vulnerable in our state.

And I just want to compliment Senator Golden and all of the Assembly and the Senate who are working together, and the Governor, on this particular bill to bring this forward to make a wrong a right. And I will be voting aye.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Marchione in the affirmative.
Senator Valesky to explain his vote.

SENATOR VALESKY: Thank you, Mr. President.

I rise to enthusiastically support this legislation. It's critically important. And I want to thank Senator Golden, as the lead sponsor. I want to thank Senator DeFrancisco, through his efforts as chairman of the Finance Committee.

But I especially want to thank my colleague Senator Carlucci, who as chair of the Mental Health Committee not only made this one of his top priorities in the budget and beyond, but came to my district after the budget was complete and met with a number of service providers in Central New York and made it very clear to them that he wasn't going to give up the fight just because the formal budget process had concluded back in late March.

There is a lot of activity going on here in Albany about what legislation may or may not come up for a vote in these last few days of session. But the bill that we're voting on today may in fact be the most important thing we do this week in terms of making a real difference in the lives of hundreds and hundreds of citizens all across New York State.

I vote in the affirmative. Thank you.

ACTING PRESIDENT GRIFFO: Senator Valesky to be recorded in the affirmative.
Senator Tkaczyk to explain her vote.

SENATOR TKACZYK: Thank you, Mr. President.

I rise along with all of my colleagues here in great support of this piece of legislation. I know there's a lot of families and individuals who were impacted by the cuts who are going to sleep better tonight.

And I also want to acknowledge Assemblyman Weisenberg, who's on the floor today, and thank him for his leadership in helping us get this through. And I am greatly thankful to him and to the rest of our colleagues here.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Tkaczyk to be recorded in the affirmative.
Senator Grisanti to explain his vote.

SENATOR GRISANTI: I want to thank Senator Golden. I want to thank Assemblyman Weisenberg, who's here. I want to thank Senator Carlucci.

You know, we did something in the budget where we made sure that OPWDD looked

in-house to make sure that they could look for whatever funding that's available. And while they may have done that, this legislation will make sure that the cuts and the gaps aren't there.

But the people that I want to thank most of all are the advocates, the advocates who are across this great state that traveled here. From Buffalo and Long Island, they traveled up here to Albany to let their voices be heard that they could not tolerate the funding and the cuts, the cuts that were going to happen.

And we all listened in this chamber, they listened in the Assembly, the Governor listened. And they are the true heroes that actually deserve the praise to make sure that that never happens again. And while the federal government and the state has their problems, we hopefully rectify this particular situation that it will never happen again.

And there's other measures that we are taking, especially today, by making sure we stop fraud and abuse on Medicaid, to keep the money for the people that actually need it and deserve it. So these are the measures that we're taking today.

It's important to respect those that have developmental disabilities. And to all the advocates out there, this one's for you.

I vote aye, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

(Applause from the gallery.)

ACTING PRESIDENT GRIFFO: Calendar Number 1445 is high. We'll now go to Calendar 1446.

THE SECRETARY: Calendar Number 1446, by Senator Lanza, Senate Print 4829A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1447, by Senator Savino, Senate Print 4855A, an act to amend the Navigation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1448, Senator Nozzolio moves to discharge, from the Committee on Rules, Assembly Bill Number 7385 and substitute it for the identical Senate Bill Number 4929, Third Reading Calendar 1448.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1448, by Member of the Assembly Russell, Assembly Print Number 7385, an act to amend the Correction Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1449, by Senator Skelos, Senate Print 5144, an act to amend the Family Court Act.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 22. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1450, by Senator Savino, Senate Print 5162B, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1451, by Senator Seward, Senate Print 5236, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1452, Senator Golden moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 7557 and substitute it for the identical Senate Bill Number 5347, Third Reading Calendar 1452.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1452, by Member of the Assembly Farrell, Assembly Print 7557, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1453, by Senator Ritchie, Senate Print 5422A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.
(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Ritchie to explain her vote.

SENATOR RITCHIE: On the evening of Thursday, March 14th, 2013, David Renz, who was subject to electronic monitoring while awaiting trial on charges of possessing child pornography, was able to tamper with his electronic monitoring equipment by removing it and then putting it back together. He violated his curfew by leaving his mother's house without his electronic monitoring equipment during the hours of 9 p.m. and 7 a.m., where he was ordered by the court to remain under supervision.

It was on that evening, Thursday, March 14, 2013, that he was able to follow Lori Bresnahan and a 10-year-old girl from a gymnastics class at a mall in Clay, New York. Upon confronting them, he raped the young girl. He then forced the woman into the car and drove to Verplank Road, where he proceeded to kill Lori Bresnahan and rape the 10-year-old girl.

This was an extremely heinous crime. But for me what was even more unbelievable was the fact that it could have been prevented, that David Renz tampered with his electronic monitoring device 46 times and was allowed to get away with it.

So I want to thank Senator DeFrancisco and Senator Valesky for cosponsoring this bill with me that makes tampering a crime.

I vote yes on this bill. Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Ritchie to be recorded in the affirmative.
Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1454, Senator Gallivan moves to discharge, from the Committee on Codes, Assembly Bill Number 5008B and substitute it for the identical Senate Bill Number 5426A, Third Reading Calendar 1454.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.
The Secretary will read.

THE SECRETARY: Calendar Number 1454, by Member of the Assembly Ryan, Assembly Print 5008B, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.
(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1455, by Senator Grisanti, Senate Print 5489A, an act directing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

THE SECRETARY: Ayes, 60. Nays, 2. Senators Ball and Marchione recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1456, by Senator Lanza, Senate Print 5518A, an

act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1457, by Senator Flanagan, Senate Print 5556A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 34. This act shall take effect on the 180th day after it shall have become law.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1458, by Senator Flanagan, Senate Print 5568A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1459, Senator Carlucci moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 1324 and substitute it for the identical Senate Bill Number 5588, Third Reading Calendar 1459.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1459, by Member of the Assembly Zebrowski, Assembly Print 1324, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1460, Senator Carlucci moves to discharge, from the Committee on Rules, Assembly Bill Number 7699A and substitute it for the identical Senate Bill Number 5655A, Third Reading Calendar 1460.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1460, by Member of the Assembly Galef, Assembly Print Number 7699A, an act to authorize.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1461, by Senator Valesky, Senate Print 5666, an act authorizing.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1462, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 7425 and substitute it for the identical Senate Bill Number 5691, Third Reading Calendar 1462.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1462, by Member of the Assembly Santabarbara, Assembly Print 7425, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1463, by Senator DeFrancisco, Senate Print 5698, an act to amend the Public Authorities Law.

SENATOR LaVALLE: Lay the bill aside for the day.

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

Calendar Number 1464.

THE SECRETARY: In relation to Calendar Number 1464, Senator Valesky moves to discharge, from the Committee on Education, Assembly Bill Number 1398A and substitute it for the identical Senate Bill Number 5706, Third Reading Calendar 1464.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1464, by Member of the Assembly Gunther, Assembly Print Number 1398A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1465, Senator Ranzenhofer moves to discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 7629 and substitute it for the identical Senate Bill Number 5728, Third Reading Calendar 1465.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1465, by Member of the Assembly Schimminger, Assembly Print Number 7629, an act to amend the New York State Urban Development Corporation Act.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1466, by Senator Breslin, Senate Print 5753, an act to authorize.

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

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1467, by Senator Nozzolio, Senate Print 5774, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1468, by Senator Klein, Senate Print 5775, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1469, by Senator Adams, Senate Print 5779A, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1470, by Senator Savino, Senate Print 5799, an act implementing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1471, by Senator Carlucci, Senate Print 5801, an act to define.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1472, by Senator Griffo, Senate Print 5802, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 2. Senators Krueger and Tkaczyk recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

Calendar Number 1473 is high.

Senator LaValle, that completes the noncontroversial reading of Supplemental Calendar 54A.

SENATOR LaVALLE: Thank you, Mr. President.

Can we take up the previously adopted resolution -- it was adopted on 6/11/13 -- by Senator Avella, Resolution 2124. Would you read it in its entirety, and Senator Avella will speak on that resolution.

ACTING PRESIDENT GRIFFO: Thank you, Senator LaValle.

We will return to motions and resolutions, and the Secretary will read Resolution Number 2124, which was adopted by the house on June 11th.

The Secretary will read.

THE SECRETARY: Legislative Resolution Number 2124, by Senator Avella, congratulating Arvind Mahankali upon the occasion of being crowned the 2013 Scripps National Spelling Bee Champion on May 30, 2013.

"WHEREAS, It is the intent of this Legislative Body to commend and pay tribute to those young people who, by achieving outstanding success in educational competition, have inspired and brought pride to our majestic Empire State; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to congratulate Arvind Mahankali upon the occasion of being crowned the 2013 Scripps National Spelling Bee Champion on Thursday, May 30, 2013, at the Gaylord National Resort and Convention Center in National

Harbor, Maryland; and

"WHEREAS, Arvind Mahankali, a 13-year-old from Bayside Hills, Queens, is an eighth-grade student at Nathaniel Hawthorne Middle School 74 in Bayside, New York, who enjoys tennis, basketball, and drama; he loves math and science, and hopes to one day pursue a career as a physicist; and

"WHEREAS, A speaker of Telugu and Spanish, this was Arvind Mahankali's fourth consecutive trip to the Scripps National Spelling Bee; he placed ninth in 2010, and finished in third place in both 2011 and 2012; and

"WHEREAS, The 2013 Scripps National Spelling Bee was broadcast nationwide on ESPN, and welcomed 281 spellers from around the world; the spellers ranged in age from 8-14 years old, and were all vying for the esteemed title of champion; and

"WHEREAS, This astute young scholar was sponsored by The Daily News, and won top honors after 16 rounds of competition by correctly spelling the word 'knaidel', a German-Yiddish word that means matzo dumpling; and

"WHEREAS, Known as the pride of Bayside, Arvind Mahankali was urged on by his proud parents, Srinivas and Bhavani, and younger brother Srinath; Principal Anthony Armstrong was also in attendance to support his student; and

"WHEREAS, Arvind Mahankali, in achieving this high honor, may take just pride in the inspiration and contribution to the spirit of excellence he brings to his family, friends, school and region; and

"WHEREAS, Educational competitions which serve to better prepare our students for their future participation in the marketplace of ideas are worthy of praise and support; and

"WHEREAS, Poised with enthusiasm and determined purpose, this scholar now stands honorably, in eager anticipation of future challenges, understanding and appreciating the caring counsel and support provided by his teachers and parents; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate Arvind Mahankali upon the occasion of being crowned the 2013 Scripps National Spelling Bee Champion on May 30, 2013; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Arvind Mahankali."

ACTING PRESIDENT GRIFFO: Senator Avella.

SENATOR AVELLA: Thank you, Mr. President.

I rise today to honor and welcome Arvind Mahankali as the 2013 National Spelling Bee champion.

What a tremendous achievement, ladies and gentlemen. He told me that he spent four hours a day for years memorizing, learning how to spell. And for somebody who in elementary school I never got past the first round in a spelling bee, I'm just in awe of this young man.

He is the first winner of the National Spelling Bee from New York City and New York State in 16 years. A tremendous achievement.

He's an aspiring physicist. And I know if he applies the same dedication and persistence to physics, you're probably going to solve the mysteries of the universe.

So we look forward to your great career in the future. It is a tremendous achievement for you, your family. And this body welcomes you for making sure that New York City and New York State is among the national winners.

And I have to tell you, just to show you his perseverance, he won, in 2010, fourth; 2011, third; 2012, third. And this year he became the National Champion. That is perseverance.

Congratulations.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Arvind, we welcome you to the Senate. We congratulate you. We welcome and extend the courtesies of the house to your family.

It's great, in the waning days of session, to have the National Spelling Bee champion here. I think that can be motivational and inspirational. Right?

Thank you again for being here, and congratulations.

Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

Can we have the controversial reading of the supplemental calendar and go to Senator Ranzenhofer's bill, Calendar Number 1429, Senate Bill 2443.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1429, by Senator Ranzenhofer, Senate Print 2443, an act to amend the General Obligations Law.

SENATOR SQUADRON: Explanation.

ACTING PRESIDENT GRIFFO: An explanation has been requested of Senator Ranzenhofer by Senator Squadron.

SENATOR RANZENHOFER: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Excuse me, Senator Ranzenhofer.

I'm going to ask for some order in the house. I know we're trying to get some photos, but we also have members that will now be debating. So if we can just have some order in the house.

And, Senator Ranzenhofer, an explanation has been requested.

SENATOR RANZENHOFER: This would amend the current law that exists right now, doing away with the requirement that a person be given notice by certified mail of the extension of a contract only for life, safety or electronic alarm services where that person has already received notice of the renewal and paid the invoice that indicates that the payment would continue the contract for those particular services.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: Thank you. If the sponsor would yield.

ACTING PRESIDENT GRIFFO: Senator, do you yield?

SENATOR RANZENHOFER: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor does yield.

SENATOR SQUADRON: Just to make sure I fully understand this. Currently, if you are an elderly or vulnerable person and you have a life alert system and you sign up for a contract, what is the company required to do before you are on the hook to extend that contract?

SENATOR RANZENHOFER: Currently what you have to do -- and again, this just doesn't apply to elderly individuals or infirm individuals, this would apply to anybody that had an electronic system or life safety system which would protect your life or protect your property.

The law right now requires certified mail to be given 15 to 30 days in advance before you renew your contract. That's the current state of the law right now.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: Thank you. If the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Does the sponsor yield?

SENATOR RANZENHOFER: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: And under this bill, what would it take in order to put such a vulnerable person or elderly person who has a life alert system on the hook for an additional contract term of up to a year?

SENATOR RANZENHOFER: I didn't quite catch the comment. There's a little too much noise.

SENATOR SQUADRON: Through you, I'll repeat it, Mr. President.

Under this bill, if it were to become law, what would be required of a company to put an elderly or vulnerable person who had a life alert system on the hook for up to an additional year?

SENATOR RANZENHOFER: Someone who has decided that they feel it's important that they have life safety equipment or electronic equipment, under this bill they would still receive notice from the company that they can continue to receive the service which they elected to have in the first place and which is there to protect their life and their safety. If they want to continue with this equipment and this system, that they can pay that bill and that would continue that service that they had originally opted to purchase.

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR RANZENHOFER: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: Within the term of a contract, what is the obligation of an elderly or vulnerable person who has a life alert system to pay a bill that is sent in a timely fashion by the company?

SENATOR RANZENHOFER: I'm sorry, can you repeat that question again?

SENATOR SQUADRON: Through you, Mr. President. Within an existing contract, if an elderly or vulnerable person with a life alert system receives a bill in a timely fashion, what is their obligation in relation to that bill?

SENATOR RANZENHOFER: With any bill, whether it's for this service or any service, if the person was to receive a bill any time during the contract and they wanted to continue with the service, they would pay their bill.

So if they got a bill, they signed up for the service on January 1st -- and again, you could either have it paid through -- you know, a lot of people pay their bills electronically, a lot of people pay them by check through the mail or whatever means you want. But if they signed up for the service on January 1st and they signed up for monthly billing, when they got a billing for the month of February, they would then pay that bill if they wanted to continue with their service.

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR RANZENHOFER: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: Thank you, Mr. President.

I appreciate that answer and where you took it. So just to be very clear, if this bill were to become law and an elderly or vulnerable person who had a life alert system received a bill outside of their contract, what would be their obligation relative to that bill?

SENATOR RANZENHOFER: I can't imagine a situation where a person would receive a bill if they did not have a contract for the service.

SENATOR SQUADRON: If the sponsor would continue to yield.

SENATOR RANZENHOFER: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR SQUADRON: It's an interesting point the sponsor makes, that it would be strange to be sent a bill if you had a prior contract that had expired.

But in the sponsor's bill it says payment by the person receiving the service or invoice on a contract for electronic and life safety alarm services after expiration of the term of the contract shall be considered acknowledgment by the person receiving the service that the term of the contract has been extended or renewed. An invoice, another term for a bill.

So it seems that the sponsor has contemplated exactly such an instance in which someone, an elderly or vulnerable person in the example we're talking about, out of contract, would receive an invoice for a service that they're no longer under contract to pay.

SENATOR RANZENHOFER: You've got it actually backwards. That's not the way it would work.

This is actually a bill which actually protects elderly and vulnerable individuals because it gives them the option that if they want to continue with the service when they get this invoice for services that they've already purchased, if they want to continue with the services, they can pay their last bill and renew that contract.

What often happens right now is people that have this type of system, whether they're traveling, whether they don't get the certified letter, what happens is this service lapses and these people are no longer protected.

So what they're doing is this really protects the elderly, the infirm, because if for some reason they don't get the certified mail -- whether they are traveling, whether they are unable to get to the post office, which would require them to pick up the certified letter -- these people are now exposed.

And I don't think that they should be exposed. I think they should be able to be protected, and this bill does protect them.

SENATOR SQUADRON: If the sponsor will yield for a final question.

SENATOR RANZENHOFER: Absolutely.

ACTING PRESIDENT GRIFFO: The sponsor yields for a final question.

SENATOR SQUADRON: Under this bill, would there be any requirement that the invoice that would obligate the elderly or vulnerable person to an additional year of service be any different, would that invoice be required to be any different than the invoice that was sent during the period of the contract?

SENATOR RANZENHOFER: Yes, this invoice would be different than the other invoices. The earlier invoice would be an invoice which would have your monthly amount. This invoice would be much different because it would say on the invoice that if you want to renew -- it's very much like the invoice that they get right now, or the notice that they get right now.

The difference is right now they get it by certified mail, which sometimes results in lapse of service. So they would now get an invoice which would say the -- which would have the exact same contents to the invoices that they are receiving right now.

SENATOR SQUADRON: On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Squadron on the bill.

SENATOR SQUADRON: Unfortunately, I don't think the final answer is how these companies

would end up putting this bill into practice.

What the bill does require is notice that payment would extend the contract. But what we would see there is the same thing that we see in other instances where automatic extensions are allowed on contracts where every single month the notice is put on the invoice that payment could extend the contract. Which would, as I read it, comply with the requirements in the bill.

Which would mean that you're the sort of person who has a life alert system, you probably have it because you are either elderly or vulnerable or you have some other reason that you feel you might need some help in your home -- exactly the kind of population that we shouldn't put in the position of being forced to have obligations, up to a year-long obligations, or have to figure out in the fine print of a bill that they're actually not meeting the obligation they've already kept and have their credit rating and their to have a life alert system or fire safety system in the future called into question.

You know, this is -- the certified mail issue that the sponsor raises does seem to be an issue. This is an issue we've debated before. I know Senator Diaz and others would like us to debate this further.

But in the interests of time, I would simply say to replace a system that's not working with a system that ensures perpetual obligations for those folks who can least afford them is a bad bill for consumers and in this case a bad bill for the sorts of consumers who we should do our most work to protect -- elderly, vulnerable, others who depend on these sorts of systems.

So I urge my colleagues to vote no. Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Any other Senator wishing to be heard?
Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President.

This is a pro-consumer bill. This helps consumers. What you have right now is -- again, whether you're elderly or young, if you have decided that you want a certain service -- okay? This is not something that is forced upon you, this is something that's optional.

This is not like a utility bill where every single home or every single apartment has utilities. You have chosen, you have gone out and you have decided that you want to protect your family, you want to protect yourself. If you're on a life alert system and if you fall down, you want a company to be notified. You want your home protected; you have a burglary system. This is something that you have decided on your own that you feel is important to protect your safety and to protect your life.

What this bill does, it allows for a continuation of the service so that the service doesn't lapse for a service that you have chosen that you want to protect yourself.

What is happening right now is you are having lapses and you are leaving these people unprotected with a very antiquated system that does not work and does not protect, whether young or old, whoever they are, someone who has decided to purchase this system for the protection of their own home and their own person.

This is a very important bill. This would provide a continuation of that service for someone who chooses to continue that service.

For someone who determines that they no longer want to be protected or they don't want to have their property protected, they no longer want to have their life protected, they have the option to do that, to not continue with that service.

But this is pro-consumer, this is pro-homeowner, this is pro-young, this is pro-old. Whoever decides to have this service, this protects that individual from continuing the service that they have originally decided is important to them.

ACTING PRESIDENT GRIFFO: Senator Squadron, why do you rise?

SENATOR SQUADRON: If the sponsor would yield for a final, final question based on that.

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer, do you yield to a final, final question?

SENATOR RANZENHOFER: For another final, final question? Absolutely.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: This one is dedicated to Senator Diaz.

If the clear goal here is to simply ensure that the sort of folks who have these sorts of service, elderly and vulnerable folks, don't have a discontinuation in service, why would the bill obligate folks to a new contract simply by paying for up to a year, rather than just allow them to get continued service for any bill they pay?

SENATOR RANZENHOFER: Right now you have service contracts that go for a period of time. I don't know anybody that purchases a security system for one month. I mean, if that was the premise, then you would have a different type of contract. It would be like purchasing an automobile for one month.

That's not the way people purchase these type of services. People want to be protected. People want to have a system in their home that's going to protect their life and going to protect their property, not for a month. It would be silly and ridiculous, quite frankly, to purchase a burglar alarm system for one month. I can't imagine anybody purchasing that type of protection for one month. That's not the way that people operate. They don't purchase those systems for that length of time.

SENATOR SQUADRON: On the bill.

ACTING PRESIDENT GRIFFO: Senator Squadron on the bill.

SENATOR SQUADRON: Thank you.

We're not talking about a purchase, we're talking about a continuation of an existing service. And if the fear is that folks are going to lose the service, let them extend it for a period of one month at a time. If it's about tricking folks into obligations that they wouldn't otherwise make, then this bill is a perfect.

I still vote no, and I urge my colleagues to do the same. Thank you.

ACTING PRESIDENT GRIFFO: Is there any other Senator that wishes to be heard?

Seeing none, hearing none, debate is closed. The Secretary will ring the bell. Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Diaz to explain his vote.

SENATOR DIAZ: Thank you, Mr. President.

You look good there. Always I say that. Say hello to your father and your mother for me.

Mr. President, I just rise up to support this bill, to congratulate Senator Ranzenhofer for this magnificent piece of legislation.

At the same time I will take this opportunity to invite my colleagues for tonight's celebration of Bronx Night in the Egg. So I hope all of you and the staff members could join the Bronx Borough President, Ruben Diaz, Jr., and the Bronx elected officials here in Albany, celebrating Bronx Night after 5:30 p.m. in the Egg.

Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 1429, those recorded in the negative are Senators Avella, Bonacic, Breslin, Felder, Fuschillo, Gianaris, Hoylman, Krueger, Latimer, Martins, Parker, Perkins, Rivera, Serrano, Squadron, Stavisky and Tkaczyk.

Ayes, 45. Nays, 17.

ACTING PRESIDENT GRIFFO: The bill is passed.
Senator Libous, that completes the controversial reading.

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

ACTING PRESIDENT GRIFFO: There is no further business, Senator Libous.

SENATOR LIBOUS: Mr. President, there being no further business, I move that the Senate
-- I'm sorry, there is further business.
Would you recognize Senator Serrano, please.

ACTING PRESIDENT GRIFFO: Can I have some order in the chamber, please.
Senator Serrano.

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

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

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

ACTING PRESIDENT GRIFFO: There is no further business before the desk.

SENATOR LIBOUS: Mr. President, there being no further business, I move that the Senate
adjourn until Wednesday, June 19th, at 1:00 p.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Wednesday, June
19th, at 1:00 p.m.
Senate adjourned.
(Whereupon, at 3:22 p.m., the Senate adjourned.)



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