

TUESDAY, JUNE 18, 2013

10:25 A.M.

ACTING SPEAKER AUBRY: The House will come to order.

In the absence of clergy, let us pause for a moment of silence.

(Whereupon, a moment of silence was observed.)

Visitors are invited to join members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Monday, June 17th.

Mr. Morelle.

MR. MORELLE: Mr. Speaker, I move to dispense

with the further reading of the Journal of Monday, June 17th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker, thank you.

Good morning, colleagues. I would like to have everyone's attention so we can announce our busy schedule for the day. As members know, we have a long week ahead of us and I would ask for their continued cooperation, as we received yesterday, and I thank folks for that.

We have on our desks a main Calendar and a debate list. We will continue to consent the new bills on the main Calendar beginning on page 15, Rules Report No. 287. We will also take up bills on debate from the main Calendar and the debate list. We will be calling the Rules Committee today, which will produce an A-Calendar that we will also take up today.

In addition to the Rules Committee, we will be calling several other committee meetings off the floor. Members of the following committees should take note that we will be calling them at various times: Those include the Cities Committee, Committee on Codes, Corporations, Economic Development, Governmental Operations, Insurance, Labor, Local Governments, Real Property Taxation, Tourism and Ways and Means. Majority members should also note that there will be a need for a conference at

some point during our work today.

So, with that as a general outline, Mr. Speaker, I note that there may be some housekeeping and I'm not sure if we're prepared for introductions yet. I know there will be some at some point in the very near future.

ACTING SPEAKER AUBRY: Thank you, Mr. Morelle. No housekeeping and no introductions, Mr. Morelle, at this time.

MR. MORELLE: I would then like, Mr. Speaker, to call members of the Corporations Committee to the Speaker's Conference Room. The Chair, Mr. Brennan, will be making his way and we would ask members of the Corporations Committee to please make their way to the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Corporations to the Speaker's Conference Room.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker, if we can take up on page 3 of the main Calendar resolutions beginning with Assembly Resolution No. 641 by Mr. Brook-Krasny.

ACTING SPEAKER AUBRY: Privileged resolution by Mr. Brook-Krasny, the Clerk will read.

THE CLERK: Resolution No. 641.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 2013 as Russian Heritage Month in the State of New York.

WHEREAS, It is the sense of this legislative Body to memorialize Governor Andrew M. Cuomo to proclaim June 2013 as Russian Heritage Month in the State of New York; and

WHEREAS, In recognition of this auspicious event, the Russian American Foundation has been conducting the Annual Russian Heritage Festival since 2002; the Festival aims to encourage interest in and understanding of Russian Heritage among all communities in the United States as well as to promote reciprocal interest in American heritage among global communities of the former Soviet Union; and

WHEREAS, The Russian Heritage Festival, which runs from June 1 to 30, 2013, has become a unifying force of the whole Russian-speaking community, allowing its members from across the former Soviet Union to preserve their heritage, culture and language and express their cultural identity, as well as facilitating a cultural dialog between all generations of the Russian-speaking community and instilling pride in their heritage in young Russian-speaking Americans; and

WHEREAS, This year, the Russian Heritage Festival observes the 11th anniversary, proving its significance for the Russian-speaking community as well as for all communities of New York; and

WHEREAS, The 11th Anniversary Russian Heritage Festival will include numerous exhibitions, including Nahum Tschacbasov: A Retrospective, and The Nomad: Memory of the

Future, Dashi Namdakov; and

WHEREAS, The theatrical events will include a performance by the Russian Horn Orchestra, Names Children's Choir of Russia, and Ural Folk Dance Ensemble; and

WHEREAS, The great State of New York is made greater by the diverse heritage of its people; and

WHEREAS, The history and participation of people of Russian heritage in the American experience is not generally known; and

WHEREAS, Such Americans of Russian heritage as Union Army Brigadier General Ivan Turchaninov; inventors, Vladimir Zvorykin (of television) and Igor Sikorsky (of the helicopter and the multi-engine airplane); composers, Sergei Rachmaninoff and Igor Stravinsky; Hollywood legends, Yul Brynner, Kirk Douglas and Natalie Wood, and contemporary stars, Natalie Portman and Winona Ryder; dance legends, George Balanchine, Mikhail Baryshnikov and Alexandra Danilova; science fiction luminary, Isaac Asimov; Google co-founder, Sergey Brin; and political advisor, David Axelrod; famed songwriter, Irving Berlin, author of "God Bless America," and many others who have made important contributions to the development of our Nation; and

WHEREAS, Recognizing these outstanding individuals gives future generations the opportunity to see them as role models and take full pride in their ancestors' accomplishments; and

WHEREAS, Improved knowledge of the role Russian Americans have played in the history of the United States, and of relations between Russia and America, can lead to more productive opportunities for both, now as well as in the future; and

WHEREAS, Russian Americans have made an indelible impression upon every human endeavor in art, music, literature, science, film, dance, theater, sports, education, law, finance, and politics and shall continue to embellish New York's shining future, reflecting the noble past of this mighty race, with all the strength, resilience, humor and hospitality of the Russian character; it is most fitting to set aside this month to highlight and honor the history and heritage of the Russian Americans and to remember and pay tribute to the contributions they have made to our State and Nation; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to memorialize Governor Andrew M. Cuomo to proclaim June 2013 as Russian Heritage Month in the State of New York; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to The Honorable Andrew M. Cuomo, Governor of the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mrs. Markey, Ms. Titus, Ms.

Russell and Mrs. Mayer, the Clerk will read.

THE CLERK: Resolution No. 642.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim July 1, 2013, as the "Spirit of 1776" Wagon Day in the State of New York.

WHEREAS, New York State is the cradle for the women's rights movement in the United States and it is critically important to celebrate women's history as well as support programs that build economic development through cultural and heritage tourism, including the development of a New York State Women's Heritage Trail; and

WHEREAS, A Governor's Capitol women's exhibit in 2012 pointed out how New York's women led the way 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 on Long Island and New York City; and

WHEREAS, This "Spirit of 1776" suffrage campaign wagon is held in the collection of the New York State Museum, and it is a prime historical artifact symbolizing the significance of New York women's participation in the suffrage movement over a 72-year period starting in 1848 in Seneca Falls, New York, and ending with the ratification of the 19th Amendment to the United States Constitution in 1920; and

WHEREAS, Attendant to such interest in our history, and in fitting accord with its long-standing traditions, this legislative

Body is justly proud to memorialize the "Spirit of 1776" wagon as it celebrates the centennial of its first journey for freedom on July 1, 1913, when the wagon left the state headquarters of the New York State Woman Suffrage Association in Manhattan and headed to Long Island for a month of grassroots organizing for the vote, in addition to later appearances in New York City suffrage parades; and

WHEREAS, Celebration of this "Spirit of 1776" wagon Centennial is in alignment with the Legislative Women's Caucus of New York State's mission to educate citizens of New York State by celebrating our rich cultural heritage and advancing the centennial of New York State's women winning the vote in 1917, followed by the national suffrage centennial in 2020; and

WHEREAS, Celebration of the "Spirit of 1776" wagon celebration is in alignment with the State of New York's "Path Through History" program that includes women's rights as one of the 13 identified themes building on New York's already robust heritage tourism attractions; and

WHEREAS, The mission of Votes For Women 2020 is to celebrate, 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, including but not limited to the Susan B. Anthony House, Matilda Joslyn Gage Home, Harriet Tubman Home, and others; creating a New York State Women's Heritage Trail with the "Spirit of 1776" wagon inaugurating that trail; and hosting national celebrations of the

100th anniversary of the women's right to vote in 2020, beginning in 2017 with the Centennial of women gaining the right to vote in New York State; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to memorialize Governor Andrew M. Cuomo to proclaim July 1, 2013, as the "Spirit of 1776" Wagon Day in the State of New York; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to The Honorable Andrew M. Cuomo, Governor of the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mrs. Gunther, the Clerk will read.

THE CLERK: Resolution No. 643.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim September 15-21, 2013 as Farm and Safety Week in the State of New York.

WHEREAS, New York is one of the nation's leaders in production of cabbage, corn, grapes, milk and other dairy products, and ducks; and

WHEREAS, New York has over 615,000 milk cows, each producing 20,000 pounds of milk; in total, New York is the third largest producer of dairy products with goods equaling nearly 12.5

billion pounds; and

WHEREAS, New York's total cash receipts for farm commodities in 2009 totaled more than \$4.4 billion; and

WHEREAS, In the process of providing food, fiber, biofuels, and many other life necessities for millions across our Nation and beyond, farmers and their families face significant risks in the course of their everyday life and labor; and

WHEREAS, New York has over 36,000 individuals who work in farming or agriculture; farm work is often a family business and as we progress into the future, this trend continues; the average age of principal operators is increasing and, as of 2009, is 56 years; and

WHEREAS, Farm work often involves close contact with hazardous materials such as dangerous machinery, chemicals, and livestock; by working with these products and animals, the individual's health can be significantly impacted; and

WHEREAS, Some family members are at higher risk levels than others; youth may not have the maturity or experience to allow them to fully understand the risks or have the physical capability to perform tasks safely; older farmers may have reduced physical ability and be at greater risk than when they were younger; and

WHEREAS, Farm work can, and often does, involve the use of work and recreational vehicles that have taken the place of horses; ATVs are found on many of today's farms to access difficult areas and transport workers and farm items from one area to another;

while these vehicles help the farmer do his/her work, they can cause injuries and fatalities when used unsafely; and

WHEREAS, It is the intent of this legislative Body to join with the National Education Center for Agricultural Safety in encouraging people across the State of New York to recognize the hard work done by the individuals in the agricultural field; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to memorialize Governor Andrew M. Cuomo to proclaim September 15-21, 2013 as Farm and Safety Week in the State of New York; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to The Honorable Andrew M. Cuomo, Governor of the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mrs. Gunther, the Clerk will read.

THE CLERK: Resolution No. 644.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim Wednesday, September 25, 2013 Women's Health & Fitness Day in the State of New York.

WHEREAS, Wednesday, September 25, 2013 has been declared National Women's Health and Fitness Day; and

WHEREAS, National Women's Health and Fitness Day is a public/private good health partnership organized by the Health Information Resource Center, a national clearinghouse for consumer health information professionals; it is the nation's largest health promotion event for women in the United States; and

WHEREAS, National Women's Health and Fitness Day will focus attention on the importance of regular physical activity and health awareness for women and be an opportunity for hundreds of local organizations throughout New York to come together to host women's health and fitness events at hospitals, health clubs, park and recreation districts, local health organizations, schools, retirement communities, houses of worship, senior centers, and other community locations; and

WHEREAS, The United States Surgeon General has determined that regular physical activity results in significant health benefits and improved quality of life; and

WHEREAS, Thirty-seven percent of adults report they are not physically active; only three in 10 adults get the recommended amount of physical activity and only one in 10 women get the recommended amount of physical activity prescribed by the Surgeon General; and

WHEREAS, The three most reported barriers for women engaging in physical activity are: Lack of time, access to convenient facilities and safe environments in which to be active; and

WHEREAS, Moderate daily physical activity can

substantially reduce the risk of developing or dying from cardiovascular disease, type 2 diabetes, and certain cancers, such as colon cancer; daily physical activity helps to lower blood pressure and cholesterol, helps prevent or retard osteoporosis, and helps reduce obesity, symptoms of anxiety and depression, and symptoms of arthritis; and

WHEREAS, The New York State Legislature affirms its commitment to take a leadership role in urging all its citizens to support the efforts of local organizations that encourage women to enhance their lives through physical activity; and

WHEREAS, It is most appropriate that this great Empire State recognize Women's Health & Fitness Day in the State of New York; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to memorialize Governor Andrew M. Cuomo to proclaim Wednesday, September 25, 2013 Women's Health & Fitness Day in the State of New York; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to The Honorable Andrew M. Cuomo, Governor of the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker. I understand

there are a number of introductions. If we could take those up at this time.

ACTING SPEAKER AUBRY: Thank you, Mr. Morelle.

Mr. Ramos.

MR. RAMOS: Mr. Speaker, today I have the honor of rising for an introduction of somebody who I'm extremely proud of. He is a student at the Bay Shore High School. Could you please rise? A student at the Bay Shore High School. This year he made the honor roll. He's one of the key players in the traveling baseball team. He plays basketball and he's really a shining star and somebody who really gives us hope for the future in that our future is in good hands when we see shining stars like this young man. I am so proud of him, Mr. Speaker. I ask that you give him a warm welcome, you extend him all the privileges of the House and I ask you, Mr. Speaker and my colleagues, to excuse and please pardon my indulgence, but this young man is Alex De La Rosa, my son.

(Applause)

ACTING SPEAKER AUBRY: Certainly. On behalf of your father, Assemblyman Ramos, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We commend you on your achievements in high school. We hope that they will continue on into college, which I'm sure your father's guaranteeing you'll go, and we hope that you will come back and visit us many times in the future.

Thank you so much.

(Applause)

Mr. Stevenson for an introduction.

MR. STEVENSON: Thank you, Mr. Speaker. I rise today because I wanted to recognize some individuals who helped out in my district at the time of Hurricane Sandy. At the time of Hurricane Sandy there was a group of individuals who reached out to me who offered to help any way they could, such as feeding, clothing or sheltering anybody who was actually misplaced out of their homes in Hurricane Sandy. As you know, at the time Mayor Bloomberg had relocated about 300 individuals from Assemblyman Goldfeder's district to my district, in a woman's shelter in my district, and the Bronx Pakistani-American community and ICNA Relief came to our rescue and asked to help and they brought hot meals to feed 500 people. They brought clothing, toiletry items, everything you could name, covers, to do something that we could not get done quick enough. So, today they're here in the Chamber with us and I would like to just introduce Mr. Mirza K. Baig, Choudry Afzal Gubahar, Mureed Bhatti, Hassan Masood, Shabir Gul, Mouiz Siddi Qie and Mohsin Zaheer.

I want to thank them for their hard work and contributions to my district, to the State, to Assemblyman Goldfeder's district and others. They joined in with Congressman Serrano and Borough President Scott Stringer in helping us feed these people, so I want to thank them and also wish you a great Ramadan, holy month of

fasting that's about to come up, and to enjoy your celebration to bless and ask you to enjoy the Ramadan and to all the Muslims in the State of New York. Thank you, once again, and extend the cordialities of the House to them, please.

ACTING SPEAKER AUBRY: Mr. Sepulveda on the same subject.

MR. SEPULVEDA: Thank you, Mr. Speaker. I also rise to thank the members of ICNA for the wonderful work they did during the hurricane, the wonderful work they did for the people who live in the Bronx and people who were displaced from Assemblyman Goldfeder's district and the wonderful work they do every day on behalf of the residents of Bronx County. I want to thank you, and I also want to congratulate you on your celebration of Ramadan and I wish you all the best and I also ask you to extend the cordialities of the Chamber.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Stevenson, Mr. Sepulveda, the Speaker and all the members, we welcome you here to the New York State Assembly. We commend you on your humanitarian efforts. We extend to you the privileges of the floor and we wish you a great Ramadan. We are so pleased that you have come to join us and that you continue to make the people of the State of New York confident in the fact that we will take care of each other. Thank you so very much.

(Applause)

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker, I would like to remind members of the Corporations Committee that you have called the Committee in the Speaker's Conference Room. I know the Chairman of the Committee is waiting for enough members to conduct business of the Corporations Committee.

ACTING SPEAKER AUBRY: Corporations in the Speaker's Conference Room. Please proceed there quickly. Thank you, members.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker. I would now like to take up on page 22 of the main Calendar, Rules Report No. 325 by Ms. Schimel.

ACTING SPEAKER AUBRY: Page 22, Rules Report No. 325, the Clerk will read.

THE CLERK: Bill No. 6221-C, Rules Report No. 325, Schimel, Jaffee, Robinson, Colton, Montesano. An act to amend the Executive Law, in relation to requiring directors of county veterans service agencies to be accredited by the United States Department of Veterans Affairs.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Schimel.

MS. SCHIMEL: Okay. Yes, Mr. Speaker. This bill is an act to amend the Executive Law --

ACTING SPEAKER AUBRY: One minute, Ms. Schimel. Hold on.

MS. SCHIMEL: Sure.

ACTING SPEAKER AUBRY: Ms. Schimel should not have to raise her voice to be heard.

MS. SCHIMEL: That's for sure.

ACTING SPEAKER AUBRY: Even though she possesses the capacity to do that. Thank you, members. Try and hold the conversations down, please. We are on debate.

Ms. Schimel.

MS. SCHIMEL: Yes, thank you, Mr. Speaker. This bill is an act to amend the Executive Law in relation to requiring directors of county veterans service agencies to be accredited by the United States Department of Veterans Affairs. Essentially, what this does is county executives and mayors have the right to appoint their directors to the municipality veterans service agencies. What this does is ensures that they are accredited because the only way you can get the data from Veterans Affairs is to be accredited, and this would enable them to -- there has been a lag for the last few years in terms of studies that veterans are not getting their State and Federal benefits in a manner that's expeditious, and this will definitely improve that status. So, I've had a number of -- Vietnam Vets of America, American Legion has come -- have come to me with this legislation and I think it's an important bill that I urge my colleagues to vote in the affirmative for.

ACTING SPEAKER AUBRY: Mr. McKevitt.

MR. MCKEVITT: Will the sponsor yield for a few

questions, please?

ACTING SPEAKER AUBRY: Will you yield, Ms. Schimel?

MS. SCHIMEL: Certainly.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. MCKEVITT: I think you make the point that many times with our veterans, there are especially a lot of Federal benefits that they are necessary to go and obtain that they're really entitled to, and I think you've correctly stated that the United States Department of Veterans Affairs requires only people with certain accreditations to handle that information; is that correct?

MS. SCHIMEL: That is correct.

MR. MCKEVITT: Okay. Because I guess a lot of times there's maybe a lot of confidential information, there are a lot of health issues, maybe some mental health issues which may be related to that care. So, again, from the Federal government's perspective, only a limited amount of people are able to go and make that application, correct?

MS. SCHIMEL: That is correct. And they want you to go to specific training as well, so -- and it's not a very difficult training. There are courses that are available all over the State and, generally, the course ranges in a number of hours a day to a week. So, it's not a very onerous responsibility if you are, in fact, going to be named to be a head of a service agency, a veterans service agency.

MR. MCKEVITT: Right. So, if you were the head

today of a county's veterans service organization and you're not currently accredited, then you cannot currently make that application to the United States Department of Veterans Affairs today?

MS. SCHIMEL: That is correct. You would have to rely on subordinate staff to do the work for you.

MR. MCKEVITT: All right. So then you have to go and hire additional staff people in order to do this?

MS. SCHIMEL: That is correct.

MR. MCKEVITT: So, this should actually be a cost savings in the sense that now the director required to have the training would have to be able to make that application themselves, rather than maybe hiring an outside person or maybe a third-party contractor in order to go and make that application?

MS. SCHIMEL: That is correct.

MR. MCKEVITT: Now, certainly, from the county that you and I are from we certainly have a huge amount of veterans agencies, a lot of veterans organizations. Frankly, half our county was probably founded by veterans returning from World War II who built many of our communities. So, certainly, in a very large county, I would not think this would be a problem. But, maybe in some Upstate counties which are much smaller, could there be an issue about being able to find the appropriate person able to make these applications?

MS. SCHIMEL: That is a good question. We have allowed for that. This bill was crafted with veterans specifically doing the research on this. One of the things that is allowed is if you are

currently a service officer, that you're a director, if you will, of a veterans service agency, you have a three-year -- from the date of enactment, three years to become accredited. So, that certainly gives a person enough time -- three years, I dare say -- to become accredited. And going forward, you know, hopefully county executives and mayors will keep that in mind that if you want to be a director, which is a very important position, as you know, Mr. McKevitt, that you will find someone who is accredited.

MR. MCKEVITT: Right. As you stated, you know, these are courses which can be done very easily to be able to obtain, so it's not like they have to travel to Washington, D.C. or anything to obtain these courses. In their home communities, these current directors of these county organizations can receive the training and, therefore, again, help their agency by being able to make the application themselves?

MS. SCHIMEL: Yes. It is believed that this bill will enable veterans to even hasten the applications because, as we all know, we have staff, but I know I can speak from personal experience, you have staff that does the work, but there's nothing like a director calling up that agency to get -- to expedite it. So, I think that's another bonus, that you have the head of the agency making the call which previously, if this bill is not enacted, they don't have that authority to do.

MR. MCKEVITT: Okay. Thank you very much.

MS. SCHIMEL: Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker, thank you. I would like to remind colleagues that this is our first vote of the day, and those in the Chamber should cast their votes and those making their way should do so as quickly as possible, sir.

ACTING SPEAKER AUBRY: Thank you, Mr. Morelle. First vote of the day, members. First vote of the day.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker. I would like to interrupt the proceedings briefly for an introduction. We have a former colleague on the floor, a good friend of ours and leader in this House for a number of years. Tim Gordon has joined us. If we could please extend the cordialities to our former colleague and great friend, Tim Gordon.

ACTING SPEAKER AUBRY: Certainly. On behalf of the Speaker and all the members, welcome back. You are always a

member, so we don't need to extend to you the privileges of the floor. We just hope that you're having a great, successful time after the Assembly. We hear that that happens sometimes. But, please always come back and visit us. Great to see you again. Take care.

(Applause)

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. If we could now go to page 35 of the main Calendar and take up Rules Report No. 394 by Mrs. Gunther.

ACTING SPEAKER AUBRY: Page 35, Rules Report No. 394, the Clerk will read.

THE CLERK: Bill No. 7904, Rules Report No. 394, Gunther, Barrett. An act to amend the Mental Hygiene Law and the Social Services Law, in relation to making technical changes to the Protection of People with Special Needs Act.

ACTING SPEAKER AUBRY: An explanation is requested, Mrs. Gunther.

MRS. GUNTHER: This bill would amend the Mental Hygiene Law and the Social Services Law to make technical corrections to the Protection of People with Special Needs Act.

ACTING SPEAKER AUBRY: Mr. McKevitt.

MR. MCKEVITT: Sir, will the sponsor yield for a few questions, please?

ACTING SPEAKER AUBRY: Will you yield?

MRS. GUNTHER: Sure.

ACTING SPEAKER AUBRY: Mrs. Gunther yields.

MRS. GUNTHER: Sure.

MR. MCKEVITT: Now, I think the reason why these amendments are necessary is that, actually, we're doing a very significant change on how we deal with monitoring to make sure that people who are in special needs are being taken care of and that deals with the Justice Center, which is being implemented very soon, correct?

MRS. GUNTHER: That's correct.

MR. MCKEVITT: Okay. And what I think is happening is for many years we had a Commission on the Quality of Care for these individuals and we're now transferring it to a Justice Center, is that correct?

MRS. GUNTHER: That is correct.

MR. MCKEVITT: Could you just explain really what the whole purpose of having the Justice Center is, instead of the old commission that we had for many decades?

MRS. GUNTHER: It's done for consolidation and, basically, what will happen is that criminal history was often done by OMH, OPWDD and the Office of Children and Family Services, and this will now be performed by the Justice Center. So, it gives you continuity and allows them to do background checks in a very consolidated way.

MR. MCKEVITT: All right. Because the purpose of the Justice Center is it not only gets to oversee some private agencies

to make sure those people who are in State facilities are being truly cared for in the right way, and instead of having people within these departments, you really want more of an outside-type monitor to be able to make these evaluations and judgments, correct?

MRS. GUNTHER: That's exactly right.

MR. MCKEVITT: Okay. And by doing this, instead of going through OMH in order to do these background checks, we can now go through the Justice Center, which is what they were, indeed, set up to do in the first place, right?

MRS. GUNTHER: That's exactly right.

MR. MCKEVITT: Okay. Thank you very much.

MRS. GUNTHER: Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Weisenberg to explain his vote.

MR. WEISENBERG: Mr. Speaker, my colleagues, the Justice Center. We have an agency that has been in charge to do everything that is being taken care of in the Justice Center. It originally exists. It's controlled, basically, by administration, but I really want to bring to view that we have some serious issues with what is taking place in our society. After having hearings and being involved, we had 13,000 cases of incidents of abuse and neglect in the

State of New York. Less than 5 percent were investigated and none were reported to law enforcement. The Justice Center, a consolidation -- and I voted for the bill because it was a concept that I'm embracing, but I'm gravely concerned and I'm really making everybody aware that what we have to do now is to make sure that the things that we have passed legislatively -- and I can give you an example. I had a bill signed by the Governor that passed, a registration that if you abuse or neglect a person, they would no longer be capable of working in that capacity. What is happening with agencies, they just shift somebody who abused somebody to another department, another house. The answer really was -- it was signed into law, and then they said they needed six more months and they signed a bill again for an extension. I did a chapter amendment. Six months more. And then it was, again, signed into law. Then the Justice Center passed it, but was not signed in June. It was signed in December. And the bill that we passed for a registry was there, signed into law from August to December and nothing was done. Now they say the Justice Center is going to do it.

Well, if we had an existing law, I would like to have thought that they were going to follow through and not do away with bills that we passed and were signed and put them in the Justice Center. Things like that frighten me because as a parent, and knowing of the thousands of incidents that have been reported, over 80,000 in five years, I think we've really got to keep our eye on and make sure that our people and our families are going to have the justice they

need and we're going to have the support of government in protecting our most vulnerable population.

I vote yes in regard to this.

ACTING SPEAKER AUBRY: Mr. Weisenberg in the affirmative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Now if we could go to page 12 on the main Calendar and take up Rules Report No. 203 by Mr. Dinowitz.

ACTING SPEAKER AUBRY: Page 12, Rules Report No. 203, the Clerk will read.

THE CLERK: Senate Bill No. 933-A, Rules Report No. 203, Martins -- (Dinowitz, Gabryszak, Hooper, Galef, Cook, Maisel, Lifton, Jaffee, Markey, Kellner, Miller, Paulin, Lavine, Ortiz, Weprin, Gunther, Barclay, Brindisi, Buchwald, Rosenthal/A.1011-A). An act to amend the General Business Law, in relation to prohibiting the retail sale and distribution of novelty lighters.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker.

Thank you for allowing me an interruption for the purposes of a very special introduction. On behalf of members Mr. Cymbrowitz, Mr. Brook-Krasny, Mr. Cahill and Mr. Schimminger and the Friends of Turkish People Legislators Association, we have a distinguished group of individuals here today celebrating Turkish-American Day in Albany. We have a large group. This is part of the Council of Turkic American Associations, an umbrella group which consists of 45 member organizations and associations including the Turkish Cultural Center of New York, which is dedicated to promoting peace and tolerance through a mutual understanding and with the respect and support of world leaders consisting of ambassadors, renowned business leaders, journalists, artists, scholars and religious leaders. The goal is to improve awareness and appreciation of Turkic cultures within the State Legislature. There are 11 organizations that are Cultural Centers -- Albany and Binghamton, Brooklyn, Buffalo, Long Island, Manhattan, and I'm pleased to say in Rochester, Queens, Staten Island, Syracuse and Westchester. The Center was created by Fethullah Gulen, who has devoted his life to an altruistic service of

encouraging open dialogue and peace among nations. It would give me great pleasure to introduce the individuals who have joined us here this morning in the Chamber, starting with Saim Cagri, the Assistant to the President of the Council of Turkic American Associations; Furkan Kosar, President of the Council of Turkic American Associations; Veysel Ucan, Director of Turkish Cultural Center in Albany; Suleyman Aydogan, Director of Turkish Cultural Center in Brooklyn; Oguz Turan, Director of Turkish Cultural Center in Queens; and Nebi Demirsoy, Board Member of the Turkish Cultural Center in Manhattan.

So, if you, on behalf of, as I said, Messrs. Cahill, Schimminger, Brook-Krasny and Cymbrowitz, if you would please extend a very, very cordial greeting and extend the courtesies of the House to our very, very good friends from this distinguished association, sir.

ACTING SPEAKER AUBRY: Thank you so much, Mr. Morelle. So, on behalf of Mr. Brook-Krasny, Mr. Cymbrowitz, Mr. Cahill -- I see we have some other members -- is that Mr. Schimminger and Mr. Colton? Okay. Help me. My eyes are not what they used to be. Thank you so much for joining us today. We extend to you the privileges of the floor. We commend you on the work that your association is doing. We hope that you will have a great day here celebrating the Turkish culture, and we hope that you will come back and see us again very soon. Thank you so very much.

(Applause)

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. If we could now take up on page 6 of the main Calendar Rules Report No. 94 by Ms. Simotas.

ACTING SPEAKER AUBRY: Page 6, Rules Report No. 94, the Clerk will read.

THE CLERK: Bill No. 2653, Rules Report No. 94, Simotas, Hevesi, Benedetto, Colton, Montesano, Gunther, Galef, Stevenson, Gibson, Schimel, Raia, Weprin, Titus, Lavine, Perry, Zebrowski, Hooper, Rosenthal, Titone. An act to amend the Workers' Compensation Law, in relation to prescription prices and pharmacies for injured employees.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Simotas.

MS. SIMOTAS: This legislation amends the Workers' Compensation Law to restore the ability of a claimant in a Workers' Compensation case to choose a pharmacy to provide medications for his or her injuries if such pharmacy adheres to the published prices for medications.

ACTING SPEAKER AUBRY: Ms. Corwin.

MS. CORWIN: Thank you, Mr. Speaker. Would the sponsor yield?

MS. SIMOTAS: Yes.

ACTING SPEAKER AUBRY: Ms. Simotas yields, Ms. Corwin.

MS. CORWIN: Okay.

ACTING SPEAKER AUBRY: Members, we are on debate. We would appreciate your cooperation and your silence.

MS. CORWIN: Thank you, Mr. Speaker; thank you, Ms. Simotas. Going back to the Workers' Compensation Reform Act of 2007, I believe there were two reforms that were implemented; one was to create a prescription drug fee schedule and also to allow for health plans to contract with a pharmacy and have their members get their prescription drugs just from that pharmacy; is that true?

MS. SIMOTAS: Those were two of several of the reforms that were implemented.

MS. CORWIN: I'm sorry, I didn't hear that.

MS. SIMOTAS: Those were two of several of the reforms that were implemented in 2007.

MS. CORWIN: I'm sorry. I still didn't hear that. Can you speak a little closer to the mic?

ACTING SPEAKER AUBRY: So, we need to have a little more silence. Members in the back -- members, would you please? We would like to hear the debaters.

MS. SIMOTAS: Those were two of several of the reforms that were implemented at that time, yes.

MS. CORWIN: Okay, thank you. Yes, of course. And what this bill would do is essentially change or eliminate one of those two. So, you would have to abide by the fee schedule still; however, you wouldn't be allowed to contract -- or it wouldn't make

sense to contract with a pharmacy if you can't keep your members going to only that pharmacy?

MS. SIMOTAS: This bill would ensure that Workers' Comp -- people who are injured workers can go to the pharmacy of their choice and choose where they want to fill their prescriptions. It's important because many, many individuals, myself included, but particularly people who are injured on the job, have relationships with their pharmacies and they want to be able to choose which pharmacy to go to to fill their prescriptions.

MS. CORWIN: I see. All right. Thank you, Ms. Simotas.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Ms. Corwin.

MS. CORWIN: Part of the Workers' Compensation Reform Act of 2007 included these two provisions. One created this fee schedule and another piece is to allow these health plans to contract with a pharmacy with the idea that being able to contract with a specific pharmacy and have their members go to that pharmacy, they would be able to reduce the costs even further than the fee schedule. My understanding of this bill is that it would allow anyone to go to any pharmacy they choose, as long as the drug is at or below the cost that's prescribed by that fee schedule. However, I think there is a potential here that we wouldn't experience all the cost savings because, presumably, there would be additional cost savings from

going or contracting with just one pharmacy. So, certainly, I can see where the -- it would be important to be able to go to the pharmacy of your choice. Certainly, as the sponsor had said, most people develop relationships with their pharmacists and there's a certain level of security when you're dealing with the same pharmacist that you've dealt with for years; however, I think it is important to be mindful that there could be a reduction in cost savings when it comes to prescription drugs by implementing this bill.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Corwin.

Ms. Simotas.

MS. SIMOTAS: Thank you, Mr. Speaker. On the bill.

ACTING SPEAKER AUBRY: On the bill, Ms. Simotas.

MS. SIMOTAS: It's interesting that I've heard this argument for the past three years. Unfortunately, I haven't seen any data about how much this would affect pharmaceutical prices or the cost of filling prescriptions for Workers' Comp for people who are injured on the job. You know, it's an argument that has been made, but you can't use the argument as a shield and a sword. You can't say that we're saving all this money but then not release the data that would establish that you're saving all this money because people are using PBMs as opposed to using independent pharmacies. The reason

why they don't -- PBMs don't release this data is because it's supposedly proprietary. It's my belief that there isn't really much of a cost savings of forcing somebody to use a designated pharmacy. The cost savings comes with the published pharmaceutical fee schedule which, actually, these independent pharmacies would now be mandated to price below that fee schedule. So, the savings will be there. Again, I've heard a lot of these arguments before, but no one has come to me with hard data establishing that the whole system would unravel.

So, I hope that my colleagues would consider voting for this. You know, price parity was something that was very important that we did in 2007. Now another part of that is choice. For some reason, Workers' Comp cases, Workers' Comp claims were written out of the ability to choose a pharmacy and we're righting that wrong that has -- a wrong that has been on the books since 2007. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Simotas.

Read the last section.

THE CLERK: This act shall take effect on the 180th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. McDonald to explain his vote.

MR. MCDONALD: Thank you, Mr. Speaker. I would like to commend the sponsor of this legislation. This bill actually does parallel a little bit our discussion last week about the lack of transparency of the PBMs. The reality is that if these PBMs offer the contracts to all pharmacies, the pricing is going to be similar. So, the concern about costs should not be a major issue. What should be a concern to all of us, and I speak from experience in this nature, is that many patients who are injured usually require medications that are either a controlled substance, that are habit-forming, that can cause drowsiness and fatigue and also have many interactions with their regular medications. The sponsor is right in that if the independent pharmacy or the chain pharmacy is willing to accept the reimbursement from the Workers' Comp carrier, it makes perfect sense for the patient to continue to get their medications in one pharmacy, where their pharmacist can pay close attention to all medications and avoid unnecessary hospitalizations and unnecessary costs.

So, I am in favor of this legislation. Thank you.

ACTING SPEAKER AUBRY: Mr. McDonald in the affirmative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker. I would like to ask members of the Real Property Taxation Committee to meet in the Speaker's Conference Room. Our Chair, Mrs. Galef, is making her way, so I would like you to announce that, if you would, at this time, sir.

ACTING SPEAKER AUBRY: Real Property Taxation Committee, Speaker's Conference Room. Mrs. Galef is on her way.

Mr. Morelle.

MR. MORELLE: Yes, sir. I have a special introduction this morning, if I may interrupt the proceedings. On behalf of Ms. Glick and Mr. Braunstein, we have a group of young people, the top three students of the fourth grade class at the Academy of St. Joseph in Greenwich Village. That's in Ms. Glick's district. They are joined by their teacher, Mary Braunstein, who happens to be the sister of our colleague and friend, Ed Braunstein. So, I would like to introduce the students, if I may, Mr. Speaker. Amelia Magel, Chloe Franzone, Julia Hoffman-Douglas. These three young ladies have joined us and, as I said, are the top three students of the fourth grade class. Ms. Braunstein must be doing a very good job with these students. We're delighted to have them in the Chamber, as well as their teacher, and if you would please extend the cordialities of the House to them, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Glick, Mr. Braunstein, the Speaker and all the members, we

welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We're very, very proud of you. We hope that you will always come back and visit us. And to Ed Braunstein's sister, family is always welcome here. Thank you so very much and come back soon.

(Applause)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. If we could now begin to consent on page 15 of the main Calendar, beginning with Rules Report No. 287 by Mr. Magee.

ACTING SPEAKER AUBRY: Rules Report No. 287, the Clerk will read.

THE CLERK: Bill No. 165, Rules Report No. 287, Magee, Russell, Ceretto, Blankenbush, Hawley, Gunther, Lupardo, Barrett, Crouch, Brindisi, Johns, Tenney, Mosley, Thiele, Goodell, Santabarbara, Otis, Skartados, Roberts, Jaffee, Stirpe. An act to amend the Agriculture and Markets Law, in relation to agricultural assessment values.

ACTING SPEAKER AUBRY: On a motion by Mr. Magee, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 460-A, Rules Report No. 289, Dinowitz. An act to amend the General Business Law, in relation to prohibiting the sale of unsafe cribs and restricting the use of such cribs in certain settings.

ACTING SPEAKER AUBRY: On a motion by Mr. Dinowitz, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect on the 30th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 490-A, Rules Report No. 290, Paulin, Gunther, Maisel, Zebrowski, Katz, Rosenthal, Hooper. An act to amend the Insurance Law, in relation to requiring certain health insurance policies to include coverage for the cost of enteral formulas whether administered orally or via tube feeding.

ACTING SPEAKER AUBRY: On a motion by Ms. Paulin, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 526-B, Rules Report No. 291, Magnarelli, Cymbrowitz, Hooper, Markey, Perry, Zebrowski, Jaffee. An act to amend the Education Law, in relation to licensure of perfusionists; and to amend Chapter 479 of the Laws of 2012 amending the Education Law relating to licensure of perfusionists, in relation to extending the provisions of such chapter.

ACTING SPEAKER AUBRY: On a motion by Mr. Magnarelli, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 826, Rules Report No. 294, Lifton, Jaffee. An act to amend the Education Law, in relation to certification as a clinical nurse specialist (CNS).

ACTING SPEAKER AUBRY: On a motion by Ms. Lifton, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect on the 365th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 1115-A, Rules Report No. 295, Jaffee, Ortiz, Stevenson, Dinowitz, Roberts, Galef, Robinson, Crespo, Cahill, Sepulveda. An act to amend the Public Health Law, in relation to prohibiting smoking on hospital grounds and residential healthcare facilities.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 90th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 1347, Rules Report No. 296, Cymbrowitz, Crespo, DenDekker, Peoples-Stokes, Tenney, Cusick. An act to amend the Mental Hygiene Law, in relation to defining the scope of responsibilities of the Office of Alcoholism and Substance Abuse Services regarding recovery services for veterans.

ACTING SPEAKER AUBRY: On a motion by Mr. Cymbrowitz, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect on the 180th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 1512, Rules Report No. 297, Magee, Montesano, Brindisi, Barrett, Lupardo, Steck, Morelle. An act to amend the Alcoholic Beverage Control Law, in relation to authorizing the sale of wine produced by farm or special wineries or micro-wineries at licensed roadside farm markets.

ACTING SPEAKER AUBRY: On a motion by Mr. Magee, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect on the 180th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 1610, Rules Report No. 298, Cymbrowitz, Crespo. An act to amend the Mental Hygiene Law, in relation to requiring the Office of Alcoholism and Substance Abuse Services to develop training materials for healthcare providers and qualified health professionals to encourage implementation of the Screening, Brief Intervention and Referral to Treatment program.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 1663-A, Rules Report No. 299, Abinanti, Ortiz, Curran, Stirpe, Weisenberg, Colton, Millman, Gunther, Abbate, Titus, Pretlow, Moya, Crespo, Maisel, Zebrowski, Titone, Jaffee, Cahill, Weprin, Englebright, Lavine, Cusick, Stevenson, Markey, Roberts, Kearns, Simanowitz, Barrett, Gabryszak, Quart, Rodriguez, Schimel, Santabarbara, Camara, Benedetto, Brindisi, Skoufis, Miller, Cook, Barron, Corwin, Rosenthal, Otis. An act to amend the Mental Hygiene Law and the Insurance Law, in relation to the definition of autism and autism spectrum disorder.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 1713, Rules Report No. 300, Gunther, Jaffee, Duprey, Cook, Abinanti, Katz, Barrett. An act to amend the Mental Hygiene Law, in relation to establishing the Task Force on Adults with Autism; and to providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mrs. Gunther, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker. First, I would like to ask you to call the Committee on Tourism in the Speaker's Conference Room. The Chair of the Committee looks very excited to have called her committee, Mrs. Markey. She's about to make her way. If you could call the Tourism Committee in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Mrs. Markey and the Committee on Tourism will meet in the Speaker's Conference Room immediately. Thank you.

Mr. Morelle.

MR. MORELLE: Yes, I would also like to interrupt the proceedings for the purposes of an introduction. On behalf of Ms. Simotas, we are joined in the Chamber this morning by three individuals who have graduated from the New York University School of Law and yesterday were admitted to the New York State Bar Association. We are particularly delighted to have these three individuals. Let me introduce, if I might, originally from Greece, Eva Litina and Constantine Mexias; and from the Nation of Singapore, Lin Hoe. They are all graduates, admitted to the New York Bar, practicing in our State. We are delighted to have them here in Albany. If you would please extend the greetings and cordialities and privileges of the House, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Simotas, the Speaker and all the members, we welcome you here to the New York State Assembly. We congratulate you on your academic achievements, on your graduation and we look forward to you providing some specific benefit here to the State of New York in the way of government. Thank you so very much and please come back and visit us real soon. Thank you so much.

(Applause)

Mr. Morelle.

MR. MORELLE: Yes, sir. If we could now return to page 18 of the main Calendar and continue on consent, starting with Rules Report No. 301 by Ms. Millman.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Bill No. 1910-A, Rules Report No. 301, Millman, Boyland, Jacobs, Clark. An act to amend the Elder Law, in relation to allowing the Director of the Office for the Aging to authorize enriched services or operational services to eligible entities without a grant.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 90th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 1960, Rules Report No. 302, Millman, Graf, Barrett, Robinson, Clark, Barron, Boyland, Gunther, Jaffee, Lavine, Lifton, Titus, Cook, Galef, Lentol, Schimminger, Cymbrowitz, Colton, Scarborough, Titone, Crespo, Weprin, Dinowitz, Rosenthal, Miller, Maisel, Braunstein, Otis. An act to amend the Elder Law, in relation to requiring the Director of the Office of the

Aging to develop materials relating to elder abuse awareness in social adult day services programs.

ACTING SPEAKER AUBRY: On a motion by Ms. Millman, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 1968-A, Rules Report No. 303, Oaks. An act in relation to authorizing the Village of Lyons, County of Wayne, to hire Brian M. Ritchie to fill a full-time competitive position with the Village of Lyons Police Department.

ACTING SPEAKER AUBRY: On a motion by Mr. Oaks, the Senate bill is before the House. The Senate bill is advanced. Home rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce

the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 2177-A, Rules Report No. 304, Espinal, Roberts. An act to amend the Vehicle and Traffic Law, in relation to roadway lane markings.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Espinal to explain his vote.

MR. ESPINAL: Thank you, Mr. Speaker. I just want to ask my colleagues to please vote yes on this bill. This limits the amount of tickets the police give out on the highways. It makes the law clearer for them, so please vote yes. Thank you.

ACTING SPEAKER AUBRY: Mr. Espinal in the affirmative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

It's his last bill. Well, that doesn't say much for the bill that's coming up.

THE CLERK: I guess I don't have to call it.

Bill No. 2178-A, Rules Report No. 305, Espinal, Lavine, Borelli, Rosa, Roberts. An act to amend the Social Services Law, in relation to foster home decertification, application for recertification, authorize agency for non-renewal, notice of removal of a child, and other required notices.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 180th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 2297, Rules Report No. 306, Malliotakis, Borelli. An act to amend Chapter 759 of the Laws of 1973, relating to the transfer of lands to the United States for the establishment of the Gateway National Recreation Area in relation to the time period in which lands may be conveyed.

ACTING SPEAKER AUBRY: On a motion by Ms. Malliotakis, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. DenDekker to explain his vote.

MR. DENDEKKER: I think this is a very good bill. I commend the sponsor and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. DenDekker in the affirmative.

Mr. Titone to explain his vote.

MR. TITONE: Like my colleague from Queens, I, too, want to commend the Senate sponsor of this bill. Actually, it is a great bill. It's been around for quite some time and it really is a beautiful park and we thank you for your yes vote on this.

ACTING SPEAKER AUBRY: Mr. Titone in the affirmative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Your first bill, Ms. Malliotakis. Congratulations.

(Applause)

THE CLERK: Bill No. 2581, Rules Report No. 307, Scarborough, Wright, Cook, Rivera, Titus, Arroyo, Robinson, Perry, Millman, Zebrowski, Jaffee. An act to amend the Social Services Law, in relation to requiring social services districts to maintain a

waiting list of certain families applying for child care assistance.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the first day of October, 2014.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker, for allowing me a brief interruption for the purposes of an introduction. On behalf of Mr. Santabarbara, we are joined in the Chamber this afternoon by Tim Cronin, who is the General Manager of BelGioioso Cheese, Incorporated, a company located -- the branch is located in Schenectady, New York. They're formerly F. Cappiello Foods, a business in the fine Italian speciality cheese and products market. They've been serving the district and the greater Capital Region for almost nearly 100 years. Mr. Cronin has joined us in the Chamber, an outstanding business leader in the region, and if you could please extend the privileges and the greetings of the House, I would appreciate it, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf

of Mr. Santabarbara, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor, and we really respect this historic business that you have operated in this vicinity. Thank you so much for coming. Always remember you're welcome here. Thank you.

(Applause)

THE CLERK: Bill No. 3180-A, Rules Report No. 311, Abbate. An act to amend the Penal Law, in relation to unlawful manufacturer, production or reproduction of a vehicle identification number with intent to defraud.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the first day of November next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, sir, if we could please have members of the Cities Committee in the Speaker's Conference Room. The Chair, Mr. Ortiz, is in the Conference Room awaiting members.

Then if we could return to the main Calendar on page 20 and continue on consent, beginning with Rules Report No. 312.

ACTING SPEAKER AUBRY: Cities Committee in the Speaker's Conference Room. Mr. Ortiz awaits.

The Clerk will read.

THE CLERK: Bill No. 3779, Rules Report No. 312, Johns. An act authorizing the Town of Webster to transfer and convey the Robb Cemetery to the Village of Webster.

ACTING SPEAKER AUBRY: On a motion by Mr. Johns, the Senate bill is before the House. The Senate bill is advanced. Home rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 5235, Rules Report No. 315, Wright. An act to amend the Workers' Compensation Law, in relation to requiring hearings and pre-hearing conferences to be recorded by a stenographer in the employ of the Workers' Compensation Board.

ACTING SPEAKER AUBRY: On a motion by Mr. Wright, the Senate bill is before the House. The Senate bill is

advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

The roll call is withdrawn and the bill is laid aside.

THE CLERK: Bill No. 5470-A, Rules Report No. 316, Weinstein. An act to amend the Vehicle and Traffic Law, in relation to the period for the repair of defective equipment.

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 5689-A, Rules Report No. 319, Rosenthal, Rozic, Robinson, Cook, Gunther, Englebright, Abbate, Roberts, Otis, Schimel. An act to amend the Public Health Law, the Tax Law and State Finance Law, in relation to providing for taxpayer gifts for women's cancers education and prevention and

establishing the Women's Cancers Education and Prevention Fund.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, sir. Members of the Codes Committee should proceed to the Speaker's Conference Room. The Chairman, Mr. Lentol, is awaiting folks. Members of the Codes Committee in the Speaker's Conference Room. Then I would ask you to take up -- to continue on consent on page 21, Rules Report No. 320 by Mr. DiPietro.

ACTING SPEAKER AUBRY: Codes Committee, Speaker's Conference Room. Mr. Lentol awaits.

The Clerk will read.

THE CLERK: Bill No. 5832-A, Rules Report No. 320, DiPietro. An act to amend Chapter 326 of the Laws of 2011, amending the Environmental Conservation Law, relating to allowing the use of rifles for hunting in Wyoming County, in relation to making such provisions permanent; and to amend the Environmental

Conversation Law, in relation to making the use of rifles for hunting in Wyoming County permanent.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Congratulations, Mr. DiPietro. Your first bill, we think.

(Applause)

THE CLERK: Bill No. 6056, Rules Report No. 321, Kavanagh. An act to amend State Finance Law, in relation to furnishing prepared plans and reports.

ACTING SPEAKER AUBRY: On a motion by Mr. Kavanagh, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce

the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 6120-B, Rules Report No. 323, Graf. An act authorizing the Lake Ronkonkoma Historical Society to file a retroactive application for real property tax exemption.

ACTING SPEAKER AUBRY: On a motion by Mr. Graf, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 6183, Rules Report No. 324, Pretlow. An act to authorize the City of Mount Vernon, in the County of Westchester, to offer certain retirement options to Christopher Grieco, Wendell Griffin, Patsy Leone and Jeremy Villanueva, police officers employed by such city.

ACTING SPEAKER AUBRY: Home rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER DENDEKKER: Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 6448-B, Rules Report No. 329, Lupardo, Barclay, Magnarelli. An act to amend the Insurance Law, in relation to the formation of mutual holding companies by certain domestic mutual life insurers and the reorganization in connection therewith of a domestic mutual life insurer into a domestic stock life insurer.

ACTING SPEAKER DENDEKKER: On a motion by Ms. Lupardo, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 6504, Rules Report No. 330, McLaughlin. An act in relation to allowing John R. Panichi to join the special retirement plan for sheriffs, undersheriffs and deputy sheriffs.

ACTING SPEAKER DENDEKKER: On a motion by Mr. McLaughlin, the Senate bill before the House. The Senate bill is advanced. There is a home rule message at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 6731, Rules Report No. 336, Gunther. An act to authorize the City of Middletown to enter into a contract to sell or pledge as collateral for a loan some or all of the delinquent liens held by such city to a private party or engage a private party to collect some or all of the delinquent tax liens held by it.

ACTING SPEAKER DENDEKKER: On a motion by Mrs. Gunther, the Senate bill is before the House. The Senate bill is advanced. The home rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 6822-A, Rules Report No. 341, Schimel, Englebright, Thiele, Hooper, Weisenberg, Lavine, Raia, Saladino, Graf, McKevitt, Montesano, Ra, Curran, McDonough. An act to amend the Highway Law, in relation to designating a portion of the State highway system in the Town of North Hempstead, County of Nassau, as the "Police Officer Joseph P. Olivieri, Jr. Memorial Bridge."

ACTING SPEAKER DENDEKKER: On a motion by Ms. Schimel, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 6881-A, Rules Report No. 344, Benedetto. An act to amend the Education Law, in relation to committees on preschool special education.

ACTING SPEAKER DENDEKKER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER DENDEKKER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. If we could now go to page 22 on the main Calendar and take up Rules Report No. 322 by Mr. O'Donnell.

ACTING SPEAKER DENDEKKER: The Clerk will read.

THE CLERK: Bill No. 6058-A, Rules Report No. 322, O'Donnell, Mosley. An act to amend the Education Law, in relation to requiring compliance with the uniform land use review procedure for the disposition of school property in New York City.

ACTING SPEAKER DENDEKKER: An explanation has been requested, Mr. O'Donnell.

MR. O'DONNELL: Thank you, Mr. Speaker. In 1966 we created something called the New York City Educational Construction Fund, the ECF. It was a Robert Moses era-like entity with no rules and no requirements. Almost Kafkaesque. Three people in the room get to decide what happens to school property. Subsequent to 1966 a variety of reforms were created, including the ULURP process, the ULURP, which came into law in 1975 and also in 2010 when we reauthorized mayoral control we gave the local community education councils a role in determining how schools are used. Most of the time, the ECF has dealt with previously vacant land. The City is now contemplating transferring actually used public schools to the ECF. This bill merely states what should be clear, which is that the 1975 ULURP law and the 2010 mayoral control law requirements are included in transfers to the ECF. So, what this bill does is that it requires the City to follow those two processes before transferring property to the ECF.

ACTING SPEAKER DENDEKKER: Mr. Fitzpatrick.

MR. FITZPATRICK: Yes, sir. Thank you, Mr. Speaker. Would the sponsor yield for a couple of questions?

ACTING SPEAKER DENDEKKER: Will the sponsor yield?

MR. O'DONNELL: With pleasure.

ACTING SPEAKER DENDEKKER: The sponsor yields.

MR. FITZPATRICK: Thank you, Dan. There's some concern expressed by the Mayor's office that the ULURP process is -- by using it at this early stage, it's going to stymie interest in the industry in some of these buildings. Would not installing this or having this done at a later point in the process be more productive?

MR. O'DONNELL: Well, it's ironic that the Mayor takes that position now, because when I first introduced the bill they came to me and told me it was redundant because it was clear that the law required the ULURP process and it was clear that the law required the secondary CEC process.

For those of you who don't know what ULURP is or how it functions, it allows local community boards to have some role in knowing what's happening to property in their community and then making a recommendation. Those are called community boards. For seven years before I was elected to this Body, I served on Community Board 9 in Northern Manhattan, and I can tell you that if the City wanted to transfer a property from one agency of the City to another agency, they were required to comply with ULURP. So, it doesn't make much sense to me that if we're going to transfer it for sale that the community should not be notified and the community should not play a role.

Now, you need to know that the community board role is advisory. It's not required to be followed, but it was put in place, Michael, to make sure that decisions about what happens in communities doesn't happen without the local people who will be

affected, knowing. This bill guarantees that the local community will know what the plans are in order to allow the plans to go forward.

MR. FITZPATRICK: Okay. Thank you, Dan. I appreciate it. Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER DENDEKKER: On the bill.

MR. FITZPATRICK: I appreciate the sponsor's response. There's no desire not to have the community involved. It's just simply a matter of timing. You want the best -- you want these buildings to be utilized to their highest and best use, and simply doing this later in the process would be more helpful in generating interest in the highest and best use of these properties. I would urge a no vote. Thank you very much.

ACTING SPEAKER DENDEKKER: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Would the sponsor yield for a quick question?

ACTING SPEAKER DENDEKKER: Will the sponsor yield?

MR. O'DONNELL: Certainly.

ACTING SPEAKER DENDEKKER: The sponsor yields.

MR. RA: I just wanted to get a clarification on this. I know that, currently, if something were to be done with the utilization there is some approval required by the Board of Education; is that correct?

MR. O'DONNELL: I'm not sure I understand your question, Mr. Ra.

MR. RA: Well, is there some type of approval process through the Board of Education that something like this would go through now, absent this process, that we're trying to put in place by this legislation?

MR. O'DONNELL: I believe the City -- the Chancellor of the New York City schools makes a determination that they want to transfer the property to the Education Construction Fund, so that is happening. Is that what you mean?

MR. RA: Yes.

MR. O'DONNELL: Somebody has to decide, and I believe it is the Chancellor.

MR. RA: Okay. And are there any notification requirements, hearing requirements, now?

MR. O'DONNELL: Well, that's a very good question because when the City first talked to me about this bill they believed that both the CEC requirements that we did in 2010, as well as the ULURP, applied if they were going to transfer the property. Now they put out a memo that sort of confuses me, because they sort of say it should apply but it doesn't apply at the same time. In the end, these two processes are separate. The disposition of land part, the ULURP part, goes through community boards. The CEC part goes to what are essentially local parent councils to determine where their children will go to school. So, when these -- the current contemplation is to take an

existing school. So, the question is if you bulldoze an existing school, where do those children go to school? Our law requires that before that gets changed, the City has to go to the CECs. So, this bill does two things: Before you transfer the land to ECF you go have to go through ULURP; and before you move children out of an assigned school that you're going to bulldoze, you have to notify the CEC for them to have a hearing process to determine where those children should go to school instead.

MR. RA: Okay. Thank you, Mr. O'Donnell; thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. If you can go to page 10 on the main Calendar and take up Rules Report No. 177 by Mr. Colton.

THE CLERK: Bill No. 1695-A, Rules Report No. 177, Colton, Abbate, Cahill, Jaffee, Perry, Schimel, Kellner, Maisel,

Robinson, Wright, Stevenson, Moya, Hooper. An act to amend the Economic Development Law, in relation to requiring the Department of Economic Development to prepare a report relating to international trade agreements.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Colton.

MR. COLTON: Yes, thank you, Mr. Speaker. This bill amends the Economic Development Law to require New York's Empire State Development Department to prepare a report on the impacts of proposed international trade agreements -- the impacts on New York's businesses, industry, job markets, laws and policies and an estimate of how much it will cost New York State to enforce. The report will be given to the Governor, the Legislature and the State's Congressional delegation. The bill seeks to focus on transparency and making the Legislature and the State's Congressional delegation aware, at an early stage, of any adverse impacts upon New York State prior to the finalizing of such agreements.

When we think of free trade agreements, we often believe that they are confined solely to bilateral or multi-lateral reductions or elimination of tariffs between countries; however, many of these agreements include provisions which take aim at reducing barriers to the free movement of goods, which also target as perceived barriers not only Federal laws and regulations, but also State laws and policies. State procurement policies are also a target of many of these agreements; therefore, such agreements may impact a state like New

York by limiting its ability to promote its local industry and the State's own job policies and economic development. Although it is Congress which must ultimately approve or disapprove of such agreements, it is imperative that the State's Congressional delegation and the Legislature be aware at an early stage of any such adverse impacts which it may have prior to the finalizing of such agreements. That's why this bill also has a memo of support from the Farm Bureau as well as the AFL-CIO.

ACTING SPEAKER AUBRY: Ms. Corwin.

MS. CORWIN: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Mr. Colton?

MR. COLTON: Yes, certainly.

MS. CORWIN: Thank you very much, Mr. Colton. First of all, I want to thank you very much. You had sent some correspondence over to my office to discuss the bill, some changes that had been made based on last year's debate, and I want to thank you for that. That's very, very helpful. Perhaps we can just clarify for everybody else on the floor exactly what some of those changes were. Now, my understanding is that this report is triggered based on certain actions being taken. Can you explain what those triggers are?

MR. COLTON: Yes. It is triggered by one of two possibilities: One is where a Federal official, where a Federal official will notify a State official of the fact that this is being negotiated or

will be negotiated, and request the State official as to whether or not it can -- it seeks an exemption from any of the State laws as a result of this negotiation. The second thing that triggers it is when Congress is formally notified that such negotiations are taking place, if the State official is notified then this would trigger it within 30 days, a report would have to be prepared. When Congress is notified, it would be one year because these agreements take a long period of time to negotiate once Congress has been formally notified of such negotiations beginning.

MS. CORWIN: Sure. I guess from my perspective, my concern is that how -- I mean, obviously, you want to get this report early on, but when they're in the midst of negotiations how are they supposed to know exactly what they should be studying or what the impact would be? That would be kind of like us doing an impact study on a bill when we're in the process of negotiating the bill. You don't really know what the end result is going to be, so it could be very difficult to determine early on in the process what the impacts would be.

MR. COLTON: Well, one of the reasons why we picked Empire State Development is that Empire State Development actually is a member of the Advisory Committee. The Trade Commission has designated them as one of their members of the Advisory Committee, so they would be in a position to get this information. As soon as they became aware that such an agreement was being negotiated, they then would be in a position to focus in on

that and make sure the State, the Legislature, the Congressional delegation becomes aware of it so that we can protect the State from any adverse impacts.

MS. CORWIN: Okay. Is it possible that Empire State Development, in the process of going through this -- I mean, now we're talking about having Empire State Development report to Congressional representatives and State Legislators not only what's being discussed but, essentially, what the progress of the negotiation is in terms of this deal. Is that going to be a problem or a conflict? I mean, I would imagine there's got to be some sort of need for privacy during these negotiations, correct?

MR. COLTON: There are, specifically in the bill, certain things which they are going to be looking for in terms of giving information on: The impacts that it's going to have on jobs, on businesses, on industry. Also, any cost that it may result to the State. So, these are things that, you know, would be specifically looked for by Empire State Development as it gets information about this agreement which is being proposed. Ultimately, it will be Congress that will have to approve or disapprove of the agreement but, certainly, we want the Congressional delegation to be aware of any such impacts that it may have upon the State. So, that's why we included that in there.

MS. CORWIN: Okay, great. Well, thank you very much, Mr. Colton. I appreciate that.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Ms. Corwin.

MS. CORWIN: Well, as I had said, I very much appreciate my colleague, the sponsor of the bill, taking into consideration some of the concerns that were raised during last year's debate and I do believe that some of those issues have been addressed. I think the concern in the past was always regarding the timing because, as the sponsor had said, he wants to have a report done early on in the negotiation of a trade agreement so that we understand the impacts. Based on the changes he made, I do think some of that is accomplished. However, I am still concerned about the disclosure of the impacts at a point when they're still in the midst of negotiations, if that would be a problem. Like I said, I mean, certainly, we want openness and we want transparency, but when you're negotiating a trade agreement with another country I think there could be some sensitivities to how much something is being disclosed or talked about. I am concerned we would be putting Empire State Development in a position where they would be the ones disclosing this information to other Congressional representatives at a point in time where maybe it would be premature.

So, for that reason, I'm still going to have a no vote, but I do appreciate the sponsor's efforts in addressing the issues. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Corwin.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Rules Report No. 183, the Clerk will read.

THE CLERK: Bill No. 2676, Rules Report No. 183, Clark, Scarborough, Titus, Paulin, Jacobs, Heastie, Benedetto, Peoples-Stokes, Colton, Galef, Perry. An act to amend the Executive Law, in relation to the establishment of the Independent Office of the Child Advocates; and repealing certain provisions of such law relating to the Office of the Ombudsman.

ACTING SPEAKER AUBRY: An explanation is requested.

MRS. CLARK: Thank you, Mr. Speaker. Ms. Corwin, this is a very old bill that I have been carrying for -- I don't know exactly how many years, but quite a while -- that would create the Independent Office of the Child Advocate for New York State. This person would be accountable to the Governor of the State of New York for the well-being of New York State's children.

ACTING SPEAKER AUBRY: Ms. Corwin.

MS. CORWIN: Thank you, Mr. Speaker. Would the sponsor yield?

MRS. CLARK: Yes.

ACTING SPEAKER AUBRY: Mrs. Clark yields, Ms. Corwin.

MS. CORWIN: Thank you, Mrs. Clark. Yes, I did notice that this bill has been around since 2004; however, back in, I think it was, 2011, we had passed in this House the legislation creating the Justice Center, which is supposed to help with this. I guess my question is is most of this that you're proposing in this bill being done already by the Independent Review Board or the Ombudsman or the Justice Center?

MRS. CLARK: Well, no, not really. What we did this year is we amended the bill to place it into the Office of the Ombudsmen with some restructuring, but because Governor Paterson vetoed the bill back in whatever year -- what year did he veto the bill?

MS. CORWIN: It was 2010.

MRS. CLARK: It was 2011, because of the fiscal implications. The State was pretty broke at that point; at least that's what he felt. So, the Office of the Ombudsman is fairly inactive right at this point.

MS. CORWIN: Right, and that's something that's within the agency. Now what you're proposing is an ombudsman that would -- or an advocate that would work outside the agency?

MRS. CLARK: Outside of the agency?

MS. CORWIN: Well, I guess the question is that it sounds to me, from reading the bill, that we're looking to have some sort of a supervisory capacity of this office.

MRS. CLARK: Well, the Office of the Ombudsman is located within the Office of Children and Family Services.

MS. CORWIN: Right. And where would the Office of Child Advocate be? Is that within OCFS as well, or is that outside of OCFS?

MRS. CLARK: Yes.

MS. CORWIN: Okay.

MRS. CLARK: But, they would also have an accountability to the Governor, report to the Governor as well. Right now, the ombudsman, they only have to report to the head of the Office of Children and Family Services, and there's very little reporting going on.

MS. CORWIN: Okay. And then as far as the Independent Review Board, does that still exist even with this bill -- if this were to become law?

MRS. CLARK: The Independent Review Board?

MS. CORWIN: Yes.

MRS. CLARK: Did we do that in this? I don't think so. No, no. There's no Independent Review Board in this bill.

MS. CORWIN: It says here, "An Independent Review Board which has the power to order the Ombudsman..." Now, like you said, the Ombudsman you're proposing to eliminate,

but this review board would have the ability to investigate complaints, visit, inspect facilities, make inquiries into matters affecting the legal rights of youths?

MRS. CLARK: No. That's not included in my bill, no.

MS. CORWIN: No, but that's something that's already existing in law right now.

MRS. CLARK: With the Office of the Ombudsman?

MS. CORWIN: The Independent Review Board, yes.

MRS. CLARK: Oh, okay. Well, that's the review board for the Office of the Ombudsman, but what I can say to you is there's very little information and activity out of that office, period. So, because it already has a budget, which was a serious question about the Office of the Child Advocate, this, I think, will be something that will have a purpose for the Office of the Ombudsman to expedite.

MS. CORWIN: So, the Office of the Ombudsman, you're saying, has very little activity going on. Is that because you're eliminating it or it wasn't very active prior to this bill?

MRS. CLARK: I mean, this is what they will be doing when this bill passes, but it's inactive now.

MS. CORWIN: Okay. So, we have an Ombudsman Office that is supposed to be doing what you're proposing the Child Advocate office would do. Why would we eliminate one and create a new one? Why not just go to the Office of Ombudsman and just make

them more effective?

MRS. CLARK: Well, this also makes the -- this would make the Independent Office of the Child Advocate also report to the Governor, which has always been my goal, to have the Governor -- report to the Governor, so the Governor is basically responsible for the well-being of New York State's children.

MS. CORWIN: I see. And regarding Governor Paterson's veto, you had said that one of the points he had made is the costs.

MRS. CLARK: At the time it was budget constraints. That was his explanation for vetoing the bill.

MS. CORWIN: I see. And would there be some sort of funding source for the Office of Child Advocate?

MRS. CLARK: Well, the Office of the Ombudsman is already funded -- what was the number -- by the Office of Children and Family Services. And there is a number. They have a pretty large budget. I don't have the exact number here.

MS. CORWIN: Okay.

MRS. CLARK: But, it is appropriated through the Office of Children and Family Services for the Office of the Ombudsman.

MS. CORWIN: Okay. So, basically, you're looking for the Office of Child Advocate to do the same thing as the Office of the Ombudsman was doing, but also report directly to the Governor --

MRS. CLARK: Yes.

MS. CORWIN: -- and utilize the same funding that the Office of the Ombudsman was using?

MRS. CLARK: Yes.

MS. CORWIN: I see. Okay. One other question that was raised in Governor Paterson's veto had to do with the types of facilities that would be included under this oversight provision -- juvenile justice facilities, juvenile justice systems, publicly-funded juvenile justice programs. Is there clarity? Because the Governor had pointed out some inconsistencies in terms of the facilities that would be included.

MRS. CLARK: No. The bill is not just about facilities. That's not the intent of the bill at all. The intent of the bill, for me, is the well-being of New York State's children, wherever they are. Now, you know, we've had to go back and forth with this bill a million times, trying to make it acceptable to everyone that has to have some authority over it and it's been difficult to make it happen. There's a lot of opposition -- which makes me know it's the right thing to do -- from entities who service New York State's children right now. I mean, there's a lot of push back on this bill which tells me it's the right thing to do.

MS. CORWIN: Well, certainly, I'm wondering just because of Governor Paterson's veto where he mentioned that it's inconsistent in terms of the types of facilities that would come under the advocates purview. So, I'm thinking that the agencies or the

facilities that could or could not be included under this Office of Child Advocate, it could be very confusing for them because it's not entirely clear in the bill who would be included into this oversight and who would not be.

MRS. CLARK: Have you read the newest bill, the latest bill? The one where -- the bill we're discussing now, you've read that bill? Because we've made some changes to try to really clarify, you know, who the Office of the Child Advocate is reporting to.

MS. CORWIN: Okay. So, why don't you tell me which facilities would be included under the Advocate's oversight?

MRS. CLARK: The juvenile justice facilities and -- let's see, here we are. We have the welfare, juvenile justice, foster care and other children-related issues.

MS. CORWIN: Okay. Would this include any facilities overseen by OCFS, any facility overseen by OCFS?

MRS. CLARK: Yes.

MS. CORWIN: Okay. Great. Well, thank you, Mrs. Clark. I appreciate that very much.

MRS. CLARK: Thank you.

MS. CORWIN: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Ms. Corwin.

MS. CORWIN: As I had pointed out, from Governor Paterson's veto back in 2010 regarding this bill, the points that the

Governor had made were, A, that the cost was too high, that the bill eliminated the statutory authority of the Office of the Ombudsman, that there was some inconsistency in terms of the type of facilities that would be included, the definitions that were used in the bill. So, there was confusion as to which facilities would be included as part of the oversight. And there is still a concern regarding legal action. If it were to be taken as authorized by the legislation, it's unclear who would represent the Advocate. So, there are some confusing pieces to it. However, I do think that the sponsor has done a pretty good job in terms of trying to clarify that by eliminating the Office of Ombudsman, that funding source would then become available, and there is more clarity in terms of which facilities would be included as being under the purview of the Office of Child Advocate.

So, I'll be changing my vote to a yes vote but, certainly, I think that it's worth taking another look and seeing if there are some more clarifications that can be made. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Corwin.

Read the last section.

THE CLERK: This act shall take effect April 1, 2014.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce

the.

(The Clerk announced the results.)

The bill is passed.

Ms. Corwin.

MS. CORWIN: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings for an introduction. On behalf of our colleague, Assemblyman Dan Stec, he has visiting us today the sixth grade class from Elizabethtown-Lewis Central School, accompanied by their teacher, Sally Wachowski. There are 14 students with us today. The entire sixth grade class is 15 students; unfortunately, one of them couldn't make it today. So, if you could please welcome the 14 sixth graders from Elizabethtown-Lewis Central School. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Assemblymember Stec, the Speaker and all the members, we welcome you here to the New York State Assembly. We appreciate your patience. It was actually an important debate, as we discussed the protection of children in this State, so I'm happy that you had the opportunity to sit and listen to our legislators talk about that future. We know that you're very proud of your representative, and we appreciate you coming. Please return to us again.

(Applause)

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker. If we could go to page 13 on the main Calendar take up Rules Report No. 231 by Mr.

Dinowitz.

ACTING SPEAKER AUBRY: Rules Report 231, the Clerk will read.

THE CLERK: Bill No. 6239, Rules Report No. 231, Dinowitz, Paulin, Brennan, Millman, Crespo, Jacobs, Maisel, Kearns, Mosley, Rosenthal, Sepulveda, Colton, Perry, Zebrowski, Cook, Gottfried, Mayer, Otis, Galef, Jaffee, Hennessey, Cahill, Abinanti, Hevesi, Steck, Stirpe, McDonald, Gunther, Montesano, Robinson, Markey, Skartados, Lupardo, Raia. An act to amend the Executive Law and the Public Service Law, in relation to creating the State Office of the Utility Consumer Advocate.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Dinowitz.

MR. DINOWITZ: Okay. The purpose of this bill is to create the State Office of the Utility Consumer Advocate -- that will be UCA -- to represent the interests of residential utility consumers. Right now at least 40 other states, as well as the District of Columbia, have independent state offices charged with representing utility consumers' interests. Based upon information from those states, it is expected that the UCA would offer significant savings to New York's utility consumers.

ACTING SPEAKER AUBRY: Mr. McKevitt.

MR. MCKEVITT: Will the sponsor yield for a few questions, please?

MR. DINOWITZ: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. MCKEVITT: The question I have with this is that it's my understanding that already there exists a Utility Intervention Unit within the Department of State which appears to me would have many of the same functions which your proposed bill has. So, I'm just curious why -- what is the need for this bill then?

MR. DINOWITZ: Well, the Utility Intervention Unit, while it's certainly good that we have that, is very small. They don't -- I don't want to say this in a negative way, but they aren't able to do a lot, and this -- the UCA, on the other hand, would represent solely the interests of residential utility consumers and they would be able to get a lot more accomplished.

MR. MCKEVITT: And you say, *Get a lot more accomplished*. How would it actually accomplish a lot more when, again, it's already with the Department of State, a very similar unit with very similar responsibilities?

MR. DINOWITZ: Well, this office would be empowered to represent utility consumers before State agencies, before Federal agencies, before the courts, for example. Their sole mission is to represent the utility consumers who currently really have no one to represent their interests. The Public Service Commission, for example, is not charged with representing the -- solely representing the interests of utility consumers. The Office would be independent. The head of the Office would be appointed by the Governor, confirmed by the Senate but, ultimately -- and would serve

for a six-year term, but would be independent of politics and would be able to act solely in the interests of the consumers.

MR. MCKEVITT: Right. And I do note that it does have a six-year term, and that the only way this person could actually be terminated is for cause. And, again, another concern I have is whether this is a very high standard. I mean, you may have a utility advocate who may be doing an adequate job but, maybe, we wish could do a better job. So, would that really be grounds to go and get rid of this person and maybe get a better person to more aggressively go after these types of cases?

MR. DINOWITZ: I think "for cause" probably means that they did something that they're not supposed to do, in essence.

MR. MCKEVITT: Right. And maybe there are instances whereby maybe they wouldn't do something that, for cause, was something that was either egregious or something illegal but, you know, maybe you will have an advocate there who is doing, maybe, an adequate job, but maybe we feel there would be someone who could do a better job, and rather than just really sticking it to a six-year term, maybe we should just leave it tied to the Governor's office to go and have more responsibility and making sure they're doing that job for a continuous time.

MR. DINOWITZ: Well, that would address the issue you raise, but the problem with that is then the Office would not truly be independent. So, regardless of who the Governor is, we want to

make sure that this individual can act solely in the interests of consumers. And we do have a lot of positions that have a term; judges, for example. Once they become a judge they're there until the end of their term, barring some extraordinary circumstances. So, this Office would be similar, and the key point being that by serving for a specific term they would not be subject to political pressure but, rather, be able to be independent enough to act solely in the interests of the consumers that they're supposed to be advocating for.

MR. MCKEVITT: And how would all this be funded?

MR. DINOWITZ: The funding mechanism would be as follows: It would be funded through an existing assessment process on public utilities which dates back to the early '70s. It's found in Article 18-a of the Public Service Law, but I should mention that the part of 18-a that would incorporate the UCA is separate, separate from the contentious extender provision that was added in 2009 and that was a bit controversial this year. So, this really has nothing to do with that stuff. This would be part of the 18-a process that was in place for the past 40 years.

MR. MCKEVITT: So, in other words, this would be in addition to the already 18-a tax, which I think was implemented in the last couple of budgets? This would be an additional 18-a assessment on the utilities?

MR. DINOWITZ: No. It would not be additional. This is part of the assessment that already exists. The utilities would

not be paying an additional tax.

MR. MCKEVITT: Okay.

MR. DINOWITZ: The 18-a tax that was put into place in the early '70s, this would be part of that, so we're not imposing a new tax. In fact, I should add that in the State of California, which, of course, is our largest state, the studies show -- and this is fact -- that for every dollar that's been spent on this office, utility consumers have reaped a benefit of \$153 due to savings from fewer rate hikes or lower rate hikes. So, a 153-to-1 return on the dollar is a tremendous investment and, in fact, while it's not a tax cut, it's the next best thing to a tax cut because if each utility consumer saves \$153, that's like a tax cut.

MR. MCKEVITT: I just noticed -- I think that right now, the California's office's budget for the year 2012, I think, is right now \$27.5 million.

MR. DINOWITZ: That sounds right. And if utility consumers save the multiple that I'm talking about, it means they would save hundreds of millions of dollars. So, that is probably the best investment I've heard in a long time.

MR. MCKEVITT: One last concern I have with the bill is that, you know, the current 94-a, which deals with the Department of State, also is a separate provision which deals with the Long Island Power Authority, because I live within the Long Island Power Authority. So, it's technically not a utility in that instance, and I think even after this week the Long Island Power Authority will still

technically exist. I'm just curious whether your bill would also apply to the Power Authority because I don't see it specifically listed in the bill.

MR. DINOWITZ: Only the public utility companies that are and have been subject to the assessments since the 1970s and are currently assessed would be subject to this bill. So, this assessment, as I said, is separate from the ones added on during the budget negotiations. So, the answer to your question is that wouldn't be part of it.

MR. MCKEVITT: It would not be part of it?

MR. DINOWITZ: Correct.

MR. MCKEVITT: Okay. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. McKevitt.

Mr. Saladino.

MR. SALADINO: Thank you, Mr. Speaker. Would the sponsor yield for a few questions, please?

ACTING SPEAKER AUBRY: Will you yield?

MR. DINOWITZ: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. SALADINO: In the vein of the questions that were just asked of you, sir, I am very curious, why not include entities that need oversight?

MR. DINOWITZ: I'm sorry? Can you explain that?

MR. SALADINO: You're telling us that this entity, if

created, would have oversight over utilities but not a public authority like LIPA. Why not?

MR. DINOWITZ: Well, that's actually not what I said. I think the question was relating to this assessment on the utilities, and the answer I gave was that the assessment, I'm told, would be on the entities, on the public utility companies that were and have been assessed since the early '70s. So I, didn't say there won't be any oversight. Actually, what the bill is focused on is having somebody be an advocate for you and me and all of our constituents who are public utility consumers, and I'm pretty certain that all of us are utility consumers.

MR. SALADINO: Would the entity have control over rate hikes by these facilities?

MR. DINOWITZ: The rate hikes, I think, are more related to the Public Service Commission. What this entity would do would be to advocate for our interests, for the interests of consumers because, as I said earlier, right now there is no one or no agency specifically charged with advocating for us. The Public Service Commission certainly is not an agency charged with advocating specifically for consumers. And New York happens to be one of, I think, ten states right now that does not have such an office and it's the largest such state. But, 80 percent of the states throughout the country have an office like this and it's resulted in huge savings for utility consumers.

MR. SALADINO: Huge savings?

MR. DINOWITZ: Huge savings.

MR. SALADINO: But it has no control over rates, and it would ask them to advocate to do more things. Let's take the case of the storm, the superstorm that so many regions Downstate and Middle-state have experienced. Would they have the power to force them to go out to, I don't know, maybe cut a tree down that's leaning on a house, leaning on power wires, leaning on -- in some way affecting the delivery of those services? Would they be able to demand that they got to that house, to that business, to that street?

MR. DINOWITZ: It's a Utility Consumer Advocate's office, so the Office would not have the power to go out and chop down the tree. What the Office would do is have the ability to advocate for consumers, as I mentioned earlier, before State agencies, before Federal agencies, before the courts. Somebody has to represent our interests.

MR. SALADINO: But has no power to force them to do anything; am I reading that correctly?

MR. DINOWITZ: Well, I suppose since they can represent this before the courts it means they can go to court, but to have the power to actually do it, that's not what their charge would be.

MR. SALADINO: Okay. So, in a similar fashion, with the exception of representing the public in court, they would do what the offices of most of the Legislature does -- they would advocate. They would call and ask that entity to provide a service or to change up the priority of delivering that service, or maybe go back

if the service was done in a fashion that didn't get the job fully done; is that correct?

MR. DINOWITZ: Well, I think it's a little more than that. I think it's about holding the utilities accountable, and it's about fighting for your and my constituents, the utility consumers. And the savings that utility consumers as a whole would benefit from based upon the activities of this office, I imagine, would be significant, especially given the experience in California where, as I mentioned, 153-to-1 for every dollar the State spent, utility consumers benefitted to the tune of \$153. So, that's a lot of money.

MR. SALADINO: Mr. Dinowitz, what I can't wrap my brain around is you keep speaking to savings. If they're advocating for the public, asking them to provide either more service or do it at a higher quality or taking them to court, all these things cost money. So, how would they be saving money to consumers if their job is to get services which cost money?

MR. DINOWITZ: Well, of course, it's impossible to predict the future, so we can only base what we think on other experiences. That's why I site the California experience, because it's been such an incredible success, that the money that the State invested -- meaning the taxpayers -- invested in such an office caused this incredible savings, hundreds of millions of dollars, in fact. So, having an advocate has an impact. Having an office specifically charged with representing us, the consumer, has an impact perhaps on rate hikes, perhaps on other things.

MR. SALADINO: On rate hikes because they would be empowered to control those rate hikes?

MR. DINOWITZ: I already answered that, and the answer is they would not be empowered to control it, but they would be empowered to try to influence the decision. The Office would have the ability to advocate on anything that substantially affects the interests of residential utility customers, and that includes proposed rate changes, charges, terms and conditions of service. So, it would have broad ability to advocate and to push and to affect what happens to the consumers. If this were the first state in the country where this was being proposed, then I think that a number of your questions would make -- would certainly be appropriate. I mean, they're always appropriate, but I think given the experience that we've had in other states it's a tested and proven process that just brings huge savings to consumers. And, as I also already said, the savings is, in essence, like a tax cut, and we all love tax cuts, right?

MR. SALADINO: Well, I'm not clear that you're assuring us of a savings. It seems to sound like it is your opinion and hope that, in the long run, they'll be savings. I'm also -- you have reiterated, and I appreciate your clarity, that they would not be empowered to control rate hikes. They would not be empowered to force the utility to do anything, but they would take them to court, which we all know greatly increases costs for the State and for the utility, which have to be borne by someone; that would be the consumer. Can you tell us, having said all that --

MR. DINOWITZ: If that's a question --

MR. SALADINO: So, what my question is is we've established that there are many costs involved and that they're not empowered to directly do that, so what my question is --

MR. DINOWITZ: Also established is that there are savings involved as well.

MR. SALADINO: Well, you're telling us you can't guarantee a savings, meaning the consumers.

MR. DINOWITZ: I'm telling you I can't predict the future, but I can guarantee what's already happened in every state -- and there are 40 of them -- that has this office, there have been substantial savings. Right now -- and I'm sure you know this -- New Yorkers pay the highest utility costs anywhere in the continental United States. The only state that pays higher rates than us is the State of Hawaii. So, we're second to Hawaii, but we're way ahead of 48 other states and, yet, there's no one representing utility customers when utility companies want to raise our rates.

MR. SALADINO: And it is a very important point that you bring up that we have among the very highest utility rates in the country, and within the State among the highest rates. What region has the highest power energy rates?

MR. DINOWITZ: I probably would have to find that information, but I'm going to guess that it's --

MR. SALADINO: It's Long Island.

MR. DINOWITZ: -- right here, where I live and

where you live, Downstate.

MR. SALADINO: Yes, it's Long Island. Downstate and, specifically, Long Island.

MR. DINOWITZ: Well, then I would imagine that you would probably be the strongest supporter of this bill since your constituents have, perhaps, the greatest interest in having somebody fight for them to keep rates as low as possible.

MR. SALADINO: Well, I am thrilled that the members of this House and the Senate have been doing just that, fighting for the constituents. So, it seems a bit duplicative as I listen to the parameters of your legislation. But, why don't we boil this all down. I glean that it's your opinion we'll save money. We don't know if these other states have saved money specifically because of the creation of this kind of an entity or it was it due to a number of factors, including legislative factors. My question to you is how much will this cost us annually in New York State to form this and keep this office running?

MR. DINOWITZ: Well, first, let me respond to the totality of your statement/question, and that is as follows: We've all been fighting for our constituents and to keep rates down but, apparently, we've been not quite as successful as we would like to be and, apparently, Long Island has been the least successful, not for lack of trying. But, if what you say is correct -- and I have no doubt about it, you have the highest rates -- then we have to do something else to tip the balance in favor of our constituents and in favor of the utility

consumers, and this is what it will do. Can I promise what happens in the future? I can't promise whether there's going to be another hurricane. What I can promise is the experience that we've had in 40 other states where this office has resulted in huge savings for constituents in each of those states, and there's no reason to think that the experience would be anything different right here in New York.

MR. SALADINO: But there's no mandatory powers afforded anyone in this Office to have control or force that utility to do anything specifically that would benefit the consumer; is that correct?

MR. DINOWITZ: I would answer it this way: There's no mandatory power in any of the other states, including California where they've saved \$153 for each dollar spent to do that, and, yet, that's been the savings. Having the Office, having an independent office that's empowered to represent the consumers, the utility consumers before State agencies, before the courts, before Federal agencies, has had a very concrete impact on utility rates, in favor of the consumers, and I would hope that's something that we would all like to see replicated right here in New York.

MR. SALADINO: I happen to agree. I hope that, too. Although I appreciate you sharing your opinion with us, let's get back to fact. Can you tell us how much would the creation of this Office cost us annually -- salaries, rent, equipment, benefits, retirement benefits, all of the different factors that go into growing government, in essence, what this bill does? How much would it cost us per year?

MR. DINOWITZ: Well, first, when you say "growing government," you're also talking about shrinking the costs to consumers. So, if the cost to consumers shrinks and the way to do it is to, quote, "grow government," I'm okay with that. I could tell you that in California the Office cost \$27.5 million. In New York we have a population of less than half that of California, so my guess would be that the cost would be similarly smaller. If we benefit in terms of savings anything approaching the California experience, let's just say -- and I'll throw out a number, I'm making it up -- let's say the cost to New Yorkers \$10 million, okay? I'm not saying that's the number, but I'm just throwing a number out there. If we say --

MR. SALADINO: I'm guessing it would be far more than that, but for the purposes of an example, I'm with you.

MR. DINOWITZ: Well, I don't know if that's the case, so I'm not going to assume that. Given the fact that in California it was \$27.3 million, there's no reason to think it will be far more than that given that our population is between 19- and 20 million and their population is about two-and-a-half times the size of ours. So, let's just say for a minute that it's \$10 million. In California the margin was over 150-to-1. So, you do the math. That's a huge savings; would you not agree?

MR. SALADINO: Well, as we grow government it's very difficult to predict, as you've already stated here in this debate, what the savings will be. What we can predict as fact that as we grow an entity like this, it will get more and more expensive. Many of the

bills we do are because we're battling the issues of being fair to the workforce, being fair to the public and what I've seen over and over in my ten years here is that the cost grows.

MR. DINOWITZ: And the savings could also grow.

MR. SALADINO: Which I'm still waiting to hear of a study or some indication to give us some facts on how these entities would accomplish that without having the mandatory powers to swing the gavel and to guarantee that rates are left in check and that the many focuses of your legislation are, indeed, captured because of the -- due to the fact that there's a lack of a mandatory ability, the authority to stop an activity that we don't like and push for and guarantee an activity that we do want.

MR. DINOWITZ: Well, I'm willing to bet that if you asked any of your constituents whether they're willing to see the State spend a few million dollars in order to save them and everybody they know hundreds of millions of dollars, I would bet you that they would say it's okay to grow State government by this much if it means that they're going to get what amounts to a tax cut.

MR. SALADINO: Thank you, sir. I appreciate your time.

On the bill, Mr. Speaker.

MR. DINOWITZ: My pleasure.

ACTING SPEAKER AUBRY: On the bill, Mr. Saladino.

MR. SALADINO: In brief, I applaud the sponsor.

There's certainly great motivation behind this, and I hope that as this bill is negotiated with the Senate, we give this entity the teeth to get the job done. We have very high electric rates across New York State, energy rates. Some of our utilities have gone off the path where the public wants them to be. So, I would just hope that the bill would increase the ability, if it is to pass, by having the ability to force -- to keep rates from raising, to force entities to do their job, whether it's the cleanup after a storm, getting their electric back on, protecting the environment of our communities. As of yet, I haven't heard anything that enables it to force that process, but I hope that comes in due time. Thank you so much.

ACTING SPEAKER AUBRY: Thank you, Mr. Saladino.

Mr. Cahill.

MR. CAHILL: Thank you, Mr. Speaker. Will the sponsor yield to a couple of quick questions?

ACTING SPEAKER AUBRY: Will you yield, Mr. Dinowitz?

MR. DINOWITZ: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. CAHILL: Thank you, Mr. Speaker. Thank you, Jeff. Jeff, I am perfectly clear in how this can function to save not a couple hundred bucks but, literally, tens of millions if not hundreds of millions of dollars for ratepayers across New York State in the investor-owned utility territories. I'm reading through the bill and I'm

trying to figure out exactly how this would apply to those who are in the communities served by the Long Island Power Authority and the Power Authority of the State of New York. Can you answer that?

MR. DINOWITZ: Of course. Just give me a second.

ACTING SPEAKER AUBRY: One minute, please.

Mr. Morelle.

MR. MORELLE: Yes, thank you very much, Mr. Speaker. I apologize to the Member for the interruption. I would, however, like to call the Committee on Rules in the Speaker's Conference Room immediately. The Chair of the Committee, Mr. Silver, awaits.

ACTING SPEAKER AUBRY: Rules in the Speaker's Conference Room.

MR. DINOWITZ: It's kind of awkward, but I'm going to face this way so I speak into the microphone.

MR. CAHILL: That's fine. I'm good.

ACTING SPEAKER AUBRY: Mr. Cahill understands. Thank you.

MR. DINOWITZ: Okay. Sorry about that. The UCA would be charged with advocating for utility consumers, so they would be able to advocate for those consumers as well as the other consumers that you talked about.

MR. CAHILL: Thanks, Jeff. So, let's just set up a scenario here. Under the current law, even before we did away with the Consumer Protection Board and the power that the Consumer

Protection Board had and its Utility Intervention Unit had to go to court to combat a decision of the Public Service Commission, our constituents in those areas served by the Power Authority of Long Island and the Power Authority of the State of New York had no recourse whatsoever; is that your understanding?

MR. DINOWITZ: Yes, it is.

MR. CAHILL: Okay. So, now if a citizen or this particular unit that you're seeking to create here sees something that is untoward, illegal, inappropriate, outside the authority, beyond what they should have done or improper in any fashion, now there would be a means by which that could be challenged in court or in front of some other State administrative agency?

MR. DINOWITZ: Yes. They would actually have a voice that they've never had before.

MR. CAHILL: Thank you. I want to go back to the question about 18-a that was raised by another colleague. There are two 18-as. There was an 18-a that was a revenue measure put in during the fiscal problems of about four, five or six years ago that is, thankfully, expiring in a couple of years. It's a revenue piece. And then there's another 18-a assessment. Is this part of that other 18-a assessment?

MR. DINOWITZ: Yes. This is not part of the measure that was put into effect several years ago but, rather, the other 18-a assessment that we've had for about, I guess, four decades.

MR. CAHILL: And I'm sure you're familiar with the

fact that that is a refundable tax on the utilities in that to the extent that it is not used for its intended purposes, it is refunded to the utilities and then, theoretically, or, hopefully, to the ratepayers as well?

MR. DINOWITZ: Yes. That's correct.

MR. CAHILL: So, there's no opportunity that this will create an enrichment on the part of the State of New York. It is the closest thing we have to "pay-as-you-go government;" wouldn't you agree?

MR. DINOWITZ: I think it's even better than that, but, yes, I absolutely agree.

MR. CAHILL: And, Mr. Speaker, if Mr. Dinowitz would continue to yield?

ACTING SPEAKER CUSICK: Will you continue to yield?

MR. DINOWITZ: Yes, I will.

MR. CAHILL: Thank you, Mr. Speaker; thank you Mr. Dinowitz. I don't know if you were able to attend the Ways and Means hearing that was held, I think it was two years ago or a year-and-a half ago, after the dissolution of the Consumer Protection Board. Do you recall that meeting?

MR. DINOWITZ: The Ways and Means hearing?

MR. CAHILL: Ways and Means hearing on the budget.

MR. DINOWITZ: No. Actually, I missed that one.

MR. CAHILL: At that meeting we requested that a representative of the Department of State where the UIU, the Utility Intervention Unit, now resides, come to the meeting and tell us exactly how the UIU was going to function. The result of that meeting was that the representative that the Department of State sent to the Legislature to tell us how the unit was going to function could not answer a single solitary question about how that unit functioned and, in fact, didn't even know whether the UIU, the new UIU in the Department of State, had the right to appeal. Is that one of the ills you are trying to correct here?

MR. DINOWITZ: Well, as I said, I think at the very beginning in response to Mr. McKevitt, the Utility Intervention Unit, perhaps well-intended, does not seem to have the ability or wherewithal to do everything that needs to be done on behalf of utility consumers. This would change that -- this would change the balance of power and give utility consumers a real voice.

MR. CAHILL: Thank you, Mr. Dinowitz. The last point that I would like to make is about the question that was raised previously on debate is how exactly does an advocate without enforcement powers save money for consumers? How will this result in a savings? You know, they said it's going to cost us money, maybe tens of millions of dollars to run this agency. How does that result in a savings for consumers by empowering this advocate to jump into the middle of the process?

MR. DINOWITZ: Because we believe that this

advocate, appointed by the Governor and confirmed by the Senate with the backing of the State of New York, who is independent, will have the ability to have an impact on important decisions that are made that relate to utility consumers, including rate hikes. I believe it largely because of the experience that we've had in so many other states where similar offices have been extraordinarily effective in saving lots and lots of money for utility consumers.

MR. CAHILL: Thank you very much, Mr. Dinowitz.

Mr. Speaker, on the bill.

ACTING SPEAKER CUSICK: On the bill.

MR. CAHILL: You know, I served a couple of years as Chair of the Energy Committee, and during that time I got to know a little bit about the apparatus of how utilities are regulated in New York State. Unfortunately, during that same time that I was Chair of the Energy Committee we saw the evaporation, the annihilation, the elimination of any consumer protection in New York State. The Public Utility Law Project used to be funded under Article 18-a no longer received its funding. The Consumer Protection Board Utility Intervention Unit used to receive its funding under Article 18-a no longer received its funding, was disbanded, was sent over to various departments, and to a department where they didn't even know how they function. The Consumer Utility Board that was in existence in the 1990s was dissolved by Executive Order of the Governor of the State of New York at that time.

We are at the lowest point in the modern history of

New York State of consumer protection when it comes to utility issues. There has never been a time when the consumer was not represented as poorly as they are right now. They are not represented at all. The Utility Intervention Unit in New York State was two people. By the way, they've doubled their staff. They're now four people. They are still without the authority to file a lawsuit against the Public Service Commission should the Public Service Commission make a decision that is illegal, inappropriate, not found on the basis of the facts before them or any other basis. In addition to that, the staff is so small, so strained, so pulled in so many places that they simply cannot do an effective job of representing consumers in New York State. The Public Utility Law Project, refunded by this House, by money put back into the budget by this House, half of what they usually receive, had that funding been put into the budget last year, was unable to secure that funding for most of 2012 because of some bureaucratic issue. So, at that point in time, no representation from the Public Utility Law Project. Many of the great, wonderfully qualified representatives and advocates who existed in that office have gone to the four winds, they're gone now. They've gone elsewhere. They've got other jobs. They are no longer available to us to represent consumers. PULP is -- finds themselves in a situation where they have to recreate themselves from scratch, and that's exactly what they're doing at this point in time. And what does it mean to you and me and to our constituents and to our ratepayers in our district? It means that when the Public Service Commission considers a rate

increase, when the Public Service Commission considers, as they just did last Thursday, whether a Canadian company can purchase an America utility, Central Hudson Gas and Electric, consumers are nowhere at the table. Nowhere. If it wasn't for a small band of women that lived in the service area who decided to take this up as their issue, if it wasn't for the ability of the Public Utility Law Project, the multi-taskers, as they recreated themselves and to go on out there and put a little bit of intelligence into then process, there would have been no opposition whatsoever to what was going on with Central Hudson before this. But, the fact of the matter is that the current UIU signed off on the merger, signed off on the acquisition without for a moment thinking about the needs of consumers. That's what we need, ladies and gentlemen. The people we represent are people who don't have multi-million-dollar advertising campaigns, don't have armies of lawyers to go before the Public Service Commission to argue their case, don't have the wherewithal to understand the very deep intricacies of how utilities are regulated in this State. We need some expertise.

We are an embarrassment compared to our neighboring states. Ten times the advocacy in our surrounding states. Do we have one-tenth of the problem? Are our utilities ten times more responsible than our colleagues in other states? I don't think so. And what's the result? The result is if a utility asks for it in New York State, a utility gets it in New York State. That has to change. It has to change so that the regular Working Joe, the regular Working Jane has

a fair chance when it comes to these issues. It's time that we start the path back to representing the people of New York State, not the executives of utilities who get golden parachutes, not the shareholders of utilities who cash in on the backs of the ratepayers after all these years. This is the time when we should be having representation for consumers. Turn it around.

Not every expense that our constituents face is a tax. In fact, in many of our jurisdictions the greater expense that our constituents face is the cost of their heat and electric, their gas and their electric. And you want to know something? Here we are. Have you heard about this being the era of cheap gas, natural gas, lower prices than it actually costs to take that gas out of the ground? Have you checked your utility bill? Well, since the day of deregulation back in the mid-1990s to today, the cost of delivery has gone from about 25 percent of that bill to about 75 percent of that bill. The cost of electricity in the State that used to be based upon how much it cost to generate, transmit and distribute an electron is now all about how much a utility can get when they go before the Public Service Commission. How about this? Go to the credit union. Ask them for the longest-term CD you can buy. See how much of a return on that investment you're going to get. Is it going to be a quarter-of-a-percent? Is it going to be a half-a-percent? Is it going to be 2 percent, 3 percent? I doubt it. Guess what our utilities are making, ladies and gentlemen? Ten-and-a-half percent return on their investment. How anybody can stand in this room or in any place in

this Capitol and say that consumers are adequately represented and that we don't have to step up to the plate is beyond me.

The time has come to reverse this course. The time has come for us to remember who puts us here. It's the people we represent, and the people we represent have been shortchanged and it's time to turn that around. Thank you, Mr. Speaker.

ACTING SPEAKER CUSICK: Mr. Dinowitz.

MR. DINOWITZ: When my kids moved out, I thought my food bill and my electric bill would go down. Well, my food bill did go down, but my electric bill seems to keep going up and up and up, despite the fact that I know we're using a lot less electricity. We have no voice right now to try to do something about that.

AARP did a very in-depth survey, and three-quarters of New York residents say that they are very concerned about their energy rates going up. They don't believe that their interests are represented in utility rate cases. Three-quarters of the people, 76 percent, anybody who gets a 76 percent rating would be very, very happy. Well, that's a huge amount. Most people think that they're not getting a fair shake, and three-quarters of the people -- and I hate to say this -- don't believe their elected officials are doing enough to help when energy costs go up. Now, I know we are all doing what we can do and we're fighting every day, but the fact is we don't have enough on our side to make it effective. This Office will change that balance. Three-quarters of the people support creating this Office, creating a

Utility Consumer Advocate, and most people also support redirecting a small portion of the existing fund that's used to fund such an office. So, the public is on our side because they know that they've been getting the short end of the stick for many years when it comes to utility rates, electric rates, gas rates. The costs have gone up and gone up by huge, huge amounts. I believe that this will change that, and will have a serious and real impact because that's been the experience in other states. You know, 153-to-1, I think that's something like a 15,000 or 153,000 -- it's a huge return on an investment. And, yes, I really think it's the same thing as a tax cut. You know, sometimes when a fee is raised some people would characterize that as essentially the same thing as a tax hike. Okay, that's fair. Well, then this would result in cuts in our electric rates because we have somebody fighting for us and all of our constituents, and that's, in essence, a tax cut and that's what this would do.

So, if we create this Office, every person in the State of New York will benefit from this and, therefore, I strongly urge everybody here to vote yes on this legislation.

ACTING SPEAKER CUSICK: Mr. Nojay.

MR. NOJAY: Thank you, Mr. Speaker. On the bill.

ACTING SPEAKER CUSICK: On the bill.

MR. NOJAY: I just note, you know, that old cartoon that asked the question or made the comment that, "We have met the enemy, and he is us." The fact is we've got the highest utility rates in the United States because of what this Legislature has done to your

constituents. You've got the highest taxes in the nation, the highest excise taxes, the highest labor costs, the highest property taxes and then you wonder, *Why are our utility costs so high?*

I've had reason to be in San Antonio recently. The City of San Antonio owns two nuclear power plants, and they want to build a third nuclear power plant. And the cost of electricity in San Antonio, where business is booming, manufacturers are taking our jobs away from us, is roughly half of the cost it is here in New York. So, if you really want to lower your constituents' and your businesses' utility costs, rather than creating yet another government office with yet another government bureaucrat adding yet more cost to the cost of government in the State of New York, why don't we look at areas that have created jobs, lowered their utility costs by being proactive about creating low-cost energy? This Body wants to close down the one nuclear power plant that supplies electricity to New York City, and then you turn around and complain about the cost of power. The folks in Texas are laughing while they're taking our jobs from us. So, if we really want to do something about the cost of energy, let's begin here by lowering the cost of producing that electricity.

Thank you, Mr. Speaker.

ACTING SPEAKER CUSICK: Mr. Palmesano.

MR. PALMESANO: Yes, Mr. Speaker, on the bill.

ACTING SPEAKER CUSICK: On the bill.

MR. PALMESANO: I think it's great that we want to work to reduce energy costs on our consumers and our businesses, but

I'm puzzled by the approach to think that just putting someone in place to be an advocate is going to solve the problem unless this advocate can work to reduce the taxes and fees and assessments that are placed on our homeowners and our businesses. Just this past budget cycle we had the opportunity to eliminate the 18-a surcharge as was promised to our businesses, our manufacturers and our homeowners. We rejected that opportunity, but we think this is going to solve the problem to lower energy costs.

We pay over \$6.4 billion in taxes and fees on our energy bills. Is this going to do anything to bring that down? I don't think so, but we can have someone argue that this is going to solve the problem? Not at all. We want to have more -- we want to look at -- there's proposals out here, people want to shut down Indian Point which provides 2,000 megawatts of electricity to our businesses and our homeowners. Studies that have been done have said if that were to happen, electricity prices would skyrocket, jobs would go away. If you want to talk about the problem to our lower-income workers as a percentage of income the amount of money they spend on the utilities, the U.S. median average is 4 percent for SSI elderly, for the Social Security elderly, they pay 19 percent. For those who are with families with dependent children, they pay 26 percent. In fact, the lower-income households are paying nearly a quarter of their income for energy costs. Twenty-seven million lower-income households that earn between \$10,000 and \$30,000 report paying 23 percent of their U.S. household income, they'll allocate 23 percent of that after-tax

income to energy, more than twice the national average. Our taxes, our fees, our assessments, we have a proposal that's going to be coming through that's going to ask us to do more and that's going to cost the utilities and cost the ratepayers to pay more. If we want to reduce the cost of energy, let's go after something that we can do in this House that will reduce the 18-a, get rid of the 18-a surcharge, reduce the fees and assessments. We pay over \$1.4 billion just in renewable and energy efficiency credits that go on our bill every month that we pay that we have no say in. The PSC just says, *If we want to increase it, we'll increase it because it's in the name of energy efficiency.*

It's the taxes, fees and assessments that continue to drive up our energy costs, our electricity prices for our businesses, our homeowners, our manufacturers. Those are the things we should be going after. This won't solve that problem, so for that reason, I will be voting in the negative.

ACTING SPEAKER CUSICK: Mr. Dinowitz for his second time.

MR. DINOWITZ: I'm glad you didn't say second 15 because I didn't use my first 15.

ACTING SPEAKER CUSICK: I did that on purpose.

MR. DINOWITZ: I just want to make two quick points: One, I just want to reemphasize that the funding mechanism would be funded through the existing assessment process on public

utilities, which is part of 18-a, and it is not part of the separate 18-a that I talked about, that Assemblyman Cahill talked about.

But, finally, I just wanted to raise the following: The Office of Public Utility Council, that's OPUC, from the State of Texas which contains the City of San Antonio, is financed through the General Revenue Fund and from the System Benefit Fund. The Office of Public Utility Council in Texas estimates that \$101 million in savings for 2012 that was the benefit to utility consumers because they have an office exactly like the office that we would be creating. So, if Texas has lower utility rates, it's in part because they're doing what I'm hoping we do and that is create an office just like the one that Texas has. So, maybe we can lower our utility rates and be just like Texas if we have an office similar to the one that Texas has.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect on the first day of April next succeeding the date on which it shall have become a law.

ACTING SPEAKER CUSICK: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Russell to explain her vote.

MS. RUSSELL: Thank you, Mr. Speaker. I do rise to explain my vote. As I was listening to the debate on this issue, I was surprised to hear that only one nuclear facility essentially sends electricity to New York City. And then I noticed that my colleague

who represents a facility of that nature just to the south of my district is absent from the Chamber right now, I believe at a committee meeting. But, I certainly wanted to let the Chamber know that there is absolutely more than one nuclear facility that provides electricity to the New York City Metropolitan area, another one that's very close to my district. I also wanted to make the point that city- or municipal-owned utilities might be something we should be exploring on a much larger scale. If that's what they're doing in Texas, that's great. Maybe we should bring that here. That would be a great idea. I live in a muni. We have, in the past, generated our own electricity and I think that that would be a fantastic opportunity to explore. I appreciate my colleague bringing that up and supporting that type of exploration in this State.

I cast my vote in the affirmative. Thank you.

ACTING SPEAKER CUSICK: Ms. Russell in the affirmative.

Mr. Lopez to explain his vote.

MR. LOPEZ: Thank you, Mr. Speaker. On the bill. Some of our colleagues have really summed up this discussion. In the last year, we've seen any number of impacts on businesses and energy. We saw the extension of the Article 18-a with the billions of dollars in taxes, excess expenses on customers that that will incur over the next five years. So, critically speaking, you know, in terms of utility costs we've heard it some that we've met the enemy and we are the enemy. So, to the extent that we are empowering additional fees and

surcharges, you know, if we're really concerned about oversight, we have a Public Service Commission. The Public Service Commission is engaged in reviewing the utility rate requests. If anything, if we want to be within our budgets and be intelligent about it we should be modifying the role, powers and duties of the PSC to make sure that there are more safeguards for the consumer at the end of this.

So, we're hiring more bureaucracy to watch bureaucracy and just using taxpayer dollars in this case very inefficiently. I withdraw my request and vote in the negative.

ACTING SPEAKER CUSICK: Mr. Lopez in the negative.

Mr. Graf to explain his vote.

MR. GRAF: Yes. I've heard about Texas and how their energy is cheaper. What you have to understand is a lot of times when we generate electricity, we're using gas or we're using oil to generate the electricity. The reason that the hydropower is so cheap is we're using water, which doesn't cost us anything to generate that electricity. So, the reason Texas may have cheaper gas or cheaper electric than we do is they have the resources to actually generate the electricity. So, we have the resources, too, but we're not going after it.

I have a bill in that if we were to do hydrofracking, any of the oil or the gas, 10 percent would be set aside to create electricity, which would actually bring down the cost of electricity for our homeowners. So, I mean, when we're sitting here saying that Texas is a good example, maybe we ought to follow their lead and try

to bring out some of our natural resources. Thank you.

ACTING SPEAKER CUSICK: Mr. Graf in the negative.

ACTING SPEAKER AUBRY: Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. If we could remain on page 13 on the main Calendar and go to Rules Report No. 232 by Mrs. Mayer.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Bill No. 6524-B, Rules Report No. 232, Mayer, Buchwald, Gibson, Otis, Jaffee, Lavine, Ortiz, Raia, Schimel, Titone, Abinanti, Kavanagh, Jacobs. An act to amend the Public Service Law, in relation to requiring the Public Service Commission to conduct annual hearings regarding certain electric corporations.

ACTING SPEAKER AUBRY: An explanation is requested, Mrs. Mayer.

MRS. MAYER: Thank you, Mr. Speaker. This bill would require the Public Service Commission to provide additional information to consumers on its website and to conduct public annual hearings in the counties which are provided service by the electric companies regulated by the Public Service Commission.

ACTING SPEAKER AUBRY: Ms. Corwin.

MS. CORWIN: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Mrs. Mayer?

MRS. MAYER: Yes.

ACTING SPEAKER AUBRY: Mrs. Mayer yields, Ms. Corwin.

MS. CORWIN: Thank you, Mrs. Mayer. I appreciate that. The piece regarding the public hearings. Now, how often would these public hearings be required to be held?

MRS. MAYER: The public hearings are required to be held annually for each of the regulated utilities which are listed in the bill, starting with ConEdison, Orange and Rockland, Central Hudson Gas and Electric, Niagara Mohawk, New York State Electric and Gas and Rochester Electric and Gas.

MS. CORWIN: Okay. And there would be one hearing per utility or per service area?

MRS. MAYER: Each utility is required to have one hearing annually, and the bill spells out in which county the hearing must be held and it's alternated, basically, where there's multiple counties served by a utility company.

MS. CORWIN: I see. Okay. And you said annually. And then who would be required to attend these hearings?

MRS. MAYER: Well, no one is required to attend.

These are public hearings intended to provide an opportunity for ratepayers to have a chance to speak before the Public Service Commission. No one is required. The public will be invited.

MS. CORWIN: Let me rephrase that. Who from the utilities would be required to participate in the hearing?

MRS. MAYER: The bill requires that the Chairman or Chairwoman of the Public Service Commission and a majority of the Commissioners shall be present.

MS. CORWIN: So, those Commissioners would have to attend each of the six hearings that are done annually?

MRS. MAYER: A majority of the Commissioners, yes.

MS. CORWIN: Okay. And what topic would be discussed at these hearings?

MRS. MAYER: The bill details six topics that could be subject to testimony, including the quality of electric service, the impact of Commission decisions, the administration of energy efficiency programs, communication issues, service restoration performance and additional topics the Commission deems necessary.

MS. CORWIN: Okay. And my understanding of the bill is prior to these hearings that the PSC would be required to create and publish a report on each of the utilities?

MRS. MAYER: That's correct.

MS. CORWIN: Okay. And so, it sounds to me, I mean, generally, I think what we're most familiar with here in

government is, you know, you hold a public hearing on a specific topic or issue or area of concern, but it sounds to me that what you're proposing is just to have kind of a general hearing where the public can come in and voice their concerns?

MRS. MAYER: Well, the bill is intended to provide an opportunity for commercial and residential ratepayers to have an opportunity to speak before the Public Service Commission on regulated utilities, which they currently do not have unless they come to Albany.

MS. CORWIN: Okay. But do they have the ability to go on the PSC website and register complaints regarding the utilities?

MRS. MAYER: I assume they do, but this is a very different effort.

MS. CORWIN: Okay, but if they have a concern or a problem, they at any time can go on the website, they can reach out to the Public Service Commission and voice their concerns. And isn't the Public Service Commission able to call a hearing or solicit input at any time?

MRS. MAYER: The Public Service Commission, in my experience, has been unwilling to hold public hearings to hear ratepayer complaints outside of Albany.

MS. CORWIN: Okay. So, this is your way of forcing them to get involved. What would they be --

MRS. MAYER: Let me just recharacterize this. This

does not force them. It authorizes our constituents to have an opportunity to speak before the Public Service Commission.

MS. CORWIN: Right, but you're requiring the PSC to hold these hearings. That's what the bill does.

MRS. MAYER: Correct.

MS. CORWIN: So, the PSC would be required to have the hearings. They would have to have a majority of their Commissioners present at each one of those, which are all throughout the State, and there isn't a specific topic that would be covered, just the public can just show up and make comments.

MRS. MAYER: Well, as I noted previously, the bill does specify five specific things that shall be the subject or can be subject of the hearing, plus any additional topics or information the Commission deems necessary.

MS. CORWIN: But it says they can discuss those topics but they're not required to discuss those topics?

MRS. MAYER: Well, I assume that if your constituents or mine are there, they're going to speak about their experience with the utility, yes.

MS. CORWIN: All right. Thank you, Mrs. Mayer. I appreciate that.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Ms. Corwin.

MS. CORWIN: It's a little difficult for me to kind of

grasp what the concept of this hearing is. I understand the sponsor saying that the PSC hasn't been responsive to holding these hearings; however, at the same time, the Public Service Commission also has the ability and the requirement to accept comments from ratepayers on their website and they have the ability to go ahead and hold these hearings and to take necessary actions regarding the utilities themselves.

My concern with this is that unless there's a specific issue that needs to be addressed, it sounds to me like it's a lot of meetings, a lot of preparation, having to file reports, when we don't have a specific concern that needs to be addressed. Certainly, I think that the consumers or the ratepayers have the ability to go on the website and to register their complaints and, certainly, the PSC needs to address them in the manner that they deem appropriate but, to me, this sounds like a lot of bureaucracy that doesn't necessarily accomplish anything because there is no specific intent.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Corwin.

Read the last section.

THE CLERK: This act shall take effect January 1, 2014.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Mayer to explain her vote.

MRS. MAYER: Thank you very much. This bill was born of the experience after Hurricane Sandy in my district where many of my constituents were profoundly dissatisfied with the conduct of ConEdison and had no place to turn. They thought, as most of us do, that ConEdison was regulated by the Public Service Commission. But when I reached out to the Public Service Commission and asked them to come and hear the complaints of ordinary ratepayers who were paying their bills and, frankly, were disserved by the conduct of ConEdison, the Public Service Commission refused to come to my district and participate in a public conversation about the conduct of the company that they regulated and for which our constituents paid. This bill is an effort to address that problem by getting the Public Service Commission out of Albany to hear the complaints and any other comments of ratepayers, both commercial and residential. I think it's a step in the right direction.

I want to thank Mr. Brennan and his staff for helping craft a very constructive bill. Thank you. I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mrs. Mayer in the affirmative.

Mr. Buchwald.

MR. BUCHWALD: Thank you, Mr. Speaker. I rise to explain my vote. I want to commend the sponsor of this legislation. Having a responsive Public Service Commission is something that all

New Yorkers deserve. Though it is true that they have a complaint form on their website, as we've already learned during this Session, the Public Service Commission's complaint forms on their website are insufficient even under existing Public Service Law and, therefore, to have Public Service Commission hearings designed to focus on individual utilities that provide such a crucial service to New Yorkers is something I think is very much in order.

I, again, commend the sponsor for working diligently on this legislation and urge my colleagues to cast a yes vote. Mr. Speaker, I withdraw my request to explain my vote and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Buchwald in the affirmative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker, thank you. If we could have members of the Insurance Committee make their way to the Speaker's Conference Room. The Chair, Mr. Cahill, is making his way and I would like to encourage members of the Insurance Committee to go to the Speaker's Conference Room. After that announcement, Mr. Speaker, if you could then go to page 26 on the main Calendar and begin consenting with Rules Report No. 345 by

Mr. Magee.

ACTING SPEAKER AUBRY: Thank you, Mr. Morelle. Insurance Committee, Speaker's Conference Room. Mr. Cahill awaits.

The Clerk will read.

THE CLERK: Bill No. 7097, Rules Report No. 345, Magee, Markey, Clark. An act to amend the Tax Law and the State Finance Law, in relation to authorizing a tax check-off for gifts to food banks.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7210, Rules Report No. 346, Lupardo. An act to amend Chapter 415 of the Laws of 1913 relating to establishing a State commission for improving the condition of the blind of the State of New York, in relation to certain technical amendments; to amend the Civil Service Law, Elder Law, Election Law, the Labor Law, the Legislative Law, the Public Buildings Law, the Real Property Tax Law, the Social Services Law, State Finance

Law and the Tax Law, in relation to changing the name of the Commission for the Blind and Visually Handicapped to the Commission for the Blind.

ACTING SPEAKER AUBRY: On a motion by Ms. Lupardo, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect on the first day of April, 2013 next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Kellner to explain his vote.

MR. KELLNER: Thank you, Mr. Speaker, just to explain my vote. I just wanted to thank the sponsor of this bill for this bill. Words do matter in our society and I don't think a lot of people recognize where the word "handicapped" came from. It actually came from when people with disabilities used to literally hold a cap in their hands and beg on the streets in the early 20th Century and that's where the word came from; it's an inappropriate word. I think referring to people as people first, people with disabilities, people with visual impairments, the blind is much more appropriate and I thank the sponsor for bringing this bill forward and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Kellner in the affirmative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7213-A, Rules Report No. 347, Robinson. An act to amend the Banking Law and the General Business Law, in relation to enhancing regulatory efficiency and efficacy; to repeal certain provisions of the Banking Law relating thereto.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7269-A, Rules Report No. 348, Braunstein. An act to amend the Real Property Law, in relation to ground leases.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7293, Rules Report No. 350, Zebrowski, Millman, Benedetto, Kellner, Colton, Rosenthal, Cymbrowitz, Brook-Krasny, Weprin, Lifton, Gabryszak, Maisel, Scarborough, Schimel, Ryan, Stirpe. An act to amend the Workers' Compensation Law, in relation to physical therapy care provided through the Workers' Compensation system.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7321, Rules Report No. 352, Gunther. An act to amend the Tax Law, in relation to extending the authority of Sullivan County to impose a sales and compensating use tax within such county.

ACTING SPEAKER AUBRY: A Home Rule

message is at the desk and the bill is laid aside.

THE CLERK: Bill No. 7341, Rules Report No. 353, Robinson, Raia, Montesano, Sepulveda, Borelli, Weprin. An act to amend the Banking Law, in relation to authorizing credit unions to conduct savings promotion prize giveaways.

ACTING SPEAKER AUBRY: On a motion by Mrs. Robinson, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7355-A, Rules Report No. 354, Cahill. An act to amend the Local Finance Law, in relation to bond anticipation notes issued during the calendar years 2009 and 2010.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I ask to interrupt the proceedings for a very special introduction. It involves the word "knaidel," which is a German-Yiddish word that means matzo dumpling. Now, why does it? Because the young man who is here as a guest of Mr. Braunstein, Ms. Rozic, Mr. Weprin, Mr. Moya and Mr. Kim, and I'm sure the entire Queens Delegation, is a young man who successfully spelled that word and in doing so, won the 2013 Scripps National Spelling Bee Championship on Thursday, May 30th. His name is Arvind Mahankali. He is 13 years old. He is a resident of Bayside Hills and this is, indeed, a huge honor. We're delighted to have him. He speaks Telugu and Spanish, enjoys sports such as tennis and basketball, excels, as you can imagine, in school subjects like mathematics, science and, of course, spelling. He hopes to become a physicist. This is his fourth consecutive trip to the Scripps National Spelling Bee. He's finished ninth and third, both in '11 and '12, and, of course, was the winner this year. He is supported by his very, very proud parents, Srinivas and Bhavani, as well as his younger brother, Srinath.

So, if you could please extend, on behalf of the Speaker and all the members, to Arvind Mahankali, our best wishes,

congratulations and extend him the courtesies of the floor.

(Applause)

ACTING SPEAKER AUBRY: On behalf of the entire Queens Delegation, the Speaker and all the members, we welcome you here to the New York State Assembly. We are, obviously, very proud of your accomplishments. You are a remarkable young man. You have a great family. We hope that you will, in fact, be a physicist because we need that kind of skill and talent here in the United States and anything we can do to help you, please let us know. You are always welcome back here. Thank you so very much.

(Applause)

We're proud of your linguistic ability, Mr. Morelle.

MR. MORELLE: If not my spelling ability. Thank you.

Mr. Speaker, if we could now ask members of the Transportation Committee to make their way to the Speaker's Conference Room. The Chairman, Mr. Gantt, is in the Speaker's Conference Room awaiting folks. And then if we could return to the main Calendar on page 27 and continue to consent beginning with Rules Report No. 354 by Mr. Cahill.

ACTING SPEAKER AUBRY: Transportation in the Speaker's Conference Room. Follow Mr. Gantt.

The Clerk will read.

THE CLERK: Bill No. 7408, Rules Report No. 356,

Englebright, Duprey. An act to amend Executive Law and the Penal Law, in relation to enhancing fire safety on State property.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7430, Rules Report No. 357, Weisenberg. An act to amend the Tax Law and State Finance Law, in relation to establishing the Homeless Veterans Assistance Fund and authorizing gifts to such fund through a State income tax check-off.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, sir. Thank you for allowing an interruption for the purposes of an introduction of a very distinguished group of individuals who are here from the Republic of Kazakhstan. First of all, joining us is the Consul General of New York, the Honorary Raushan Yesbulatova, who has begun her professional career in the Ministry of Foreign Affairs in the Republic of Kazakhstan in 1997. And her diplomatic career includes posts in Belgium and in the United States. Since 2010, she has headed the Consulate General, a prominent member of the Society of Foreign Consuls in New York, and acted as President of that society in 2010 and Vice President in 2009 and '11.

Kazakhstan is a country rich in natural resources and the country has a strong, fiscally sound public finance system and a positive credit outlook. We are delighted to have Ms. Yesbulatova in the Chamber, along with a number of other distinguished individuals, Yerlan Kubashev, Asylbek Bizhanov, Arlan Yerzhanov, Zulfiya Akchurina and Marat Beksultanov.

If you could please, on behalf of Mr. Brook-Krasny, of course, Mr. Cymbrowitz and Mr. Cahill, please allow us to extend our greetings to this distinguished group of individuals and extend to them the cordialities and courtesies of the House, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Brook-Krasny, Mr. Cahill, the Speaker and all the members, we welcome you here to the New York State Assembly, this distinguished group of visitors here to our country. We hope you've

appreciated the proceedings that you've witnessed and we extend the opportunity for you to come back and visit us again. Thank you so very much and we hope all is well with you.

(Applause)

THE CLERK: Bill No. 7433-A, Rules Report No. 358, Crespo. An act directing the State Education Department to conduct a study concerning the cost of installing hard-wired carbon monoxide detectors in each instructional school facility in public school districts and boards of cooperative educational services.

ACTING SPEAKER AUBRY: On a motion by Mr. Crespo, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7499, Rules Report No. 362, Steck, Santabarbara. An act relating to the sale of liens and tax exempt property in the County of Schenectady.

ACTING SPEAKER AUBRY: On a motion by Mr. Steck, the Senate bill is before the House. The Senate bill is advanced

and a Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7501, Rules Report No. 363, Pretlow. An act to amend Chapter 272 of the Laws of 1991, amending the Tax Law relating to the method of disposition of sales and compensating use tax revenue in Westchester County and enacting the Westchester County Spending Limitation Act, in relation to extending the expiration thereof.

ACTING SPEAKER AUBRY: A Home Rule message is at the desk and the bill is laid aside.

THE CLERK: Bill No. 7514, Rules Report No. 364, Jaffee, Zebrowski. An act authorizing the East Ramapo Central School District to receive certain apportionments on an accelerated basis.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7522-A, Rules Report No. 365, Ryan, Ceretto. An act to amend the Public Authorities Law, in relation to duties of the New York Power Authority.

ACTING SPEAKER AUBRY: On a motion by Mr. Ryan, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker. I would like to let members of the Ways and Means Committee know that the Chair, Mr. Farrell, is in the Speaker's Conference Room awaiting members of the Committee on Ways and Means.

ACTING SPEAKER AUBRY: Ways and Means in

the Speaker's Conference Room.

THE CLERK: Bill No. 7561, Rules Report No. 366, Benedetto, Hawley, Barrett. An act to amend the Public Health Law, in relation to clarifying eligibility requirements for admission to the New York State Veterans' Home.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect on the 30th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7615, Rules Report No. 367, Kellner, Clark, Solages, Abinanti, Roberts, Zebrowski. An act directing the State Department of Education to develop a comprehensive plan for increasing access to and lending of electronic books in public libraries and public library systems across New York State.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7623, Rules Report No. 368, Weinstein, Rozic. An act to amend the Family Court Act and the Domestic Relations Law, in relation to non-respondent parents in child protective and permanency proceedings in family court.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect on the 180th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7631, Rules Report No. 369, Abbate, Malliotakis. An act to amend the Civil Service Law, in relation to providing additional credits to children and siblings of

diseased firefighters, police officers, emergency medical technicians and paramedics killed in the line of duty or in the performance of duty as the natural and proximate result of the World Trade Center attack, or as a result of participation in the rescue effort.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7642, Rules Report No. 371, Paulin, Lupardo, Otis, Jaffee, Millman. An act to amend the Social Services Law, in relation to adult protective services.

ACTING SPEAKER ZEBROWSKI: On a motion by Ms. Paulin, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7697, Rules Report No. 374, Titus, Ra, Cook, Solages, Goldfeder, Rosenthal, Simanowitz, Weisenberg, Roberts, Schimel, Aubry, Curran, Kim. An act to amend Chapter 154 of the Laws of 1921, relating to the Port Authority of New York and New Jersey, in relation to requiring a noise and land use compatibility study.

ACTING SPEAKER ZEBROWSKI: On a motion by Ms. Titus, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Braunstein to explain his vote.

MR. BRAUNSTEIN: Thank you, Mr. Speaker. I rise to voice my support for this bill and thank the sponsors, Assemblywoman Titus and also Assemblyman Ra, who worked hard to get this bill passed.

My district in Northeast Queens has seen a change in flight patterns over the last two years and it's having a devastating effect on my community. And this bill would require that the FAA

does a study of those noise impacts and pays for mitigation measures so my constituents don't have to -- they'll still bear the burden of this noise, but it will ease it somewhat.

So, once again, I want to thank the sponsors who worked in a bipartisan fashion to get this bill passed. Thank you. I'll be voting in the affirmative.

ACTING SPEAKER ZEBROWSKI: Mr. Braunstein in the affirmative.

Ms. Schimel to explain her vote.

MS. SCHIMEL: Thank you, Mr. Speaker. I, too, rise to thank the sponsor, as well as Ed Ra as being a co-sponsor. This definitively affects my district, and Mr. Ra knows. And I'm going to give a shout out to one of my constituents, Len Schaier, who is going to be very excited today because the State has recognized the cries of the constituents.

I live on the north end of Long Island and we've been particularly impacted, as well as my colleague, by the rise in the number of airplanes. So, this is definitely something that will help my constituents and I thank the sponsor and her co-sponsor for this great legislation. Thank you, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: Ms. Schimel in the affirmative.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Just quickly, I want to thank the sponsor, Ms. Titus, for working with myself and our

community, as well as the Queens Delegation on this issue. We've all seen a dramatic increase in the aircraft noise over our communities and this is really, at the end of the day, somewhat of a common-sense bill. We're not putting a burden on the Port Authority any more than they've done other places. The FAA has this Part 150 program that's designed to help communities address noise issues. This is a study that's been done at many northeastern major airports, over 400 airports in this country, including right here in New York, Niagara, Buffalo, Albany.

So, this is a piece of legislation that we hope will pass in New Jersey. We've had it introduced there so that we can finally elevate the subject of noise around our airports and make sure that we're giving proper deference to our local communities in our use of runways and flight patterns. I'm proud to cast my vote in the affirmative. Thank you.

ACTING SPEAKER ZEBROWSKI: Mr. Ra in the affirmative.

Mr. Curran.

MR. CURRAN: Thank you, Mr. Speaker. I just want to take this opportunity to congratulate both the sponsor, along with Assemblyman Ra, in their steadfast making sure that this bill comes to the floor for a vote. As a person who is privileged to represent many of the communities in the southwest portion of Nassau County directly next to and over the flight paths of JFK Airport, we have seen an ever-increasing amount of airport noise over my

communities and this Part 150 study is long overdue and we hope that New Jersey will follow suit to require the airports to submit to this Part 150 study and to abide by the recommendations that come out of it. I know that the residents of Malverne, Valley Stream, Lynbrook, Rockville Center, East Rockaway will be overjoyed with the passage of this bill and we look forward to New Jersey also passing it.

So, I withdraw my request and vote in the affirmative, Mr. Speaker, and encourage my colleagues to do the same. Thank you.

ACTING SPEAKER ZEBROWSKI: Mr. Curran in the affirmative.

Mr. Weisenberg.

MR. WEISENBERG: Mr. Speaker, my colleagues, we're right on Long Beach and the Five Towns. Carol Berman, former Senator, was influential in trying to bring to view the problems that happened when we had so much of a disruption that it impacted our schools and everybody's way of life. These flights, these planes come in, I would say, only a few hundred feet over their houses. It's amazing. Anyway, this is vitally important to have a quality of life. It's going to be very beneficial if we can have some changes and be able to give some relief to the people who live in our Five Towns, Long Island South Shore communities. I thank the sponsors and I vote in the affirmative.

ACTING SPEAKER ZEBROWSKI: Mr. Weisenberg in the affirmative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7710, Rules Report No. 375, Sweeney, Gabryszak, Roberts. An act to amend the Environmental Conservation Law, in relation to fees for a bowhunting privilege for persons aged 15 years and under.

ACTING SPEAKER ZEBROWSKI: On a motion by Mr. Sweeney, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7714, Rules Report No. 376, McDonald, Fahy, Nolan. An act to amend the Education Law, in relation to transitional aid for certain charter schools.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. McDonald, congratulations. Your first bill.

(Applause)

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker, thank you for allowing me to interrupt the proceedings so I can do an introduction of a good friend of our colleague, Mr. Brook-Krasny. He has in the Chamber today Mr. Misha Migdal, who is the President of Supreme Screw Products, a manufacturing company located in the Bronx since 1977. They are a state-of-the-art, high-tech company that produces machine tools, and their products that they design and produce are in vital areas such as aerospace, commercial medical products. Examples of their innovation range from the Intuitive Surgical DaVinci machine to the Apollo Endoscopy, among others. Currently most employees -- and they have increased employees in the five years that Mr. Migdal has owned the company, from 12 to 41 and expects to hire several more employees over the next several months related to their continued success. Most of his employees, as you can imagine, live in the Bronx and other boroughs of the City. He is here today as a guest of Mr. Brook-Krasny and I would like you to please

extend the cordialities of the House to him, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Brook-Krasny, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We congratulate you on your business success. It sounds very exciting. You should be very proud. I'm sure Mr. Brook-Krasny is extremely proud of you, also. Thank you so much for coming.

(Applause)

THE CLERK: Bill No. 7716, Rules Report No. 377, Cahill. An act to authorize the Town Board of the Town of Marbletown to hold meetings in the Town of Rosendale and the Town Justice Court of the Town of Marbletown and the Town Justice Court of the Town of Rochester to hold Justice Court in the Town of Rosendale.

ACTING SPEAKER AUBRY: A Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7735-A, Rules Report No. 378, Morelle. An act to amend Chapter 362 of the Laws of 2012, amending the Insurance Law relating to a health insurance demonstration program for early retirees, in relation to extending the effectiveness of the provisions of such chapter; and to amend the Insurance Law, in relation to Superintendent approval of eligible insurers.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7736, Rules Report No. 379, Millman, Gottfried, Crespo, Montesano, Jaffee, Finch, Steck, Galef, Gunther, Titus, Roberts, Brook-Krasny. An act to amend the Elder Law, in relation to rules and regulations pertaining to the operation of social adult day care programs.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7743, Rules Report No. 380, Stirpe. An act authorizing the County of Onondaga to enter into a lease with the Syracuse Chargers Rowing Club.

ACTING SPEAKER AUBRY: On a motion by Mr. Stirpe, the Senate bill is before the House. The Senate bill is advanced. A Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7753, Rules Report No. 381, Rodriguez. An act to amend Chapter 384 of the Laws of 1998 amending the Public Authorities Law relating to the powers of Terence Cardinal Cooke Health Care Center, in relation to extending the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Rodriguez, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. We would like to call the Committee on Real Property Taxation in the Speaker's Conference Room. The Chair, Mrs. Galef, is here and is about to escort all willing and able members to the Committee on Real Property Taxation in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Real Property Taxation in the Speaker's Conference Room, and I'm sure there are many able members here. Please proceed.

THE CLERK: Bill No. 7756, Rules Report No. 382, Kim, Moya, Crespo, Braunstein, Kellner, Quart, Rodriguez, Miller. An act to amend the Education Law, in relation to required attendances.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Kim to explain his vote.

MR. KIM: Yes, Mr. Speaker, thank you. I rise to explain my vote.

This bill would allow the local school authorities and boards and trustees the power to determine whether it's fitting to give that school district the holiday. In particular, in my district, where we have 70 percent of Asian-Americans where we observe the Asian Lunar New Year, this is very significant. It would allow the local authority to determine whether the students can have that day off. So, I thank the Chair, the Speaker for supporting this bill and I encourage my colleagues to vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Kim in the affirmative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. If I can interrupt the proceedings for a group of introductions from our friends in the Bronx who are celebrating Bronx Day here in the Capitol today.

And on behalf of Mr. Benedetto, I know Mr. Gjonaj and the other members of the Bronx Delegation, there are four people who have joined us in the Chamber today from City Island, Skip Giacco, who is President of the City Island Chamber of Commerce; also Paul Klein, Stephanie Fisher and Ed Castro. In addition from the Bronx, we're joined by Patricia Williams, Kim Wilson and Cynthia Cox. We are delighted to have them in our Chamber today.

And if you would please extend, on behalf of our colleagues, the cordialities and privileges of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Crespo, Mr. Benedetto, Ms. Gibson and the entire Bronx Delegation, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We're really excited that we're having Bronx Day here in Albany and let me only say that City Island is a great place to go eat. Thank you so very much and we hope that you come back again.

(Applause)

THE CLERK: Bill No. 7759, Rules Report No. 383, Santabarbara , Skoufis, Skartados, Stirpe. An act to amend the Agriculture and Markets Law, in relation to the issuance and expiration of food processing establishment licenses.

ACTING SPEAKER AUBRY: On a motion by Mr. Santabarbara, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7761, Rules Report No. 384, Benedetto, Hawley, Farrell, Otis, Barrett, Santabarbara, Russell, Bronson, Colton, Skoufis, Cusick. An act to amend Executive Law, in relation to enacting the "Veterans Employment Act."

ACTING SPEAKER AUBRY: On a motion by Mr. Benedetto, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Benedetto to explain his vote.

MR. BENEDETTO: Yes, very briefly, Mr. Speaker, thank you. Quite often when we come into this Chamber, we talk to veteran groups and we talk about what we want to do for them. But quite often, we fall short of those promises. This is a bill that will take unemployed veterans who need jobs and are desperate to find jobs and put them to work for the State on a temporary basis but, in many

cases, might very well lead to full-time employment.

So, I thank my colleagues who are voting for this bill today. I thank the Speaker and the Assembly Veteran Committee staff and the Ranker on my Committee for putting this bill forward and doing some real help for those who did so much for us. Thank you and I certainly will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Benedetto in the affirmative.

And, Mr. Benedetto, we did not plan this just because you were having guests, it just occurred that way.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7819, Rules Report No. 386, Morelle. An act to amend Chapter 656 of the Laws of 2002 amending the General Business Law relating to rental vehicle protections, in relation to extending the provisions of such chapter.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7829-A, Rules Report No. 387, Cahill. An act to amend the Insurance Law, in relation to the Joint Underwriting Association.

ACTING SPEAKER AUBRY: On a motion by Mr. Cahill, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7837, Rules Report No. 389, Cymbrowitz, Crespo. An act to amend the Mental Hygiene Law, in relation to the distribution of educational materials regarding the misuse of and addiction to prescription drugs.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 60th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7868, Rules Report No. 390, Galef, Colton, Kavanagh, Barron, Jaffee, Magnarelli, DenDekker, Gabryszak, Corwin, Perry, Zebrowski, Weprin, Maisel, Roberts, Camara, Dinowitz, Wright, Buchwald, Steck, Brindisi, Skoufis, Santabarbara, Barrett, Stirpe, Skartados. Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 14 of Article 3 of the Constitution, in relation to the manner of passing bills.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7895, Rules Report No. 392, Sweeney, Weisenberg. An act to amend the Environmental Conservation Law , in relation to the management of the American lobster; to amend Chapter 211 of the Laws of 2008 amending the Environmental Conservation Law relating to the management of American lobsters, in relation to the effectiveness thereof; to repeal

Section 2 of such chapter relating to the management of American lobsters; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 30th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you very much, Mr. Speaker, for allowing this interruption. On behalf of Ms. Gibson, Mrs. Arroyo, Mr. Dinowitz and, I note, Mr. Stevenson and other members of the Bronx Delegation, we have a very large and distinguished group of community leaders and citizens from the great Borough of the Bronx who have joined us here as part of Bronx Day, and we would like to extend, on behalf of the Bronx Delegation and the Speaker, the cordialities and privileges of the House and welcome them here to the Capitol.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Gibson, Mrs. Arroyo, Mr. Dinowitz, Mr. Stevenson and the

entire Bronx Delegation, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We're so happy to see you. We are waiting to celebrate Bronx Night, even if we don't get a chance to do it because we're working, but you'll understand that. Thanks for being here and come back real soon.

(Applause)

The Clerk will read.

THE CLERK: Bill No. 7905, Rules Report No. 395, Sweeney, Englebright. An act to amend the Environmental Conservation Law, in relation to the addition of certain lands in the Carmans River Watershed to the Central Pine Barrens Area and the Core Preservation Area; to repeal Chapter 538 of the Laws of 2011 amending the Environmental Conservation law relating to the addition of certain lands within the Carmans River Watershed to the Core Preservation Area of the Central Pine Barrens, relating thereto; and to repeal certain provisions of the Environmental Conservation Law relating thereto.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Sweeney to explain his vote.

MR. SWEENEY: Thank you very much, Mr.

Speaker. This is a bill that has a great environmental significance for a portion of Eastern Long Island. It has kind of come together in the last couple of weeks with support from the local government and I did want to note the considerable amount of work that was put into this bill by Assemblyman Thiele, by the staff here and by many people who allowed us to come to this point today to take this significant advance and protection of important environmental lands in Suffolk County. So, my thanks to everyone involved in moving this bill forward. Thank you, Mr. Speaker. I vote in favor.

ACTING SPEAKER AUBRY: Mr. Sweeney in the affirmative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 7910-A, Rules Report No. 397, Gunther, Barrett. An act to amend the Mental Hygiene Law, in relation to standardized training curriculum requirements for employees and volunteers providing services to persons with developmental disabilities.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the first day of July, 2014 next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, sir. If we could now go to page 28 on the main Calendar and take up Rules Report No. 359 by Mr. McDonald.

ACTING SPEAKER AUBRY: Page 28, Rules Report No. 359, the Clerk will read.

THE CLERK: Bill No. 7457-A, Rules Report No. 359, McDonald. An act granting retroactive Tier V membership in the New York State and Local Employees' Retirement System to Kirsten Mason, Laura Strizzi, Christian Ward and Austin Horton.

ACTING SPEAKER AUBRY: On a motion by Mr. McDonald, the Senate bill is before the House. The Senate bill is advanced. A Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. The Chair of the Economic Development Committee, Mr. Schimminger, is very anxious to have members of that Committee join him in the Speaker's Conference Room. Economic Development, Mr. Schimminger awaits.

ACTING SPEAKER AUBRY: Mr. Schimminger in the Speaker's Conference Room. He awaits you.

The Clerk will read.

MR. MORELLE: Yes, actually, Mr. Speaker, we're going to go to Rules Report No. 360 on page 28 by Mr. McDonald.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Bill No. 7458-A, Rules Report No. 360, McDonald. An act granting retroactive Tier IV membership in the New York State and Local Employees' Retirement System to Brian Stebbins.

ACTING SPEAKER AUBRY: On a motion by Mr. McDonald, the Senate bill is before the House. The Senate bill is advanced. A Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, if we can now take up Rules Report No. 361 on page 28 by Mr. McDonald.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Bill No. 7459-A, Rules Report No. 361, McDonald. An act granting retroactive Tier IV membership in the New York State and Local Employees' Retirement System to Jill Alix, Chris Karwiel, Jessica Strizzi and Taryn Ward.

ACTING SPEAKER AUBRY: On a motion by Mr. McDonald, the Senate bill is before the House. The Senate bill is advanced. A Home Rule message is at the desk. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker, for allowing an interruption in the proceedings for the purpose of a very special introduction. No Bronx Day would be complete without an introduction of the distinguished Borough President from the Bronx, our dear friend, former colleague, Rubén Díaz, Jr., who is looking still fit and trim and ready to go. We're delighted to have him. If you would please, on behalf of Ms. Gibson, Mr. Crespo, Mr. Heastie and all the members of the Bronx Delegation, please extend the most cordial greetings to our colleague and friend.

ACTING SPEAKER AUBRY: Certainly. On behalf of all the Bronx Delegation, the Speaker and all the members, we are so happy to see you back, Mr. Borough President. We miss you and we're always happy to have Bronx celebration here in Albany and you certainly symbolize your borough. You look like you can still play a little basketball; is that true? I'm glad to hear that. We need you.

Again, the privileges of the floor are always yours as a former member. Thank you for coming and sharing with us.

(Applause)

Mr. Morelle.

MR. MORELLE: Yes, sir. If we could take up, from page 8 on the main Calendar, Rules Report No. 157 by Ms. Lupardo.

ACTING SPEAKER AUBRY: Page 8, Rules Report

No. 157, the Clerk will read.

THE CLERK: Senate Bill No. 4529-B, Rules Report No. 157, Felder, Assembly Bill No. 7339-A, Rules Report No. 157, Lupardo. An act to amend the Family Court Act, in relation to reentry of former foster children into foster care.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. If we could go to page 30 on the main Calendar and take up Rules Report No. 373 by Mr. Kellner.

ACTING SPEAKER AUBRY: Page 30, Rules Report No. 373, the Clerk will read.

THE CLERK: Bill No. 7666-A, Rules Report No. 373, Kellner, Otis, Clark, Solages, Abinanti, Roberts, Saladino. An act relating to studying the economic impact of public libraries and public library systems in New York State.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Kellner to explain his vote.

MR. KELLNER: Thank you, Mr. Speaker, to explain my vote. I think we all value libraries, our local community libraries, our school libraries. This bill will attempt to actually determine the economic impact libraries have in our State. I really hope everyone votes yes.

I just want to take this opportunity to thank the great staff of the Libraries Committee, both on the Majority and the Minority side, all the members of the Committee. It's been a really terrific year and, in particular, the Ranking Member on the Minority side, it's been a real pleasure to work with you. With that, I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Kellner in the affirmative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. If we could move to page 12 on the main Calendar and take up Rules

Report No. 205 by Ms. Rosenthal.

ACTING SPEAKER AUBRY: Page 12, Rules Report No. 205, the Clerk will read.

THE CLERK: Bill No. 1657-E, Rules Report No. 205, Rosenthal, Mosley, Maisel, Englebright. An act to amend the Agriculture and Markets Law, in relation to establishing and implementing training programs for dog control officers.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Rosenthal.

MS. ROSENTHAL: Okay. The purpose of this legislation is to have the Department of Ag and Markets develop a training program for dog control officers.

ACTING SPEAKER AUBRY: Ms. Corwin.

MS. CORWIN: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Ms. Rosenthal?

MS. ROSENTHAL: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. CORWIN: Thank you, Ms. Rosenthal. I guess I see that we had voted on this bill back in 2009. Have there been a lot of changes made to the bill since then?

MS. ROSENTHAL: I'm sorry, I didn't hear you. Can you repeat?

MS. CORWIN: Have there been a lot of changes

made to the bill since 2009?

MS. ROSENTHAL: Yes. If you notice, it's an E print so there have been a lot of changes from the time I introduced it, as well.

MS. CORWIN: Okay, yes. Because we had a fair number of no votes back in 2009. Can you just kind of summarize, maybe, some of the changes that have been made since then?

MS. ROSENTHAL: Okay. Well, I added language that the training could be Internet based, available in various regions of the State and be cost effective.

MS. CORWIN: I'm sorry, be cost...

MS. ROSENTHAL: Cost effective. And, very importantly, we added that the Department of Agriculture and Markets and any local government would have the ability to solicit funding to fund these programs.

MS. CORWIN: Okay. So you're working to try to provide for the funding aspect of this?

MS. ROSENTHAL: Yes, indeed.

MS. CORWIN: Okay. Because my understanding of the bill is that this training program would get implemented and at some point, dog control officers who didn't participate in this training would have to be removed?

MS. ROSENTHAL: No; that was taken out.

MS. CORWIN: That no longer --

MS. ROSENTHAL: Correct. That was taken out.

MS. CORWIN: I see.

MS. ROSENTHAL: I mean, obviously, the point is to have all the dog control officers trained, but we took out the punishment aspect of removing them from this bill.

MS. CORWIN: Okay. So, if there's a local dog control officer and, for whatever reason, they don't have the local resources to pay for him to go through the training, what would happen to the dog control officer?

MS. ROSENTHAL: Nothing. They would continue in their job, but would not be able to perform their duties as effectively as if they had been trained.

MS. CORWIN: Okay. Well, the bill says that it requires anyone in this position to complete this course. So, what happens if they don't --

MS. ROSENTHAL: Well, I mean, they would eventually have to get training because it does violate the section, but there's no punishment, per se. They just would have to get to it eventually.

MS. CORWIN: Is there some sort of a deadline as to how much time they have to complete that course before...

MS. ROSENTHAL: Well, the bill says January 1, 2015.

MS. CORWIN: Okay. So, they're required to take the course by January, 2015, but if they don't, because they can't afford to take it, they're still allowed to stay in their position?

MS. ROSENTHAL: I'm sorry. Also, if they come in after that date, 180 days after their hiring.

MS. CORWIN: Okay. I'm still just trying to understand here. So, the bill requires that they would have to take this course by January, 2015 or within 180 days if they're newly appointed?

MS. ROSENTHAL: Right, right.

MS. CORWIN: And if they don't, they would still be allowed to stay in that position?

MS. ROSENTHAL: Yes.

MS. CORWIN: Okay. So that begs the question then, what's the purpose of the bill? Because, essentially, we're requiring something, but we're not really requiring it.

MS. ROSENTHAL: Well, I mean, if we are requiring it, it would be the law, so they could break the law.

MS. CORWIN: Right.

MS. ROSENTHAL: That, in itself, is not what any member of society should be doing, so this is to encourage them to do it, but we did take out the punitive measure and hope to use a carrot rather than a stick.

MS. CORWIN: Okay. But the local government --

MS. ROSENTHAL: I mean, they are also civil service positions, so we didn't want to interfere with, you know, their Civil Service Law and rights.

MS. CORWIN: Sure. I understand that, yes. Again,

the local government -- because in order to not be violating the law, we're basically forcing them to have to pay for the individual to go through this training; otherwise, they're in violation of the law if we pass this bill.

MS. ROSENTHAL: Okay. I mean, this training, the cost is negligible and, as I mentioned earlier, there is an opportunity to solicit funding. And in various places around the country, for example, the ASPCA in Massachusetts has provided funding for such a program, which is why we put that in the bill.

MS. CORWIN: Okay. Are there established programs that they would be able to utilize now or would New York State have to create a program?

MS. ROSENTHAL: No. Ag and Markets has a program.

MS. CORWIN: They have a program? Okay.

MS. ROSENTHAL: They actually put one on in this area a month ago and everybody who participated in the training, as in gave the training, did so on a voluntary basis and there was a good turnout of people, but the people who presented the training were not compensated for their work. So, it's minimal cost.

MS. CORWIN: Okay. And actually, I apologize, I'm looking into my notes here and I do see that they have had this program running, but one of the problems is that a lot of people were choosing not to participate in it; is that the case?

MS. ROSENTHAL: I'm unfamiliar with that.

There's just a need for people who are dog control officers to get training, because we've heard about a lot of unhappy incidents where dog control officers would shoot animals to death and various other things they did because they were not trained in how to do their job. So, you know, there are dangerous dogs out there, as in strays or dogs with rabies or dogs that have been homeless for years, and a dog control officer who's in charge of bringing them in needs to know how to approach them in a careful manner and knows the laws about how to execute that. So, that's why this training is a necessary function for them to be able to do their job properly and carefully, both for them and the animal.

MS. CORWIN: Okay. And when you talk about this program, this would apply just to dogs? What about other types of animals?

MS. ROSENTHAL: Well, it's a dog control officer, so it just applies to those people who are in charge of licensing and bringing in dogs.

MS. CORWIN: Okay. Thank you very much, Ms. Rosenthal.

MS. ROSENTHAL: Sure.

MS. CORWIN: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Ms. Corwin.

MS. CORWIN: Again, I appreciate the sponsor's trying to amend the bill to make it a little bit more palatable to local

governments because they are the ones who, ultimately, would be responsible for abiding by this bill, if it were to become law. There is a cost involved and, unfortunately, my experience here in government, I find that we keep thinking everything's negligible, *Oh, it's just a little bit of a cost, it's just a little bit of a problem*, kind of like the APPRs in education where all of the sudden we find out when we're in it that it's a lot more expensive and a lot more cumbersome and I'm not sure if local governments are prepared to take on that kind of expense. Certainly, I think if there's a way to have a funding source that we can count on that all local governments would be able to participate in, I think that would be terrific. Certainly, you know, the ASPCA makes themselves available, but I think we'd have to make sure that we have a better way to make sure all local governments can participate.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms.

Corwin.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, sir. Before we go to the next bill, if I could ask members of the Local Governments Committee to retire to the Speaker's Conference Room so we could have that Committee. Mr. Magnarelli, the Committee Chair, is ready to pounce out of his chair and attend to business, so if we could take that up.

ACTING SPEAKER AUBRY: Mr. Magnarelli will lead the Local Governments Committee to the Speaker's Conference Room. There he goes.

Mr. Morelle.

MR. MORELLE: Yes, sir. If we could now go to page 16 of the main Calendar and take up Rules Report No. 293 by Ms. Rosenthal.

ACTING SPEAKER AUBRY: Page 16, Rules Report No. 293, the Clerk will read.

THE CLERK: Bill No. 740-A, Rules Report No. 293, Rosenthal, Dinowitz, Titone, Rosa, Gottfried, Englebright, Mosley, Kellner, Brook-Krasny, Maisel, Espinal, Benedetto, Kim, Moya, Skartados, Weprin, Raia, Johns, Malliotakis, Borelli. An act to amend the Agriculture and Markets Law and the General Business Law, in relation to the preemption of local laws; and to repeal Section 400-a of the Agriculture and Markets Law and Section 753-e of the General Business Law relating thereto.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Rosenthal.

MS. ROSENTHAL: This bill would allow municipalities to regulate pet dealers.

ACTING SPEAKER AUBRY: Mr. Blankenbush.

MR. BLANKENBUSH: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Ms. Rosenthal?

MS. ROSENTHAL: Yes, I will.

MR. BLANKENBUSH: Obviously, when you say "allow municipalities," that's not a mandate. That means municipalities --

MS. ROSENTHAL: I can't hear -- right.

MR. BLANKENBUSH: Okay. "Municipalities," meaning?

MS. ROSENTHAL: Local governments.

MR. BLANKENBUSH: Okay. So, it could mean villages, towns, counties, cities within the same locality?

MS. ROSENTHAL: Yes.

MR. BLANKENBUSH: Okay. The need for this bill tells me that you're assuming that Article 26-a of the Ag and Markets Law is not significant enough to regulate pet dealers. Can you give me some examples of where this falls short?

MS. ROSENTHAL: Well, I mean, unfortunately, these kinds of programs to regulate pet dealers, it was estimated it would cost about \$800,000 some years ago. Our current funding level

of the Department for this purpose is \$117,000. So, they really do not have the resources to provide any kind of enforcement.

MR. BLANKENBUSH: So, it's only an enforcement issue or are there -- when you talk about -- let me see. When we talk about the health and safety and rights of consumers, can you give me examples of why Section 26 doesn't fit that bill?

MS. ROSENTHAL: I'm a bit confused about your question, so could you please restate it?

MR. BLANKENBUSH: Okay. Ag and Markets has Article 26-a which governs the care of animals by pet dealers, and it includes standards of care and licenses and so forth. So, my interpretation of you putting this bill in is that that Article 26 must fall short somehow of --

MS. ROSENTHAL: You know, in some areas it may, and localities have expressly expressed the wish to promulgate their own rules and laws about pet dealers and enforce them. And right now they do not have that permission. So, this bill would grant them the permission to have their own standards and have their own regulations. It's if they wish to. For example, I have a resolution from the City of New York asking for this bill to become law because they wish to promulgate their own rules and regulations and laws.

MR. BLANKENBUSH: Okay. So, that's an example. Do you know why New York City needs different rules than Article 26? Just help me out here, giving me some ideas of why in the world we would need to put another bill in. If New York City is

different than the rest of the State of New York...

MS. ROSENTHAL: Well, New York City is one example.

MR. BLANKENBUSH: Okay.

MS. ROSENTHAL: I have many memos from other places. For example, Lollipop Farm, which is in Rochester; Suffolk County; Chemung County; in Elmira; something called Helping Paw, which is Upstate; the New York State Animal Protection Federation in Menands; New York State Humane Association; the SPCA serving Erie County. So, there's clearly a need expressed by these local governments and local counties for the ability to produce their own laws.

MR. BLANKENBUSH: Let's take, for example, Lollipop Farm.

MS. ROSENTHAL: Okay.

MR. BLANKENBUSH: Are they suggesting that Article 26 does not fill a specific requirement or are they giving you specifics on why they feel that -- so, I'm assuming then that --

MS. ROSENTHAL: Let me read to you from Lollipop Farms' memo, which is -- it's often the local not-for-profit shelter that has to handle the many animals that are turned into them when they buy dogs, for example, from a pet store that are sick, diseased, inbred, just genetically unfit and they get returned to the local shelters. The local shelters, in turn, have to absorb the cost of feeding them and of housing them and if the local law prohibited the

pet stores and the pet dealers from selling certain animals that came from certain sources, then we wouldn't have this issue and that's why Lollipop Farm advocates for this. They also said that, you know, the Department of Agriculture and Markets struggles to properly enforce the State pet dealer laws because more and more regions have these problems; yet, Ag and Markets is not keeping pace with the number of inspectors available.

MR. BLANKENBUSH: So Lollipop Farm would then want Monroe County, or whatever municipality they're housed in, to come up with their own sets of laws to help --

MS. ROSENTHAL: What they're saying is that the local agencies whose staff lives in their communities knows and understand their constituents. So, local law enforcement is aware of the kinds of breeders that are out there and the State officials cannot know the community in this issue as well as the locality. So, it could be Monroe County. It could be, you know, a local town or a village. But, clearly, they have expressed the desire to have the ability to pass their own laws.

MR. BLANKENBUSH: Okay. So let's assume now --

MS. ROSENTHAL: I mean, it's also if they don't -- this not that they have to.

MR. BLANKENBUSH: Right.

MS. ROSENTHAL: Those that choose to pass laws will have the ability to do so with passage of this bill.

MR. BLANKENBUSH: Would it make any sense to just amend Article 26-a so that the State would be under all regulations of Ag and Markets? What if we just amended or made better or helped Ag and Markets control it so that there would be one set rule across the State of New York?

MS. ROSENTHAL: Well, you know, when this was first passed about 12 years ago, we put that in the hands of Ag and Markets and it's been a failure. There's a failure on the Federal level, there's been an absolute failure on the State level to regulate pet dealers. And so what we're saying is localities want the opportunity, localities know their communities and problems best and it's just democracy to let these localities pass their own laws on this subject.

MR. BLANKENBUSH: So let me ask another question. And we'll go into my county, Jefferson County. And I own a pet shop, let's say, at the mall, which is in the Town of Watertown. I also own two or three different pet shops that are either in the county or the next county. So each one of my pet shops could go under three or four different regulations by different municipalities, govern me in many different ways just because one municipality wants it a little bit different than the other.

MS. ROSENTHAL: Well, you know, it's rare that pet stores are owned by -- that individuals own more than one pet store and the big pet stores like PetSmart, et cetera, only 5 percent of their business is selling live animals. Actually, most of these big pet stores use their space, like Petco across the street from my house,

offers space for adoption for volunteer organizations. They don't sell them and I don't think the problem you're trying to conjure up will actually come up.

MR. BLANKENBUSH: This bill would take effect immediately, is that --

MS. ROSENTHAL: Yes, I'm just checking that.
Yes, it shall.

MR. BLANKENBUSH: So what if a pet dealer has a contract with a veterinarian to provide veterinarian exams as required by the General Business Law and this comes into effect immediately, wouldn't that violate New York State Constitution interfering with existing contracts?

MS. ROSENTHAL: No, no. It only is perspective.
It's only going forward. It doesn't interfere with the contract.

MR. BLANKENBUSH: So if I have a five-year contract --

MS. ROSENTHAL: Sorry?

MR. BLANKENBUSH: If I have a contract with a veterinarian for --

MS. ROSENTHAL: That's fine. We can't touch --
this would not apply to existing contracts.

MR. BLANKENBUSH: And it says that in the bill?
I don't think it says that in the bill.

MS. ROSENTHAL: If the locality passes such a law,
it can't affect private contracts.

MR. BLANKENBUSH: It can't what?

MS. ROSENTHAL: It cannot affect private contracts; it can't be retroactive. So, currently, the contract -- it would not apply to a current contract. It would only be contracts that are signed after the passage of this law.

MR. BLANKENBUSH: And you can't show me that in the bill? It's not in the bill?

MS. ROSENTHAL: That's the way the Constitution works.

MR. BLANKENBUSH: That's the way the Constitution works?

MS. ROSENTHAL: Yes. We don't need to specify this because it applies throughout when it comes to contracts.

MR. BLANKENBUSH: Okay.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill.

MR. BLANKENBUSH: The passage of this bill will really do little to solve some of the stated concerns, I believe. Instead, it will serve to create a number of new rules, regulations that will undercut the State system of licensing and regulation in this area. When you have multiple municipalities that have different laws crossing county lines, crossing city lines, it just makes for an exaggerated form of controlling these pet dealers. If, in fact, we were going to do more or increase effectiveness in dealing with pet dealers, it's probably an easier -- well, maybe not easier, but should be, to

amend the current bills that we have and allow Ag and Markets to monitor them and, therefore, I would suggest a negative vote on this bill. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Blankenbush.

Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker. On the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Montesano.

MR. MONTESANO: Mr. Speaker, my understanding is, from speaking to people in the ASPCAs on Long Island and some pet store owners, is what we seem to have is a breakdown. We have a lot of sufficient rules in the Ag and Markets Law in this State. The problem is like many of our other State agencies, they're underfunded and understaffed. Ag and Markets, I believe, the last I looked, has one inspector Statewide to make sure that pet stores are complying with New York State law. The second problem is is that ASPCA officials, while they're law enforcement officers, they only have certain legal authority under certain parts of the law and not under the others and it puts them at a disadvantage because if they go to a pet store to investigate one type of complaint and witness another, in limited circumstances, they can't do anything about it.

So I think really the way we should be going at this is

keeping our Ag and Markets Law in effect, fine-tune them, whatever they need to bring them up to current standards, get some more inspectors on line but, most importantly, is give these local ASPCA and humane departments the legal authority to enforce all the provisions of the Agricultural and Markets Law as it pertains to animals, you know, and pet stores and so on and so forth. I think that would be a more direct approach to handle this and the local municipalities will use their staff to enforce the State law. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr.

Montesano.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Skoufis to explain his vote.

MR. SKOUFIS: Thank you, Mr. Speaker. I think this is a great bill. I will be supporting it and voting in favor of it and I do think this is one of those instances where we should be giving back control and power to our municipalities, to our local governments. I know many on the other side of the aisle often support that philosophy and are very vociferous about that philosophy, so I do hope that they join me in supporting this bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Skoufis in the affirmative.

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: Thank you, Mr. Speaker, to explain my vote. Over a decade ago, New York State laws regulating pet dealers have placed the responsibility and burden within the Department of Agriculture and Markets to make sure that pet dealers and pet stores were selling animals in a safe, in a humane manner and that they were properly vetted before they got to the stores. It has become apparent that the Department of Agriculture and Markets, no matter what their intent, simply does not have the capability to enforce the laws. There are far too few inspectors. They don't have the time. They don't have the resources and the abilities to go from locality to locality to make sure that the pet stores are complying with the law.

What we found in New York's pet stores is that they overwhelmingly sell puppies from substandard out-of-state puppy mills. We see that some of the most egregious violators of the Federal Animal Welfare Act are the suppliers for the pet stores in our State. Now, in New York City alone there is a wish by the City Council to have passed its own laws regulating pet stores. There are puppy mills throughout this State and throughout this country that are illegally providing diseased, genetically compromised animals to pet stores and pet dealers. People then unwittingly pay thousands of dollars for these dogs only to bring them home and discover that they are ill, that they were raised in a horrible situation, that are not viable, that really are suffering. And they return them to the local animal shelters.

We have to get rid of the cycle of abuse by puppy

mills and then continuing the abuse by having people buy them and then return them. It's just a horrible industry and the one way we can stop it in this State is by letting localities pass their own laws and that is why I have the Association of Towns, the New York State Conference of Mayors and Municipal Offices, New York State Association of Counties all supporting this legislation saying they want to enact their own local laws for pet stores.

ACTING SPEAKER AUBRY: Ms. Rosenthal, how do you vote?

MS. ROSENTHAL: So I vote in the affirmative.
Thank you.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker. If we could go to page 20 on the main Calendar and take up Rules Report No. 315 by Mr. Wright.

ACTING SPEAKER AUBRY: Page 20, Rules Report No. 315, the Clerk will read.

THE CLERK: Bill No. 5235, Rules Report No. 315, Wright. An act to amend the Workers' Compensation Law, in relation

to requiring hearings and pre-hearing conferences to be recorded by a stenographer in the employ of the Workers' Compensation Board.

ACTING SPEAKER AUBRY: On a motion by Mr. Wright, the Senate bill is before the House. The Senate bill is advanced.

An explanation has been requested, Mr. Wright.

MR. WRIGHT: Thank you, Mr. Speaker. The purpose of this bill would be to provide that testimony in Workers' Compensation cases must be stenographically recorded and transcribed by a stenographer in the employ of the Workers' Compensation Board.

ACTING SPEAKER AUBRY: Ms. Corwin.

MS. CORWIN: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Mr. Wright?

MR. WRIGHT: Most certainly.

ACTING SPEAKER AUBRY: Certainly, Ms. Corwin.

MS. CORWIN: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: If we can have some settling down around the individuals who are debating, please. Thank you. Wait until that aisle clears. Proceed.

MS. CORWIN: Thank you, Mr. Speaker. So my understanding of this bill, we would require the stenographer would

have to actually be at the hearing in order to take the testimony and transcribe it, correct?

MR. WRIGHT: Correct.

MS. CORWIN: Okay. Right now, the Workers' Compensation Board is allowed or they're planning on allowing for digital recording of the testimony and then a stenographer would transcribe it off site or at a later date?

MR. WRIGHT: That sounds correct.

MS. CORWIN: Okay. So the big difference here, what we're talking about is whether or not to have the stenographer in the room at the time of the hearing versus using one later on?

MR. WRIGHT: Yes.

MS. CORWIN: Okay. Now we had a very similar bill, if not the same bill, come through this House in 2012 and it was vetoed.

MR. WRIGHT: Really?

MS. CORWIN: Yes, we did.

MR. WRIGHT: I'm shocked.

MS. CORWIN: Well, surprise. Unfortunately, I believe the Governor had stated in his message that he felt it was expensive because what we're trying to do here by utilizing the digital recording is to not have to rely as much on having an individual in the room present at the hearings. Is there anything different about this bill compared to how it was last year that would make the Governor change his mind?

MR. WRIGHT: Well, I hope so, but according to our analysis, program analysis, my analysis as well, there should be absolutely no fiscal implications to this bill.

MS. CORWIN: No fiscal implications at all? So it will cost the same exact amount of money to pay a stenographer to be in the room versus having a video camera sitting there?

MR. WRIGHT: According to all of our research, there will be no fiscal implications.

MS. CORWIN: Okay. Just out of curiosity, where did you get that information from? I can just go check it out myself.

MR. WRIGHT: Through various -- I don't know. I don't know, I don't know exactly where. I don't want to tell you in this forum just now because I just don't know.

MS. CORWIN: Okay, thank you, yes. And then just one other quick question regarding -- I believe there was a 2010 pilot program utilizing or testing out the use of this digital video equipment. I believe there was the results from that. I believe the results were considered successful?

MR. WRIGHT: Quite possibly, yes.

MS. CORWIN: Quite possibly; okay, great. Well, thank you very much, Mr. Wright. I appreciate it.

MR. WRIGHT: Thank you.

MS. CORWIN: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Ms. Corwin.

MS. CORWIN: I believe the intentions of this bill are quite laudable and honorable on the part of the sponsor. You know, stenographers have done a lot of great work for us over the years and we certainly don't want to see anyone losing their jobs; unfortunately, we have to balance that with the consideration of cost when it comes to Workers' Compensation. New York State is considered one of the worst States in the nation regarding Workers' Compensation costs and I believe this is an attempt to try to reduce those costs.

You know, we still would be employing stenographers to transcribe what's done on the video camera. The only difference here is that you wouldn't need a stenographer at the hearing. So, certainly, I think that this bill would actually increase the costs and, you know, prevent us from being able to minimize those Workers' Compensation costs. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms. Corwin.

Mr. Montesano.

MR. MONTESANO: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Mr. Montesano.

MR. MONTESANO: Mr. Speaker, having put in many years in various courts in this State, including the Department of Motor Vehicles, Workers' Compensation and everywhere else, I will tell you that the move to digital recording, which is just audio, is a

horrendous move. If we were using a system like the U.S. Federal Courts used, we'd be in much better shape, but the systems that are used in these courts are horrendous. They consist of a tape recorder and a microphone. The sound is terrible. Then we order a transcript. The transcript comes from an independent typist somewhere up in the Capital, a private company, there's two or three of them located throughout the State, you can pick one. They charge you "X" amount of dollars for a transcript and then it comes back with sentences that say "inaudible," blanks, they can't make out the words.

And when you're doing things such as a Workers' Comp hearing, in the Nassau County District Court they tried it in the civil part occasionally and the judge can't make anything out of the transcript when you have to make a further application to the court. It deprives the litigants of their due process in all of these settings. The Department of Motor Vehicles uses it when they do their hearings and that's two microphones on a table with a tape recorder controlled by an Administrative Law Judge who happens to also control the tape cassette in her own possession, so you don't know what happens to the tape when it goes and then you have to order your transcript.

While it may serve in that limited function at the Department of Motor Vehicles, it doesn't really work in these other proceedings. The stenographers are trained not only to listen, they look at the witnesses giving the testimony to watch their facial expressions, their mannerisms and everything else that goes into the record. We cannot underestimate the contribution they make to these

proceedings. And if I thought for one minute that eliminating the live stenographers from the Workers' Compensation Board would let us see a reduction in the premiums that employers are paying for Workers' Compensation, maybe you might persuade me a little bit; however, the State of New York is not the one in charge of those rates. They do have tables that they put out, but it's the insurance carriers that set the premiums of what they're going to charge for the insurance rate and they're not the ones paying for the stenographer.

So for all of those reasons, I would encourage a yes vote on this bill. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Montesano.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Lavine to explain his vote.

MR. LAVINE: Thank you, Mr. Speaker. Of course everything we do has some sort of a fiscal implication and to be sure it would cost us a whole lot less if we no longer had human beings doing reporting in our courts and before our administrative agencies, but my experience in 35 years in the courts is this: If you want an accurate record, and keeping an accurate record is what these courts are all about, it's what due process is all about, then there's only one way to

get that degree of accuracy and that's with an actual human being taking down the record in the form of stenography. So, I'm pleased to vote for this bill. I will withdraw my request and vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. If we could go to page 48 of the main Calendar and take up Calendar No. 284 by Mr. Kavanagh.

ACTING SPEAKER AUBRY: Page 48, Calendar No. 284, the Clerk will read.

THE CLERK: Bill No. 104-A, Calendar No. 284, Kavanagh, Rosenthal, Mosley, Robinson. An act to amend the Administrative Code of the City of New York and the Emergency Tenant Protection Act of 1974, in relation to the establishment of rent boards.

ACTING SPEAKER AUBRY: An explanation is requested. Mr. Kavanagh, will you wait one minute? I think we have a little disruption in the force. It got quieter, how about that. Go ahead, Mr. Kavanagh.

MR. KAVANAGH: Thank you for monitoring the force for us. So this is a bill that would basically add to the range of qualifications of people from which rent -- numbers of the New York City rent guidelines are drawn and would also provide for advice and consent of the City Council in the Mayor's appointments to that board.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker.

Would the sponsor yield for a couple of questions?

ACTING SPEAKER AUBRY: Will you yield, Mr. Kavanagh?

MR. KAVANAGH: Certainly, Mr. Speaker.

MR. FITZPATRICK: Thank you, Brian. This is a board that deals basically with numbers, specifically with numbers. What is the reason for -- in your view, why is there a need to expand the membership to people who really do not have an understanding of how rental properties work?

MR. KAVANAGH: I guess I'm not sure that I would characterize the bill in that way. You're talking about the expansion of the qualifications?

MR. FITZPATRICK: Brian, I can't hear you.

MR. KAVANAGH: I don't know if my microphone is having a problem today. You're talking about the expansion of the qualifications. I couldn't quite hear your question, I guess.

MR. FITZPATRICK: Basically, for what reason do we want to expand membership on this board? There is -- by adding

the qualities that you refer to, this is basically -- you have people who understand how the real estate market works, you're dealing with numbers. What's wrong with the current system, in your view?

MR. KAVANAGH: I don't think that there's currently a qualification that you understand how the real estate market works. I think the current qualifications are that we limit the range of appointees to this board to people with a background in finance, economics or housing. Obviously, that's already a wide range of things and may or may not have bearing on the housing market. There's a perception that the Mayor of the City of New York and the City Council, in choosing their appointees, ought to be able to look at a wider range of people than that who might be willing to serve, including people with experience in public service, perhaps like yourself, or social services, urban planning or social sciences. There's a view that this board -- there's a view that this board, in administering --

ACTING SPEAKER AUBRY: One minute. We are having problems hearing the two debaters. If you are standing in between the debaters, please move away so that they don't have to lean to see them. Sir, in the back, would you -- those gentlemen right there on the edge, would you please ask them -- thank you so very much. We'd appreciate it.

MR. KAVANAGH: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Now let's try that again.

MR. KAVANAGH: Let's try it again. So, there's a view that these other qualifications may be useful and that the local appointing authority ought to be able to draw people with those experiences if they choose to.

MR. FITZPATRICK: Very simply, what does the Rent Guidelines Board do? What is their function?

MR. KAVANAGH: The Rent Guidelines Board considers the rent, the situation, the current situation in the City and chooses whether to increase rents for one year or two years based on a range of factors and eventually makes a binding decision on that.

MR. FITZPATRICK: So those factors, what would those factors be that they use to come to this?

MR. KAVANAGH: I don't have the full statute in front of me but, as a general matter, they consider the economic situation of the City and of the landlords and of the real estate market. They take various testimony on a wide range of issues, the pros and cons from the perspective of the public of raising the rent and then they make a decision.

MR. FITZPATRICK: So, basically, the type of talent we want are people who understand numbers, people who understand the real estate markets. By adding qualifications like social worker or elected officials, how does that improve the Rent Guidelines Board? Does it not politicize it?

MR. KAVANAGH: The bill does not talk about social workers. The bill talks about people with experience in public

service which, again, we believe is a reasonable qualification, like social services and urban planning and social sciences. So, for example, for example, you know, a political economist might be a person with experience in social sciences and that person, if they were willing to serve on this board, it might be something that someone that the Mayor and the City Council could consider appointing to this board. So we're not creating certain positions that need to be filled. We're not saying that any of these particular qualifications need to be represented on the board. We're just expanding the range of things and, again, there is nothing in the current statute that requires that you understand anything about economics at all.

MR. FITZPATRICK: So if we're not looking for any specific areas of expertise in the expansion criteria here, then why expand it at all? Aren't the current number of members satisfactory enough?

MR. KAVANAGH: No, we're not expanding the number of members. We are expanding the range of people from which the Mayor of the City of New York and the City Council may choose appointees. So, for example, you know, somebody who -- maybe somebody who served in this Body who spent many years working on these issues might be eligible to be appointed. Maybe the Mayor of the City of New York upon retirement, perhaps the next Mayor will want to appoint him to the Rent Guidelines Board and he would be permitted to do that because of the public service requirement. Obviously, that's a bit of a stretch, for example, but what

we're doing is expanding the pool of people from which we can choose.

MR. FITZPATRICK: Well, under the current rules the Mayor who has, I believe, five choices here, he or she is able to pick whomever they would like. You know, they're mindful of that. I think they can currently include people who may have the qualities you're looking for here. Currently they would be able to do that, would they not? Would a Mayor be able to do that?

MR. KAVANAGH: Currently, this statute would prohibit the Mayor from appointing somebody if they don't have a background in finance, economics or housing.

MR. FITZPATRICK: Certainly there are plenty of people who have real estate experience who have those specifics that the statute requires. What we're looking at when we determine how -- whether to increase rents or not is basically very quantitative in nature. You want people with that type of background. I, frankly, don't see the need to expand the range. You need people who have some very real qualifications in finance, in real estate, in that area. I don't see what you gain by maybe putting a community organizer on it. We know where they're coming from. They just want to keep the rent at zero, no increase whatsoever. We're looking at hard data here. We're not looking at -- this is a very quantitative approach. We don't need any subjectives.

MR. KAVANAGH: With all due respect, Mr. Fitzpatrick, this has nothing to do with whether a community

organizer --

MR. FITZPATRICK: I can't hear you. I'm sorry.

MR. KAVANAGH: A community organizer with experience in housing could currently be appointed. A community organizer, by virtue of being a community organizer, could not be appointed after this statute is passed. This statute -- if you were the Mayor of the City of New York and had to choose people to appoint to this, you might want to limit yourself to people who have finance, economics and housing experience. If this bill is passed, you would still be free to do that. Or if this bill is passed, you might also be able to consider somebody who has experience in public service or maybe understands the impact of the decisions of the Rent Guidelines Board in a way that's different. And what we are doing is expanding the range. We are reducing the mandate on New York City to limit these appointees to people with only those disciplines.

MR. FITZPATRICK: Okay. Thank you, Brian.

MR. KAVANAGH: Sure.

MR. FITZPATRICK: Mr. Speaker, on the bill.

ACTING SPEAKER CUSICK: On the bill.

MR. FITZPATRICK: While the goal is worthy and noble, I think it's just another example of -- I would call it an attack on the rental housing industry here. The Rent Guidelines Board determines if there is a need to increase the rent. It needs people on that board who have very specific knowledge about how real estate works. I think the scale of knowledge is already well-defined in the

statute. There is no need to expand or broaden this range. It's already satisfactory. If it not broke, there's no need to fix it. The problem, I think, in the long term with doing something like this is there is a real danger of possibly politicizing the Rent Guidelines Board, and that would not be helpful to the cause of affordable housing in the State of New York and the City of New York. I urge a no vote. Thank you.

ACTING SPEAKER CUSICK: Read the last section.

THE CLERK: This act shall take effect on the first day of January, 2014 next succeeding the date on which it shall have become a law.

ACTING SPEAKER CUSICK: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. If we can go to page 38 on the main Calendar and take up Calendar No. 61 by Mr. Kavanagh.

ACTING SPEAKER AUBRY: Page 38, Calendar No. 61, the Clerk will read.

THE CLERK: Bill No. 2181, Calendar No. 61, Kavanagh, Dinowitz, Rosenthal. An act to amend the Administrative

Code of the City of New York and the Emergency Tenant Protection Act of 1974, in relation to hardship applications.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Kavanagh.

MR. KAVANAGH: Thank you, Mr. Speaker. This is a bill that deals with a provision of the rent regulation system that applies to what's called the alternative hardship. So, the hardship provisions are provisions that allow certain exemptions from the rent regulation system. There is one provision of the current law that effectively requires you to keep the property for six years and then you can apply for an exemption based on the fact that you can't maintain a reasonable level of profit on the property based on its operating income, meaning the rent that's coming in and the expenses of maintaining the building.

This bill deals with something called alternative hardship which, currently, somebody can apply for after only 36 months of ownership because they can't pay the debt service on the building and this bill would leave that provision on the books but say that you have to own the property for six years rather than three years in order to apply for the alternative hardship.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker.
Would the sponsor yield for a couple of questions?

ACTING SPEAKER AUBRY: Will you yield, Mr. Kavanagh?

MR. KAVANAGH: Yes, Mr. Speaker. It's nice to see you again, Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker. Brian, my concern with this bill is you have a lot of very old housing stock in the City, as we both know, and this will adversely affect those marginal buildings. And do you not run the risk -- by forcing the owners to not apply for this hardship exemption for six years instead of three, are you not putting at risk the ability of these building owners to make their mortgage payments and to keep these buildings in good working order?

MR. KAVANAGH: No, I don't believe that it would have that effect.

MR. FITZPATRICK: Why?

MR. KAVANAGH: Because what we have seen again and again in housing markets like this is the big danger is encouraging people to borrow more money than the building is worth. So, if you want to purchase a building and you're going to borrow money to do that, you ought to basically borrow no more money than the rent roll of the building will cover, including the operating expense of the building and the debt service. And what we've seen is buildings -- the way buildings like this are most likely to get in trouble, especially in this market, is people over leverage, they over borrow and something that allows you to buy a building and then 36 months later decide that you can't cover the debt service, it's not a reasonable amount of time and it doesn't encourage people to make

responsible and prudent decisions when they're borrowing money against real estate.

MR. FITZPATRICK: You know, we've been in a very difficult credit environment since the crash in 2008. Are you sure that is still a problem? I mean, there are very few financial institutions that are going to lend more than a building or something is worth in a climate like this. Are you sure that is still the case?

MR. KAVANAGH: Well, if -- again, we don't make laws for the present moment. We make laws for the longer term. If it is the case that a lender won't lend money to a building where the rent roll cannot cover that mortgage, that nobody ever is going to get a hardship -- nobody is ever going to have a successful hardship application. This bill is to ensure that if you were applying to exempt your building from the laws that were in place that applied to that building when you purchased it, that a reasonable period ought to have gone by and, again, the view that is reflected in this bill is that 36 months after purchase is not a reasonable time for us to be exempting you from the laws that were in effect.

And, again, for those people who think of rent regulation as something that distorts markets, maybe you think we shouldn't -- I know for a fact that you think there shouldn't be a rent regulation system at all, but we have a rent regulation system and this bill presumes a rent regulation system and it discourages people from taking advantage of a distortion in that market by purchasing a building for more than the rent roll will cover and then turning around

and only 36 months later and saying, *I can't afford to pay the money I borrowed, the amount I borrowed to purchase that building in the first place after only three years.*

MR. FITZPATRICK: But what about those cases where you do have a legitimate -- you have a legitimate -- the owner has a legitimate problem making those payments? You don't have an over borrowing situation and they need that option because, as I said before, this housing stock is very old and you have these marginal buildings. You're not helping the tenants because the tenants are living in a building that has problems. You need this rent. The tenants are protected. They have, what, I think 30 days in which to decline the new rent and they can move to another location, but you're just prolonging the agony here by going out three more years when there is a legitimate need to go to this alternative --

MR. KAVANAGH: Again, I do not know what would constitute a legitimate need to not pay your mortgage. I think like if we applied this same principle to the private housing market, a single-family home, and we said after 36 months the owner of the building who just borrowed money three years ago has a unilateral ability to change the rules, you know, people would say that's encouraging irresponsible purchasers. There are people who invest in rental real estate, who purchase buildings, ought to factor in, ought to plan to be able to cover their mortgage. If they don't plan wisely to cover their mortgage, they have a lot of options. The building doesn't cease to exist. They could allow the bank to foreclose and get a

responsible owner. They could take advantage of other provisions of the rent regulation system like the MCI provisions that allow them to invest in the buildings and recoup the costs from tenants. They can also --

MR. FITZPATRICK: You're trying to make that process more difficult, too. I mean, stumbling blocks are placed in front of landlords quite often. You know, every rule that they seek to follow, you're constantly trying to change -- not you specifically.

MR. KAVANAGH: Mr. Fitzpatrick, we can debate the entire range of the rent regulation system today. This bill does one thing. It says if you purchased a building less than six years ago and you chose to borrow money and you can't pay that mortgage because you borrowed more money than the building will cover the mortgage on, you can't pass that cost along to your tenants by eliminating the rent regulation system. Again, there is a separate provision of the law that deals with the situation where the rent roll won't cover the operating expenses of the building. We're not touching that provision. We're touching a separate provision of the law that is for people who borrowed too much money. If you borrowed more money than the rent roll will cover, then this bill says you have to wait at least 72 months before you can start talking about penalizing the tenants by raising their rents unilaterally on that.

MR. FITZPATRICK: Very good. Thank you, Brian.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Mr.

Fitzpatrick.

MR. FITZPATRICK: Again, I believe this is an unnecessary attack on those people who are willing to invest in rental property. I think in the current climate, certainly in the last few years, you do not have situations that the sponsor is describing where people are borrowing more than buildings are worth. That is an extremely rare occurrence these days; in fact, I don't think it occurs at all. It's very difficult to raise capital or get more than you certainly need in today's marketplace. This is another clear example of it's not broke, there's no need to fix what the sponsor perceives as wrong.

There are many marginal buildings in the City of New York and the surrounding areas that have rent stabilization. This is an additional hardship that will impose tremendous hardship on those building owners. I would encourage a no vote on this legislation. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. Fitzpatrick.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Kavanagh to explain his vote.

MR. KAVANAGH: Mr. Speaker, since I suspect that we may have a few minutes to kill here as members come in, I just

thought I would add just a few points. You know, in my district, the homes of 28,000 people, 11,000 apartments were purchased for \$5.5 billion a few years ago in the most expensive residential real estate transaction in the history of the world. The total purchase price when all the costs and funding that went into that was \$6.3 billion. That property just a few years later is worth probably about \$3 billion. All of the smartest people in real estate and investment looked at that transaction and many of them chose to bid for that property very, very substantially more than the rent roll could plausibly cover.

That was a particularly egregious case of that, but that phenomenon repeated itself throughout the New York City housing market. It is true that we're suffering the consequences of that right now and, therefore, we have a down market, but that kind of speculation is not warranted in any circumstances. Whether you favor or oppose rent regulation, you should not be encouraging people to buy buildings and then take themselves out of the rent stabilization system as a way of paying mortgages that they couldn't afford to begin with. For those reasons and others, I cast my vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Kavanagh in the affirmative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. If you could take up on page 51 on the main Calendar, Calendar No. 341 by Mr. Crespo.

ACTING SPEAKER AUBRY: Page 51, Calendar No. 341, the Clerk will read.

THE CLERK: Bill No. 158-A, Calendar No. 341, Crespo, Stevenson, Scarborough, Weprin, Rodriguez, Barron, Markey, Perry, Gunther, Ramos. An act to amend the General Business Law, in relation to implementing the Immigrant Assistance Service Enforcement Act.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 180th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, sir, thank you. If we can now move to page 52, Calendar No. 384 by Ms. Paulin.

ACTING SPEAKER AUBRY: Page 52, Calendar

No. 384, the Clerk will read.

THE CLERK: Bill No. 2116-C, Calendar No. 384, Paulin, Gottfried, Cymbrowitz, Galef. An act to amend the Public Health Law, in relation to requiring public food service establishment inspection results to be posted on the Department of Health's website.

ACTING SPEAKER AUBRY: On a motion by Ms. Paulin, the Senate bill is before is House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect on the 365th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker, thank you. If we could go to page 53 and take up Calendar No. 400 by Mr. Thiele.

ACTING SPEAKER AUBRY: Page 53, Calendar No. 400, the Clerk will read.

THE CLERK: Bill No. 4099, Calendar No. 400, Thiele, Goodell, Gunther, Brindisi, Giglio, Weprin, Skoufis. An act to amend the Labor Law, in relation to authorized absences by members

of volunteer fire departments and volunteer ambulance squads who respond to states of emergency.

ACTING SPEAKER AUBRY: On a motion by Mr. Thiele, the Senate bill is before the House. The Senate bill as advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, sir. On page 57, Calendar No. 505, if you could take it up, Mr. Cahill.

ACTING SPEAKER AUBRY: Page 57, Calendar No. 505, the Clerk will read.

THE CLERK: Bill No. 7295, Calendar No. 505, Cahill. An act to amend the Insurance Law, in relation to the discontinuance of a class of group or blanket policy or contract of hospital, surgical or medical expense insurance, and in relation to a marketplace withdrawal.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Cahill.

MR. CAHILL: Certainly, Mr. Speaker. This bill, which comes from the Department of Financial Services, would require health insurers to file a market withdrawal plan for approval with the Department when they plan to discontinue a group of policies and also require that those policies, if and when they are discontinued, to be done so on their renewal dates.

ACTING SPEAKER AUBRY: Mr. McKeivitt.

MR. MCKEVITT: Thank you. Would the sponsor yield for some questions, please?

ACTING SPEAKER AUBRY: Will you yield?

MR. CAHILL: Absolutely.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. MCKEVITT: My understanding is currently under the Insurance Law, insurers actually currently have two options. One is to actually discontinue on the non-renewal date, which already exists, but they also may go and discontinue it with a certain notice period; is that how the current law is written?

MR. CAHILL: I think that the second part is certainly true. I'm not so sure about the first part on the non-renewal date. That is probably true as a regular course of business, yes.

MR. MCKEVITT: Right. And what this bill is actually doing is it's really eliminating the second option, which is discontinuance on a certain period, unless now the Superintendent has to give the approval.

MR. CAHILL: Right. As you clarified, it's not

eliminating it. It's changing the conditions under which a company could do so.

MR. MCKEVITT: Okay. And I'm just wondering, has this been a problem in the past why the Department is requesting this bill?

MR. CAHILL: Indeed it was a problem in the past, Mr. McKevitt, and thank you for asking me that question.

MR. MCKEVITT: Okay.

MR. CAHILL: There was a period of time in 2012 when a large group of small group policies was being discontinued all at once. Ultimately, an agreement was reached with the insurer, but until that agreement was reached there was uncertainty about what was going to happen to the subscribers in those small groups. And you know, it has real implications for them. Many people now these days, especially, have very large annual deductibles and if they've spent down that deductible to the point where they can start to get benefits from the policy and have it come up mid-term, then they've lost, essentially, the benefit of that spend down. So this has real implications not just for the small groups in this instance that were in the history here, but also for individual policyholders as well.

MR. MCKEVITT: I'm just curious whether this bill will be necessary in the future because, you know, with the health care exchange that's going to be implemented in the next year or two or so, I would imagine there will be many more options for people to go and purchase such plans, so maybe this bill was more necessary in the

past, but will it be a necessity for the future?

MR. CAHILL: Well, I am as optimistic as you are that the Affordable Care Act is really going to change insurance, health insurance for the better in this State and in this nation and it's my hope that we will have less of a need for these mechanisms that protect consumers because they will be protected through Federal compliance or through Federal laws. And so it's entirely possible, but, in the meantime, this is not inconsistent with anything that we're doing to transition under the Affordable Care Act.

MR. MCKEVITT: Okay, thank you.

MR. CAHILL: Thank you very much.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. If we could take up, on page 54, Calendar No. 408 by Mr. Brennan.

ACTING SPEAKER AUBRY: Page 54, Calendar No. 408, the Clerk will read.

THE CLERK: Bill No. 5188, Calendar No. 408, Brennan, Millman, Miller, Ortiz, Gibson, Rosenthal, Barron, Weprin, Robinson, Mosley. An act to amend the Administrative Code of the City of New York, in relation to the reporting of criminal activity on subways.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Brennan.

MR. BRENNAN: Yes, sir, Mr. Speaker. Right now, crime in the New York City transit system is reported by police precinct and not by subway line or route or bus line. And so, the public has no knowledge of the location or level of crime in the transit system because it's not reported that way. In addition, police precinct crime reporting contains felonies and certain misdemeanors and does not contain a number of sex offenses, harassment, sexual harassment or other kinds of harassment, or disorderly conduct or other crimes against public sensibilities and public order, such as exposure and so on and so forth. Also, we have no information about whether the crime is committed against employees or customers of the transit system.

So this legislation directs that the NYPD provide this information, the categorization of crime in the transit system by subway line, transit division and bus line, as well as additional offenses that are not normally reported by police precinct -- through the police precinct and give this information to the MTA which would publish it on its website and enable the public to have a better

understanding of the location of crime in the subway system so that the police department and the MTA can be more accountable in relation to the deployment of the police to deter crime.

ACTING SPEAKER AUBRY: Ms. Corwin.

MS. CORWIN: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Mr. Brennan?

MR. BRENNAN: Yes.

ACTING SPEAKER AUBRY: Mr. Brennan yields.

MS. CORWIN: Thank you, Mr. Brennan. Yes, you said they would have to report on crimes on the transit system. Do you mean just the trains and buses themselves or also the stations?

MR. BRENNAN: By reporting on the line or the -- yes; it would include the stations, yes.

MS. CORWIN: Would it include 10 feet outside of the station, someone maybe entering the station?

MR. BRENNAN: No, within the confines of the station or on the trains themselves.

MS. CORWIN: Okay. So if someone is getting mugged at the top of the stairs that wouldn't count, but it would count if someone was already --

MR. BRENNAN: It would still be reported in the police precinct data, but there'd be a breakout if it's within the station or on the trains themselves.

MS. CORWIN: Okay. Does the bill specify that or is the police department supposed to know that?

MR. BRENNAN: Specific subway line, subway transit division and bus route. So, if it was on the F Line or -- it would be on the F Line.

MS. CORWIN: But it doesn't say if it was --

MR. BRENNAN: It doesn't specifically say it, but there'd be a further breakout.

MS. CORWIN: Okay. And currently, the MTA Safety and Security Committee is required to report on safety issues and crime statistics. I imagine they would get some of that information, at least about criminal activities, from the police department. Wouldn't this report be a duplication of those efforts?

MR. BRENNAN: No. If you attend those meetings, those reports are presented in summary and generally tend not to have any breakouts of the crime.

MS. CORWIN: Okay. But do they actually have access to that information?

MR. BRENNAN: Yes, they do.

MS. CORWIN: Okay. So why would --

MR. BRENNAN: I mean, if you attend an MTA meeting and you see -- a board member may ask a question about a specific instance or a specific incident but, generally speaking, the NYPD Transit Division at the MTA board meeting will provide a summary Citywide and there will be not necessarily any information

about the F Line, the Q Line, the D Line, the A Line or anything like that.

MS. CORWIN: I guess my concern here is wouldn't it make more sense for the MTA, their safety committee, to provide such a report since they're dealing with the MTA system itself as opposed to the police, because the police, they have to do a crime status report that includes numbers of crimes, complaints, arrests, summons activity. They also have to do another report, the total number of major felony crimes complaints for City parks. I mean, they're doing a lot of reports on various aspects of the City. When it comes to the transit system, wouldn't it be easier and better for the transit system itself to report that information?

MR. BRENNAN: No. The information is in possession of the NYPD Transit Division. The New York City Police Department has a transit division and it reports to the NYPD. It does not report; the MTA does not administer it. They report to the transit division as a unit of the NYPD. They come to the MTA meetings to summarize what's happening, but they don't directly report to the MTA. They can provide this information to the MTA without difficulty.

MS. CORWIN: Okay. So in the bill it says the New York City Police Department would be required to provide a report, but I assume you're envisioning that the New York Police Transit Unit would actually be the ones collecting that information?

MR. BRENNAN: Yes; that division, yes.

MS. CORWIN: Okay, great. Thank you, Mr.

Brennan.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Ms.

Corwin.

MS. CORWIN: There were objections raised by some groups in New York City concerned about the level of reporting that's required of the New York City Police Department. Certainly, they've got a lot of reports that are on their plate. The concern is that the police officer should be out on the streets doing the job that they've been trained for as opposed to putting them behind a desk publishing reports. If the information is readily available, then maybe it isn't such an onerous responsibility; however, if this is going to require putting more manpower back behind the desks, then I wouldn't think that this would be such a good idea. It would be better to have the MTA providing that reporting. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Ms.

Corwin.

Mr. Borelli.

MR. BORELLI: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Mr. Brennan?

MR. BRENNAN: Yes, I will.

MR. BORELLI: Mr. Speaker, the Staten Island

Railroad is operated by the MTA but is not a subsidiary of the New York City Transit Authority. Is the Staten Island Railroad included under this bill?

MR. BRENNAN: It's an affiliate of the MTA; is that right?

MR. BORELLI: Yes.

MR. BRENNAN: So yes, but it's covered by the NYPD and it's administered and operated by --

MR. BORELLI: It's covered by the MTA police.

MR. BRENNAN: MTA police, okay.

MR. BORELLI: Yes.

MR. BRENNAN: Well, that's a concern and, certainly -- so it may not be covered under this legislation.

MR. BORELLI: Does the bill include fare beating on buses? Will there will be reports on fare beating?

MR. BRENNAN: That's theft of service. It's a misdemeanor, yes.

MR. BORELLI: Okay.

On the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Borelli.

MR. BORELLI: I actually applaud you and I think this is a great bill. I know many of my colleagues may disagree with me. Staten Island, we have the Staten Island Railroad and it's an avenue of crime. And in the last couple of weeks and years we've had

suicides, rapes, assaults, beatings and in trying to expose the MTA for bumbling a security camera project for the last six years, six years to put cameras -- if we all held up our cellphones right now we could all video each other, it's not very difficult; yet, I spent weeks trying to find these numbers and was completely unable to find any statistics related to the number of crimes that happened on the railroad property itself. So, I commend you. I hope it includes the railroad. I'll vote yes either way, but if not, maybe next year we could do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr.

Borelli.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Weprin to explain his vote.

MR. WEPRIN: Thank you, Mr. Speaker. I'd like to be excused from voting to explain my vote. I would like to commend the sponsor for this legislation. Consumers who frequently take subway lines should be entitled to that type of information to know where the high crime areas are and local legislators should be aware of it, as well. And if it's presented I assume it will become public document and it'll enable local legislators to have that information so appropriate steps can be taken in certain areas or recommendations to

the Police Commissioner, to the Mayor. So, I want to commend the sponsor for this legislation and I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Weprin in the affirmative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker, thank you. Members of the Labor Committee, Mr. Heastie is in the Speaker's Conference Room. We'd like members of the Labor Committee to proceed to the Speaker's Conference Room immediately.

ACTING SPEAKER AUBRY: Labor Committee in the Speaker's Conference Room.

Mr. Morelle.

MR. MORELLE: Yes. I'd also like to take up, on page 48, Calendar No. 289 by Mr. Cusick.

ACTING SPEAKER AUBRY: Page 48, Calendar No. 289, the Clerk will read.

THE CLERK: Bill No. 517, Calendar No. 289, Cusick, Clark, Rosenthal, Titone, Englebright, Abinanti, Lupardo, Otis. An act to amend the Environmental Conservation Law, in relation to requiring notice to adjacent landowners where certain

development is proposed in wetlands in a city with a population of one million or more.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Cusick.

MR. CUSICK: Yes, Mr. Speaker. This bill would amend the Environmental Conservation Law to require anyone who is building in wetlands to notify neighbors within 1,000 feet of that development.

ACTING SPEAKER AUBRY: Mr. McKeivitt.

MR. CUSICK: Excuse me, Mr. McKeivitt. I left one part out.

ACTING SPEAKER AUBRY: We'll let him get one more part in.

MR. CUSICK: I'm sorry, Mr. Speaker. This only applies to the City of New York.

ACTING SPEAKER AUBRY: Mr. McKeivitt.

MR. MCKEVITT: Will the sponsor yield for a quick question, please?

ACTING SPEAKER AUBRY: Will you yield?

MR. CUSICK: Absolutely.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. MCKEVITT: We've seen this bill for many years now and my understanding of what it is, it puts those in the tidal wetlands on the same footing as those in the freshwater lands, as well. But what has intervened in the last year or so, you have Hurricane

Sandy and you're very well aware in Staten Island the amount of damage that has occurred. So my concern is if people are trying to rebuild from hurricane-damaged properties, is this just going to put one additional burden for the hearing and notice requirements when they try and rebuild their homes?

MR. CUSICK: We don't believe so. Again, as you pointed out, this bill has been in existence before Hurricane Sandy, about six years we've been doing this bill. And the purpose of this bill back when we introduced it was because there was an issue and still is an issue of over development, particularly on Staten Island, and many neighbors would not be aware of building on these precious wetlands, so that's why we put it forward. The issue of Sandy, you and I spoke about this earlier. This is something that -- we don't see this being a problem with this bill.

MR. MCKEVITT: Thank you.

ACTING SPEAKER AUBRY: Ms. Malliotakis.

MS. MALLIOTAKIS: Will the sponsor yield, please?

ACTING SPEAKER AUBRY: Will you yield, Mr. Cusick? Mr. Cusick will not yield; no, yes, he will.

MR. CUSICK: Yes, of course, Mr. Speaker.

MS. MALLIOTAKIS: Mr. Cusick, I just have a question. I wanted to know what point in the process do they notify the neighbor and exactly who does the notification?

MR. CUSICK: Well, the notifying would be all

through the resident and whatever process happens right now. Currently, what they have to do is through the DEC, because they're applying for a waiver of the wetlands, there's a notice in the newspapers. As you know, with legal notices and all and many residents, particularly in our neck of the woods, people don't see these notices in the papers, so this would be a direct notice to neighbors in the immediate neighborhood.

MS. MALLIOTAKIS: So when, I guess, a builder is applying for a waiver from the DEC then they would be required to notify them in what way, through a public hearing or...

MR. CUSICK: Well, the ultimate, it would be a hearing within 21 days. It would allow the neighbors in that neighboring area within 1,000 feet to air any issues that they may have with the building. We have had instances dating back when we put this bill in of people who were not aware that this was happening in there neighborhood and then it was too late by the time it happened, and it happened to a lot of elected officials, also.

MS. MALLIOTAKIS: Thank you. I appreciate it.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Ms. Malliotakis.

MS. MALLIOTAKIS: I would like to commend the sponsor of this legislation. I think it's actually something that could be very useful in New York City, especially post-Sandy. We've seen homes being built in the community that probably should have never

been built and for some reason, they were able to get a permit and waivers from the DEC, from the City. And so, this legislation would provide another opportunity for the neighbors to vent and say how they feel and oppose a project if they should choose to do so and I think that's very important.

I actually do have a development in the Great Kills section of my community which was very hammered by the hurricane and, in hindsight, we've been saying to DEC that this property, this permit should never have been approved by DEC. They went ahead and did it anyway and now they agree with us. They're saying, *You know what? You're right. Post-Sandy, we see it. This is maybe not the best place to build a home.* And so, I think that having this type of requirement would be beneficial and so I will support this bill and I urge my colleagues to do the same. Thank you.

ACTING SPEAKER AUBRY: Thank you, Ms. Malliotakis.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker. Members should have an A-Calendar on their desks. I now move to advance the A-Calendar.

ACTING SPEAKER AUBRY: On Mr. Morelle's motion, the A-Calendar is advanced.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker. If we could take up on page 3 on the main Calendar on consent beginning with Rules Report No. 9 -- I'm sorry, Rules Report No. 398 by Ms. Nolan.

ACTING SPEAKER AUBRY: On the A-Calendar page 3, Rules Report No. 399, the Clerk will read.

THE CLERK: Bill No. 309-A, Rules Report No. 399, Dinowitz. An act to amend the General Business Law, in relation to the sale of monuments and memorials.

ACTING SPEAKER AUBRY: On a motion by Mr. Dinowitz, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Bill No. 403-A, Rules Report No. 401, Magnarelli. An act to in relation to diagnoses-related groups and service intensity weights for total hip joint replacement and total knee joint replacement inpatient cases for a general hospital.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 620-A, Rules Report No. 403, Gibson, Jaffee, Stevenson, Crespo, Schimel, Scarborough, Schimminger, Roberts, Espinal. An act to amend the Public Health Law, the Tax Law and the State Finance Law, in relation to providing for taxpayer gifts for lung cancer education and prevention and establishing the Lung Cancer Education and Prevention Fund.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 1629, Rules Report No. 404, Gunther, Giglio, Crouch, Cook, Garbarino. An act to amend the General Municipal Law and the Town Law, in relation to increasing the revenue threshold for annual audit of fire districts.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 2071-A, Rules Report No. 405, Gantt. An act to amend the Tax Law and the State Finance Law, in relation to gifts to the Housing Assistance Fund.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 2189-A, Rules Report No. 406, Lavine, Lupardo, Russell, Schimel, Simanowitz, Jaffee, Skartados, Brook-Krasny, Barrett, Scarborough, Cook, Clark, Barron, Moya, Gibson, Otis. An act to amend the Public Health Law, in

relation to providing certain benefits to veterans; and to amend the Correction Law, in relation to requiring certain reports relating to veterans.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 180th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 3107-D, Rules Report No. 409, Morelle, Hevesi, Lupardo, Weprin, Perry, Jaffee, Schimminger, Lavine. An act to amend the Insurance Law, in relation to certificates of insurance.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 90th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 3493, Rules Report No. 410, Peoples-Stokes. An act to amend the Executive Law, in relation to a prohibition on diversion of resources from dedicated funds derived from taxes and fees that support the Niagara Frontier Transportation Authority and its subsidiaries in certain instances.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 3651, Rules Report No. 411, DenDekker, Benedetto, Weprin, Barron, Maisel, Jaffee, Miller, Hooper, Gibson, Moya. An act to amend the Executive Law, in relation to requiring all State agencies and departments to accept certain methods of payment.

ACTING SPEAKER AUBRY: On a motion by Mr. DenDekker, the Senate bill is before the House. The Senate bill is advanced and the bill is laid aside.

THE CLERK: Bill No. 3767-A, Rules Report No.

412, Glick, Jaffee, Rosenthal, Gunther, Duprey, Sweeney, Stec. An act to amend the Environmental Conservation Law, in relation to the sale, distribution, transport and trade of Eurasian boars.

ACTING SPEAKER AUBRY: On a motion by Ms. Glick, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect on the 120th day next succeeding the date on which it shall have become a law.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Glick to explain her vote.

MS. GLICK: Very quickly. I just want to thank everybody. This has created a very big problem for a lot of people throughout the State, farmers and others, because these boars, these feral pigs have gotten out of containment and are now wreaking havoc in a lot of local communities and it's very important that we stem the tide of this invasive species. So thank you very much. I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 3884-A, Rules Report No. 413, Englebright, Glick, Cook, Lavine, Sweeney, Jaffee, Titone, Roberts, Hooper. An act to amend the State Finance Law, in relation to program procurements, clarifying the definition of services and allowing the State Comptroller to excuse non-material deviations in procurement procedures.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Bill No. 3948, Rules Report No. 414, Glick, Weinstein. An act to amend the Tax Law, in relation to the computation of gross income for State income tax purposes.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. I'd like to thank the members. We passed over a hundred bills today on our journey towards the end of Session. That was the magic number I was looking for. So, I want to thank everyone for their cooperation. I know there were a lot of Committees that we've held and a lot of votes, and I appreciate everyone's forbearance here.

Mr. Speaker, are there resolutions or further housekeeping?

ACTING SPEAKER AUBRY: We have both housekeeping and resolutions.

On a motion by Mr. Crouch, page 15, Rules Report No. 467, Bill No. 7550, Calendar A, the amendments are received and adopted.

On behalf of Ms. Paulin, Bill No. 7167-C, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: Bill No. 7167-C, Calendar No. 250, Paulin, Buchwald, Jaffee, Gabryszak, Galef, Stirpe, Boyland, Otis. An act to amend the Public Service Law, in relation to the issuance of stocks, bonds and other forms of indebtedness for the purpose of expanding broadband services.

ACTING SPEAKER AUBRY: On a motion to reconsider the vote by which the bill passed the House, the Clerk will

record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments are received and adopted.

We have a number of fine resolutions.

Privileged resolution by Ms. Fahy, Mr. McDonald, Mr. Steck, the Clerk will read.

THE CLERK: Resolution No. 656.

Legislative Resolution 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 SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mr. Stec, the Clerk will read.

THE CLERK: Resolution No. 657.

Legislative Resolution congratulating the 2013 Fort Ann High School Girls Softball Team upon the occasion of capturing

the New York State Class D Championship.

WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

WHEREAS, Athletic competition enhances the moral and physical development of the young people of this State, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success and developing a sense of fair play and competition; and

WHEREAS, On Saturday, June 8, 2013, at the Adirondack Sports Complex in Queensbury, New York, the 2013 Fort Ann High School Girls Softball Team captured the New York State Class D Championship by defeating top-ranked Afton by a score of 5-2; and

WHEREAS, The Lady Cards' 2013 New York State Championship was the outstanding program's third Class D State title; and

WHEREAS, The victory in the New York State Championship game capped the 2013 Fort Ann High School Girls Softball Team's undefeated 25-0 season; and

WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Head Coach Tim Gleason and Assistant Coach Mark Cusson, skilled and inspirational mentors, respected for their ability to develop potential into excellence; and

WHEREAS, The team's overall record is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends and the community-at-large; and

WHEREAS, The hallmarks of the 2013 Fort Ann High School Girls Softball Team, from the opening game of the season to capturing the New York State Class D Championship, were a sisterhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none; and

WHEREAS, Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school and community; and

WHEREAS, Head Coach Tim Gleason and Assistant Coach Mark Cusson have done a superb job in guiding, molding and inspiring the 2013 Fort Ann High School Girls Softball Team members toward their goals; and

WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment; Head Coach Tim Gleason and Assistant Coach Mark Cusson, and the 2013 Fort Ann High School Girls Softball Team's outstanding athletes, have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to congratulate the 2013 Fort Ann High School Girls Softball Team; its members: Kara White, Kassie Gravelle, Casey

Batchelder, Jordan Aubin, Kimmi Ostrander, Bri Amodio, Emilee Clute, Katie Luedders, Demi Stockman, Molly Bailey, Kayla Bancroft, Mikayla Graves, Megan Goodspeed, Kaleigh Foran and Taylor Foran; and Head Coach Tim Gleason and Assistant Coach Mark Cusson; on their New York State Class D Championship and their outstanding undefeated season; and be it further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to the members and coaching staff of the 2013 Fort Ann High School Girls Softball Team.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mr. Stec, the Clerk will read.

THE CLERK: Resolution No. 658.

Legislative Resolution congratulating Lloyd Mott upon the occasion of his designation as a recipient of the National Federation of State High School Associations Award.

WHEREAS, It is incumbent upon the people of the State of New York to recognize and acknowledge those within our midst who have made significant contributions to the quality of life therein; and

WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this legislative Body is justly proud to congratulate Lloyd Mott upon the occasion of his designation as a recipient of the National Federation of State High School

Associations Award, to be celebrated on June 25, 2013 at the organization's 94th Annual Summer Meeting in Denver, Colorado; and

WHEREAS, This particular award is designated to honor individuals who have made contributions to state high school associations, athletic director and coaching professions, the officiating avocation and fine/arts/performing arts programs; this award is one of the most highly regarded achievements in high school athletics and performing arts; and

WHEREAS, Lloyd Mott retired as assistant director of the New York State Public High School Athletic Association (NYSPHSAA) in 2008 after 11 years of service; during this time, he played a key role in developing sportsmanship programs as well as expanding sports medicine at the association level; and

WHEREAS, Lloyd Mott's work with New York state high schools began long before joining the NYSPHSAA; he started his career in 1966 as athletic director for the Broadalbin Central School District (CSD) for seven years, and then served in a similar capacity with the Cobleskill CSD for 10 years; his final stop before joining the NYSPHSAA in 1997 was a 14-year stint as director of health, physical education and athletics for the Queensbury CSD; and

WHEREAS, During his time as a school administrator, Lloyd Mott was president of the NYSPHSAA Section II (1978-1980) and the New York State Council of Physical Education Administrators (1996-1997); he began with great energy at the

NYSPHSAA in 1997, as he organized the association's first sportsmanship and media committees in his first year; and

WHEREAS, Lloyd Mott started the New York Good Sports recognition program, which granted awards to schools that best demonstrated a proactive approach to sportsmanship; he also helped to develop the Citizenship Through Athletics Course, which certified more than 200 instructors; in addition, he directed the association's first sportsmanship video, "Sportsmanship: Where Does It Start?"; and

WHEREAS, Additionally, Lloyd Mott administered the NYSPHSAA Concussion Management Program and helped produce a DVD on concussion management for distribution to member schools; he also conducted the first coaches clinic and was instrumental in developing the association's website; and

WHEREAS, At the national level, Lloyd Mott's program regarding hazing identification and prevention has been presented at several national conferences, including the NFHS Summer Meeting; he served terms on the NFHS Sports Medicine Advisory Committee and NFHS Citizenship Committee; since retiring in 2008, he has operated a consulting business, Fit 4 Life, in which he assists schools and other organizations in New York with their athletic programs; and

WHEREAS, With him throughout have been his wife, Ginny, and their children Suzanne, Tim, and Jennifer, as well as six grandchildren, all of whom feel privileged to be a part of his life and rejoice in his achievements; and

WHEREAS, A true asset to society, Lloyd Mott's distinguished record merits the recognition and respectful tribute of this legislative Body; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to congratulate Lloyd Mott upon the occasion of his designation as a recipient of the National Federation of State High School Associations Award; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to Lloyd Mott.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mr. Hennessey, the Clerk will read.

THE CLERK: Resolution No. 659.

Legislative Resolution commending Pallets-R-Us and Premium Mulch for their innovation, business acumen, and absolute commitment to recycling practices.

WHEREAS, It is the sense of this legislative Body to recognize the achievements of those individuals and businesses which substantially contribute to the economic vitality of their communities and the entire Empire State; and

WHEREAS, Businesses such as Pallets-R-Us and Premium Mulch exert a strong, positive influence on the communities they serve and are a crucial element in the economy of New York

State; and

WHEREAS, This legislative Body is justly proud to commend Pallets-R-Us and Premium Mulch for their innovation, business acumen, and absolute commitment to recycling practices; and

WHEREAS, Pallets-R-Us, located in Bellport, New York, and Premium Mulch, located in Coram, New York, are both owned by Nicholas Sorge and his two sons, Nicholas and Thomas; and

WHEREAS, In operation since 1984, Pallets-R-Us is the leading pallet manufacturer in the Tri-State Area; and

WHEREAS, In its dedication to recycling practices, Pallets-R-Us dismantles old pallets to recoup all components, which are then cut down to size and reused for either remanufactured pallets, or as repair components for other pallets; the wood waste is reused until they can no longer do so; and

WHEREAS, Premium Mulch, under the luminous direction of General Manager Christopher Sorge, was established in 2000, to utilize the pallet wood waste that could no longer be used, as landscaping mulch; and

WHEREAS, The operation and commitment of the Sorge Family to total recycling, is a great example to others in the industry, as well as across numerous industries; they have made it their business not to add to the landfill, and to find innovative and productive ways to reuse their waste; and

WHEREAS, Furthermore, these vital companies have invested in a small sawmill to cut logs into lumber; this is yet another way to recycle wood for a better use that is more environmentally conscious; and

WHEREAS, It is with great pleasure that this legislative Body acknowledges these exceptional businesses and their contributions to the local and State economies, fully confident that they will continue to enjoy the sparkling successes they have experienced thus far; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to honor Pallets-R-Us and Premium Mulch for their innovation, business acumen, and absolute commitment to recycling practices; and be it further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to Pallets-R-Us and Premium Mulch.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mr. Stec, the Clerk will read.

THE CLERK: Resolution No. 660.

Legislative Resolution congratulating the 2013 Fort Ann High School Boys Varsity Baseball Team upon the occasion of capturing the New York State Class D Championship.

WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and

team spirit, nurtured by dedicated coaching and strategic planning;
and

WHEREAS, Athletic competition enhances the moral and physical development of the young people of this State, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success and developing a sense of fair play and competition; and

WHEREAS, On Saturday, June 8, 2013, at Conlon Field in Binghamton, New York, the Fort Ann High School Boys Varsity Baseball Team captured the New York State Class D Championship by defeating Hancock by a score of 14-0; and

WHEREAS, The 2013 Fort Ann High School Boys Varsity Baseball Team outscored its opponents 47-0 during its outstanding and remarkable post-season performance; and

WHEREAS, Compiling an outstanding 21-2 season record, the 2013 Fort Ann High School Cardinals were the Adirondack League; Class D, Section 2; and Capital Region champions as well as Class D New York State Champions; and

WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Head Coach Dane Clark and Assistant Coaches, Kevin Mattison and Rock Chadwick, skilled and inspirational mentors, respected for their ability to develop potential into excellence; and

WHEREAS, The team's overall record is outstanding, and the team members were loyally and enthusiastically supported by

family, fans, friends and the community-at-large; and

WHEREAS, The hallmarks of the 2013 Fort Ann High School Boys Varsity Baseball Team, from the opening game of the season to capturing the New York State Class D Championship, were a brotherhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none; and

WHEREAS, Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school and community; and

WHEREAS, Head Coach Dane Clark and Assistant Coaches, Kevin Mattison and Rock Chadwick have done a superb job in guiding, molding and inspiring the 2013 Fort Ann High School Boys Varsity Baseball Team members toward their goals; and

WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment; Head Coach Dane Clark and Assistant Coaches, Kevin Mattison and Rock Chadwick, and the 2013 Fort Ann High School Boys Varsity Baseball Team's outstanding athletes, have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to congratulate the 2013 Fort Ann High School Boys Varsity Baseball Team; its members: Chris Jackson, Cameron Stark, Seth Godfrey, John Allen, Kent Alexander, Tyler Gleason, Garrett Bailey, Joe Foran, Nick Lehoisky, Pat Strainer, George Lehoisky,

Kyle White, Devon Heydrick, Jeremy Johnson, Tyler Mattison and Caleb Bush; Head Coach Dane Clark and Assistant Coaches, Kevin Mattison and Rock Chadwick; Managers, Patrick Ward, Brendan Wright and Jack Dornan; and Scorekeeper Kate White; on their New York State Class D Championship and their outstanding season; and be it further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to the members, coaches and staff of the 2013 Fort Ann High School Boys Varsity Baseball Team.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mr. Skartados, the Clerk will read.

THE CLERK: Resolution No. 661.

Legislative Resolution honoring Colonel Theodore Dobias upon the occasion of celebrating 50 years of distinguished service to New York Military Academy.

WHEREAS, It is the practice of this legislative Body to take note of and publicly acknowledge individuals of remarkable integrity and character whose endeavors have enhanced the quality of education in this great State; and

WHEREAS, In addition, members and former members of the Armed Services from the State of New York, who have served so valiantly and honorably in wars in which this country's

freedom was at stake, as well as in the preservation of peace in peacetime, deserve a special salute from this legislative Body; and

WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this legislative Body is justly proud to honor Colonel Theodore Dobias upon the occasion of celebrating 50 years of distinguished service to New York Military Academy; and

WHEREAS, Colonel Theodore Dobias has served for 50 years on the staff of New York Military Academy; he was a Commandant, leader, role model, coach and a highly decorated soldier in World War II; and

WHEREAS, As stated in **The Shield**, the alumni publication of the New York Military Academy, concerning Colonel Theodore Dobias, "No one in the history of New York Military Academy has devoted his entire working life to a singular cause: Helping boys and girls develop into proud, confident and ethical young men and women"; it further stated, "Colonel Ted Dobias always tried to 'instill pride, spirit and brotherhood' in the cadets under his charge"; and

WHEREAS, Donald Trump, an alumnus, Class of 1964, of the New York Military Academy, wrote in his book **The Art of the Deal**, there was one teacher in particular who had a big impact on him and that educator was Colonel Theodore Dobias; and

WHEREAS, "Maj", short for Major, Colonel Theodore Dobias treated all cadets the same, which often made those

from privileged backgrounds learn to be respectful of their fellow cadets and officers, and to appreciate strength of character; and

WHEREAS, At age 17, while a student at New York Military Academy, with World War II raging in Europe, Theodore Dobias enlisted into the United States Army; his Division, the famed 10th Mountain Division, joined the battle for Italy and fought all the way to Salzburg, Austria; and

WHEREAS, Colonel Theodore Dobias won many military decorations for his service in World War II, including the Bronze Star with Oak Leaf Cluster; and

WHEREAS, After returning to the United States from the war, Colonel Theodore Dobias rejoined New York Military Academy; he was welcomed back in a letter from the Academy's Superintendent who stated, "It is a source of pride and joy to have you in the Corps of Cadets. Your leadership through battle experience has made itself felt in our Corps of Cadets"; and

WHEREAS, Upon his graduation from New York Military Academy in 1948, the Academy offered Theodore Dobias the position of tactical officer for E, F, and G companies; he also coached varsity baseball, JV football, and girls' softball and basketball; and

WHEREAS, During his career at New York Military Academy, Colonel Theodore Dobias progressed to the rank of Colonel, Assistant Commandant, Commandant of Cadets and an Assistant to the Deputy Superintendent; and

WHEREAS, Colonel Theodore Dobias has

continually demonstrated an impressive dedication, an unparalleled devotion and an unremitting enthusiasm for the quality of the educational programs and opportunities offered at the New York Military Academy for the benefit of its faculty and students, as well as for the entire community; and

WHEREAS, Our Nation's veterans deserve to be recognized, commended and thanked by the people of the State of New York for their service and for their dedication to their communities, their State and their Nation; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to honor Colonel Theodore Dobias upon the occasion of celebrating 50 years of distinguished service to New York Military Academy; and for his distinguished military service to the Nation; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to Colonel Theodore Dobias.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mr. Nojay, Mr. Palmesano, the Clerk will read.

THE CLERK: Resolution No. 662.

Legislative Resolution congratulating Zack Bacon upon the occasion of capturing the State Title in the 2013 New York State Public High School Athletic Association Wrestling

Championships.

WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, and great personal commitment, nurtured by dedicated coaching and strategic planning; and

WHEREAS, It is the sense of this legislative Body to recognize and pay tribute to those young people within the State of New York who, by achieving outstanding success in athletic competition, have inspired and brought pride to their school and community; and

WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this legislative Body is justly proud to congratulate Zack Bacon upon the occasion of capturing the State Title in the 2013 New York State Public High School Athletic Association Wrestling Championships, winning in the D2 220lb championship bout on Saturday, February 23, 2013, at the Times Union Center in Albany, New York; and

WHEREAS, The son of Kim and Larry Bacon, Zack Bacon is a senior at Hornell Senior High School; and

WHEREAS, Zack Bacon's 1-0 win at the State Championships completed an undefeated season with a record of 44-0; he ends his high school wrestling career with an impressive record of 152-28; and

WHEREAS, Zack Bacon's overall record is outstanding, and he has been loyally and enthusiastically supported by

family, fans, friends and the community-at-large; and

WHEREAS, Zack Bacon is a three-time LCAA Champion, three-time Hornell Most Outstanding Wrestler, three-time Section V Class B Champion, two-time State qualifier Champion, and one-time State runner-up; he is also a two-time 1st Team all Greater Rochester Selection and was chosen as Co-Wrestler of the Year with a schoolmate; and

WHEREAS, Zack Bacon will graduate making history as his school's only athlete to be a State Title Champion in two sports, wrestling and football; he has won three State Titles in football as well; and

WHEREAS, This exceptional athlete is also talented in the track and field area; in his junior year, Zack Bacon competed in the discus throw and shot put events, earning his first Sectional title in the discus; and

WHEREAS, Zack Bacon plans to attend Alfred University, where he will continue to play football; his intended major is Criminal Justice, and his goal is to enter public service as a New York State Trooper; and

WHEREAS, Sports competition instills the values of good sportsmanship, pride and accomplishment, and Zack Bacon has clearly made a contribution to the spirit of excellence which is a tradition of his school; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to congratulate Zack Bacon upon the occasion of

capturing the state title in the 2013 New York State Public High School Athletic Association Wrestling Championships, and to wish him the best of luck in his future endeavors; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to Zack Bacon.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mr. Roberts, the Clerk will read.

THE CLERK: Resolution No. 663.

Legislative Resolution congratulating the Christian Brothers Academy Girls Lacrosse Team upon the occasion of winning the New York State Class B Championship.

WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, teamwork and a dedicated coaching staff; and

WHEREAS, It is the sense of this legislative Body to recognize those young people within the State of New York who, by achieving outstanding success in athletic competition, have inspired and brought pride to their school and community; and

WHEREAS, Athletic competition enhances the moral and physical development of the young people of this State, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for

success and developing a sense of fair play and competition; and

WHEREAS, On June 8, 2013, the Christian Brothers Academy Girls Lacrosse Team defeated Brighton High School with a score of 14-7 to secure the New York State Class B Championship title, the team's second state title in three years; and

WHEREAS, Athletically and academically, these outstanding lacrosse players and students proved to be an unbeatable combination of talents, reflecting favorably on their school and community; and

WHEREAS, The athletic talent displayed by the Christian Brothers Academy Girls Lacrosse Team is due in great part to the efforts of Head Coach Doug Sedgwick, Assistants Claire Sedgwick, Fran Webster and Pat Britton, Principal Brother Joe Jozwiak, Trainer Randy Kinn, and Athletic Director Buddy Wleklinski; and

WHEREAS, Throughout the entire lacrosse season, players on the Christian Brothers Academy Girls Lacrosse Team were always loyally and enthusiastically supported by family, friends and fans from throughout the entire community; and

WHEREAS, Members of the Christian Brothers Academy Girls Lacrosse Team rallied behind one another in establishing a sisterhood of athletic ability and good sportsmanship, demonstrating the importance of teamwork, focus and determination; now, therefore, be it

RESOLVED, That this legislative Body pause in its

deliberations to congratulate the Christian Brothers Academy Girls Lacrosse Team upon the occasion of the team's New York State Class B Championship whose members are: Alyssa Pitonzo, Amanda Fess, Lexi Luthringer, Hailey Dobbins, Adriana Fess, Kate Derrenbacker, Alexa Radziewicz, Evie Lopoo, Marisa Romeo, Rachel Vercillo, Maddie Cook, Sydney Murphy, Rachel Perla, Rachel Ziemba, Olivia Pitonzo, Alexandria Fess, Maddie Calkins, Taylor Poplawski, Katie Anderson, Hannah Werner, Emily Ehle, Alea Bonner, Lillie Hunt, and Bella Corieri; and be it further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to the aforementioned players and coaches of the Christian Brothers Academy Girls Lacrosse Team.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mr. Roberts, the Clerk will read.

THE CLERK: Resolution No. 664.

Legislative Resolution honoring Peggy Liuzzi upon the occasion of her retirement after 27 years of distinguished service to Child Care Solutions.

WHEREAS, It is the sense of this legislative Body to acknowledge the significant milestones in the distinguished careers of esteemed residents of New York State; and

WHEREAS, Attendant to such concern, and in full

accord with its long-standing traditions, this legislative Body is proud to honor Peggy Liuzzi upon the occasion of her retirement after 27 years of distinguished service to Child Care Solutions; and

WHEREAS, Peggy Liuzzi has worked more than 40 years in early care and education and has spent the past 27 years at Child Care Solutions in Syracuse, New York; and

WHEREAS, Peggy Liuzzi joined Child Care Solutions in 1986 as its Assistant Director and was named Executive Director in 1991; and

WHEREAS, Child Care Solutions, a resource and referral agency for child care in Onondaga and Cayuga counties, was founded as a not-for-profit organization in 1975; and

WHEREAS, The staff at Child Care Solutions strives to coordinate, assist and strengthen child care services in the Central New York community through advocacy, education, networking, referrals and the support of high-quality child care and early education programs; and

WHEREAS, In her 22 years as Executive Director of Child Care Solutions, Peggy Liuzzi has proven herself to be a tireless advocate for all children, while simultaneously earning community-wide respect; and

WHEREAS, Throughout her career, Peggy Liuzzi has worked to increase the number of children and families in Central New York who have access to high-quality early care and learning programs; and

WHEREAS, Peggy Liuzzi grew up the oldest of five children in the Capital District, where she attended Colonie High School; and

WHEREAS, Following high school, Peggy Liuzzi earned her Bachelor's degree in English Literature from Syracuse University, graduating cum laude; and

WHEREAS, After graduating from Syracuse University, Peggy Liuzzi continued her education at both Syracuse University and SUNY Cortland, taking courses in Early Childhood Education; and

WHEREAS, Peggy Liuzzi began her early care and education career as a cook at Plymouth Day Care, and was soon thereafter named Director; and

WHEREAS, Peggy Liuzzi formerly chaired the Pres-X Committee, a group of executives from human service agencies throughout Onondaga County, by virtue of which she became recognized as being both a knowledgeable and outstanding advocate for children's issues; and

WHEREAS, A visionary of her time, Peggy Liuzzi led a grassroots campaign to form the Onondaga County Child Care Council, which is today Child Care Solutions; and

WHEREAS, As Executive Director of Child Care Solutions, Peggy Liuzzi constantly envisions and implements new programs to benefit the community; and

WHEREAS, During her 27 year tenure, Peggy Liuzzi

has orchestrated and overseen tremendous growth of the organization, increasing the number of employees from only three to 36 and offering an expanded menu of programs to carry out the core mission of Child Care Solutions; and

WHEREAS, Due to the growth of Child Care Solutions, the agency was in need of new quarters and in December 2004, moved to a new facility; and

WHEREAS, Peggy Liuzzi's expertise is often sought and she serves as a member of the New York State Child Care Coordinating Council, Success by 6, and The Human Services Leadership Council and her past affiliations include the New York State Early Care and Education Blueprint Initiative, the Children's Court House Center Advisory Committee for the Salvation Army, the Onondaga County Child Assistance Program Advisory Board, and the New York State Department of Social Services Day Care Advisory Committee, among others; and

WHEREAS, She has been honored as a 2010 Woman of Distinction by the New York State Senate, a 2011 Champion for Children by the New York State Association for the Education of Young Children, and she has received the Social Justice Leadership Award for Early Childhood Education from the Association for Communities Transforming Syracuse; and

WHEREAS, When not pursuing her life's work, Peggy Liuzzi spends time with her three daughters Eliza, Anna, and Carla; and

WHEREAS, An incredibly devoted advocate, Peggy Liuzzi plans to continue her advocacy for young children even following her retirement from Child Care Solutions; and

WHEREAS, Over the past 27 years, Peggy Liuzzi has given much to her community, and the children and child care providers who mean so much to her; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to honor Peggy Liuzzi upon the occasion of her retirement after 27 years of service; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to Peggy Liuzzi.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mr. Lopez, the Clerk will read.

THE CLERK: Resolution No. 665.

Legislative Resolution congratulating Mr. and Mrs. Hilton Kelly upon the occasion of their 65th Wedding anniversary.

WHEREAS, Stella Mech and Hilton Kelly were united in marriage on October 30, 1948; they are the proud parents of two children, Linda (James) and Lynn (Donna); and

WHEREAS, Mr. and Mrs. Hilton Kelly will celebrate this momentous occasion at an anniversary party held in their honor on Sunday, October 27, 2013, at the Stamford Golf Clubhouse; and

WHEREAS, Hilton Kelly grew up on his parents' farm in the Red Kill Valley outside of Fleischmanns, New York; Stella Mech, although born in New York City, was also raised on her parents' farm and boarding house just over the hill from Red Kill Valley; and

WHEREAS, On May 4, 1945, Hilton Kelly was summoned for occupation duty in Germany; when he returned from his service in the Army, he was introduced to Stella at a party in Halcott, New York, and one year later, the couple was married; and

WHEREAS, In 1964, Stella became a rural mail carrier in Fleischmanns, New York, a career she had for 43 years; and

WHEREAS, For Mr. and Mrs. Hilton Kelly, family and music are the heights and highlights of their lifetime together; and

WHEREAS, In 1930, at just five years old, Hilton was given a fiddle by his father, the late Carson Kelly; he would go on to play as a third generation fiddler, alongside his wife on piano, for decades to come as Hilton Kelly and the Sidekicks; and

WHEREAS, Furthermore, in 1994, the Roxbury Arts group dedicated their performance center as "Hilt Kelly Hall," and in 1997, he was inducted into the New York State Old Tyme Fiddlers Association Hall of Fame; and

WHEREAS, Mr. and Mrs. Hilton Kelly are and always have been a tower of strength, support, understanding and limitless love for their family; and

WHEREAS, Their love, devotion, caring, sensitivity

and responsiveness to their family, friends and all who know them are their hallmark and tradition; and

WHEREAS, Mr. and Mrs. Hilton Kelly lived for 49 years, in a house they built; they loved the community, neighbors, friends, and the country living that went along with life in Bedell, New York; today, the loving couple resides together at Robinson Terrace Assisted Living in Stamford, New York; and

WHEREAS, Mr. and Mrs. Hilton Kelly have lived and continue to live their lives with great dignity and genuine grace, always demonstrating a deep and continuing concern for human values and ideals, and in so doing, they have inspired others to do the same; and

WHEREAS, This meaningful occasion is the result of the love, hard work and spirit this couple has invested in their marriage; and

WHEREAS, These same values they have passed to their loved ones, producing a family that is close-knit and supportive of its individual members, public-minded in its relations to the community and committed to the ideals of citizenship upon which this Nation was founded; and

WHEREAS, Mr. and Mrs. Hilton Kelly are the loving grandparents of five grandchildren: Kelly (Patrice), Veronica (Noah), Nicholas (Laura), Heather (Chad), and the late Bryan, and three great-grandchildren: Eric, Alana, and Bryan Charles; and

WHEREAS, Mr. and Mrs. Hilton Kelly have touched

the lives of their family and many friends through the shining example of their marriage, which is a testament to the devotion and admiration which they possess for one another; and

WHEREAS, The longevity of this enduring marriage truly marks a milestone in life's journey, an event of personal triumph and joy; and

WHEREAS, It is the sense of this legislative Body that when an occasion of such importance is brought to our attention, the same should be memorialized by us for the edification and emulation of others; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to congratulate Mr. and Mrs. Hilton Kelly upon the occasion of their 65th Wedding anniversary; and be it further

RESOLVED, That a copy of Resolution, suitably engrossed, be transmitted to Mr. and Mrs. Hilton Kelly.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mr. Lopez, the Clerk will read.

THE CLERK: Resolution No. 666.

Legislative Resolution mourning the untimely death of Military Security Contractor Joseph Morabito of Haines Falls, New York, and paying tribute to his courageous actions.

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 Military Security Contractor Joseph Morabito of Haines Falls, in Greene County, New York, and pays tribute to his courageous actions; he died in Afghanistan while conducting training on Saturday, June 8, 2013; and

WHEREAS, In the 1970s, 54 year-old Joseph Morabito enlisted in the United States Navy; he then spent some time working in law enforcement before working for the United States Military as a private security contractor working as part of a group teaching civilians in Iraq and Afghanistan how to protect and serve their country as police officers; he would have turned 55 years old on Monday, June 10th; 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 Military Security Contractor Joseph Morabito of Haines Falls, New York, and to pay tribute to his courageous actions; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to Andrea Morabito, wife of Joseph Morabito.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mr. Tedisco, the Clerk will read.

THE CLERK: Resolution No. 667.

Legislative Resolution commemorating the 225th anniversary of the Town of Ballston, Saratoga County.

WHEREAS, It is the intent of this legislative Body to

honor and commemorate the distinguished histories of the communities which comprise the noble body of this great Empire State; and

WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this legislative Body is justly proud to commemorate the 225th anniversary of the Town of Ballston, in the County of Saratoga, New York; and

WHEREAS, On July 13, 2013, the Town of Ballston will hold a celebration of its 225th anniversary; events to commemorate this celebration will be held at the Ballston Town Hall, the Merchant Farm and the Ballston Center Associate Reformed Presbyterian Church; and

WHEREAS, The Town of Ballston will be showing Historic Exhibits, restored modes of transportation from years past, toys and games from over a century ago, historical reenactments, petting zoos, and traditional foods and drink, as well as a traditional game of baseball; and

WHEREAS, The Town of Ballston officially came into being on March 7, 1788; previously it was part of Albany County, but was divided on March 24, 1772, into two districts; in 1775, the District of Ballston was taken from the District of Saratoga, creating three districts within Albany; and

WHEREAS, On February 7, 1791, by means of an Act of the New York State Legislature, the County of Saratoga was created and the Town of Ballston was one of the first four "Mother

Towns"; and

WHEREAS, The Town of Ballston was originally a hunting ground for Iroquois Indians, and first settlements came in with the establishment of a community around the home of Reverend Eliphalet Ball, for whom the town is named; and

WHEREAS, The Town of Ballston and its settlers took part in the Revolutionary War with residents fighting for both the Patriots and the British; most notably, Joe Betteys, who lived with his family in the Town of Ballston, and first fought for the Patriots and then, later, became a spy for the British; and

WHEREAS, After the Town's founding, three major communities developed, Ballston Center, Ballston Lake and Burnt Hills; and

WHEREAS, With good fortune and a vast and rich history, the Town of Ballston will continue to march forward as a safe and enjoyable community to call home; and

WHEREAS, Remaining fruitful over the ebb and flow of decades of growth and change, the Town of Ballston continues its commitment to enhancing the quality of life of its citizens, ensuring a positive environment for residents and businesses as well as supporting and advocating on behalf of its rich agricultural history; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to commemorate the 225th anniversary of the Town of Ballston, recognizing the significance of the role it continues to play

in the life of the community of the State of New York; and be it further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to Ballston Town Historian, Rick Reynolds, and the 225th Anniversary Committee, as well as to leaders of the Town of Ballston.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mr. Tedisco, the Clerk will read.

THE CLERK: Resolution No. 668.

Legislative Resolution commemorating the Centennial anniversary of the Alplaus United Methodist Church in Alplaus, New York, to be celebrated throughout September and October, 2013.

WHEREAS, It is the sense of this legislative Body to recognize that the quality and character of life in the communities across New York State are reflective of the concerned and dedicated efforts of those organizations and individuals that are devoted to the welfare of the community and its citizenry; and

WHEREAS, It is also the sense of this legislative Body that the quality of life of the citizens of the State of New York is greatly enriched by its exceptional religious and faith based institutions; these institutions give positive definition to the profile

and disposition of the communities of the State of New York and profoundly strengthen our society with their commitment; and

WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this legislative Body is justly proud to commemorate the Centennial anniversary of the Alplaus United Methodist Church in Alplaus, New York; this auspicious occasion will be celebrated throughout September and October, 2013; and

WHEREAS, The Alplaus United Methodist Church in Alplaus, New York, is a landmark in the hamlet of the Town of Glenville; and

WHEREAS, Opening in October of 1913, the United Methodist Church was founded by a small group of Alplaus residents and Pastor G.H.C. Bain, who initially organized the Alplaus Union Methodist Episcopal Church; and

WHEREAS, Several driven individuals of the congregation, armed with picks, shovels and a pair of horses, excavated land given by Mr. and Mrs. Winterton J. Day for the purposes of constructing the church and the foundation, later named Fellowship Hall; and

WHEREAS, When the church first opened, Sunday School and Church Services were held in the same area at different hours; the church assisted in giving space to "The Ladies' Aid Society" which would later become the "Women's Society for Christian Service," serving now as the "United Methodist Women," a group

traveling from church to church, performing annual plays; and

WHEREAS, In an effort to grow unity within the church and the community, a monthly family night program was developed which encompassed dinners, talent shows, plays and musical concerts; and

WHEREAS, With these traditions, along with developing programs with the Youth Group, Girl Scouts, Boy Scouts and the United Methodist Women, Alplaus United Methodist Church continues to be an important part of the community; and

WHEREAS, This auspicious occasion presents a unique opportunity for this legislative Body to recognize and pay tribute to the many parishioners who have lived and worshiped at the Alplaus United Methodist Church; and

WHEREAS, It is the practice of this legislative Body that when an organization of such noble aims and accomplishments is brought to our attention, it should be recognized and applauded by all the citizens of this great Empire State; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to commemorate the Centennial anniversary of the Alplaus United Methodist Church in Alplaus, New York; and be it further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to Pastor Carl Shephard, the members of the Centennial Committee, and the parishioners of the Alplaus United Methodist Church.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mr. Tedisco, the Clerk will read.

THE CLERK: Resolution No. 669.

Legislative Resolution honoring Lee Wallard posthumously for his extraordinary athletic achievements upon the occasion of his induction into the Schenectady City School District Athletic Hall of Fame.

WHEREAS, It is the sense of this legislative Body to pay tribute to outstanding athletes who have distinguished themselves through their exceptional performance, attaining unprecedented success and the highest level of personal achievement; and

WHEREAS, Attendant to such concern, and fully in accord with its long-standing traditions, this legislative Body is justly proud to honor Lee Wallard posthumously for his extraordinary athletic achievements upon the occasion of his induction into the Schenectady City School District Athletic Hall of Fame, to be celebrated at the 16th Annual Schenectady City School District Athletic Hall of Fame and Reunion Dinner on Monday, September 9, 2013, at Proctor's Theatre in Schenectady, New York; and

WHEREAS, The Schenectady City School District Athletic Hall of Fame was established in 1998 to honor those individuals who have made significant contributions to the history and

tradition of sports in the Schenectady City School District; and

WHEREAS, Nearly a century ago, Lee Wallard was a student attending the Schenectady City School District; and

WHEREAS, During the 1930s, Lee Wallard began driving in auto races in Altamont and participated in his first race in 1941, in the AAA Championship at the "Syracuse 100," prior to serving his country during World War II in the United States Navy; and

WHEREAS, After World War II, Lee Wallard continued his passion for racing, competing in and winning the 1951 Indianapolis 500 driving the No. 99 Belanger Special to victory, leading in 159 of the 200 laps; and

WHEREAS, Lee Wallard, becoming very popular within the racing community, is known for and credited with changing the driving strategy, technique and practice used during the Indianapolis 500 race; and

WHEREAS, Lee Wallard participated in three additional Indianapolis 500 competitions, finishing 7th in 1948, leading in the 1949 race until his car failed due to mechanical problems, and in 1950, finishing 6th; and

WHEREAS, In 1951, with his successes in racing, Lee Wallard was named Schenectady Athlete of the Year by the Mont Pleasant Athletic Club, where he was honored by Yogi Berra; and

WHEREAS, During a race in Reading, Pennsylvania, just days after winning the 1951 Indianapolis 500, Lee Wallard was

burned and hospitalized for several months, from which he came back and raced for several more years until his retirement in 1954; and

WHEREAS, Following his retirement, Lee Wallard traveled the world as a representative of the Champion Spark Plug Company and advocated for safety initiatives including highway safety; and

WHEREAS, This auspicious occasion presents a unique opportunity for this legislative Body to recognize and pay tribute to Lee Wallard; and

WHEREAS, This legislative Body is moved to honor Lee Wallard posthumously for his extraordinary athletic accomplishments which are a tribute to his skill, dedication and commitment; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations with praise and pride to honor Lee Wallard posthumously for his extraordinary athletic achievements upon the occasion of his induction into the Schenectady City School District Athletic Hall of Fame; and be it further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to the family of Lee Wallard, and the Schenectady City School District Athletic Hall of Fame.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mr. Kolb, the Clerk will

read.

THE CLERK: Resolution No. 670.

Legislative Resolution honoring Walter J. Gable upon the occasion of his designation as recipient of the 2013 Convention Days Community Service Award.

WHEREAS, Individuals who give of their time and energies and serve the best interests of their communities are an asset beyond remuneration and cannot be sufficiently extolled; and

WHEREAS, Walter J. Gable has given not only of his time and energies but also of his competence, intelligence and leadership and consequently has been designated for special recognition; and

WHEREAS, This legislative Body is justly proud to honor Walter J. Gable upon the occasion of his designation as recipient of the 2013 Convention Days Community Service Award, to be celebrated on Friday, July 19, 2013; and

WHEREAS, Walter J. Gable, the son of Irving James and Elma Demont Gable, has been called upon to contribute his time and talents to countless civic and charitable endeavors and has always given of himself unstintingly; and

WHEREAS, In 1968, Walter J. Gable graduated cum laude from Syracuse University, with a Bachelor of Arts degree in Social Studies Education; he went on to receive his Master's degree in 1972; and

WHEREAS, Walter J. Gable, a life-long resident of

Seneca County, began his 30 year career teaching social studies for the Seneca Falls Central School District in 1970, where he served as Social Studies Department Chair for nine years; and

WHEREAS, In 2000, Walter J. Gable became an adjunct instructor and supervisor of student teachers, at Hobart and William Smith College; in addition, he worked for ten years as a social studies consultant for the State Education Department, assisting in all phases of the development of various social studies assessments, and conducting various workshops; and

WHEREAS, Throughout his career, Walter J. Gable received several special awards and accolades, including the New York State Distinguished Social Studies Educator Award in 2001; he served as the founding President in the Wayne-Finger Lakes Council for the Social Studies, and was the recipient of its Outstanding Secondary Social Studies Educator Award; and

WHEREAS, In addition, Walter J. Gable was actively involved in the New York State Council for the Social Studies, and through the years served as President, Vice-President, Chairperson of the Exhibits, Sites, and Awards Committees, as well as serving on the Board of Directors for many years; he also served for several years, as a Member of the Board of Directors of the National Education Association of New York; and

WHEREAS, Today, Walter J. Gable works as Seneca County Historian, and is Secretary of the Seneca Falls Historical Society Board of Trustees; an avid musical theater fan, he is also the

Secretary of the Empire State Theatre and Musical Instrument
Museum Board of Trustees; and

WHEREAS, Furthermore, he is the author of **The
Seneca Army Depot: Fighting Wars from the New York Home
Front**, a 2011 publication of **The History Press**, as well as author of
several articles as Seneca County Historian in the **Reveille/Between
the Lakes**, and the **Finger Lakes Times**; and

WHEREAS, Throughout the entire period of his
community service, a period of constructive involvement, Walter J.
Gable has stood constant in dignity, good grace and humor; and

WHEREAS, Rare indeed is the impressive dedication
shown by individuals for the benefit of others which Walter J. Gable
has displayed throughout his life; and

WHEREAS, It is the sense of this legislative Body
that when individuals of such noble aims and accomplishments are
brought to our attention, they should be celebrated and recognized by
all the citizens of this great Empire State; now, therefore, be it

RESOLVED, That this legislative Body pause in its
deliberations to honor Walter J. Gable upon the occasion of his
designation as recipient of the 2013 Convention Days Community
Service Award; and be it further

RESOLVED, That a copy of this Resolution, suitably
engrossed, be transmitted to Walter J. Gable.

ACTING SPEAKER AUBRY: On the resolution, all
those in favor signify by saying aye; opposed, no. The resolution is

adopted.

Privileged resolution by Mr. Lopez, the Clerk will read.

THE CLERK: Resolution No. 671.

Legislative Resolution honoring the Cobleskill Fire Department upon the occasion of its designation as recipient of the 2013 James W. Wright Public Education Award by the New York State Association of Fire Chiefs.

WHEREAS, This legislative Body has the deepest pride and admiration for the fire departments of New York State which perform the crucial work of fire protection and fire prevention; and

WHEREAS, The courageous and devoted firefighters of the Cobleskill Fire Department of Cobleskill, New York, valiantly respond to all types of fire emergencies and engage in vital activities which help to prevent the loss of life and property from fires; and

WHEREAS, This legislative Body is justly proud to honor the Cobleskill Fire Department upon the occasion of its designation as recipient of the 2013 James W. Wright Public Education Award by the New York State Association of Fire Chiefs, celebrated during the opening ceremony of the 40th Annual Public Fire Safety Educators' Conference on Saturday, May 4, 2013, at the New York State Academy of Fire Science in Montour Falls, New York; and

WHEREAS, The New York State Association of Fire

Chiefs has presented this prestigious award since 1995, in recognition of an individual or department for outstanding effort in delivering fire and life safety public education programs; and

WHEREAS, In 2009, under the luminous direction and leadership of Cobleskill President and Fire Prevention Coordinator William Johnson, Cobleskill Fire Department revamped its Fire Prevention Awareness Program, and has seen great success in reaching the community; the program is targeted toward the entire community, including children and toddlers, college students, adults, seniors, and citizens with disabilities; and

WHEREAS, The Cobleskill Fire Department and its Fire Prevention Team reaches over 1300 residents via schools, businesses, housing developments, and the department's Fire Prevention Open House, held annually in October; and

WHEREAS, During the Fire Prevention Open House, the department offers hands on demonstrations to adults and children; through collaboration with the New York State Office of Fire Prevention and Control, a Smoke Trailer and Fire Extinguisher Hands-on Training Simulator is utilized for family participation and education; and

WHEREAS, Furthermore, the annual Fire Prevention Program, during Fire Prevention Week, educates over 850 school children beginning in pre-kindergarten; firefighters visit each classroom individually, give fire safety demonstrations, and provide each child with fire safety information, as well as a tour of the truck;

and

WHEREAS, The members of the Cobleskill Fire Department have a strong dedication and commitment to public and life safety education, and are therefore worthy of the highest praise and recognition; and

WHEREAS, It is the sense of this legislative Body that we should give special recognition to those who work so assiduously for the betterment of their communities, and acknowledge publicly the heroic good works performed by the fire departments of this great Empire State; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to honor the Cobleskill Fire Department upon the occasion of its designation as recipient of the 2013 James W. Wright Public Education Award by the New York State Association of Fire Chiefs; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to the Cobleskill Fire Department.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mr. Lopez, the Clerk will read.

THE CLERK: Resolution No. 672.

Legislative Resolution commemorating the 125th anniversary of the Middleburgh Fire Department.

WHEREAS, This legislative Body is proud to commemorate the 125th anniversary of the Middleburgh Fire Department and to honor its past and present firefighting members for 125 years of fire protection to the citizens of Middleburgh and its surrounding communities; and

WHEREAS, Fire departments are an integral part of community protection services in every locality of our State; during the past 125 years, the courageous and devoted firefighters of the Middleburgh Fire Department have valiantly responded to all types of fire emergencies and have won the praise and respect of the community which they serve; and

WHEREAS, Firefighting in Middleburgh, New York, has a long and rich history dating back to October of 1780 when the first fire was recorded; however, history of the current department only dates back to January 1888 as the current Middleburgh Fire Department was formed; and

WHEREAS, The rich history of firefighting was done by using the bucket brigade, hand pumpers, hose carts, a steamer engine, and a hook and ladder until motorized fire apparatus came to be; and

WHEREAS, The Middleburgh Fire Department has an active membership roll of 20 members and total membership of 30 individuals; its members are trained in all different types of firefighting skills, as they now answer 150-200 calls a year; and

WHEREAS, Today the Middleburgh Fire Department

is only one of two ladders within Schoharie County, and knowing the training that comes with a ladder company is something it is proud of; and

WHEREAS, With a membership of dedicated firefighters, the record of the Middleburgh Fire Department in public service and fire protection is one to be envied; for 24 hours a day, for 365 days a year, for 125 years, whenever the alarm sounded, these noble volunteers left their homes and went to the aid of their neighbors; and

WHEREAS, The brave firefighters of the Middleburgh Fire Department are prepared to risk their lives every day to help save the lives of others and to protect homes and property from the destruction caused by fire; and

WHEREAS, In addition to the skill and devoted service demonstrated by individual firefighters, the Middleburgh Fire Department reflects the history and development of firefighting over the past 125 years; and

WHEREAS, This legislative Body cannot express sufficient gratitude to those devoted individuals who recognize that the preservation of life and property is a sacred responsibility and who make that responsibility their own by serving as firefighters; and

WHEREAS, It is the sense of this legislative Body that we should give special recognition to those who work so assiduously for the betterment of their communities, and acknowledge publicly the heroic good works performed by the volunteer fire

departments of this great Empire State, their officers and auxiliaries;
now, therefore, be it

RESOLVED, That this legislative Body pause in its
deliberations to proudly commemorate the 125th anniversary of the
Middleburgh Fire Department; and be it further

RESOLVED, That a copy of this Resolution, suitably
engrossed, be transmitted to the Middleburgh Fire Department.

ACTING SPEAKER AUBRY: On the resolution, all
those in favor signify by saying aye; opposed, no. The resolution is
adopted.

Privileged resolution by Mrs. Gunther, the Clerk will
read.

THE CLERK: Resolution No. 673.

Legislative Resolution honoring Judith Pearce upon
the occasion of her retirement after many years of distinguished
service to the Weekend of Chamber Music.

WHEREAS, It is the sense of this legislative Body to
acknowledge significant milestones in the distinguished careers of
esteemed residents of this noble Empire State; and

WHEREAS, Attendant to such concern, and in full
accord with its long-standing traditions, this legislative Body is justly
proud to honor Judith Pearce upon the occasion of her retirement after
19 years of distinguished service to the Weekend of Chamber Music;
and

WHEREAS, The Weekend of Chamber Music

(WCM) seeks to present chamber music as a vital art to a broad cross section of the Sullivan County, New York, community and beyond, reaching out to engage people of all ages and cultures; and

WHEREAS, For the past 19 years, Judith Pearce rendered faithful, conscientious and valuable service to this fine organization, earning the admiration, esteem and affection of her peers and colleagues; and

WHEREAS, In her capacity as Artistic Director, Judith Pearce served with creativity, honor and distinction, governed by a keen sense of mission, and always possessed of a unique grasp of human problems in her official acts; and

WHEREAS, Under Judith Pearce's radiant leadership, WCM has made numerous significant cultural and educational contribution to the Sullivan County community, and the organization is considered a well-regarded citizen of the area's cultural life; and

WHEREAS, Judith Pearce's tenure is particularly distinguished by her innovative education projects, generating collaborations and partnerships that have included all eight of the county's school districts, other area cultural institutions such as the Liberty Museum and the Catskill Art Society, and scores of professional performing artists, enhancing the lives of hundreds of students in grades K-12, as well as their teachers and families, annually; and

WHEREAS, In addition, WCM has cultural offerings

for the broader community; the annual Summer Festival has provided the area with chamber music concerts of unparalleled quality, with an all-embracing range of programming and rave reviews from the public and the press; and

WHEREAS, It is the sense of this legislative Body that when individuals of such noble aims and accomplishments are brought to our attention, they should be celebrated and recognized by all the citizens of the great State of New York; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to honor Judith Pearce upon the occasion of her retirement after 19 years of distinguished service to the Weekend of Chamber Music; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to Judith Pearce.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mrs. Cook, the Clerk will read.

THE CLERK: Resolution No. 674.

Legislative Resolution honoring Ricja Rice, Esq. upon the occasion of her Installation as incoming Recording Secretary for the Capital District Women's Bar Association.

WHEREAS, It is the sense of this legislative Body to recognize that the quality and character of life in the communities

across New York State are reflective of the concerned and dedicated efforts of those organizations and individuals who would devote themselves to the welfare of the community and its citizenry; and

WHEREAS, Ricja Rice has given not only of her time and energies but also of her competence, intelligence and leadership and consequently has been designated for special recognition; and

WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this legislative Body is justly proud to commend Ricja Rice, Esq. upon the occasion of her Installation as incoming Recording Secretary for the Capital District Women's Bar Association, to be celebrated at its Annual Installation Dinner on Tuesday, June 4, 2013; and

WHEREAS, The Capital District Women's Bar Association Legal Project, Inc. is a private, not-for-profit agency that was founded by the Capital District Women's Bar Association in 1995; and

WHEREAS, The Legal Project mission believes all people, regardless of income, gender, disability, race, religion, age, sexual orientation or ethnicity should have access to legal services; this belief reflects a deep commitment to fairness and equal justice under the law; and

WHEREAS, Queens native and the first lawyer in her family, Ricja Rice has a bachelor's degree from Union College in Political Science and African Studies with a minor in Sociology; she

also obtained her law degree from Albany Law School; and

WHEREAS, Ricja Rice has served as a Co-Chair of the Diversity and Gender Fairness Committee for the Capital District Women's Bar Association for the past four years; in her capacity as Co-Chair, she has orchestrated and participated in the annual diversity program held at Albany Law School on increasing diversity on the bench and bar; and

WHEREAS, Practicing in the courts and now meeting with many advocacy groups from around New York State, Ricja Rice tirelessly works on breaking barriers based on poverty, language, race, sex, gender and disability; she has drafted several pieces of legislation to create equality and justice for all; and

WHEREAS, It is the practice of this legislative Body that when individuals of such noble aims and accomplishments are brought to our attention, they should be celebrated and recognized by all the citizens of this great Empire State; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to commend Ricja Rice, Esq. upon the occasion of her Installation as incoming Recording Secretary for the Capital District Women's Bar Association; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to Ricja Rice, Esq.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Mr. Buchwald, the Clerk will read.

THE CLERK: Resolution No. 675.

Legislative Resolution commemorating the Amyotrophic Lateral Sclerosis (ALS) Association's 12th Annual Westchester Walk to Defeat ALS on June 23, 2013.

WHEREAS, Also known as Lou Gehrig's disease, Amyotrophic Lateral Sclerosis (ALS) is a progressive neurodegenerative disease for which there is no known cause, cure, or effective treatment; and

WHEREAS, ALS affects nerve cells in the brain and the spinal cord; the nerve cells that direct motor functions (known as motor neurons) reach from the brain to the spinal cord and from the spinal cord to the muscles throughout the body; the progressive degeneration of the motor neurons in ALS eventually leads to their death; when the motor neurons die, the ability of the brain to initiate and control muscle movement is lost, with voluntary muscle action progressively affected; patients in the later stages of the disease may become totally paralyzed; and yet, through it all, for the vast majority of people afflicted with ALS, their minds remain unaffected; and

WHEREAS, On Sunday, June 23, 2013, the ALS Association Greater New York Chapter will host its 12th Annual Walk to Defeat ALS at the scenic campus of Manhattanville College in Purchase, New York in the Town of Harrison; and

WHEREAS, Amyotrophic Lateral Sclerosis is

responsible for nearly two deaths per 100,000 people each year; approximately 5,600 people in the United States are newly diagnosed with ALS each year; there are 30,000 people living with ALS today in the United States; and

WHEREAS, ALS occurs throughout the world with no age, racial, ethnic, or socioeconomic boundaries; this devastating disease has impacted the lives of many people across New York State including the late United States Senator from New York, Jacob K. Javits; and

WHEREAS, The ALS Association's mission is to lead the fight to cure and treat ALS through global, cutting-edge research and to empower people with ALS and their families to live fuller lives by providing them with compassionate care and support; and

WHEREAS, It is the sense of this legislative Body to urge all of our citizens to support the search for a cure of ALS and assist those individuals and families who deal with this devastating disorder on a daily basis; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to commemorate the Amyotrophic Lateral Sclerosis (ALS) Association's 12th Annual Westchester Walk to Defeat ALS on June 23, 2013, in New York State; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to the ALS Association Greater New York Chapter.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Privileged resolution by Ms. Tenney, the Clerk will read.

THE CLERK: Resolution No. 676.

Legislative Resolution honoring the Wawarsing Rod and Gun Club upon the occasion of its 75th anniversary.

WHEREAS, It is the practice of this legislative Body to take note of and publicly acknowledge organizations of remarkable integrity and character whose endeavors have enhanced the complexion of the 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 honor the Wawarsing Rod and Gun Club upon the occasion of its 75th anniversary, to be celebrated at its anniversary Dinner on Saturday, June 22, 2013, at the Elks Club in Napanoch, New York; and

WHEREAS, The Wawarsing Rod and Gun Club is a not for profit corporation registered by the State of New York, dedicated to the conservation of our natural resources, protection of our rights under the second amendment and guardian of our natural resources; the organization promotes good fellowship, sportsmanship and a meeting place for those of similar persuasion; and

WHEREAS, The Wawarsing Rod and Gun Club is

governed by a leadership consisting of a president, 1st and 2nd vice presidents, treasurer, recording secretary, membership secretary, newsletter editor, immediate past president and a board of six trustees each elected for a two year term; and

WHEREAS, Also known as the Wawarsing Sportsmen's Club, the Wawarsing Rod and Gun Club was established in 1938 from the amalgamation of the Cotton Tail Club, the Southern Ulster Fish and Game Club, and the Ellenville Chapter of the Izaak Walton League; and

WHEREAS, The first official clubhouse was located in a building located behind the present Barthel Farm Stand between Ellenville and Napanoch; trap and rifle shoots were held on a regular basis, which brought in much needed funds to help operate the club; and

WHEREAS, In 1953 the men of the Wawarsing Rod and Gun Club purchased the former Sutta Bungalow Colony, which contained 65 acres and a number of buildings; they renovated the casino, sold some land to the Ellenville Pistol Club, brought in their hand operated trap and went into the sportsmen's business in a big way; and

WHEREAS, While some clubs have come and gone and others are still struggling, the Wawarsing Rod and Gun Club has survived and flourished; this is due in large part to their long standing policy of open membership; and

WHEREAS, The Wawarsing Rod and Gun Club

takes pride in accepting all applicants regardless of age, gender, race or color; it has also opened its membership to those who live outside a 25-mile radius; and

WHEREAS, Throughout the year the Wawarsing Rod and Gun Club supports many club projects such as the annual youth fishing contest open to the general public, an annual field day, dinners honoring daughters, sons, and mates, a July 4th float, sighting in day for the general public the day before deer season and special work days, to name a few; and

WHEREAS, It is the sense of this legislative Body that when organizations of such noble aims and accomplishments are brought to our attention, they should be celebrated and recognized by all the citizens of the great State of New York; now, therefore, be it

RESOLVED, That this legislative Body pause in its deliberations to honor the Wawarsing Rod and Gun Club upon the occasion of its 75th anniversary, fully confident that it will continue to enjoy the sparkling success which has so characterized its past; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to the Wawarsing Rod and Gun Club.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker. Will you please

recognize Mrs. Peoples-Stokes for the purpose of an announcement?

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes for the purposes of an announcement.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. There will be an immediate Democratic Conference in the Speaker's Conference Room. The sooner we're there, the sooner we're out.

ACTING SPEAKER AUBRY: Democratic Conference, Speaker's Conference Room immediately.

Mr. Morelle.

MR. MORELLE: Yes, Mr. Speaker. I now move that the Assembly stand adjourned and that we reconvene at 10:00 a.m. Wednesday, June 19th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 7:53 p.m., the Assembly stood adjourned and will reconvene on Wednesday, June 19th at 10:00 a.m., Wednesday being a Session day.)