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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 9, 2011

3:18 p.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

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

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

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

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

9 ACTING PRESIDENT GRIFFO: In the
10 absence of clergy, I ask all to bow your heads
11 in a moment of silent reflection.

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

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

16 THE SECRETARY: In Senate,
17 Sunday, May 8, the Senate met pursuant to
18 adjournment. The Journal of Saturday, May 7,
19 was read and approved. On motion, Senate
20 adjourned.

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

24 Presentation of petitions.

25 Messages from the Assembly.

1 The Secretary will read.

2 THE SECRETARY: Senator Maziarz
3 moves to discharge, from the Committee on
4 Energy and Telecommunications, Assembly Bill
5 Number 6270B and substitute it for the
6 identical Senate Bill Number 3407A, Third
7 Reading Calendar 143.

8 ACTING PRESIDENT GRIFFO:

9 Substitution so ordered.

10 Messages from the Governor.

11 Reports of standing committees.

12 Reports of select committees.

13 Communications and reports of state
14 officers.

15 Motions and resolutions.

16 Senator Breslin.

17 SENATOR BRESLIN: Thank you,
18 Mr. President.

19 On behalf of Senator Adams, I move
20 that the following bill be discharged from its
21 respective committee and be recommitted with
22 instructions to strike the enacting clause:
23 Senate Number 3706.

24 ACTING PRESIDENT GRIFFO: So
25 ordered.

1 SENATOR BRESLIN: Finally, on
2 behalf of Senator Addabbo, I move that the
3 following bill be discharged from its
4 respective committee and be recommitted with
5 instructions to strike the enacting clause:
6 Senate Number 1259.

7 ACTING PRESIDENT GRIFFO: So
8 ordered.

9 SENATOR BRESLIN: Thank you,
10 Mr. President.

11 ACTING PRESIDENT GRIFFO: Thank
12 you, Senator Breslin.

13 Senator Valesky.

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

16 On behalf of Senator Klein, on
17 page 31 I offer the following amendments to
18 Calendar Number 310, Senate Print 3889, and
19 ask that said bill retain its place on the
20 Third Reading Calendar.

21 ACTING PRESIDENT GRIFFO: The
22 amendments are accepted and the bill will
23 retain its place on the Third Reading
24 Calendar.

25 SENATOR VALESKY: Also,

1 Mr. President, I wish to call up my bill,
2 Print Number 656, recalled from the Assembly,
3 which is now at the desk.

4 ACTING PRESIDENT GRIFFO: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number
7 11, by Senator Valesky, Senate Print 656, an
8 act to amend the Environmental Conservation
9 Law.

10 ACTING PRESIDENT GRIFFO: Senator
11 Valesky.

12 SENATOR VALESKY: Mr. President,
13 I now move to reconsider the vote by which
14 this bill was passed.

15 ACTING PRESIDENT GRIFFO: Call
16 the roll on reconsideration.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 53.

19 ACTING PRESIDENT GRIFFO: Senator
20 Valesky.

21 SENATOR VALESKY: Mr. President,
22 I now offer the following amendments.

23 ACTING PRESIDENT GRIFFO: The
24 amendments are received.

25 Senator Libous.

1 SENATOR LIBOUS: Thank you,
2 Mr. President. I have a handful here, so if
3 you and the members would bear with me.

4 On behalf of Senator Grisanti, on
5 page 20 I offer the following amendments to
6 Calendar Number 102, Senate Print Number 2686,
7 and ask that said bill retain its place on the
8 Third Reading Calendar.

9 ACTING PRESIDENT GRIFFO: The
10 amendments are received, and the bill will
11 retain its place on third reading.

12 SENATOR LIBOUS: On behalf of
13 Senator Bonacic, on page 26 I offer the
14 following amendments to Calendar Number 225,
15 Senate Print 2143A, and ask that said bill
16 retain its place on the Third Reading
17 Calendar.

18 ACTING PRESIDENT GRIFFO: The
19 amendments are received, and the bill will
20 retain its place on Third Reading Calendar.

21 SENATOR LIBOUS: Thank you,
22 Mr. President.

23 On page 33 I offer the following
24 amendments to Calendar Number 344, Senate
25 Print Number 3764 and ask that said bill

1 retain its place on the Third Reading
2 Calendar.

3 ACTING PRESIDENT GRIFFO: The
4 amendments are received, and the bill will
5 retain its place on the Third Reading
6 Calendar.

7 SENATOR LIBOUS: Again on behalf
8 of Senator Bonacic, on page 40 I offer the
9 following amendments to Calendar Number 416,
10 Senate Print 2135, and ask that said bill
11 retain its place on Third Reading Calendar.

12 ACTING PRESIDENT GRIFFO: The
13 amendments are received, and the bill will
14 retain its place on third reading.

15 SENATOR LIBOUS: Mr. President, I
16 now wish to call up Resolution Number 1337,
17 which is now at the desk.

18 ACTING PRESIDENT GRIFFO: The
19 Secretary will read.

20 THE SECRETARY: Legislative
21 Resolution Number 1337, by Senator Griffo,
22 urging the New York State Congressional
23 delegation.

24 SENATOR LIBOUS: Mr. President, I
25 now move to reconsider the vote by which this

1 resolution was passed.

2 ACTING PRESIDENT GRIFFO: Call
3 the roll on reconsideration.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 53.

6 SENATOR LIBOUS: Mr. President, I
7 now move to recommit my resolution to the
8 Committee on Finance.

9 ACTING PRESIDENT GRIFFO: So
10 ordered.

11 Senator Libous.

12 SENATOR LIBOUS: Mr. President,
13 on behalf of Senator Hannon, on page 37 I
14 offer the following amendments Calendar Number
15 389, Senate Print 4376, and ask that said bill
16 retain its place on the Third Reading
17 Calendar.

18 ACTING PRESIDENT GRIFFO: The
19 amendments are received, and the bill will
20 retain its place on third reading.

21 SENATOR LIBOUS: Thank you,
22 Mr. President.

23 And finally, on behalf of Senator
24 Nozzolio, on page 39 I offer the following
25 amendments to Calendar Number 410, Senate

1 Print Number 476, and then ask that said bill
2 retain its place on the Third Reading
3 Calendar.

4 ACTING PRESIDENT GRIFFO: The
5 amendments are received, and the bill will
6 retain its place on third reading.

7 SENATOR LIBOUS: Mr. President.

8 ACTING PRESIDENT GRIFFO: Senator
9 Libous.

10 SENATOR LIBOUS: Thank you,
11 Mr. President. I wasn't sure if you saw me.

12 Mr. President, I believe there's a
13 privileged resolution at the desk by Senator
14 Espaillat. May we please have the title read,
15 and I believe the Senator would like to be
16 called on, and then move for its adoption.

17 ACTING PRESIDENT GRIFFO: The
18 Secretary will read.

19 THE SECRETARY: Legislative
20 resolution by Senator Espaillat, honoring
21 Ms. L. Ann Rocker for her ceaseless dedicated
22 service to her community.

23 ACTING PRESIDENT GRIFFO: Senator
24 Espaillat.

25 SENATOR ESPAILLAT: Thank you,

1 Mr. President.

2 Colleagues, we are joined here by a
3 special person, someone who has been a
4 resident for 46 years of the West Harlem
5 community. She is in the balcony.

6 And she has been a strong supporter
7 of a healthy community. She has been a person
8 that has worked very closely with her
9 neighbors when the North River Sewage
10 Treatment Plant was installed just a few
11 blocks away from her home some 25 years ago.
12 But she continues to advocate for the safety
13 and the health and the interests of our
14 communities and tries to mitigate the effects
15 that this sewage treatment plant has on the
16 immediate community.

17 As you know, Mr. President, many of
18 the neighborhoods throughout the City of
19 New York suffer from environmental issues.
20 She has been a strong and steadfast supporter
21 of neighbors and families in their quest to
22 have clean air, to have better conditions not
23 only for those but most importantly for our
24 children.

25 So I am happy to have her here.

1 She was one of the folks that was instrumental
2 in negotiating with the state to have the
3 Riverbank State Park installed where now
4 thousands of families and children benefit
5 from those amenities.

6 So I am happy to have Ms. Ann
7 Rocker here with us today. She's a true
8 environmental champion. And I'm happy to have
9 her here in the State Senate in Albany,
10 New York.

11 Welcome to Albany, Ms. Rocker.

12 (Applause.)

13 ACTING PRESIDENT GRIFFO: Thank
14 you, and we welcome you.

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

17 (Response of "Aye.")

18 ACTING PRESIDENT GRIFFO:
19 Opposed?

20 (No response.)

21 ACTING PRESIDENT GRIFFO: The
22 resolution is adopted.

23 Senator Libous.

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

1 I believe that Senator Espaillet
2 has another privileged resolution at the desk.
3 May we please have the title read, call on the
4 Senator, and we'll move for its adoption.

5 ACTING PRESIDENT GRIFFO: The
6 Secretary will read.

7 THE SECRETARY: Legislative
8 resolution by Senator Espaillet, commending
9 Rosa Zorilla for her dedication in preserving
10 her community's housing resources and
11 recognizing her as a leader and an inspiration
12 to the members of her community.

13 ACTING PRESIDENT GRIFFO: Senator
14 Espaillet.

15 SENATOR ESPAILLET: Thank you,
16 Mr. President.

17 Accompanying Ms. Rocker we have
18 another woman who's a strong advocate for
19 housing. And as you all know, this year is a
20 big housing year where we'll be taking on
21 legislation hopefully to renew the rent laws
22 and strengthen tenant protection. And she has
23 been one person that has been a strong
24 advocate for tenants' rights.

25 They sort of like live in the same

1 neighborhood, so we have a dynamic duo here
2 today. And I'm happy to have Ms. Zorilla,
3 Rosa Zorilla, here representing the Hamilton
4 Heights/West Harlem community.

5 She organizes tenants. She has
6 been part of the TIL program that empowers
7 tenants in having their own apartments, their
8 own building. She has been one that has
9 denounced violations in buildings that are
10 sometimes very serious and present a clear and
11 present danger to families and children.

12 So thank you, Ms. Zorilla, for
13 coming to Albany and joining us all here in
14 the State Senate, and we welcome you as well.
15 Thank you.

16 (Applause.)

17 ACTING PRESIDENT GRIFFO: Thank
18 you and welcome.

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

21 (Response of "Aye.")

22 ACTING PRESIDENT GRIFFO:
23 Opposed?

24 (No response.)

25 ACTING PRESIDENT GRIFFO: The

1 resolution is adopted.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President,
4 can we now go to the reading of the
5 noncontroversial calendar.

6 ACTING PRESIDENT GRIFFO: The
7 Secretary will read the noncontroversial
8 calendar.

9 THE SECRETARY: Calendar Number
10 7, by Senator Diaz, Senate Print 331A, an act
11 to amend the Elder Law.

12 ACTING PRESIDENT GRIFFO: Read
13 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 58.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 77, by Senator Young, Senate Print 863A, an
24 act to amend the Real Property Tax Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 58.

8 ACTING PRESIDENT GRIFFO: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 133, by Senator Lanza, Senate Print 2938A, an
12 act to enact Michelle and Jordan's Law.

13 ACTING PRESIDENT GRIFFO: Read
14 the last section.

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

17 ACTING PRESIDENT GRIFFO: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 58.

21 ACTING PRESIDENT GRIFFO: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 143, substituted earlier today by Member of
25 the Assembly Crespo, Assembly Print Number

1 6270B, an act to amend the Public Service Law.

2 ACTING PRESIDENT GRIFFO: Read
3 the last section.

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

6 ACTING PRESIDENT GRIFFO: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 58.

10 ACTING PRESIDENT GRIFFO: The
11 bill is passed.

12 THE SECRETARY: In relation to
13 Calendar Number 162, Senator LaValle moves to
14 discharge, from the Committee on Local
15 Government, Assembly Bill Number 5028 and
16 substitute it for the identical Senate Bill
17 Number 3176, Third Reading Calendar 162.

18 ACTING PRESIDENT GRIFFO:
19 Substitution so ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 162, by Member of the Assembly Sweeney,
23 Assembly Print Number 5028, an act to amend
24 the Real Property Tax Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT GRIFFO: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 234, by Senator Grisanti, Senate Print 1737A,
12 an act to amend Chapter 616 of the Laws of
13 1992.

14 ACTING PRESIDENT GRIFFO: Read
15 the last section.

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

18 ACTING PRESIDENT GRIFFO: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT GRIFFO: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 242, by Senator Young, Senate Print 2839A, an

1 act to amend the Soil and Water Conservation
2 Districts Law.

3 ACTING PRESIDENT GRIFFO: Read
4 the last section.

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

7 ACTING PRESIDENT GRIFFO: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT GRIFFO: The
12 bill is passed.

13 The Secretary will continue to
14 read.

15 THE SECRETARY: Calendar Number
16 263, by Senator Flanagan, Senate Print 1834,
17 an act to amend the General Business Law.

18 ACTING PRESIDENT GRIFFO: Read
19 the last section.

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

22 ACTING PRESIDENT GRIFFO: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 59. Nays,

1 1. Senator Duane recorded in the negative.

2 ACTING PRESIDENT GRIFFO: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 264, by Senator Alesi, Senate Print 3736A, an
6 act to --

7 SENATOR LIBOUS: Lay it aside for
8 the day.

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

11 THE SECRETARY: Calendar Number
12 308, by Senator Martins, Senate Print 3210A,
13 an act to amend the Penal Law.

14 ACTING PRESIDENT GRIFFO: Read
15 the last section.

16 THE SECRETARY: Section 3. This
17 act shall take effect September 1, 2011.

18 ACTING PRESIDENT GRIFFO: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 57. Nays,
22 3. Senators Dilan, Duane and Montgomery
23 recorded in the negative.

24 ACTING PRESIDENT GRIFFO: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 309, by Senator Grisanti, Senate Print 2877A,
3 an act to amend the Environmental Conservation
4 Law.

5 ACTING PRESIDENT GRIFFO: Read
6 the last section.

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

9 ACTING PRESIDENT GRIFFO: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 56. Nays,
13 4. Senators Carlucci, Klein, Rivera and --

14 ACTING PRESIDENT GRIFFO: Senator
15 Libous.

16 SENATOR LIBOUS: Just hold the
17 roll call on that for one second.

18 ACTING PRESIDENT GRIFFO: The
19 roll call will be held.

20 SENATOR LIBOUS: Mr. President,
21 can we withdraw the roll call and lay the bill
22 aside for the day.

23 ACTING PRESIDENT GRIFFO: The
24 Secretary will call the roll on
25 reconsideration.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 60.

3 ACTING PRESIDENT GRIFFO: The
4 roll call is withdrawn and the bill is laid
5 aside for the day.

6 The Secretary will continue to
7 read.

8 THE SECRETARY: Calendar Number
9 313, by Senator Lanza, Senate Print 4226, an
10 act to amend the General City Law.

11 ACTING PRESIDENT GRIFFO: Read
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT GRIFFO: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 366, by Senator DeFrancisco, Senate Print
23 3297, an act to amend the Education Law.

24 ACTING PRESIDENT GRIFFO: Read
25 the last section.

1 THE SECRETARY: Section 4. This
2 act shall take effect six months after it
3 shall have become law.

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT GRIFFO: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 367, by Senator Libous, Senate Print 3964B, an
12 act to amend the Education Law.

13 ACTING PRESIDENT GRIFFO: Read
14 the last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect on the first of July.

17 ACTING PRESIDENT GRIFFO: Senator
18 Libous.

19 SENATOR LIBOUS: I want to
20 explain my vote.

21 ACTING PRESIDENT GRIFFO: Senator
22 Libous to explain his vote.

23 SENATOR LIBOUS: Thank you,
24 Mr. President.

25 This bill is pretty

1 straightforward. It says that -- it requires,
2 if you're going to be a superintendent in a
3 New York State school district, that you live
4 in the State of New York. It doesn't restrict
5 you to the county, it doesn't restrict you to
6 any specific region. You just have to be a
7 resident and live in the State of New York.
8 To me, that makes a lot of sense.

9 Now, moving forward, those
10 individuals who are under -- Mr. President, I
11 can't hear myself speak.

12 ACTING PRESIDENT GRIFFO: Can we
13 have order in the chamber, please [gaveling].

14 SENATOR LIBOUS: Thank you.
15 Thank you. That's much better.

16 Mr. President, if you're already
17 under contract, you're grandfathered in. If
18 you're in the middle of a contract
19 negotiation, you're grandfathered in. But
20 moving forward, I think it only makes sense
21 that if you're going to be a superintendent in
22 one of our great school districts in the State
23 of New York, that you live in the State of
24 New York. Period.

25 ACTING PRESIDENT GRIFFO: Senator

1 Libous to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: Ayes, 56. Nays,
4 4. Senators Marcellino, Oppenheimer, Rivera
5 and Stavisky recorded in the negative.

6 ACTING PRESIDENT GRIFFO: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 382, by Senator LaValle, Senate Print 3442, an
10 act to amend the Education Law.

11 ACTING PRESIDENT GRIFFO: Read
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT GRIFFO: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 394, by Senator Grisanti, Senate Print 3917,
23 an act to amend Chapter 581 of the Laws of
24 2005.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT GRIFFO: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 406, by Senator Maziarz, Senate Print 191 --

12 SENATOR BRESLIN: Lay it aside.

13 ACTING PRESIDENT GRIFFO: Lay it
14 aside.

15 THE SECRETARY: Calendar Number
16 413, by Senator DeFrancisco, Senate Print
17 1072, an act to amend the Tax Law.

18 ACTING PRESIDENT GRIFFO: Read
19 the last section.

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

22 ACTING PRESIDENT GRIFFO: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT GRIFFO: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 417, by Senator Libous, Senate Print 2461, an
5 act to amend the Executive Law.

6 ACTING PRESIDENT GRIFFO: Read
7 the last section.

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

10 ACTING PRESIDENT GRIFFO: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT GRIFFO: Senator
14 Libous to explain his vote.

15 SENATOR LIBOUS: Mr. President, I
16 just want to explain my vote.

17 This is a bill that we had before
18 this house a couple of years ago. It's called
19 Honesty in Permitting. And basically it means
20 that state agencies have to process permits,
21 teaching certificates, nursing certificates,
22 things that our constituents want, that they
23 have to do it in a timely manner.

24 And depending on what the normal
25 time that they produce these instruments, that

1 they have a little bit of cushion. But
2 sometimes we hear the horror stories how
3 people applied for a teaching certificate and
4 three, four months go by and they've been
5 offered a position and they can't teach
6 because the Education Department hadn't given
7 them the teaching certificate.

8 That's just one example. I'm sure
9 you can go on and on -- State Liquor
10 Authority, a whole host of other places.

11 This is a fair and reasonable bill,
12 and all it says is that state government has
13 to perform for our constituents in a very
14 timely manner.

15 Thank you.

16 ACTING PRESIDENT GRIFFO: Senator
17 Libous to be recorded in the affirmative.

18 Announce the results.

19 THE SECRETARY: Ayes, 59. Nays,
20 1. Senator Montgomery recorded in the
21 negative.

22 ACTING PRESIDENT GRIFFO: The
23 bill is passed.

24 Senator Libous, that completes the
25 noncontroversial reading of the calendar.

1 SENATOR LIBOUS: Thank you,
2 Mr. President. Can we now take up the
3 controversial calendar.

4 ACTING PRESIDENT GRIFFO: The
5 Secretary will ring the bell.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 406, by Senator Maziarz, Senate Print 191, an
9 act to amend the Public Service Law.

10 ACTING PRESIDENT GRIFFO: Senator
11 Krueger.

12 SENATOR LIZ KRUEGER: Thank you.
13 If the sponsor would please yield to some
14 questions.

15 ACTING PRESIDENT GRIFFO: Senator
16 Maziarz, do you yield?

17 SENATOR MAZIARZ: Absolutely,
18 Mr. President.

19 ACTING PRESIDENT GRIFFO: Senator
20 Krueger.

21 SENATOR LIZ KRUEGER: Thank you
22 very much.

23 I didn't ask you for an
24 explanation, Senator Maziarz, because we have
25 visited this bill before in the past. But can

1 you tell me --

2 SENATOR MAZIARZ: Thank you. I
3 appreciate it.

4 SENATOR LIZ KRUEGER: Thank you.
5 Are there --

6 SENATOR MAZIARZ: I have a
7 four-page explanation here, Senator. But go
8 ahead.

9 SENATOR LIZ KRUEGER: Oh, do you
10 want to read that?

11 SENATOR MAZIARZ: No, no, go
12 ahead.

13 (Laughter.)

14 SENATOR LIZ KRUEGER: So because
15 you and I have debated this bill in the past,
16 as have quite a few other members here in the
17 house today, can you tell me have we really
18 changed anything from the last time we saw a
19 bill like this on the floor, your bill?

20 SENATOR MAZIARZ: Well, I think
21 this bill is much more comprehensive. It does
22 take in the current aspects of the
23 environmental justice regulations as set forth
24 by the DEC. It does establish a fund for
25 intervenors. It recognizes intervenors as

1 just about any individual, any group within a
2 community setting that could intervene and
3 have access to the intervenor funds.

4 Senator, I think some of those
5 provisions were in previous versions of this
6 bill, but they're even stronger, I think, in
7 this particular bill, Senator.

8 SENATOR LIZ KRUEGER: Okay.
9 Senator Maziarz, this seems to be an --

10 ACTING PRESIDENT GRIFFO: Senator
11 Krueger, are you asking Senator Maziarz to
12 yield?

13 SENATOR LIZ KRUEGER: Excuse me.
14 Mr. President, if through you the Senator
15 would yield to another question.

16 SENATOR MAZIARZ: Yes,
17 Mr. President.

18 ACTING PRESIDENT GRIFFO: The
19 Senator yields.

20 SENATOR LIZ KRUEGER: Thank you.
21 This appears to fast-track the
22 process for siting power plants. Are there
23 any power plants in process now that need to
24 be fast-tracked?

25 SENATOR MAZIARZ: Through you,

1 Mr. President. Senator, I'm not so sure that
2 I would agree with your characterization that
3 this is a fast-tracking. I think this is
4 maybe a tracking, if you will, putting
5 together a process.

6 I think if you looked at this bill
7 and all the sections in the law and all the
8 requirements that a permittee must go through,
9 you're looking at, best-case scenario,
10 Senator, probably a two, two-and-a-half-year
11 process of just siting and permitting. So I'm
12 not so sure that it's fast-tracking.

13 Quite frankly, Senator, with the
14 current energy market, particularly the demand
15 of downstate New York -- Westchester, the
16 City, Long Island -- the plans that are
17 currently being discussed more so -- and I
18 think if we're trying to slow down anything,
19 Senator, it's the importation of power from
20 other states -- from New Jersey, from
21 Canada -- which of course will take away
22 New York jobs and particularly, you know,
23 those people in the power industry, members of
24 the IBEW and so forth.

25 So I wouldn't characterize this as

1 fast-tracking. I mean, there are proposals
2 right now, to get back to your -- maybe more
3 specifically to your question, to site
4 generation, you know, in all forms, solar,
5 wind generation. Yes.

6 SENATOR LIZ KRUEGER: Mr.
7 President, if through you the sponsor would
8 continue to yield.

9 ACTING PRESIDENT GRIFFO: The
10 sponsor yields.

11 SENATOR LIZ KRUEGER: Thank you.
12 Under the previous Article X siting
13 law we had a situation where applicants could
14 site multiple small plants within a very close
15 geographic area to avoid the Article X siting
16 process. But in fact which, when you looked
17 at them in total, created a greater problem
18 from an environmental hazard perspective than
19 if there had been one large one. What, in
20 your bill, would change this from not
21 continuing?

22 SENATOR MAZIARZ: Senator, this
23 does include that type of application.
24 Actually, Senator, there would be required a
25 preapplication, a prescreening by the DEC, by,

1 by the way, the DEC, Department of Health,
2 department of ESDC, NYSERDA and I think Parks,
3 Recreation and Historic Preservation. But
4 this would require both the prescreening for
5 all the applicants, both the large and the
6 small, Senator Krueger.

7 And it would be accumulative. If
8 they came in with an application for several
9 small plants, the DEC would be required under
10 this law, and the PSC, to look at it in an
11 accumulative way.

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

15 ACTING PRESIDENT GRIFFO: The
16 sponsor yields.

17 SENATOR MAZIARZ: I do, Senator.

18 SENATOR LIZ KRUEGER: Thank you.

19 Senator, I understand as I read
20 this bill that the bill established a
21 comprehensive siting process that applied to
22 new power plants with a net generating output
23 of 80 megawatts or more, so that in fact you
24 could do multiple smaller plants near each
25 other so that the impact was far greater than

1 80 megawatts.

2 So explain to me again how we would
3 stop the problems that we've been seeing,
4 particularly in urban areas and downstate
5 New York through your legislation.

6 SENATOR MAZIARZ: Even those --
7 even -- I'm sorry, Mr. President. Could you
8 repeat the question, Senator? There was
9 another conversation.

10 SENATOR LIZ KRUEGER: I
11 understand. Through you, Mr. President.

12 So we've seen problems under the
13 past law because there was an 80-megawatt
14 cutoff and anything below that, you were
15 allowed to do multiple side-by-side and skip a
16 process.

17 Why in this bill haven't we lowered
18 the 80-megawatt capacity to something lower
19 and explicitly made it you can't do multiple
20 sites next to other?

21 SENATOR MAZIARZ: Through you,
22 Mr. President. What we're trying to do,
23 Senator, is not stop a smaller generator,
24 particularly, let's say, a farmer with maybe
25 three or four windmills or maybe, you know,

1 some expansive solar project on agricultural
2 property that may be 20 megawatts or less or
3 just near the threshold.

4 We have to draw the line somewhere,
5 Senator. And, you know, wherever we draw the
6 line, somebody is not going to be happy with
7 it.

8 Now, you know, if you're going to
9 build a power plant, you know, a generating
10 station, you know, the chances are in order to
11 turn a profit -- and, you know, we want
12 private-sector investment in the energy field.
13 You need it. The ISO says that you need it
14 particularly in downstate New York, in your
15 district, Senator, in other districts that are
16 represented by downstate Senators, that if we
17 don't get it, you know, in a couple of years
18 your constituents are going to suffer from
19 brownouts, perhaps blackouts. You know, it
20 could be California of six years ago.

21 So, Senator, what we're looking at
22 is for a private -- private investment,
23 private-sector job creation. And that the
24 chances of them, a private-sector company
25 coming in and building a plant that's anything

1 less than -- draw the line. We draw it at
2 80 -- they're probably not going to do it,
3 Senator.

4 So I guess the short answer would
5 be -- which is not so short -- is we had to
6 draw a line somewhere, Senator.

7 SENATOR LIZ KRUEGER: Mr.
8 President, if through you the sponsor would
9 continue to yield.

10 ACTING PRESIDENT GRIFFO: The
11 sponsor continues to yield.

12 SENATOR LIZ KRUEGER: Thank you.
13 I appreciate the sponsor's responses to my
14 questions.

15 Just for the record, because
16 drawing the line is an important question
17 here, the Assembly bill draws the line at
18 20 megawatts. I believe that the Senate
19 Democrats in a previous session had proposed
20 drawing it at 30 megawatts.

21 I think the concern here is your
22 bill draws the line at 80 megawatts -- and
23 you're right, we're all going to need more
24 energy in the future. We need a better, more
25 modern electric grid. We need alternative,

1 cleaner energy production sites.

2 But I guess the good news is we've
3 got, according to the state, enough energy to
4 make it through 2020 without any new power
5 plants. That's according to the 2010
6 Reliability Needs Assessment by the New York
7 State Independent Systems Operator --
8 Operators, I think it is.

9 So my concern again is 80 megawatts
10 is the standard we used in the past that has
11 created so many problems, particularly in
12 urban areas.

13 So the next question, so your bill
14 would keep it at 80 megawatts. And while
15 there would be a process, you could still
16 attempt to game the system by siting multiple
17 smaller plants in close proximity to avoid
18 being stopped. Could we talk about
19 particulate -- sorry, I have to get my notes
20 out -- the concern about airborne pollutants
21 through the level of particulate matter in the
22 air and the 2.5 cutoff that I believe remains
23 in your bill.

24 When I first was taking office in
25 my Senate district, Con Edison -- which is my

1 power producer -- was, quote, unquote,
2 upgrading an older power plant and arguing
3 that they didn't really need to follow the
4 clean air laws because they were upgrading as
5 opposed to building new. But there was a huge
6 debate around the level of carbon dioxide
7 small particulate emissions, referred to as
8 PM2.5, which includes mercury and other toxins
9 defined by the federal government as toxins.

10 And so what are we doing in this
11 new proposed bill to protect communities --
12 particularly urban, dense communities -- from
13 a continued exposure to particulate emissions
14 from the bad, dirtier kinds of power plants?

15 SENATOR MAZIARZ: Through you,
16 Mr. President.

17 First of all, let me just
18 comment -- go back a little bit earlier to
19 your previous comment about the Assembly's
20 threshold of 20 megawatts, the Senate's
21 threshold of 80 megawatts. I suspect,
22 Senator, that this bill -- hopefully, we pass
23 it today -- that when the Governor engages in
24 this issue, that the Assembly may pass a
25 version and that the threshold may actually

1 end up somewhere between 20 and 80. So I want
2 to comment on that.

3 Regarding the clean air standards,
4 Senator, this bill would require that not just
5 a new generating facility but a retrofit of an
6 existing generating facility would have to
7 meet the clean air interstate rules as
8 identified by the DEC.

9 SENATOR LIZ KRUEGER: Thank you.

10 Mr. President, if through you the
11 sponsor would continue to yield.

12 SENATOR MAZIARZ: Certainly,
13 Mr. President.

14 ACTING PRESIDENT GRIFFO: The
15 sponsor yields.

16 SENATOR LIZ KRUEGER: Thank you.

17 Would nuclear generating facilities
18 operate under this siting bill? Or would
19 there be a need for the state to do another
20 piece of legislation to deal with the much
21 more complex issues of siting nuclear
22 generating facilities?

23 SENATOR MAZIARZ: This bill
24 exempts -- nuclear plants are federally
25 regulated, Senator. And this bill exempts

1 federally regulated facilities.

2 SENATOR LIZ KRUEGER: So --
3 excuse me, Mr. President. If through you.

4 So this bill, going forward, would
5 continue the pattern of New York State not
6 having its own regulations to review siting of
7 new nuclear generating facilities?

8 SENATOR MAZIARZ: Yes.

9 SENATOR LIZ KRUEGER: Even though
10 other states have gone forward with their own
11 legislation to have requirements above and
12 beyond what the Nuclear Regulatory Commission
13 requires for nuclear sites.

14 SENATOR MAZIARZ: I'm not
15 familiar with what other states are doing,
16 Senator.

17 SENATOR LIZ KRUEGER: Thank you.

18 What would happen with coal-
19 fired -- excuse me. Mr. President, if through
20 you the sponsor would continue to yield.

21 What would happen with coal-fired
22 facilities in the context of your siting bill?

23 ACTING PRESIDENT GRIFFO: Repeat
24 the question, Senator Krueger.

25 SENATOR LIZ KRUEGER: How would

1 this siting bill apply to coal-fired
2 facilities?

3 SENATOR MAZIARZ: Well, any
4 siting of a new coal facility would have to
5 meet the air quality standards. I think,
6 according to the current DEC standards, that
7 may be extremely difficult.

8 But I think what's even better
9 news, Senator Krueger, is that a retrofiting
10 of any existing coal facility would have to
11 meet those standards too. They would
12 basically have to meet the standards.

13 And it wouldn't be impossible,
14 Senator; it would be extremely expensive.

15 SENATOR LIZ KRUEGER: Thank you.

16 Again, Mr. President, if the
17 sponsor would continue to yield.

18 SENATOR MAZIARZ: Certainly,
19 Mr. President.

20 ACTING PRESIDENT GRIFFO: The
21 sponsor yields.

22 SENATOR LIZ KRUEGER: Thank you.

23 So but you could do siting of new
24 coal-fired facilities under this law. We
25 would be allowing that to happen.

1 SENATOR MAZIARZ: If they met the
2 air quality standards set forth by the DEC,
3 yes, they could.

4 SENATOR LIZ KRUEGER: Thank you,
5 Mr. President. On the bill.

6 ACTING PRESIDENT GRIFFO: Senator
7 Krueger on the bill.

8 SENATOR LIZ KRUEGER: I want to
9 thank the sponsor for his explanation.

10 I want to argue that we should be
11 voting no on this bill, and I'm hoping my
12 colleagues will join me in this.

13 One, if this is not a fast-tracking
14 for something that needs to be done right
15 away -- and the sponsor, by his own
16 statements, believes that a final siting bill
17 for the State of New York would be somewhere
18 between the bill he's proposing today and the
19 bill that the Assembly is passing -- I,
20 speaking for myself, don't know why I would
21 want to vote for a bill that will leave so
22 many unanswered questions out there.

23 There's not an urgent need to do
24 this. And in fact, he agrees it's not a
25 fast-tracking bill. It goes too far. It

1 doesn't address nearly enough of the
2 environmental concerns that have been raised
3 over and over in this state around the siting
4 of power plants.

5 Yes, we want clean energy. We want
6 more energy. We want a modern grid. Imagine
7 if we could create the jobs by making New York
8 State's grid comparable to other states in the
9 country, other regions. The Southwest has
10 done an amazing job at upgrading their grid,
11 which then allows them to move cleaner energy
12 farther distances than we have the ability to
13 do here in New York State.

14 This bill would continue the model
15 basically that we had in place up until a few
16 years ago when it sunsetted. And that bill
17 and the law that we had in place allowed for
18 the building of dirty energy sites. It
19 allowed for the building of many small dirty
20 sites next to each other, particularly in
21 Queens and the Bronx in New York City. It
22 gave the energy companies too much freedom to
23 stretch too far their interpretation of
24 environmental law and protecting clean air in
25 our communities.

1 I appreciate that the Legislature
2 wants to have a siting bill in New York State.
3 And I appreciate that we need to move
4 negotiations with the Governor and the
5 Assembly and the Senate. But handing us a
6 bill that addresses none of the concerns from
7 the past, that actually doesn't recognize the
8 new information we have about the dangers of
9 siting nuclear power plants, the even newer
10 information we have, if you read the New York
11 Times this weekend, that the Nuclear
12 Regulatory Commission is doing an
13 exceptionally bad job at regulating nuclear
14 energy in this country and therefore states
15 need to take it upon themselves to be much
16 more careful and wary in regulation and
17 oversight of new and existing nuclear power
18 plants.

19 That we should make it explicit
20 that you cannot build coal plants in this
21 state. And we should make it explicit that
22 there are certain numbers of the maximum
23 megawatts that we will allow in a bill. We
24 should make it explicit as to not being able
25 to collocate multiple plants within specific

1 geographic areas. We should make it explicit
2 that because of environmental justice concerns
3 that too many of the dirty plants get located
4 in the poorest communities.

5 We should make it explicit that
6 New York State is going to be watching
7 carefully and making sure that any plant that
8 is built in the State of New York has the
9 cleanest technology possible and is sited in
10 the fairest process possible.

11 So I think we can get there,
12 Mr. President. I do. But I don't see how I
13 could vote yes on this bill that doesn't even
14 walk us down the road farther than the bill
15 that sunsetted that I think many of my
16 colleagues on both sides of the aisle didn't
17 recognize or support as being a 21st-century
18 model of siting new power plants in the State
19 of New York. So I'll be voting no.

20 Thank you very much, Mr. President.

21 ACTING PRESIDENT GRIFFO: Thank
22 you, Senator Krueger.

23 Senator Diaz on the bill.

24 SENATOR DIAZ: Thank you,
25 Mr. President. On the bill.

1 I just would like to express my
2 appreciation to Senator Liz Krueger for
3 standing on behalf of communities that are
4 suffering, communities that are being subject
5 of this kind of miniplants that on a daily
6 basis are emitting pollution.

7 Especially, Senator Krueger, I
8 would like to thank you for standing up for my
9 community. The one that I represent, the
10 South Bronx, is one -- is the biggest
11 community with asthma rates in the United
12 States, and these kind of miniplants are
13 contributing to that.

14 When they say that they will not
15 pass 80 megawatts, it is -- there's a trick
16 there. Because what they do -- see,
17 Mr. President, in Queens, when you cross the
18 river from Queens to Hunts Point, it's less
19 than one mile. Less than one mile when you
20 cross -- but you got a plant in Queens and one
21 other one in the Bronx. So they say that both
22 of them, they don't pass the 80 megawatts.
23 The only thing is that they circumvent that
24 limit by making plants with 79 megawatts. So
25 by doing that, they are not violating the law,

1 because the law said that they cannot go over
2 80 megawatts at that close distance.

3 But that's what happened to our
4 people. They're killing our people with this
5 thing.

6 And I am proud to stand here next
7 to Ms. Krueger. We have many differences, Liz
8 Krueger and myself, in many different -- in
9 two issues. Not in many issues, in two
10 issues. But today I have to say that I'm
11 honored and I appreciate, Liz Krueger, you are
12 standing up for people in my district that
13 need all of us to stand by them and to bring
14 them a better environment, better health,
15 better air, and stop this thing.

16 So I'm voting no on this bill.
17 Thank you.

18 ACTING PRESIDENT GRIFFO: Senator
19 Gianaris.

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

22 ACTING PRESIDENT GRIFFO: On the
23 bill.

24 SENATOR GIANARIS: I want to
25 stand in solidarity with my colleagues

1 Senator Diaz and Senator Liz Krueger.

2 The issue of power-plant siting is
3 one that is very dear to me. I represent a
4 Senate district that produces over 60 percent
5 of the electricity that powers New York City
6 on a daily basis. For some reason the power
7 industry has decided that western Queens is
8 among the most welcoming places for its
9 facilities. Unfortunately, that has some
10 significant health consequences for the people
11 that live there.

12 Senator Diaz referenced the high
13 asthma rates in the South Bronx. Well, as he
14 also mentioned, northwest Queens and the South
15 Bronx are separated only by a small piece of
16 the East River. And so many of the health
17 effects that are experienced there are also
18 experienced in western Queens and, not
19 coincidentally, in some communities that are
20 of lower income and communities of color.
21 Which was actually proven 10 years ago in a
22 lawsuit that was filed against the
23 minigenerators that have been referenced
24 throughout the debate on the floor today.

25 The 80-megawatt threshold is

1 significant for me because it was an agency of
2 our government -- it wasn't even a private
3 company -- that exploited that loophole
4 10 years ago and dropped eleven 79.9-megawatt
5 facilities throughout the City of New York,
6 completely avoiding scrutiny under the
7 then-existing Article X.

8 There is also no provision in this
9 bill that would adequately deal with
10 communities that have been overburdened and
11 carrying more than their fair share of the
12 burden for the power production in New York.

13 I would prefer to see something in
14 the bill that would insist upon a net
15 emissions reduction in communities that are
16 overburdened, should there be any new
17 facilities approved. I would prefer to see
18 the threshold number reduced from 80 megawatts
19 to protect these communities.

20 I appreciate that the sponsor has
21 indicated this is a first step in a
22 negotiation that will likely yield different
23 results by the time something is enacted. But
24 the fact is, as the bill stands today before
25 this house, it is not something that I am

1 comfortable supporting. And I will be voting
2 no and encourage my colleagues to do the same.

3 ACTING PRESIDENT GRIFFO: Is
4 there any other Senator wishing to be heard?

5 Hearing none and seeing none,
6 debate is closed. The Secretary will ring the
7 bell.

8 The Secretary will read the last
9 section.

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

12 ACTING PRESIDENT GRIFFO: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT GRIFFO: Senator
16 Maziarz to explain his vote.

17 SENATOR MAZIARZ: Thank you very
18 much, Mr. President. To explain my vote.

19 First I want to thank my cosponsor,
20 Senator Kevin Parker, on this particular piece
21 of legislation --

22 (Audience reaction.)

23 SENATOR MAZIARZ: -- Senator
24 Kevin Parker, my cosponsor, the ranking member
25 and very knowledgeable member of the Senate

1 Energy Committee, and also Senator Tom O'Mara,
2 who worked on this issue very diligently with
3 me.

4 I do want to -- during the course
5 of the debate, Mr. President, the year 2020
6 was mentioned, as we won't have any problems
7 until 2020. Well, if we're going to have
8 problems in 2020, we can't start building in
9 2019. And by the way, the ISO would disagree
10 with that 2020 estimate. They think it's more
11 like 2015.

12 And it's going to be mostly --
13 mostly the immediate impact, immediate
14 negative impact of the lack of generation is
15 going to be in the City of New York, in some
16 of the neighborhoods that were mentioned.

17 Now, clearly everyone is concerned
18 about the health and welfare of all
19 communities in this state. There is not a
20 power plant that could be built in this state
21 that is going to have harmful effects to any
22 particular neighborhood. The DEC, the
23 regulators, the Governor, the people who sit
24 on both sides of the aisle in this house would
25 just not allow it.

1 My colleague Senator Krueger
2 mentioned about how the Southwest of the
3 United States has become much more
4 energy-proficient, maybe, has made a lot of
5 positive steps toward generation. Senator,
6 they did that primarily by licensing,
7 developing, and building nuclear power plants.
8 So certainly I think that would be very
9 difficult under this piece of legislation
10 because I don't think -- the siting would be
11 nearly impossible given all the federal
12 regulations and the timing of recent events.

13 So I just think that this is a very
14 important piece of legislation. We see now,
15 Mr. President, how generation is coming more
16 and more from out-of-state. We saw the mayor
17 of the City of New York and the New York Power
18 Authority making an agreement with a company
19 in New Jersey to import power into the City of
20 New York. You know how that power is going to
21 be generated in New Jersey? Almost
22 exclusively from coal plants.

23 Now, the coal -- the poor air
24 doesn't know the state boundaries. We have to
25 do more generation here in the State of

1 New York.

2 Thank you very much, Mr. President.

3 I vote in the affirmative.

4 ACTING PRESIDENT GRIFFO: Senator
5 Maziarz to be recorded in the affirmative.

6 Senator O'Mara to explain his vote.

7 SENATOR O'MARA: Thank you,
8 Mr. President. I rise to explain my vote in
9 support of this legislation, something I
10 worked on with Senator Maziarz and appreciate
11 his leadership on this issue.

12 I spent six years in the Assembly
13 as a sponsor and cosponsor of this
14 legislation, a few of those years as ranking
15 minority member in the Assembly working to
16 move this forward.

17 We've waited eight years now since
18 the expiration of Article X in New York State.
19 We need this power generation. And we've seen
20 the results of not having Article X, which was
21 renowned in the country for being a leader and
22 a model for energy power plant siting in the
23 country.

24 And we've failed to renew that over
25 the past eight years, keeping up with our

1 demands in this state to meet the needs of our
2 residents, of our consumers of electricity,
3 and our businesses so we can supply
4 electricity at an affordable rate in this
5 state.

6 We've fallen further and further
7 behind without moving this legislation
8 forward. I'm proud to support it today.

9 We need to work further, as well,
10 on Article VII legislation so that we can get
11 the power from where it's produced to where
12 it's needed and maybe avoid some of the
13 problems that have been raised by the other
14 side of the aisle on this matter.

15 But it's a complex matter that we
16 need to move forward on and not sit back and
17 wait till somebody else acts. Because if we
18 sit back and wait for conservation methods --
19 which are great -- they're not going to meet
20 our demands. We're not going to keep up. And
21 as Senator Maziarz said, it's going to be too
22 late to site a power plant even under
23 Article X at that point to meet our demands in
24 the future.

25 So I vote in support of this

1 legislation. Thank you, Mr. President.

2 ACTING PRESIDENT GRIFFO: Senator
3 O'Mara to be recorded in the affirmative.

4 Announce the results.

5 THE SECRETARY: In relation to
6 Calendar Number 406, those recorded in the
7 negative are Senators Adams, Addabbo, Avella,
8 Breslin, Diaz, Dilan, Duane, Espaillat,
9 Gianaris, Hassell-Thompson, L. Krueger,
10 C. Kruger, LaValle, Montgomery, Oppenheimer,
11 Peralta, Rivera, Sampson, Serrano, Squadron,
12 Stavisky and Stewart-Cousins.

13 Absent from voting: Senators
14 Parker and Huntley.

15 Ayes, 37. Nays, 22.

16 ACTING PRESIDENT GRIFFO: The
17 bill is passed.

18 Senator Libous.

19 SENATOR LIBOUS: Thank you,
20 Mr. President.

21 Mr. President, is there any further
22 business at this desk?

23 ACTING PRESIDENT GRIFFO: There
24 is no further business before the desk,
25 Senator Libous.

1 SENATOR LIBOUS: Mr. President,
2 there is one other piece of business that you
3 might want me to do.

4 Senator Skelos would like to hand
5 up the following committee assignment,
6 Mr. President. Could you have it please
7 filed.

8 ACTING PRESIDENT GRIFFO: The
9 notice will be filed in the Journal.

10 Senator Libous.

11 SENATOR LIBOUS: Thank you,
12 Mr. President.

13 There being no further business
14 before the Senate today, the Senate will
15 adjourn until Tuesday, May 10th, at 3:00 p.m.

16 ACTING PRESIDENT GRIFFO: On
17 motion, the Senate stands adjourned until
18 Tuesday, May 10th, at 3:00 p.m.

19 (Whereupon, at 4:11 p.m., the
20 Senate adjourned.)

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25