NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 2, 2004

3:16 p.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

May I ask everyone present to please rise and join me in the Pledge of Allegiance to the Flag.

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

ACTING PRESIDENT MEIER: The Reverend Peter G. Young will offer the invocation.

REVEREND YOUNG: Thank you, Senator.

Let us pray. As we enjoy the pleasant temperature and the two minutes of additional daylight today, we feel the hope of those sunny days of summer.

We look forward to those days, and to the budget negotiations that will allow our legislators to be home to enjoy that happiness with their family and their constituents.

As a guest chaplain for 45 years, we've witnessed the stress and the difficulties that this toll of the tension of the session has caused on our Senators and

their families with their expanded time away from home.

O, God, we pray that You will support them in their legislative effort and give them the strength and the fortitude to accept the challenge of their Senatorial office.

We know that this group of public servants are doing the good things for the State and for the constituents to be effective Senators, and we call upon Your blessing for their dedicated effort and for the citizens that they represent, to ask You, God, to bless them in their work.

Amen.

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Friday, January 30, the Senate met pursuant to adjournment. The Journal of Thursday, January 29, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Hoffmann, from the Committee on Agriculture, reports the following bills:

Senate Print 177, by Senator Hoffmann, an act to amend the Agriculture and Markets Law;

5172, by Senator Bonacic, an act to amend the Agriculture and Markets Law;

5297A, by Senator Hoffmann, an act to amend the Agriculture and Markets Law;

5864, by Senator Larkin, an act to amend the Agriculture and Markets Law;

And Senate Print 6014, by Senator Hoffmann, an act to amend the Agriculture and Markets Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: All bills directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: That's Senate 2072, by Senator Maltese.

ACTING PRESIDENT MEIER: So ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Local Governments Committee in the Majority Conference Room.

ACTING PRESIDENT MEIER: Immediate meeting of the Local Governments Committee in the Majority Conference Room.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

Amendments are offered to the

following Third Reading Calendar bills:

Sponsored by Senator Maziarz, page number 8, Calendar Number 82, Senate Print Number 4987A;

Senator Maltese, page number 9, Calendar Number 89, Senate Print Number 87;

Senator Volker, page number 14, Calendar 145, Senate Print Number 5912;

Senator Hannon, page number 15, Calendar Number 158, Senate Print Number 444;

Senator Wright, page number 15, Calendar 160, Senate Print Number 2758A;

Senator Alesi, page number 16, Calendar Number 163, Senate Print Number 120;

Senator Skelos, page number 16, Calendar Number 166, Senate Print Number 4007.

I now move that these bills retain their place on the order of Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the bill will retain their place on the order of third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President,

there's a privileged resolution, 3324, at the desk, by Senator Little. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Little, Legislative Resolution Number 3324, commemorating the grand opening of the Warren Washington Counties Homeless Youth Coalition Shelter on February 3, 2004.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT MEIER: The

Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 19, by Senator LaValle, Senate Print 4082A, an act to amend the Education Law, in relation to due process requirements.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 38, by Senator Spano, Senate Print 1936B, an act to amend the Penal Law, in relation to reckless assault of a child.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 43, by Senator Little, Senate Print 5158, an act to amend the Penal Law, in relation to increasing the penalties for hazing.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4 --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 85, by Senator Meier, Senate Print 1825, an act to amend the Domestic Relations Law, in relation to notification.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 94, by Senator Leibell, Senate Print 988, an act authorizing the Pawling Central School District to lease lands.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 96, by Senator Seward, Senate Print 1591A, an act in relation to creating the D.R. Evarts Library District.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 99, by the Assembly Committee on Rules, Assembly Print Number 9222, an act to amend Chapter 695 of the Laws of 2003.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 124, by Senator Skelos, Senate Print 3343C, an

act to amend the Public Officers Law, in relation to authorizing deputy sheriffs.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 125, by Senator Leibell, Senate --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 126, by Senator Libous --

SENATOR MORAHAN: Lay it aside for the day.

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

Senator Morahan, that completes the

noncontroversial reading of the calendar.

SENATOR MORAHAN: Thank you, Mr. President. Could we now have the controversial reading of the calendar.

ACTING PRESIDENT MEIER: The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 43, by Senator Little, Senate Print 5158, an act to amend the Penal Law, in relation to increasing the penalties for hazing.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: On the bill.

ACTING PRESIDENT MEIER: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I've supported Senator Little's bill to increase hazing penalties in the past. I will do so again today. But I rise really to call on my colleagues and admonish this house that we shouldn't end this session without taking up the Dignity for All Students

Act, which has been languishing here for several years.

Our commitment to ending hazing and the harassment of students really should extend to the groups of students that are clearly the most vulnerable, clearly most frequently subject to harassment and attacks.

The list of groups supporting the Dignity for All Students Act is far too long to read. It passed the Assembly last session 136 to 8. It is supported by the Asian-American Legal Defense Fund, Citizen Action, the Empire State Pride Agenda, the Log Cabin Republicans, the National Education Association, the National Organization for Women, the New York State Coalition against Sexual Assault, the New York State United Teachers, other unions, and other defense organizations.

This is a bill whose time has come. If we're going to take care of the hazing penalties, we should move on to this other critical area.

I am voting yes, I urge everyone to vote yes, and I hope we'll have the

opportunity to vote yes on the Dignity for All Students Act before this session ends.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 125, by Senator Leibell, Senate Print 4475, an act to amend the Public Officers Law, in relation to residency requirements.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT MEIER: Senator Leibell, an explanation has been requested.

SENATOR LEIBELL: Yes, Mr. President.

This bill amends Section 3 of the

Public Officers Law to allow a municipal sanitation employee to reside in a county contiguous to a county which is contiguous to the municipality in which they are employed.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you. If the sponsor would yield for a few questions.

ACTING PRESIDENT MEIER: Senator Leibell, do you yield?

SENATOR LEIBELL: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SCHNEIDERMAN: Has this issue been raised in the context of collective bargaining?

SENATOR LEIBELL: Not to my knowledge. I'm not aware of it.

SENATOR SCHNEIDERMAN: And through you, Mr. President.

ACTING PRESIDENT MEIER: Senator Leibell, do you continue to yield?

SENATOR LEIBELL: Yes.

ACTING PRESIDENT MEIER: The

sponsor yields.

SENATOR SCHNEIDERMAN: Do we have any information about whether there is actually any difficulty involved in recruiting workers in the City of New York that would be affected by this legislation? Is there in fact a waiting list for people who do want these jobs in the City of New York? Do we have any information about that?

SENATOR LEIBELL: This legislation is very similar to the legislation for other city employees who are given this same benefit.

And in response to your earlier inquiry, this would require legislation to pass this. This would not be something you could just do, to my belief, by collective bargaining.

SENATOR SCHNEIDERMAN: Through you, Mr. President, my question, though, is do we have any information about whether or not there is a waiting list for people who are residents of New York City who would like to get the jobs that are the subject of this legislation.

SENATOR LEIBELL: I'm sorry, Senator, was that a question?

SENATOR SCHNEIDERMAN: Yes.

SENATOR LEIBELL: What was the question? I couldn't hear you.

SENATOR SCHNEIDERMAN: I'm sorry.

The question was, do we have any information as to whether or not there are people in New York City who want these jobs? Is there a waiting list for people trying to get these jobs?

SENATOR LEIBELL: I do not have that information. The only information I could give you is that we've had inquiries from numerous people who would like the ability to live in other places, just as other city employees have that ability.

SENATOR SCHNEIDERMAN: And through you, Mr. President, a final question.

ACTING PRESIDENT MEIER: Senator Leibell, do you continue to yield?

SENATOR LEIBELL: Yes, I do, Mr. President.

SENATOR SCHNEIDERMAN: And my understanding is that this would only apply to

people who have five or more years of service.

SENATOR LEIBELL: That's correct.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. No further questions.

ACTING PRESIDENT MEIER: Senator Morahan.

SENATOR MORAHAN: If I may interrupt, Mr. President, there will be an immediate meeting of the Transportation Committee in the Majority Conference Room.

ACTING PRESIDENT MEIER: Immediate meeting of the Transportation Committee in the Majority Conference Room.

Any other Senator wish to be heard on the bill?

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

Senator Leibell, if I could -- excuse me. Mr. President, if the sponsor would answer a question.

ACTING PRESIDENT MEIER: Senator Leibell, do you yield for a question from Senator Krueger?

SENATOR LEIBELL: Yes.

SENATOR LIZ KRUEGER: Thank you.

Senator Leibell, I'm holding in front of me a memorandum from my mayor urging me to vote against this act, because he is highlighting, in fact -- I guess it's an answer to a question Senator Schneiderman asked you, but I guess I will answer while asking you my question.

According to Mayor Bloomberg, there are tens of thousands of people currently on a civil service list applying to be sanitation workers.

And so since we don't seem to have a shortage of people who live in New York City and wish to be sanitation workers, and I don't believe, according to this memo, that we actually currently have a shortage of workers, I'm curious why we're being asked, the Senate, to override the wishes of the Mayor of New York City that would, to some degree, override the authority of the local government and in fact take out of the potential for collective-bargaining these kinds of decisions.

What would be our justification for

this bill at this time?

SENATOR LEIBELL: Senator, the justification would be your sense of fairness and equity. Because this is a privilege that's given to others who are city employees also.

SENATOR LIZ KRUEGER: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

The question was answered that it's a question of equity. In fact, what we don't have in New York City when it comes to residency rules for different city workers is equity.

We have very different rules for different unions, for different job classifications. We have one set of rules for teachers, another set of rules for firefighters, another set of rules for police, another set of rules for workers who work for the New York City Housing Authority, another set of rules for workers in a variety of other budgetary city agencies.

Some require New York City residence; some allow for different county geographical areas.

And the arguments behind the growth in those patterns over years was the belief that we could not find people who lived in the City of New York to do those jobs. I don't think that argument or that case has been made for sanitation workers, particularly when you look at documentation that there are thousands of people on waiting lists to become sanitation workers in New York City.

And I believe that most of us, when thinking about our own counties or our own districts, would agree that we hope to provide government jobs to people who live in the locality. We sometimes decide to make exceptions to that rule. We do that in this house in a variety of different circumstances at the request of the locality.

But in this case we have a locality saying, We're opposed to this. We have evidence that we don't need to change our residency rules to ensure that we have an adequate number of sanitation workers in

New York City.

And it again would be one more place where the State Legislature would be usurping the process of the local government in making these decisions or negotiating this out with their own local workers.

So I will be voting against this bill, and I urge my other colleagues to, because this isn't a role we should be playing in negotiations between the City of New York, its constituents, and its workers.

Thank you very much, Mr. President.

ACTING PRESIDENT MEIER: Senator Brown.

SENATOR BROWN: Thank you, Mr. President.

I'm going to join Senator Krueger in also voting against this bill. And I will go one step further in saying that I believe this bill does have some statewide implications.

I think it's important for this Legislature to consider the plight of our urban communities. And I think if somebody is going to take a job that they get paid with

the tax dollars of a particular municipality, then they should be willing to live in that municipality. That's my very strong feeling.

I know that in the city of Buffalo, one of the communities that I represent, we have millions of dollars in taxpayer money going outside of the city of Buffalo because with some positions we don't have residency requirements. And people are able to live outside of the city, where that city desperately needs those tax dollars staying in that community, strengthening that community.

And certainly with some of those positions that are positions that need to have quick responses -- police, fire -- where you need those people to be able to respond to the needs in that community, when they have to travel in from outside of that community, I think it impacts on their ability to respond in that way.

So with respect to this, Mr. President, I'm opposed. I think that this Legislature should consider the plight of our urban areas. I think that we should not expand the ability for people to live outside

of the municipality that they get paid in.

I think we should go the other way, and I think we should look at restricting the ability for people to live outside the municipality that they get paid by.

Thank you.

ACTING PRESIDENT MEIER: Senator Diaz.

SENATOR DIAZ: On the bill.

It is a problem for us blacks and Hispanics. We are the ones left to live in New York City. So you are taking, again, a shot against blacks and Hispanics in New York City, taking all the jobs out of the city.

People that reside in those boroughs -- in those counties out of New York City, they are not black and they are not Hispanic. The majority of blacks and Hispanics resides in New York City.

This is another attempt, this is another attempt of taking our bread and our jobs out of the city and leave our people without the opportunity to get decent jobs.

So, you know, we have enough people in New York City that pay taxes in New York

City, that live in New York City, that take their pride in living in New York City. Why take the good jobs out of New York City? Our people, again, would be out of jobs.

So I ask all my colleagues to take into consideration that every time that you pass a bill like this is an attempt on the minority community. You're leaving us with nothing. You're taking the best thing out of the city. You're taking police jobs, fire department jobs, now sanitation jobs -- you're taking everything out of our districts, out of our city.

When are you going to consider we in the city? I mean, we pay taxes here. These people go over there, they move out of the city. If they move out of the city, let them find jobs out of the city. Why take the jobs out of our people and give it to people out of the city?

This is something, again, something that has some kind of negative or that leaves a bad taste in my mouth. I don't want to call it racism or discrimination or whatever. I don't want to call it that. But, you know,

this has to stop. This has to stop. You're taking our jobs out. You're taking our jobs out.

People that reside in New York City, when the garbage is there, we're the ones that have to deal with the garbage. We're the ones that have to live with that. See, people come, they do a four-hours-a-day job, and then they go back to their counties with four-hour jobs.

So I believe that those jobs supposed to be -- should be for people that resides in New York City. And I am asking all my colleagues to vote against that bill. This is a very, very detrimental bill for blacks and Hispanics in New York City.

Thank you.

ACTING PRESIDENT MEIER: Any other Senator wishing to speak on the bill?

Senator Parker.

SENATOR PARKER: Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Parker, on the bill.

SENATOR PARKER: I'm actually --

I'm disturbed by this bill, because I think that there's a number of things that really hurt New York City with this bill, and the first of which has to do with the economic impacts of the bill.

If we allow sanitation workers -- and not just any sanitation workers, but we let sanitation workers with five or more years, when they start to -- really start to raise their income, then to leave the city, we then lower the tax base of the city.

Every year, we have a New York City bailout day here. And we figure -- you know, we talk about the budget, we talk about where the money went, and then we wind up having to, you know, find money to give to the city. When in fact we ought to be doing smart things all year round to allow the city to not only make money but also retain dollars that it's currently generating.

So right now, if we pass this bill -- and I'm hoping that my colleagues on both sides of the aisle will vote no on this. But if we pass this bill, what we're saying is that New York City uses its tax revenue to

employ people to provide a service, and then we're going to allow those folks to move outside, somewhere else, and spend their dollars and not help create any more economic revenue for the city.

This is problematic. And then we'll wonder why, you know, at the end of the session, we're looking at, you know, large deficits in New York City's budget.

The other part of this that seems kind of just arbitrary to me is why is it five years. I mean, if we're going to do something, why not let all sanitation workers have the same opportunities? Why five years? Why not 10 years? Why not 15 years? Why not two years?

I mean, the amount of years that you have to have in service seems to be just, you know, kind of random and arbitrary. And so that also concerns me.

But lastly, it seems to me that we have a, you know, somewhat -- I guess what you would call a home rule message where the Mayor is opposing this. And I'm not sure in this particular case that the State Legislature

ought to be granting power to city employees that are against the wish of the Mayor who has to ultimately manage both the city and manage these employees.

And so I would ask the members of this body to vote no on this bill to make sure that we not only keep some consistency within the context of governance in New York City and New York State, but to also make sure that New York City has the long-term revenues that it needs to be a healthy and viable place.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President.

I first want to thank my colleague Senator Diaz for pointing this out. And I note that last year, last session, I believe, I voted for this. And had I understood the implications as he has explained it so clearly today, I definitively would have voted no. And I shall vote no today. I should have voted no.

And certainly, as I look at this, this is one of the kinds of initiatives that

ultimately erodes the tax base of New York City in terms of having citizens who work, earn their living in New York City and also live there and pay full share of taxes there.

So especially in light of the fact that we don't have even a commuter tax, so there is no way of assessing residents who work in New York City and don't live in New York City a full and fair revenue in support of the city where they earn their living.

So I'm opposed to this, and I hope that all of my colleagues from -- especially those colleagues from New York City, on both sides of the aisle, will vote no on this legislation. Because why should we be helping Senator --

SENATOR MORAHAN: Morahan.

SENATOR MONTGOMERY: -- Senator Morahan by having our constituents, the people who work in the city, become his constituents, vote for him, and pay taxes to him, and we lose?

So we will, all of us from New York City, both Republican and non-Republican, will

vote no on this bill.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: On the bill, Mr. President.

Very briefly, I think we all understand the need for some flexibility for people who work hard, performing difficult and sometimes dangerous functions, in terms of their search for affordable housing.

But I think the concerns that have been raised by my colleagues suggest that we may need to take a little more time and look at this issue more comprehensively.

We now have an uneven, an inconsistent set of rules for different public employees relating to residency. Some public employees have to live in the city; some have exemptions. But the exemptions vary all over the place.

And I'd urge my colleagues that it is something worth taking a little more time to address.

The fundamental issue here, though,

is, as my colleagues have acknowledged, we have two problems in New York City. We have very high unemployment in a lot of communities. In the Bronx, we have a substantially higher unemployment rate than almost anywhere else in the state. There are people who would like to get good jobs. And in New York City we have a housing crisis.

So the point of this legislation, which is to say you have to give people a chance to live somewhere where they can afford something, maybe that's something that we should have thought about when the Governor proposed an Executive Budget that actually cut housing programs and provided no new initiatives for affordable housing and provided no increase for core housing capital programs.

I think we should address the housing issue in New York City. More than 500,000 renters, 25 percent of all renters, pay more than 50 percent of their income for rent in the City of New York.

So we have two problems. I think we should be focusing on the second one. We

can solve the housing problem with the kinds of initiatives that New York State has made famous all over the country, from our great public housing programs, to the Mitchell-Lama program, to the subsidized housing programs that existed throughout Brooklyn and Queens over the last 50 or 60 years. That's an issue that we should address.

This legislation, though, adds to an inconsistent set of laws that many people feel hurt the city. I do not know why the City of New York took so long to get out their memo. It came to us all very late. I'm not sure all of my colleagues on the other side of the aisle have even had a chance to consider it. But I do urge that this is worthy of consideration. There's no need to rush through this.

I will be voting no on the legislation. And I think we need to take a comprehensive look at the impact of these exemptions to the residency rule on the City of New York, on its unemployed, and we need to take a look at the housing crisis that is forcing so many people to ask to have that

exemption granted so they can live in more affordable places.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Debate is closed, then.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Leibell, to explain his vote.

SENATOR LEIBELL: Mr. President, with respect to this legislation, I would note that this exact same bill was before this house last year. And the vote at that time was 60 to zero. It was unanimous.

And I've listened to some of the arguments that have been made, and you should know that in the past I've sponsored legislation that impacts on my own district, where I've said that people who are bound to my particular area can live wherever they want

who happen to have municipal jobs. And I think that reflects my desire to see that as many people as possible have the freedom to live and work where they choose to do so.

Similarly, we've talked about in the past -- and, Senator Schneiderman, you've commented on the housing shortage in New York City and what a crisis that has been. And numerous of my colleagues from the city have spoken to me about that in the past. This is a way for a small group of public employees there to seek housing in other areas.

And I might add that the comment was made, is this motivated by any other intent. I will assure you that in my district I have many city employees who commute daily to the city, and they are from all races and all backgrounds. And it has opened up other opportunities for them in terms of housing.

Taxes are still paid to New York City. I don't believe there's a revenue loss. And these people still provide dedicated services to the city that employs them.

And probably the vast majority would wish to continue to stay in New York

City. But it does provide for them the option of living in a place that's maybe different, but possibly more affordable, in recognition that New York City continues to have, as it has, I guess, over many years, a housing shortage.

So in light of that, in looking back on last year's vote, I have a great comfort level, despite the mayor's memo, that this is a good piece of legislation.

ACTING PRESIDENT MEIER: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 125 are Senators Andrews, Brown, Diaz, L. Krueger, Montgomery, Parker, Paterson, Schneiderman, and A. Smith. Ayes, 48. Nays, 9.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Morahan, that completes the controversial reading of the calendar.

SENATOR MORAHAN: Any housekeeping up there, Mr. President?

ACTING PRESIDENT MEIER: No, no housekeeping, Senator.

SENATOR MORAHAN: Okay. Do we have some reports that we may be waiting for?

ACTING PRESIDENT MEIER: I believe so.

SENATOR MORAHAN: I understand we have two committees, Transportation and Local Governments, that are ready to report, if we can return to reports of standing committees.

ACTING PRESIDENT MEIER: Senator, we have one committee report but not the other. Perhaps we could stand at ease and then do both of them at the same time.

SENATOR MORAHAN: We can read one out and stand at ease. It doesn't matter.

Why don't you read out the first one.

ACTING PRESIDENT MEIER: All right.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Little, from the Committee on Local Government, reports the following bills:

Senate Print 2961A, by Senator Fuschillo, an act authorizing the assessor;

3794A, by Senator Maziarz, an act creating the Lewiston Public Library System;

5132, by Senator Little, an act to amend the General Municipal Law;

5182A, by Senator Flanagan, an act to amend the Real Property Tax Law;

And Senate Print 5733, by Senator Maziarz, an act to amend the Real Property Tax Law.

All bills ordered direct for third reading.

ACTING PRESIDENT MEIER: All bills directly to third reading.

Senator Morahan.

SENATOR MORAHAN: Stand at ease, Mr. Chairman.

ACTING PRESIDENT MEIER: The Senate will stand at ease pending the report of the Transportation Committee.

(Whereupon, the Senate stood at ease at 3:54 p.m.)

(Whereupon, the Senate reconvened at 4:00 p.m.)

ACTING PRESIDENT MEIER: Senator Morahan.

SENATOR MORAHAN: Yes, Mr. President, I understand we're still on the reports of standing committees.

And I understand there's a report at the desk. I'd like it to be read.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Kuhl, from the Committee on Transportation, reports the following bills:

Senate Print 145, with amendments, by Senator Maltese, an act to amend the Vehicle and Traffic Law;

497, by Senator Johnson, an act to amend the Transportation Law;

923A, by Senator LaValle, an act to amend the Vehicle and Traffic Law;

935, by Senator Trunzo, an act to amend the Vehicle and Traffic Law;

1368, with amendments, by Senator Trunzo, an act to amend the Vehicle and Traffic Law;

1370, by Senator Trunzo, an act to amend the Public Authorities Law;

1376, by Senator Larkin, an act to amend the Vehicle and Traffic Law;

2479, by Senator LaValle, an act to amend the Highway Law;

3276, with amendments, by Senator Maltese, an act to amend the Vehicle and Traffic Law;

3931, by Senator Little, an act to amend the Vehicle and Traffic Law;

4106, by Senator Maltese, an act to amend the Vehicle and Traffic Law;

4358, with amendments, by Senator Little, an act to amend the Vehicle and Traffic Law;

5834, by Senator Maziarz, an act to amend the Highway Law;

5837, with amendments, by Senator Maziarz, an act to amend the Vehicle and Traffic Law;

5856, by Senator Maziarz, an act to amend the Vehicle and Traffic Law;

And Senate Print 5901, by Senator Marcellino, an act to amend the Vehicle and Traffic Law.

All bills ordered direct to third

reading.

ACTING PRESIDENT MEIER: All bills direct to third reading.

Senator Dilán.

SENATOR DILAN: Yes, Mr. President. I request unanimous consent to be recorded in the negative on Calendar Number 125.

ACTING PRESIDENT MEIER: Without objection, Senator Dilán will be recorded in the negative on Calendar 125.

Senator Morahan.

SENATOR MORAHAN: Would you please recognize Senator Lachman.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: Yes, unfortunately, Mr. President, I was at a Transportation Committee meeting when 125 came up. And I'd like to be recorded in the negative on Calendar Number 125.

ACTING PRESIDENT MEIER: Without objection, Senator Lachman will be recorded in the negative on Calendar 125.

Senator Morahan.

SENATOR MORAHAN: Mr. President, I understand there's no further business before the house. I now move that we adjourn until Tuesday, February 3rd, at 11:00 a.m.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Tuesday, February 3rd, at 11:00 a.m.

(Whereupon, at 4:05 p.m., the Senate adjourned.)