NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 2, 2005

11:03 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

THE PRESIDENT: In the absence of clergy, may we bow our heads in a moment of silence, please.

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, June 1, the Senate met pursuant to adjournment. The Journal of Tuesday, May 31, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Bonacic, on page number 68 I offer the following amendments to Calendar Number 1257, Senate Print Number 4656, and ask that said bill retain its place on Third Reading Calendar.

THE PRESIDENT: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR FUSCHILLO: Thank you.

THE PRESIDENT: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. On behalf of Senator Breslin, I offer the following amendment. On page number 40, I offer an amendment to Calendar Number 936, Senate Bill Number 1595A, and ask that said bill retain its place on Third Reading

Calendar.

THE PRESIDENT: The amendments are received, and that bill will retain its place on the Third Reading Calendar.

Senator Skelos.

SENATOR SKELOS: Madam President, I believe there are six resolutions at the desk. If we could have the titles read and move for their immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Skelos, Legislative Resolution Number 2250, paying tribute to the life and accomplishments of William Kirby Long, retired Captain, United States Naval Reserve.

By Senator Leibell, Legislative Resolution Number 2251, commemorating the 50th Anniversary of Temple Beth Shalom of Mahopac, New York, to be celebrated on June 5, 2005.

By Senator Leibell, Legislative Resolution Number 2252, commemorating the life of Mary E. Fay upon the occasion of being honored on June 4, 2005, at the Putnam Chapter

of the American Cancer Society's 7th Annual Relay for Life.

By Senator Leibell, Legislative Resolution Number 2253, commemorating the life of James McDonough upon the occasion of being honored on June 4, 2005, at the Putnam Chapter of the American Cancer Society's 7th Annual Relay for Life.

By Senator Leibell, Legislative Resolution Number 2254, commending Wendy and Joel Greenberg upon the occasion of their designation for special honor by Temple Beth Shalom on June 5, 2005.

And by Senator Morahan, Legislative Resolution Number 2255, honoring Irving S. Schrom upon the occasion of his designation as recipient of the Shofar Award by the Hudson Valley Council, Boy Scouts of America Jewish Committee on Scouting, on June 5, 2005.

THE PRESIDENT: On the resolutions, all in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolutions are adopted.

Senator Skelos.

SENATOR SKELOS: Thank you, Madam President if we could go to the noncontroversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 111, by Member of the Assembly Gottfried, Assembly Print Number 5349, an act to amend the Public Health Law, in relation to the removal.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 405, by Senator Morahan, Senate Print 3413, an act to amend the Mental Hygiene Law, in

relation to including.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 792, by Senator Spano, Senate Print 5208, an act to amend the Tax Law and the Administrative Code of the City of New York.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 13. This act shall take effect only upon enactment by the United States.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

839, by Senator Farley, Senate Print 5081, an act to amend the Banking Law, in relation to the state charter deposit program.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 896, by Senator Volker, Senate Print 4208, an act to amend the Criminal Procedure Law, in relation to securing attendance.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 913, by Senator Robach, Senate Print 4400A, an act to amend the Retirement and Social Security Law, in relation to providing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1003, by Senator Wright, Senate Print 4379, an act to amend the Education Law, in relation to eligibility.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 1025, by Senator Stachowski, Senate Print 1604, an act to amend the Penal Law, in relation to the definition of assault in the second degree.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1026, by Senator Balboni, Senate Print 1927, an act to amend the Penal Law, in relation to creating the crimes of solicitation.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1028, by Senator Volker, Senate Print 2545, an act to amend the Criminal Procedure Law, in relation to persons designated.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1044, by Senator Marcellino, Senate Print 4117, an act to amend the Environmental Conservation Law, in relation to the interstate mining compact.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1073, by Senator Libous, Senate Print 5226, an act to amend the Vehicle and Traffic Law, in relation to the maximum dimension.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1074, by Senator Seward, Senate Print 5262, an act to amend the Highway Law, in relation to the New York State Scenic Byways System.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1075, by Senator Trunzo, Senate Print 1682, an act in relation to requiring state agencies.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1078, by Member of the Assembly Abbate, Assembly Print Number 7195, an act to amend the Education Law, in relation to service credit.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1090, by Senator Rath --

SENATOR SAVINO: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1094, by Senator Meier, Senate Print 5195, an act to amend the Family Court Act, the Domestic Relations Law and others, in relation to the legal powers of custodians.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1095, by Senator Meier, Senate Print 5228, an act to amend the Social Services Law, in relation to health professionals.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1101, by Senator LaValle, Senate Print 3261, an act authorizing the Town of Shelter Island in Suffolk County.

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

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1102, by Senator Winner, Senate Print 3415, an act to authorize the County of Schuyler to discontinue.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1107, by Senator Bonacic, Senate Print 3887, an act to amend the General Municipal Law --

SENATOR LIZ KRUEGER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1108, by Senator Trunzo, Senate Print 4138, an act to amend the Real Property Tax Law, in relation to limiting base proportions.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1110, by Senator Trunzo, Senate Print 4564, an act in relation to authorizing Hands Across Long Island --

THE PRESIDENT: Senator Trunzo.

SENATOR TRUNZO: Please star that bill.

THE PRESIDENT: The bill will be starred. So ordered.

SENATOR TRUNZO: Thank you.

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: Calendar Number 1111, by Senator Skelos, Senate Print 4644, an act authorizing the assessor of the County of Nassau to accept an application.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1113, by Senator Hannon, Senate Print 4798, an act authorizing the assessor of the County of Nassau to accept an application.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1114, by Senator Hannon, Senate Print 4799, an act to authorize the assessor of the County of Nassau to accept an application.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44. Nays, 1. Senator Bonacic recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1118, by Senator Little, Senate Print 5257, an act to amend the General Municipal Law, in relation to training requirements.

THE PRESIDENT: Read the last section.

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

November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1119, by Senator Little, Senate Print 5292, an act to amend the Real Property Tax Law, in relation to simplifying.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1124, by Senator Hannon, Senate Print 746, an act to amend the Not-For-Profit Corporation Law, in relation to authorizing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1132, by Senator Wright, Senate Print 4559, an act to amend the State Finance Law, in relation to payment.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1134, by Senator LaValle, Senate Print 2863B, an act to amend the Education Law, in relation to requiring.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1139, by Senator Marcellino, Senate Print 654, an act to amend the Labor Law, in relation to waiting periods.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1146, by Senator Balboni, Senate Print 936A, an act to amend the Insurance Law and the Public Health Law, in relation to the

confidentiality.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1163, by Senator A. Smith, Senate Print 1816, an act authorizing the City of New York to reconvey its interest in certain real property.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1167, by Member of the Assembly Gantt, Assembly Print Number 8182, an act relating to certain payments of aid and incentives.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1190, by Senator Saland, Senate Print 5050, an act to amend the Education Law, in relation to accountability of school districts.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 1267, by Senator Marcellino, Senate Print 890A, an act to amend the Education Law and the Executive Law, in relation to audits of school districts.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1278, by Senator Balboni, Senate Print 2969A, an act to amend the General Municipal Law, in relation to establishing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

THE PRESIDENT: The bill is passed.

Senator Skelos, that completes the reading of the noncontroversial calendar.

SENATOR SKELOS: Thank you, Madam President. If we could go to the controversial reading at this time.

THE PRESIDENT: The Secretary will ring the bell, and the members should return to their seats.

The Secretary will read.

THE SECRETARY: Calendar Number 1090, by Senator Rath, Senate Print 1512, an act to amend the Social Services Law.

THE PRESIDENT: Senator Savino.

SENATOR SAVINO: Madam President, through you, would the sponsor yield for a few, just a few questions.

THE PRESIDENT: Senator Rath, will you yield for a question?

SENATOR RATH: Yes.

THE PRESIDENT: You may proceed, Senator.

SENATOR SAVINO: Thank you, Madam

President.

I'm not questioning the intent of the bill, because I agree with it; I just have a couple of technical questions.

As a former caseworker who had to arrange and facilitate visitation between children and parents, children and siblings, the question I have is, have we determined who would qualify under this broadened definition of important adults in the role of prospective foster children?

SENATOR RATH: Senator, the bill was requested by the presiding judge of the New York State Supreme Court 8th Judicial District. And her comment was that there are so many times that judges feel that their hands are tied for putting together the kind of program for a child when they're about to go into foster care. And as a former social worker, I know that you know that.

The bill does not draw out the lines of the persons who would be acceptable to be the ones. But the court would decide that. I think the judge felt that sometimes there would be a minister in the church, let's

say in the case of an accident, father and mother killed and the child put out there, there might be -- you know, people might come forward to say: I know this family, I've been part of them all their life -- or a coach, in the case of a young man, let's say, who wanted to continue to have some kind of a relationship.

SENATOR SAVINO: Madam President, again, through you, if she would continue to yield. Just one more.

THE PRESIDENT: Senator Rath, do you continue to yield?

SENATOR RATH: Certainly.

THE PRESIDENT: She does yield. You may proceed, Senator.

SENATOR SAVINO: Thank you.

With that answer you actually answered most of the questions I have. One more, though.

Have the agencies that would be required to implement this been involved in the discussion or the planning of it? Because it would actually layer another level of visitation requirements on what in many

respects is a overburdened casework staff.

SENATOR RATH: I have not heard anything from any of them.

But Judge Townsend, Judge Sharon Townsend has been extremely active in the Family Courts before she ascended to the position in the Supreme Court and has been asking for this piece of legislation year after year. So I'm sure that they will somehow figure out a way to implement it.

Again, it's another step, but I think maybe it's just another question or two to be asked at that time.

SENATOR SAVINO: Thank you.

THE PRESIDENT: Does any other member wish to be heard?

Then the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President,

are we ready?

THE PRESIDENT: The Secretary will announce the results.

THE SECRETARY: In relation to Calendar Number 1090: Ayes, 50.

Those Senators absent from voting: Senators Flanagan, Paterson, Sampson and Seward.

THE PRESIDENT: The bill is passed.

Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President.

I had been outside of the chambers attending a business meeting. And had I been here, on Calendar Number 1113, Senate Bill Number 4798, I would have wanted to be recorded in the negative.

THE PRESIDENT: The record will so reflect that, Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President.

THE PRESIDENT: You're welcome.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1107, by Senator Bonacic, Senate Print 3887, an act to amend the General Municipal Law.

SENATOR LIZ KRUEGER: Explanation.

THE PRESIDENT: Senator Bonacic, an explanation has been requested.

SENATOR BONACIC: Thank you, Madam President.

There was a home rule request for the Town of Wawayanda, in Orange County, wanting to establish an industrial development agency in that town. An industrial development agency is a corporate government agency with three to seven employees whose sole purpose is to stimulate economic development in that particular town.

We have created over 125 IDAs by this State Legislature. And this is the fourth year that I have introduced this bill. And the last three years, it has passed the Senate with total negative votes of three.

SENATOR LIZ KRUEGER: Thank you, Madam President.

THE PRESIDENT: Senator Krueger.

SENATOR LIZ KRUEGER: As one of the three, may I ask the sponsor to yield.

THE PRESIDENT: Senator Bonacic, will you yield for a question?

SENATOR BONACIC: Absolutely.

THE PRESIDENT: You may proceed with a question, Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

Senator, what's the population of the Town of Wawayanda?

SENATOR BONACIC: Wawayanda? You pronounced that pretty well, actually.

SENATOR LIZ KRUEGER: I tried.

SENATOR BONACIC: The population is approximately about 22,000. Plus or minus.

SENATOR LIZ KRUEGER: Thank you, Madam President. If the sponsor would continue to yield.

THE PRESIDENT: Senator Bonacic --

SENATOR BONACIC: I do.

THE PRESIDENT: -- does yield. You may proceed.

SENATOR LIZ KRUEGER: Thank you.

Is there a specific purpose that

they need this IDA for at this point in time?

SENATOR BONACIC: They don't have a particular corporate client that wants to locate there. But they border on State Highway 17 and Interstate 84, which is very prime land for a corporate client. And they have quite a bit of acreage with what they call PUD zoning, which is like a flex zoning that can fit and be customed to an industrial client that would go there.

They don't have much rateables in town. This used to be agricultural lands. And then we had a residential explosion since 9/11 and, you know, school taxes are going up and they're looking for rateables. And the IDA would be a tool to help expedite landing a corporate client.

SENATOR LIZ KRUEGER: Thank you.

Madam President, I'll speak on the bill.

Thank you, Senator Bonacic.

THE PRESIDENT: You may proceed on the bill, Senator.

SENATOR LIZ KRUEGER: Thank you.

I appreciate the Senator's

responses. And I certainly have no opposition to the community of Wawayanda wanting to develop available lands.

But I asked the questions on the bill to have an opportunity to highlight what I think is a flaw in New York State's structure at this point in time, where we do -- as Senator Bonacic said, we've created over 125 IDAs. We renew them even when they're not in operation. We did one the other day, one that had not been used but was sunsetting and so we renewed its existence.

I don't really think the right answer for the State of New York is to continue to create, town by town, small industrial development agencies that have the authority to issue bonds, that have the ability to exempt lands from taxation. Who, again, attempt to negotiate I believe most times in good faith on behalf of their specific town, but without any perspective on the broader land use or planning or development and economic development needs of even the geographic county, better yet the State of New York.

So I appreciate that I believe Senator Bonacic is requesting this because this town wants this, because they believe that that is the way for them to move forward with possible negotiations on land along two highways in their town.

But again, I would argue that the State of New York needs to reevaluate both smart growth, regional planning, coordination between towns as opposed to the potential of continued border wars or even tax wars between Town A and Town B using these IDAs as the mechanism by which they negotiate tax policy, land use policy and planning.

And so while I have no issue with Wawayanda or Senator Bonacic's desire to do what he believes a town in his district wants, I would urge this Legislature to think through that we have done over 125 of these IDAs. There are studies done by the Comptroller's office showing that there are severe problems that have grown out of some of these IDAs around the state. And that clearly New York State is not moving forward with a smart regional planning or smart growth plan for

itself.

Senator Bonacic's explanation highlighted changes in the community. He said that it's grown from agriculture to residential, up to 22,000 in the last few years. The way for New York State to plan for growth in population and for economic development is not to have a huge number of off-budget authorities operating in a vacuum and often competing with each other and competing with smart growth plans for the state.

So I will vote against this bill, as I would urge us all to think through why we should not continue to create new IDAs but, rather, ask the question what should New York State be doing better and smarter to meet the needs of all of our communities, rather than setting these competing entities up who compete with local governments, county governments and each other.

Thank you, Madam President.

THE PRESIDENT: Does any other member wish to be heard?

Then the debate is closed.

The Secretary will ring the bell.

There is a home-rule message at the desk.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: The Secretary will announce the results.

THE SECRETARY: In relation to Calendar Number 1107, those recorded in the negative: Senator L. Krueger.

Those Senators absent from voting: Senators Flanagan, Paterson, Sampson and Seward.

Ayes, 49. Nays, 1.

THE PRESIDENT: The bill is passed.

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

Senator Rath.

SENATOR RATH: Madam President, I move that the following bill be discharged from its respective committee and be

recommitted with instructions to strike the enacting clause: 2542A.

THE PRESIDENT: So ordered, Senator Rath.

Senator Skelos.

SENATOR SKELOS: Madam President, there's going to be a meeting of the Rules Committee. And upon completion of the Rules Committee, we'll just report it back to the Senate floor and we will not take up any further legislation.

So have a great weekend. But there is an immediate meeting of the Rules Committee.

THE PRESIDENT: There will be an immediate meeting of the Rules Committee.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 11:38 a.m.)

(Whereupon, the Senate reconvened at 11:50 a.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT ALESI: Senator Skelos.

SENATOR SKELOS: Thank you, Mr.

President.

If we could return to reports of standing committees, I believe there's a report of the Rules Committee at the desk. I ask that it be read, with your permission, at this time.

ACTING PRESIDENT ALESI: With my permission, the Secretary will read the Rules report.

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

Senate Print 80, by Senator Volker, an act to amend the Tax Law;

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

186, by Senator Balboni, an act to amend the Penal Law;

443, by Senator Larkin, an act to amend the Environmental Conservation Law;

501, by Senator Nozzolio, an act to amend the Criminal Procedure Law;

661, by Senator Marcellino, an act to amend the Criminal Procedure Law;

750, by Senator Hannon, an act to

amend the Civil Practice Law and Rules;

783, by Senator Fuschillo, an act to amend the Penal Law;

788, by Senator Fuschillo, an act to amend the Penal Law;

789, by Senator Fuschillo, an act to amend the Penal Law;

790, by Senator Fuschillo, an act to amend the Penal Law;

893, by Senator Winner, an act to amend the Tax Law;

974, by Senator Alesi, an act to amend the Penal Law;

2384, by Senator Morahan, an act to amend the Executive Law;

2518, by Senator Maltese, an act to amend the General Municipal Law;

2525, by Senator Seward, an act in relation to permitting;

2806, by Senator Flanagan, an act to amend the Correction Law;

2986, by Senator Wright, an act to amend the Uniform Justice Court Act;

3200, by Senator Johnson, an act to amend the Tax Law;

3713, by Senator Skelos, an act to amend the Criminal Procedure Law;

4028, by Senator Farley, an act to amend the Executive Law;

4069A, by Senator Little, an act to amend the Public Officers Law;

4582, by Senator Leibell, an act to amend the Civil Practice Law and Rules;

4776, by Senator Brown, an act to amend the Economic Development Law;

And Senate Print 5092, by Senator Meier, an act to amend the Executive Law and others.

All bills ordered direct to third reading.

ACTING PRESIDENT ALESI: Senator Skelos.

SENATOR SKELOS: Mr. President, I move to accept the report of the Rules Committee.

ACTING PRESIDENT ALESI: All in favor of accepting the report of the Rules Committee say aye.

(Response of "Aye.")

ACTING PRESIDENT ALESI: Opposed,

nay.

(No response.)

ACTING PRESIDENT ALESI: The report is accepted.

Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

There being no further business to come before the Senate, I move we stand adjourned until Monday, June 6th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT ALESI: Thank you, Senator.

On motion, the Senate stands adjourned until Monday, June 6th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 11:53 a.m., the Senate adjourned.)