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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 6, 2005

3:13 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

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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,
Sunday, June 5, the Senate met pursuant to
adjournment. The Journal of Saturday, June 4,
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.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.

7 Senator Fuschillo.

8 SENATOR FUSCHILLO: Thank you,
9 Madam President.

10 On behalf of Senator Seward, I move
11 that the following bill be discharged from its
12 respective committee and be recommitted with
13 instructions to strike the enacting clause:
14 Senate Print Number 4639A.

15 THE PRESIDENT: So ordered.

16 SENATOR FUSCHILLO: On behalf of
17 Senator Golden, I move to amend Senate Bill
18 Number 3828B by striking out the amendments
19 made on June 3rd and restoring it to its
20 previous print, 3828A.

21 THE PRESIDENT: So ordered.

22 SENATOR FUSCHILLO: Madam
23 President, amendments are offered to the
24 following Third Reading Calendar bills:

25 Sponsored by Senator Larkin, page

1 number 10, Calendar Number 313, Senate Print
2 Number 2352;

3 By Senator Spano, page number 18,
4 Calendar Number 544, Senate Print Number 3138;

5 By Senator Spano, page number 48,
6 Calendar Number 1071, Senate Print Number
7 5120;

8 By Senator Fuschillo, page number
9 49, Calendar Number 1086, Senate Print Number
10 3425A;

11 By Senator Trunzo, page number 61,
12 Calendar Number 1226, Senate Print Number
13 5094;

14 By Senator Golden, page number 61,
15 Calendar Number 1229, Senate Print Number
16 5150;

17 By Senator Little, page number 68,
18 Calendar Number 1293 and 1296, Senate Print
19 Numbers 5326 and 5329.

20 I now move that these bills retain
21 their place on the order of third reading.

22 THE PRESIDENT: The amendments
23 are received, and the bills will retain their
24 place on the Third Reading Calendar.

25 SENATOR FUSCHILLO: Thank you.

1 THE PRESIDENT: Senator Skelos.

2 SENATOR SKELOS: Madam President,
3 there will be an immediate meeting of the
4 Rules Committee in the Majority Conference
5 Room.

6 THE PRESIDENT: There will be an
7 immediate meeting of the Rules Committee in
8 the Majority Conference Room.

9 Senator Meier.

10 SENATOR MEIER: Thank you, Madam
11 President.

12 Madam President, I wish to call up
13 my bill, Print Number 3318, recalled from the
14 Assembly, which is now at the desk.

15 THE PRESIDENT: The Secretary
16 will read.

17 THE SECRETARY: Calendar Number
18 433, by Senator Meier, Senate Print 3318, an
19 act in relation to adjusting certain state aid
20 payments.

21 SENATOR MEIER: Madam President,
22 I now move to reconsider the vote by which
23 this bill was passed.

24 THE PRESIDENT: The Secretary
25 will call the roll upon reconsideration.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 45.

3 SENATOR MEIER: Madam President,
4 I now offer the following amendments.

5 THE PRESIDENT: The amendments
6 are received.

7 SENATOR MEIER: Thank you, Madam
8 President.

9 I now wish to call up Senator
10 Farley's bill, Senate Print Number 4029,
11 recalled from the Assembly, which is now at
12 the desk.

13 THE PRESIDENT: The Secretary
14 will read.

15 THE SECRETARY: Calendar Number
16 943, by Senator Farley, Senate Print 4029, an
17 act to authorize.

18 SENATOR MEIER: Madam President,
19 I now move to reconsider the vote by which
20 this bill was passed.

21 THE PRESIDENT: The Secretary
22 will call the roll upon reconsideration.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 45.

25 SENATOR MEIER: Madam President,

1 I now offer the following amendments.

2 THE PRESIDENT: The amendments
3 are received.

4 SENATOR MEIER: Thank you.

5 THE PRESIDENT: Senator Spano.

6 SENATOR SPANO: Are there any
7 substitutions at the desk, Madam President?

8 THE PRESIDENT: Yes, there are,
9 Senator.

10 SENATOR SPANO: I ask that they
11 be read.

12 THE PRESIDENT: The Secretary
13 will read.

14 THE SECRETARY: On page 43,
15 Senator Spano moves to discharge, from the
16 Committee on Rules, Assembly Bill Number 3426
17 and substitute it for the identical Senate
18 Bill Number 3834, Third Reading Calendar 1001.

19 On page 45, Senator Alesi moves to
20 discharge, from the Committee on Rules,
21 Assembly Bill Number 1621A and substitute it
22 for the identical Senate Bill Number 4999,
23 Third Reading Calendar 1017.

24 On page 71, Senator Volker moves to
25 discharge, from the Committee on

1 Investigations and Government Operations,
2 Assembly Bill Number 312 and substitute it for
3 the identical Senate Bill Number 80, Third
4 Reading Calendar 1329.

5 On page 71, Senator Nozzolio moves
6 to discharge, from the Committee on Rules,
7 Assembly Bill Number 1685 and substitute it
8 for the identical Senate Bill Number 501,
9 Third Reading Calendar 1333.

10 On page 72, Senator Winner moves to
11 discharge, from the Committee on
12 Investigations and Government Operations,
13 Assembly Bill Number 1079 and substitute it
14 for the identical Senate Bill Number 893,
15 Third Reading Calendar 1340.

16 On page 72, Senator Maltese moves
17 to discharge, from the Committee on Civil
18 Service and Pensions, Assembly Bill Number
19 6060 and substitute it for the identical
20 Senate Bill Number 2518, Third Reading
21 Calendar 1343.

22 On page 72, Senator Seward moves to
23 discharge, from the Committee on Civil Service
24 and Pensions, Assembly Bill Number 5450 and
25 substitute it for the identical Senate Bill

1 Number 2525, Third Reading Calendar 1344.

2 On page 73, Senator Johnson moves
3 to discharge, from the Committee on Rules,
4 Assembly Bill Number 6284 and substitute it
5 for the identical Senate Bill Number 3200,
6 Third Reading Calendar 1347.

7 On page 73, Senator Farley moves to
8 discharge, from the Committee on Finance,
9 Assembly Bill Number 7055 and substitute it
10 for the identical Senate Bill Number 4028,
11 Third Reading Calendar 1349.

12 And on page 73, Senator Meier moves
13 to discharge, from the Committee on Crime
14 Victims, Crime and Correction, Assembly Bill
15 Number 714B and substitute it for the
16 identical Senate Bill Number 5092, Third
17 Reading Calendar 1353.

18 THE PRESIDENT: Substitutions
19 ordered.

20 Senator Spano.

21 SENATOR SPANO: There's a
22 Resolution 2279 at the desk, by Senator
23 Bonacic. I ask that the title be read.

24 THE PRESIDENT: The Secretary
25 will read.

1 THE SECRETARY: By Senator
2 Bonacic, Legislative Resolution Number 2279,
3 commending the Valedictorians, Salutatorians
4 and Honored Students of the 42nd Senate
5 District, in recognition of their outstanding
6 accomplishments, at a celebration to be held
7 at the State Capitol on June 8, 2005.

8 THE PRESIDENT: All in favor of
9 the resolution please signify by saying aye.

10 (Response of "Aye.")

11 THE PRESIDENT: Opposed, nay.

12 (No response.)

13 THE PRESIDENT: The resolution is
14 adopted.

15 Senator Spano.

16 SENATOR SPANO: Can we ask the
17 Senate to stand at ease pending the completion
18 of the Rules Committee.

19 THE PRESIDENT: The Senate will
20 stand at ease.

21 (Whereupon, the Senate stood at
22 ease at 3:19 p.m.)

23 (Whereupon, the Senate reconvened
24 at 3:29 p.m.)

25 ACTING PRESIDENT LITTLE: The

1 Senate will come to order.

2 Senator Skelos.

3 SENATOR SKELOS: Madam President,
4 if we could return to reports of standing
5 committees, I believe there's a report of the
6 Rules Committee at the desk. I ask that it be
7 read at this time.

8 ACTING PRESIDENT LITTLE: Reports
9 of standing committees.

10 The Secretary will read.

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

14 Senate Print 129, by Senator
15 Trunzo, an act to amend the Real Property Tax
16 Law;

17 407, by Senator Padavan, an act to
18 amend the Vehicle and Traffic Law;

19 439, by Senator Larkin, an act to
20 amend the Vehicle and Traffic Law;

21 753, by Senator Hannon, an act to
22 amend the Vehicle and Traffic Law;

23 1241A, by Senator Winner, an act to
24 authorize;

25 2842, by Senator Flanagan, an act

1 to amend the Executive Law;

2 3437A, by Senator Golden, an act to

3 amend the Retirement and Social Security Law;

4 3691, by Senator Maziarz, an act to

5 amend the Real Property Tax Law;

6 4042, by Senator Saland, an act to

7 authorize;

8 4103, by Senator Morahan, an act to

9 amend the Environmental Conservation Law;

10 4306, by Senator Wright, an act to

11 amend the Education Law;

12 4315, by Senator Oppenheimer, an

13 act to authorize;

14 4655, by Senator Bruno, an act

15 authorizing;

16 4793B, by Senator Skelos, an act to

17 amend the Correction Law;

18 4811, by Senator Skelos, an act to

19 amend the Executive Law;

20 4836, by Senator DeFrancisco, an

21 act to amend the Civil Practice Law and Rules;

22 4960A, by Senator Wright, an act to

23 amend the Alcoholic Beverage Control Law;

24 5024, by Senator Alesi, an act to

25 amend the Vehicle and Traffic Law;

1 5179, by the Senate Committee on
2 Rules, an act to amend;

3 5260, by Senator Volker, an act to
4 amend the Parks, Recreation and Historic
5 Preservation Law;

6 5296, by Senator Meier, an act
7 authorizing;

8 5355, by Senator Spano, an act to
9 amend the Penal Law;

10 5375, by the Senate Committee on
11 Rules, an act to amend the Tax Law;

12 5389, by Senator Maltese, an act to
13 amend a chapter of the laws;

14 5404, by Senator Skelos, an act to
15 amend the Correction Law;

16 5470, by Senator Skelos, an act to
17 amend the Executive Law;

18 And Senate Print 5542, by Senator
19 Spano, an act to amend the Arts and Cultural
20 Affairs Law.

21 All bills ordered direct to third
22 reading.

23 ACTING PRESIDENT LITTLE: Senator
24 Skelos.

25 SENATOR SKELOS: Move to accept

1 the report of the Rules Committee.

2 ACTING PRESIDENT LITTLE: All in
3 favor of accepting the report of the Rules
4 Committee signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT LITTLE:
7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT LITTLE: The
10 report is accepted.

11 Senator Skelos.

12 SENATOR SKELOS: Thank you, Madam
13 President.

14 If we could go to the
15 noncontroversial reading of the calendar.

16 ACTING PRESIDENT LITTLE: Thank
17 you.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 424, by Senator Farley, Senate Print 1851A, an
21 act to amend the Election Law and the State
22 Finance Law.

23 ACTING PRESIDENT LITTLE: Read
24 the last section.

25 THE SECRETARY: Section 4. This

1 act shall take effect immediately.

2 ACTING PRESIDENT LITTLE: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 57.

6 ACTING PRESIDENT LITTLE: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 467, by Senator Larkin, Senate Print 435, an
10 act to amend the Environmental Conservation
11 Law.

12 ACTING PRESIDENT LITTLE: Read
13 the last section.

14 THE SECRETARY: Section 5. This
15 act shall take effect on the 180th day.

16 ACTING PRESIDENT LITTLE: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 57.

20 ACTING PRESIDENT LITTLE: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 482, by Member of the Assembly Gantt, Assembly
24 Print Number 7534, an act to amend Chapter 329
25 of the Laws of 2002.

1 ACTING PRESIDENT LITTLE: Read
2 the last section.

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

5 ACTING PRESIDENT LITTLE: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 57.

9 ACTING PRESIDENT LITTLE: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 615, by Member of the Assembly Pheffer,
13 Assembly Print Number 7710, an act to amend
14 the General Business Law.

15 ACTING PRESIDENT LITTLE: Read
16 the last section.

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

19 ACTING PRESIDENT LITTLE: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 57.

23 ACTING PRESIDENT LITTLE: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 677, by Member of the Assembly Lopez, Assembly
2 Print Number 6878A, an act to amend the Real
3 Property Tax Law.

4 ACTING PRESIDENT LITTLE: Read
5 the last section.

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

8 ACTING PRESIDENT LITTLE: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT LITTLE: Senator
12 Dilan.

13 To explain your vote, Senator?

14 SENATOR DILAN: Yes, on the bill,
15 to explain my vote.

16 I just want to thank Senator Marty
17 Golden and Senator Maltese for helping to
18 bring this bill to the floor today.

19 This bill would impact Greenpoint
20 and Williamsburg of my district, where it
21 would allow developers to take advantage of
22 the 421A tax exemption when they provide for a
23 minimum of 20 percent affordable housing only.

24 And I also want to thank and
25 congratulate Assemblyman Vito Lopez for

1 passing the same-as bill in the Assembly.

2 Thank you.

3 ACTING PRESIDENT LITTLE: Thank
4 you.

5 Senator Dilan will be recorded in
6 the affirmative.

7 The Secretary will announce the
8 results.

9 THE SECRETARY: Ayes, 56. Nays,
10 1. Senator DeFrancisco recorded in the
11 negative.

12 ACTING PRESIDENT LITTLE: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 683, by Senator Seward, Senate Print 4321, an
16 act to amend the Insurance law.

17 ACTING PRESIDENT LITTLE: Read
18 the last section.

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

21 ACTING PRESIDENT LITTLE: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 56. Nays,
25 1. Senator LaValle recorded in the negative.

1 ACTING PRESIDENT LITTLE: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 690, by Member of the Assembly Magee, Assembly
5 Print Number 6428, an act to amend the
6 Agriculture and Markets Law.

7 ACTING PRESIDENT LITTLE: Read
8 the last section.

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

11 ACTING PRESIDENT LITTLE: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 57.

15 ACTING PRESIDENT LITTLE: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 705, by Member of the Assembly Gunther,
19 Assembly Print Number 6827A, an act to amend
20 Chapter 262 of the Laws of 2002.

21 ACTING PRESIDENT LITTLE: Read
22 the last section.

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

25 ACTING PRESIDENT LITTLE: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 57.

4 ACTING PRESIDENT LITTLE: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 707, by Senator Seward, Senate Print 123, an
8 act to amend the Criminal Procedure Law.

9 ACTING PRESIDENT LITTLE: Read
10 the last section.

11 SENATOR MONTGOMERY: Lay it
12 aside.

13 ACTING PRESIDENT LITTLE: The
14 bill is laid aside.

15 THE SECRETARY: Calendar Number
16 779, by Senator Little, Senate Print 4013, an
17 act to amend the Tax Law.

18 ACTING PRESIDENT LITTLE: Read
19 the last section.

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

22 ACTING PRESIDENT LITTLE: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 57.

1 ACTING PRESIDENT LITTLE: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 785, by Senator Seward, Senate Print 4363, an
5 act to amend the Tax Law.

6 ACTING PRESIDENT LITTLE: Read
7 the last section.

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

10 ACTING PRESIDENT LITTLE: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 57.

14 ACTING PRESIDENT LITTLE: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 788, by Senator Leibell, Senate Print 4762A,
18 an act to amend the Public Officers Law.

19 SENATOR MONTGOMERY: Lay it
20 aside.

21 ACTING PRESIDENT LITTLE: The
22 bill is laid aside.

23 THE SECRETARY: Calendar Number
24 791, by Senator Spano, Senate Print 5206, an
25 act to amend the Tax Law.

1 ACTING PRESIDENT LITTLE: Read
2 the last section.

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

5 ACTING PRESIDENT LITTLE: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 57.

9 ACTING PRESIDENT LITTLE: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 800, by Member of the Assembly Rivera,
13 Assembly Print Number 2972, an act to amend
14 the Mental Hygiene Law.

15 ACTING PRESIDENT LITTLE: Read
16 the last section.

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

19 ACTING PRESIDENT LITTLE: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 57.

23 ACTING PRESIDENT LITTLE: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 874, by Member of the Assembly Brodsky,
2 Assembly Print Number 5488, an act to amend
3 the Public Health Law.

4 ACTING PRESIDENT LITTLE: Read
5 the last section.

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

8 ACTING PRESIDENT LITTLE: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 57.

12 ACTING PRESIDENT LITTLE: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 912, by Senator Robach, Senate Print 4295, an
16 act to amend the Civil Service Law.

17 ACTING PRESIDENT LITTLE: Read
18 the last section.

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

21 ACTING PRESIDENT LITTLE: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 57.

25 ACTING PRESIDENT LITTLE: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 926, by Member of the Assembly Nesbitt,
4 Assembly Print Number 6435, an act to amend
5 Chapter 672 of the Laws of 1993.

6 ACTING PRESIDENT LITTLE: Read
7 the last section.

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

10 ACTING PRESIDENT LITTLE: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 57.

14 ACTING PRESIDENT LITTLE: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 954, by Member of the Assembly Morelle,
18 Assembly Print Number 1351, an act to amend
19 the General Municipal Law.

20 ACTING PRESIDENT LITTLE: Read
21 the last section.

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

24 ACTING PRESIDENT LITTLE: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT LITTLE: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 955, by Senator Little, Senate Print 4911A, an
7 act to amend the Town Law and the Village Law.

8 ACTING PRESIDENT LITTLE: Read
9 the last section.

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

12 ACTING PRESIDENT LITTLE: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 57.

16 ACTING PRESIDENT LITTLE: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 979, by Senator Skelos, Senate Print 980A, an
20 act to amend the Public Health Law.

21 ACTING PRESIDENT LITTLE: Read
22 the last section.

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

25 ACTING PRESIDENT LITTLE: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 57.

4 ACTING PRESIDENT LITTLE: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 1002, by Senator DeFrancisco, Senate Print
8 4071A, an act to authorize the Fabius Pompey
9 Central School District.

10 ACTING PRESIDENT LITTLE: Read
11 the last section.

12 THE SECRETARY: Section 9. This
13 act shall take effect immediately.

14 ACTING PRESIDENT LITTLE: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 57.

18 ACTING PRESIDENT LITTLE: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1007, by Senator Skelos, Senate Print 5342, an
22 act to amend the Executive Law.

23 ACTING PRESIDENT LITTLE: Read
24 the last section.

25 SENATOR MONTGOMERY: Lay it

1 aside.

2 ACTING PRESIDENT LITTLE: The
3 bill is laid aside.

4 THE SECRETARY: Calendar Number
5 1010, by Senator Alesi, Senate Print 1075, an
6 act to amend the General Business Law.

7 ACTING PRESIDENT LITTLE: Read
8 the last section.

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

11 ACTING PRESIDENT LITTLE: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 57.

15 ACTING PRESIDENT LITTLE: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 1065, by Senator Savino, Senate Print 4336, an
19 act to amend the Public Authorities Law.

20 ACTING PRESIDENT LITTLE: Read
21 the last section.

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

24 ACTING PRESIDENT LITTLE: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 56. Nays,

3 1. Senator Montgomery recorded in the
4 negative.

5 ACTING PRESIDENT LITTLE: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 1082, by Member of the Assembly Lentol,
9 Assembly Print Number 6343, an act to amend
10 the Civil Service Law.

11 ACTING PRESIDENT LITTLE: Read
12 the last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the first of March.

15 ACTING PRESIDENT LITTLE: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 57.

19 ACTING PRESIDENT LITTLE: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 1084, by Senator Robach, Senate Print 4222, an
23 act to amend the Retirement and Social
24 Security Law.

25 ACTING PRESIDENT LITTLE: Read

1 the last section.

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

4 ACTING PRESIDENT LITTLE: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 57.

8 ACTING PRESIDENT LITTLE: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1122, by Senator Morahan, Senate Print 5339,
12 an act to amend Chapter 744 of the Laws of
13 1992.

14 ACTING PRESIDENT LITTLE: Read
15 the last section.

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

18 ACTING PRESIDENT LITTLE: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 57.

22 ACTING PRESIDENT LITTLE: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 1133, by Senator Wright, Senate Print 5367, an

1 act to amend Chapter 522 of the Laws of 2000.

2 ACTING PRESIDENT LITTLE: Read
3 the last section.

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

6 ACTING PRESIDENT LITTLE: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 57.

10 ACTING PRESIDENT LITTLE: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1144, by Senator Maziarz, Senate Print 5410,
14 an act to amend the Labor Law, in relation to
15 inclusion.

16 ACTING PRESIDENT LITTLE: Read
17 the last section.

18 THE SECRETARY: Section 3. This
19 act shall take effect on the 60th day.

20 ACTING PRESIDENT LITTLE: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 57.

24 ACTING PRESIDENT LITTLE: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 1152, by Senator Larkin, Senate Print 2351, an
3 act to amend the Racing, Pari-Mutuel Wagering
4 and Breeding Law.

5 ACTING PRESIDENT LITTLE: Read
6 the last section.

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

9 ACTING PRESIDENT LITTLE: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 56. Nays,
13 1. Senator Padavan recorded in the negative.

14 ACTING PRESIDENT LITTLE: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 1154, by Senator Bonacic, Senate Print 3346,
18 an act to amend the Tax Law.

19 ACTING PRESIDENT LITTLE: Read
20 the last section.

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

23 ACTING PRESIDENT LITTLE: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Those recorded in
2 the negative on Calendar Number 1154 are
3 Senators L. Krueger, Montgomery and Padavan.

4 Ayes, 54. Nays, 3.

5 ACTING PRESIDENT LITTLE: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 1156, by Senator Alesi, Senate Print 3585, an
9 act to amend the Tax Law.

10 ACTING PRESIDENT LITTLE: Read
11 the last section.

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

14 ACTING PRESIDENT LITTLE: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Those recorded in
18 the negative on Calendar Number 1156 are
19 Senators Balboni, L. Krueger, LaValle,
20 Montgomery, Padavan and Saland.

21 Ayes, 51. Nays, 6.

22 ACTING PRESIDENT LITTLE: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 1157, by Member of the Assembly Magee,

1 Assembly Print Number 7649, an act to amend
2 the Racing, Pari-Mutuel Wagering and Breeding
3 Law.

4 ACTING PRESIDENT LITTLE: Read
5 the last section.

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

8 ACTING PRESIDENT LITTLE: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 57.

12 ACTING PRESIDENT LITTLE: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 1174, by Senator Hannon, Senate Print 5323, an
16 act to amend the Surrogate's Court Procedure
17 Act.

18 ACTING PRESIDENT LITTLE: Read
19 the last section.

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

22 ACTING PRESIDENT LITTLE: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 57.

1 ACTING PRESIDENT LITTLE: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 1177, by Senator Balboni, Senate Print 3174,
5 an act to amend the General Business Law.

6 ACTING PRESIDENT LITTLE: Read
7 the last section.

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

10 ACTING PRESIDENT LITTLE: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 57.

14 ACTING PRESIDENT LITTLE: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 1171, by Senator DeFrancisco, Senate Print
18 4342, an act to amend the Estates, Powers and
19 Trusts Law.

20 ACTING PRESIDENT LITTLE: Read
21 the last section.

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

24 ACTING PRESIDENT LITTLE: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT LITTLE: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 1183, by Senator Flanagan, Senate Print 4987,
7 an act to amend the General Business Law.

8 ACTING PRESIDENT LITTLE: Read
9 the last section.

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

12 SENATOR MONTGOMERY: Lay it
13 aside.

14 ACTING PRESIDENT LITTLE: The
15 bill is laid aside.

16 THE SECRETARY: Calendar Number
17 1187, by Member of the Assembly Jacobs,
18 Assembly Print Number 4248, an act to amend
19 Chapter 631 of the Laws of 1997.

20 ACTING PRESIDENT LITTLE: Read
21 the last section.

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

24 ACTING PRESIDENT LITTLE: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT LITTLE: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 1329, substituted earlier today by Member of
7 the Assembly Burling, Assembly Print Number
8 312, an act to amend the Tax Law.

9 ACTING PRESIDENT LITTLE: Read
10 the last section.

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

13 ACTING PRESIDENT LITTLE: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 56. Nays,
17 1. Senator Valesky recorded in the negative.

18 ACTING PRESIDENT LITTLE: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1330, by Senator Maziarz, Senate Print 117, an
22 act to amend the Vehicle and Traffic Law and
23 the State Finance Law.

24 ACTING PRESIDENT LITTLE: Read
25 the last section.

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

3 ACTING PRESIDENT LITTLE: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 57.

7 ACTING PRESIDENT LITTLE: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 1331, by Senator Balboni, Senate Print 186, an
11 act to amend the Penal Law.

12 ACTING PRESIDENT LITTLE: Read
13 the last section.

14 THE SECRETARY: Section 2. This
15 act shall take effect on the --

16 SENATOR BALBONI: Lay that bill
17 aside for the day, please.

18 ACTING PRESIDENT LITTLE: The
19 bill is laid aside for the day.

20 SENATOR BALBONI: Thank you.

21 THE SECRETARY: Calendar Number
22 1332, by Senator Larkin, Senate Print 443, an
23 act to amend the Environmental Conservation
24 Law.

25 ACTING PRESIDENT LITTLE: Read

1 the last section.

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

4 ACTING PRESIDENT LITTLE: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 56. Nays,
8 1. Senator Serrano recorded in the negative.

9 ACTING PRESIDENT LITTLE: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 1333, substituted earlier today by Member of
13 the Assembly Gunther, Assembly Print Number
14 1685, an act to amend the Criminal Procedure
15 Law.

16 ACTING PRESIDENT LITTLE: Read
17 the last section.

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

21 ACTING PRESIDENT LITTLE: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 55. Nays,
25 2. Senators Montgomery and L. Krueger

1 recorded in the negative.

2 ACTING PRESIDENT LITTLE: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 1334, by Senator Marcellino, Senate Print 661,
6 an act to amend the Criminal Procedure Law.

7 ACTING PRESIDENT LITTLE: Read
8 the last section.

9 THE SECRETARY: Section 4. This
10 act shall take effect on the 30th day.

11 ACTING PRESIDENT LITTLE: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 57.

15 ACTING PRESIDENT LITTLE: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 1335, by Senator Hannon, Senate Print 750, an
19 act to amend the Civil Practice Law and Rules.

20 ACTING PRESIDENT LITTLE: Read
21 the last section.

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

24 ACTING PRESIDENT LITTLE: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 56. Nays,

3 1. Senator LaValle recorded in the negative.

4 ACTING PRESIDENT LITTLE: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 1336, by Senator Fuschillo, Senate Print 783,
8 an act to amend the Penal Law.

9 ACTING PRESIDENT LITTLE: Read
10 the last section.

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

14 ACTING PRESIDENT LITTLE: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT LITTLE: Senator
18 Montgomery, to explain your vote.

19 SENATOR MONTGOMERY: Yes, Madam
20 President, to explain my vote on this.

21 We have had several instances in my
22 district where teenagers have been arrested or
23 have been accosted by the police in the subway
24 and it's turned out to be a very ugly
25 situation.

1 And these are young people from a
2 high school that is a specialized high school,
3 so we're not talking about young people who
4 are troublemakers or intending to cause
5 trouble or are intending to evade their legal
6 responsibilities and what have you.

7 So I'm voting against this because
8 I think that it has a very great probability
9 of falling most heavily on young people,
10 especially young men, when they enter the
11 subway, and particularly those youngsters who
12 participate in athletic activities and leave
13 their schools later than the school hours and
14 may attempt to enter the subway with their
15 student passes, not realizing that they can't
16 use a student pass after a certain hour.

17 So I've had several incidents in my
18 district, and I think this is a very serious
19 issue, especially for us in New York City. So
20 I'm voting no on this, and I hope my
21 colleagues will join me in voting no.

22 ACTING PRESIDENT LITTLE: Senator
23 Montgomery will be recorded in the negative.

24 The Secretary will announce the
25 results.

1 THE SECRETARY: Ayes, 56. Nays,
2 1. Senator Montgomery recorded in the
3 negative.

4 ACTING PRESIDENT LITTLE: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 1337, by Senator Fuschillo, Senate Print 788,
8 an act to amend the Penal Law.

9 ACTING PRESIDENT LITTLE: Read
10 the last section.

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

14 ACTING PRESIDENT LITTLE: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 57.

18 ACTING PRESIDENT LITTLE: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1338, by Senator Fuschillo, Senate Print 789,
22 an act to amend the Penal Law.

23 ACTING PRESIDENT LITTLE: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first of
2 November.

3 ACTING PRESIDENT LITTLE: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 57.

7 ACTING PRESIDENT LITTLE: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 1339, by Senator Fuschillo, Senate Print 790,
11 an act to amend the Penal Law.

12 ACTING PRESIDENT LITTLE: Read
13 the last section.

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

17 ACTING PRESIDENT LITTLE: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 57.

21 ACTING PRESIDENT LITTLE: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 1340, substituted earlier today by the
25 Assembly Committee on Rules, Assembly Print

1 Number 1079, an act to amend the Tax Law.

2 ACTING PRESIDENT LITTLE: Read
3 the last section.

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

6 ACTING PRESIDENT LITTLE: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 57.

10 ACTING PRESIDENT LITTLE: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1341, by Senator Alesi, Senate Print 974, an
14 act to amend the Penal Law.

15 ACTING PRESIDENT LITTLE: Read
16 the last section.

17 THE SECRETARY: Section 5. This
18 act shall take effect on the first of
19 November.

20 ACTING PRESIDENT LITTLE: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 57.

24 ACTING PRESIDENT LITTLE: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 1342, by Senator Morahan, Senate Print 2384,
3 an act to amend the Executive Law.

4 ACTING PRESIDENT LITTLE: Read
5 the last section.

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

8 ACTING PRESIDENT LITTLE: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT LITTLE: Senator
12 Montgomery, to explain your vote.

13 SENATOR MONTGOMERY: Yes, Madam
14 President. As far as I understand this
15 legislation, it would require five members of
16 the parole board to be present in any
17 situation where someone is before the parole
18 board who's been convicted of a homicide.
19 Currently the law, I believe, requires three
20 members.

21 There is no way that any person
22 coming before the parole board can require the
23 members of the parole board to be present.
24 And therefore, if there is no other reason
25 that that person would not be eligible for

1 parole except that there is one of five
2 members absent or two of five members absent,
3 out of their control, they would then be
4 denied based on that technicality.

5 So I'm voting no and I hope that my
6 colleagues will also vote no on this
7 legislation.

8 ACTING PRESIDENT LITTLE: Senator
9 Montgomery will be recorded in the negative.

10 The Secretary will announce the
11 results.

12 THE SECRETARY: Those recorded in
13 the negative on Calendar Number 1342 are
14 Senators Diaz, Gonzalez, L. Krueger and
15 Montgomery.

16 Ayes, 53. Nays, 4.

17 ACTING PRESIDENT LITTLE: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 1343, substituted earlier today by Member of
21 the Assembly Lentol, Assembly Print Number
22 6060, an act to amend the General Municipal
23 Law.

24 ACTING PRESIDENT LITTLE: Read
25 the last section.

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

3 ACTING PRESIDENT LITTLE: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 57.

7 ACTING PRESIDENT LITTLE: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 1344, substituted earlier today by Member of
11 the Assembly Magee, Assembly Print Number
12 5450, an act in relation to permitting.

13 ACTING PRESIDENT LITTLE: There
14 is a home-rule message at the desk.

15 Read the last section.

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

18 ACTING PRESIDENT LITTLE: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 57.

22 ACTING PRESIDENT LITTLE: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 1346, by Senator Wright, Senate Print 2986, an

1 act to amend the Uniform Justice Court Act.

2 ACTING PRESIDENT LITTLE: Read
3 the last section.

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

6 ACTING PRESIDENT LITTLE: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 57.

10 ACTING PRESIDENT LITTLE: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1347, substituted earlier today by the
14 Assembly Committee on Rules, Assembly Print
15 Number 6284, an act to amend the Tax Law.

16 ACTING PRESIDENT LITTLE: Read
17 the last section.

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

20 ACTING PRESIDENT LITTLE: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 56. Nays,
24 1. Senator LaValle recorded in the negative.

25 ACTING PRESIDENT LITTLE: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1348, by Senator Skelos, Senate Print 3713, an
4 act to amend the Criminal Procedure Law.

5 ACTING PRESIDENT LITTLE: Read
6 the last section.

7 SENATOR LIZ KRUEGER: Lay it
8 aside.

9 ACTING PRESIDENT LITTLE: The
10 bill is laid aside.

11 THE SECRETARY: Calendar Number
12 1349, substituted earlier today by Member of
13 the Assembly McEneny, Assembly Print Number
14 7055, an act to amend the Executive Law.

15 ACTING PRESIDENT LITTLE: Read
16 the last section.

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

19 ACTING PRESIDENT LITTLE: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 57.

23 ACTING PRESIDENT LITTLE: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1350, by Senator Little, Senate Print 4069A,
2 an act to amend the Public Officers Law.

3 ACTING PRESIDENT LITTLE: Read
4 the last section.

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

7 ACTING PRESIDENT LITTLE: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 57.

11 ACTING PRESIDENT LITTLE: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 1351, by Senator Leibell, Senate Print 4582,
15 an act to amend the Civil Practice Law and
16 Rules.

17 ACTING PRESIDENT LITTLE: Read
18 the last section.

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

21 ACTING PRESIDENT LITTLE: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 57.

25 ACTING PRESIDENT LITTLE: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1352, by Senator Brown, Senate Print 4776, an
4 act to amend the Economic Development Law.

5 ACTING PRESIDENT LITTLE: Read
6 the last section.

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

9 ACTING PRESIDENT LITTLE: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 57.

13 ACTING PRESIDENT LITTLE: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 1353, substituted earlier today by Member of
17 the Assembly Pheffer, Assembly Print Number
18 714B, an act to amend the Executive Law.

19 ACTING PRESIDENT LITTLE: Read
20 the last section.

21 THE SECRETARY: Section 5. This
22 act shall take effect on the first of
23 September.

24 SENATOR SALAND: Lay it aside.

25 ACTING PRESIDENT LITTLE: The

1 bill is laid aside.

2 THE SECRETARY: Calendar Number
3 1354, by Senator Spano, Senate Print 5542, an
4 act to amend the Arts and Cultural Affairs
5 Law.

6 ACTING PRESIDENT LITTLE: Read
7 the last section.

8 THE SECRETARY: Section 3. This
9 act shall --

10 SENATOR LIZ KRUEGER: Lay it
11 aside.

12 ACTING PRESIDENT LITTLE: The
13 bill is laid aside.

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

16 SENATOR SKELOS: Thank you, Madam
17 President. If we could go to the
18 controversial reading of the calendar.

19 ACTING PRESIDENT LITTLE: Thank
20 you.

21 The Secretary will ring the bell.
22 Senator Montgomery.

23 SENATOR MONTGOMERY: Yes, Madam
24 President, I would like the record to show
25 that -- I know there is no consensus changing

1 of our votes when we make an error or miss a
2 vote, but I would like the record to show that
3 I would have voted no on Calendar 1341. I
4 inadvertently missed my opportunity to vote no
5 on there.

6 And I also would like to, if I
7 could, I would like the record to show that I
8 would have voted yes -- I inadvertently voted
9 no -- on Calendar 1065, Senator Savino's bill.
10 So I would just like the record to show that.

11 Thank you.

12 ACTING PRESIDENT LITTLE: Thank
13 you, Senator. The record will so reflect.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 707, by Senator Seward, Senate Print 123, an
17 act to amend the Criminal Procedure Law.

18 SENATOR LIZ KRUEGER:
19 Explanation.

20 ACTING PRESIDENT LITTLE: Senator
21 Seward, for an explanation.

22 SENATOR SEWARD: Certainly, Madam
23 President.

24 This bill is designed to facilitate
25 both the investigation and prosecution of

1 insurance fraud in New York State by
2 authorizing fraud investigators of the
3 Insurance Department to execute arrest and
4 search warrants.

5 Under current law -- here's the
6 problem. Under current law the Insurance
7 Fraud Bureau investigators, who are ex-police
8 officers with a great deal of investigation
9 experience, they are unable to act
10 independently in the execution of such
11 warrants. They have to rely on other police
12 agencies to carry out that function for them.

13 And so it's a situation where they
14 get so far in an investigation -- very often
15 working in conjunction with other local police
16 agencies, but not always. They get so far
17 with their investigation; then, in obtaining
18 the search or an arrest warrant for insurance
19 fraud, they then have to rely on some other
20 police agency to carry out those warrants.

21 The problem is, just think about
22 it, they -- once this warrant has been issued
23 by the court, the insurance fraud
24 investigators then have to look up a local
25 police agency. Think about the frustration of

1 a local police chief dealing with a number of
2 other serious crimes, perhaps having a number
3 of officers out on sick or disability, having
4 to break away an officer who's performing
5 other functions to execute a warrant for the
6 Insurance Department.

7 And very often time is of the
8 essence in apprehending a suspect or obtaining
9 evidence through a search warrant.

10 So this bill would give the fraud
11 investigators the authority to independently
12 execute search and arrest warrants, thereby
13 facilitating the apprehension of criminals
14 engaging in insurance fraud.

15 And I might point out, of course,
16 these -- it could either be a search warrant
17 or arrest warrants -- are issued by a court of
18 law. And simply this bill deals with who's
19 going to carry out those warrants.

20 ACTING PRESIDENT LITTLE: Thank
21 you.

22 Senator Krueger.

23 SENATOR LIZ KRUEGER: Thank you,
24 Madam President. If the sponsor would yield,
25 please.

1 ACTING PRESIDENT LITTLE: Will
2 the sponsor yield?

3 SENATOR SEWARD: Certainly.

4 ACTING PRESIDENT LITTLE: Thank
5 you.

6 SENATOR LIZ KRUEGER: Under
7 existing statute, do insurance fraud
8 investigators already carry guns?

9 SENATOR SEWARD: They are peace
10 officers under the law. They would continue
11 to be peace officers.

12 But as I pointed out, they are for
13 the most part former police officers, very
14 often retired. And if they have a, you know,
15 permit to carry a weapon, they continue to do
16 so and to carry out their functions as an
17 insurance fraud investigator.

18 SENATOR LIZ KRUEGER: Thank you.

19 Madam President, if the sponsor
20 would continue to yield, please.

21 ACTING PRESIDENT LITTLE: Thank
22 you.

23 Will the sponsor continue to yield?

24 SENATOR SEWARD: Certainly.

25 ACTING PRESIDENT LITTLE: Thank

1 you.

2 SENATOR LIZ KRUEGER: You
3 referenced in your memo and in your
4 explanation that some number of insurance
5 fraud investigators are retired police. Is
6 that a requirement of the job? I mean, is
7 there some requirement that to be an insurance
8 fraud investigator, slash, peace officer you
9 have to have previously been on the police
10 force somewhere?

11 SENATOR SALAND: Madam President,
12 I'm not aware of any statutory requirement.
13 But that is the policy of the Insurance
14 Superintendent, to only hire those with a
15 certain number of years of investigation
16 experience with a police agency.

17 SENATOR LIZ KRUEGER: Thank you.
18 Thank you, Madam President. I'll
19 speak on the bill.

20 ACTING PRESIDENT LITTLE: Thank
21 you. Senator Krueger, on the bill.

22 SENATOR LIZ KRUEGER: Thank you.
23 I want to thank the sponsor for his
24 explanation.

25 And here's my dilemma with this

1 bill and several others, actually, that went
2 through today or are about to be discussed.
3 We now have technically 79 different
4 categories of peace officers in the statutes
5 under "peace officer," Criminal Procedure Law
6 Section 2.10 in the State of New York.

7 And since several of these statutes
8 actually list multiple categories in different
9 counties, I'd argue we have far more than 79
10 different categories of peace officers.

11 And many of them have the right to
12 carry guns. Or in fact, the way the law is
13 written, once they have peace officer status
14 then they may separately go forward to get gun
15 permits.

16 And now with this bill we're saying
17 we also want to allow state employees or
18 local -- in some cases municipal employees,
19 although in this bill it's state employees --
20 who are recognized as peace officers who may
21 or may not carry guns and who may or may not
22 previously have been police officers to have
23 the authority to go and get warrants and
24 arrest people.

25 My concern is that the State of

1 New York has walked down a road that I'm not
2 sure it ever intended to of establishing
3 precedents. And this is not the first, and I
4 fear it won't be the last, of creating the
5 equivalent of militias within different state
6 and local agencies.

7 And so I suppose one of my reasons
8 for objecting to this bill, and why I won't
9 vote for it and hope my colleagues will think
10 about it, is we have many state agencies who
11 investigate criminal activity. In this case I
12 think we would agree it's white-collar
13 criminal activity, insurance fraud. And there
14 are many state agencies that are involved in
15 the regulation of our laws or the review of
16 our laws or the review of people's filings
17 under our laws, whether it's for Tax and
18 Finance or the Insurance Commission or the
19 State Education Department, who oversees the
20 licensing of many professions, or our Office
21 of Temporary and Disability Assistance, Mental
22 Health.

23 It's an endless group of state
24 agencies that have employees who are out there
25 monitoring to make sure our laws are followed,

1 ensuring that regulations are met, reviewing
2 paper trails and, yes, in many cases perhaps
3 uncovering illegal activities. That's what we
4 want them to do.

5 My concern is that did we really
6 want them all to eventually be their own
7 police department, with their rights to issue
8 warrants and arrest people and carry guns, and
9 potentially be operating independently of and
10 without coordination with the actual police
11 departments that we think are the people who
12 issue warrants and make arrests and carry
13 guns.

14 And so when I look at this bill or
15 a bill that was recently passed on the
16 Department of Tax and Finance, or a bill
17 that's coming up on juvenile justice, I have
18 to say, why is New York State going down this
19 road?

20 I would argue -- and I understand
21 the sponsor's concern. You've gotten this far
22 with an investigation, you think you have
23 found someone who is committing a crime, you
24 want to stop them from going forward and you
25 want to start the wheels of justice moving.

1 And I understand the argument that we might
2 all have our own complaints about our police
3 are overwhelmed and we can't get their
4 attention fast enough or they have multiple
5 priorities.

6 But I really can't support the
7 argument that in the absence of perhaps not
8 having enough police, we're creating
9 mini-police forces for people who haven't
10 necessarily had the training to actually
11 police, aren't under the authority of our
12 state police or our local police, and we're
13 calling everyone a police officer, we're
14 letting everybody who becomes a peace officer
15 potentially get a gun. And now we're moving
16 forward and saying, Well, we call them peace
17 officers, we let them have a gun, we might as
18 well let them do warrants and arrests.

19 And I think that's a very, very
20 dangerous road that we're going down. And the
21 fact that we've got over 79 of these
22 categories already in state law confirms for
23 me that we aren't thinking this through.

24 Again, I look through the list of
25 the existing peace officers -- and not all of

1 them have the rights that you're asking for in
2 this bill to issue warrants and make arrests.
3 But I'm still not convinced why park rangers
4 need these powers or why bridge and tunnel
5 officers need these powers or why dog control
6 officers need these powers, or transportation
7 supervisors. It's really -- or people who
8 work in hospitals or colleges.

9 I certainly hope we never find
10 ourselves in a situation where we're having
11 shootouts in hospitals or at colleges or even
12 in a dispute over an insurance fraud case.

13 But it seems to me we're in a much
14 better place to have less problems and less
15 risks to our population and to our employees
16 if we're not setting up armed militias, so to
17 speak, of peace officers with many of the
18 authorities of police without being police.

19 So while I empathize with the
20 sponsor's desire to ensure that when the
21 Department of Insurance moves forward and
22 finds that someone is appearing to be
23 committing insurance fraud that you want to
24 act quickly, you want to act appropriately --
25 we certainly want to stop them from continuing

1 to commit fraud or violate other insurance
2 laws -- I have to say I can't support this
3 bill and the precedent it continues to move
4 forward on.

5 And I hope my colleagues will think
6 about the impact of continuing to create these
7 mini-police forces throughout state agencies
8 and local agencies. I'll vote no.

9 Thank you, Madam President.

10 ACTING PRESIDENT LITTLE: Thank
11 you, Senator Krueger.

12 Senator Volker.

13 SENATOR VOLKER: Thank you, Madam
14 President.

15 You may be right in certain cases,
16 but, Senator, on this one you're barking up
17 the wrong tree, as the saying goes.

18 First of all, this doesn't make
19 anybody peace officers. They're already peace
20 officers. What's happening in -- this is
21 mostly New York City. What's happening is
22 that a number of the people who enforced the
23 Insurance Law and Taxation and Finance were
24 killed in the World Trade Center disaster.

25 Since then the New York City

1 police, because of their added duties --
2 particularly, I'm saying, New York City.
3 Buffalo has a similar problem, but
4 particularly New York -- and there aren't a
5 lot of these people. There aren't a great
6 many.

7 And by the way, peace officer
8 status does not enable you to carry guns. I
9 want to make that clear. In fact, what's
10 happening is even if you get a license, some
11 of the agencies are not allowing these people
12 to carry guns. Virtually all of the Insurance
13 and Taxation investigators now have law
14 enforcement training.

15 And by the way, neither Taxation
16 nor Insurance executes warrants or issues
17 warrants. The warrants are issued by somebody
18 else. They just execute them.

19 The problem they have is -- and as
20 Senator Seward said, they can't get police
21 officers to go with them anymore. So what's
22 happening is they are not able to deal with
23 certain issues, and in some cases they lose
24 people. That is, they lose perpetrators.

25 And remember, insurance stuff in

1 New York City is pretty tough stuff. I mean,
2 you got a ton of people, let's face it, from
3 New Jersey. We know that. We have a ton of
4 people who have been doing fraud stuff out of
5 New Jersey, and the result has been some
6 really bad problems for them.

7 And they just don't have time.
8 They try to cooperate with the local police
9 departments on a regular basis, but their
10 problem is it's hard to get New York City
11 police because they're so busy doing security
12 things and of that nature.

13 You probably are right that we
14 could argue that there probably are maybe too
15 many peace officers. We create very few peace
16 officers anymore. This has nothing to do with
17 that. This has to do with the execution of
18 warrants issued by judges or in conjunction
19 with the department.

20 Now, in major cases they can get
21 all kinds of police officers to go with them,
22 but in the fairly minor cases it's hard to do.
23 This is really, though, a result of 9/11,
24 because the whole system since then has
25 changed. Police officers just don't have as

1 much ability to go with people.

2 I tell you, another group is the
3 SLA. The SLA has a difficult problem too --
4 that's the State Liquor Authority -- because
5 it's hard to get police officers to go with
6 them because they're so busy doing other
7 things.

8 In Buffalo the problem is we've cut
9 down the police department so much they
10 don't -- not only they don't have the time,
11 they don't have the manpower.

12 So really what you're doing here
13 is, to my way of thinking, you are giving
14 these departments the chance to do things that
15 benefit taxpayers and avoid the problem with
16 having to coexist, in a sense, with police
17 departments.

18 However, if they're very serious
19 situations, they've got to get the police
20 anyways. Because whether they're ex-police
21 officers or not, and most of them are, they're
22 still going to want people there to help them,
23 because some of these people are very
24 dangerous people.

25 So the answer, I guess, is though

1 you may have a point that there may be too
2 many peace officers, that isn't the issue
3 here. The issue is what they can do without
4 having to collaborate with law enforcement
5 people themselves.

6 ACTING PRESIDENT LITTLE: Thank
7 you.

8 Senator Krueger.

9 SENATOR LIZ KRUEGER: Thank you,
10 Madam President. To follow up on the bill.

11 I appreciated Senator Volker's
12 comments. I would argue -- I did understand
13 these were peace officers, we were expanding
14 their purview.

15 I would argue perhaps the real
16 question, given your arguments, is that we
17 perhaps need to evaluate whether we need more
18 police officers and how we assign them rather
19 than creating other entities and giving them
20 police powers.

21 I agree with you completely on the
22 SLA. We have serious problems getting the SLA
23 to respond to innumerable issues in New York
24 City and in my own district.

25 And finally, for the record, having

1 grown up in New Jersey, I object to the slight
2 on the people of New Jersey. Thank you.

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

5 The debate is closed.

6 The Secretary will ring the bell.

7 Read the last section.

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

10 ACTING PRESIDENT LITTLE: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT LITTLE: The
14 Secretary will announce the results.

15 THE SECRETARY: Those recorded in
16 the negative on Calendar Number 707 are
17 Senators L. Krueger and Montgomery.

18 Those Senators absent from voting:
19 Breslin, Brown, Duane and Schneiderman.

20 Ayes, 52. Nays, 2.

21 ACTING PRESIDENT LITTLE: The
22 bill is passed.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 788, by Senator Leibell, Senate Print 4762A,

1 an act to amend the Public Officers Law.

2 SENATOR MONTGOMERY: Explanation.

3 ACTING PRESIDENT LITTLE: An
4 explanation has been requested, Senator
5 Leibell.

6 SENATOR LEIBELL: Madam
7 President, this bill would amend Section 2A of
8 the Public Officers Law to allow municipal
9 sanitation employees with five or more years
10 of service to reside in a county that is
11 contiguous to a county which is contiguous to
12 the municipality in which they are employed.

13 It permits, in particular,
14 sanitation workers to enjoy the same residency
15 rights, for instance, as other New York City
16 employees, including other uniformed services.

17 ACTING PRESIDENT LITTLE: Thank
18 you, Senator Leibell.

19 Senator Montgomery.

20 SENATOR MONTGOMERY: Yes, Madam
21 President. Through you, if Senator Leibell
22 would yield for a question or two.

23 ACTING PRESIDENT LITTLE: Thank
24 you.

25 Senator Leibell, do you yield?

1 SENATOR LEIBELL: Yes.

2 SENATOR MONTGOMERY: Yes, Senator
3 Leibell, you are exempting those employees who
4 have five or more years of service; is that
5 correct?

6 SENATOR LEIBELL: That's correct.

7 SENATOR MONTGOMERY: Would those
8 be the higher-income, as you -- the more years
9 you serve, the more income --

10 SENATOR LEIBELL: I would assume
11 that's so. Because, yes, of the longevity,
12 they would have had more income.

13 SENATOR MONTGOMERY: And they
14 would have started out as fulfilling the
15 residency requirement. In other words, when
16 they were first hired they were residents and
17 now they elect to move out?

18 SENATOR LEIBELL: That's correct,
19 Senator.

20 SENATOR MONTGOMERY: All right.
21 Do we have an idea -- Madam President, through
22 you, if the Senator would continue to yield.

23 ACTING PRESIDENT LITTLE: Senator
24 Leibell, will you continue to yield?

25 SENATOR LEIBELL: Yes.

1 ACTING PRESIDENT LITTLE: Thank
2 you. Senator Leibell yields.

3 SENATOR MONTGOMERY: Senator
4 Leibell, how many people are we talking about
5 who fit the category right now, as we speak,
6 and who would be covered by your legislation?

7 SENATOR LEIBELL: I don't have an
8 estimate on that.

9 SENATOR MONTGOMERY: All right.
10 And just one last question. Senator Leibell,
11 this obviously is a --

12 SENATOR OPPENHEIMER: Leibell.

13 SENATOR MONTGOMERY: That's what
14 I said, Leibell. Didn't I say Leibell?

15 I'm sorry, let me make myself more
16 clear. Senator Leibell.

17 (Laughter.)

18 ACTING PRESIDENT LITTLE: Senator
19 Leibell, do you yield?

20 SENATOR MONTGOMERY: Are you
21 listening?

22 SENATOR LEIBELL: Yes.

23 SENATOR MONTGOMERY: Senator,
24 would this request be because there are so
25 many of these employees who have currently

1 moved out and are now being designated as --

2 SENATOR LEIBELL: No, Senator,
3 because they're currently not allowed to.

4 This is really -- and I have an
5 idea, but I can't establish this in any
6 numbers because it's impossible to do. I have
7 an idea we're talking about a very limited
8 group of people who would wish for this
9 flexibility in their housing. But basically
10 it's to give them parity to what others have.

11 SENATOR MONTGOMERY: Thank you.
12 Thank you, Senator.

13 Madam President, on the bill.

14 ACTING PRESIDENT LITTLE: Thank
15 you. Senator Montgomery, on the bill.

16 SENATOR MONTGOMERY: Yes. As you
17 know, there are a number of us in the
18 Legislature who represent New York City who
19 have particular concerns about the fact that
20 the uniformed employees should be residents of
21 the City of New York. And in fact, we would
22 like to see that across the board and
23 uniformly enforced.

24 What Senator Leibell's bill does is
25 establishes a category of people who would

1 automatically be eligible to in fact move out
2 of the city.

3 Now, I am certainly -- I have no
4 problem with people who want to move on up, as
5 they say. They want to move on up to
6 Westchester and up to Orange and up to those
7 counties above New York. But as they move up,
8 I think they should move out of those jobs.
9 We would like to see those go to people who
10 live in the city, who want to remain residents
11 of the city and to remain tax-paying
12 contributors to the vitality and the life of
13 the City of New York.

14 So I would hope that my colleagues
15 on both sides of the aisle who represent
16 New York City, our constituents deserve the
17 jobs that these people who want to leave the
18 city are looking to hold onto, even though
19 they're no longer -- they no longer want to be
20 residents of New York City.

21 So I'm going to oppose this
22 legislation. And I hope that my colleagues,
23 especially those of us who represent New York
24 City, will join me in opposing this move.

25 ACTING PRESIDENT LITTLE: Thank

1 you, Senator Montgomery.

2 Senator Savino.

3 SENATOR SAVINO: Thank you, Madam
4 President.

5 I rise actually in support of this
6 bill. And it pains me to disagree with my
7 colleague Senator Montgomery, but I'm going to
8 try and shed a little -- a different
9 perspective on what this actually means.

10 The residency requirement for city
11 employees was negotiated and passed in the
12 1970s in an effort to prevent middle-class
13 flight from the outer boroughs when the city
14 was in the midst of a fiscal crisis. At the
15 time all city employees were required to
16 become city residents, upon the hiring of new
17 people. Anybody who was already on the city
18 workforce was grandfathered in.

19 Over the years, the city has
20 routinely waived that residency requirement
21 for different titles, based on recruitment and
22 retention. And while there has never been a
23 difficulty with recruitment and retention with
24 respect to the sanitation workers -- because
25 it is considered one of the best jobs in the

1 city. Whenever they give an exam, they may
2 have 400 positions and you can get 3,000
3 people that will show up to take that test.

4 The bigger problem is not
5 recruiting from outside, it's the fact that
6 New York City employees are not paid a decent
7 wage enough to purchase a home in New York
8 City anymore. So what we have is people who
9 originally were city residents when they took
10 the job, and after five years on the job, even
11 though they may have reached the highest point
12 of the pay scale, they don't earn a sufficient
13 salary to be able to purchase a home in Queens
14 or Brooklyn or even Staten Island anymore.

15 So what they have done is they've
16 opened up the areas where city employees --
17 not just sanitation workers, but many of
18 them -- can live. So first it was Nassau and
19 Suffolk County. But my colleagues who live in
20 Nassau and Suffolk will tell you, it's very
21 difficult to buy a house there on a public
22 employee's salary.

23 Then they opened it to Westchester
24 and Rockland, and that also went, you know,
25 the way -- where they weren't able to purchase

1 homes.

2 Now we have New York City employees
3 who are living on the edge of Orange County,
4 in Senator Bonacic's district and Senator
5 Morahan's district, and they're traveling an
6 hour and a half, an hour and 45 minutes to
7 their jobs in New York City.

8 So when the sanitation workers ask
9 for the ability to move beyond, it's not
10 because they want to take their money from
11 New York City and go somewhere else. The fact
12 is they can't buy a house in the communities
13 that they work in. And in addition --

14 ACTING PRESIDENT LITTLE: Senator
15 Padavan.

16 Excuse me, Senator Savino. Senator
17 Padavan?

18 SENATOR PADAVAN: No, that's all
19 right.

20 ACTING PRESIDENT LITTLE: I'm
21 sorry, Senator.

22 SENATOR SAVINO: One other thing
23 that people may not be aware of. New York
24 City employees are required to pay the
25 equivalent portion of city tax if they live

1 outside the City of New York. So we don't
2 actually lose that income tax from them. It's
3 a section of the State Finance Law, it's
4 Section 1127. So they have to pay the tax.

5 They're allowed to live outside,
6 and only in certain titles and only in certain
7 places. And if they move without letting the
8 city know and they do not have a waiver of
9 residency requirement, they do not have due
10 process rights with respect to that and they
11 can be terminated immediately without even a
12 hearing.

13 So I'm going to vote in favor of
14 this, although I recognize the concerns of my
15 colleagues. Thank you.

16 ACTING PRESIDENT LITTLE: Thank
17 you, Senator Savino.

18 Senator Padavan.

19 SENATOR PADAVAN: Thank you,
20 Madam President. Just to clarify a couple of
21 the points that have been raised so far.

22 We have a memo in opposition from
23 the City of New York in which they tell us
24 there are 4,200 New York City sanitation
25 employees that currently have five or more

1 years of service that would meet the threshold
2 of this legislation. So we're not talking
3 about a very limited number, we're talking
4 about a large number.

5 Now, the issue of economically
6 buying a house and living in New York City
7 that's been raised by Senator Savino seems to
8 fail on two bases.

9 First, we have many sanitation
10 workers at the entry level in the sanitation
11 department living in New York City, in my
12 district and I'm sure in other New York City
13 districts.

14 Now, these are the upper echelon,
15 meaning they're making more money. Therefore,
16 the logic of their being able to afford to
17 live in New York City is enhanced. They have
18 more money. So the economic factor kind of
19 falls by the wayside when you look at it in
20 that perspective.

21 Now, the third issue is this. If
22 we have a snowstorm in the City of New York,
23 we don't want those who are at the supervisory
24 level, particularly, to be up in Putnam County
25 and not be able to get to New York City so

1 they can plow our streets and supervise those
2 who are responsible to do that. With all due
3 respect to Putnam and elsewhere.

4 They can already live in Nassau and
5 they can already live in Westchester under
6 current law. That's far enough. If you want
7 to work for the City of New York, then live,
8 if not in the City of New York, within a
9 reasonable distance of the City of New York so
10 you can perform your duties.

11 ACTING PRESIDENT LITTLE: Thank
12 you, Senator Padavan.

13 Senator Krueger.

14 SENATOR LIZ KRUEGER: Thank you.
15 On the bill, Madam President.

16 ACTING PRESIDENT LITTLE: On the
17 bill.

18 SENATOR LIZ KRUEGER: I agree
19 with Senator Padavan. Most of us in this
20 room, wherever we live, New York City or
21 outside, know we have stood up to fight for
22 residency requirements for people who work for
23 our local and municipal governments because
24 it's good for the communities and it's a
25 win-win.

1 There is no shortage of people
2 applying to be sanitation workers or wanting
3 to be sanitation workers, as Senator Savino
4 pointed out in her own statements. This is
5 not a bill where the locality is asking for
6 this. The City of New York Mayor is
7 officially opposed, on record. The City
8 Council has not called for this.

9 This is a bill that would, over
10 time and through precedent, expand a scenario
11 where jobs that are done with taxpayers'
12 dollars in New York City that ought to be
13 provided to people who live and work in the
14 City of New York, it would violate that
15 principle.

16 I would agree with Senator Savino
17 there have been historical reasons why
18 New York City made exceptions and changed the
19 rules at the request of the elected officials
20 in New York City over time. But I think one
21 of the things we learned during these years is
22 that those are bad precedents. And we need to
23 understand the importance of grandfathering in
24 people who already took jobs with the deal.

25 But I would argue that, in future,

1 sanitation workers who are hired should live
2 in the City of New York. Police officers,
3 fire officers, teachers.

4 Yes, we have a housing crisis.
5 Over and over again I talk about that fact,
6 and over and over again I highlight that if
7 you want to pass a law that has local impact
8 for the City of New York and is being
9 requested by the City of New York, we'd repeal
10 the Urstadt Law, giving New York City
11 government back the power to make its own
12 decisions over housing, rather than holding
13 New York City housing policy hostage to this
14 Legislature.

15 So if we're going to make a change
16 that impacts positively on the City of
17 New York and the working people of the City of
18 New York, I would argue not to pass this bill
19 but, rather, to move repeal of the Urstadt Law
20 and allow the City of New York the power to
21 attempt to do something about protecting its
22 limited and shrinking base of affordable
23 housing and expanding a new universe of
24 affordable housing so that the workers of the
25 future for the City of New York can work and

1 live in the city.

2 And it's not just a question of the
3 taxes that they pay as part of their
4 employment. As we all know, you spend,
5 particularly as a working person, a
6 disproportionate share of your total revenue
7 in your immediate community. So when the
8 workers of the City of New York or any other
9 part of the state don't live in the
10 communities where they draw their salaries
11 from, most of their disposable income is then
12 not being spent where they're working, with
13 taxpayers' dollars paying them.

14 So I urge that we all vote no on
15 this bill. Because I think we can identify,
16 no matter where we live in the State of
17 New York, that this is the kind of precedent
18 we would generally not support for our own
19 communities, whether it's the City of New York
20 or anywhere else.

21 Thank you, Madam President.

22 ACTING PRESIDENT LITTLE: Thank
23 you, Senator Krueger.

24 Senator Leibell.

25 SENATOR LEIBELL: Yes, thank you,

1 Madam President. Possibly to clarify a few
2 points.

3 Senator Padavan, because there are
4 a certain number of employees who would be
5 over five years doesn't mean that everyone
6 wants to move. This allows for the
7 possibility that some people who may wish to
8 will be able to.

9 And I should point out that over
10 the course of years I've carried this type of
11 legislation before. I've carried it in the
12 other house when I served in the Assembly.
13 When we talk about freedoms, I don't know why
14 anybody should be an indentured servant. If
15 they wish to live in another community, they
16 should be able to live in another community.

17 In fact, people in my very
18 beautiful home county of Putnam who work there
19 for the government live in all sorts of other
20 counties. Some of whom live in the city and
21 do a reverse-commute. Some live in
22 Westchester, some in Putnam.

23 With respect to those who hold
24 critical jobs, let me assure you that the
25 police and firemen who live in my district and

1 who work for New York City get to their jobs.
2 9/11 established that. They were there, and I
3 attended many funerals for them. They were
4 there and they did their jobs.

5 So I find, frankly, nothing wrong
6 with being able to live where you choose. And
7 it's logical that as people go up -- and the
8 five-year requirement was requested by the
9 Governor in his veto message last year. As
10 people go up and have seniority in a job,
11 younger people, they're going to have larger
12 families, my area or other people's areas --
13 Long Island may be more affordable than many
14 areas in the city. But to me it seems a
15 reasonable thing, it seems a fair thing --
16 they're still going to be paying income taxes
17 to New York City -- to allow them the
18 opportunity, as most Americans have, to live
19 where they wish to live.

20 ACTING PRESIDENT LITTLE: Thank
21 you, Senator Leibell.

22 Senator Parker.

23 SENATOR PARKER: Yes, Madam
24 President, on the bill.

25 ACTING PRESIDENT LITTLE: Thank

1 you. On the bill.

2 SENATOR PARKER: I find myself in
3 the unusual circumstances of agreeing with
4 Senator Padavan today and disagreeing with my
5 good friend Senator Savino.

6 I think this bill is something that
7 is -- it would be, honestly, just bad. And I
8 understand Senator Leibell's concerns, and I
9 have some appreciation for what he's trying to
10 do for workers everywhere.

11 I don't think that anyone in this
12 state is an indentured servant -- except for
13 probably some members of my staff, but we'll
14 talk about that later.

15 But I think that one of the
16 problems that we do have is that this creates
17 a slippery slope, as we call it in public
18 policy terms. That today it's the sanitation
19 workers, tomorrow it will be the police
20 department, then the next day the fire
21 department, then the teachers and then other
22 clerical workers. And before we know it, you
23 know, significant numbers of the people who
24 work and draw income out of New York City will
25 not be living there.

1 And as Senator Liz Krueger
2 indicated, that has an impact not just on
3 taxes that they pay directly but also
4 disposable income that they and their families
5 pour into the communities that they live in.
6 And that becomes a very dangerous indication.

7 Senator Leibell indicated that
8 there are a number of people all throughout
9 the state, and I think he's right, that live
10 in one county and travel to other places. But
11 let me assure you that the numbers of people
12 who live -- who work inside of New York City
13 and live other places is far greater than
14 those -- or the numbers of people who live
15 outside of New York City but work and draw
16 their income from New York City is far greater
17 than those who live in New York City and
18 reverse-commute out to the suburbs. That's
19 simply just the mathematics. And so when we
20 look at the large number of mathematics, those
21 numbers work against New York City.

22 The other issue as it relates to
23 workers getting to their jobs, I think that
24 9/11, you're right, points to a good example.
25 But it is apples and oranges to what Senator

1 Padavan spoke of, when you talk about
2 sanitation workers having to get to the city
3 in the middle of a snowstorm.

4 And let me tell you that when we
5 have 2 or 3 feet of snow or more in New York
6 City, there's typically larger numbers of
7 inches of snow in the suburbs. And in those
8 cases it becomes very, very difficult for
9 people to travel. And oftentimes they're not
10 able to even get into the city, let alone get
11 around the city.

12 And so for those reasons and
13 because both the Mayor and the City Council
14 have not responded to this, we should be all
15 voting no to this legislation. We should
16 allow sanitation workers to live in the city.
17 And if we want to help them -- as we do want
18 to help them -- buy houses, then I implore you
19 to -- you know, not only should we repeal the
20 Urstadt Law, but we should also figure out
21 some other ways to create affordable housing
22 programs for all of the people of the state of
23 New York.

24 Housing is the biggest issue not
25 being talked about in this legislation, and

1 not just in relation to New York City but all
2 over the state. I'm sure many of my
3 colleagues, particularly on Long Island, would
4 love to see, you know, home-buyer programs for
5 all sorts of categories of our constituents.
6 And so let's talk about that. I'm eager to
7 work on those issues.

8 But I think that this is not --
9 that this creates a slippery slope that will
10 cause the financial ruin of the City of
11 New York.

12 ACTING PRESIDENT LITTLE: Thank
13 you, Senator Parker.

14 Senator Oppenheimer.

15 SENATOR OPPENHEIMER: I don't
16 want to keep belaboring this point. I'm
17 siding with Senator Savino.

18 This is an equal opportunity
19 problem. It is not a problem just of New York
20 City. I represent 18 communities. All 18
21 have nonresidency rules for employees.
22 Because we simply -- I mean, let's face
23 reality. We all want to see affordable
24 housing. We all want to see low-income
25 housing being built. And it's not being

1 built.

2 And there's a lot of very good
3 reasons for why it isn't being built.
4 Partially it's because the cost of the land,
5 the real estate is so high that it's very hard
6 to bring in a developer who's going to put in
7 housing that he could build a mansion and make
8 more money on that one mansion than on the
9 20 low-income housing apartments that he put
10 in.

11 I mean, you have to face reality.
12 I was not happy when I was mayor of Mamaroneck
13 21 years ago, up to 28 years ago, and my
14 entire police force was up in Putnam, was in
15 Fishkill, was in Rockland. And now they can't
16 even be there because it's just gotten too
17 costly, so they keep moving farther and
18 farther away. And it's an unfortunate
19 situation.

20 I don't have the answers. I work
21 with a lot of affordable housing groups in
22 Westchester County. It is a tough nut to
23 crack. And as long as we do not have an
24 answer -- and we don't -- we have to permit
25 this legislation. Because people have a right

1 to live in an area where they might get a
2 little grass and have a little plantings and
3 do a few tomatoes and a few basils. And we
4 really are not in a position to tell them
5 where they may or may not live.

6 So I am siding with my good friend
7 Senator Savino.

8 ACTING PRESIDENT LITTLE: Thank
9 you, Senator Oppenheimer.

10 Senator Diaz.

11 SENATOR DIAZ: Thank you, Madam
12 President. Would the sponsor yield for a
13 question.

14 ACTING PRESIDENT LITTLE: Will
15 the sponsor yield for a question, Senator
16 Leibell?

17 SENATOR LEIBELL: Yes, Senator.

18 ACTING PRESIDENT LITTLE: The
19 sponsor yields.

20 SENATOR DIAZ: Senator, I heard
21 you saying two statements. First you said if
22 a person wished to live in another community,
23 he should be allowed to do so. And there is
24 nothing wrong by allowing people to live
25 wherever they want to choose to live. You

1 made those two statements.

2 SENATOR LEIBELL: Yes, I believe
3 people should be able to live where they wish
4 to live.

5 SENATOR DIAZ: Wherever people
6 want to live.

7 SENATOR LEIBELL: You agree with
8 me.

9 SENATOR DIAZ: I just want to ask
10 you a question on that. Maybe for me to agree
11 with you all will depend on your answer of
12 what I'm going to ask.

13 Do you think that statement that
14 you are making should apply to us?

15 SENATOR LEIBELL: To everything?

16 SENATOR DIAZ: To us, here.

17 SENATOR LEIBELL: Well, we live
18 in our districts, if that's your point.

19 SENATOR DIAZ: No, no, no. You
20 stated, Senator, if a person wish to live
21 wherever they choose, they should be allowed
22 to. If anybody wants to live wherever they
23 want to live, you're saying they should be
24 allowed to do so.

25 My question to you is, being a

1 Senator, do you think that statement that
2 you're making should apply also to us here?

3 SENATOR LEIBELL: Well, we do
4 live where we choose to live.

5 SENATOR DIAZ: No. No, no, no.
6 The question -- the statement that you made,
7 Senator, that you made, you said that if a
8 person -- a person should be allowed to live
9 wherever they want to live.

10 SENATOR LEIBELL: Senator, if --

11 SENATOR DIAZ: My question to
12 you, should that statement -- should that
13 statement apply to us here too?

14 SENATOR LEIBELL: Senator, if
15 you're trying to tell me you'd like to move
16 out of your district --

17 (Laughter.)

18 SENATOR DIAZ: No, I -- who
19 knows?

20 SENATOR LEIBELL: I know some
21 realtors who could help you.

22 SENATOR DIAZ: No, no. Through
23 you, Madam President.

24 ACTING PRESIDENT LITTLE: Yes,
25 Senator Diaz.

1 SENATOR DIAZ: I'm just -- I'm
2 just referring to the statement. Because you
3 people, you are supporting -- you're
4 supporting --

5 SENATOR LEIBELL: There certainly
6 are, Senator, if I can respond to you -- and
7 maybe I know where you're going, maybe I
8 don't. But there clearly are limitations. I
9 think the president of the United States
10 should live in this country. I think the
11 governor should live in this state, and I
12 think we should live in our districts.

13 For the average person, police and
14 fire, which you have now in New York City now
15 who are able to live in other areas, just as
16 my deputy sheriffs in my area can live up in
17 Columbia County -- and many do, north of me,
18 because it's more affordable for them -- I
19 don't think that's unreasonable.

20 SENATOR DIAZ: Through you, Madam
21 President.

22 ACTING PRESIDENT LITTLE: Thank
23 you, Senator.

24 SENATOR DIAZ: But sanitation
25 workers who draw their salary in my district,

1 they should live wherever they want to live
2 outside of the area?

3 SENATOR LEIBELL: I think they
4 should.

5 SENATOR DIAZ: So firemen, police
6 officers and teachers, they should live
7 wherever they want to live?

8 SENATOR LEIBELL: Yup.

9 SENATOR DIAZ: But not us.

10 SENATOR LEIBELL: I think we
11 should live in our districts.

12 SENATOR DIAZ: Okay. But not
13 them.

14 SENATOR LEIBELL: I think we're
15 in a different position.

16 SENATOR DIAZ: Are we having a
17 double standard here?

18 SENATOR LEIBELL: No, Senator, we
19 have constitutional offices which impose some
20 different standards and responsibilities.

21 SENATOR DIAZ: Okay. Through
22 you, Madam President.

23 ACTING PRESIDENT LITTLE: Thank
24 you.

25 Senator Leibell, do you continue to

1 yield?

2 SENATOR LEIBELL: I do.

3 ACTING PRESIDENT LITTLE: Thank
4 you.

5 The Senator yields.

6 SENATOR DIAZ: There was another
7 statement made -- there was another statement
8 made here on this floor. And the statement
9 was this is -- I think it was made by -- by
10 Senator --

11 SENATOR OPPENHEIMER:
12 Oppenheimer.

13 SENATOR DIAZ: I think that she
14 made a statement, this is an equal
15 opportunity, she said equal opportunity for a
16 person to live wherever they want to live. By
17 a Senator.

18 Where is -- where is the equal
19 opportunity for those residents of my district
20 that they don't make the salary, they don't
21 make the money that a sanitation worker makes,
22 or a police officer or a teacher, and they
23 would like to move to a better community,
24 where is the equal opportunity for them?

25 SENATOR LEIBELL: Well, Senator,

1 I think -- and it's a broad public policy
2 issue, Senator Oppenheimer addressed it, the
3 crisis we have in our communities of
4 affordable housing. It's not just New York
5 City, it's in our districts. And it sort of
6 creeps up and becomes -- what in Senator
7 Oppenheimer's district, in my district is
8 affordable is not in the next district north
9 of us.

10 But it is a major public policy
11 issue. The issue as to -- I can't address the
12 average person in my district or your
13 district, the affordability. It's quite
14 possible that there are some people who are
15 very, very wealthy who may live in your
16 district and choose to live there and don't
17 work for the sanitation department and
18 therefore make more money, maybe. I don't
19 know that. I have no way of knowing that.

20 All I'm saying is in this very
21 limited area, for public service employees,
22 public sector employees, they should -- in
23 this case, sanitation workers -- have the
24 opportunity to move around and have that
25 degree of flexibility. You and I may disagree

1 on that; apparently we do. But that's my
2 position.

3 SENATOR DIAZ: On the bill.

4 ACTING PRESIDENT LITTLE: Yes,
5 Senator Diaz, on the bill.

6 SENATOR DIAZ: I think that it is
7 very unfair that people comes to the city, to
8 our neighborhood, draws a salary, a police
9 officer -- my daughter is a police officer.
10 My daughter is a sergeant in the police
11 department. And she's married to another
12 sergeant. And they both make good monies.
13 They both, my daughter and her husband, they
14 both make good salaries. They're both
15 sergeants in the New York City Police
16 Department.

17 But you know what? They come to
18 the city, they do eight hours, whatever, they
19 draw these good salaries, and at night they go
20 to a good place upstate, have their children
21 attend a beautiful school, good education.

22 Meanwhile, our community, our
23 people cannot afford that. And our children,
24 they have to go to those public schools in the
25 city that have been abandoned by the system.

1 And it's not fair for people to do
2 that. I think that the only way that we will
3 stabilize our communities is for people who
4 works in our community to stay in our
5 community. As I am forced, we as Senators, as
6 I am forced to live in my community, everyone
7 else should be also forced to live in that
8 community where they work and where they draw
9 a salary. It's not fair to come to the city,
10 take some money out of the city and go back to
11 all your districts to spend the money up
12 there.

13 I will vote no on this bill.

14 ACTING PRESIDENT LITTLE: Thank
15 you, Senator.

16 Is there any other Senator who
17 wishes to be heard?

18 Senator Montgomery.

19 SENATOR MONTGOMERY: Madam
20 President, just a reminder. I'm looking at
21 your law, the bill that you have today on our
22 calendar. And we all voted in support of it,
23 of course. And it's -- the Public Officers
24 Law states that a person holding a civil
25 service position --

1 ACTING PRESIDENT LITTLE:

2 Senator, that's not the bill that's under
3 discussion at the time.

4 SENATOR MONTGOMERY: I
5 understand. I just want to point out that
6 this is an example of what we're talking
7 about, that the counties all over the state --

8 ACTING PRESIDENT LITTLE: Senator
9 Montgomery, are you on the bill --

10 SENATOR MONTGOMERY: Yes, on the
11 bill.

12 ACTING PRESIDENT LITTLE: --
13 before us?

14 SENATOR MONTGOMERY: Counties all
15 over the state have laws that they enforce.
16 And the only way that you cannot reside in
17 those counties if you hold certain positions
18 is that we must pass a law waiving that right.

19 And so we maintain that New York
20 City and the counties within New York City
21 have the right to have this law that says if
22 you hold certain positions and you are
23 government employees paid by the city, work
24 for the city, that you should reside in the
25 city.

1 And I maintain that we have that
2 right. We should not be forced to give up
3 that right or to have another legislator who
4 does not represent our area pass legislation
5 that waives our local law.

6 So I'm opposed to that, for that
7 and many reasons. Thank you.

8 ACTING PRESIDENT LITTLE: Thank
9 you.

10 Senator Padavan.

11 SENATOR PADAVAN: I rise to
12 explain my vote, Madam President.

13 ACTING PRESIDENT LITTLE: We
14 haven't done roll call yet.

15 SENATOR PADAVAN: Okay, thank
16 you. I'm just rising in advance.

17 ACTING PRESIDENT LITTLE: Any
18 other Senator wishing to be heard?

19 The debate is closed.

20 The Secretary will ring the bell.

21 Read the last section.

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

24 ACTING PRESIDENT LITTLE: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT LITTLE: Senator
3 Padavan, to explain his vote.

4 SENATOR PADAVAN: I rise to
5 explain my vote, Madam President.

6 First, I would like to applaud our
7 colleague -- a former son of Queens, and
8 Bayside specifically -- for his strong
9 libertarian views. Namely, that you can live
10 anywhere and you should be able to live
11 anywhere, wherever you want to.

12 Unfortunately, however, there are
13 certain positions that, when you apply for
14 them and you accept them, you have to live by
15 the rules. In the City of New York we feel
16 that sanitation workers should be within a
17 reasonable distance to come to work,
18 particularly on those critical times when
19 they're needed, such as a snowstorm.

20 Now, while we don't know how many
21 would take advantage of this legislation,
22 there are 4,200 who could. And that's a
23 significant percentage of the total number of
24 sanitation workers in the City of New York.
25 So the potential is excessive.

1 And so while, generally speaking, I
2 would applaud your point of view, I do have to
3 say, as the City of New York has said in their
4 memo of opposition, that this is a condition
5 of employment that the sanitation worker knows
6 when he took the job is a condition he has to
7 live with. No one forces them to. And once
8 you've accepted that condition, to get a way
9 out via the legislative process is somewhat
10 unfair and inappropriate and, in this case,
11 unwise.

12 I vote no.

13 ACTING PRESIDENT LITTLE: Thank
14 you.

15 Senator Padavan will be recorded in
16 the negative.

17 Senator Leibell, to explain his
18 vote.

19 SENATOR LEIBELL: My colleagues,
20 this bill provides for living a couple of
21 counties away. In an ideal world, I would not
22 mind if they lived anywhere. But that's not
23 what that bill provides for.

24 Just shortly before this bill came
25 to the floor, we were all called upon to vote

1 on Calendar Number 1350 -- Madam President,
2 your bill -- which authorizes assistant DAs in
3 a variety of counties to reside in an
4 adjoining county. I've been advised that that
5 vote passed here unanimously.

6 I don't know what makes the
7 distinction. Senator, is it a law degree? Is
8 it that you live in the North Country?
9 Senator Diaz is no longer here, but I don't
10 know what makes the difference for his
11 constituents and the people in the city from
12 those other counties. I don't see it. Maybe
13 you will find a distinction, but that's how
14 you voted. Possibly you wish to change your
15 vote. But that's how you voted on that bill.

16 ACTING PRESIDENT LITTLE: Thank
17 you.

18 Senator Connor, to explain his
19 vote.

20 SENATOR CONNOR: Thank you, Madam
21 President.

22 I want to set the record straight
23 on a couple of things. Senator Diaz is here,
24 and was here.

25 You know, I've listened to this

1 debate. And generally I like the idea of
2 New York City employees residing in New York
3 City or nearby. That's a good thing. And I
4 hear people talking about the cost of living
5 and being able to afford living. But no one
6 really addresses is what the real issue here
7 is, and the real issue here is a fundamental
8 American value: homeownership. We are a
9 nation of homeowners.

10 Can a sanitation worker afford to
11 live in New York City? Yes. It's difficult,
12 but you can afford the rent in various
13 neighborhoods of New York City.

14 Can a sanitation worker afford to
15 buy a home in New York City? Not likely. I
16 have parts of my district that 20 years ago my
17 staff with great trepidation visited because
18 they were considered bad neighborhoods or
19 there were fires there, allegedly people were
20 burning them down to get the insurance money,
21 that today factories are converted and the
22 ownership of an apartment begins at a
23 million-four or a million-two down in old
24 factory buildings along the waterfront.

25 Homeownership is increasingly a

1 challenge in New York City. Ask my colleagues
2 here. Neighborhoods you used to read about in
3 the newspaper, for the benefit of the
4 upstaters, as, twenty years ago, crime-ridden,
5 devastated, full of vacant lots, are fast
6 being taken up by developers. Old, rundown
7 houses in what were always, or at least for a
8 long time, unattractive neighborhoods are now
9 selling for \$400,000 and \$500,000. And you
10 don't get much for that, you get something
11 that needs a couple hundred thousand dollars'
12 worth of work to make it habitable.

13 So what we haven't addressed is
14 this is really about homeownership. And to
15 counter what Senator Padavan said, yes, in the
16 first few years the rookies who have less
17 money, they have to live in the city. Well,
18 they're less likely to be able to afford
19 homeownership anywhere. It's after five or
20 six years, when you accumulate some savings
21 with your job in the sanitation department --
22 I wish you could afford a home in Queens or
23 the Bronx or Brooklyn or Staten Island, but
24 it's not likely.

25 And that's a fundamental principle

1 this country has adhered to for decades and
2 decades and decades: Americans ought to own
3 their own home if they can. And that's what
4 this bill is about, and that's why I'm siding
5 with Senator Savino on this.

6 ACTING PRESIDENT LITTLE: Thank
7 you.

8 Senator Connor will be recorded in
9 the affirmative.

10 Senator Parker, to explain his
11 vote.

12 SENATOR PARKER: Madam President,
13 to explain my vote.

14 I think that it's been an
15 interesting debate today. But I think that
16 Senator Connor is absolutely right, but
17 also -- but wrong about this bill. I think
18 that you're right, it is about homeownership.
19 I indicated that. I think that Senator
20 Krueger indicated that. And we ought to be,
21 again, raising those issues about
22 homeownership.

23 But this bill is not -- and what
24 we're asked to vote on is this bill. And this
25 bill is not about homeownership. This bill is

1 about, you know, creating a public policy that
2 would essentially bankrupt the city over time.
3 And it's not something that those of us who
4 represent New York City and represent parts of
5 New York City can sit here and idly vote
6 against.

7 But to answer Senator Leibell's
8 question about Senate Bill 4069A, the
9 difference between what we're doing with ADAs
10 upstate and what you're doing with what could
11 be literally thousands of workers in New York
12 City is that, you know, in these four or five
13 counties that are mentioned in that bill, how
14 many ADAs are there? How many DAs are there?
15 Probably, altogether, maybe 20, 30? Maybe.

16 So the answer to your question is
17 the scale and the numbers of people and what
18 that means to those counties, versus what
19 letting thousands of workers take their --
20 both their tax dollars and their disposable
21 income out of New York City. That is the
22 fundamental difference between Senator
23 Little's bill and what you propose to do here
24 today.

25 I'm voting no.

1 ACTING PRESIDENT LITTLE: Thank
2 you.

3 Senator Parker will be recorded in
4 the negative.

5 Senator Montgomery, to explain her
6 vote.

7 SENATOR MONTGOMERY: Yes, to
8 explain my vote very briefly.

9 Your bill, Madam President, as
10 Senator Leibell pointed out, I believe that
11 you represent those counties. And so you have
12 requested that we support your request.

13 We have not requested this.
14 Senator Leibell does not represent the
15 New York City counties. So there is a
16 distinct difference there.

17 And I would say yes, I like the
18 idea of people living wherever they choose to
19 live. However, if -- I can't afford to buy a
20 home in my district either. However, if I
21 want to move and I want to go to Senator
22 Leibell's area to buy a home, because maybe I
23 can afford it, then I have to leave my job.
24 And if I want to stay here, I have to run
25 against him.

1 So this is a very different issue.

2 If you want to be able to purchase a home in
3 another county outside of the City of New
4 York, you have every right to do so. I
5 support that you should have a right.
6 However, you do not and should not have a
7 right to work for government and, as Senator
8 Diaz has pointed out, to take your earnings
9 and the vote that you have to another part of
10 the state where you are probably going to vote
11 against my interests in the City of New York.

12 I vote no.

13 ACTING PRESIDENT LITTLE: Thank
14 you.

15 Senator Montgomery will be recorded
16 in the negative.

17 The Secretary will announce the
18 results.

19 THE SECRETARY: Those recorded in
20 the negative on Calendar Number 788 are
21 Senators Brown, Diaz, Dilan, Gonzalez, Klein,
22 L. Krueger, LaValle, Montgomery, Padavan,
23 Parker, Paterson, Serrano, A. Smith and
24 M. Smith.

25 Those Senators absent from voting:

1 Breslin, Duane and Schneiderman.

2 Ayes, 41. Nays, 14.

3 ACTING PRESIDENT LITTLE: The
4 bill is passed.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 1007, by Senator Skelos, Senate Print 5342, an
8 act to amend the Executive Law.

9 SENATOR MONTGOMERY: Explanation.

10 ACTING PRESIDENT LITTLE: An
11 explanation has been requested, Senator
12 Skelos.

13 SENATOR SKELOS: Thank you, Madam
14 President.

15 This is the Governor's program bill
16 which would enact comprehensive reforms
17 modernizing the use of DNA in the criminal
18 justice system.

19 Some of the main points of the
20 bill, it would require anyone convicted of a
21 misdemeanor or a felony to provide a DNA
22 sample for inclusion in the state DNA data
23 bank; tolling the statute of limitations in
24 criminal cases in which the identity of the
25 defendant is established by means of DNA

1 evidence; requiring as a mandatory condition
2 of probation and conditional discharge that
3 designated offenders provide a DNA sample for
4 inclusion in the state DNA data bank;
5 criminalizing a designated offender's failure
6 to provide a DNA sample; and establishes the
7 Innocence Project, which would help actually
8 exonerate individuals who have been wrongly
9 convicted, and DNA would prove that.

10 ACTING PRESIDENT LITTLE: Thank
11 you.

12 Senator Montgomery.

13 SENATOR MONTGOMERY: Yes, Madam
14 President. Just one brief question of
15 clarification, Senator.

16 Would this be -- as you know, we're
17 going to be debating the bill on the sex
18 offender's law this week. And obviously DNA
19 is extremely important in many of those cases.
20 Would any person, no matter what the charge,
21 be eligible to have a DNA test if they -- once
22 they are charged with a --

23 SENATOR SKELOS: If you're
24 convicted?

25 SENATOR MONTGOMERY: I was

1 thinking of being charged with a sex offense.

2 SENATOR SKELOS: To -- if you're
3 convicted of the crime, you would have to
4 supply the DNA evidence. If -- you're saying
5 about exoneration?

6 SENATOR MONTGOMERY: Yes.

7 SENATOR SKELOS: To be
8 exonerated, you would fall in that category.

9 SENATOR MONTGOMERY: So would
10 that be available to anyone who is at least --

11 SENATOR SKELOS: Yeah, the whole
12 purpose of the --

13 SENATOR MONTGOMERY: -- indicted
14 for any sex --

15 SENATOR SKELOS: The whole
16 purpose of the Innocence Project is to --
17 there is DNA evidence that would eventually be
18 used to exonerate you. For example, if the
19 wrong person was charged and convicted, then
20 it can be used.

21 SENATOR MONTGOMERY: All right.
22 Thank you. Thank you for that clarification,
23 Senator Skelos.

24 I guess my question is -- I'm
25 certainly in favor of this legislation. I

1 think that it's extremely important in any
2 case where a person is charged with a sex
3 offense that they should be eligible for DNA
4 testing that is done by the prosecutor so that
5 there is clear and specific and convincing and
6 undeniable evidence that this particular
7 person is guilty of this particular sex
8 offense.

9 But I'm voting for this
10 legislation. Thank you, Madam President.

11 ACTING PRESIDENT LITTLE: Thank
12 you.

13 Is there any other Senator wishing
14 to be heard?

15 The debate is closed.

16 The Secretary will ring the bell.

17 Read the last section.

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

20 ACTING PRESIDENT LITTLE: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 55.

24 Those Senators absent from voting
25 on Calendar Number 1007: Senators Breslin,

1 Duane and Schneiderman.

2 ACTING PRESIDENT LITTLE: The
3 bill is passed.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number
6 1183, by Senator Flanagan, Senate Print 4987,
7 an act to amend the General Business Law.

8 SENATOR MONTGOMERY: Explanation.

9 ACTING PRESIDENT LITTLE: Thank
10 you.

11 An explanation has been requested,
12 Senator Flanagan.

13 SENATOR FLANAGAN: Thank you,
14 Madam President.

15 This is a new bill. This is an
16 amendment to the General Business Law, and it
17 moves to prohibit the sale of salvia
18 divinorum, otherwise known as "Diviner's
19 Sage," "Sister Salvia," "Ska Maria Pastora" or
20 simply "salvia."

21 This bill would prohibit the sale
22 in the state of New York, provide for a civil
23 penalty up to \$500. And maybe just a little
24 bit of background, because I'm sure my
25 colleagues are completely interested in this

1 subject.

2 This is new, but in all sincerity I
3 think this could be something getting ahead of
4 a problem, trying to get out in front of
5 something that could turn out to be like
6 Ecstasy, have some of the same effects,
7 potentially, as LSD. And with all the debate
8 right now about marijuana, it can have some of
9 the same effects as marijuana.

10 It is a psychoactive plant within
11 the mint family. It comes from Mexico. Right
12 now it's presently completely unregulated by
13 the federal government. There is an act
14 pending before Congress which has not been
15 chaptered at the federal level sponsored by
16 Congressman Baca from California, and that's
17 being pushed right now.

18 But there's absolutely no
19 regulation whatsoever. The bottled water that
20 we all see here has more regulation than this
21 substance.

22 And kind of looking at this, if you
23 were to go searching on this, it has many
24 properties and similarities to marijuana. And
25 I want to mention some of them just so you

1 know. You can go right on the Internet and
2 pick up information. Here are just a few of
3 the websites that are out there: Mazatec
4 Garden, Dr. Bongs Cannabis Emporium, Just Say
5 Yes to Salvia, Grass City, Marijuana
6 Alternatives, the Shroomery, Trip Zone, Stop
7 the Drug War, the Good Drugs Guide, et cetera.

8 And it's out there for kids. You
9 can get it in the mail, you can get it in the
10 Internet.

11 And there are some who say it's
12 safe, but there are plenty of others who say
13 this could potentially be a serious problem.
14 It is listed by the federal government, the
15 DEA, as a chemical of concern. It is probably
16 the strongest hallucinogenic that's out there,
17 and yet it's totally unregulated.

18 And so this is the first attempt,
19 along with Assemblyman Heastie in the
20 Assembly, to move to ban the sale in the state
21 of New York. It has been banned in a number
22 of foreign countries, including Australia,
23 Belgium, Denmark, Italy, South Korea and
24 Finland, and there are several states across
25 the country who are moving to do the same

1 thing.

2 ACTING PRESIDENT LITTLE: Thank
3 you, Senator.

4 Senator Oppenheimer.

5 SENATOR OPPENHEIMER: If the
6 sponsor would yield for a question.

7 ACTING PRESIDENT LITTLE: Thank
8 you.

9 Senator Flanagan, will you yield?

10 SENATOR FLANAGAN: Yes.

11 SENATOR OPPENHEIMER: How does
12 this salvia, is it differentiated from the
13 salvia that we have in -- a very common garden
14 plant. I have it all over my garden. Is
15 it -- you mean I'm growing this stuff?

16 (Laughter.)

17 SENATOR OPPENHEIMER: Oh, my God.
18 It's a very bright red --

19 SENATOR FLANAGAN: I cannot
20 answer that question.

21 SENATOR OPPENHEIMER: It's a very
22 attractive bright red plant, or it can also be
23 blue. And it's very, very common.

24 So is it the same plant?

25 SENATOR FLANAGAN: I don't

1 believe it to be the same plant.

2 But let me also make clear, one of
3 the provisions in the bill is if somebody
4 offers this for sale and not knowingly
5 realizes that it is this substance, that is an
6 affirmative defense. You know, you can sort
7 of explain your way out of it. If you had no
8 reason to know or it was not readily
9 discoverable, that is a defense to this law.

10 SENATOR OPPENHEIMER: Thank you.

11 SENATOR FLANAGAN: Some people
12 might feel that they can use it for medicinal
13 purposes.

14 But let me, just by way of
15 description -- and there's plenty of
16 information out there. It's in some respects
17 unique that more hasn't been said about this.
18 But you can have -- it can lead to what's
19 known as dysphoria, which can include trouble
20 sleeping, racing thoughts, grandiosity, mental
21 and/or physical agitation, feeling persecuted
22 for no reason, hearing things, and having
23 trouble making decisions.

24 I had suggested to my colleague
25 that that perhaps describes the job that we

1 all hold --

2 (Laughter.)

3 SENATOR FLANAGAN: -- but that is
4 not a reason to ban it in and of itself.

5 ACTING PRESIDENT LITTLE: Thank
6 you.

7 Is there any other Senator wishing
8 to be heard?

9 Senator Montgomery.

10 SENATOR MONTGOMERY: Yes, thank
11 you. I want to thank Senator Flanagan for
12 that explanation.

13 And I certainly -- it sounds like
14 we may have been already smelling it or --
15 based on our -- some of our conversations in
16 here.

17 But, Madam President, I think that
18 the danger is and the worry is that we go down
19 the path once again of where we went with
20 marijuana. And it's really consumed billions
21 of dollars in resources without there being a
22 sufficient rationale for doing that.

23 So I certainly -- while I'm
24 concerned about the danger of this, the
25 potential danger, I'm also concerned about the

1 danger of us once again going into the
2 direction of spending resources, valuable
3 resources, and ruining hundreds of thousands
4 of lives, people's lives for use of something
5 that we don't even know what we're looking at
6 when we see it yet.

7 So I'm going to oppose it, but I
8 still -- I appreciate that Senator Flanagan
9 has brought it to us so that at least we know
10 what's coming.

11 So thank you, Madam President.

12 ACTING PRESIDENT LITTLE: Thank
13 you.

14 Senator Connor.

15 SENATOR CONNOR: Yes, Madam
16 President. Will the sponsor yield for a
17 question, please?

18 ACTING PRESIDENT LITTLE: Thank
19 you.

20 Senator Flanagan, do you yield?

21 SENATOR FLANAGAN: Yes.

22 SENATOR CONNOR: Thank you.

23 As a preface to my question, some
24 20 years ago or 25 years ago a church in my
25 district contacted me and I sponsored a bill

1 for them because they used little bits of
2 peyote in their religious services and they
3 wanted an exception for that.

4 But -- so my question is this. Are
5 there any known legitimate uses for this? The
6 name sounds rather religious, and its
7 translation is rather religious. Other than
8 people getting high, is there any known
9 legitimate use for this?

10 SENATOR FLANAGAN: That's a tough
11 question to answer, Senator Connor, because
12 some may feel that's the known use, that
13 people can get some euphoric feeling.

14 There are -- if you look at some of
15 the literature, there are somewhere between 1
16 and 6 stages of the salvia level, some very
17 mild. And there are -- there's some evidence
18 that shows the more you use, the more
19 problematic it becomes, the more
20 hallucinogenic and the more introverted a
21 person becomes, with attendant problems going
22 along with that.

23 I'm not aware of any positive
24 benefit to salvia.

25 SENATOR CONNOR: Thank you, Madam

1 President.

2 ACTING PRESIDENT LITTLE: Thank
3 you.

4 The debate is closed.

5 The Secretary will ring the bell.

6 Read the last section.

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

9 ACTING PRESIDENT LITTLE: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT LITTLE: The
13 Secretary will announce the results.

14 THE SECRETARY: Those recorded in
15 the negative on Calendar Number 1183: Senator
16 Montgomery.

17 Those Senators absent from voting:
18 Breslin, Duane and Schneiderman.

19 Ayes, 54. Nays, 1.

20 ACTING PRESIDENT LITTLE: The
21 bill is passed.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number
24 1348, by Senator Skelos, Senate Print 3713, an
25 act to amend the Criminal Procedure Law.

1 SENATOR LIZ KRUEGER:

2 Explanation.

3 ACTING PRESIDENT LITTLE: An
4 explanation has been requested, Senator
5 Skelos.

6 SENATOR SKELOS: Thank you, Madam
7 President.

8 This bill would give peace officer
9 status to juvenile counselors employed by the
10 Department of Juvenile Justice of the City of
11 New York who are assigned to transport or to
12 court services.

13 They would have at least two years'
14 experience, could not carry a gun, would get
15 additional training, and would have peace
16 officer status only when performing their
17 duty.

18 SENATOR LIZ KRUEGER: If the
19 sponsor would yield for a question, please.

20 ACTING PRESIDENT LITTLE: Thank
21 you.

22 Senator Skelos, do you yield?

23 SENATOR SKELOS: Love to.

24 SENATOR LIZ KRUEGER: Thank you.

25 Senator, is this the same bill that

1 the Governor has vetoed in the past, or is it
2 a different bill?

3 SENATOR SKELOS: We've changed
4 it. It's similar to a version vetoed last
5 year. The change includes the language
6 providing -- which specifically designates
7 only those certain juvenile counselors who are
8 involved in the actual transport or court
9 services of juveniles. I believe it's 40
10 individuals.

11 SENATOR LIZ KRUEGER: Thank you.
12 Madam President, on the bill.

13 ACTING PRESIDENT LITTLE: Thank
14 you.

15 Senator Krueger, on the bill.

16 SENATOR LIZ KRUEGER: Thank you.
17 Thank you very much, Senator, for
18 the explanation.

19 I've talked about my concerns with
20 peace officer status before. And I appreciate
21 that your bill has changed since last year's
22 and that it limits the number of people,
23 juvenile justice officers who would be
24 included in this law.

25 But I will just read for the record

1 from the Governor's veto message from last
2 year. And while I recognize this is a changed
3 bill because it would affect a smaller number
4 of employees, I think that the issues are the
5 same. The Governor in his -- and today I have
6 agreed with Senator Padavan, I've agreed with
7 Senator Volker, now I'm agreeing with Governor
8 Pataki. Who knows where this trend is going
9 to get me for the rest of the week.

10 But in Governor Pataki's veto
11 message he highlighted his concern about the
12 use of physical and deadly force, the use of
13 licensed firearms. Expanding the traditional
14 scope of juvenile counselors' duties is in
15 fact a real concern of the Governor and the
16 City of New York and of mine.

17 And so I hope that we again do not
18 continue to expand the definition of peace
19 officers. There are already peace officers
20 for other employees of the Department of
21 Juvenile Justice who play that role. There
22 are of course workers in the court system and
23 the police department who are involved with
24 the transportation and oversight of juveniles
25 in our corrections system.

1 Again, adding one more category of
2 employees who are currently supposed to serve
3 as counselors and supervisors and provide
4 guidance to youth in the juvenile justice
5 system to becoming another category of police
6 officer or peace officer within that system I
7 think is still a mistake, even for the smaller
8 number that Senator Skelos has explained this
9 year's bill limits the number of people
10 involved in this.

11 So again I'll vote no, and I'll
12 urge my colleagues to vote no.

13 Thank you, Madam President.

14 ACTING PRESIDENT LITTLE: Is
15 there any other Senator wishing to be heard?

16 The debate is closed.

17 The Secretary will ring the bell.

18 Read the last section.

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

21 ACTING PRESIDENT LITTLE: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT LITTLE: The
25 Secretary will announce the results.

1 THE SECRETARY: Those recorded in
2 the negative on Calendar Number 1348 are
3 Senators Dilan, L. Krueger and Montgomery.

4 Those Senators absent from voting:
5 Breslin, Duane and Schneiderman.

6 Ayes, 52. Nays, 3.

7 ACTING PRESIDENT LITTLE: The
8 bill is passed.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 1353, substituted earlier today by Member of
12 the Assembly Pheffer, Assembly Print Number
13 714B, an act to amend the Executive Law.

14 ACTING PRESIDENT LITTLE: Read
15 the last section.

16 SENATOR SALAND: Madam President.

17 ACTING PRESIDENT LITTLE: Senator
18 Saland.

19 SENATOR SALAND: Thank you, Madam
20 President.

21 This is obviously a very
22 commendable victims' rights bill, one for
23 which I say to the sponsor a job well done.

24 I do, however, have a question, and
25 that question deals with the section of the

1 bill beginning at page 11 -- I'm sorry,
2 beginning at line 11, first page, and running
3 over to page 2, line 6, in which a district
4 attorney is now required to advise a victim or
5 consult with a victim, more appropriately,
6 regarding the disposition of a criminal case
7 prior to its resolution.

8 Certainly something well warranted.
9 The change in the bill is from "should" to
10 "shall."

11 And then, in the last sentence, the
12 bill in the existing language takes pains to
13 say that the failure of the district attorney
14 to so obtain the views of the victim or the
15 family of the victim shall not be cause for
16 delaying the proceedings against the
17 defendant, nor shall it affect the validity of
18 the conviction, judgment or order.

19 My concern was a simple one. What
20 really constitutes a reasonable effort on the
21 part of a district attorney to reach out to a
22 victim? Is it a matter of a phone call? Is
23 it a written notice? And how extensively
24 would that district attorney have to follow
25 up?

1 And I ask that of the sponsor
2 primarily for purposes of getting something on
3 the record in case that should ever be an
4 issue.

5 ACTING PRESIDENT LITTLE: Thank
6 you.

7 Senator Meier, do you yield to a
8 question?

9 SENATOR MEIER: Certainly, Madam
10 President.

11 ACTING PRESIDENT LITTLE: Thank
12 you.

13 SENATOR MEIER: I think the
14 answer -- not I think. For the purposes of
15 establishing a legislative record, it's the
16 intent really of the sponsors here that the
17 district attorney merely have to exercise some
18 sort of good-faith effort under the
19 circumstances to contact the victim.

20 That might constitute, to give some
21 examples, utilizing the contact information
22 that the victim has given the district
23 attorney, which is always done in these cases.
24 So it might be a letter, it might even be a
25 phone call. It might be the district attorney

1 developing, in their particular office, some
2 kind of a form that they ask the victim to
3 complete. It would be a good-faith effort
4 under the circumstance.

5 Now, the reason we wanted to use
6 the word "shall" is to indicate to prosecutors
7 around the state that this is more than a
8 request on the part of the Legislature, we're
9 indicating as a matter of public policy that
10 they ought to and therefore they shall do
11 this.

12 But Senator Saland, Madam
13 President, correctly pointed out that we've
14 retained the language in the existing law that
15 a failure to consult doesn't constitute
16 grounds for delay in going on with the
17 proceedings, and it certainly doesn't in any
18 way invalidate the outcome of the proceedings.

19 So the purpose of this is to
20 express the strong direction on the part of
21 the Legislature that the DA would exercise a
22 good-faith attempt to do this, but it in no
23 way provides automatic grounds for an
24 adjournment or invalidates any proceedings.

25 ACTING PRESIDENT LITTLE: Thank

1 you.

2 Is there any other Senator wishing
3 to be heard on the bill?

4 Debate is closed.

5 The Secretary will ring the bell.

6 Read the last section.

7 THE SECRETARY: Section 5. This
8 act shall take effect on the first of
9 September.

10 ACTING PRESIDENT LITTLE: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: In relation to
14 Calendar Number 1353, ayes, 55.

15 Those Senators absent from voting:
16 Breslin, Duane and Schneiderman.

17 ACTING PRESIDENT LITTLE: The
18 bill is passed.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 1354, by Senator Spano, Senate Print 5542, an
22 act to amend the Arts and Cultural Affairs
23 Law.

24 ACTING PRESIDENT LITTLE: Senator
25 Krueger.

1 SENATOR LIZ KRUEGER: Yes, I'd
2 like to waive explanation and ask the sponsor
3 a question.

4 ACTING PRESIDENT LITTLE: Thank
5 you.

6 Senator Spano, will you yield to a
7 question?

8 SENATOR SPANO: Yes.

9 SENATOR LIZ KRUEGER: Thank you.

10 Senator Spano, with this amendment
11 to the bill that we discussed last week,
12 wherein basically Internet sales, free market
13 for facilities above 6,000, basically anything
14 goes, who collects --

15 SENATOR SPANO: I'm glad you got
16 that part right.

17 SENATOR LIZ KRUEGER: Thank you,
18 Senator Spano.

19 Who collects the sales tax? These
20 are nonlicensed entities under this bill.

21 SENATOR SPANO: The sales tax
22 would be -- or have to be paid, as all of the
23 sales tax currently has to be paid, through
24 the Internet. Which is a whole separate issue
25 that we're attempting to deal with on Internet

1 sales.

2 But the purchaser would be required
3 to submit to the state the sales tax that they
4 would have to pay.

5 SENATOR LIZ KRUEGER: Thank you.

6 Madam President, on the bill.

7 ACTING PRESIDENT LITTLE: Thank

8 you.

9 Senator Krueger, on the bill.

10 SENATOR LIZ KRUEGER: Thank you.

11 I appreciate the sponsor's

12 explanation.

13 I had concerns with the bill that
14 was passed in this house last week and voted
15 against it. This amendment adds to my
16 concerns that the truth is we will lose
17 enormous revenue to the State of New York
18 through legitimate sales of tickets to events
19 at locations above 6,000 seats.

20 Because I would argue that under
21 the current system of collecting money through
22 Internet sales, we won't collect any sales
23 tax. These businesses won't even have to be
24 licensed as resellers of tickets. We know
25 that we'll be going to a system of third-party

1 purchase and negotiated competitive bids and
2 resale through Internet sites all over the
3 state and the country.

4 And I would argue that another flaw
5 to this model, which I argued last week was
6 flawed, was that we will now expect to lose a
7 large amount of sales tax in the State of
8 New York. I don't know the estimated loss in
9 sales tax, but I would suspect that a year
10 from now we can check with our Department of
11 Tax and Finance and find out how much revenue
12 we lost because of this legislation.

13 So, as I voted no on the main bill
14 last week, I vote no on this amendment. Thank
15 you, Madam President.

16 ACTING PRESIDENT LITTLE: Thank
17 you.

18 Is there any other Senator wishing
19 to be heard?

20 UNIDENTIFIED SENATOR: No.

21 (Laughter.)

22 ACTING PRESIDENT LITTLE: That
23 settles that.

24 The debate is closed.

25 The Secretary will ring the bell.

1 Read the last section.

2 THE SECRETARY: Section 3. This
3 act shall take effect on the same date and in
4 the same manner as a chapter of the laws of
5 2005.

6 ACTING PRESIDENT LITTLE: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT LITTLE: The
10 Secretary will announce the results.

11 THE SECRETARY: Those recorded in
12 the negative on Calendar Number 1354 are
13 Senators Diaz, Gonzalez, L. Krueger, LaValle,
14 Marcellino, Morahan, Onorato, Oppenheimer,
15 Padavan, Paterson, Serrano, Stavisky and
16 Valesky. Also Senator Dilan.

17 Those Senators absent from voting
18 on Calendar Number 1354: Breslin, Duane and
19 Schneiderman.

20 Ayes, 41. Nays, 14.

21 ACTING PRESIDENT LITTLE: The
22 bill is passed.

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

25 SENATOR SKELOS: Madam President,

1 is there any further business to come before
2 the Senate?

3 ACTING PRESIDENT LITTLE: Yes,
4 Senator, there are motions. Senator Fuschillo
5 has a motion.

6 SENATOR SKELOS: Please recognize
7 Senator Fuschillo.

8 ACTING PRESIDENT LITTLE: Senator
9 Fuschillo.

10 SENATOR FUSCHILLO: Thank you,
11 Madam President.

12 On behalf of Senator Maltese, on
13 page number 59, I offer the following
14 amendments to Calendar Number 1208, Senate
15 Print Number 1955, and ask that said bill
16 retain its place on Third Reading Calendar.

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

21 SENATOR FUSCHILLO: Madam
22 President, on behalf of Senator LaValle, on
23 page number 16, I offer the following
24 amendments to Calendar Number 473, Senate
25 Print Number 3658, and ask that said bill

1 retain its place on Third Reading Calendar.

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

6 SENATOR FUSCHILLO: Thank you.

7 ACTING PRESIDENT LITTLE: Senator
8 Valesky has a motion.

9 SENATOR VALESKY: Thank you,
10 Madam President. I wish to call up Calendar
11 Number 937, Assembly Print Number 3652.

12 ACTING PRESIDENT LITTLE: The
13 Secretary will read.

14 THE SECRETARY: Calendar Number
15 937, by Member of the Assembly Magee, Assembly
16 Print 3652, an act to amend the Village Law.

17 SENATOR VALESKY: I now move to
18 reconsider the vote by which the Assembly bill
19 was substituted for my bill, Senate Print
20 1738, on May 16th.

21 And I now move that the Assembly
22 Bill 3652 be committed to the Committee on
23 Rules, and my Senate bill be restored to the
24 order of the Third Reading Calendar.

25 Madam President, I now offer the

1 following amendments.

2 ACTING PRESIDENT LITTLE: Call
3 the roll on reconsideration of the
4 substitution.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 58.

7 ACTING PRESIDENT LITTLE: The
8 bill is committed, and the amendments are
9 received.

10 Senator Skelos.

11 SENATOR SKELOS: Thank you, Madam
12 President.

13 There being no further business to
14 come before the Senate, I move we stand
15 adjourned until Tuesday, June 7th, at
16 3:00 p.m.

17 ACTING PRESIDENT LITTLE: On
18 motion, the Senate stands adjourned until
19 Tuesday, June 7th, at 3:00 p.m.

20 (Whereupon, at 5:41 p.m., the
21 Senate adjourned.)

22

23

24

25