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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 8, 2007

3:07 p.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

STEVEN M. BOGGESS, Secretary

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P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The
Senate will come to order.

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

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

ACTING PRESIDENT GRIFFO: Today
we are pleased to have with us, for the
invocation, Reverend Ron Stelzer, pastor of
Our Savior Lutheran Church in Centereach.

Reverend.

REVEREND STELZER: Thank you.
Our Father in heaven, in the
formative days of this nation Benjamin
Franklin called our assembled leaders to begin
each session with prayer, quoting from the
Bible: "Unless the Lord builds the house,
those who build it labor in vain. Unless the
Lord watches over the city, the watchman stays
awake in vain."

Today we recognize that without
Your blessing our best efforts, our highest
human wisdom, our vast resources are simply

1 not enough.

2 Remind us that we will always be
3 one nation under God, not one over God or
4 exempt from God. May we not put "In God We
5 Trust" on the periphery of our lives, but
6 front and center.

7 Grant us wisdom to do justice, love
8 kindness, and walk humbly before our God.
9 Preserve us from war, terror and civil strife,
10 and help us to govern with the realization
11 that one day we will not answer to the polling
12 booths but stand before the judgment seat of
13 Christ and long for your approbation: "Well
14 done, good and faithful servant."

15 And thank You for loving this world
16 full of lost mankind, subject to sin and its
17 consequences, loving us so much that You sent
18 us Your son, our Savior, in whose name I pray.

19 Amen.

20 ACTING PRESIDENT GRIFFO: Reading
21 of the Journal.

22 THE SECRETARY: In Senate,
23 Monday, May 7, the Senate met pursuant to
24 adjournment. The Journal of Sunday, May 6,
25 was read and approved. On motion, Senate

1 adjourned.

2 ACTING PRESIDENT GRIFFO: Without
3 objection, the Journal stands approved as
4 read.

5 Presentation of petitions.

6 Messages from the Assembly.

7 Messages from the Governor.

8 Reports of standing committees.

9 The Secretary will read.

10 THE SECRETARY: Senator Johnson,
11 from the Committee on Finance, reports the
12 following nomination.

13 As a member of the Niagara Frontier
14 Transportation Authority, Cesar A. Cabrera, of
15 Buffalo.

16 ACTING PRESIDENT GRIFFO: Senator
17 Johnson.

18 SENATOR JOHNSON: Move the
19 nomination.

20 ACTING PRESIDENT GRIFFO: The
21 question is on the nomination of Mr. Cesar
22 Cabrera, of Buffalo.

23 Senator Stachowski.

24 SENATOR STACHOWSKI: Mr.
25 President, I'd just like to rise to second the

1 nomination of Cesar Cabrera of Buffalo, a
2 great community activist, long record of
3 community involvement.

4 A voice for the community on this
5 board will be very important and I think a
6 real positive influence to a board that
7 sometimes seemed to not have the best
8 interests of the people of the community when
9 they made some of their decisions.

10 So I'm very happy to have this
11 opportunity to stand and commend the Governor
12 for his appointment and congratulate Cesar on
13 his new appointment to the NFTA board.

14 ACTING PRESIDENT GRIFFO: The
15 question is on the nomination of Cesar A.
16 Cabrera, of Buffalo, for appointment to the
17 Niagara Frontier Transportation Authority.

18 All in favor signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT GRIFFO:

21 Opposed, nay.

22 (No response.)

23 ACTING PRESIDENT GRIFFO: Mr.
24 Cabrera is hereby confirmed. Congratulations
25 and best wishes.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Farley.

6 SENATOR FARLEY: Thank you,
7 Mr. President.

8 On behalf of Senator Maziarz, on
9 page 10 I offer the following amendments to
10 Calendar Number 102, Senate Print 105, and I
11 ask that this bill retain its place on the
12 Third Reading Calendar.

13 ACTING PRESIDENT GRIFFO: The
14 amendments are received and adopted, and the
15 bill will retain its place on the Third
16 Reading Calendar.

17 Senator Skelos.

18 SENATOR SKELOS: Mr. President,
19 if we could adopt the Resolution Calendar,
20 with the exception of Resolutions 1942 and
21 1971.

22 ACTING PRESIDENT GRIFFO: All in
23 favor of adopting the Resolution Calendar,
24 with the stated exceptions, signify by saying
25 aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT GRIFFO:

3 Opposed, nay.

4 (No response.)

5 ACTING PRESIDENT GRIFFO: The

6 Resolution Calendar is adopted.

7 Senator Skelos.

8 SENATOR SKELOS: Mr. President,
9 Resolution 1971, by Senator Golden, is at the
10 desk. If we could have the title read and
11 move for its immediate adoption.

12 ACTING PRESIDENT GRIFFO: The
13 Secretary will read.

14 THE SECRETARY: By Senator
15 Golden, Legislative Resolution Number 1971,
16 honoring RoseMarie Carro upon the occasion of
17 her designation as recipient of the New York
18 State Senior Citizen of the Year Award.

19 ACTING PRESIDENT GRIFFO: Senator
20 Golden.

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

23 It's a privilege to rise today and
24 to talk about our New York State Citizen of
25 the Year.

1 Many seniors have gathered around
2 the state today in the Capitol, and they've
3 honored seniors from each county across this
4 great state. And there were two chosen. And
5 today RoseMarie Carro, one of those chosen to
6 be our Senior of the Year for the State of
7 New York is up in the balcony, joined by her
8 daughter Maria, son Michael, and her friend
9 Mary Troise.

10 RoseMarie has made a difference.
11 She's made a difference in the lives of people
12 that live in the Marine Park area of Brooklyn
13 and across the City and State of New York.
14 It's the points of light that those seniors
15 make, the difference they make each and every
16 today in the lives of the families that live
17 in our communities, and the volunteerism and
18 the work that they do.

19 RoseMarie was born and raised in
20 Brooklyn, New York, and she is a graduate of
21 Sarah J. Hale Vocational High School. She
22 married a great man, Carmine Carro, in 1956,
23 and moved to Marine Park, where they raised
24 their children.

25 While raising her family, she

1 continued her education at the City Tech
2 College, majoring in hotel and restaurant
3 management. Working for over 30 years in two
4 family-owned businesses, Sweet Caroline
5 Caterers and Madison Steak House, RoseMarie
6 was the matriarch of the family business.

7 She continued her career in the
8 food industry with the New York City Board of
9 Education as a HACCP appointee, with a
10 certificate from Cooks College at Rutgers
11 College, until she retired in 2003.

12 For 24 years, she has been an
13 active member of the Marine Park Civic
14 Association, where she proudly holds the
15 office of fourth vice president of the
16 association.

17 She lost her husband recently, a
18 great man, and the two of them were
19 instrumental in helping to build the community
20 of Marine Park and the different events that
21 they would hold, whether it be the Haunted
22 Halloween Walk or the Back to School Fair or
23 Santa in the Park or the tons of events that
24 they would do each and every year, year after
25 year, to keep that community alive.

1 And when you look around the
2 communities, you look for people and community
3 groups that keep those communities alive.
4 Because when those communities are alive,
5 people are satisfied and happy and they want
6 to live in a community that's on fire.

7 And she has definitely made a
8 difference, RoseMarie. And she is not only
9 active in being able to take care of Marine
10 Park Civic, but she's also the treasurer of
11 the Brigham Park Number 2 board of directors,
12 where she started a senior group where they
13 meet two days a week and have lunch.

14 She's also effective with the
15 Active Adults, which is a new senior group
16 which meets each and every week over in the
17 Marine Park area. They don't want to be
18 called seniors, so they call themselves
19 "active adults" as they go around the city and
20 they're instrumental in helping other seniors.

21 And we're very thankful for the
22 work that she's been able to do as a member of
23 the Resurrection Church and as a person that
24 works at Beth Israel hospital, volunteering,
25 and doing the same thing with the Crown

1 Nursing Home.

2 RoseMarie, we thank you, and we
3 thank all the seniors that make a difference
4 in our state. Thank you for being one of
5 them.

6 (Applause.)

7 SENATOR GOLDEN: Thank you,
8 Mr. President.

9 ACTING PRESIDENT GRIFFO: Thank
10 you, Senator Golden.

11 The question is on the resolution.
12 All in favor signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT GRIFFO:
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT GRIFFO: The
18 resolution is adopted.

19 We congratulate RoseMarie. Our
20 best wishes.

21 (Applause.)

22 ACTING PRESIDENT GRIFFO: Senator
23 Skelos.

24 SENATOR SKELOS: Mr. President,
25 Resolution 1942, by Senator Stavisky, is at

1 the desk. If we could have the title read,
2 move for its immediate adoption, and Senator
3 Stavisky would like to open it up for
4 cosponsorship.

5 ACTING PRESIDENT GRIFFO: The
6 Secretary will read.

7 THE SECRETARY: By Senator
8 Stavisky, Legislative Resolution Number 1942,
9 memorializing Governor Eliot Spitzer to
10 proclaim May 2007 as Asian-American Heritage
11 Month in the State of New York in conjunction
12 with the National Asian Pacific American
13 Heritage Month.

14 ACTING PRESIDENT GRIFFO: Senator
15 Stavisky.

16 SENATOR STAVISKY: On the
17 resolution, Mr. President.

18 This resolution congratulates the
19 Asian-American community. And I am proud to
20 say that I represent approximately 100,000
21 Asian-Americans in the 16th Senate district.
22 They have come to the United States not
23 speaking the language, having a different
24 culture, but they have brought such a vibrancy
25 and a vitality not only to the business

1 community, but they have enhanced the
2 diversity and the social fabric of the entire
3 state of New York.

4 And I say it many times, but I am
5 very proud to represent so many
6 Asian-Americans in the New York State Senate,
7 as I know Senator Sabini is proud to represent
8 those who live in the Jackson Heights,
9 Elmhurst, Woodside area.

10 They have made such wonderful
11 contributions to our state. They continue to
12 do so. And I am invite anyone who wishes to
13 join the resolution to do so.

14 Thank you.

15 ACTING PRESIDENT GRIFFO: On the
16 resolution, all in favor signify by saying
17 aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT GRIFFO:
20 Opposed, nay.

21 (No response.)

22 ACTING PRESIDENT GRIFFO: The
23 resolution is carried and is open for
24 cosponsorship. If you do not choose to be a
25 cosponsor, please notify the desk.

1 Senator Skelos.

2 SENATOR SKELOS: Mr. President,
3 Resolution 2077 is at the desk by Senator
4 Bruno. If we could have the title read and
5 move for its immediate adoption.

6 ACTING PRESIDENT GRIFFO: The
7 Secretary will read.

8 THE SECRETARY: By Senator Bruno,
9 Legislative Resolution Number 2077, honoring
10 Lee A. Bordick upon the occasion of his
11 retirement as superintendent of the
12 Lansingburgh Central School District, after
13 many years of distinguished service in
14 education.

15 ACTING PRESIDENT GRIFFO: The
16 question is on the resolution. All in favor
17 signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT GRIFFO:
20 Opposed, nay.

21 (No response.)

22 ACTING PRESIDENT GRIFFO: The
23 resolution is carried.

24 Senator Skelos.

25 SENATOR SKELOS: Mr. President,

1 we have one substitution. If we could make it
2 at this time.

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will read.

5 THE SECRETARY: On page 33,
6 Senator Volker moves to discharge, from the
7 Committee on Codes, Assembly Bill Number 7373
8 and substitute it for the identical Senate
9 Bill Number 3908, Third Reading Calendar 646.

10 ACTING PRESIDENT GRIFFO:
11 Substitution ordered.

12 Senator Skelos.

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

16 ACTING PRESIDENT GRIFFO: The
17 Secretary will read.

18 THE SECRETARY: Calendar Number
19 35, by Senator Morahan, Senate Print 568, an
20 act to amend the Mental Hygiene Law.

21 ACTING PRESIDENT GRIFFO: Read
22 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 56.

4 ACTING PRESIDENT GRIFFO: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 67, by Senator Volker, Senate Print 1263A, an
8 act to amend the Penal Law, in relation to
9 unlawful operation.

10 ACTING PRESIDENT GRIFFO: Read
11 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 55. Nays,
19 1. Senator Duane recorded in the negative.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 307, by Senator Seward, Senate Print 806, an
24 act to amend Chapter 340 of the Laws of 2005
25 amending the Insurance Law.

1 ACTING PRESIDENT GRIFFO: Read
2 the last section.

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

5 ACTING PRESIDENT GRIFFO: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 57.

9 ACTING PRESIDENT GRIFFO: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 339, by Senator Fuschillo, Senate Print 3543,
13 an act to amend the General Obligations Law.

14 ACTING PRESIDENT GRIFFO: Read
15 the last section.

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

18 ACTING PRESIDENT GRIFFO: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 57.

22 ACTING PRESIDENT GRIFFO: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 374, by Senator DeFrancisco, Senate Print

1 2062, an act to amend the General Obligations
2 Law.

3 ACTING PRESIDENT GRIFFO: Read
4 the last section.

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

7 ACTING PRESIDENT GRIFFO: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 57.

11 ACTING PRESIDENT GRIFFO: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 389, by Senator Farley, Senate Print 1810, an
15 act to amend the Real Property Tax Law.

16 ACTING PRESIDENT GRIFFO: Read
17 the last section.

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

20 ACTING PRESIDENT GRIFFO: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 57.

24 ACTING PRESIDENT GRIFFO: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 390, by Senator Wright, Senate Print 2695B, an
3 act to amend the New York State Defense
4 Emergency Act.

5 ACTING PRESIDENT GRIFFO: Read
6 the last section.

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

9 ACTING PRESIDENT GRIFFO: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 57.

13 ACTING PRESIDENT GRIFFO: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 445, by Senator Larkin, Senate Print 2892, an
17 act to amend the Racing, Pari-Mutuel Wagering
18 and Breeding Law.

19 ACTING PRESIDENT GRIFFO: Read
20 the last section.

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

23 ACTING PRESIDENT GRIFFO: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 56. Nays,
2 2. Senators Duane and Padavan recorded in the
3 negative.

4 ACTING PRESIDENT GRIFFO: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 446, by Senator Larkin, Senate Print 2895, an
8 act to amend the Racing, Pari-Mutuel Wagering
9 and Breeding Law.

10 ACTING PRESIDENT GRIFFO: Read
11 the last section.

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

14 ACTING PRESIDENT GRIFFO: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 57. Nays,
18 1. Senator Duane recorded in the negative.

19 ACTING PRESIDENT GRIFFO: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 447, by Senator Larkin, Senate Print 2939, an
23 act to amend the General Municipal Law.

24 ACTING PRESIDENT GRIFFO: Read
25 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 57. Nays,
8 2. Senators Duane and Padavan recorded in the
9 negative.

10 ACTING PRESIDENT GRIFFO: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 449, by Senator Bonacic, Senate Print 462, an
14 act to amend the Administrative Code of the
15 City of New York.

16 ACTING PRESIDENT GRIFFO: Read
17 the last section.

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

20 ACTING PRESIDENT GRIFFO: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 59.

24 ACTING PRESIDENT GRIFFO: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 501, by Senator DeFrancisco, Senate Print
3 4038, an act to amend the New York City Civil
4 Court Act.

5 ACTING PRESIDENT GRIFFO: Read
6 the last section.

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

9 ACTING PRESIDENT GRIFFO: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 59.

13 ACTING PRESIDENT GRIFFO: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 533, by Senator Volker, Senate Print 3877, an
17 act to amend the Penal Law.

18 ACTING PRESIDENT GRIFFO: Read
19 the last section.

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

23 ACTING PRESIDENT GRIFFO: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 57. Nays,
2 2. Senators Duane and Perkins recorded in the
3 negative.

4 ACTING PRESIDENT GRIFFO: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 534, by Senator Volker, Senate Print 3886, an
8 act to amend the Criminal Procedure Law.

9 ACTING PRESIDENT GRIFFO: Read
10 the last section.

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

14 ACTING PRESIDENT GRIFFO: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 59.

18 ACTING PRESIDENT GRIFFO: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 547, by Senator Seward, Senate Print 2771, an
22 act to amend the Tax Law.

23 ACTING PRESIDENT GRIFFO: There
24 is a local fiscal impact note at the desk.

25 Read the last section.

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

3 ACTING PRESIDENT GRIFFO: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 58. Nays,
7 1. Senator Valesky recorded in the negative.

8 ACTING PRESIDENT GRIFFO: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 571, by Senator Saland, Senate Print 1465A, an
12 act to amend the Real Property Tax Law.

13 SENATOR LaVALLE: Lay it aside,
14 please.

15 ACTING PRESIDENT GRIFFO: Lay it
16 aside.

17 THE SECRETARY: Calendar Number
18 579, by Senator Winner, Senate Print 3316A, an
19 act to amend the Town Law.

20 ACTING PRESIDENT GRIFFO: Read
21 the last section.

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

24 ACTING PRESIDENT GRIFFO: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 59.

3 ACTING PRESIDENT GRIFFO: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 580, by Senator Alesi, Senate Print 34, an act
7 to amend the Business Corporation Law.

8 ACTING PRESIDENT GRIFFO: Read
9 the last section.

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

12 ACTING PRESIDENT GRIFFO: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 59.

16 ACTING PRESIDENT GRIFFO: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 594, by Senator Larkin, Senate Print 423, an
20 act to amend the Education Law.

21 ACTING PRESIDENT GRIFFO: Read
22 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT GRIFFO: Senator
4 Stavisky, to explain her vote.

5 SENATOR STAVISKY: To explain my
6 vote.

7 I'm going to vote no on this bill.
8 Much as I believe in economic development, and
9 particularly in the Hudson Valley and other
10 parts of the state of New York, I think this
11 bill does not accomplish what it really
12 intends to do. There are parts of it I think
13 that are misleading.

14 For example, on page 2 it talks
15 about a knife museum located in Orange,
16 Sullivan or Ulster County which is devoted to
17 the public exhibition, et cetera, of knives,
18 and then it goes on, further down in that
19 section, to say "which is not located in a
20 city having a population of 1 million or
21 more," obviously meaning New York City. This
22 is superfluous.

23 Secondly, the bill talks about how
24 various people working for the museum will
25 have to be fingerprinted, but nowhere does it

1 say that if they come up with a positive hit
2 on the fingerprints if the individual has been
3 convicted of a felony, for example, that the
4 person should be disqualified from employment
5 or from operating such a knife museum.

6 And lastly, and what bothers me, is
7 on page 2, subdivision 7, it says that the
8 cutlery and knife museum shall be able to
9 "sell automatic knives to further their
10 activities to promote art, education, history
11 and science," et cetera. I think this does
12 not accomplish what it wishes to, and I vote
13 no.

14 ACTING PRESIDENT GRIFFO: Senator
15 Stavisky will be recorded in the negative.

16 Announce the results.

17 THE SECRETARY: Those recorded in
18 the negative on Calendar Number 594 are
19 Senators L. Krueger, Marcellino and Stavisky.

20 Ayes, 56. Nays, 3.

21 ACTING PRESIDENT GRIFFO: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 609, by Senator Klein, Senate Print 2284, an
25 act to amend the Tax Law.

1 ACTING PRESIDENT GRIFFO: Read
2 the last section.

3 THE SECRETARY: Section 2. This
4 act shall take effect on the first of the
5 calendar month next succeeding the 90th day.

6 ACTING PRESIDENT GRIFFO: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 59.

10 ACTING PRESIDENT GRIFFO: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 625, by Senator Bonacic, Senate Print 3445, an
14 act to amend the Executive Law.

15 ACTING PRESIDENT GRIFFO: Read
16 the last section.

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

19 ACTING PRESIDENT GRIFFO: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 58. Nays,
23 1. Senator Duane recorded in the negative.

24 ACTING PRESIDENT GRIFFO: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 628, by Senator Padavan, Senate Print 3420, an
3 act to amend the General Business Law.

4 ACTING PRESIDENT GRIFFO: Read
5 the last section.

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

8 ACTING PRESIDENT GRIFFO: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 59.

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

14 The bill is passed.

15 THE SECRETARY: Calendar Number
16 645, by Senator Volker, Senate Print 3907, an
17 act to amend the Civil Practice Law and Rules.

18 ACTING PRESIDENT GRIFFO: Read
19 the last section.

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

22 ACTING PRESIDENT GRIFFO: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 59.

1 ACTING PRESIDENT GRIFFO: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 646, substituted earlier today by Member of
5 the Assembly Jaffee, Assembly Print Number
6 7373, an act to amend the Civil Practice Law
7 and Rules.

8 ACTING PRESIDENT GRIFFO: Read
9 the last section.

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

12 ACTING PRESIDENT GRIFFO: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 59.

16 ACTING PRESIDENT GRIFFO: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 651, by Senator Lanza, Senate Print 4053, an
20 act to amend the Penal Law.

21 ACTING PRESIDENT GRIFFO: Read
22 the last section.

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

1 ACTING PRESIDENT GRIFFO: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 59.

5 ACTING PRESIDENT GRIFFO: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 669, by Senator Saland, Senate Print 1466, an
9 act to amend the Education Law.

10 ACTING PRESIDENT GRIFFO: Read
11 the last section.

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

14 ACTING PRESIDENT GRIFFO: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 59.

18 ACTING PRESIDENT GRIFFO: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 671, by Senator Seward, Senate Print 3687, an
22 act to allow a filing for state aid.

23 ACTING PRESIDENT GRIFFO: Read
24 the last section.

25 THE SECRETARY: Section 4. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 59.

6 ACTING PRESIDENT GRIFFO: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 673, by Senator Morahan, Senate Print 243, an
10 act to amend the Executive Law.

11 ACTING PRESIDENT GRIFFO: Read
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 59.

19 ACTING PRESIDENT GRIFFO: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 678, by Senator Flanagan, Senate Print 1258 --

23 ACTING PRESIDENT GRIFFO: There
24 is a local fiscal impact note at the desk.

25 Read the last section.

1 SENATOR DUANE: Lay it aside,
2 please.

3 ACTING PRESIDENT GRIFFO: Lay it
4 aside.

5 THE SECRETARY: Calendar Number
6 679, by Senator Skelos, Senate Print 3614, an
7 act to amend the Correction Law.

8 ACTING PRESIDENT GRIFFO: Read
9 the last section.

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

12 ACTING PRESIDENT GRIFFO: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 59.

16 ACTING PRESIDENT GRIFFO: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 680, by Senator Skelos, Senate Print 3713, an
20 act to amend the Correction Law.

21 ACTING PRESIDENT GRIFFO: Read
22 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 58. Nays,
4 1. Senator Montgomery recorded in the
5 negative.

6 ACTING PRESIDENT GRIFFO: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 681, by Senator Golden, Senate Print 3718, an
10 act to amend the Executive Law.

11 ACTING PRESIDENT GRIFFO: Read
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 59.

19 ACTING PRESIDENT GRIFFO: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 715, by Senator Saland, Senate Print 2827, an
23 act to amend the Agriculture and Markets Law.

24 ACTING PRESIDENT GRIFFO: Read
25 the last section.

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

3 ACTING PRESIDENT GRIFFO: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 59.

7 ACTING PRESIDENT GRIFFO: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 716, by Senator Young, Senate Print 3714 --

11 SENATOR SKELOS: Lay it aside for
12 the day.

13 ACTING PRESIDENT GRIFFO: Lay it
14 aside for the day.

15 THE SECRETARY: Calendar Number
16 728, by Senator Farley, Senate Print 849 --

17 SENATOR DUANE: Lay it aside,
18 please.

19 ACTING PRESIDENT GRIFFO: Lay it
20 aside.

21 THE SECRETARY: Calendar Number
22 737, by Senator Wright, Senate Print 4728 --

23 SENATOR DUANE: Lay it aside,
24 please.

25 ACTING PRESIDENT GRIFFO: Lay it

1 aside.

2 That completes the noncontroversial
3 reading of the calendar, Senator Skelos.

4 SENATOR SKELOS: Mr. President,
5 if we could go to the controversial reading at
6 this time.

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will ring the bell and conduct the
9 controversial reading of the calendar.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 571, by Senator Saland, Senate Print 1465A, an
13 act to amend the Real Property Tax Law.

14 ACTING PRESIDENT GRIFFO: Senator
15 LaValle.

16 SENATOR LaVALLE: Yes, on the
17 bill, Mr. President.

18 It's a rare time that I disagree
19 with my esteemed colleague Senator Saland on a
20 piece of legislation. It is a piece of
21 legislation that he has sponsored in the past
22 and I have not supported in the past.

23 But I feel today that I wanted to
24 rise to talk about this a bit, particularly at
25 a time when school districts have received

1 historic state aid increases and yet at the
2 same time have put in or proposed increases in
3 school real property taxes. And we have
4 talked about that, and there are many remedies
5 that have been proposed to deal with that
6 problem.

7 And speaking for myself, I have
8 felt very, very strongly that school
9 district -- we have a process under, I
10 believe, Article 41 for the presentation of a
11 budget, hearings. And the school district
12 prepares a budget and then sends it to the
13 voters for approval.

14 And that budget, they go through a
15 very arduous process. Many districts have
16 budget advisory committees, make proposals
17 over an extended period of time going back
18 into the cold winter days and months. And so
19 the voters have a good idea of what teaching
20 positions they need, what the equipment needs
21 are, what the administrative needs are and so
22 forth.

23 But one of the perplexing problems
24 within a school budget has always been the
25 issue of reserve funds and fund balances. And

1 school districts, it's a mentality -- because
2 I remember, just digressing, when I was both a
3 teacher and school administrator, people
4 always said, you know: Squirrel away
5 construction paper and writing paper. You
6 never know when a budget is going to fail, so
7 you've got to think ahead.

8 And so a lot of people in education
9 have a mentality that you want to be like a
10 squirrel, you want to put money away for some
11 event that no one could think of.

12 And so when you look at a budget
13 really closely and you question people about
14 how many teachers do you have in a district --
15 and let's just pick a number, 13 -- you say,
16 Gee, I note you've budgeted here for 15
17 positions. And you can do that with each and
18 every category in a budget.

19 Now, I'm sure people do that in
20 business and elsewhere, but there's one
21 exception. The money and the trust is with
22 the taxpayer. That's the taxpayers' money.
23 And the trust should not be broken, that if
24 you need 13 positions and that's what's in
25 your budget, then you fund for 13 positions.

1 And of course if you are overfunding in that
2 category, then you're going to provide for
3 pension, health insurance and so forth.

4 So it's a long way of saying that
5 there is, within a budget, plenty of wiggle
6 room to take care of unexpected things that
7 will face a school district.

8 There are also legitimate reserve
9 funds -- capital reserve funds, equipment
10 reserve funds -- and all of those also have a
11 little room for the unexpected situation.

12 The fund balance, and this is one
13 of the greatest abuses, right now, under the
14 law, a school district can carry 2 percent.
15 Under Senator Saland's bill, in 2007-2008 the
16 budgets that people are voting on, they could
17 carry 3 percent, and the following year,
18 2008-2009, 4 percent.

19 That money is sitting there. And
20 it has been my contention that that money
21 should be in the pockets of the hardworking
22 taxpayers that we represent. It should not be
23 sitting in a fund doing nothing.

24 In my Senate district there have
25 been numerous school districts that have been

1 carrying fund balances that are incredible --
2 20, 30 percent. Bridgehampton School
3 District, they could not even put a percent
4 because the fund balance was \$4 million over
5 the floor, the 2 percent limit, \$4 million
6 over. That money had to go back to the
7 taxpayer. What is the penalty when a district
8 does that? Nothing. Nothing.

9 In another piece of legislation I
10 have, the Truth in Voting Act, we talked about
11 this with the State Education Department.
12 When this is abused -- and it's abused on a
13 regular basis by school districts -- there is
14 no penalty. So what do you do? So you catch
15 a school district, you say, Okay, we're going
16 to fine you a thousand dollars. Who are you
17 penalizing? The taxpayer.

18 And so in the Truth in Voting Act
19 we said simply you have to report this
20 indiscretion, this breaking of the law to the
21 voters in your district, to say "we have
22 broken the law."

23 This legislation or similar
24 legislation has been vetoed, on numerous
25 occasions has passed here. But again, I rise

1 today and speak and ask, as I very
2 infrequently do, that you not support this
3 legislation because of the stresses between
4 the taxpayer and the school district. And
5 that money really belongs, as I have said, to
6 the taxpayer and should not sit in a fund
7 balance or otherwise.

8 Thank you, Mr. President.

9 ACTING PRESIDENT GRIFFO: Senator
10 Saland.

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

13 Like my friend and colleague
14 Senator LaValle, I am as loath to disagree
15 with him as he might be to disagree with me.
16 And I think in this particular case perhaps we
17 can respectfully disagree.

18 What this bill does, Mr. President,
19 as was alluded to by Senator LaValle, is to
20 over a period of time of two years, starting
21 with next year's budget, permit the fund
22 balance of independent school districts to
23 increase by 1 percent a year -- 2 to 3, 3 to 4
24 in the second year.

25 Some of us may well recall, over

1 the course of the past several years we saw
2 the state's credit rating increase, in large
3 part because of the improved health and
4 increased amount of our fund balances. There
5 is no entity other than school districts that
6 I'm aware that has the ability of its
7 constituents, its taxpayers, to express its
8 distaste for any district that might choose to
9 abuse its taxing authority.

10 And if in fact there was reason for
11 a group of taxpayers within a particular
12 school district to feel that this mechanism
13 was being abused, I'm sure the school board as
14 well as the school administration would feel
15 the pain or wrath of those taxpayers.

16 There are expenses that school
17 districts are forced to contend with, at times
18 very unexpectedly. As recently as the past
19 two or three years, there was an enormous
20 spike in pension costs. Certainly the costs
21 of healthcare remain unpredictable from year
22 to year, but they never go down.

23 Fuel costs. We're now witnessing
24 once again a spike in the cost of gasoline.
25 That, I'm sure, will impact budgets. But

1 certainly the cost of fuel, the cost of
2 energy, the cost of utilities -- these at
3 times spike with little or no notice, with
4 little or no sense of the ability to plan.

5 What a fund balance does and what
6 it's intended to do is to enable the governing
7 entity to sort of top those peaks and avoid
8 the valleys, to try and keep things at a
9 relatively level stream or playing field so as
10 not to engage in sudden spikes and having to
11 tax your constituents.

12 Are there abuses? I'm not aware
13 but certainly take at face value the
14 existence, as has been referred to by Senator
15 LaValle. And to the extent that that occurs
16 and this is not handled directly by those
17 within that particular district at the polls,
18 I think the appropriate way to deal with that
19 is by way of some legislation to deal with
20 those who would seek to have surplus funds
21 that exceed whatever the lawful cap may be.

22 This provides for prudent planning.
23 It's no different than any other level of
24 government. We just went through a budget
25 process where our planned reserves once again

1 were increased. People get good grades for
2 having reserves. I mean, the Comptroller, the
3 prior Comptroller, has said 2 percent is not
4 adequate for purposes of a fund balance for a
5 school district.

6 This basically enables far more
7 prudent planning, and in a fashion that most
8 government watchdogs would think would be an
9 appropriate tool and in a fashion that will
10 avoid short-term borrowing being forced upon
11 school districts in times of unexpected
12 expenditures and in a fashion that may well
13 also result in them having the benefit of
14 improved bond ratings.

15 So while I'm, as I said, loath to
16 disagree with Senator LaValle, I must in this
17 case. We've passed on two occasions during
18 this decade a similar bill, only to have it
19 vetoed by the Governor. And as far as I know,
20 there's only been, at least at the last
21 instance -- I don't recall the one several
22 before -- there's only been one negative vote
23 in both houses in opposition to this bill.

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Is

1 there any other Senator wishing to be heard?

2 The debate is closed.

3 The Secretary will ring the bell.

4 Read the last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect July 1, 2008.

7 ACTING PRESIDENT GRIFFO: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT GRIFFO: Senator
11 Sabini.

12 SENATOR SABINI: Mr. President,
13 to explain my vote.

14 ACTING PRESIDENT GRIFFO: Senator
15 Sabini, to explain his vote.

16 SENATOR SABINI: Even though I
17 voted for this bill in the past, Senator
18 LaValle made a very cogent argument, coupled
19 with the fact that there was a front-page
20 story in the New York Times the other day that
21 despite the efforts of both houses on both
22 sides of the aisle to increase school aid, the
23 property taxes in many localities continue to
24 rise.

25 So it looks like the flagrant

1 spenders in this state may not be people in
2 this building but very often people in their
3 school districts who, despite the fact that
4 they're getting more money in their budgets --
5 thanks to increased state aid and thanks to
6 the Governor and the Legislature -- continue
7 to raise property taxes and inflate their
8 budgets.

9 So I think the timing on this bill
10 is bad. Even though I voted for it last year,
11 Senator LaValle made some good points, and
12 I'll be voting in the negative.

13 ACTING PRESIDENT GRIFFO: Senator
14 Sabini will be recorded in the negative.

15 Senator Marcellino, to explain his
16 vote.

17 SENATOR MARCELLINO: Yeah,
18 Mr. President, I'm going to be voting aye on
19 this bill, to support it. Not that I disagree
20 totally with my colleague Senator LaValle,
21 because I think he made some very good points.
22 We should have seen, I think, even more
23 decreases in school budgets this year as a
24 result of the aid that we gave.

25 However, the points that Senator

1 Saland make are cogent and on target. The
2 costs have risen for every area of a school
3 and school budget. If there are
4 misappropriations, if there are overinflating
5 of budgets, that is the function of the
6 Comptroller's office of this state.

7 That is why we passed a bill that I
8 sponsored to require the Comptroller of the
9 State of New York to audit every school
10 district in this state. We gave him
11 \$3 million to do that, to hire staff to do
12 that, to point out and find just the kind of
13 egregious -- I won't call them errors, but
14 misbudgeting that Senator LaValle pointed out
15 that occurred in a district in his area.

16 The present legislation should
17 eliminate this problem. If there are weak
18 penalties, put up legislation to increase the
19 penalties on the administrators who are
20 misappropriating the funds so we don't punish
21 the taxpayers. I agree with that.

22 However, this bill goes to a point
23 that most school districts are suffering from,
24 and that is the cost of repair, the cost of
25 fuel, the cost of everything, and the

1 unnecessary and unplanned-for spikes that may
2 occur.

3 So I vote aye on this legislation.

4 ACTING PRESIDENT GRIFFO: Senator
5 Marcellino recorded in the affirmative.

6 Senator Volker.

7 SENATOR VOLKER: Mr. President, I
8 feel a little awkward on this bill because I
9 understand Senator LaValle's problem.

10 But the problem is that it appears,
11 very honestly, that on Long Island they're
12 paying no attention to the law. And in
13 upstate New York, in my district -- by the
14 way, it's interesting, I always love it when
15 the New York Times tells us upstaters about
16 taxes.

17 But I have to admit that most of my
18 districts try to follow the law. And the
19 problem is that by following the law,
20 sometimes they get themselves in trouble.
21 Because of the fact that by pouring all the
22 money -- and sometimes I admit they spend too
23 much money. But the good districts that
24 follow the law sometimes are penalized.

25 And so the interesting problem is

1 that they are all, those districts that I call
2 the good districts -- and I would point out to
3 you that last year's school vote, not one
4 budget was rejected in my district, first time
5 I could ever remember, and it's because of the
6 additional funding, the tax rates were down
7 somewhat, and because of rebates, because
8 people knew rebates were coming. There's no
9 question that that was a factor.

10 And it's going to be a factor this
11 year. It will be interesting to see -- and I
12 have four counties, by the way, four counties
13 in upstate New York.

14 But I do have to say as much as I
15 agree -- and I think if I lived on Long
16 Island, I'd certainly agree with Senator
17 LaValle. But I live in an area that, frankly,
18 really believes in the law. And therefore
19 many of those districts are saying to me, We
20 want to have the flexibility to make sure that
21 we don't get caught up short with fuel costs
22 and all the rest of the stuff.

23 In a way, I think that's fiscally
24 responsible. So that's why I'm going to vote
25 for this. But I certainly understand Senator

1 LaValle's problem.

2 And my colleagues from downstate --
3 whose taxes, by the way, are four to five
4 times the taxes of my constituents in upstate
5 New York -- and of course our people all think
6 that their taxes are completely out of
7 control. And the problem is they're high, but
8 nowhere near as high as some of my colleagues
9 in downstate New York. And we realize that.

10 I vote aye.

11 ACTING PRESIDENT GRIFFO: Senator
12 Volker to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: Those recorded in
15 the negative on Calendar Number 571 are
16 Senators Bonacic, Connor, Diaz, Fuschillo,
17 Gonzalez, Hassell-Thompson, Huntley, Klein,
18 L. Krueger, LaValle, Parker, Perkins, Rath,
19 Sabini, Savino, Serrano, Stavisky and
20 Stewart-Cousins. Also Senator Schneiderman.

21 Absent from voting: Senators Adams
22 and Sampson.

23 Ayes, 39. Nays, 19.

24 ACTING PRESIDENT GRIFFO: The
25 bill is passed.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 678, by Senator Flanagan, Senate Print 1258,
4 an act to amend the Executive Law and the
5 Criminal Procedure Law.

6 SENATOR MONTGOMERY: Explanation.

7 ACTING PRESIDENT GRIFFO: Senator
8 Flanagan, an explanation, please.

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

11 Briefly, this bill allows counties
12 to impose fees for administration, for drug
13 testing fees and for electronic monitoring
14 fees.

15 It is an outgrowth of opinion by
16 the Attorney General back in 2003,
17 then-Attorney General Eliot Spitzer. And he
18 found this practice, that had been started and
19 imposed by counties throughout the state of
20 New York, to be illegal. And actually, I'll
21 read a quote, because I think it is quite
22 helpful.

23 Back in 2003, Attorney General
24 Spitzer requested that the State Legislature
25 change the law, saying that "This is sound

1 public policy and the State Legislature should
2 take steps to explicitly grant local
3 governments the authority to adopt such
4 measures."

5 ACTING PRESIDENT GRIFFO: Thank
6 you, Senator Flanagan.

7 Senator Montgomery.

8 SENATOR MONTGOMERY: Yes,
9 Mr. President. I would respectfully disagree
10 with Attorney General Spitzer, who was
11 Attorney General, I believe, when that quote
12 was made.

13 And the reason that I do is the
14 reason that I've offered in the prior debates
15 on this. I continue to oppose it because,
16 one, I think that when we are talking about
17 probation, we're often talking about young
18 people, because they tend to receive
19 probation, often, hopefully as an alternative
20 to incarceration. And, two, because it is
21 very onerous, because we're now up to almost
22 \$5,000, and this is -- these fees are being
23 imposed on a population that is the least able
24 to afford these fees.

25 So, Mr. President, I will continue,

1 along with a number of my colleagues who have
2 in the past opposed this, including Senators
3 Connor, Diaz, Dilan, Duane, Krueger, Parker,
4 Sabini, Sampson, Schneiderman, Serrano,
5 Minority Leader Smith, Stavisky,
6 Hassell-Thompson, and Gonzalez. And Krueger.

7 Thank you, Mr. President.

8 ACTING PRESIDENT GRIFFO: Thank
9 you.

10 Senator Diaz.

11 SENATOR DIAZ: Thank you,
12 Mr. President. Mr. President, through you,
13 would the sponsor yield for one question or
14 two?

15 ACTING PRESIDENT GRIFFO: Will
16 the sponsor yield to a question?

17 SENATOR FLANAGAN: Yes.

18 ACTING PRESIDENT GRIFFO: Senator
19 Diaz.

20 SENATOR DIAZ: Thank you.

21 Senator Flanagan, this piece of
22 legislation calls for someone that is in jail
23 and is supposed to come out on probation to
24 pay a fee?

25 SENATOR FLANAGAN: There's a

1 possibility of three different fees. One is
2 for an administration fee, up to \$30; one is
3 for a drug testing fee of up to \$8 per day;
4 and the other is for an electronic monitoring
5 fee, which could be up to \$8 a day as well.
6 It doesn't have to be all three, it could be
7 any one.

8 SENATOR DIAZ: Would Senator
9 Flanagan still yield for another question.

10 ACTING PRESIDENT GRIFFO: Senator
11 Flanagan, are you willing to yield to another
12 question?

13 SENATOR FLANAGAN: Yes.

14 ACTING PRESIDENT GRIFFO: Senator
15 Diaz.

16 SENATOR DIAZ: What would happen
17 to someone that cannot pay those fees?

18 SENATOR FLANAGAN: Senator Diaz,
19 I'm going to the glasses now.

20 Page 2 of the bill, line 40: "The
21 probation department shall waive all or part
22 of such administrative, drug testing and
23 electronic monitoring fees where, because of
24 the financial circumstances of the probationer
25 or releasee, the payment of said fee would

1 work an unreasonable hardship on the
2 probationer or releasee, his or her immediate
3 family, or any other person who depends on
4 such person for financial support."

5 The fee can be waived.

6 SENATOR DIAZ: Thank you,
7 Mr. President. On the bill.

8 ACTING PRESIDENT GRIFFO: Senator
9 Diaz, on the bill.

10 SENATOR DIAZ: Again, I think
11 that every day I say this, I try to remind you
12 of the same thing here, that I represent the
13 32nd Senatorial District. I don't represent a
14 district where people make a lot of money. I
15 represent a poor district.

16 And for one of those members of my
17 district or in any area of New York, a poor
18 area, to come out of jail, poor people that
19 have to pay \$8 a day -- \$8 a day, you know how
20 many containers of milk could a family buy
21 with \$8 a day? And now you're imposing -- you
22 know, sometime I'm with you guys. But this
23 time, you know, this is something very --
24 very -- very hard for me to understand that to
25 impose a person that already paid their dues

1 to society, is coming out, now they have to be
2 charged \$8 a day? For how long? For how
3 long? Even for one or two days, this is
4 something that is not -- it's not feasible.

5 I think that, Senator Flanagan,
6 with all due respect, this is an ill-advised
7 bill which I ask my fellow Senators not to
8 support. There are people out there that
9 cannot afford this kind of pressure. And this
10 is another way of telling people in my
11 community --

12 ACTING PRESIDENT GRIFFO: Senator
13 Flanagan, for what reason do you rise?

14 SENATOR FLANAGAN: Would Senator
15 Diaz yield to a question.

16 ACTING PRESIDENT GRIFFO: Senator
17 Diaz, will you yield to a question from
18 Senator Flanagan?

19 SENATOR DIAZ: Should I?

20 ACTING PRESIDENT GRIFFO: Yes.
21 Senator Flanagan.

22 SENATOR FLANAGAN: Senator Diaz,
23 perhaps I'm --

24 SENATOR DIAZ: Do I have to?
25 Wait, wait, wait. Let me -- let me -- I'm

1 sorry, I wasn't paying attention.

2 SENATOR FLANAGAN: In response to
3 your original question, I read you express
4 language in the bill that allowed for a
5 hardship waiver if someone does not have the
6 financial means or support to pay these fees.
7 There is clear authority for someone who is
8 financially incapable of paying to have the
9 fees waived. You do understand that?

10 SENATOR DIAZ: Mr. President,
11 through you.

12 ACTING PRESIDENT GRIFFO: You
13 have the floor, Senator Diaz.

14 SENATOR DIAZ: Who determines who
15 is incapable of paying? Because in my
16 community -- you don't understand my
17 community, Senator. Who will determine a
18 person that cannot afford \$8 a day? This is
19 not that easy. It's not that easy.

20 SENATOR FLANAGAN: Are you asking
21 me a question?

22 SENATOR DIAZ: I'm asking you a
23 question. Who will determine that?

24 SENATOR FLANAGAN: Okay. The
25 probation department will determine that.

1 SENATOR DIAZ: Oh. Oh, oh
2 (laughing). I used to go to Lehman College in
3 the Bronx, and in my philosophy class there
4 was a teacher from Spain that used to say
5 "Children of my heart" -- let me say it in
6 Spanish. [in Spanish] In English it says:
7 "Children of my heart, that blue sky, that
8 ain't blue and it ain't the sky."

9 So, you know, a lot of people are
10 telling us who -- who could pay and who could
11 not pay. You go to my community, we got poor
12 people there. Even in the Medicaid, one cents
13 or two cents -- there are people dying that
14 cannot even buy food. There are people that
15 have to decide to buy food or to buy medicine,
16 whatever. And you're trying to impose another
17 burden on them?

18 Come on, Senator, you know you
19 could do better than this.

20 SENATOR FLANAGAN: Mr. President,
21 if Senator Diaz would continue to yield.

22 ACTING PRESIDENT GRIFFO: Senator
23 Diaz, will you continue to yield to a question
24 from Senator Flanagan?

25 SENATOR DIAZ: I might be getting

1 myself into trouble, but I have to say yes.

2 ACTING PRESIDENT GRIFFO: Yes,
3 Senator Flanagan.

4 SENATOR FLANAGAN: A comment and
5 a question. While my Spanish is certainly not
6 as proficient as yours, I understood it in
7 both Spanish and English in terms of what you
8 were saying.

9 But I would offer to you that there
10 is also a cap of \$600 on the drug testing and
11 \$900 on the electronic monitoring, so there's
12 an additional cap.

13 But my question to you is, do you
14 believe that anybody should have to pay any
15 fees for probation?

16 SENATOR DIAZ: No, no, I don't
17 believe that, because people already pay their
18 dues. I mean, they committed a crime, they
19 committed an action, they went in front of a
20 judge, they were found guilty, they were
21 sentenced by the society to pay for their
22 crimes. That's it.

23 SENATOR FLANAGAN: Senator Diaz,
24 do you agree with our present law that allows
25 for the imposition of probation fees for

1 DWI-related offenses? Because that's present
2 law. So do you disagree with that law? Do
3 you believe that those people should not have
4 to pay any fees?

5 SENATOR DIAZ: We're talking
6 about --

7 SENATOR FLANAGAN: I'm talking
8 about present law. If I take your argument to
9 its next step, you would then also say that
10 DWI fees should not be imposed on anybody.

11 SENATOR DIAZ: I'm talking about
12 Bill Number 678. That's what we're referring
13 to now, Bill 678 that we're about to vote yes
14 or no. So I would concentrate on this bill
15 and talk about this bill. And I'm saying this
16 bill is wrong for my community.

17 ACTING PRESIDENT GRIFFO: May I
18 ask my fellow Senators to please address their
19 questions to the chair.

20 SENATOR DIAZ: Mr. President, I
21 asked my question and I'm going to take my
22 seat now.

23 ACTING PRESIDENT GRIFFO: Senator
24 Flanagan, is that okay? Very good.

25 Senator Schneiderman.

1 SENATOR SCHNEIDERMAN: Thank you,
2 Mr. President. Would the sponsor yield for a
3 brief question.

4 ACTING PRESIDENT GRIFFO: Senator
5 Flanagan, will you yield for a question?

6 SENATOR FLANAGAN: Yes.

7 ACTING PRESIDENT GRIFFO: Senator
8 Schneiderman.

9 SENATOR SCHNEIDERMAN: Senator
10 Flanagan, there was a question and Senator
11 Montgomery raised an issue, the suggestion
12 that this bill was in fact supported by the
13 Governor.

14 This is not in fact a Governor's
15 program bill, is it, Senator Flanagan?

16 SENATOR FLANAGAN: No.

17 And through you, Mr. President, in
18 case it was not clear, I made a reference to
19 2003, by then-Attorney General Eliot Spitzer.
20 I never suggested for a second that this was a
21 Governor's program bill in any way, shape or
22 form. I spoke to his comments as the Attorney
23 General.

24 Maybe I'll go out on a limb and
25 suggest that if he supported it as Attorney

1 General, he would probably do the same thing
2 as Governor. But I don't want to pretend to
3 speak for the Governor.

4 SENATOR SCHNEIDERMAN: Thank the
5 sponsor for his answer. On the bill.

6 ACTING PRESIDENT GRIFFO: Senator
7 Schneiderman, on the bill.

8 SENATOR SCHNEIDERMAN: I think
9 that we're dealing with an area in which
10 people are evolving and consciousness is
11 evolving on this issue. It is clear now that
12 even the conservative Republican president,
13 George Bush, has begun to speak about reentry
14 as a priority, developing programs so people
15 who get out of prison can reenter society,
16 become productive members of society. Again,
17 this is a theme that is coming up over and
18 over again.

19 And I believe that our conference,
20 many of us believe that New York State is
21 behind the curve on the issue of reentry. We
22 have to get the barriers out of the way to let
23 people who have served their debt to society
24 under some of the stiffest sentences in the
25 country reenter. What works for everyone is

1 to make sure that people do not commit further
2 crimes -- that's a crime-reduction strategy;
3 that they can get back together with their
4 families, get jobs -- that's an economic
5 development strategy; that they can educate
6 themselves and that they can become helpful
7 members of their community -- that's a
8 community empowerment strategy, and that's a
9 strategy that helps poor communities of color
10 such as those represented by Senator Diaz,
11 Senator Montgomery, and myself.

12 I think that this bill is a
13 throwback to a time when thinking was very
14 different and people thought it's all about
15 punishment, let's punish them as much as we
16 can and, when they get out of prison, let's
17 punish them some more.

18 It seems like a small amount of
19 money, but it is hard enough -- you know,
20 think about the unemployment rates for young
21 men of color in our society. Three, four
22 times that of young white men in our society.
23 And then add to that what about the young men
24 of color who have a criminal record. Boy,
25 it's hard to get a job, it's hard to support

1 your family.

2 And yet we, through this bill,
3 would impose an additional burden that would
4 make it harder for those courageous souls who
5 do want to straighten up their life and
6 reenter.

7 This is an outdated bill, ladies
8 and gentlemen. I respect Senator Flanagan's
9 sincerity on the issue, and I think the
10 concern for local governments should be dealt
11 with by ensuring that the state fund the
12 underfunded probation departments and provide
13 additional resources, provide educational and
14 counseling resources to prisoners. But
15 punishing the prisoners further has not
16 worked, will not work.

17 Let's give everyone a fair shot at
18 reentry into society. It's the right way to
19 go. It's better from a criminal justice point
20 of view, it's better from a social point of
21 view, and it is better to try and reflect the
22 fact that sometimes the blue sky is not the
23 blue sky, but there are always a few people
24 who are willing to reach out and do better no
25 matter what the obstacles.

1 And I think that until we're able
2 to address all these other issues, it would be
3 prudent for us to vote no against this bill
4 and against imposing additional burdens on
5 people getting out of prison in New York
6 State. Let's give everyone a chance to
7 succeed.

8 Thank you, Mr. President.

9 ACTING PRESIDENT GRIFFO: Senator
10 Hassell-Thompson, on the bill.

11 SENATOR HASSELL-THOMPSON: Thank
12 you, Mr. President.

13 Part of what I wanted to present
14 was presented by Senator Schneiderman. But
15 another aspect of concern that I have is that
16 yes, the bill speaks to the fact that if
17 people cannot afford that it would be --
18 consideration would be given or it would be
19 waived.

20 However, in the real world, Senator
21 Flanagan, I have worked with some young men
22 who are on probation and on parole. And in
23 order to -- in your probation, you have to pay
24 \$30 a month. And the law says if you can't
25 afford to pay, that should be waived or

1 adjusted. However, his parole officer, his
2 probation officer has made that a condition of
3 his probation and has said if he fails to pay
4 it, he will violate him.

5 And so in the real world it doesn't
6 matter what this law says. You're not in that
7 office telling that probation and that parole
8 officer what the law says. They have
9 discretion, and they use that discretion in
10 any way that they choose. And many of these
11 young men continue to be violated because they
12 cannot pay these fees.

13 I do not believe that the State of
14 New York should bear all costs, no. So don't
15 ask me that question, because I will answer it
16 for you. But what I will tell you is that we
17 sit here and we talk about the numbers of
18 positions and jobs and employment
19 opportunities that young men returning to our
20 communities cannot have. They cannot be
21 barbers, they cannot be beauticians.

22 Every day, practically, we commit
23 them to going back to prison because the
24 employment opportunities are minimal. And the
25 more minimal the opportunities, the more

1 minimal the salaries.

2 So in the process of those
3 salaries, when they pay their parole and
4 probation costs, and then you want them now to
5 pay for drug testing -- what else is it that
6 you want them to pay?

7 And so my concern to you and to all
8 of us is that somehow we need to look at the
9 real world when we sit here in these very
10 comfortable seats and talk about how we're
11 going to affect the lives of people that we
12 will never meet, that we will never see, and
13 who will never impact our lives directly.

14 Thank you, Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator
16 Robach.

17 SENATOR ROBACH: Yes,
18 Mr. President. I rise to support this bill.

19 This is interesting to me. But I
20 think we have to clarify some points here,
21 first and foremost. This is for probation,
22 not for parole. This is not about reentry,
23 this is about people that don't go to jail in
24 lieu of that. So oftentimes -- the DWI
25 analogy that was given was very good.

1 I think this is, I guess, what you
2 want to focus on. I would think that this
3 would be something that would actually be more
4 onerous on those people who violate the law
5 that have the ability to pay that perhaps
6 would be more likely -- maybe, perhaps -- to
7 be suburban rather than urban, to say to them
8 as a relief to the taxpayer and the
9 overburdened system, This is a mechanism to
10 let you pay and take a little bit more
11 responsibility for the crime that you have
12 perpetrated.

13 I think this makes all the sense in
14 the world. I would love to have a bill that
15 says everyone that chooses to drink and drive,
16 even though they don't hurt somebody --
17 because it will be a different charge -- we're
18 going to make you not only take that
19 punishment in the fine you're going to have to
20 pay, but pay for the attached cost.

21 I think when the Attorney General
22 at the time said that statement, that's
23 exactly what he was trying to address. When
24 people have the ability to pay, to take that
25 burden off the system that's paying for it

1 now, you would do that. I think that one
2 could even make the argument it would give
3 government more money to spend on preventive
4 side things rather than other things to go
5 right after the affected communities that are
6 in there.

7 So I'm really not disagreeing. I
8 guess that when I look at what this focuses
9 on, what it does is -- I don't think we're
10 trying to already -- the purpose of this isn't
11 to more aggressively go after the downtrodden
12 or those that don't have the ability to pay, I
13 think it's to free up more money and put more
14 money back in the system from those offenders
15 that do have the ability to pay. And that's
16 why I'm going to support the bill.

17 I applaud Senator Flanagan. I
18 think in other areas where we've done that,
19 it's helped accomplish the goal and put more
20 personal responsibility on people that have
21 the ability to pay. And for those reasons, I
22 will support the bill.

23 Thank you, Mr. President.

24 ACTING PRESIDENT GRIFFO:

25 Senator Adams, on the bill.

1 SENATOR ADAMS: Would the sponsor
2 yield for a question.

3 ACTING PRESIDENT GRIFFO: Senator
4 Flanagan, would you yield for a question from
5 Senator Adams?

6 SENATOR FLANAGAN: Yes.

7 ACTING PRESIDENT GRIFFO: Senator
8 Adams.

9 SENATOR ADAMS: First, probably
10 unlike my colleagues, I find the bill to have
11 some attractive points. I just need some
12 clarity on some aspects of the bill.

13 Those who cannot pay, is there a
14 mechanism to ensure that there's a standard?
15 Or is it discretion for probation to decide if
16 they're going to pay or not?

17 SENATOR FLANAGAN: The rules and
18 regulations regarding that conduct have to be
19 promulgated. Is it set out, is there a
20 standard in the bill specifically? No.

21 SENATOR ADAMS: The fees, would
22 the fees --

23 ACTING PRESIDENT GRIFFO: Senator
24 Adams, please address the chair.

25 SENATOR ADAMS: I'm sorry. Would

1 the sponsor please yield for another question.

2 ACTING PRESIDENT GRIFFO: Senator
3 Flanagan, do you yield for an additional
4 question?

5 SENATOR FLANAGAN: Yes.

6 SENATOR ADAMS: The fees that are
7 paid, would that go into a fund for victims,
8 or would it just go into a fund for probation,
9 a general fund for probation?

10 SENATOR FLANAGAN: It is to go
11 directly into county for local probation
12 services. It can't be used by the State of
13 New York to offset any other money that
14 otherwise would go to that county. So it's
15 directly into local probation services.

16 SENATOR ADAMS: On the bill.

17 SENATOR FLANAGAN: It is
18 supported by NYSAC. I have a specific memo,
19 not an updated one. This was supported by
20 Westchester County in a very extensive memo,
21 again by CSEA, by NYSAC as well.

22 ACTING PRESIDENT GRIFFO: Thank
23 you, Senator Flanagan.

24 Senator Adams, on the bill.

25 SENATOR ADAMS: On the bill.

1 You know, there is a real concern
2 about those who are on probation and can't
3 afford to pay any additional fees. And we
4 don't want to put people in a state to
5 continue crimes.

6 But there is a concern that I
7 believe in. And we have a tendency sometimes
8 to forget the guys that play by the rules.
9 And it is always my belief that we almost have
10 abandoned the nine-to-five guy, the guy who
11 plays by the rules. He may not have enough to
12 buy a loaf of bread, but you know what, he'll
13 put another hour in so he can. He's not doing
14 a stickup, he's not doing a robbery. And I
15 think we're moving away from just dealing with
16 that everyday nine-to-five guy.

17 And when someone decides not to
18 play by the rules, life is supposed to be
19 challenging, and he must understand there's a
20 responsibility for his crime. And I don't
21 think merely, unlike what my counterparts
22 stated, that after someone serves time in a
23 correctional facility that he has paid his
24 dues. No, he hasn't. I think there's more
25 you have to do. There needs to be some

1 consolation to the victim.

2 I would like to see something like
3 this go into a fund to go to those victims of
4 crimes -- rape, robbery and burglary -- and
5 how they are impacted, not just to go into a
6 general fund. I would be more enthused to
7 support a bill like this if we do more for the
8 victim. And those who commit crime,
9 particularly victim crimes, predatory crimes
10 that scar the life of people long before the
11 physical wounds heal -- the emotional and
12 psychological wounds last a lifetime.

13 And so a bill like this I would be
14 more inclined to support if we do more for the
15 victim and send the statement that those men
16 and women all over the state that play by the
17 rules should not have to compensate the
18 requirements that others may do to fulfill
19 their obligation of probation.

20 Not going to jail for committing a
21 crime and having to pay to take a urine test,
22 to pay to take a drug test or to offset the
23 cost to the public, those funds that can go
24 into some real programs in my own community
25 I'm in support of. I would rather we have

1 more to deal with victim services, to ensure
2 that victims that are victims of crime are
3 compensated in some way.

4 That is not lined out, as I just
5 learned today, so that is the reason I will
6 not support the bill at this time. But if a
7 bill is ever introduced that would include
8 funds that are taken from persons who commit
9 crimes that go into a fund for victims and
10 victim services, I would be more than happy to
11 support a bill of that nature. But at this
12 time I will not support it.

13 ACTING PRESIDENT GRIFFO: Senator
14 Krueger.

15 SENATOR LIZ KRUEGER: Thank you,
16 Mr. President. On the bill.

17 So my colleagues have made many
18 points today, back and forth. I do want to
19 just correct one thing. The bill is both for
20 people on probation and conditional release.
21 So in fact it is people -- as Senator
22 Schneiderman pointed out earlier and Senator
23 Hassell-Thompson pointed out, it would both be
24 probation people and people who are being
25 released from prison under the conditional

1 release category.

2 But I guess I want to raise an
3 additional point here, as someone who spent
4 many years of her life working with government
5 benefits programs for low-income people and
6 working in low-income communities. One, to
7 highlight several things that were said today.

8 When someone, whether they are on
9 probation or they are coming out of prison and
10 they are poor, what the research shows is the
11 most effective model for making sure they
12 don't go back to a life of crime, they don't
13 go back into the system, is to ensure that
14 they have the opportunities to get good jobs
15 and meet their economic obligations to
16 themselves and their families and their
17 community.

18 So I worry that from an operational
19 perspective what we will be doing with this
20 kind of legislation is actually putting a
21 fairly high tax on the lowest-income people,
22 who are the in fact parolees and people coming
23 out of prison, and that the win would not
24 actually be ours.

25 I respect Senator Adams' point

1 about where the money would go. I would be
2 hesitant to do a math equation right now, but
3 I suspect if you actually did the analysis of
4 the cost to the local probation organizations
5 in each county, and they had to do the math on
6 what it would mean to set up a system to do an
7 evaluation of each possible candidate who
8 might have to pay or might be asking for an
9 exemption, there would be a significant
10 administrative cost for operating that
11 approval or rejection process.

12 There would be a significant cost
13 in trying to collect the money and making the
14 decisions about how you would go about
15 collecting money. Certainly in social service
16 agencies and in government we have learned
17 that when you take an emergency grant and you
18 turn it into a loan that must be repaid, the
19 costs of collecting that money back often
20 exceed the cost if you had just exempted it in
21 the first place.

22 Ironically, we've even discovered
23 that with the school meals program, where,
24 rather than collect a cost per day for a meal,
25 the school systems can actually save money by

1 not collecting any cost for the meals because
2 it's more expensive to administer the program
3 than to collect the quarters and the dollars
4 from the children.

5 So I would also wonder whether we
6 would really actually see any significant
7 savings or revenue to the localities, while I
8 know we'd be setting up an administratively
9 complex system that would cost us money to set
10 up. And I particularly worry that we would be
11 ending up then either putting people back into
12 prison because they failed their conditional
13 release when they couldn't pay their money, or
14 we ended up increasing the number of people
15 who --

16 ACTING PRESIDENT GRIFFO: Senator
17 Flanagan, why do you rise?

18 SENATOR FLANAGAN: If Senator
19 Krueger would yield for a question.

20 ACTING PRESIDENT GRIFFO: Senator
21 Krueger, would you yield to Senator Flanagan?

22 SENATOR LIZ KRUEGER: If I could
23 just finish my sentence, I'd be happy to
24 answer the Senator's question in a moment.

25 Thank you. I would also be

1 concerned -- thank you -- that we'd end up
2 actually having people put into institutional
3 settings because of their inability to pay or
4 to meet the obligations of this new
5 administrative setup.

6 So I think that Senator Flanagan's
7 intention with this bill is to say if you were
8 guilty of something, you should pay some of
9 the cost. And I fear the way this is set up,
10 that wouldn't be the outcome, and we would be
11 creating an additional penalty for exactly the
12 type of people who the win for us is if they
13 go into their communities, they get
14 good-paying jobs, they become taxpayers, and
15 the win back into the coffers of government is
16 the tax revenue they can pay us when they
17 accomplish their goals of becoming the wage
18 earners I know that Senator Flanagan and I
19 both want them to be.

20 And now I'd happy to answer any
21 questions, Senator.

22 ACTING PRESIDENT GRIFFO: Senator
23 Flanagan.

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

1 Senator Krueger, following up on
2 something that Senator Hassell-Thompson said
3 as well, you are aware that there are
4 provisions in this bill that these fees cannot
5 be imposed as a condition of probation? So
6 the scenario you described about somebody
7 being returned and institutionalized based on
8 the fact that they haven't paid is
9 inapplicable. There's specific language in
10 the bill against that.

11 ACTING PRESIDENT GRIFFO: Senator
12 Krueger.

13 SENATOR LIZ KRUEGER: Thank you.
14 Thank you, Senator Flanagan.

15 I think my concern -- and I don't
16 want to speak for Senator Hassell-Thompson.
17 Obviously she can herself -- is the point
18 about in real life how are decisions made by a
19 system as to whether somebody is released, is
20 not released, has been concluded to fail the
21 tests of the program or not.

22 So yes, I see the language that
23 says that there's supposed to be an undue
24 hardship category and a process for, I guess,
25 almost the equivalent of a fair hearing

1 process or an administrative judicial
2 proceeding to make your argument for hardship.

3 But I think my concern is, and I
4 think my colleagues' -- not to speak for
5 them -- concern is that in real life it's much
6 more likely that somebody would just have the
7 box checked off that they failed to meet the
8 proof for themselves that they couldn't pay.

9 ACTING PRESIDENT GRIFFO: Senator
10 Krueger, will you continue to yield?

11 SENATOR LIZ KRUEGER: Of course,
12 Mr. President.

13 SENATOR FLANAGAN: Thank you,
14 Mr. President.

15 I would respectfully offer that, in
16 this context of the real world that everyone
17 seems to be bringing up, are you aware that
18 counties were running programs like this for a
19 number of years and then the Attorney General
20 said, You can't do this anymore, so you need
21 to get state legislation? Are you aware of
22 the fact that there were counties all across
23 the state running these programs?

24 ACTING PRESIDENT GRIFFO: Senator
25 Krueger.

1 SENATOR LIZ KRUEGER: No,
2 Mr. President, I'm not aware of that.

3 May I ask the sponsor why the
4 Attorney General ended that program.

5 ACTING PRESIDENT GRIFFO: Will
6 the sponsor yield for that question?

7 SENATOR FLANAGAN: Because that's
8 the reason we have the bill. He said they
9 didn't have explicit state authorization to do
10 so.

11 And there were two primary
12 objectives here: To make the counties whole
13 so they wouldn't have budget deficits created
14 as a result of losing money. But the other
15 point is that this allows them to continue a
16 program that many of them started in good
17 faith.

18 So I would ask you another
19 question.

20 ACTING PRESIDENT GRIFFO: Senator
21 Krueger, will you yield to Senator Flanagan?

22 SENATOR LIZ KRUEGER: Certainly I
23 will, Mr. President.

24 ACTING PRESIDENT GRIFFO: Senator
25 Flanagan.

1 SENATOR FLANAGAN: You talked
2 about some different programs separate from
3 probation. And I look and think, okay, this
4 is not some brain trust idea that emanated
5 from office of Senator Flanagan, this is the
6 New York State Association of Counties who had
7 come to us with an idea on programs they were
8 actually running, that they were working on
9 where they had an administrative setup where
10 they were collecting fees and they were
11 actually implementing programs about which you
12 have raised some fears and concerns.

13 I listen to the people and my
14 colleagues listen to the people who are
15 actually running the programs. So there's
16 quantifiable evidence, there's an experience
17 that demonstrates how it works.

18 And I can also tell you that in a
19 memorandum -- it is not updated, I will be
20 very clear -- but from Westchester County,
21 from Andrew Spano, talking about the hardship
22 provisions in particular, that the
23 administrative fee that they had been allowed
24 to impose since 1993, the county had never
25 gone after anybody for failure to pay that

1 fee, that the hardship provisions work.

2 So I'm taking this from the
3 standpoint that we have people in the field in
4 the real world, like Senator Hassell-Thompson
5 referenced, who are running these programs or
6 were running these programs and knew how to do
7 it every day. I'm going to rely on the
8 expertise of the people in the field who knew
9 how to do it and were actually doing it and
10 they're now actually coming and asking for
11 state authorization to, frankly, do it the
12 right way.

13 ACTING PRESIDENT GRIFFO: Senator
14 Krueger.

15 SENATOR LIZ KRUEGER: Thank you,
16 Mr. President. Thank you, Senator Flanagan.
17 On the bill.

18 ACTING PRESIDENT GRIFFO: On the
19 bill.

20 SENATOR LIZ KRUEGER: Thank you.

21 I would be very interested in
22 seeing the reports that you have referenced.
23 I have not seen them. And interested in, I
24 suppose, the economic analysis of what
25 happened in the counties that were running

1 these programs, what the size of the counties
2 were, what people they were applying them to.
3 As you point out, it was pre-your proposed
4 legislation, so I suspect it was different
5 models in different counties.

6 So I will remain as a no vote on
7 your bill today. But I would be very
8 interested in seeing the materials, the
9 findings from the different counties of the
10 economics of it for them, what rules they
11 followed, in order to evaluate whether in
12 fact, in fairness, your arguments have been
13 proven by the trials of different counties.

14 But for now I'll stand with the
15 argument that I think that really the goal of
16 both when we make a decision to put someone on
17 probation rather than put them into jail, when
18 we make the decision to have a conditional
19 release, in recognition of the fact that
20 statistically the vast majority of people who
21 are both in our prisons and are on probation
22 are exceptionally poor, that it does not --
23 the research that I am familiar with does not
24 lead me to conclude that quote, unquote, a
25 high tax on the poorest people who have gotten

1 themselves into trouble with our criminal
2 justice system is ultimately in the best
3 interests of trying to make sure that we not
4 only keep people following our laws and out of
5 our very expensive institutional settings but
6 that we support them to become the hardworking
7 nine-to-five, to use Senator Adams' reference,
8 participants in our communities that we hope
9 they can be, that we want them to be.

10 But I would look forward to seeing
11 the materials from you, Senator.

12 Thank you, Mr. President. I'll
13 vote no.

14 ACTING PRESIDENT GRIFFO: Senator
15 Volker, to close.

16 SENATOR VOLKER: Mr. President, I
17 just want to say, you know, Senator Krueger,
18 you should vote no on this. And there's a
19 reason. Because your district is one of the
20 only districts in the entirety of New York
21 City where anybody ever collects any fines.

22 The truth is that New York City is
23 virtually totally exempt from fines and fees.
24 And I have never heard -- Senator
25 Hassell-Thompson, it was interesting to listen

1 to you talk about probation officers. It's an
2 automatic waiver in New York City. We pass
3 these rules and regs and all this stuff saying
4 that you can charge somebody who can afford it
5 extra fines and fees. The one place that this
6 is never collected is New York City. It's no
7 secret.

8 The truth is, it's collected from
9 Senator Flanagan's district and mine and
10 places where people that can afford it -- most
11 of whom never went to jail, by the way,
12 because most of these people are probation
13 people. They go in for a hearing, whatever.
14 And instead of sending them to jail, they get
15 put on probation. Not parole, probation.

16 Now, I want to thank Senator Diaz
17 for defending Paris Hilton. Because this is
18 the classic bill that would be used against
19 someone like Paris Hilton. And I mean that.

20 And what the judge did in the
21 situation with Paris Hilton was get tired of
22 just letting her walk in, pay a fine or
23 whatever, and said: Wait a minute, you're
24 going to do more than just do the kind of
25 things you've been doing. You're going to go

1 to jail.

2 Now, this bill, by the way, if she
3 was going to get on probation, she'd still
4 have to pay all kinds of other things, because
5 of course she'd have to be drug tested and all
6 sorts of -- I mean, I would think.

7 At any rate, what I'm trying to
8 point out is, this is not for poor people.
9 This is for drug people and people who can
10 afford to pay the fees. These are people all
11 over the place.

12 You asked the process. The process
13 is you go before the judge and he says "Okay,
14 forget it," in the city. That's what happens.
15 I have the numbers. We've had them for years.
16 People don't pay assessments and fines
17 downstate, because most of the judges pay no
18 attention.

19 Virtually throughout New York City,
20 except occasionally in Manhattan -- and that's
21 true because they get some really wealthy
22 people occasionally there, just as
23 occasionally we do in Buffalo and places like
24 that.

25 I think there's a rule down here, I

1 think for some time, to pay fees and so forth,
2 but they just ignored it.

3 My point is that what someone
4 says -- and I believe in reentry and all that
5 sort of stuff. In fact, I'm doing legislation
6 on that. This has nothing to do with reentry.
7 This has to do with some people that keep
8 violating the law and getting breaks who don't
9 have to pay for a lot of the things that my
10 constituents, my county, my city and your
11 city, are paying, because they don't want to
12 pay them.

13 It isn't poor people. It's
14 wealthier people, middle-income people that
15 have the money. In some cases, wealthy
16 people.

17 The problem is we feel so badly for
18 poor people, who it really doesn't apply to,
19 that we forget that in many cases the drug
20 people are not poor people. Especially
21 sellers. Who, by the way, in this state, in
22 New York City, probably get more breaks than
23 any sellers of drugs in the nation. In the
24 city.

25 It's been no secret for a long

1 time, you got to get arrested dozens of time
2 before you ever go to jail. You go on
3 probation or eventually you go on parole. And
4 then you get in trouble, and if you don't have
5 to pay for all the stuff that happens after
6 that, why, you're fine.

7 You think that it has poor people
8 involved. Not true. Just not true. We have
9 the numbers in from the city, and they're
10 staggering about the amount of assessments and
11 penalties that are never collected. Now,
12 we're not saying that they should collect all
13 of them. But there is a culture that's
14 developed that says we're just not going to do
15 it because it's not worth it. And that costs
16 probation millions and millions and millions
17 of dollars --

18 ACTING PRESIDENT GRIFFO: Senator
19 Diaz, why do you rise?

20 SENATOR DIAZ: Would Senator
21 Volker yield to a question, please.

22 ACTING PRESIDENT GRIFFO: Senator
23 Volker, will you yield to a question from
24 Senator Diaz?

25 SENATOR VOLKER: Yeah, I guess

1 so. I'm supposed to be summing up, but yeah.

2 SENATOR DIAZ: Senator, I need
3 for you to explain to me again when you say
4 "drug people" in this bill, what do you mean
5 exactly.

6 SENATOR VOLKER: What I mean is
7 especially sellers, people that sell drugs
8 that have money and go on probation in
9 New York City rather than go to jail. Because
10 that's what happens to a lot of people in the
11 city.

12 Now, Senator, let me finish by
13 saying there's a provision in this bill that
14 you didn't see. It says Senator Diaz's
15 district is not included in this bill. And
16 the reason I say that is because the poor
17 people in your district will never have to pay
18 it.

19 SENATOR DIAZ: Do not get angry
20 at me.

21 ACTING PRESIDENT GRIFFO: Senator
22 Diaz.

23 SENATOR DIAZ: Can the Senator
24 yield for another question.

25 ACTING PRESIDENT GRIFFO: Senator

1 Volker, will you yield for another question?

2 SENATOR VOLKER: Yes, I yield.

3 SENATOR DIAZ: Are you willing to
4 tell the sponsor, to ask the sponsor of the
5 bill --

6 SENATOR VOLKER: I'm not the
7 sponsor. He's the sponsor. Senator Flanagan.

8 SENATOR DIAZ: Are you willing to
9 ask the sponsor of the bill to draft the bill
10 exclusively for drug dealers, rich drug
11 dealers? Are you willing to do that?

12 SENATOR VOLKER: So you're saying
13 if somebody shoots somebody and has gotten
14 probation, that we shouldn't include them in
15 this bill?

16 SENATOR DIAZ: Will the
17 sponsor -- would the Senator --

18 ACTING PRESIDENT GRIFFO: Would
19 you like Senator Volker to yield or Senator
20 Flanagan, Senator Diaz?

21 SENATOR DIAZ: No, I'm talking to
22 Senator Volker.

23 ACTING PRESIDENT GRIFFO: Senator
24 Volker, will you yield to another question
25 from Senator Diaz?

1 SENATOR VOLKER: I yield.

2 ACTING PRESIDENT GRIFFO: Senator
3 Diaz.

4 SENATOR DIAZ: Senator Volker, we
5 are dealing with this bill. You are the one
6 bringing in rich drug dealers in this
7 equation. So I'm saying the bill, okay,
8 includes everybody. But if you want to do the
9 bill exclusively for those rich drug dealers,
10 I will support it.

11 SENATOR VOLKER: I'm sure you
12 would, yeah.

13 SENATOR DIAZ: I will support it.

14 SENATOR VOLKER: Sure.

15 SENATOR DIAZ: But we're talking
16 about the other people, the people -- the
17 parents, the father, the mother. You know,
18 someone that really commit a crime, went to
19 jail, is coming out --

20 SENATOR VOLKER: No.

21 SENATOR DIAZ: -- is coming
22 out --

23 SENATOR VOLKER: Most of these
24 people are not coming out. They're on
25 probation.

1 ACTING PRESIDENT GRIFFO: Senator
2 Diaz, Senator Volker has the floor. You've
3 asked your question.

4 SENATOR VOLKER: You're
5 misinterpreting this bill. I am telling you
6 that this bill is for people on probation,
7 basically. This is not parole. They don't
8 come out of jail.

9 SENATOR DIAZ: I'm -- I'm --

10 SENATOR VOLKER: Most of the
11 people on probation --

12 ACTING PRESIDENT GRIFFO: Senator
13 Diaz, you're out of order. He's answering the
14 question.

15 SENATOR DIAZ: Could the
16 Senator --

17 ACTING PRESIDENT GRIFFO: You
18 would like to address another question,
19 Senator Diaz?

20 SENATOR DIAZ: Yes, Mr.
21 President.

22 ACTING PRESIDENT GRIFFO: Senator
23 Volker, will you yield for another question?

24 SENATOR VOLKER: Yes, I will.

25 ACTING PRESIDENT GRIFFO: He will

1 yield, Senator Diaz.

2 SENATOR DIAZ: I just want,
3 Mr. President, to be clear, because Senator
4 Volker brought to the floor rich drug dealers,
5 making believe, making believe that we are in
6 favor of letting the rich drug dealers get
7 away and implying, implying that the bill is
8 made for rich drug dealers --

9 ACTING PRESIDENT GRIFFO: What is
10 your question, Senator?

11 SENATOR DIAZ: I'm trying to
12 clarify -- I just want to the Senator to
13 clarify, to be clear, to answer to me
14 clearly --

15 ACTING PRESIDENT GRIFFO: Address
16 it in the form of a question, please, Senator
17 Diaz.

18 SENATOR DIAZ: Okay. Senator
19 Volker, will you please be clear enough and
20 explain to the viewers that are watching you
21 that this bill is not only for drug dealers
22 and that when you refer to the drug dealers,
23 the rich drug dealers, you are not implying
24 that we are here protecting drug dealers.

25 SENATOR VOLKER: Of course not.

1 Senator, may I just point out
2 something. I was pointing out that it could
3 do that. I am pointing out to you, Senator --
4 I don't know about viewers, all I know is
5 reality, in the real world. And the real
6 world is it could apply to wealthy drug
7 dealers, is all I'm saying.

8 It applies to all sorts of people,
9 but primarily it applies to people with money.
10 Because if you don't have money, you're not
11 involved in it, because automatically it's
12 waived. He gave you what it says.

13 And I'm telling you in your
14 district, I bet you that not one cent of fines
15 and fees and so forth has been collected over
16 the years, because judges just don't do it.
17 And it's -- in fact, it's a little
18 frustrating, because I have poor people in my
19 district too.

20 Senator, you don't realize, you
21 don't understand the criminal justice in
22 New York City. I'm sorry.

23 ACTING PRESIDENT GRIFFO: Senator
24 Diaz, you must allow the Senator to continue
25 to answer the question before interruption.

1 Do you have a further question? Do
2 you have a further question, Senator Diaz?

3 SENATOR DIAZ: I have a
4 clarification here. Can I?

5 ACTING PRESIDENT GRIFFO: No, you
6 cannot. You are asking a question. You rose
7 to ask a question.

8 Senator Volker has the floor, is
9 speaking on the bill.

10 SENATOR DIAZ: Thank you.

11 ACTING PRESIDENT GRIFFO: Senator
12 Volker, on the bill.

13 SENATOR VOLKER: And I shouldn't,
14 I suppose, get excited. But I got to tell you
15 something. We've got to live in the real
16 world.

17 And Senator Hassell-Thompson, you
18 talked about the real world. And I agree with
19 you that there probably are some probation
20 officers, and you should know, who do things.
21 That can be overruled. There's no question
22 about it, because it happens constantly if
23 they want to do it. Now, if the people have
24 money, that's true, they got a problem.

25 I believe in reentry. I believe in

1 helping wherever we can. But I also don't
2 believe in fooling ourself into thinking that
3 a bill like this has anything to do with
4 people that can't afford to pay the fees. Of
5 course it doesn't.

6 This is aimed primarily at people
7 who can afford to pay the fees and can be made
8 to make sure that the regular taxpayers,
9 whoever they are, rich or poor, end up funding
10 for those people. That's what it's about.
11 That's why the Senator is talking -- that's
12 why NYSAC supports it, that's why all these
13 people support it.

14 The problem is we seem to say, Ah,
15 those poor people. Well, the poor people are
16 not paying. And that's not wrong. I'm not
17 saying they should. But I think we have to
18 realize that this is a real world. It's not a
19 political world. In a political world, we
20 don't have to do any of this stuff. And
21 that's what many people, unfortunately, in the
22 City of New York are saying.

23 Let's not say that maybe they have
24 to pay. But that's not the real world. The
25 real world is different. And a lot of

1 constituents don't seem to understand what
2 really happens in the criminal justice system.
3 That's all I'm saying. That's why Senator
4 Flanagan's bill makes a lot of sense.

5 ACTING PRESIDENT GRIFFO: Debate
6 is closed.

7 The Secretary will ring the bell.

8 I mentioned earlier, Senator
9 Schneiderman, that Senator Volker would be
10 closing. Would you like to explain your vote?

11 SENATOR SCHNEIDERMAN: Thank you,
12 I would like to explain my vote. But I'll
13 wait till we ring those bells.

14 ACTING PRESIDENT GRIFFO: Thank
15 you, Senator.

16 Read the last section.

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

19 ACTING PRESIDENT GRIFFO: Senator
20 Schneiderman, to explain his vote.

21 SENATOR SCHNEIDERMAN: Thank you,
22 Mr. President. Very briefly.

23 This was another good debate.

24 We're starting to get into the spirit here.

25 I do want to take Senator Volker's

1 admonition that we get back into the real
2 world. And, my colleagues, the real world is
3 not a world in which people get probation for
4 shooting someone, with all due respect to my
5 esteemed colleague, leader, and personal hero,
6 Senator Volker. The real world is not a place
7 where rich people deal street drugs.

8 I mean, you know, I'm sorry, I --
9 you know, Senator Liz Krueger has a lot of bad
10 people in her district, but there are not a
11 lot of street drug dealers on the Upper East
12 Side of Manhattan. Rich people have other
13 ways to steal money and to engage in criminal
14 activities.

15 The truth of the matter is this.
16 The only people who will be hurt by this bill
17 are poor people who are on probation and
18 hopefully some of them -- and we know some of
19 them, from all of the statistical evidence,
20 are trying to get their lives back together.

21 It is not true that all the fees
22 are waived for everyone who's poor. If you
23 look at the section of this bill, which I
24 would urge the sponsor to edit if he wants to
25 revisit the issue, all it says is that the

1 determination of whether the fee shall be
2 waived shall be made by the probation
3 department based on regulations to be
4 promulgated.

5 There's no procedure with judges.
6 This could be arbitrarily done, there could be
7 mistakes made. And even if people have a job
8 at the point the determination is made, they
9 may lose that job. This hurts people trying
10 to get back into society. It is punitive.
11 The only people affected are the poor people
12 who are on probation.

13 I realize there are some rich
14 people who -- Paris Hilton types -- but it is
15 a very small number. The overwhelming number
16 of probationers in the State of New York are
17 poor people of color. I do understand how the
18 criminal justice works in New York City, and
19 that is an unassailable truth.

20 I vote no, Your Honor. Oh, excuse
21 me, Mr. President.

22 (Laughter.)

23 ACTING PRESIDENT GRIFFO: Senator
24 Schneiderman, thank you. You will be recorded
25 in the negative.

1 And let's call the roll now.

2 SENATOR DIAZ: Hello.

3 ACTING PRESIDENT GRIFFO: We're
4 calling the roll now.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT GRIFFO: Senator
7 Diaz, to explain his vote.

8 SENATOR DIAZ: Thank you,
9 Mr. President. Or should I join my colleague
10 and call you Your Honor?

11 I just want to say that, you know,
12 even though in words the bill says that it is
13 not established to be a condition for
14 probation, I just want all of you to know that
15 last year the probation department --
16 probation officer came to me because now, as
17 Senator Hassell-Thompson said, they are paying
18 \$30. The people on parole, they're paying
19 \$30. And they are forcing -- the department
20 is forcing the parole officers to collect
21 those fees.

22 And what happens is that they have
23 put a quota, a quota on probation officers to
24 collect the fees. And the probation office
25 has stopped doing their duties as probation

1 officers, and now they've become collectors.

2 They've become collectors.

3 And we passed a bill here in the
4 Senate, I sponsored the bill, my son has
5 sponsored the bill in the Assembly, it passed,
6 and Governor Pataki vetoed it last year. But
7 I'm afraid that this bill also will do the
8 same, putting another burden on parole
9 officers. And parole officers have enough
10 work to do supervising parolees and not
11 being -- collecting money and making that part
12 of their duties as a quota, as a quota. So
13 they are forcing people to do it.

14 And -- and with all due respect to
15 all of you and to the sponsor, this bill will
16 affect poor people. Poor people that are not
17 drug dealers, poor people that are not
18 criminals per se, that kind of criminal. They
19 made a mistake, they come on parole and
20 probation, and they're going to be forced to
21 pay money that they don't have.

22 And that's why, Mr. President, I'm
23 voting against this bill and I'm asking
24 everybody else to vote against this bill.
25 This is a not-good bill.

1 ACTING PRESIDENT GRIFFO: Senator
2 Diaz to be recorded in the negative.

3 Senator Hassell-Thompson.

4 SENATOR HASSELL-THOMPSON: Well,
5 actually, Mr. President, I just raised my hand
6 to vote no. But I will take this opportunity
7 to make this final comment.

8 It's very interesting, Senator
9 Volker, that you talked about the fact that
10 these are not poor people that we're
11 targeting. And yet to my knowledge the rich
12 drug dealers that you're talking about very
13 rarely, if ever, use the product. Okay? And
14 so that they're not the ones that need drug
15 testing. But rather, it is users who get
16 drug-tested.

17 And the other thing is that I would
18 be more than happy to bring you receipts,
19 Senator Volker, from some young men that I
20 know in my district, including my nephew, who
21 has to pay his \$30 a month. And this bill
22 does in fact say releasees. Releasees. I
23 read the bill. And so to tell me that it's
24 only probation is not accurate. And reading
25 is fundamental, even for me.

1 ACTING PRESIDENT GRIFFO: Senator
2 Flanagan, to explain his vote.

3 SENATOR FLANAGAN: Thank you,
4 Mr. President.

5 It's certainly an enlightening
6 discussion. In the context of the real world,
7 I want to share that I learned something new
8 today. Senator Volker, I never knew this
9 before, is obviously a Paris Hilton fan.

10 (Laughter.)

11 SENATOR VOLKER: It's true.
12 Absolutely.

13 SENATOR FLANAGAN: In relation to
14 this bill, I think this points up, in my
15 estimation, some fundamental differences. I
16 listened very carefully and very clearly to
17 the comments of my colleagues. But this bill
18 didn't go on, you know, overnight. This bill
19 was discussed, it was vetted, it was brought
20 by the New York State Association of Counties.

21 And yes, I have correspondence and
22 I have documentation from people who have
23 nothing to do with the area I represent,
24 statewide organizations weighing in in favor
25 of something like this. And frankly, I also

1 have had discussions with the probation
2 director in Suffolk County, have
3 correspondence of their strong support,
4 because they are administering the programs.

5 So for anyone to suggest that
6 somehow this is only going after poor people,
7 I couldn't disagree more. There's specific
8 language in the bill, which people don't seem
9 to want to pay attention to, that allows for a
10 hardship waiver. And for anyone to suggest
11 that, oh, we're only going after poor people,
12 that's just ridiculous.

13 The whole point of the bill is to
14 make sure that a practice that had been
15 started by the counties that was running well
16 and operating smoothly and efficiently is now
17 done in a legal way. It's to help our
18 counties. It's to make sure that they don't
19 have deficits.

20 And frankly, on a policy basis, I
21 think our constituents, no matter where you
22 live in the State of New York, it's common
23 sense and they would support it.

24 Thank you.

25 ACTING PRESIDENT GRIFFO:

1 Announce the results.

2 THE SECRETARY: Those recorded in
3 the negative on Calendar Number 678 are
4 Senators Adams, Breslin, Connor, Diaz, Dilan,
5 Duane, Gonzalez, Hassell-Thompson, Huntley,
6 L. Krueger, Montgomery, Parker, Perkins,
7 Sabini, Sampson, Schneiderman, Serrano, Smith,
8 Stavisky and Stewart-Cousins.

9 Absent from voting: Senator
10 Wright.

11 Ayes, 39. Nays, 20.

12 ACTING PRESIDENT GRIFFO: The
13 bill is passed.

14 Senator Skelos.

15 SENATOR SKELOS: Mr. President,
16 would you please lay aside for the day
17 Calendar 737.

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

20 SENATOR SKELOS: And also on
21 Calendar Number 728, with the consent of the
22 Minority, if we could take it off the
23 controversial calendar and put it on the
24 noncontroversial calendar.

25 SENATOR DUANE: Yes.

1 ACTING PRESIDENT GRIFFO: So
2 ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 728, by Senator Farley, Senate Print 849, an
6 act to amend the Social Services Law.

7 ACTING PRESIDENT GRIFFO: Read
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 Senator Skelos.

18 SENATOR SKELOS: Mr. President,
19 is there any further business to come before
20 the Senate?

21 ACTING PRESIDENT GRIFFO: Senator
22 Farley has a motion.

23 Senator Farley.

24 SENATOR FARLEY: Senator Skelos,
25 thank you for taking that off controversial.

1 On behalf of Senator Robach,
2 Mr. President, I move to amend Senate Bill
3 3097A by striking out the amendments made on
4 April 23rd and restoring it to its original
5 print number, which is 3097.

6 ACTING PRESIDENT GRIFFO: So
7 ordered.

8 Senator Skelos.

9 SENATOR SKELOS: Mr. President,
10 there being no further business to come before
11 the Senate, I move we stand adjourned until
12 Wednesday, May 9th, at 11:00 a.m.

13 ACTING PRESIDENT GRIFFO: On
14 motion, the Senate stands adjourned until
15 Wednesday, May 9th, at 11:00 a.m.

16 (Whereupon, at 4:58 p.m., the
17 Senate adjourned.)

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