NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 22, 2007

11:02 a.m.

REGULAR SESSION

LT. GOVERNOR DAVID A. PATERSON, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MARCELLINO: The Senate will come to order.

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

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

ACTING PRESIDENT MARCELLINO: The invocation today will be given by Father Charles J. Beirne, Society of Jesus, president of Le Moyne College in Syracuse.

FATHER BEIRNE: From Psalm 15: "Yahweh, who has the right to enter your tent or to live on your holy mountain? The one whose way of life is blameless, who always does what is right, who speaks the truth from his heart, the one who does good for all people and gives credit to the neighbor, and the one who honors those who hold God in awe, and the one who stands by the pledge at any cost. If they do all this, nothing can ever shake them."

Let us pray.

Loving God, we ask Your blessing on

the New York State Senate, all its staff members, its members and all the constituents, and all those with responsibility for our community.

We ask them to take special care of the poor and to help us all to help them.

Amen.

ACTING PRESIDENT MARCELLINO: May we have the reading of the Journal, please.

THE SECRETARY: In Senate, Monday, May 21, the Senate met pursuant to adjournment. The Journal of Sunday, May 20, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

On behalf of Senator Larkin, we'd like to amend a bill on the calendar third reading. Page number 36, I offer the following amendments to Calendar Number 605, Print Number 573, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: The amendments are received. The bill will retain its place on the Third Reading Calendar.

Senator Bonacic.

SENATOR BONACIC: In addition, Mr. President, we'd like to amend a bill recalled from the Assembly. On behalf of Senator Farley, I wish to call up Print Number 4799, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 897, by Senator Farley, Senate Print 4799, an act to amend the Real Property Tax Law.

SENATOR BONACIC: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MARCELLINO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

SENATOR BONACIC: Mr. President, I now offer the following amendments.

ACTING PRESIDENT MARCELLINO: The amendments are accepted.

SENATOR BONACIC: Thank you.

ACTING PRESIDENT MARCELLINO: You're welcome.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there are substitutions to be made at the desk.

ACTING PRESIDENT MARCELLINO: There are. The Secretary will read.

THE SECRETARY: On page 26, Senator Seward moves to discharge, from the Committee on Housing, Construction and Community Development, Assembly Bill Number 4367 and substitute it for the identical

Senate Bill Number 3022, Third Reading Calendar 364.

And on page 62, Senator Griffo moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 360A and substitute it for the identical Senate Bill Number 2320, Third Reading Calendar 1015.

ACTING PRESIDENT MARCELLINO: The substitutions are ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could adopt the Resolution Calendar, with the exception of Resolutions 1969, 2329, and 2352.

ACTING PRESIDENT MARCELLINO: All in favor of adopting the Resolution Calendar with the exception of Resolutions 1969, 2329, and 2352, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Resolution 1969, by Senator Breslin, have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: By Senator Breslin, Legislative Resolution Number 1969, congratulating Constance Walsh Crummey upon the occasion of her designation as Teenager of the Year by the Colonie Elks Lodge.

"WHEREAS, It is the sense of this Assembled Body to act, in accord with its long-standing traditions, honoring the youth of today and leaders of tomorrow whose character and achievements best exemplify the ideals and values cherished by this great state and nation; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Assembled Body is justly proud to congratulate Constance Walsh Crummey upon the occasion of her designation as Teenager of the Year by the

Colonie Elks Lodge, to be celebrated on Tuesday, May 22, 2007; and

"WHEREAS, Shaker High School senior Constance Crummey, daughter of the Honorable and Mrs. Peter Crummey of Loudonville, New York, has been selected as Shaker High School's Teenager of the Year; and

"WHEREAS, Constance Crummey was selected for this special honor because of her strong academic performance, her service to the school, and her commitment to the community; and

"WHEREAS, Constance Crummey is a recipient of numerous awards and honors, such as Scholar Athlete Award for Tennis, Indoor Track, Outdoor Track, Fall/Winter/Spring 2003-2007; High Honor or Honor Status for academic achievement in all four quarters, 2003-2007; finalist for Presidential Classroom Scholarship, Spring 2006; Leadership Award for Student Government and Visions, Spring 2006; and member of Who's Who Among American High School Students, Spring 2005/Spring 2006, to name a few; and

"WHEREAS, Constance Crummey has

been nominated for the following: membership in National Society of High School Scholars, Winter 2006; induction into Spring 2006 National Honor Roll; Congressional Student Leadership Conference, Winter 2006; People to People Sports Ambassador Program, Winter 2006; and Global Young Leaders Conference in either the U.S. or Europe, Spring 2005; and

"WHEREAS, A 2005-2006 Times Union Tennis All-Star, Constance Crummey's sense of civic duty and her commitment to others represents the best development of the potential which is inherent in our most precious resource, our youth; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Constance Walsh Crummey upon the occasion of her designation as Teenager of the Year by the Colonie Elks Lodge; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Constance Walsh Crummey."

ACTING PRESIDENT MARCELLINO: Senator Breslin, on the resolution.

SENATOR BRESLIN: Thank you, Mr. President.

It's my honor to rise. Rarely do we have someone that we honor in a resolution that blends leadership, scholarship and athleticism. But with Constance Crummey, we have all three, and exemplified by her all-star status as a tennis player, a participant in both indoor and outdoor track, her academic achievements through all four years, and her exhibited leadership skills. It's just a tremendous accomplishment.

And I'd be remiss if I didn't look up and see your grandmother there. And if she didn't tell you, I will, that she was one of the best tennis players in the Capital District for many years, and you should be very proud of that tradition.

And if anyone doesn't know, we happen to have, for some reason, the mother of Constance here with us, who would be Karen Crummey. Her father would be here, but he's serving judicial duties, Judge Crummey from Colonie.

So I commend you, Constance, I wish

you every success in the future for your wonderful accomplishments to date.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: All in favor of the resolution please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolution is adopted.

(Applause.)

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Mr. President, Resolution 2329, by Senator Valesky, is at the desk. If we could have the title read and move for its immediate adoption.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: By Senator Valesky, Legislative Resolution Number 2329, paying tribute to Father Charles J. Beirne, S.J., for his distinguished service as

President of Le Moyne College, upon the occasion of the announcement of his new assignment helping to establish the first Jesuit university in Africa.

ACTING PRESIDENT MARCELLINO: Senator Valesky, on the resolution.

SENATOR VALESKY: Mr. President, thank you very much.

We were honored today to have Father Charles Beirne open our Senate session with the beautiful prayer that he offered just 10 or 11 minutes ago. And this resolution that is before us today acknowledges the tremendous work that he has done over the course of his lifetime.

Most recently, in Syracuse, he has served for the past seven years as the president of Le Moyne College, the second-longest-serving president of Le Moyne College in its history. Throughout that time he has instituted a number of projects and programs on that campus, including developing new mission statements, a 20-year architectural master plan for the campus, and has launched the largest capital campaign in

college history entitled "Achieving New Heights."

Under his leadership, both the campaign and the college community of Le Moyne is moving like it never has done before.

He has somehow found time over the last seven years to serve as a member of the board of directors of organizations such as Syracuse 20/20, the Syracuse Symphony Orchestra, the Metropolitan Development Association, the Greater Syracuse Chamber of Commerce, and many, many other civic organizations.

We found out recently that the Jesuits have asked him to take a sabbatical from Le Moyne and embark upon a new endeavor to help them develop their dream of opening the first Jesuit university on the African continent.

And so we send Father Beirne off from this Senate chamber today on that new endeavor, wish him all the best, all of our best wishes in establishing the finest in Jesuit education to the African continent.

Father Beirne, thank you for being

here with us today, and thank you for your service.

ACTING PRESIDENT MARCELLINO: All in favor of this resolution please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolution is adopted.

Congratulations, Father Beirne. We welcome you and wish you well in your endeavors.

(Applause.)

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Mr. President, there's a Resolution 2352 at the desk by Senator Smith. If we could have the title read and move for its immediate adoption.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: By Senator Smith, Legislative Resolution Number 2352, honoring

the life and accomplishments of William Hallett Greene, the first black graduate of the City University of New York and member of the United States Signal Corps.

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

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: If we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT MARCELLINO: The Secretary will read the noncontroversial reading of the calendar.

THE SECRETARY: Calendar Number 54, by Senator Skelos, Senate Print 637, an act to amend the Penal Law, in relation to establishing the Class E felony.

ACTING PRESIDENT MARCELLINO:

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 136, by Senator Fuschillo, Senate Print 2360B, an act to amend the General Business Law, in relation to towing of vehicles.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 41.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 172, by Senator Maltese, Senate Print 1237A, an act to amend the General Municipal Law, in relation to certain lung disabilities.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 173, by Senator Lanza, Senate Print 2174, an act to amend the Retirement and Social Security Law, in relation to the retirement of certain peace officers.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the first of April next succeeding.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 362, by Senator Bonacic, Senate Print 466, an act to amend the Private Housing Finance Law, in relation to the farmworker housing.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Nozzolio, to explain his vote.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President and my colleagues, I rise on this important legislation because it's particularly involved with the number-one industry of New York State, that number-one

industry being agriculture.

That today, in the gallery viewing the proceedings, is a group of young people from the Dana West High School in Port Byron, New York. And Port Byron is located in Cayuga County, one of the largest producers of agricultural products in all of New York State and one of the most productive agricultural counties in all of the United States.

Today, this group of the criminal justice class and law class at Dana West is accompanied by their tremendous teacher, Dr. Linda Townsend. Dr. Townsend has continually, through her career, demonstrated real practical applications of education. And that's part of the students' education today in coming to this hallowed chamber to learn about how laws are being made.

This particular group of students is deeply involved in the legislative process, in that they have petitioned the state government to designate an official state vegetable.

And, Madam President, you as the presiding officer today, but also as a

chairman of the Senate Agriculture Committee, I know you are very interested in all endeavors which help promote New York agriculture.

I point to Senate Bill 3919, accompanying legislation in the State Assembly also, to designate sweet corn as the official vegetable of the State of New York.

Now, whether or not this vegetable becomes the official state vegetable is not as important as the fact that these young people are learning about their government, they're taking their responsibilities as citizens very seriously and are participating in the greatest democracy that the world has ever seen.

Madam President, I welcome these fine young individuals from the Port Byron Central School District, right in the heart of most productive agriculture community in the nation. That the Dana West High School street law class, accompanied by Dr. Linda Townsend, are what we are doing in trying to make our government better for their future. And their future hopefully will be in participating in

our great democratic process.

I vote aye on Senator Bonacic's bill. And thank you, Madam President, for welcoming this great group to our hallowed chamber.

ACTING PRESIDENT YOUNG: Thank you, Senator Nozzolio. And you will be recorded in the affirmative.

And I want to give my special greetings to this group as chair of the Senate Agriculture Committee. It's great to see so many young people very interested in agriculture. And I hope you have a great day here at the Capitol.

Announce the results.

THE SECRETARY: Ayes, 50. Nays, 0.

(Applause.)

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 364, substituted earlier today by Member of the Assembly Magee --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 564, by Senator Robach, Senate Print 4291, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 608, by Senator Larkin, Senate Print 1581, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law and the Workers' Compensation Law, in relation to workers' compensation benefits.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 11. This

act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 629, by Senator Lanza, Senate Print 3584A, an act to amend the General Business Law, in relation to purchase of valuable metal.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 630, by Senator Little, Senate Print 3814A, an act to amend the General Business Law, in relation to cyber piracy protections.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 694, by Senator Maziarz, Senate Print 4786, an act to amend the Labor Law, in relation to enacting the Jobs and Trade Act.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number

780, by Senator Golden, Senate Print 4889, an act to amend the Civil Service Law, in relation to permitting children of firefighters.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 781, by Senator Robach, Senate Print 5287A, an act to amend the Retirement and Social Security Law, in relation to investment.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Robach, to explain your vote.

SENATOR ROBACH: Yes, Madam President, very quickly.

I rise to support this bill. And first, on the topic itself, I think we all agree, through international groups, humanitarian groups, the faith-based community as well as the media, we're all aware of the unfortunate displacement and genocide that's going on inside the Sudan of women, children, men, all across the board.

So I'm glad we are taking this step to do all we can to stop this. Similar to earlier attempts that seemed to work, albeit in a very lengthy time period, in what was going only in South Africa. In some regards, I would almost make the argument that this is more dire, due to the amount of violence that these poor people had to endure.

And I had an individual who was from the Sudan whose family was living in Rochester, New York -- they moved out here from their own volition -- and saw firsthand some of the videotape that he took of what was

going on there that, had it been found on his person, probably would have resulted in the loss of his life, of the atrocities going on there. So I'm glad as a body we're moving this bill.

And, secondly, I just briefly wanted to say I wanted to thank my colleague Senator John Sampson, who is ahead of the curve on this, the legislation; Comptroller Tom DiNapoli, who's been working very closely with us to try and do all we can financially and inside the realm of constitutionality to deter the activity that's going on there economically; and, lastly, my colleague Darryl Towns in the Assembly, who was also an early champion of this bill. I'm happy to stand up that we have it here today and support this important measure.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Robach. You will be recorded in the affirmative.

Senator Marcellino, to explain your vote.

SENATOR MARCELLINO: Thank you,

Madam President. I rise to explain my vote on this important issue.

I am a proud cosponsor of this particular bill. It is long overdue. Unfortunately, what is going on in the Sudan is not receiving the kind of press and the kind of attention that it should on a worldwide stage. The war in Iraq is overwhelming this in the papers and the press, and the genocide, the murder, the killings, the rape and the torture of innocents is being carried on, and very little if anything, nothing is being actually done to stop it. Some words are spoken, but nothing serious is on the horizon.

This is a step that New York State can take. Our Comptroller can pull back funding from any business that does business in the Sudan. We can stop that. We can make a statement very clear that New York State will not support in any way, shape or form this kind of horrific behavior against individuals for any reason.

This piece of legislation, as I said, may be considered by some as a small

step but it's a very important step that we make a stand and take a stand on this very important issue. So I proudly vote aye on this bill and urge everyone else to do the same.

ACTING PRESIDENT ROBACH: Senator Marcellino will be recorded in the affirmative.

Senator Sampson.

SENATOR SAMPSON: Thank you, Mr. President.

I rise in support of this bill. And I want to commend you on your leadership with respect to the passage of this bill. And as Senator Marcellino said, it is very important that we take strides and steps to show the world that through our pension funds we will divest in any companies that are involved in anything involving those militias who are involved in the desecration and massacre of individuals in the Sudan.

So I just want to commend the sponsors and the cosponsors. But most of all, I want to commend the Comptroller for pulling back those funds for individuals who are

lending to the death and destruction of those in Darfur.

Thank you very much, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Sampson.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I would like to rise to also thank you for this legislation, you and Senator Sampson, for your leadership on here.

And I would just respectfully request that this be a unanimously sponsored legislation, because I think it really speaks for every single member in this house. It probably speaks for every member in the other house. And I would like to request, therefore, that we all are listed as cosponsors on both sides of the aisle.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Senator Montgomery will be recorded in the affirmative.

Senator Stewart-Cousins, to explain her vote.

SENATOR STEWART-COUSINS: Thank

you, Mr. President.

I do want to congratulate you on the leadership here, both you and Senator Sampson, and just say yesterday we were proud to have a teacher from the Yonkers Public School, Beth Quinn, who received an award from the State Education Department because of the things that she's been doing with the school, meeting hate with humanity.

But what's more important is that there are students who are collecting in high school, under her leadership, for the Sudanese people -- just simple notebooks and pencils and so on and so forth.

So I stand to say that I'm proud that we can contribute our part as a state to making sure that the atrocities in the Sudan are recognized. And I certainly will be wanting to be recorded in the affirmative.

ACTING PRESIDENT ROBACH: Thank you, Senator Stewart-Cousins.

Senator Hassell-Thompson, to explain her vote.

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

Very quickly, I just want to congratulate you and to offer my support in terms of this legislation. I think that most of my colleagues have already articulated for me why I think it's important.

But I think as we look at behaviors across the world, I want us to always be sure that as we stand for something, that our own behavior too is always tantamount to that which we preach.

But certainly I think that this is a tremendous step, sending a message to the world that we do believe in freedom, that we do believe in the rights of all people, and that we try, in our own humanity, to do the right thing and to support the right things.

And I thank you for your leadership in this issue.

ACTING PRESIDENT ROBACH: Thank you, Senator Hassell-Thompson.

Announce the results.

THE SECRETARY: Ayes, 54. Nays, 0.

ACTING PRESIDENT ROBACH: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we would put all members on the legislation as cosponsors. If anybody wishes not to cosponsor the legislation, they should notify the desk.

ACTING PRESIDENT ROBACH: We would be happy to do that, but still, at this point, unlike a resolution, anybody that wishes to be on the bill, if they want to fill out a buck slip, they can do that. We will certainly accommodate them on this important bill.

Thank you, Senator Skelos.

The clerk will continue to read the noncontroversial calendar.

THE SECRETARY: Calendar Number 864, by Senator DeFrancisco, Senate Print 35, an act to amend the General Business Law, in relation to fraudulent sale.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 876, by Senator Robach, Senate Print 4292A, an act to amend the Highway Law, in relation to designating.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 877, by Senator Griffo, Senate Print 4424, an act to amend the Highway Law, in relation to designating a portion of State Route 840.

ACTING PRESIDENT ROBACH: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could just pause for one minute while certain individuals come into the chamber.

ACTING PRESIDENT ROBACH: We'll just pause momentarily here and resume.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT ROBACH: Senator Skelos.

SENATOR SKELOS: If we could now take up the bill and please reread the title.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Calendar Number 877, by Senator Griffo, Senate Print 4424, an act to amend the Highway Law, in relation to designating a portion of State Route 840 as the Officer Joseph D. Corr Memorial Highway.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Griffo, to explain his vote.

SENATOR GRIFFO: Thank you, Mr. President. Thank you, Senator Skelos.

Today is a very difficult day because, while this honor is very significant and it's appropriate that we memorialize and remember this very brave and courageous police officer who on a February night in 2006 was murdered in the line of duty, also today we will be going to the wall, the memorial wall in the park just outside, to remember all those who were killed in the line of duty.

Today we have with us the family members of Officer Joseph Corr. And this tribute that we pay, and this designation, is something that I feel is appropriate and important because it continues to remind people of this brave and courageous young man who paid the ultimate sacrifice in defending and protecting and serving the public interest.

Today we are very honored to have with us in this chamber -- and this is a very

difficult thing for these family members to do. They know that it is essential that they continue to be present and to remember Officer Corr and to remind people of what needs to be done to protect officers in the future. But it's also a family who, despite suffering great pain, has had the opportunity many times to provide solace and comfort to others as they sometimes, as they reflect on the events of that tragic night and remember the great life of this police officer, try to come to grips.

So I want to recognize today in this chamber the family of Officer Joseph Corr: His dad and mom, Dave and Kathy; his sisters, Kelly and Sherry; his wife, Tracy; his beautiful daughter, Caitlin; the grandparents and other members of the extended family who are there, as well as New Hartford Police Chief Ray Philo, Lieutenant O'Neil, Officer Colburn, who is also here, Sergeant Colburn from the New Hartford Police Department, because that is also part of the family.

And today what we do in our area is

to dedicate and remember this great police officer, to remember and celebrate his life in memory by designating this portion of this highway in his honor forever posthumously. And I want to extend again our condolences to the family, but also our thanks and appreciation for your courage, for your willingness to be involved to ensure that this does not happen to other officers, and to always remember this great person -- because he was not only an excellent police officer, he was an extraordinary human being.

And this body again sends its condolences to the family, but also we applaud you and will keep you in your prayers and wish you the best. And today this is one more fitting memory and tribute to a great human being.

Thank you to the Corr family.

ACTING PRESIDENT ROBACH: Announce the results.

THE SECRETARY: Ayes, 56. Nays, 0.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 921, by Senator Leibell, Senate Print 3791, an act to amend the Not-for-Profit Corporation Law, in relation to maintenance.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 974, by Senator Golden, Senate Print 1148, an act to amend the Executive Law, in relation to designating.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 975, by Senator Robach, Senate Print 1699, an act to amend the Executive Law, in relation to members of the State Police.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 980, by Senator Marcellino, Senate Print 5307, an act to amend the Education Law, the Business Corporation Law, and the Limited Liability Company Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 16. This

act shall take effect two years after the date on which it shall have become law.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 1015, substituted earlier today by Member of the Assembly Destito, Assembly Print Number 360A, an act authorizing the Office of General Services to convey.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 1017, by Senator Young, Senate Print 3001, an

act to amend the Public Officers Law and the Village Law, in relation to qualifications.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 1028, by the Senate Committee on Rules, Senate Print Number 4204, an act to amend the Tax Law, in relation to extending.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The

bill is passed.

THE SECRETARY: Calendar Number 1176, by Senator Padavan, Senate Print 5902, an act to amend the Penal Law and others, in relate to human trafficking.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Padavan, to explain his vote.

SENATOR PADAVAN: Thank you, Mr. President.

I'm just going to take a few minutes to talk about this bill because we have discussed it on many other occasions, most recently in February, and the bill before us today is essentially that bill, with some changes to accommodate both the Assembly and based on recommendations made by them and the Governor.

Basically we have two major components in this bill, tough penalties for those who promote, engage in, facilitate, operate human trafficking activities, with sentences, depending on the particular act, ranging from one year to 25 years.

We deal with sex tourism, this horrible commercial activity of arranging for individuals to travel to far places and to engage in sex with children.

We have a variety of punitive measures in this bill that will hit hard at the traffickers and any other ancillary activity associated with the traffickers.

There was a high-profile case recently a week ago of a couple out in Muttontown, of having two Indonesian individuals trafficked into this country, put in bondage, in slavery, over a period of many years. Under this legislation, if it becomes law, those individuals could have sentences up to 25 years for having conducted that type of activity.

The other major component of this bill deals with treatment and assistance and

aid to those who are the victims in a whole host of ways, providing not only compensation directly but also housing, healthcare, a whole host of services that social service agencies would be required under these provisions to provide. In addition, facilitating interaction with the federal government that would deal with their status in this country, including green cards and citizenship.

So there are many, many things in this bill that are both positive and beneficial not only on the law enforcement side, not only in dealing with the human traffickers, a modern-day form of slavery, but also dealing with the victims themselves.

One final point. We create in this legislation an interagency task force on human trafficking. We involve the Office of Temporary and Disability Assistance, which includes housing, healthcare, mental health counseling, drug treatment, language services, and job training. So there's a great deal in here involving help to those who are victims of this terrible, terrible activity.

We require that in a year from now

the task force come back to the Legislature, along with the other agencies I mentioned, and give us an update on how this bill, this law is being applied, making recommendations that maybe appropriate for any additions, changes or modifications.

That is the essence of the bill, Mr. President. However, before I sit down, I want to take this opportunity to thank the many advocates in the state and elsewhere who played a major role over the period of five or more years that I've been involved, and perhaps even longer than that, in seeing that this legislation becomes law. People like the New York State Anti-Trafficking Coalition, Equality Now, the National Organization of Women, Safe Horizons, and of course the New York City Bar Association.

And, in addition, my good friend and colleague Senator Dale Volker, chairman of Codes Committee, who was extremely helpful over a long period of time in helping us get to this point.

Thank you, Mr. President. I vote aye.

ACTING PRESIDENT ROBACH: Thank you, Senator Padavan.

Senator Sabini, to explain his vote.

SENATOR SABINI: Thank you, Mr. President.

I want to congratulate Senator Padavan in moving forward with this bill and be willing to compromise, as did the Assembly on a couple of items.

I think the sponsor is a hundred percent correct that the bill has got the two components that we really needed in a tough human trafficking bill -- strong penalties for those engage in this heinous crime and human services for those who are the victims of the crime.

The victims of this crime are not normal criminal evidence or burglar's tools, they're human beings. And they're human beings who have been robbed of their identity, robbed of their health, robbed of their immigration status. And what this bill will do for them is allow them to become human beings again -- achieve social services,

achieve medical care, dental care, access to education, access to benefits. And the state will allow them to come as close to achieving a T visa as is humanly possible if they choose to stay in this country and avail themselves of the American dream, because up till now their presence in America by and large has been a nightmare.

The agreement on this bill came literally a day after the incident that was exposed in Muttontown where two women from Indonesia had been held captive by a family for domestic servitude. This crime of human trafficking takes on many forms --

ACTING PRESIDENT ROBACH: Excuse me, Senator Sabini.

If we could just get a little bit of quiet in here. This is a very important topic, and I'm sure we all want to hear our colleague.

Continue, Senator.

SENATOR SABINI: This crime involves many different forms of it, whether it's enslavement for prostitution, as the Carreto brothers did in the Corona section of

my district in bringing women in with promises of the American dream and perhaps marriage, and they wound up being enslaved as prostitutes; the deaf Mexicans of Jackson Heights in my district, who were brought in from Mexico to beg in the subway and then have the alms taken from them every day that they came home -- but again, not being able to run away, because they had no papers. If they went to authorities, they felt they had no identity to be nothing but prosecuted on their own.

We have a new situation now that a group of women from the Ukraine who are disabled have been brought into the South Asian parts of my district, dressed up to appear South Asian and beg for alms and then they're picked up every night and their money is taken from them, the money that they've begged for during the day.

So that whether it's in the tony suburbs of Muttontown or in the streets of Queens or on Park Avenue, we've seen this crime in various forms.

I want to, as Senator Padavan did,

thank the dogged efforts of the folks in the New York State Anti-Trafficking Coalition and all their member groups for persisting in this fight.

But I especially want to thank the Governor for bringing us together on this, because for the last two years the two bills that passed each house were never seemingly coming together. And with all due respect, this is not an issue that we can afford to ignore anymore. It's not screw-thread regulation, it's not the Bottle Bill. There are human beings involved. And the fact that we were doing sort of the Albany shuffle on this and not making a bill come to law was really a shame.

So I want to thank the Governor for his role, as well as Senator Padavan and Assemblyman Dinowitz for making this finally come to fruition.

But again, I think that citizen action in this case, the work of the member groups of the New York Anti-Trafficking Coalition, Equality Now, the National Organization of Women, Safe Horizons, the bar

associations, both New York Bar Association and the Asian Bar Association, really should be commended for their work on this.

I'll be voting aye. Thank you.

THE PRESIDENT: Senator Sabini will be recorded in the affirmative.

Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Thank you, Mr. President. I rise to explain my vote on this important issue.

I thank Senator Padavan for bringing it forward. I represent Muttontown, the area where most recently a couple was found to be holding two young women, apparently against their will. Slavery, in this day and age, in Muttontown, Long Island -- something unheard of. Most people would never even perceive it as a possibility. Certainly I didn't.

But nonetheless, it's a reality: What has been described as the ability to bring people here and to abuse them, misuse them, to lie to them, lure them to this country with the potential of participating,

as my colleague Senator Sabini said, in the American dream and then treating them in the foulest and most heinous ways.

This is something that we must do all in our power to stop. It goes back to what we did before with the bill on Darfur. This kind of thing, this kind of behavior cannot in any way, shape or form be allowed to exist in any civilized country in any place, let alone the United States of America. This is an abomination which we must do all in our power to stamp out with everything we can.

So I thank again Senator Padavan and, yes, the Governor for bringing the issue to the forefront, Senator Bruno for moving it in this chamber, and for all my colleagues who I'm sure will support this unanimously. This is an important bill.

And again, I stress it shows what we can do when we come together and work together in a cooperative, collegial, respectful manner. I vote aye, and I know every one of my colleagues will do the same.

Thank you, Mr. President.

THE PRESIDENT: Thank you,

Senator Marcellino.

Senator Marcellino will be recorded in the affirmative.

Senator Volker, to explain his vote.

SENATOR VOLKER: Mr. President, briefly let me just -- I want to commend Senator Padavan also. I also want to commend a number of the people in this chamber on both sides of the aisle.

We had a hearing in New York City here last year on this issue, and I have to admit to you, it opened my eyes. Even though I had sent my counsel down there to look into it, I didn't realize the extent until we got there. And we had a very emotional hearing. And frankly, it is kind of interesting, I was watching as the Assembly -- and I'm not knocking the Assembly, except they were the ones that had a terrible problem with this, because there were three or four different views.

I want to commend the Governor too. Because we were planning on having joint hearings. Assemblyman Lentol and I, he

admitted to me that he had a problem in his house, so we had decided we were going to have problems in New York City, Albany, and Buffalo as well as Long Island because of the issue. You say, why Buffalo? Well, I found out in talking to police and immigration people that we had a lot of people being brought across from Canada who in effect were indentured slavery, it was really slavery. And in fact, there was a raid, if I'm not mistaken, on a farm in upstate New York where they thought they had illegal aliens, and they found out that they were illegal aliens all right, but they were slaves, is what they were. And I understand they ended up busting a whole bunch of people involved in an international ring, apparently.

So this is not just New York City. And I admit to you that when I first looked into it, I thought that that's what we were finding.

The good thing about this is that after we were about ready to schedule hearings, I was told: Hold up a little bit, because we may have something happening here.

The next thing I knew, the Governor got involved and all of a sudden the Assembly decided that maybe they could agree.

I'm happy about that. I'm very happy. A lot of effort is -- but I will say this one thing. Senator Padavan was always a tiger on this issue. The people that represented the city on both sides of the aisle, I don't think there was ever any real dispute here, just an attempt to come up with a solution.

I will say one funny thing, if I might, and that's that one union did kind of surprise me. And the only way I can describe this union is I was -- it was described as the union of night people. I found out that there was an actual union of people who sell their bodies, if you know what I mean. And I thought, now there's one that I never ran into before, a union of prostitutes.

And they were afraid that what we would do is make it tough on their trade. I said "Wow." I'm telling you, I learned something when I went down to New York City, I'll tell you that right now.

In any case, this is a very much needed bill. I commend the Governor. I commend everyone that was involved. We need to do this sort of thing.

There's going to be more, I think, in the enforcement area, because this is a huge issue. And it's not only a state issue, it's an international issue. And the federal government is going to have to get more involved in this, because a lot of people are being tortured and are being held hostage and so forth and we got to deal with this.

So I thank everybody in this chamber, and I congratulate the Governor and Senator Padavan. Thank you. I vote aye.

THE PRESIDENT: Senator Volker will be recorded in the affirmative on Calendar Number 1176.

Senator Hassell-Thompson, to explain her vote.

SENATOR HASSELL-THOMPSON: Just briefly. Mr. President, thank you.

I too rise to support this legislation. And it would be very uncomfortable if I did not. Any form of

slavery is unacceptable. And I just appreciate the fact that New York State is standing up to this issue.

Three years ago the women's caucus made an effort to put forward a national -- became part of a national movement to begin to look at the issue of human trafficking. And I just appreciate the fact that the Governor and those in this house thought it not robbery to deal with an issue that is of critical importance to people who do come to this country thinking that they have found a haven and, rather, find hell.

And so therefore it gives me great pleasure to be part of a body that looks at this 21st century issue of slavery and makes an effort to seriously do something about it.

THE PRESIDENT: Senator Hassell-Thompson will be recorded in the affirmative.

Senator Young, to explain her vote.

SENATOR YOUNG: Thank you, Mr. President. To explain my vote.

First of all, I want to congratulate and sincerely thank Senator

Padavan for his persistence, his dedication. This is an issue that he has put his heart and soul into, and we should thank him very much for that hard work that he's put in on this bill.

The Farm Bureau actually strongly supports this legislation. And you may say why, why is that? Because you think of this as more of an issue that may affect urban city areas, heavily populated areas. But actually it's a rural issue also, because there are many migrant farmworkers in this state who have been taken advantage of by unscrupulous people who bring them into farms under false pretenses and victimize them.

And that's why this is so important, because this is an issue that affects the entire state, not just certain parts of the state.

We as lawmakers and human beings have an obligation to other human beings to make sure that they're not victimized, preyed upon, and made into slaves. And so I commend not only Senator Padavan but all the Senators in this chamber who have worked so hard on

this, and also the Assembly and the Governor for working this out.

And I think it proves that when we can get together, we can have results. And this is one of those cases.

So, Mr. President, I vote yes.

THE PRESIDENT: Senator Young will be recorded in the affirmative.

Senator L. Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I also rise to applaud the people who have worked so hard to get this bill passed. It is one of fundamental human rights.

But I want to add one thing to the discussion today in my statement. Some people are confused why we needed a state law. They said we had a federal law against trafficking and therefore it was duplicative for us to have a state law. But I think it's so critical for people to understand this wasn't the kind of issue that the federal law enforcement officials were going after. This

is a question of enforcement.

So we have accomplished a goal in passing this bill today and knowing that it's agreed upon and that the Governor will sign it. But the challenge awaiting us is ensuring that this new law gets enforced. Because many of my colleagues have described some of the horrendous things that have been going on throughout the state of New York -- exploitation, slavery, forced prostitution, forced drug addiction, murder growing out of this activity.

But unless we now take the next step to ensure that our law enforcement officials are trained and educated, follow through and stop this behavior, in the future we'll just be talking about the law we passed. So it is a good day. Everyone who worked so hard on this should be applauded. And now the real work begins for us.

So I vote yes. Thank you, Mr. President.

THE PRESIDENT: Senator Krueger will be recorded in the affirmative.

Senator Adams, to explain his vote.

SENATOR ADAMS: Thank you, Mr. President.

I think this bill and the one that preceded it, the bill on Darfur, I think is as important for us as it is for the individuals who would benefit from the bill.

As I stated yesterday and I will continue to state, America has historically set the tone for decency across the globe. And you think of that old commercial when the man walked out of the hospital with his child and he says "What can one man do?"

So the question becomes "What can one state legislator do?" There's so many much we can do to clearly not allow ourselves to be consumed by the enormity of the problems that we're facing on a global proportion. We can set a tone across the globe that no matter what happens elsewhere, we're going to ensure that it doesn't happen here.

We're not going to allow our dollars to be used to invest in those countries that are abusive and have draconian measures to handle their citizens. We're not going to allow people to kidnap individuals

and bring them to our country and allow them to be exploited, abused and misused.

So this bill is important, and I commend all those who put the energy together to make it happen. It's a real issue. It's a real incident. This allows our law enforcement community to do their jobs, to make sure that this country remains the most important land of the free and not a land that would be exploited by anyone.

Thank you, Mr. President.

THE PRESIDENT: Senator Adams will be recorded in the affirmative.

The Secretary will announce the results on Calendar Number 1176, sponsored by Senator Padavan.

THE SECRETARY: Ayes, 59. Nays, 0.

THE PRESIDENT: The bill is passed.

That completes the noncontroversial reading of the calendar.

Senator Skelos, we have a bill that has been laid aside here.

SENATOR SKELOS: Mr. President,

if we could return to motions and resolutions.

There's a resolution at the desk by Senator Bruno. If we could have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 2406, honoring Terrance L. Brewer upon the occasion of his retirement as Superintendent of the East Greenbush Central School District, after 34 years of dedicated service in education.

THE PRESIDENT: The question is on the resolution. All those in favor please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is carried for Terrance L. Brewer of the East Greenbush Central School District.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe Senator Farley has a motion to make at this time.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Skelos, on page 63 I offer the following amendments to Calendar Number 1022, Senate Print 3857, and I ask that this bill retain its place on the Third Reading Calendar.

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

Senator Skelos.

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

THE PRESIDENT: The Secretary will ring the bell and alert the members.

The Secretary will read.

THE SECRETARY: Calendar Number 364, substituted earlier today by Member of the Assembly Magee, Assembly Print Number 4367, an act to amend the Executive Law.

SENATOR LIZ KRUEGER: Explanation.

THE PRESIDENT: Senator Seward, an explanation has been requested by Senator L. Krueger.

SENATOR SEWARD: Certainly, Mr. President.

This bill would exempt structures that are used in conjunction with a farm operation from the definition of "building" for the building code compliance purposes.

Starting January 1st, the Department of State issued new regulations that require the inspection of all nonresidential buildings for code compliance. But the unique nature of farm buildings was not specifically contemplated or exempted as part of these new regulations. And in many, many cases these new regulations are going to be very costly and burdensome and would provide little if any protection in a farm-operation-style building.

So this legislation would provide clarification by specifically exempting working, operating farm buildings from these new property maintenance code provisions.

THE PRESIDENT: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If, through you, the sponsor would yield.

THE PRESIDENT: Senator Seward, will you yield to a question from Senator Krueger?

SENATOR SEWARD: Yes, I will.

SENATOR LIZ KRUEGER: Thank you so much. Actually, I'll have a few questions.

But to start, through you, Mr. President, in your explanation you said that this would be buildings on farms that were not for residential use. But when I read the section of the law your bill is amending of the definition of buildings, on-farm buildings, it doesn't specifically exclude residential buildings.

So is it your understanding that farmworker buildings, farmworker housing, wouldn't be excluded under your bill from the fire codes and the building codes?

SENATOR SEWARD: Mr. President, this legislation deals with the nonresidential buildings. So we're talking about, you know, the farm buildings themselves. It has nothing

to do with any residential building that may happen to be on a farm property.

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

ACTING PRESIDENT MARCELLINO: Senator Seward, do you continue to yield?

SENATOR SEWARD: Yes.

ACTING PRESIDENT MARCELLINO: He yields, Senator.

SENATOR LIZ KRUEGER: Thank you. I may go back to the farmworker question because in fact the definition is "the land and on-farm buildings, equipment and practices which contribute to the production, preparation and marketing of crops and livestock." So I'm not sure I totally agree with that.

But my follow-up question is, so any other building on a farm, under this definition, would not be required to follow either building code or fire department inspection requirements? Is that your understanding of the bill?

SENATOR SEWARD: Well,

Mr. President, the buildings that we're talking about under this legislation have traditionally been exempt from these codes.

The difficulty has arisen with the recently promulgated regulations at the Department of State with the revising of the property maintenance code, which does require these nonresidential buildings to be inspected for code compliance.

That's the difficulty, because these newly revised regulations did not specifically exempt these farm buildings. And so we're seeking to provide that clarification, which has traditionally been there through regulation in the past, from these new requirements.

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

SENATOR SEWARD: Yes.

ACTING PRESIDENT MARCELLINO: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

So is it your understanding that if your bill were to pass, that farm manure,

liquid manure, storage facilities and other large-capacity chemical storage sites or large chemical storage, fertilizer, pesticide, herbicide combustible material storage in buildings on farms, that all of those buildings would be exempt from the building codes and the fire department reviews?

SENATOR SEWARD: Mr. President, as the bill states, if their buildings are involved with a farm operation, nonresidential, then under the provisions of Article 25A(a) of the Agriculture and Markets Law, then they would be exempt.

SENATOR LIZ KRUEGER: Thank you. Mr. President, to speak on the bill.

ACTING PRESIDENT MARCELLINO: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you. I want to thank the sponsor for his answers.

And granted, I have no farms in my district. But I am very concerned about safety and the risk of fire and the risk of harm to humans and the growing concerns about hazardous material and hazardous waste storage, whether it's in a rural setting or an

urban setting.

And so when I decided to do some homework, as the Democratic ranker on the Housing and Construction Committee after the bill came through committee, I learned that according to the U.S. Department of Agriculture, the Fire Safety Bureau, the Rural Health and Safety Bureau, throughout the country, that actually farms can be dangerous places.

They have large quantities of combustible items, items that are needed for good, safe, modern farming, but there's large quantities of things like pesticides, fertilizers, herbicides, what are called combustible materials that are defined under federal law and state law as hazardous materials.

And if they're stored incorrectly, without somebody reviewing the situation, they can result in large explosions, both fires that risk the humans and the animals in the immediate area and toxic impact on the environment, both through the air and through the water.

I also started to do some homework about the concern of what happens on farms who have manure storage facilities that may leak. They can be aboveground buildings or tanks or they can be in-ground storage facilities. And we now know that by the nature of the products, they produce gases, including ammonia, carbon dioxide, methane, which is highly flammable, hydrogen sulfide, which is extremely poisonous, particularly if it's ignited, that there are very specific recommendations for maintaining adequate ventilation and protections in the way that the storage tanks and facilities are built and maintained. There's --

ACTING PRESIDENT MARCELLINO: Excuse me, Senator.

Can we have some order in the house, please. Thank you.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

There are charts on the human impact and the animal impact from being exposed to these various toxins if they're in fact produced as an outcome of manure storage

or if they are a combustible item, as I mentioned before, that could blow up.

I also started to look into what does it mean to have a building that is involved with a farm. Because of course the initial concept is we're talking about a barn. And if it's a barn, why should we really all be that concerned about the individual farmer's barn; obviously, they won't want it to burn down. But no, it turns out in modern-day farming you can have whole processing and manufacturing plants physically on your farm.

In fact, there's all kinds of reasons that modern New York farmers are doing that, things that I think we support for expanded agricultural business, agricultural processing. We want modern, successful farms in New York State. But modern, successful farm technology also means they can actually be building physical factories on their property, which I'm not objecting to in any way, shape or form. I want our farm industry to expand and be healthy and prosperous, and I want the City of New York to buy New York

State farm products.

But I think it's important to recognize that we're not that 19th century model of farming, we're in a 21st century model of farming, and that the definitions of buildings that would be used for the production, preparation and marketing of crops, livestock and livestock products as commercial enterprise on the land that is a farm or affiliated with a farm can be large, modern and potentially dangerous facilities -- not dangerous at the level that no one should be building them or using them, but I think it's more important than ever that we've got a building code and we've got fire inspectors who go and review and make sure these are safe --

ACTING PRESIDENT MARCELLINO: Excuse me, Senator.

Senator Young, why do you rise?

SENATOR YOUNG: Will the speaker yield for a question?

ACTING PRESIDENT MARCELLINO: Will the speaker yield?

SENATOR LIZ KRUEGER: Yes, I

will. Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: She yields.

SENATOR YOUNG: Senator, I was just curious about the time that you've actually spent on farms. Have you visited farms in the past?

SENATOR LIZ KRUEGER: I have visited farms. I even spent the summer working on a farm.

SENATOR YOUNG: You did. Where was that at?

SENATOR LIZ KRUEGER: In Israel, on a kibbutz.

SENATOR YOUNG: In Israel.

SENATOR LIZ KRUEGER: Yes.

SENATOR YOUNG: Have you ever spent any time --

ACTING PRESIDENT MARCELLINO: Are you asking the Senator to yield, Senator Young?

SENATOR YOUNG: Yes. Will the speaker continue to yield?

ACTING PRESIDENT MARCELLINO: Will you continue to yield, Senator?

She yields.

SENATOR YOUNG: Senator, have you spent any time on New York State farms upstate?

SENATOR LIZ KRUEGER: I have visited New York State farms, absolutely.

SENATOR YOUNG: And you've spoken to a lot of farmers about their operations and understand their buildings and so on as far as what their needs are to operate?

SENATOR LIZ KRUEGER: No, I didn't. I read the materials being produced by the government about their recommendations and the realities of modern-day farms.

SENATOR YOUNG: Will the Senator continue to yield.

ACTING PRESIDENT MARCELLINO: Senator, will you continue to yield?

SENATOR LIZ KRUEGER: Yes, I will, Mr. President.

ACTING PRESIDENT MARCELLINO: She yields.

SENATOR YOUNG: I guess the question I have is that you're talking, you're comparing a lot of the farm buildings to

commercial buildings. And certainly we're trying to do value-added operations on many of our farms upstate.

But there's a distinct difference between commercial buildings and a lot of these farm buildings. And I guess my question is I'm not sure that you understand that and that you can't compare the two, because you're comparing apples to oranges or apples to watermelons. I mean, it's not -- and to have the same standards for commercial buildings that you have for farm buildings I think is a little bit ridiculous.

So I guess my question is I'm not sure that you've spent enough time on the farms. And how do you come to this analysis that they're one and the same?

SENATOR LIZ KRUEGER: Thank you, Mr. President. I'm happy to answer the question. Thank you, Senator, for the question.

That's true, I don't think these are commercial in the sense of an urban commercial facility. But again, I'm reading reports about rural health and safety and farm

manure storage. I don't think we have farm manure storage anywhere but on farms, so I don't think it's a parallel with any kind of nonfarm commercial.

I don't believe when I'm reading on farm fire safety from the Farm Safety Association of America that I'm reading about commercial types of operations that are not farm-based. The research I am reading from, the research I have done, is actually specific to farms.

So I do think it is perfectly reasonable, as you are proposing, to say that it's different on farms, yes.

I think, though, that it is also perfectly reasonable for us to agree that there are specific hazards and dangers that grow out of any kind of activity, and our job in the government is to help protect people and to ensure that we have standards of safety.

And while I would be completely open to broader discussion of should there be different standards for building codes on farm structures or manure storage tanks versus

high-rises, yes. Would I be totally open to the argument that there should be different evaluations of hazardous material and fire department inspections for rural farm facilities versus high-rises? Yes.

But my reading of the Senator's bill here before us is not different standards but to exempt them from the standards. That's specifically what this bill would do. And I have to tell you that from a human safety, from an environmental protection and in fact from an animal safety perspective, I would argue that we don't want to exempt any building or structure on a farm from any standards of health and safety through building codes or hazardous material or fire department standards.

SENATOR YOUNG: Mr. President, will Senator Krueger continue to yield?

SENATOR LIZ KRUEGER: Yes, I would be happy to.

ACTING PRESIDENT MARCELLINO: She yields.

SENATOR YOUNG: Senator, I was very interested to hear you talk about

environmental issues. Are you familiar with the fact that those environmental issues are already covered under environmental conservation laws in New York State?

And so my question is are you aware of that. And also, if that's the case, then why do you continue to think that this legislation is not necessary?

SENATOR LIZ KRUEGER: Thank you.

My understanding of environmental conservation laws is that they have standards for what you can't do or what you can't release into the water table or into the air, but that this is actually a building code and inspection.

So if -- there is a correlation, absolutely, Senator. If the law says you can't release toxic chemicals from manure production into the environment, that's, I think we both agree, a good. But if nobody is going out to inspect and say the way you've built your storage tank doesn't meet the standards to protect from the possible either leaking or creation of toxic gases, I think they go hand-in-hand.

And there's a reason we have building codes, there's a reason we have fire department inspections. And there's of course reasons why we have environmental conservation laws. So I think they all merge.

And again, I think in a discussion about what would be the right type of standards, if it ought to be different for agricultural sites versus urban or commercial or suburban houses, yes, again, I think that would be very worthy of discussion.

Although if I would just also add, my understanding is -- and I believe Senator Seward said this when he was presenting -- the New York State government spent years developing the new building codes and fire department standards and that they only went into effect in January 2007. So it's possible that exactly the type of discussion you're concerned that needs to happen did happen in this context; I just don't know.

SENATOR YOUNG: Thank you, Mr. President. Will Senator Krueger continue to yield?

SENATOR LIZ KRUEGER: Yes, sir.

ACTING PRESIDENT MARCELLINO: She continues to yield.

SENATOR YOUNG: Senator Krueger, first of all, I think you did answer your own question, and DEC does inspect farms for these type of violations already.

But as a follow-up question, you talk about hazards and safety and things like that, and maybe structures aren't built correctly or whatever. I guess my question to you is, have you had any particular cases that you can think of where buildings have fallen down on someone or someone has been injured by that?

Because I have to tell you, I grew up on a farm, I've lived in upstate my entire life, and I cannot think of one instance where that has happened. So if you have something that you can share with us, I would be very interested in that.

SENATOR LIZ KRUEGER: Thank you, Mr. President. I'm happy to answer that. Yes, I can certainly get you those results. Again, not on buildings falling down on people. I must admit the actual collapse of a

building was not anything I came across.

But in fact, through the U.S. Department of Agriculture, the Farm Fire Safety Association, the Rural Health and Safety Association at various cooperative extensions who have done research, they talk about the fact that in fact farm fires are not uncommon, that farmers lose their lives every year in this country from fires and other toxic accidents.

Now, I'm certainly not proposing that farms should be conceived of as dangerous places or places people shouldn't live and work and visit. But there are risks involved with anything. You and I both of course know that. And all I'm suggesting is that in a 21st-century model of both governance and regulation and, in fact, modern-day farming techniques, that it is a reasonable and practical idea to have both building codes for the buildings and storage facilities that are being built on farms and that it is reasonable to have the fire department do inspections.

Again, not to catch anyone, but to say, you know, if you put all of these

chemicals together, you risk having a fire. You don't want one; we don't want you to have one. If you don't build your manure storage facilities correctly to code, you risk having these problems that you don't want to have, that we don't want to have.

There's also some research I found about the phenomenon of spontaneous combustion when vegetable and animal oils, fibers, flax, wool, hay under certain conditions, if not stored correctly in the right kind of silos, can actually result in spontaneous combustion and blowing up and fires.

No one wants any of these things to happen on their farm. I think our job is to try to make sure some reasonable standards are followed to protect everyone from this happening to them.

SENATOR YOUNG: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

SENATOR LIZ KRUEGER: Thank you, Mr. President. Just to complete my statement.

Again, I don't think it's in the

best interests of farmers, of the people who work on farms, of the people in the immediate environment of farms to be exempt from any standards of building codes or fire inspection.

And so I respectfully will vote against this bill and ask my colleagues to think through whether they want to exempt an entire arena of our state from any kind of building code or fire inspection regulation.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

I certainly would like to speak on behalf of this bill and in support of this bill.

I represent six counties, three of whom are mostly agriculture counties. And what we're hearing today is a lack of understanding of the agricultural community of rural New York.

The buildings that we are talking

about are not a manure storage building or a new building for chemical storage that has taken place. What we're talking about today are the old sheds -- the tool shed, the hay shed -- the buildings that have been there for years that have always been exempt from this building code, in recognition of agriculture and agricultural buildings needed for a farm operation.

What will happen if we do not pass this bill is I will tell that you on many of the farms in my district, they will take down all of these old buildings rather than have to be subjected to this new enforcement.

I have a letter from the board of supervisors from Washington County. And if I may, I would like to include in the transcript a paragraph that really explains their reasoning for supporting this bill and the need for Senator Seward's bill today.

I quote: "For many years an exemption from the building code has recognized the unique nature of farm buildings compared to other nonresidential buildings such as commercial office buildings.

Standards for buildings used for housing dairy cattle are vastly different from standards necessary for public assembly areas. Unfortunately, this recognition was not carried forward to all aspects of the uniform code. This means that, inadvertently, standards that have been established without consideration for agriculture will now be enforced on farms through Department of State regulations."

My understanding is that this is a misunderstanding of the need on agricultural buildings and a misappropriation of that code. No one is more concerned about the safety of the buildings on their property than our farmers. And no one is more concerned about needing these buildings for their farm operation.

These people are good stewards of the land, they are good stewards of the buildings that they have there. They need this exemption, and they need it now. Hopefully everyone here will vote for this bill in an understanding of our agricultural community in New York State.

Thank you.

ACTING PRESIDENT MARCELLINO: Senator Farley.

SENATOR FARLEY: Yes, thank you, Mr. President.

I rise to enthusiastically support this bill. This legislation passed unanimously in the Assembly, and for good reason.

Senator Little said it all. I don't think that there's -- the farms, and I have a number of them in my district, my four-county district, it's a very marginal business to start with. Many of these people are in this because they're traditional family farms. And particularly the dairy farmers and so forth, it's financially very marginal. And to meet these requirements is absolutely financially ruinous. To put sprinklers in barns and so forth is not practical and it's not responsible.

The farm community that I represent has contacted me on this. This is very, very important to the farm community, New York State's largest industry. I don't think that

there's a working family that is more concerned about fire, the property, than farmers. They have grown up with this.

Senator Young has grown up on a farm; she knows something about being part of the farm community.

This legislation is absolutely essential to exempt them, because they need it. Not only is it impractical financially, it's impractical to bring it about to meet the fire codes on some of these buildings.

And as I said, I support it enthusiastically. And I really think that anybody that has visited a farm or knows something about farming should be able to support this legislation.

ACTING PRESIDENT MARCELLINO: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

What we're trying to do to the agricultural industry is to try to make it continue to survive. I have four counties. All of them, portions of them have agriculture as a main industry.

It's really not a dangerous place to spend time unless you get into the arena with a bull or a frisky horse. Then it might be dangerous. Or if you ride a tractor on a hill and you have turnovers.

But I don't know of any farm building in my four counties for the last 35 years that had an explosion because of fire regulation omissions.

The Farm Bureau, which is the watchdog over the agricultural industry, supports this bill. They watch out for the safety of the workers and the people that live on and own farms.

But the sounds that I'm hearing from the other side are disturbing because it shows that there's no appreciation or understanding of the upstate culture. We've seen it on hunting issues, we've seen it on small business issues, now we see it on anti-agricultural issues.

The other thing is, there isn't a regulation that you don't like or embrace. And what's the purpose of this regulation? If it's truly for public safety and the

protection of workers and farm owners and children, it's good and healthy. But everything has to be tempered with common sense and a balance of public safety versus overregulation.

Now, the farm industry, in energy costs, pays four times higher than other states. Taxes are four times higher than other states. It's the leading economic industry in the State of New York. It would be interesting to see a Democratic Senator get up from upstate that has agriculture within their district and talk the way a particular Senator is talking from New York City, where all there is is concrete. There probably isn't a lawn or a tree or a farm.

It shows a lack of appreciation or trust, trust in the Senators that represent the people and the farms upstate, whether they're Republican or Democratic Senators.

In the Assembly, the bill has passed unanimously.

And I will sum up some of the remarks of my good friend and Democratic colleague. When you talked about the storage

of manure, believe me, there was a lot of manure being thrown around this chamber today.

And I think I will say, in conclusion, this will cripple the farm industry, it will aggravate the industry, it will create pit bulls and harassment on the industry, and it will drive it further into the ground. And this is something none of us want, because it's the leading industry in the State of New York.

And do you recall that we have just recently, in this budget, gave $30 million, due to the good leadership of Senator Young and others here, to help the dairy industry, who's been depressed for the last three years? And we are losing farms by the hundreds in this state. Now, if you want to lose them by the thousands, keep imposing these expensive mandates that have never been there in farming for the last 200 years.

This is about common sense. This is not about the world is coming to an end if we don't exempt these farm buildings and old sheds. I vote aye.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Winner.

SENATOR WINNER: Thank you, Mr. President.

I certainly am kind of surprised at this debate. I'm certainly surprised that the leading opposition to this legislation is from an area that doesn't really have much of an appreciation of agriculture.

While it's certainly -- you're free to raise these particular issues -- and actually, I kind of thank you for it, because last week we kind of heard a debate from that side of the aisle that was decidedly anti-business, small business, and today we're hearing a debate that's decidedly anti-agriculture.

So to that extent, I want to thank you for at least making it pretty clear what would happen, if you guys were in the majority, to small business and to agriculture.

And that certainly this legislation demonstrates that there is a reflection, at least on this side of the aisle, that there

are unreasonable regulations when it comes to the agricultural community.

You know, I know it might come as a surprise to you from Manhattan, but -- you know, someday maybe, you know, I'll invite you up to Big Flats and you can meet a cow face-to-face and we can talk about some of those particular issues.

But there's a provision in the code, Senator, that says that you can't store dry vegetation because it might pose a hazard. Now, I don't know if you know, but every once in a while, you know, farmers put hay in barns. And I know that comes as a radical type of an idea, but hay is -- the other thing that might come as a surprise to you, you have to dry hay, too, before you put it in the barn. Otherwise, you might cause a fire.

But the farmer knows that. And so as a result, these are the kinds of things we're trying to say you ought to be able to do.

Now, I don't know -- I mean, if you don't want to have hay in barns, I mean, that's your position. But I kind of think

that those of us that represent areas that have dairy farms and horse breeding operations or horse operations certainly think that hay is an important thing. You may have even seen it on TV or in the movies. You know, they have hay wagons and hay rides and, you know, people fall down in the hay or whatever.

But nonetheless, Senator, I just think that -- again, I want to thank you for bringing this opposition to the floor, because it's very helpful in making the State of New York realize what's important on your mind as far as your side of the aisle is concerned.

ACTING PRESIDENT MARCELLINO: Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

I want to commend Senator Seward for putting this very important piece of legislation forward.

And I think that the debate today shows that some members of this chamber are out of touch with agriculture. They're out of touch, they have a lack of understanding. And frankly, I think there's a lack of support.

Because I'm thinking back to March 13th, earlier this year, when we passed our budget resolution in this house, and other members on the other side of the aisle voted against the dairy assistance program and every single agriculture program that we provide in this state. And that really, really concerns me.

I am in touch. I'm chair of the Senate Agriculture Committee. Recently I was at a forum with the New York State Grange, and they brought to the forefront their concerns about this building code regulation and what it does to farmers in this state. They already are struggling; that's why we did the dairy assistance program this year. But we need to encourage, support, and grow agriculture in this state because it's still our number-one industry.

It was interesting to hear Senator Krueger talk about the manure and talk about pesticides. These already, already are heavily regulated by the Department of Environmental Conservation in this state. There's no need to add another layer of

bureaucracy on top of what's already there, because it hurts the farmers.

And I can speak personally to fires, because at our farm when I was 14 years old, an arsonist burned down our barns, torched them in the middle of the night. I can assure you that no amount of inspection would ever have averted that incident, because it was a deliberate act against our family and it was a crime. And you could not avoid that type of crime.

So yes, this particular regulation that's in place now, as Senator Winner said, would actually prohibit hay from being stored in barns. That's ludicrous. It's absolutely ludicrous.

And I think that we need to do the right thing today and have some common sense.

You know, Senator Krueger was concerned about people getting hurt in these structures. I have statistics right here, it's from the New York Center for Agricultural Health and Medicine that's located in upstate. And during 1996 to 2000, 171 people were reported killed as a result of

agriculture-related injuries. An average of 34 persons died each year. Tractors were the source of 43 percent of the fatalities. And that's why the Senate Majority put into place the tractor rollover program to help with those incidents. Machines were the second leading source, at 18 percent, and motor vehicles were the third leading source. Out of 171 of those deaths over that time period, not one was because a building fell in or one of these farming structures fell down.

So I think that the arguments against this legislation are weak at best. And I would encourage and urge all of my colleagues to do the right thing and support agriculture in this state.

ACTING PRESIDENT MARCELLINO: Senator Padavan.

SENATOR PADAVAN: Thank you very much, Mr. President.

Senator Krueger, in the City of New York we have the toughest building code anywhere probably in the country, far tougher than the state building code. And for valid reasons.

But you should know that in the City of New York, contrary to what Senator Bonacic said, we have a farm, a 50-acre farm. So it's not all concrete.

Now, on this farm there are a number of buildings. The primary building is a 1772-circa farmhouse. And on the 50 acres there are many other buildings. Now, there's one building, it's about 10 feet by 15 feet, in which reside about 150 chickens, where they lay their eggs every day and they're collected and sold.

Now, that building does not have a certificate of occupancy. It does not have an inspection. It's been there as long as I can remember, and no one seems to mind, not the least of which are the chickens. Nor the 100,000 people every year who come to visit the farm.

There's also another, smaller building in which resides four pigs. That building doesn't have a certificate of occupancy, nor is it subject to the New York City Building Code, by law.

And I can take you around that

50-acre farm and talk about different sheds and buildings, all of which fall in that same category.

As a matter of fact, right now they're in the process of building a shed to house the tractors, which have been out in the open and they want to get them under cover, for obvious reasons. That shed is not subject to the building code, does not have a building permit and will not have a certificate of occupancy.

Now, Senator, therefore, you know, this bill makes a lot of sense. And I am telling you this somewhat tongue-in-cheek so you know that in the City of New York, not just upstate, we have already in place exemptions for these outbuildings on a farm, a working farm, a functioning farm, and it's been fine. The farm's been there for over 200 years. And nobody has complained. There have been no problems.

You understand that, Senator? You do, because you're laughing.

So, Mr. President, I strongly support this bill. And again, I remind my

upstate colleagues that the oldest continuously operating farm in the State of New York is in Queens, in the 11th Senatorial District. And I invite you all down to pay us a visit.

ACTING PRESIDENT MARCELLINO: Senator Serrano.

SENATOR SERRANO: Thank you, Mr. President.

I can't say I'm surprised by the condescending remarks from the other side regarding our desire to see the state's agriculture move forward. We all care about the agricultural industry. We care about farms.

But this is not about liking agriculture or disliking it, it's about safety. And when you speak in absolutes in that tone, you sound very similar to our president, who says you're either for us or against us. We are definitely for farms, but we are also for safe work environments.

Now, I ask you, who is the main individual on these farms? These are workers, mainly immigrant workers, and it's about

safety in the workplace. Now, there may not be anyone complaining, but we often hear from Senator Maltese every year as he eloquently talks about the unfortunate shirtwaist factory fire in which very unsafe conditions proved to create a very hazardous condition. And these are the same issues that we're talking about here.

If there aren't some standards -- and I agree with Senator Krueger that maybe there should be a different set of standards, because we're not talking about same type of dwelling as a city building. But there should be some standards in place to ensure that there is at least a minimum code of safety involved so that there isn't problems with carbon monoxide, that there isn't problems with fire or hazardous materials or weak structures.

So I think it's very important that we protect the workers so that we can have a thriving agricultural industry here in the State of New York. And let's not treat our immigrant workers as second-class citizens. We all know that they spend a lot of time in

these barns. There's more than just hay there, there's more than just animals there. There's immigrant workers that have to go in and out of these barns all the time. So I think it's very important that we keep that in mind when voting on this bill.

Thank you.

ACTING PRESIDENT MARCELLINO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. Thank you, Mr. President.

I appreciate Senator Padavan's comments about the farm in Queens. And the image that he drew of that 200-year-old farm in Queens is perhaps the misperception of my concerns about modern-day farming. And that is a working farm and primarily a tourist farm.

And so no, my points were never about whether the barn was at risk per se, or the chicken coop, but rather the reality -- and I heard several of my colleagues on the other side of the aisle actually agree with me, even though they didn't think they were, because they were saying that perhaps the code

as it's been written -- that only went into effect in January '07, so I'm curious how, perhaps as Senator Bonacic described it, the agricultural industry is in collapse between January and May because of the new building code. I'd be interested to see whether anybody actually has declared that because of this the world has ended.

But my recognition that even if there should be different standards for farm buildings, that I don't think the State of New York wants to have no standards. And that's what this bill would do. It would remove from the language of the existing new law, the building code that was actually implemented by Governor Pataki -- this was going on during a Republican plan for the building code for the State of New York, so I'm a little confused why nobody thought to change the rules if they thought there should be different standards for agricultural buildings all during I believe it was a three-year timeline that that process was going forward.

But we put that law into effect

pre-the new administration but effective January 2007. I don't know that any of the issues that were raised about the problems of the New York State agricultural industries have anything to do with this code so soon after it was put into effect.

But again, the concerns I have are that in fact farms can and should be, should be commercial enterprises for the 21st century that involve production, manufacturing, preparation, marketing, commercialization of larger-scale farms that can compete both in this state and throughout the country.

What I'm suggesting is we need to have health and safety standards and a review of those buildings, of those facilities, of those warehouses, of those production and manufacturing sites, whether they're on a farm or on a highway off of the farm. And that this bill doesn't address the need to perhaps have different standards recognizing we're talking different kinds of facilities; it does away with standards completely. And I think that a serious mistake.

And it has nothing to do with what

part of the state you live in, whether or not you spend large amounts of time on a farm or not. It is looking at what are the realities in the modern world, what are the types of chemicals used, what are the types of equipment used, what do we know about fire, hazardous material, health and safety standards for the workers on farms, as my colleague just pointed out, and for the overall community.

So again, I think it is a worthy discussion to evaluate, now that the new standards are in place as of January 2007, whether or not someone thought them through carefully or not, whether or not they are having the negative impact that some of you believe they are having out there in their first five months of implementation throughout agricultural New York.

But I don't accept the argument that we should have no health and safety standards in law because farms are different. They are different, and the people who work there are equally entitled to have protections from the government.

I continue to vote no. Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Mr. President, if I could just mention this, not by way of cutting off debate or comments, but the police memorial is at 1 p.m. today. And I know that members of both sides of the aisle would like to attend.

This will be the last bill on the controversial calendar. There will be a Rules Committee meeting which will report one bill that I believe is noncontroversial.

So if it's possible -- and again, I'm not looking to cut off debate -- to if we could have the roll call taken at this time, members want to explain their vote, that's fine. And that's just a suggestion. If anybody wishes to question, that's fine too.

ACTING PRESIDENT MARCELLINO: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. On the bill.

ACTING PRESIDENT MARCELLINO:

Senator Nozzolio, on the bill.

SENATOR NOZZOLIO: I had not intended to speak because of the eloquence of my colleagues on this side of the aisle. I believe they covered the landscape very well.

However, when Senator Krueger indicated that she wanted to take us into the modern era, I could not sit by the wayside without suggesting to her and to Senator Serrano that, yes, we are in the modern era. And let's discuss the modern era of agriculture.

Agriculture is a high-volume, low-margin business. The competition is not just within New York State, farm to farm, it's not just within New York-produced product to the Northeastern-produced product. The farmers in this great state of New York compete with agriculture all across the world. Your apple juice is likely to be coming from China. Your milk is likely to be coming to the grocery store not from a New York producer but from somebody in Wisconsin.

The realities of the modern day are that the world is flat and has been flat with

agriculture for over a generation. And if the other side of the aisle is so concerned about worker safety, as we are -- we just want to have workers to be safe with. Because right now, if we continue to accept the kinds of dialogue that are placed in this chamber, that there will be no agricultural workers to protect. That's the bottom line.

Our farmers are at severe stress. They cannot sell their products. They're competing with companies, with processors and producers that use DDT, that have no environmental regulation, have substandard housing, have no wage rates. And yet you persist in adding regulation, adding cost, adding things that, as Senator Padavan even said, wouldn't exist in the City of New York.

Mr. President, I will not belabor the point. But I do wish to say that our farmers are competing on a global stage. It's a global marketplace. And next time you go to the grocery store, you make sure that your apple is produced in New York State and you make sure that the milk that you buy or the ice cream you purchase is produced in New York

State. Because I daresay it is likely not to be.

It's likely to be produced by farmers that had state legislatures or no legislature that did not produce onerous requirements on them, that did not produce environmental regulations on them, that did not produce additional costs on them.

Where is the seriousness about the upstate economy? Frankly, I have heard rhetoric up the yinyang over the last few months about the upstate economy on your side of the aisle, yet no plan. And it seems like the only plan that you have regarding the upstate economy is to put more regulation and more costs on the number-one industry that we still have upstate.

Mr. President, Senator Seward's bill is reasonable, it's a good approach, it enhances the upstate economy. And I frankly resent the fact that we had to extend the debate to this length.

It's a good bill, Mr. President. Thank you.

ACTING PRESIDENT MARCELLINO:

Senator Nozzolio, we'll provide a spelling for the stenographer on "yinyang."

(Laughter.)

ACTING PRESIDENT MARCELLINO: Any other Senator wishing to be heard?

Seeing none, debate is closed.

The Secretary will ring the bell.

Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Mr. President, we're in the process of a roll call?

ACTING PRESIDENT MARCELLINO: Yes, we are, Senator.

Senator Hassell-Thompson, to explain her vote.

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

Just very quickly, I had to be -- I was called off the floor for a moment, but I

did listen extensively to the discussion prior to my leaving, and I think -- I want to try to be a problem-solver here.

I understand the concern that each of those who represent farms in their districts are having about being asked to comply with a rule that pertains more to a commercial property than to the actual facilities that are on this land. And I wanted to hope that there was a way in which we could change the ruling so that the specificity is to the kinds of properties that are on farms.

My concern is that I believe that every structure should come into compliance. But I also do not believe that the comparisons -- I don't believe that the comparisons that we're making are appropriate. I don't believe that what is necessary for commercial properties are necessary for farms. And I think that structurally that's one of the problems with this problems with this particular bill, that there may not be a way for us to ask farms to come into compliance.

But I certainly would not like to

believe that any farmer would not want to have the fire department at least looking over their shoulder to ensure that there is a safe containment for the way in which they're stored.

So I'm going to be voting no, because I don't think the bill is -- I don't think that this is properly written. I think that we're comparing apples to oranges, as I heard Senator Young saying. But the bill speaks to the necessity to do away with any kind of compliance that is a safety issue, and I certainly cannot vote to do that.

ACTING PRESIDENT MARCELLINO: Senator Hassell-Thompson will be recorded in the negative.

Announce the results, please.

THE SECRETARY: Those recorded in the negative on Calendar Number 364 are Senators Duane, Hassell-Thompson, L. Krueger, and Serrano.

Ayes, 55. Nays, 4.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT MARCELLINO: There will be an immediate meeting of the Rules Committee in Room 332, the Majority Conference Room.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

The Senate will come to order, please.

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

ACTING PRESIDENT MARCELLINO: The Secretary will read the report of the Rules Committee.

THE SECRETARY: Senator Bruno, from the Committee on Rules, restores the following bill to the order of third reading:

Senate Print 5050B, by Senator

Fuschillo, an act to amend the General Business Law.

SENATOR SKELOS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT MARCELLINO: All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The report of the Rules Committee is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up the bill at this time.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 755, by Senator Fuschillo, Senate Print 5050B, an act to amend the General Business Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, I believe there's a report of Finance Committee at the desk. I ask that be taken up at this time.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Senator O. Johnson, from the Committee on Finance, reports the following nominations.

As Commissioner of the Department of Transportation, Astrid C. Glynn, of Guilderland.

ACTING PRESIDENT MARCELLINO: Senator O. Johnson.

SENATOR JOHNSON: I rise to move the nomination.

ACTING PRESIDENT MARCELLINO:

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I want to second the nomination that Senator Johnson moved. And we had a vigorous conversation here about agriculture. And while agriculture is a very important industry, a key component of agriculture is transportation. And I am very pleased to stand before you and speak on the Governor's nominee, Astrid Glynn, to be the next Commissioner of Transportation.

The nominee brings with her a very vast and complete experience in the transportation field, coming from the State of Massachusetts, serving as executive officer of transportation there, and including her responsibilities as deputy chief of the department.

Astrid Glynn brings a fresh, new approach, Mr. President, to the Department of Transportation, which as you know and as the members in this chamber know, covers a vast and wide part of our overall commerce, whether it be the MTA, whether it be roads and bridges

or reconstruction or our railroads or our airports.

It is an extremely important responsibility, and it is critical to many of the issues that we discuss here, as it pertains to the economic viability of our state, whether it be in upstate or in New York City or on Long Island or in the Hudson Valley.

One of the things that I've been very impressed with with the nominee is that she has taken an extensive amount of time to meet with a number of the members of the industry, to listen to their concerns, to hear about the needs, some of the problems, some of the successes of the transportation programs that now exist and where we are to go in the future.

So, Mr. President, I am very pleased to stand before this body and second the nomination of Astrid Glynn to be our next Commissioner of Transportation.

ACTING PRESIDENT MARCELLINO: Senator Breslin, on the nomination.

SENATOR BRESLIN: Thank you,

Mr. President.

And I concur with everything that my colleague Senator Libous has said about Astrid Glynn.

She brings a rich background, starting as a maritime lawyer with extensive experience in that area, and with the Department of Transportation in Massachusetts, from intermodal to multimodal to administrative background. And in addition to that, she's an Albany Law School graduate.

But she brings that kind of talent and breadth to the Department of Transportation. She's probably laughing that I referred to Albany Law School.

But she's going to make a wonderful, wonderful Commissioner of Transportation, and I applaud the Governor for that nomination.

Thank you Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. On the nomination.

That I first wish to thank Senator

Libous for conducting an extremely extensive confirmation process where we heard from many who are concerned about transportation issues, and thank him for his leadership on utilizing that process for positive results.

On the nomination of Astrid Glynn, that I heard Ms. Glynn both at the Transportation Committee hearing as well as the hearing of Senate Finance. And I can tell you that my focus during those two hearings was a focus of the notion of transportation meaning job development in New York State.

Transportation from the beginnings of our history -- the Erie Canal, the New York Central Railroad, the Thruway -- all those elements of making the Empire State the Empire State, first in commerce, was because of our focus on transportation.

And I must say that I'm very pleased that the new commissioner is focused on this issue and has demonstrated willingness to work with the Legislature in forging important transportation project developments throughout New York State, and particularly focused on the upstate economy, where we know

transportation is so important and particularly roads are critically important for the development of commerce in the upstate area.

With that willingness, Mr. President, I believe that this commissioner will be an outstanding one, focused on that particular mission of the department, to help grow jobs in New York State.

I move the nomination and thank you very much for the opportunity to indicate my support.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Sabini.

SENATOR SABINI: Thank you, Mr. President.

I wanted to rise and second the nomination of Astrid Glynn to be Commissioner of Transportation.

Senator Libous's comments are well-taken. Ms. Glynn comes to us with a background in multimodal transportation, management. She understands that we have a

vast network of roads, bridges, tunnels, airports, ports, our canal system, all important things for New Yorkers, for the New York economy, for people to get to work every day, for people to enjoy their lives.

Transportation now takes up more and more time in our life in terms of commutation hours. And I know she understands that getting people to and from work, getting products in and out of our state is important to the economy of the state.

She returns to the Capital District -- she went to law school at Albany Law at Union College. And we lent her to Massachusetts for a few decades, but she's back. And I think the Governor has made a very smart appointment in bringing someone in who has experience in state government -- not this state government, but in state government -- and a record of success where she was. I think the Governor in this case has gone to get some of the brightest talent in the country.

And I am confident that Commissioner Glynn, when we confirm her

appointment, will go on to be one of the outstanding members of the Spitzer cabinet, and I second her nomination.

ACTING PRESIDENT MARCELLINO: Senator Thompson.

SENATOR THOMPSON: Yes, Mr. President, I rise in strong support of this very important commissioner today.

We've heard a lot about the upstate economy. And I think yesterday's newspaper talking about the continuous economic decline of upstate cities is very much of importance and also of interest to myself.

A couple of things that in Finance today that I did raise, and I was glad to hear the responses of our new commissioner.

Some of these issues that affect upstate cities include bridges and overpasses. There have been a number of reports that talk about the need to get more money to fix our bridges and overpasses. Many of the Western New York media have reported on these. And hopefully we can get some financial assistance and relief to address some of those issues.

The other thing that I believe that

really hurts upstate cities is the need for more infrastructure development. Many of our older cities -- I know in parts of Buffalo and parts of Niagara Falls we actually have wooden pipes underground.

I believe that over the next couple of years we need to come up with an infrastructure redevelopment fund. Also for road improvements. We actually have some streets in Buffalo that actually have wooden curb. Imagine that in the 21st century. So I think that that's something that we could also look at as well.

Lastly, Commissioner, I was glad to hear that you would look into the issue of the Niagara Falls Amtrak train station, in addition to the Niagara Falls Airport. This year we were fortunate to have some of the first planes to land in the city of Niagara Falls in a long time. There was always a lot of contention about having an airport where planes don't land. And fortunately, we've made some progress, but we still have a long way to go as an international city.

So I congratulate you on this

appointment. We look forward to working with you. And I agree with my colleagues on both sides of the aisle that the issue of transportation infrastructure is so important to the upstate economy. And my colleague Senator Stachowski stated earlier that upstate we have this thing called winter, so we need to make sure that our projects start earlier so that we can keep people working.

Thank you.

ACTING PRESIDENT MARCELLINO: Senator Stachowski.

SENATOR STACHOWSKI: Yes, Mr. President, I too rise to second the nomination of Astrid Glynn.

I believe the Governor has made a fine selection. Her background looks like she'll be fully equipped for this job. The diversity of New York State's transportation system will be easily handled by her due to her background in Massachusetts, I believe.

I think that she shows a willingness to work with everybody. In listening to her answers to the various questions in Finance, she seemed to have a

comprehension of the issues and a willingness to address them.

And I look forward to working with her in the future, and I congratulate both her on her appointment and the Governor on her selection.

Thank you.

ACTING PRESIDENT MARCELLINO: Are there any other Senators wishing to be heard on this nomination?

Seeing none, the question is on the nomination of Astrid C. Glynn, of Guilderland, to serve as Commissioner of the Department of Transportation.

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: All opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: Astrid Glynn is hereby confirmed as Commissioner of the Department of Transportation.

We wish you luck in all your endeavors for the people of the State of

New York.

(Applause.)

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: As members of the Industrial Board of Appeals, Anne P. Stevason, of Brooklyn, and J. Christopher Meagher, of New York City.

As a member of the Board of Visitors of the Capital District Psychiatric Center, Myrna Sanders, of Albany.

As a member of the Board of Visitors of the Pilgrim Psychiatric Center, Barbara G. Roth, of Old Bethpage.

And as a member of the Board of Visitors of the Staten Island Psychiatric Center, Linda B. Wilson, of Staten Island.

SENATOR SKELOS: Move the nominations.

ACTING PRESIDENT MARCELLINO: The question is on the nominations as previously read. All in favor signify by saying.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The nominees are confirmed.

Senator Skelos.

SENATOR SKELOS: First of all, is there any further business at the desk?

ACTING PRESIDENT MARCELLINO: There is none.

SENATOR SKELOS: Just for the advice of the members, there will be a meeting of the Transportation Committee following session in Room 124.

Commerce and Economic Development will meet immediately following session in the Majority Conference Room, and the Investigations Committee will meet at 1:30.

There being no further business to come before the Senate, I move we stand adjourned until Tuesday, May 29th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT MARCELLINO: On motion, there being no further business to come before the Senate, the Senate stands adjourned until Tuesday, May 29th, at

3:00 p.m., intervening days being legislative days.

(Whereupon, at 1:18 p.m., the Senate adjourned.)