NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 29, 2007

3:12 p.m.

REGULAR SESSION

LT. GOVERNOR DAVID A. PATERSON, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

I ask all those assembled to please rise and join me in reciting our Pledge of Allegiance.

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

THE PRESIDENT: Our invocation for today was written by yours truly but will be presented by Father Peter G. Young, of Mother Theresa Community here in Albany.

REVEREND YOUNG: Thank you. Let us pray.

We are proud New York State elected leaders, as were our six presidents from New York State -- Van Buren, Fillmore, Arthur, Cleveland, Theodore and Franklin Roosevelt.

May we continue in the greatness of their dedicated public service to all of our New York State citizens. May we follow in the rich tradition of the Senators that first met in Kingston five days after the Declaration of Independence.

You, O God, have provided our

Senators with outstanding examples to inspire those in this Senate chamber today for committed service and dedication to all of our New York State citizens.

Amen.

THE PRESIDENT: I thought that was wonderful.

The reading of the Journal.

THE SECRETARY: In Senate, Monday, May 28, the Senate met pursuant to adjournment. The Journal of Sunday, May 27, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator DeFrancisco, I wish to call up Senate Print Number 4780, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 840, by Senator DeFrancisco, Senate Print 4780, an act to amend the Family Court Act.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was passed.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received and adopted.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Saland, I wish to call up Senate Print Number 1147,

recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 95, by Senator Saland, Senate Print 1147, an act to amend Chapter 698 of the Laws of 1996.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was passed.

THE PRESIDENT: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received and adopted.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Morahan, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Print Number 5701.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: Mr. President, I wish to call up my bill, Senate Print Number 3541, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 806, by Senator Fuschillo, Senate Print 3541, an act to authorize Hands across Long Island, Inc.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was passed.

THE PRESIDENT: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received and adopted, Senator.

SENATOR FUSCHILLO: Mr. President.

THE PRESIDENT: Senator

Fuschillo.

SENATOR FUSCHILLO: Mr. President, amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator DeFrancisco, page number 42, Calendar Number 479, Senate Print Number 2741;

By Senator LaValle, page number 46, Calendar Number 581, Senate Print Number 930;

By Senator Marcellino, page number 72, Calendar Number 1005, Senate Print Number 5327;

By Senator Volker, page number 75, Calendar Number 1041, Senate Print Number 3560;

By Senator Skelos, page number 77, Calendar Number 1065, Senate Print Number 4383A;

By Senator Skelos, page number 81, Calendar Number 1106, Senate Print Number 3214A;

By Senator Little, page number 84, Calendar Number 1131, Senate Print Number 5302;

By Senator Young, page number 85,

Calendar Number 1139, Senate Print Number 5681;

By Senator Volker, page number 85, Calendar Number 1143, Senate Print Number 5233;

By Senator Maziarz, page number 65, Calendar Number 938, Senate Print Number 1624.

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

THE PRESIDENT: Senator Fuschillo, didn't I once see you on an American Express commercial?

SENATOR FUSCHILLO: Yes, you did, Mr. President.

THE PRESIDENT: The amendments to those 11 bills are received and adopted, and they will all take their place on the Third Reading Calendar.

Thank you, Senator Fuschillo.

SENATOR FUSCHILLO: Thank you.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there are substitutions at the desk. If we could make them at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 61, Senator Fuschillo moves to discharge, from the Committee on Agriculture, Assembly Bill Number 259 and substitute it for the identical Senate Bill Number 5048, Third Reading Calendar 868.

On page 74, Senator Winner moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 7952 and substitute it for the identical Senate Bill Number 4236, Third Reading Calendar 1029.

On page 82, Senator Fuschillo moves to discharge, from the Committee on Housing, Construction and Community Development, Assembly Bill Number 6520A and substitute it for the identical Senate Bill Number 3421A, Third Reading Calendar 1116.

And on page 83, Senator C. Kruger moves to discharge, from the Committee on Social Services, Children and Families, Assembly Bill Number 7228 and substitute it for the identical Senate Bill Number 5715, Third Reading Calendar 1122.

THE PRESIDENT: The substitutions are ordered for all four of those bills.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a Resolution 2421 at the desk, by Senator Montgomery. If we could have it read in its entirety and move for its immediate adoption.

THE PRESIDENT: Thank you, Senator.

The Secretary will read.

THE SECRETARY: By Senator Montgomery, Legislative Resolution Number 2421, honoring Edward J. McSweeney upon the occasion of his retirement.

"WHEREAS, It is the sense of this Legislative Body to recognize and honor those distinguished officers and citizens who would devote themselves to public service, demonstrating great courage and diligence in providing for the care and welfare of the citizens of their communities and this great Empire State; and

"WHEREAS, Attendant to such concern, and in full accord with its

long-standing traditions, this Legislative Body is justly proud to honor Edward J. McSweeney upon the occasion of his retirement, to be celebrated on Tuesday, May 29, 2007, at the Glen Sanders Mansion, Scotia, New York; and

"WHEREAS, Born in Brooklyn and raised on Long Island, Ed McSweeney graduated with a degree in criminal justice and corrections from Ulster Community College, he earned a liberal arts and psychology degree from the State University College at Oneonta, and completed numerous graduate courses and training in criminal justice and correction management; and

"WHEREAS, Ed McSweeney began his career as a narcotic rehabilitation counselor at the Woodbourne Rehabilitation Center in March of 1973. In August of 1975, he joined the New York State Office of Drug Abuse Services Queensboro Rehabilitation Center; and

"WHEREAS, In November of 1967, Ed McSweeney began working for the New York State Department of Correctional Services as a supervisor in the Inmate Grievance Program.

Over the years he rose through the ranks, becoming assistant commissioner/executive assistant to the commissioner in January of 2000, the position from which he will retire; and

"WHEREAS, Ed McSweeney has been an invaluable service as the Department of Correctional Services liaison to legislators and their staffs. He always took prompt action to fairly resolve grievances brought to the attention of lawmakers by the incarcerated and their family members. Some of these issues include transfer requests, medical care, disputes, and special housing unit confinement. Ed McSweeney personally attended to every matter brought to his attention, and sought an equitable resolution in a timely fashion; and

"WHEREAS, Courteous and accommodating, Ed McSweeney helped facilitate legislators' prison visits and meetings with facility staff and inmates. On one occasion he organized an all-day visit at Green Haven, where legislators and staff had an opportunity to meet with the superintendent and other

administrative staff at the facility, along with groups of inmates, to observe the programming in operation; and

"WHEREAS, A man with a sense of humor and a passion for Notre Dame football, Ed McSweeney's most memorable moment was the January 1, 1979, Cotton Bowl. That was a cold, nasty, sleeting day in Dallas and the Irish were losing to the Houston Cougars by a score of 34-12; and

"WHEREAS, Notre Dame's quarterback at that time was Joe Montana, who wouldn't be selected until the third round of the NFL draft that following year, was in the locker room sick, eating chicken soup. With seven minutes and 37 seconds to go in the game, Joe Montana came back onto the field and led the Irish to a 35-34 victory, which was the Irish's 600th victory; and

"WHEREAS, A horse racing enthusiast who never misses a Kentucky Derby, Ed McSweeney's favorite of all time is a horse named Alydar, who ran in his favorite race, the 1978 Belmont Stakes when Affirmed and Alydar dueled down the long Belmont stretch;

and

"WHEREAS, Ed McSweeney fully recognizes the importance of positive programming and transitional services and is supportive of the success of former inmates who reenter society; and

"WHEREAS, Rare indeed is the occurrence of such a compassionate blending of strength, leadership/intellect and commitment as that demonstrated by Ed McSweeney over a lifetime of sacrifice and dedication to others. He is a true asset to society; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Edward J. McSweeney upon the occasion of his retirement, and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Edward J. McSweeney."

THE PRESIDENT: On the resolution, Senator Montgomery.

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

Mr. President, I rise to thank the

leader for the opportunity to say a few words about a person who's been really a very particularly special public servant for me as a legislator, as an elected official, but also to so many families and people from my district in particular and throughout the state.

I want to just say, first of all, that he was born in Brooklyn but raised on Long Island, went to school in Ulster County and also went to university in Oneonta. So I consider this public servant, Mr. McSweeney, a man of all of the people. He really belongs to all of us in the state as a one-time resident, student or employee.

And he has always been, as a person who works in the Department of Corrections, the one voice that I could certainly always reach out to and request some assistance and receive an immediate response. Always very respectful, always willing to help, and really very, very considerate in his being willing to provide assistance and service on behalf of those people who many of us feel are totally undeserving.

But he never refused to help in any way possible. And even when he could not help, he always showed such a sense of humility and respect for us.

I thank him for the times that he helped us to plan visits into facilities around the state. You know, very often we're not always welcome, and he was always there to open those doors and pave the way for us and hopefully to make sure they weren't shut when we went in that we couldn't come back out.

So it's my pleasure to rise and congratulate Mr. Ed McSweeney for his service to our state. And on behalf of the people in my district, many of whom have been recipients of your service as well, I want to thank you for your 34 years with the State of New York.

And hopefully this is certainly not the end of your participation. Because as you know, Mr. McSweeney, this is really a very large issue and we're just on the brink, I believe, hopefully, of working through some real solutions that I think that you would really love to see and also I would like for you to be part of it.

So with that, Mr. President, thank you for allowing me to express my regards to Mr. McSweeney.

THE PRESIDENT: Senator Adams.

SENATOR ADAMS: Thank you, Mr. President.

I too rise in support of this resolution. Although I never met or interacted directly with Mr. McSweeney, I had a good conversation with my colleague about his years of service.

And I think this resolution personifies the importance of -- that we often, in this real-life drama called life, we often focus on the stars and don't realize that there are the costars and the supporting cast that don't allow the drama to turn into a tragedy.

When you look over this resolution and see the countless number of hours he has spent interacting with family members and inmates -- and something that's often missed, that for every crime that's committed, there are two sets of victims. There are the victims of the person who's the direct

negative aspect of the crime, and there's also the victim of the family. The mothers and the fathers and aunts and uncles, they didn't do a robbery, they didn't do a rape, they didn't do any particular crime.

And it takes a special person that is inside one of the most difficult beats in the country, and that's a correctional facility. Not only is it dangerous, but if you don't allow yourself to be detached from some of the individuals who are incarcerated, you can actually embody their hatred.

And when you have a person that did 34 years or 20 years or 30 years in an environment like that and still can hold on to the humanistic character of being able to share a part of himself, he's not only an asset to his occupation, he's an asset, in my opinion, to the greatest race alive, and that's the human race.

And we're just taking a moment just to pause. And by acknowledging you, we acknowledge the countless number of men and women who are not on the radar, they don't receive star billing, but they are part of the

everyday mechanism that ensure that there are humane individuals in the facilities that must correct those people who are not currently fit to be in society.

So I thank you. I thank you for being who you are and your contribution. And I'm sure your family is proud of you for the countless number of days of coming home and dealing with some of the tensions and issues that take place in a correctional facility.

I commend you for what you've done. I hope that the retirement doesn't mean that you will sit on a porch somewhere and rock away. There are a whole lot of seats in the Senate that need to be filled by compassionate people like you. And I've learned that law enforcement make the best Senators.

Thank you.

THE PRESIDENT: On the resolution, all those in favor please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: Senator Duane, excuse me.

SENATOR DUANE: That's okay,

Mr. President. But if I hadn't spoken, Ms. Cecile Scott would have killed you.

Anyway, I want to thank my colleague Senator Montgomery for working so hard, along with her staff, on putting together this resolution and for sharing it with me. And I also want to thank Mr. McSweeney's family for sharing him with us and the State of New York for so very long.

I have to say that in a very, very difficult agency because of the charge that it has, the Department of Corrections, working with Mr. McSweeney made what was difficult and trying much, much easier for me as a legislator and also for my staff members who also worked so closely with him.

He was always of good cheer, always very, very helpful, always very, very honest about what was possible within the system. And I just -- I'm sorry that we're not going to have him to work with. We will miss him tremendously. But after so many years of service to our state and to the people of our state and to the citizens and family members of those impacted by the agency in which he

worked, I'm sure that the future is going to be good as well.

But just from the bottom of my heart, and from my staff, I want to in the strongest possible terms, Mr. President, express my gratitude to Mr. McSweeney for his incredible service and the wonderful way in which he worked with me and with my staff. You will be missed, Mr. McSweeney.

Thank you very much, Mr. President.

THE PRESIDENT: Thank you, Senator Duane, for those lifesaving remarks.

Senator Nozzolio.

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

I rise on this very historic occasion because it's, I believe, probably the first time that Senator Duane and I have agreed on a corrections-related issue.

(Laughter.)

SENATOR NOZZOLIO: And I do so with great happiness and congratulate Senator Duane for this resolution, and Senator Montgomery. And I certainly wish to join with them in praising the work of one great

correctional employee.

That I share Senator Duane's sentiments, in that Mr. McSweeney will definitely be missed. That we have counted on him time and time again, at all hours of the day and night and weekends as well, for his guidance and support and focus on very important corrections issues.

And just a fine New Yorker, a wonderful human being, and this resolution is very well put. And I certainly am proud to rise in its support and its full endorsement.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator Nozzolio.

The chair recognizes, on the resolution, Senator Hassell-Thompson.

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

I rise to lend support to my colleague on behalf of Mr. McSweeney and just say that within his very long and wonderful resolution, there's a section I think that is outstanding to us as legislators, and I think it's the most important for me to just kind of

lift up, as they say in the Baptist church.

"Whereas, Mr. McSweeney has been of invaluable service, not only to the Department of Correctional Services" -- and that's important -- "but as the liaison to legislators and their staff. He always took prompt action to fairly resolve grievances brought to the attention of lawmakers by the incarcerated and their family members."

And having worked in this capacity, this doesn't happen often, and not often enough, where families have someone that they can call upon to help us to resolve issues. Because too often we think that once people are incarcerated, that we throw them away.

But I think that it becomes very incumbent upon us to understand that if we're ever going to resolve the issue of what happens to people in their preparation to return to society, that we must assist them within that society that they have become a part of.

And Mr. McSweeney has made that a very possible task for those of us in the Legislature -- without interfering with the

work of the Department of Corrections but, rather, to mediate those situations. And so for that we thank you and are very grateful for your assistance and will miss that tremendously as we go forward.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator Hassell-Thompson.

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 carries.

Ed McSweeney, of Brooklyn, New York, and Long Island, New York, this body has just passed a resolution in honor of your retirement after 34 years of allegiance to the residents of the State of New York, of service to the Department of Corrections of the State of New York, and of cooperation with all those with whom you've interacted.

Congratulations in your retirement.

Mr. McSweeney joins us, he is sitting in the western gallery with his wife. And we congratulate him for his retirement.

(Applause.)

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Yes, Mr. President. Thank you.

On page number 43 I offer the following amendments to Calendar Number 486, Senate Print Number 915, on behalf of Senator DeFrancisco, and ask that said bill retain its place on Third Reading Calendar.

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

Senator LaValle.

SENATOR LaVALLE: Mr. President, I'd like to place a star on Calendar Number 901, Senate Number 5175.

THE PRESIDENT: The bill will be starred at the sponsor's request.

SENATOR LaVALLE: Thank you.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Mr. President,

there will be an immediate meeting of the Rules Committee in the Majority Conference Room, and the Senate will stand at ease.

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

Senator Duane.

SENATOR DUANE: Mr. President, I believe Senator Dilan has an announcement to make.

THE PRESIDENT: Senator Dilan.

SENATOR DILAN: There will be an immediate meeting of the Minority conference in the Minority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Minority conference in the Minority Conference Room, Room 315.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:37 p.m.)

(Whereupon, the Senate reconvened at 4:20 p.m.)

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: Can we at this time return to reports of standing committees.

I believe there's a report of the Rules Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT GRIFFO: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bill direct to third reading:

Senate Print 5953, by Senator Bruno, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: I move to accept the report of the Rules Committee, and thank them for their good work.

ACTING PRESIDENT GRIFFO: All in favor of accepting the Rules Committee report signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The Rules Committee report is accepted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 936.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 936, by Senator Bruno, Senate Print 5953, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Bruno, to explain his vote.

SENATOR BRUNO: Thank you, Mr. President.

The program that we have before us -- and we ask for the support of my colleagues on the floor -- is extremely

important to all the people in New York State. It focuses on upstate, on the Island, but the consequences and the results from the success of what amounts to about $3.7 billion of investment in creating jobs and economic development, that accrues generally throughout the whole state.

We refer to this program as Upstate Now. And this follows up, really, on the Governor, who, over the past year or so, highlighted, as we all have, and recognized the plight of upstate New York, from Buffalo to the Canadian border across all of upstate, up the mid-Hudson.

New York City is prospering probably like it never has prospered before, and we want to complement and supplement that.

But, Mr. President, anybody that understands anything about life knows that if you want to create jobs, if you want to create economic development you have to help small businesses, especially, be competitive. They've got to be able to compete.

I don't care what your business is, what your profession is. If you can't compete

with companies in Jersey, across the country, in other countries in a global economy, then you're not going to survive and you're not going to exist and you're certainly not going to grow.

So this is a very comprehensive package. I think there's something like 200 pages worth of detail. And I apologize for not having committed that to memory. But maybe Senator Duane, who I saw standing up, has studied it through the night and can recite any parts of what we're missing here, because I know he'll probably want to be supportive in whatever ways that he possibly can as a leader in that conference. And I thank him in advance for whatever good things he can say or do.

But I want to emphasize in this package of $3.7 billion over three years, about a billion is in tax incentives, goes out the first year. $500 million, growing through a billion-four, is in credits for -- what do people need today, small businesses and employees? Health insurance. What is absolutely suffocating the growth of small

businesses? Health insurance. So we help, we subsidize, we encourage.

What else does a business need? Equity. $300 million earmarked out of the pension fund of $150 billion worth for the New York State economy, prudently invested, to be matched by $300 million in the private sector.

Another $300 million of capital, $300 million to be budgeted -- the Governor submitted it in his budget, it was laid aside, we're going to debate it. Again, for what purpose? To help invest in the businesses emerging and in their growth.

You want to talk about education, you want to talk about healthcare, you want to talk about the infrastructure. Everything relates to jobs, jobs now, economic development. Why? When people work, they pay taxes. When businesses grow, they pay taxes. The revenue to the state pays for education, healthcare, infrastructure, you name it. And it makes us successful in the competitive world that we live in today.

So, Mr. President, by way of

explaining my vote, I am proud to vote in favor of this legislation and I would encourage those that support this Governor, that support his economic development that supports all the good people in this state, to support this legislation and vote in favor.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Bruno.

Senator Bruno will be recorded in the affirmative.

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes. I'm going to vote aye on this particular piece of legislation.

And representing Central New York, I realize how important it is, especially for small businesses in the manufacturing sector, to provide some needed tax relief so that they can prosper and grow jobs.

Government doesn't grow jobs. It should provide investment by giving back tax money so that the people who know how to create jobs -- private enterprise -- actually

does that.

In addition, it was mentioned earlier, and I think it's equally important, that we have in fact a problem as far as the bottom line if you can't afford -- if the employees can't afford health insurance. So why not provide tax credits so that individuals can afford and businesses can afford providing health insurance for the employee, rather than waiting for them to go to the emergency room for a much higher cost.

Energy, there should be energy tax credits. And there's a proposal here for that for qualified small businesses. Energy is killing a lot of small businesses, especially small manufacturers.

So this is a comprehensive program. And by calling it Upstate Now, that also sends another message. It's well past Day One, so it's time for the Senate to take over the leadership so that Central New York and all of upstate New York begins to prosper by the creation of jobs.

I vote aye.

ACTING PRESIDENT GRIFFO: Senator

DeFrancisco to be recorded in the affirmative.

Senator Robach, to explain his vote.

SENATOR ROBACH: Yes, Mr. President.

I too rise to support this bill. We obviously deal with a lot of important issues in this chamber -- healthcare, education. But I can tell you there's nothing more important, I believe, in the Rochester area or many other communities in upstate New York than the economy.

No different than my two grandfathers that were born somewhere else that came to New York State for the opportunity of good-paying jobs and real opportunity to have careers, things that could sustain them. People are very keyed into that today, whether they're young people deciding where they're going to lay their roots, where they're going to go early in life, whether they're people that may be transitioning from icon companies to new businesses.

So it is not only important but very fitting that we're here today on this

bill. I'm not going to go through the 10 points that does that; my colleague John DeFrancisco touched on many of those. But I'd like to touch on two points that he didn't mention, in addition to energy, tax cuts.

Continuing to invest in strategic programs similar to NYSTAR and things the Senate has already done have been one of the few areas that have really helped the Rochester area. The Medical Center at the U. of R. just recently, with an investment from the state and some private money, created a cure for ovarian cancer right at that facility and the spin-off jobs that come with it.

We need to stay on that track. What we've done at RIT with the Center for Integrated Manufacturing Studies, and I know that's gone on at other universities across the state, we need to continue that. This program, Upstate Now, does that.

In addition, it focuses a lot of attention on small business, not only tax relief, healthcare, energy assistance, but also sets up assistance for people who are in small business or want to start a small

business, with a 24-hour helpline, a virtual toolbox where people can go online and do this.

Again, I implore people to support this. We need a lot of help. This couldn't only be called Upstate Now, this could be called Rochester Now, Buffalo Now, Albany Now, Syracuse Now, any city in upstate New York. And I believe even in downstate New York this will really give policies and tools that will help us create jobs.

And I will tell you, not only does it help the economy, but we all know when the economy is well and people are doing well, there's more money for investments and other things and people are happier.

So again, I say Upstate Now is the time for us to act now, here, to get this done if we're serious about the economy. I'm very happy to work on this package and cast my vote in the affirmative.

ACTING PRESIDENT GRIFFO: Senator Robach to be recorded in the affirmative.

Senator Bonacic, to explain his vote.

SENATOR BONACIC: Thank you, Mr. President.

I'd like to thank Senator Bruno and all of my colleagues who have put forth this -- really, it's a business/economic development package.

And two things that I particularly am embracing for the mid-Hudson Region is whenever I go to Chamber of Commerce meetings, the small business owners always complain about the high cost of health insurance. It's one of their top priorities.

We've addressed workmen's compensation, that was helpful earlier in the year. So that the fact that we're going to help subsidize the small businesses so they can have affordable and accessible health insurance for their employees, that's extremely important.

But the second phase that is particularly helpful to the mid-Hudson is approximately four years ago to five years ago, IBM made the largest investment in North America. And they made it in East Fishkill, New York. It was over $4 billion. And they

set up a chip manufacturing plant. And when that was done, there was the hope that other chip companies and smaller companies would follow.

Sematech came to Albany. Sematech is the first investment from Japan in the United States. It's a consortium of 13 companies that make chips for the next era of modern technology. Between IBM in the Hudson Valley, Sematech in Albany, having capital investment of $300 million plus venture capital to help public/private partnerships will spur and create economic activity and jobs.

So I vote aye. This is a wonderful, wonderful plan. Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bonacic to be recorded in the affirmative.

Senator Nozzolio, to explain his vote.

SENATOR NOZZOLIO: Thank you, Mr. President. I rise to support this great measure.

There is no secret that we have a

tale of two states. Part of our state is extremely progressive, progressing; part of our state economically is lagging behind. And we need to do more to revitalize the upstate economy, to provide more jobs, to expand our economy and ensure that our young people are going to have the opportunities they need for their future.

Mr. President and my colleagues, as Senator Robach was describing his grandparents, who came here from another country, both of my grandfathers came from different corners of the world and settled in the Central Finger Lakes and Seneca Falls, New York, because they found opportunity, opportunity that their own nations did not provide.

Unfortunately, though, we have too many young people leaving this state because there are too few job opportunities for them.

We have more college students per capita between the area of Syracuse, Rochester, and Ithaca than any other place in the nation. That is a tremendous resource. And part of our plan is utilizing our

aggressive action to help the academic institutions of our state grow jobs. We have the finest institutions of higher learning of anyplace in the world, yet we're not utilizing those enough to aggressively go out and develop new opportunities.

Our plan, our Upstate Now plan, the plan that's before us today for consideration, is a plan that will help provide those opportunities, will help universities commercialize science, will help businesses grow and develop in our upstate region.

Agriculture is still the state's number-one industry. And part of our efforts through Upstate Now is to provide enhancements to agriculture, to help farmers grow more crops, to help products expand in the marketplace. And that plan that we have will help agriculture, will help the communities that are serviced and that exist because of our number-one industry.

The world is flat. We're in a very competitive environment. We've got to plan to help revitalize the economy of upstate New York. This plan deserves support. I

believe it should be enacted.

Mr. President, I fully support it.

ACTING PRESIDENT GRIFFO: Senator Nozzolio to be recorded in the affirmative.

Senator Farley, to explain his vote.

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

I rise in support of this legislation, one of the most exciting pieces of legislation that we've seen in recent years.

Governor Spitzer, in his campaign, made the upstate economy a cornerstone of improvement for him and called it Appalachia.

But let me just say I too am so excited about what has happened in the Capital District with Sematech and so many other things, very much thanks to our Majority Leader. But the rest of the state does need a jump-start.

This is a terrific program. It's got 10 points, all of which can make a huge difference to the west of here and to the south of here. It's really a program for the

entire state.

And I think it's very, very exciting. It's one that we all should embrace and get behind, because it's an example of the Legislature and the Executive moving on one of the very serious problems facing this state, working together.

And I'm delighted to see so much support for this legislation, because it is one of the best pieces of legislation that has come before this house in many years.

I support it, and I vote aye.

ACTING PRESIDENT GRIFFO: Senator Farley to be recorded in the affirmative.

Senator Seward, to explain his vote.

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

I'm stating the obvious when I say that the upstate area has been lagging behind other parts of New York State and other parts of the country when it comes to economic expansion.

And the result has been we have seen many parts of upstate New York actually

lose population, particularly among the young people of upstate New York, who have followed not only the warmer weather but the hotter economic areas of our state and country.

No question we need help in the upstate region. Now, a lot of people talk about the upstate economy, particularly at campaign time, but the time for talk is over. The time for action has arrived.

And that's exactly what this Upstate Now initiative is all about, action, attacking the root causes of some of the economic stagnation that we've seen in the upstate region, particularly at lowering costs of doing business by giving tax breaks for particularly our small businesses, our manufacturers and other key industries, lowering the cost of energy in the upstate region and also promoting energy independence. It lowers the cost of healthcare and health insurance costs for particularly our small businesses in upstate New York.

The Upstate Now plan also addresses the lack of infrastructure and the need for improvements in infrastructure in upstate,

whether it be roads, water and sewer lines, telecommunications infrastructure. It also creates thriving main streets to help the small towns and cities upstate to revitalize and renew the core of these communities, and that is their main streets and business districts.

There's also help for emerging technologies that will help the upstate economy go to the next level and take advantage of the high-tech economy of today by supporting research and development in new technologies, making investments in high-tech companies coming to New York State. Also including agriculture, and helping agriculture move forward as an emerging technology.

The Upstate Now plan is a comprehensive, commonsense initiative that will help the upstate region grow, grow jobs and opportunities for particularly our young people to have good-paying jobs and careers in upstate New York.

Mr. President, I vote aye.

ACTING PRESIDENT GRIFFO: Senator Seward to be recorded in the affirmative.

Senator Little, to explain her vote.

SENATOR LITTLE: Thank you, Mr. President.

Small business is really the backbone of the North Country, which I would and do refer to as the real upstate. We're not only north, but we have a higher elevation than the rest of the state.

But believe me, energy costs and healthcare are real obstacles to the small businesses that I represent. And having some assistance, as this package offers them, is so critically important. Assistance to revitalize our main streets. We have so many abandoned companies, abandoned manufacturing plants in our small little village downtowns that really need some help in order to be able to get them utilized again. Money in this program will really help them.

I also believe that without the infrastructure, improving the roads and bridges, providing broadband to my area, we will not see a lot more success.

The North Country also has many

wonderful recreational sites, so the tourism piece, as Number 10 in this wonderful package of ten items, and the historic sites that we can begin to promote and bring people to our area.

Working with our colleges, our schools, our community colleges and technology programs will help our children and, yes, help our children be able to stay in their homes, their home base in the North Country.

We have said for a long time that the greatest export of the Adirondacks and the North Country is our children. And I can tell you, as the mother of six children, I have one who lives in the area and who is a professional, and she and her husband -- she's a lawyer, he's a doctor -- they are able to certainly survive in the North Country. My other five children have all found jobs elsewhere.

But it's important that we do this and improve these businesses so that once we educate our children, they are able to find work here.

This is all about helping

businesses succeed. It's all about creating hope and opportunity and helping our families stay together so that our children will be able to find work opportunities in their own home area.

Thank you for putting this forward. I think this is a wonderful bill that will really and truly make a difference, and it will be a significant piece of legislation that we have passed in the year 2007.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Little will be recorded in the affirmative.

Senator Rath, to explain her vote.

SENATOR RATH: Thank you, Mr. President. I rise to support the bill Upstate Now.

There is a saying that you can't be all things to all people. And, I might add, all of the time, because sometimes we do try in this chamber to be all things to all people. But let me tell you a little story about one time that we were something to some people that has been a success story.

Senator Bonacic brought up some

success stories in the mid-Hudson. We talked about some in the Albany area. Let me tell you about one out at the western end of the state that is a direct result of action taken in this chamber.

A number of years ago Senator Bruno and the Senate, with his leadership, passed a program called Pipeline for Jobs. Pipeline for Jobs offered opportunities that included water -- obviously, I guess -- and I was able to get a grant for Genesee County, a small, rural county located between Rochester and Buffalo. They desperately needed to have fresh water in that county.

Well, the money that came as a result of the grant jump-started their effort, their research, their bonding. They're now a county that has fresh water. And the most important part of the story is to tell you that Site Selection Magazine has found that county number three in the East for locating your new business, number one in New York State for the last three years running, as a direct result of activities and action taken by this Legislature.

We have an opportunity today to take that kind of positive action again, hold out our hands, help other parts of upstate New York be our partners. The venture capital fund is a wonderful program that will certainly offer opportunities that people will be our partners and maintain and create new jobs in New York. We've done this before. We know how to do it. This is an extension of a long-standing program and priority in the New York State Senate.

I urge all my colleagues to vote yes. And I hope people of the State of New York will get behind us, contact the Governor and the Assembly, urging them to get behind the Upstate Now program.

ACTING PRESIDENT GRIFFO: Senator Rath to be recorded in the affirmative.

Senator Alesi, to explain his vote.

SENATOR ALESI: Thank you, Mr. Chairman and my colleagues.

I'd like to congratulate Senator Bruno and those members of this Republican conference that helped put together the blueprint that will give upstate's economy

hope in the very soon to be future.

It isn't with anything other than the most awe that I listened to my colleagues talk about how vitally important it is to the upstate economy and to them personally, with their own personal aspects on this. And I can't help but think myself, as a small business owner, what it takes to do business in this state.

But I also can't help but think how ironic it is -- and Senator Nozzolio mentioned that the New York City economy is thriving while the upstate economy is not. What's ironic about it is that Mayor Bloomberg is considering charging $8 for people to drive into New York State because there are too many workers driving into Manhattan.

And this would be the equivalent to offering the upstate people an opportunity to earn some money while we act as architects of a plan that will cut manufacturing taxes entirely -- not to help just those manufacturing companies, but to help those small businesses that support them.

We can lower the entire tax rate

for business, and while we're doing that we can say to those small businesses that own property and pay property taxes that they'll enjoy a STAR program very similar to those people that enjoy the STAR program on their houses.

With $300 million of money in the Comptroller's office that can be leveraged by another $300 million of private capital, it will be $600 million that can be used as venture capital for upstate's economy.

And when you think about how the success of the Power for Jobs has proven, and we build on that. And we build on what Senator Rath referred to as the Pipeline for Jobs. And think about Senator Bruno's program Jobs 2000, the Gen*NY*sis program, all of those things that this Senate Majority has put forward.

This Upstate Now program can't do anything better than what we're doing now except for ask the Governor and the Assembly to join us in promoting this.

We have universities, we have businesses that have shown that they work

under NYSTAR and other collaborative efforts. This once again helps those collaborative efforts and offers promise for all of upstate New York and small businesses as well.

Last week several upstate members met with the Governor in his mansion to discuss what could be done for the upstate economy. Mr. President, my colleagues, it's already in print, it's already here. Senator Bruno, the architect of upstate New York economic success. All we have to do is join him in passing this bill and sending it to the Assembly and the Governor for his signature.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Alesi to be recorded in the affirmative.

Senator LaValle, to explain his vote.

SENATOR LaVALLE: Thank you, Mr. President.

This legislation is Upstate Now, but quite honestly it is truly a blueprint that has many items in it that just are building blocks to put forth an economic development plan.

One of the pieces that I'd like to just briefly mention is that having a well-trained workforce is key to having our state be a leader in the country. We compete with North Carolina that makes heavy investments in its education infrastructure, Massachusetts, Texas and California. Just four states that I mention that we compete with.

So in building an infrastructure that has tech high schools and training, moving through to community colleges as an option, State University and having the key elements within our SUNY system, sharing information, using technology within the SUNY system, ensures that every part of the state can have a well-trained workforce. And that's key. Whether it's upstate or on Long Island or mid-Hudson, a well-trained workforce is key.

And this is but one element in this blueprint. And Senator Bruno truly is an architect in the sense of putting together this plan.

And we should be ever-mindful that

we have a plan and we should move forward and not get distracted by other things. The upstate economy is our number-one priority in ensuring that we are one state succeeding in our economic development plan, producing jobs for everyone from Montauk to Niagara Falls.

I vote in the affirmative.

ACTING PRESIDENT GRIFFO: Senator LaValle to be recorded in the affirmative.

Senator Winner, to explain his vote.

SENATOR WINNER: Thank you, Mr. President.

You know, over the last century and several decades, the upstate economy really has suffered from a decline in manufacturing, a decline in the manufacturing economy, which has certainly been reflective of other areas of the country that had heavy reliance on manufacturing jobs. And as we lost manufacturing jobs to the global economy, we lost them disproportionately in New York, and upstate New York in particular.

And the reasons why we lost it are really very similar to other areas. But the

reasons why we haven't bounced back, as other areas have, are particular to New York.

And this program that Senator Bruno has admirably put together is an effort to try to create the type of climate that will allow New York to bounce back.

Because when those other states and other areas started to rebuild from the loss of their manufacturing infrastructure, they didn't have the same levels of costs that we do in New York, costs to do business. And as a result, they were able to become more attractive right away, to take advantage of new emerging technologies and other types of economic employment opportunities that we have seen in other parts of this country.

Certainly New York could have recovered had we not had those types of costs. But businesses go where businesses can make money. And certainly in New York we know that our costs of doing business are not acceptable. Our energy costs are too high. Our level of property taxes are too high. Our income taxes are too high. Our health insurance costs are too high as a result of

some of the mandates that we put on here in New York, well-meaning as they are, but nonetheless increase the cost of individuals to try to do business, particularly in the small-business economy.

That's why this package is absolutely essential if we are going to be serious and not be rhetorical about the upstate economy. Because when push comes to shove, when people go on listening tours or people go out and try to find out why our young people are leaving, they're leaving because they don't have jobs, they don't have good-quality career opportunities. They don't stay here because there is nothing for them to do other than having lower or more menial type of work. They don't have the type of opportunities that other regions have.

And the way you create those opportunities is to create an incentive for people to come here. And you have to do that by virtue of the types of provisions that are being provided in this Upstate Now economic package.

This package will do something in

all of those areas to make the bottom line more attractive and make New York more attractive to do business. And then, uniquely, it also deals with a couple of other particular issues that are important, I think, in rural New York.

In rural New York we have problems such as the broadband expansion difficulties. We have a broadband and digital divide. We don't have the type of opportunities that would be created by having broadband available.

This bill will provide incentives for the attractiveness of trying to expand broadband opportunities in upstate and particularly rural New York that will allow improvements in agribusiness, will improve agritourism, will provide opportunities for people to work at certain high-tech things in rural settings that otherwise they could not do without the availability of that technology.

Additionally, this bill provides for revisions of the Empire Zone programs in upstate New York, in the rural areas. For

long we've had an Empire Zone program that's been urban-oriented, urban-directed to an urban program model that has in many instances been patronizing to rural New York, unfortunately. In 2005 when this house tried to revise that program to make it more rural-friendly, we were rebuffed in the other house because of their dislike of that program for more political reasons than for economic reasons.

This bill will allow us to be more flexible to meet rural and less-urban areas with regard to the incentives that are necessary to bring business back, to make it more attractive, to have a bottom line that makes sense in New York. Because if you can make money, you should be in New York. New York is a beautiful state.

This time of year, I defy anybody to find places that are more beautiful place than upstate New York. It is absolutely spectacular. This last weekend was an absolute testimony to that.

All we need to do is to be able to not only have people enjoy this beautiful

state, but we need to be able to have people make money in this beautiful state. And with this type of a program, we're going to be able to do that, we're going to be able to track these jobs, we're going to be able to keep our young people here in New York where we want them. I want them. I want my daughters in New York. I don't want them out of New York. I want them here, and I want them in my community. And in order to do that, I have to have opportunities for them right in upstate New York.

So, Mr. President, I proudly vote aye on this measure and I commend Senator Bruno for bringing it before us. And I also commend him for making this the priority of this house between now and when this Legislature adjourns.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Winner to be recorded in the affirmative.

Senator Maziarz, to explain his vote.

SENATOR MAZIARZ: Thank you very much, Mr. President. I too rise in support of

this legislation.

This legislation to jump-start the upstate economy is most important, I think, particularly in Western New York where, like some other areas of the state, we depended so very long on heavy manufacturing, steel production, automobile manufacturing. And as global market forces changed, our economy did not change. And all we saw was the exportation of young people out of Western New York.

This 10-point program, which hopefully the other house will adopt and the Governor will adopt -- you know, when people are running for election, particularly on a statewide basis, they always talk about the upstate economy and the need to create jobs. And people have made some unrealistic promises, I think, in the past. But this really is where the rubber is going to meet the road in upstate New York, and particularly, again, in Western New York.

You know, when you talk about issues like energy costs, we all know, you know, how much the cost of energy -- it's been

reported greatly how Western New York has the highest energy rates not just in New York but in the entire northeastern part of the United States. This legislation addresses those high energy costs. Better use of hydropower from the Niagara Power Project will become a part of this program to jump-start the upstate economy.

Reducing healthcare costs, most particularly for small businesses. You know, when small businesses get trapped today by the large increases in health insurance costs, what they do is they basically terminate health insurance for their employees, which puts more people on the uninsured rolls in our state.

This is a great 10-point program. It addresses property taxes, energy costs, health insurance costs for small and medium-sized businesses. This legislation will give companies located in my district, like Calspan, a name synonymous with the history of aviation technology, the ability to expand where they want to expand, right in their home in Niagara Falls and Niagara

County.

So, Mr. President, I wholeheartedly support this legislation, will be voting in favor of it, and strongly encourage my colleagues to support it also. Thank you.

ACTING PRESIDENT GRIFFO: Senator Maziarz will be recorded in the affirmative.

Senator Libous, to explain his vote.

SENATOR LIBOUS: Thank you, Mr. President.

I want to pick up on what my colleagues are saying, and certainly my colleague Senator Winner from the Southern Tier.

You know, we do have a beautiful state, and particularly upstate. You know, we have the rolling hills, we have beautiful farms, we have the orchards of grapes and apples at different times of the year. We have quaint little cities.

But what we've been missing is a plan, a plan of action, a plan that will deliver results. You know, our colleagues in this business from both sides of the aisle

have been talking for years about they're going to create jobs in upstate New York. And unfortunately, that has not been the case.

What Senator Bruno has put on the floor today is a plan -- and I can't say it enough -- a plan of action. No one else has a comprehensive plan like this, as some of you referred to as a blueprint, one that outlines 10 points, 10 key significant points to revitalize the upstate economy.

But what's important to me about this plan is that over the course of the next several years we're going to be creating hope and opportunity, opportunity for those students that attend Binghamton University, in my district, and Broome Community College and Davis College, hope and opportunity that in upstate New York and in New York State that they will have a place after graduation, a place to stay and work. A career, not just a job, because jobs sometimes come and go.

But what we're doing with this plan is we're creating careers, career opportunities for people, and particularly young people who graduate from our colleges

and universities.

Mr. President, this is a very, very important day for us. Because as I said, there has been a lot of talk over the years, but there's been no action. Today in the Senate we are taking action, we have a plan. And this plan is going to create career opportunities, it's going to create jobs, it's going to give people a reason to come back to upstate New York.

Mr. President, I vote aye.

ACTING PRESIDENT GRIFFO: Senator Libous will be recorded in the affirmative.

Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, more than 27 years ago I came to this Legislature, at that time as a member of the Assembly, thinking of myself as being a rock-ribbed upstater. I have lived -- I had lived and continue to live in Dutchess County, where I spent nearly my entire life. And when I got to Albany, they told me I was a downstater. I was truly

troubled if not traumatized at the time.

But I have since learned that the line through upstate and downstate, at least in my general region, runs through my Senate district. You won't find it on the map. Right now it's somewhere in northern Red Hook, in Dutchess County, having crept up there from somewhere in northern Rhinebeck some 10 or 15 years ago.

And in my district, my Senate district, we find one county considered to be a mid-Hudson county, and that's Dutchess County, and another considered to be upstate, and that's Columbia County. There's no tollbooth along the way that I pass when I go through one to another, and there's no designation on the road. But the fact of the matter is that the world that we've heard discussed here today is one that does talk in terms of upstate and downstate.

And that dichotomy truly is a very unfortunate one, one which this bill attempts to come to grips with in a fashion which is real, in a fashion which is more than talk, in a fashion which does away with all of the old

ideas of handwringing, what are we going to do about upstate.

What this does, very simply, as has been mentioned by several of my colleagues, a number of my colleagues, is to try and highlight certain areas where the state could do much more, where the state can help, in effect, rekindle the upstate economy, an economy that at one time was booming.

If you look at the census data, what have we seen over the course of the last -- probably the 2000 census and I believe the 1990 census? While our population has increased, it has not increased because folks have stayed here and folks have raised more children here. It's generally increased because of the fact that immigration is driving our numbers up.

What we do is we educate our children in our public schools, we educate them in our colleges, and for lack of opportunity, they seek employment elsewhere, something that certainly is troublesome for the state's future, something that certainly is traumatic for many of New York's family

members, something that is correctable.

This legislation, which is the real deal, as distinguished from words -- this is not merely talking the talk, this is walking the walk, whether it's broadband for upstate, whether it's more training monies, whether it's trying to ensure a more competitive market with tax breaks, whether it's energy incentives, whether it's healthcare incentives. These are the issues, when you meet with your businesspeople, that they time and again raise.

So I would like to join the chorus who have thanked Senator Bruno for his leadership in putting this package together. This should be accomplished before we leave session. It should not be left on the table. This is really what is necessary to right the ship of state, the New York ship of state, to get it going in the right direction.

No more handwringing, no more acrimonious challenges. What this is about is working for the people of the State of New York, bringing our state together and providing opportunity for upstate New York

that regrettably we have not seen to the extent that many would have hoped for certainly a number of years.

Getting behind this sends a message. It's a message of hope. It's a message of commitment. It's a message of economic good health. That's what we will do here today.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Saland to be recorded in the affirmative.

Senator Young, to explain her vote.

SENATOR YOUNG: Thank you, Mr. President. I rise to enthusiastically support this legislation.

There is no doubt that upstate New York needs economic growth. But there is no area of the state in more need than Western New York. People are fleeing Western New York because of our suffocating tax burden, because of our lack of infrastructure, because of mounds of red tape and regulation, and because our energy costs are sky high.

We need to break those chains. And the way that we break those chains is through

Upstate Now. It has all of the elements that are necessary to not only revive our economy but make it thrive and grow.

In my district there are many needs. This plan addresses all of our needs. Historically we've depended on things like agriculture, manufacturing, small businesses, tourism. All of those areas are strengthened and covered in this plan.

One of the things that I'm thrilled about is the fact that Add Jobs New York is included in Upstate Now.

As you look around upstate and you visit many of the smaller towns, you realize that their entire economy historically has been built on agriculture, with our farming industry and with the supporting businesses in the small towns that support the farming industry, things like feed mills, hardware stores, building and supply.

We have not invested in ag businesses in New York State in a long time. This changes that. This establishes a fund so that farmers and ag businesses can get financing. We have so many opportunities in

agriculture right now, things like organics, things like alternative fuels. And if people have the capital and the financing to go after those opportunities, then our economy will grow.

The bottom line is that we need to be competitive. We need to have good-paying jobs for our families. We need to have career paths and opportunities for our young people. This plan does that. It cuts taxes, it cuts regulation, it grows our downtowns, it strengthens manufacturers, and it nurtures our small businesses. It's just what the doctor ordered for upstate, Mr. President.

So we need action. We need results. We need jobs. We can't wait anymore. We need Upstate Now. And I enthusiastically vote yes.

ACTING PRESIDENT GRIFFO: Senator Young to be recorded in the affirmative.

Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Thank you, Mr. President.

I rise to support this important

piece of legislation because, as was said earlier, it's a plan. It's a real plan for the entire state. Because if we lift one area of our state up, everybody else benefits from that same action.

We must create career opportunities for our young people. We must lower taxes for our overburdened property taxpayers. We must attract more businesses to create more jobs. We need all of those things. They're in this plan.

I commend Senator Bruno for his leadership on this issue. I urge full support for this important plan, that we make it work. Our state must be competitive. We need to be competitive in a worldwide economy. That means all areas of the state must be on target, must be moving and moving ahead with opportunity and, as much as this state can provide, with support that we have to to generate those jobs and career opportunities I think we should be doing.

This is a great bill. This is a great plan for the entire State of New York. I vote aye.

ACTING PRESIDENT GRIFFO: Senator Marcellino to be recorded in the affirmative.

Senator Morahan, to explain his vote.

SENATOR MORAHAN: Thank you, Mr. President.

I also rise in support of this universal bill that not only addresses the economy in upstate New York but also has provisions there for small businesses throughout the State of New York.

I want to congratulate the leadership here in our Senate, my colleagues, on this bill. I'm not surprised. The Senate has led the way for several years. We have done Gen*NY*sis New York. We've had New York Now. We have Power for Jobs. This is not new for us.

What's different this year is this is the most comprehensive plan that I've seen since I'm a Senator here in this chamber. This bill talks about jobs in manufacturing, it talks about technical training, it talks about scientific training, education for our young people. There's jobs in here for all.

And it's help for small businesses who we need here to create those jobs. Without the business, without the small manufacturers, without the small venture capital programs, we can't survive. Our children will leave. They have been leaving; they will continue to leave.

In my opinion, this bill speaks right to the problem. It's time for New York to act. It's time for New York to come up with a program. It's time for New York to do what we have to do not only for today's economy but the future economy. This bill does it, and I'm proud to support it.

I congratulate my leader, Senator Bruno, and everyone else who worked with this bill to bring to the floor today.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Morahan to be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 57. Nays, 0.

ACTING PRESIDENT GRIFFO: The

bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time go to the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: Clerk will read.

THE SECRETARY: Calendar Number 27, by Senator Larkin, Senate Print 224B, an act to amend the Labor Law, the Arts and Cultural Affairs Law, and the General Business Law.

ACTING PRESIDENT GRIFFO: Last section.

THE SECRETARY: Section 4. This act shall take effect on the 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 69, by Senator Golden, Senate Print 322, an act to amend the Elder Law, in relation to

creating.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 181, by Senator Maziarz, Senate Print 3070, an act to amend the Workers' Compensation Law, in relation to compensation for death.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 549, by Senator Golden, Senate Print 3442, an act to amend the Tax Law, in relation to the Empire State commercial production tax credit.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 606, by Senator Larkin, Senate Print 1047A, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to expenditure.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 810, by Senator Wright, Senate Print 4685, an act to amend the General Municipal Law, in relation to expanding.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 818, by Senator Farley, Senate Print 2742, an act to amend the Banking Law, in relation to annual reporting requirements.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 845, by Senator DeFrancisco, Senate Print 5090, an act to amend the Real Property Law, in relation to creating a fair housing component.

ACTING PRESIDENT GRIFFO: Last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Chapter 183 of the Laws of 2006.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator Hassell-Thompson recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 868, substituted earlier today by Member of the Assembly Pheffer, Assembly Print Number 259, an act to amend the Agriculture and Markets Law, in relation to food safety education.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 900, by Senator Flanagan, Senate Print 5158, an act to authorize the Gurwin Jewish Geriatric Foundation.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 900 are Senators Bonacic, Larkin and Rath.

Ayes, 54. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 906, by Senator LaValle, Senate Print 815, an act to amend the Mental Hygiene Law, in relation to a pilot program.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 977, by Senator Farley, Senate Print 3937, an act to amend the New York State Printing and

Public Documents Law, in relation to letting of contracts.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 992, by Senator Golden, Senate Print 3719A, an act to amend the Real Property Tax Law, in relation to establishing a tax abatement.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1029, substituted earlier today by Member of the Assembly Benedetto, Assembly Print Number 7952, an act to amend the Executive Law, in relation to clarifying provisions.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1030, by the Senate Committee on Rules, Senate Print Number 4303, an act to amend the Tax Law, in relation to continuing to authorize.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1036, by Senator Fuschillo, Senate Print 1534, an act to amend the Penal Law, in relation to including an official law enforcement.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1037, by Senator Fuschillo, Senate Print 1540, an act to amend the Penal Law, in relation to criminal impersonation.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1042, by Senator Volker, Senate Print 3563, an act to amend the Civil Practice Law and Rules, in relation to correction of harmless errors.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1047, by Senator Volker, Senate Print 4323, an act to amend the Criminal Procedure Law, in relation to designating security officers.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1050, by Senator DeFrancisco, Senate Print 4458, an act to amend the Criminal Procedure Law, in relation to service of a supporting deposition.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1060, by Senator Lanza, Senate Print 5551, an act to amend the Penal Law, in relation to arson in the first degree.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1067, by Senator Larkin, Senate Print 4835, an act to amend the General Business Law, in relation to unauthorized sale.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1083, by Senator Alesi, Senate Print 277, an act to amend the Correction Law, in relation to work release programs.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1083 are Senators Duane, Hassell-Thompson and L. Krueger.

Ayes, 54. Nays, 3.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 1085, by Senator Flanagan, Senate Print 693, an act to amend the Executive Law, in relation to defendant profiting.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1092, by Senator Skelos, Senate Print 2458, an act to amend the Correction Law, in relation to notice to sex offenders.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1097, by Senator Rath, Senate Print 4636, an act to amend the Correction Law, in relation to knowingly harboring a sex offender.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1102, by Senator Seward, Senate Print 2336, an act to authorize the Village of Dolgeville.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1105, by Senator Young, Senate Print 3191, an act to authorize the County of Allegany to reinstate Andrew Chamberlain.

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

1116, substituted earlier today by Member of the Assembly Fields, Assembly Print Number 6520A, an act to amend the Executive Law, in relation to establishing.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1122, substituted earlier today by Member of the Assembly D. Gordon, Assembly Print Number 7228, an act to amend Chapter 436 of the Laws of 1997, constituting the Welfare Reform Act of 1997.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1154, by Senator Maziarz, Senate Print 4923, an act to amend the Highway Law, in relation to certain trail designations.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator LaValle.

SENATOR LaVALLE: Mr. President, is there any other business at the desk?

ACTING PRESIDENT GRIFFO: There is none, Senator LaValle.

SENATOR LaVALLE: There being no further business, I move we adjourn until Wednesday, May 30th, at 3:00 p.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Wednesday, May 30th, at 3:00 p.m.

(Whereupon, at 5:26 p.m., the Senate adjourned.)