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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 18, 2007

3:15 p.m.

REGULAR SESSION

LT. GOVERNOR DAVID A. PATERSON, President

STEVEN M. BOGGESS, Secretary

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P R O C E E D I N G S

THE PRESIDENT: The Senate will  
come to order.

I would ask all those in the  
chamber to please stand and join me in  
observing our Pledge of Allegiance.

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

THE PRESIDENT: In the absence of  
clergy, we will observe a moment of silence.

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

THE PRESIDENT: Reading of the  
Journal.

THE SECRETARY: In Senate,  
Sunday, June 17, the Senate met pursuant to  
adjournment. The Journal of Saturday,  
June 16, 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.

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

5 Motions and resolutions.

6 Senator Fuschillo.

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

9 I wish to call up my bill, Senate  
10 Print Number 3555, recalled from the Assembly,  
11 which is now at the desk.

12 THE PRESIDENT: The Secretary  
13 will read.

14 THE SECRETARY: Calendar Number  
15 340, by Senator Fuschillo, Senate Print 3555,  
16 an act to amend the General Business Law and  
17 others.

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

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

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 47.

25 SENATOR FUSCHILLO: I now offer

1 the following amendments.

2 THE PRESIDENT: The amendments  
3 are received.

4 SENATOR FUSCHILLO: On behalf of  
5 Senator Lanza, I wish to call up Senate Print  
6 Number 1325A, recalled from the Assembly,  
7 which is now at the desk.

8 THE PRESIDENT: The Secretary  
9 will read Senate Print 1325A.

10 THE SECRETARY: Calendar Number  
11 1485, by Senator Lanza, Senate Print 1325A, an  
12 act to amend the Judiciary Law and the  
13 Executive Law.

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

17 THE PRESIDENT: Call the roll on  
18 reconsideration.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 47.

21 SENATOR FUSCHILLO: I now offer  
22 the following amendments.

23 THE PRESIDENT: The amendments  
24 are received.

25 SENATOR FUSCHILLO: On behalf of

1 Senator Lanza, I wish to call up Senate Print  
2 Number 4260, recalled from the Assembly, which  
3 is now at the desk.

4 THE PRESIDENT: The Secretary  
5 will read.

6 THE SECRETARY: Calendar Number  
7 837, by Senator Lanza, Senate Print 4260, an  
8 act to amend the Lien Law.

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

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

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 47.

16 SENATOR FUSCHILLO: I now offer  
17 the following amendments.

18 THE PRESIDENT: The amendments  
19 are received, Senator.

20 SENATOR FUSCHILLO: On behalf of  
21 Senator DeFrancisco, I wish to call up Senate  
22 Print 4877, recalled from the Assembly, which  
23 is now at the desk.

24 THE PRESIDENT: The Secretary  
25 will read.

1                   THE SECRETARY:     Calendar Number  
2     1118, by Senator DeFrancisco, Senate Print  
3     4877, an act to amend the Domestic Relations  
4     Law.

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

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

10                   (The Secretary called the roll.)

11                   THE SECRETARY:     Ayes, 47.

12                   SENATOR FUSCHILLO:     I now offer  
13     the following amendments.

14                   THE PRESIDENT:     Those amendments  
15     are received, Senator.

16                   SENATOR FUSCHILLO:     On behalf of  
17     Senator Larkin, I wish to call up Senate Print  
18     Number 4059, recalled from the Assembly, which  
19     is now at the desk.

20                   THE PRESIDENT:     The Secretary  
21     will read.

22                   THE SECRETARY:     Calendar Number  
23     613, by Senator Larkin, Senate Print 4059, an  
24     act to amend the Racing, Pari-Mutuel Wagering  
25     and Breeding Law.

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

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

6                   (The Secretary called the roll.)

7                   THE SECRETARY:        Ayes, 47.

8                   SENATOR FUSCHILLO:     I now offer  
9     the following amendments.

10                  THE PRESIDENT:        Senator, the  
11     amendments are received.

12                  SENATOR FUSCHILLO:     On behalf of  
13     Senator Saland, I wish to call up Senate Print  
14     Number 1465A, recalled from the Assembly,  
15     which is now at the desk.

16                  THE PRESIDENT:        The Secretary  
17     will read.

18                  THE SECRETARY:        Calendar Number  
19     571, by Senator Saland, Senate Print 1465A, an  
20     act to amend the Real Property Tax Law.

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

24                  THE PRESIDENT:        Call the roll on  
25     reconsideration.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 51.

3 SENATOR FUSCHILLO: I now offer  
4 the following amendments.

5 THE PRESIDENT: Senator, the  
6 amendments are received.

7 SENATOR FUSCHILLO: Mr.  
8 President, I wish to call up my bill, Senate  
9 Print Number 1537, recalled from the Assembly,  
10 which is now at the desk.

11 THE PRESIDENT: The Secretary  
12 will read.

13 THE SECRETARY: Calendar Number  
14 82, by Senator Fuschillo, Senate Print 1537,  
15 an act to amend the Labor Law.

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

19 THE PRESIDENT: Call the roll on  
20 reconsideration.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 51.

23 SENATOR FUSCHILLO: I now offer  
24 the following amendments.

25 THE PRESIDENT: The amendments

1 are received.

2 SENATOR FUSCHILLO: Thank you.

3 THE PRESIDENT: The chair  
4 recognizes Senator Seward.

5 SENATOR SEWARD: Thank you,  
6 Mr. President.

7 I wish to call up my bill, Senate  
8 Print Number 806, recalled from the Assembly,  
9 which is now at the desk.

10 THE PRESIDENT: The Secretary  
11 will read.

12 THE SECRETARY: Calendar Number  
13 307, by Senator Seward, Senate Print 806, an  
14 act to amend Chapter 340 of the Laws of 2005.

15 SENATOR SEWARD: Mr. President, I  
16 now move to reconsider the vote by which this  
17 bill was passed.

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

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 51.

22 SENATOR SEWARD: Mr. President, I  
23 now offer the following amendments.

24 THE PRESIDENT: Senator Seward,  
25 the amendments are received.

1                   SENATOR SEWARD:     Thank you.

2                   And also, Mr. President, I wish to  
3 call up my bill, Senate Print Number 4790,  
4 recalled from the Assembly, which is now at  
5 the desk.

6                   THE PRESIDENT:     The Secretary  
7 will read.

8                   THE SECRETARY:     Calendar Number  
9 1078, by Senator Seward, Senate Print 4790, an  
10 act in relation to transportation contracts.

11                  THE PRESIDENT:     Let me guess.

12                  SENATOR SEWARD:     Yes,  
13 Mr. President, I bet you're right, I now move  
14 to reconsider the vote by which this bill was  
15 passed.

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

18                  (The Secretary called the roll.)

19                  THE SECRETARY:     Ayes, 51.

20                  SENATOR SEWARD:     Mr. President, I  
21 now offer the following amendments.

22                  THE PRESIDENT:     The amendments  
23 are gratefully received, Senator Seward.

24                  SENATOR SEWARD:     On behalf of  
25 Senator Saland, I wish to call up his bill,

1 Senate Print Number 3577, recalled from the  
2 Assembly, which is now at the desk.

3 THE PRESIDENT: The Secretary  
4 will read.

5 THE SECRETARY: Calendar Number  
6 670, by Senator Saland, Senate Print 3577, an  
7 act to amend the Education Law.

8 SENATOR SEWARD: Mr. President, I  
9 now move to reconsider the vote by which this  
10 bill was passed.

11 THE PRESIDENT: Call the roll on  
12 reconsideration.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 51.

15 SENATOR SEWARD: Mr. President, I  
16 now offer the following amendments.

17 THE PRESIDENT: The amendments  
18 are received.

19 SENATOR SEWARD: One more. On  
20 behalf of Senator Maziarz, I wish to call up  
21 his bill, Senate Print Number 255.

22 THE PRESIDENT: The Secretary  
23 will read.

24 THE SECRETARY: Calendar Number  
25 317, by Senator Maziarz, Senate Print 255, an

1 act to amend the Penal Law and the Agriculture  
2 and Markets Law.

3 SENATOR SEWARD: Mr. President, I  
4 now move to reconsider the vote by which this  
5 bill was passed.

6 THE PRESIDENT: Call the roll on  
7 reconsideration.

8 THE SECRETARY: Ayes, 53.

9 SENATOR SEWARD: Mr. President, I  
10 now offer the following amendments to that  
11 bill.

12 THE PRESIDENT: Thank you,  
13 Senator. The amendments are received.  
14 Senator Farley.

15 SENATOR FARLEY: Thank you,  
16 Mr. President. This is the same thing.

17 I wish to call up, on behalf of  
18 Senator Nozzolio, Senate Print Number 4811,  
19 it's recalled from the Assembly, and it's now  
20 at your desk.

21 THE PRESIDENT: The Secretary  
22 will read.

23 THE SECRETARY: Calendar Number  
24 1565, by Senator Nozzolio, Senate Print 4811,  
25 an act to amend the General Municipal Law.

1                   SENATOR FARLEY:     Mr. President, I  
2     now move to reconsider the vote by which this  
3     bill passed.

4                   THE PRESIDENT:     Call the roll on  
5     reconsideration.

6                   (The Secretary called the roll.)

7                   THE SECRETARY:     Ayes, 53.

8                   SENATOR FARLEY:     I now offer the  
9     following amendments.

10                  THE PRESIDENT:     The amendments  
11     are received, Senator Farley.

12                  SENATOR FARLEY:     On behalf of  
13     Senator Young, Mr. President, I wish to call  
14     up her bill, Senate Print Number 5995, it's  
15     recalled from the Assembly, and it's now at  
16     the desk.

17                  THE PRESIDENT:     The Secretary  
18     will read.

19                  THE SECRETARY:     Calendar Number  
20     1544, by Senator Young, Senate Print 5995, an  
21     act to authorize the conveyance.

22                  SENATOR FARLEY:     Mr. President, I  
23     now move to reconsider the vote by which this  
24     bill passed.

25                  THE PRESIDENT:     Call the roll on

1 reconsideration.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 53.

4 SENATOR FARLEY: I now offer the  
5 following amendments.

6 THE PRESIDENT: Senator Farley,  
7 the amendments are received.

8 SENATOR FARLEY: Thank you.

9 I wish to call up Senator Volker's  
10 bill, Print Number 1263A, it's recalled from  
11 the Assembly, and it's now at the desk.

12 THE PRESIDENT: The Secretary  
13 will read.

14 THE SECRETARY: Calendar Number  
15 67, by Senator Volker, Senate Print 1263A, an  
16 act to amend the Penal Law.

17 SENATOR FARLEY: I now move to  
18 reconsider the vote by which this bill passed.

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

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 53.

23 SENATOR FARLEY: I now offer the  
24 following amendments.

25 THE PRESIDENT: The amendments

1 are received.

2 SENATOR FARLEY: Mr. President,  
3 I'm going to make amendments to the following  
4 Third Reading Calendar bills.

5 On behalf of Senator Skelos, page  
6 18, Calendar Number 636, Senate Print 4058A;

7 On behalf of Senator Young, on  
8 page 20, Calendar Number 717, Senate Print  
9 4334;

10 On behalf of Senator Libous, on  
11 page 23, Calendar Number 812, Senate Print  
12 2152;

13 On behalf of Senator Griffo, on  
14 page 33, Calendar Number 1120, Senate Print  
15 5482B;

16 On behalf of Senator Libous, on  
17 page 35, Calendar Number 1150, Senate Print  
18 1589C;

19 On behalf of Senator Marcellino, on  
20 page 37, Calendar Number 1200, Senate Print  
21 4833;

22 On behalf of Senator Seward, on  
23 page 39, Calendar Number 1265, Senate Print  
24 5800;

25 On behalf of myself, Senator

1 Farley, on page 39, Calendar Number 1276,  
2 Senate Print 5288A;

3 On behalf of Senator Skelos, on  
4 page 43, Calendar Number 1356, Senate Print  
5 4886A;

6 On behalf of Senator Nozzolio, on  
7 page 48, Calendar Number 1635, Senate Print  
8 5037A;

9 On behalf of Senator Saland, on  
10 page 45, Calendar Number 1397, Senate Print  
11 5752;

12 On behalf of Senator Lanza, on  
13 page 51, Calendar Number 1719, Senate Print  
14 4922;

15 On behalf of Senator Rath, on  
16 page 51, Calendar Number 1721, Senate Print  
17 5286;

18 And on behalf of Senator Lanza, on  
19 page 52, Calendar Number 1727, Senate Print  
20 5973A.

21 Mr. President, I move that these  
22 bills retain their place on the Third Reading  
23 Calendar.

24 THE PRESIDENT: Senator Farley,  
25 the amendments to all of these bills are

1 received and adopted. The bills will retain  
2 their place on the Third Reading Calendar.

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

5 THE PRESIDENT: Senator Nozzolio.

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

8 On page number 7, on behalf of  
9 Senator Robach, I offer the following  
10 amendments to Calendar Number 216, Senate  
11 Print 3071, and ask that said bill retain its  
12 place on the Third Reading Calendar.

13 THE PRESIDENT: Senator Nozzolio,  
14 those amendments are received and adopted.  
15 The bill will retain, as you requested, its  
16 place on the Third Reading Calendar.

17 SENATOR NOZZOLIO: Thank you,  
18 Mr. President.

19 Mr. President, on behalf of Senator  
20 Fuschillo, I wish to call up Senate Print  
21 Number 5780, recalled from the Assembly, which  
22 is now at the desk.

23 THE PRESIDENT: The Secretary  
24 will read.

25 THE SECRETARY: Calendar Number

1 1250, by Senator Fuschillo, Senate Print 5780,  
2 an act to amend the Penal Law and the Vehicle  
3 and Traffic Law.

4 SENATOR NOZZOLIO: Mr. President,  
5 I now move to reconsider the vote by which the  
6 bill was enacted.

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

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 53.

11 SENATOR NOZZOLIO: Mr. President,  
12 on behalf of Senator Fuschillo, I now offer  
13 the following amendments.

14 THE PRESIDENT: Those amendments  
15 are received, Senator Nozzolio.

16 The chair recognizes Senator  
17 Winner.

18 SENATOR WINNER: Thank you,  
19 Mr. President.

20 Amendments are offered to the  
21 following Third Reading Calendar bills:

22 By Senator LaValle, page 7,  
23 Calendar Number 248, Senate Print Number  
24 2426A;

25 Senator Morahan, page 40, Calendar

1           Number 1279, Senate Print Number 4475;  
2                         Senator Volker, page 49, Calendar  
3           Number 1685, Senate Print Number 6081;  
4                         By Senator Saland, page number 52,  
5           Calendar Number 1725, Senate Print Number  
6           5672;  
7                         By Senator Maltese, page 27,  
8           Calendar Number 943, Senate Print Number 1282;  
9                         By Senator Marcellino, page 46,  
10          Calendar Number 1419, Senate Print Number  
11          634B.  
12                         Mr. President, I now move that  
13          these bills retain their place on the order of  
14          third reading.  
15                         THE PRESIDENT:        The amendments  
16          are received and adopted, Senator Winner. All  
17          of the bills will retain their place on the  
18          Third Reading Calendar.  
19                         The chair recognizes Senator  
20          C. Johnson.  
21                         SENATOR CRAIG JOHNSON:    Thank you  
22          very much, Mr. President.  
23                         Mr. President, I wish to call up,  
24          on behalf of Senator Carl Kruger, Senate Print  
25          Number 4542, recalled from the Assembly, which

1 is now at the desk.

2 THE PRESIDENT: The Secretary  
3 will read.

4 THE SECRETARY: Calendar Number  
5 1326, by Senator C. Kruger, Senate Print 4542,  
6 an act to amend the Family Court Act and the  
7 Criminal Procedure Law.

8 SENATOR CRAIG JOHNSON: Mr.  
9 President, I now move to reconsider the vote  
10 by which this bill was passed.

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

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 53.

15 SENATOR CRAIG JOHNSON: Mr.  
16 President, I now offer the following  
17 amendments.

18 THE PRESIDENT: Those amendments  
19 are received, Senator Johnson.

20 SENATOR CRAIG JOHNSON: Thank  
21 you, Mr. President.

22 Mr. President, on behalf of Senator  
23 Carl Kruger, on page number 43 I offer the  
24 following amendments to Calendar Number 1327,  
25 Print Number 4546, and ask that said bill

1 retain its place on the third reading of the  
2 calendar.

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

7 SENATOR CRAIG JOHNSON: Thank  
8 you, Mr. President.

9 Also, Mr. President, on behalf of  
10 Senator Carl Kruger, on page number 21 I offer  
11 the following amendments to Calendar Number  
12 738, Senate Print Number 4838, and ask that  
13 said bill will retain its place on the Third  
14 Reading Calendar.

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

19 SENATOR CRAIG JOHNSON: Thank  
20 you, Mr. President.

21 SENATOR FUSCHILLO: Mr.  
22 President.

23 THE PRESIDENT: Senator  
24 Fuschillo.

25 SENATOR FUSCHILLO: Are there any

1 substitutions at the desk?

2 THE PRESIDENT: Yes, there are.

3 The Secretary will read.

4 THE SECRETARY: On page 20,  
5 Senator Fuschillo moves to discharge, from the  
6 Committee on Rules, Assembly Bill Number 1044A  
7 and substitute it for the identical Senate  
8 Bill Number 1548A, Third Reading Calendar 721.

9 On page 27, Senator Nozzolio moves  
10 to discharge, from the Committee on Rules,  
11 Assembly Bill Number 3818A and substitute it  
12 for the identical Senate Bill Number 583A,  
13 Third Reading Calendar 937.

14 On page 31, Senator Winner moves to  
15 discharge, from the Committee on Rules,  
16 Assembly Bill Number 8632 and substitute it  
17 for the identical Senate Bill Number 3667A,  
18 Third Reading Calendar 1020.

19 On page 39, Senator Golden moves to  
20 discharge, from the Committee on Tourism,  
21 Recreation and Sports Development, Assembly  
22 Bill Number 1239 and substitute it for the  
23 identical Senate Bill Number 2858, Third  
24 Reading Calendar 1274.

25 On page 41, Senator Young moves to

1 discharge, from the Committee on Judiciary,  
2 Assembly Bill Number 2582 and substitute it  
3 for the identical Senate Bill Number 376,  
4 Third Reading Calendar 1298.

5 On page 44, Senator Trunzo moves to  
6 discharge, from the Committee on Rules,  
7 Assembly Bill Number 2757 and substitute it  
8 for the identical Senate Bill Number 1341,  
9 Third Reading Calendar 1366.

10 On page 50, Senator LaValle moves  
11 to discharge, from the Committee on Judiciary,  
12 Assembly Bill Number 6022 and substitute it  
13 for the identical Senate Bill Number 2068,  
14 Third Reading Calendar 1707.

15 On page 51, Senator LaValle moves  
16 to discharge, from the Committee on Rules,  
17 Assembly Bill Number 6065 and substitute it  
18 for the identical Senate Bill Number 3220,  
19 Third Reading Calendar 1710.

20 On page 51, Senator LaValle moves  
21 to discharge, from the Committee on Rules,  
22 Assembly Bill Number 6622 and substitute it  
23 for the identical Senate Bill Number 3822,  
24 Third Reading Calendar 1712.

25 On page 51, Senator Padavan moves

1 to discharge, from the Committee on Rules,  
2 Assembly Bill Number 7892 and substitute it  
3 for the identical Senate Bill Number 3826,  
4 Third Reading Calendar 1713.

5 And on page 51, Senator Rath moves  
6 to discharge, from the Committee on Rules,  
7 Assembly Bill Number 7175A and substitute it  
8 for the identical Senate Bill Number 4220A,  
9 Third Reading Calendar 1714.

10 THE PRESIDENT: Substitutions  
11 ordered.

12 Senator Fuschillo.

13 SENATOR FUSCHILLO: Mr.  
14 President, there was a previously adopted  
15 resolution at the desk by Senator Young. May  
16 we please have the resolution read in its  
17 entirety.

18 THE PRESIDENT: The Secretary  
19 will read.

20 THE SECRETARY: By Senator Young,  
21 Legislative Resolution Number 2506,  
22 congratulating student-athlete Rayanna  
23 Anderson upon the occasion of capturing the  
24 2007 United States Girls Wrestling Association  
25 National Championship.

1                   "WHEREAS, Athletic competition  
2           enhances the moral and physical development of  
3           the young people of this state, preparing them  
4           for the future by instilling in them the value  
5           of teamwork, encouraging a standard of healthy  
6           living, imparting a desire for success, and  
7           developing a sense of fair play and  
8           competition; and

9                   "WHEREAS, It is the sense of this  
10          Legislative Body to recognize and pay tribute  
11          to those young people within the State of  
12          New York who, by achieving outstanding success  
13          in athletic competition, have inspired and  
14          brought pride to their school and community;  
15          and

16                   "WHEREAS, Attendant to such  
17          concern, and in full accord with its  
18          long-standing traditions, this Legislative  
19          Body is justly proud to congratulate  
20          student-athlete Rayanna Anderson upon the  
21          occasion of capturing the 2007 United States  
22          Girls Wrestling Association National  
23          Championship; and

24                   "WHEREAS, A student at Immaculate  
25          Conception School, Rayanna Anderson wrestles

1 for the Wellsville Junior Wrestling Club. She  
2 won the national title in Livonia, Michigan,  
3 with three pins, a technical fall and a  
4 decision; and

5 "WHEREAS, Rayanna Anderson began  
6 with an 18-0 victory over Kandice Bredlinger  
7 of Pennsylvania, and then won the championship  
8 with a 39-second pin over Alexandria Fiore of  
9 Dayton, Ohio; and

10 "WHEREAS, After the championship  
11 win, Rayanna Anderson improved to a record of  
12 155-41 with 99 pins, including a 36-9 season;  
13 and

14 "WHEREAS, Rayanna Anderson's  
15 overall record is outstanding. She was  
16 loyally and enthusiastically supported by  
17 family, fans, friends and the community at  
18 large; and

19 "WHEREAS, Sports competition  
20 instills the values of teamwork, pride and  
21 accomplishment, and Rayanna Anderson has  
22 clearly made a contribution to the spirit of  
23 excellence which is a tradition of her club;  
24 now, therefore, be it

25 "RESOLVED, That this Legislative

1 Body pause in its deliberations to  
2 congratulate student-athlete Rayanna Anderson  
3 upon the occasion of capturing the 2007 United  
4 States Girls Wrestling Association National  
5 Championship; and be it further

6 "RESOLVED, That a copy of this  
7 resolution, suitably engrossed, be transmitted  
8 to Rayanna Anderson."

9 THE PRESIDENT: On the  
10 resolution, Senator Young.

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

13 I'd like to have Rayanna stand up  
14 so everyone can see her. Rayanna is 9 years  
15 old. She's a student at Immaculate Conception  
16 School. And she is one of the most dynamic,  
17 confident, smart and articulate people I think  
18 I've ever met.

19 She did extremely well, and it is  
20 such a great accomplishment to capture the  
21 2007 U.S. Girls Wrestling Association National  
22 Championship. And Rayanna is so famous now  
23 that she even gave me her own sports card. It  
24 has her picture on it, it has all her stats on  
25 it. And we're very proud of everything that

1 she's done.

2 She's joined by her parents, John  
3 Anderson and Kasey Anderson; her two brothers,  
4 Nicholas and Brendan; and a friend, Bernie  
5 Riley.

6 And Rayanna told me that it was  
7 actually through her brothers that she got  
8 involved in wrestling, because she was  
9 watching one day and the next thing you knew  
10 she was out there wrestling also. And the  
11 coach decided that she was a natural, and so  
12 the rest is history.

13 We are all aware of the values that  
14 team sports provide for our young people --  
15 teamwork and leadership, among others. And  
16 wrestling is unique because once that match  
17 begins, it's purely individual. And for a  
18 sport that's so focused on the individual, I  
19 think it's quite amazing that Rayanna compiled  
20 a 155 to 41 record overall, with 99 pins. And  
21 her most recent season saw her go by 36 to 9.  
22 It truly is a remarkable achievement.

23 And I do want to mention that she  
24 also was the 2006 New York State Girls  
25 Wrestling Champion.

1                   So, Mr. President, I'm glad that we  
2                   have this resolution today. I think it's fine  
3                   young people like Rayanna who are our future.

4                   And, Rayanna, I want you to just  
5                   keep it up and go get 'em. And hopefully  
6                   you'll come back to Albany in the future with  
7                   even more championships. Okay?

8                   Congratulations.

9                   THE PRESIDENT:       This resolution  
10                  was adopted on May 30th, so we don't have to  
11                  vote on it. We have already passed it  
12                  unanimously.

13                  Rayanna Anderson is, as described  
14                  by Senator Young, in the gallery, along with  
15                  her parents, John and Kasey; her brothers,  
16                  Nicholas and Brendan; and her friend Bernie  
17                  Riley.

18                  She is the winner of the United  
19                  States Girls Wrestling Association National  
20                  Championship for the year 2007.

21                  Rayanna, congratulations. And  
22                  every time you win another championship, come  
23                  back here and the Senate will recognize you  
24                  again. Thank you very much.

25                  (Applause.)

1 THE PRESIDENT: Senator  
2 Fuschillo.

3 SENATOR FUSCHILLO: Mr.  
4 President, there is a resolution at the desk,  
5 2891, by Senator Griffo. Would you please  
6 have it read in its entirety.

7 THE PRESIDENT: Resolution 2891,  
8 by Senator Griffo. The Secretary will read.

9 SENATOR FUSCHILLO: Thank you.

10 THE SECRETARY: By Senator  
11 Griffo, Legislative Resolution Number 2891,  
12 congratulating the Thomas R. Proctor High  
13 School Varsity Baseball Team and Coach Dave  
14 Guido upon the occasion of capturing the  
15 New York State Public High School Athletic  
16 Association Class AA Championship.

17 "WHEREAS, Excellence and success in  
18 competitive sports can be achieved only  
19 through strenuous practice, team play and team  
20 spirit, nurtured by dedicated coaching and  
21 strategic planning; and

22 "WHEREAS, Athletic competition  
23 enhances the moral and physical development of  
24 the young people of this state, preparing them  
25 for the future by instilling in them the value

1 of teamwork, encouraging a standard of healthy  
2 living, imparting a desire for success, and  
3 developing a sense of fair play and  
4 competition; and

5 "WHEREAS, The Thomas R. Proctor  
6 High School Varsity Baseball Team are the  
7 New York State Public High School Athletic  
8 Association Class AA champions; and

9 "WHEREAS, In winning the Class AA  
10 championship, which includes the largest  
11 schools in New York State, the Thomas R.  
12 Proctor High School Varsity Baseball Team  
13 defeated North Rockland High 3-2, and also  
14 defending state champion Massapequa 2-1 in the  
15 semifinal game both at NYSEG Stadium in  
16 Binghamton; and

17 "WHEREAS, The athletic talent  
18 displayed by this team is due in great part to  
19 the efforts of Coach Dave Guido and his team  
20 of outstanding assistant coaches, skilled and  
21 inspirational tutors respected for their  
22 ability to develop potential into excellence;  
23 and

24 "WHEREAS, The team's overall record  
25 is outstanding, and the team members were

1       loyally and enthusiastically supported by  
2       family, fans, friends and the community at  
3       large; and

4                "WHEREAS, The hallmarks of the  
5       Thomas R. Proctor High School Varsity Baseball  
6       Team, from the opening game of the season to  
7       participation in the championship, were a  
8       brotherhood of athletic ability, of good  
9       sportsmanship, of honor and of scholarship,  
10      demonstrating that these team players are  
11      second to none; and

12              "WHEREAS, Athletically and  
13      academically, the team members have proven  
14      themselves to be an unbeatable combination of  
15      talents, reflecting favorably on their school;  
16      and

17              "WHEREAS, Coach Guido and his  
18      dedicated staff have done a superb job in  
19      guiding, molding and inspiring the team  
20      members toward their goals; and

21              "WHEREAS, Sports competition  
22      instills the values of teamwork, pride and  
23      accomplishment, and Coach Dave Guido and these  
24      outstanding athletes have clearly made a  
25      contribution to the spirit of excellence which

1 is a tradition of their school; now,  
2 therefore, be it

3 "RESOLVED, That this Legislative  
4 Body pause in its deliberations to  
5 congratulate the Thomas R. Proctor High School  
6 Varsity Baseball Team, its members -- Joe  
7 Barry, A.J. Bates, Carmen Bossone, Ed  
8 Constantine, Rafael Cordero, Adam Dee, Ryan  
9 Donovan, Jacob Henry, Jack Lottermoser, Mike  
10 Mason, Joe Mazzara, Nick Mishlanie, Brandon  
11 O'Connor, Joe Perrotta, Sean Redmond, Rob  
12 Roth, Steve Sarcone, Mike Scotellaro, Jason  
13 Simone, Mark Vandreason, and Devon Warmack --  
14 and Coaches Dave Guido, Jim Lasher and Fred  
15 Orsino on their outstanding season and overall  
16 team record; and be it further

17 "RESOLVED, That copies of this  
18 resolution, suitably engrossed, be transmitted  
19 to the Thomas R. Proctor High School Varsity  
20 Baseball Team."

21 THE PRESIDENT: On the  
22 resolution, the chair recognizes Senator  
23 Griffo.

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

1                   It's an honor today to have these  
2                   fine young athletes here, along with Rayanna.  
3                   Perhaps you want to invite Rayanna to the next  
4                   leaders' meeting as you wrestle with the  
5                   issues confronting the remainder of our  
6                   session, Mr. Lieutenant Governor.

7                   To the young men from Proctor and  
8                   to Coach Guido -- Tommy is also an Italian, so  
9                   sometimes he doesn't get it completely right,  
10                  but it's Coach Guido. He has been the coach  
11                  of the Proctor Raiders for over 22 years.  
12                  He's done an extraordinary job during that  
13                  time.

14                  These young professional athletes  
15                  who are with us today -- young amateur  
16                  athletes, someday hopefully their designs on  
17                  professional sports -- have done an  
18                  extraordinary job. They had a year where they  
19                  were 22-4-1.

20                  Coach Guido has brought other teams  
21                  to the Final Four six times in his tenure, in  
22                  the over 22 years he's been the coach. But  
23                  this year they won not only the Section III  
24                  championship but also the Class AA, which is  
25                  the largest division in high school athletics.

1 To win that state championship after a very  
2 challenging year is a true credit to these  
3 young athletes.

4 So today we're proud that you came  
5 here to Albany, because you deserve to be  
6 recognized, not only because you are  
7 extraordinary athletes but equally because  
8 you're exceptional young men and you have  
9 served as great role models to many young  
10 people in the community. And you also, as you  
11 played throughout this state, showcased the  
12 great quality of our area, and you did that  
13 with poise, confidence and with great honor.

14 So I want to congratulate each and  
15 every one of you, to the coaches, the  
16 assistant coaches, the managers and the  
17 players. Coach Guido, thank you.

18 Congratulations. If you would all  
19 stand and be recognized.

20 (Applause.)

21 THE PRESIDENT: That resounding  
22 round of applause indicates probably a  
23 favorable resolution, but we do have to vote  
24 on the resolution.

25 All those in favor of the

1 resolution honoring the young high school  
2 champions from Thomas R. Proctor High School,  
3 the city of Utica, please indicate so by  
4 saying aye.

5 (Response of "Aye.")

6 THE PRESIDENT: Opposed, nay.

7 (No response.)

8 THE PRESIDENT: The resolution is  
9 adopted.

10 On behalf of the Senate, Coach  
11 Guido, we thank all of you for coming here to  
12 the chamber today. A well-deserved victory  
13 over North Rockland County and also defending  
14 champion Massapequa. We are very much in awe  
15 of the great achievements not only that your  
16 students have rendered on the field but their  
17 performance in class and around the school off  
18 the field.

19 Congratulations. And please  
20 remember that all of us here in the Senate  
21 today pay homage to your effort. Thank you  
22 very much.

23 Senator Fuschillo.

24 SENATOR FUSCHILLO: Mr.

25 President, there's a resolution at the desk,

1 2914, by Senator Morahan.

2 THE PRESIDENT: Resolution 2914,  
3 by Senator Morahan, the Secretary will read.

4 THE SECRETARY: By Senator  
5 Morahan, Legislative Resolution Number 2914,  
6 honoring Mary Ann Prior upon the occasion of  
7 her retirement as the Coordinator of Health  
8 Service for the Clarkstown Central School  
9 District.

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

13 (Response of "Aye.")

14 THE PRESIDENT: Opposed, nay.

15 (No response.)

16 THE PRESIDENT: The resolution is  
17 adopted.

18 Senator Fuschillo.

19 SENATOR FUSCHILLO: Mr.  
20 President, may we please have the  
21 noncontroversial reading of the calendar.

22 THE PRESIDENT: The Secretary  
23 will present a noncontroversial reading of the  
24 calendar.

25 THE SECRETARY: Calendar Number

1 103, by Senator Morahan, Senate Print 249A, an  
2 act to amend the General Business Law and the  
3 Executive Law.

4 THE PRESIDENT: The Secretary  
5 will read the last section.

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

8 THE PRESIDENT: The Secretary  
9 will call the roll.

10 (The Secretary called the roll.)

11 THE PRESIDENT: And the Secretary  
12 will announce the results.

13 THE SECRETARY: Ayes, 55.

14 THE PRESIDENT: The bill is  
15 passed.

16 THE SECRETARY: Calendar Number  
17 280, by Senator Morahan, Senate Print --

18 SENATOR DUANE: Lay it aside,  
19 please.

20 THE PRESIDENT: The bill is laid  
21 aside.

22 THE SECRETARY: Calendar Number  
23 288, by Senator Lanza, Senate Print 2693B, an  
24 act to amend the General Business Law.

25 THE PRESIDENT: Read the last

1 section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect on the 90th day.

4 THE PRESIDENT: Call the roll.  
5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 55.

7 THE PRESIDENT: The bill is  
8 passed.

9 THE SECRETARY: Calendar Number  
10 381, by Senator Morahan, Senate Print 2586A,  
11 an act to amend the Surrogate's Court  
12 Procedure Act.

13 THE PRESIDENT: Read the last  
14 section.

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

17 THE PRESIDENT: Call the roll.  
18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 55.

20 THE PRESIDENT: The bill is  
21 passed.

22 THE SECRETARY: Calendar Number  
23 505, by Senator Rath, Senate Print 4009B, an  
24 act to amend the Social Services Law.

25 THE PRESIDENT: Read the last

1 section.

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

4 THE PRESIDENT: Call the roll.  
5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 55.

7 THE PRESIDENT: The bill is  
8 passed.

9 THE SECRETARY: Calendar Number  
10 624, by Senator Robach, Senate Print 2616B, an  
11 act to amend the State Finance Law.

12 THE PRESIDENT: Read the last  
13 section.

14 THE SECRETARY: Section 8. This  
15 act shall take effect on the first of January  
16 next succeeding.

17 THE PRESIDENT: Call the roll.  
18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 55.

20 THE PRESIDENT: The bill is  
21 passed.

22 THE SECRETARY: Calendar Number  
23 714, by Senator Larkin, Senate Print 1046A, an  
24 act to amend the Agriculture and Markets Law.

25 THE PRESIDENT: Read the last

1 section.

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

4 THE PRESIDENT: Call the roll.  
5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 55.

7 THE PRESIDENT: The bill is  
8 passed.

9 THE SECRETARY: Calendar Number  
10 721, substituted earlier today by Member of  
11 the Assembly Weisenberg, Assembly Print Number  
12 1044A, an act to amend the Public Health Law.

13 THE PRESIDENT: Read the last  
14 section.

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

17 THE PRESIDENT: Call the roll.  
18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 55.

20 THE PRESIDENT: The bill is  
21 passed.

22 THE SECRETARY: Calendar Number  
23 728, by Senator Farley, Senate Print 849A, an  
24 act to amend the Social Services Law.

25 THE PRESIDENT: Read the last

1 section.

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

4 THE PRESIDENT: Call the roll.  
5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 55.

7 THE PRESIDENT: The bill is  
8 passed.

9 THE SECRETARY: Calendar Number  
10 792, by Senator Little, Senate Print 1054, an  
11 act to amend the Real Property Tax Law.

12 THE PRESIDENT: Read the last  
13 section.

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

16 THE PRESIDENT: Call the roll.  
17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 55.

19 THE PRESIDENT: The bill is  
20 passed.

21 THE SECRETARY: Calendar Number  
22 832, by Senator Fuschillo --

23 SENATOR FUSCHILLO: Lay it aside  
24 temporarily.

25 THE PRESIDENT: The bill is laid

1       aside temporarily.

2                   THE SECRETARY:       Calendar Number  
3       844, by Senator DeFrancisco, Senate Print  
4       5089A, an act to amend the Real Property Law.

5                   THE PRESIDENT:       Read the last  
6       section.

7                   THE SECRETARY:       Section 2. This  
8       act shall take effect January 1, 2008.

9                   THE PRESIDENT:       Call the roll.  
10       (The Secretary called the roll.)

11                   THE SECRETARY:       Ayes, 55.

12                   THE PRESIDENT:       The bill is  
13       passed.

14                   THE SECRETARY:       Calendar Number  
15       857, by Senator Golden, Senate Print 209, an  
16       act to amend the Public Health Law.

17                   THE PRESIDENT:       Read the last  
18       section.

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

21                   THE PRESIDENT:       Call the roll.  
22       (The Secretary called the roll.)

23                   THE SECRETARY:       Ayes, 55.

24                   THE PRESIDENT:       The bill is  
25       passed.

1                   THE SECRETARY:     Calendar Number  
2     937, substituted earlier today by Member of  
3     the Assembly Gottfried, Assembly Print Number  
4     3818A, an act to amend the Labor Law.

5                   THE PRESIDENT:     Read the last  
6     section.

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

9                   THE PRESIDENT:     Call the roll.  
10    (The Secretary called the roll.)

11                  THE SECRETARY:     Ayes, 55.

12                  THE PRESIDENT:     The bill is  
13    passed.

14                  THE SECRETARY:     Calendar Number  
15    961, by Senator DeFrancisco, Senate Print 36,  
16    an act to amend the Public Health Law and the  
17    State Finance Law.

18                  THE PRESIDENT:     Read the last  
19    section.

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

22                  THE PRESIDENT:     Call the roll.  
23    (The Secretary called the roll.)

24                  THE SECRETARY:     Ayes, 55.

25                  THE PRESIDENT:     The bill is

1 passed.

2 THE SECRETARY: Calendar Number  
3 1020, substituted earlier by Member of the  
4 Assembly Destito, Assembly Print Number 8632,  
5 an act to amend Chapter 674 of the Laws of  
6 1993.

7 THE PRESIDENT: Read the last  
8 section.

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

11 THE PRESIDENT: Call the roll.  
12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 55.

14 THE PRESIDENT: The bill is  
15 passed.

16 THE SECRETARY: Calendar Number  
17 1063, by Senator DeFrancisco, Senate Print  
18 3959, an act to amend the New York State  
19 Defense Emergency Act.

20 THE PRESIDENT: Read the last  
21 section.

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

24 THE PRESIDENT: Call the roll.  
25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 54. Nays,

2 1. Senator Duane recorded in the negative.

3 THE PRESIDENT: The bill is  
4 passed.

5 THE SECRETARY: Calendar Number  
6 1128, by Senator DeFrancisco, Senate Print  
7 4116A, an act to amend the General Municipal  
8 Law.

9 THE PRESIDENT: The Secretary  
10 will read the last section.

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

13 THE PRESIDENT: Call the roll.  
14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 54. Nays,  
16 1. Senator Duane recorded in the negative.

17 THE PRESIDENT: The bill is  
18 passed.

19 THE SECRETARY: Calendar Number  
20 1151, by Senator Larkin, Senate Print 4293A,  
21 an act to amend the Highway Law.

22 THE PRESIDENT: Read the last  
23 section.

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

1 THE PRESIDENT: Call the roll.  
2 (The Secretary called the roll.)  
3 THE SECRETARY: Ayes, 55.  
4 THE PRESIDENT: The bill is  
5 passed.  
6 THE SECRETARY: Calendar Number  
7 1178, by Senator Stachowski, Senate Print  
8 2803, an act to amend the Labor Law.  
9 THE PRESIDENT: Read the last  
10 section.  
11 THE SECRETARY: Section 3. This  
12 act shall take effect immediately.  
13 THE PRESIDENT: Call the roll.  
14 (The Secretary called the roll.)  
15 THE SECRETARY: Ayes, 55.  
16 THE PRESIDENT: The bill is  
17 passed.  
18 THE SECRETARY: Calendar Number  
19 1189, by Senator Marcellino, Senate Print  
20 5157A, an act to authorize the City of Glen  
21 Cove.  
22 THE PRESIDENT: There is a  
23 home-rule message at the desk.  
24 The Secretary will read the last  
25 section.

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

3                   THE PRESIDENT:     Call the roll.  
4                   (The Secretary called the roll.)

5                   THE SECRETARY:     Ayes, 55.

6                   THE PRESIDENT:     The bill is  
7     passed.

8                   THE SECRETARY:     Calendar Number  
9     1204, by Senator Lanza, Senate Print 5583, an  
10    act to amend the Environmental Conservation  
11    Law.

12                  THE PRESIDENT:     Read the last  
13    section.

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

16                  THE PRESIDENT:     Call the roll.  
17                  (The Secretary called the roll.)

18                  THE SECRETARY:     Ayes, 55.

19                  THE PRESIDENT:     The bill is  
20    passed.

21                  THE SECRETARY:     Calendar Number  
22    1238, by Senator Thompson, Senate Print 3628,  
23    an act to amend the Civil Practice Law and  
24    Rules.

25                  THE PRESIDENT:     Read the last

1 section.

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

4 THE PRESIDENT: Call the roll.  
5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 55.

7 THE PRESIDENT: The bill is  
8 passed.

9 THE SECRETARY: Calendar Number  
10 1274, substituted earlier today by Member of  
11 the Assembly --

12 SENATOR FUSCHILLO: Lay it aside  
13 for the day, please.

14 THE PRESIDENT: The bill is laid  
15 aside for the day.

16 THE SECRETARY: Calendar Number  
17 1298, substituted earlier by Member of the  
18 Assembly Parment, Assembly Print Number 2582,  
19 an act to amend the Uniform Justice Court Act.

20 THE PRESIDENT: There is a local  
21 fiscal impact notice at the desk.

22 Please read the last section.

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

25 THE PRESIDENT: Call the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 55.

3 THE PRESIDENT: The bill is  
4 passed.

5 THE SECRETARY: Calendar Number  
6 1303, by Senator Winner, Senate Print 3228, an  
7 act to amend the Uniform Justice Court Act and  
8 the Town Law.

9 THE PRESIDENT: Read the last  
10 section.

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

13 THE PRESIDENT: Call the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 55.

16 THE PRESIDENT: The bill is  
17 passed.

18 THE SECRETARY: Calendar Number  
19 1306, by Senator Volker, Senate Print 4874, an  
20 act to amend the Real Property Law.

21 THE PRESIDENT: Read the last  
22 section.

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

25 THE PRESIDENT: Call the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 55.

3 THE PRESIDENT: The bill is  
4 passed.

5 THE SECRETARY: Calendar Number  
6 1335, by Senator Seward, Senate Print 2139, an  
7 act relating to the Department of Health  
8 approval.

9 THE PRESIDENT: Read the last  
10 section.

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

13 THE PRESIDENT: Call the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 55.

16 THE PRESIDENT: The bill is  
17 passed.

18 THE SECRETARY: Calendar Number  
19 1366, substituted earlier today by Member of  
20 the Assembly Eddington, Assembly Print Number  
21 2757, an act to amend the General Municipal  
22 Law.

23 THE PRESIDENT: Read the last  
24 section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 THE PRESIDENT: Call the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 55.

5 THE PRESIDENT: The bill is  
6 passed.

7 THE SECRETARY: Calendar Number  
8 1393, by Senator Rath, Senate Print 5475, an  
9 act to authorize the City of Batavia.

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

12 Read the last section.

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

15 THE PRESIDENT: Call the roll.

16 (The Secretary called the roll.)

17 THE PRESIDENT: Results.

18 THE SECRETARY: Ayes, 55.

19 THE PRESIDENT: The bill is  
20 passed.

21 THE SECRETARY: Calendar Number  
22 1433, by Senator Marcellino, Senate Print --

23 SENATOR DUANE: Lay it aside,  
24 please.

25 THE PRESIDENT: The bill is laid

1       aside by the Acting Minority Leader, Senator  
2       Duane.

3                   THE SECRETARY:       Calendar Number  
4       1530, by Senator LaValle, Senate Print 5526A,  
5       an act to amend the Social Services Law and  
6       the Correction Law.

7                   THE PRESIDENT:       Read the last  
8       section.

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

11                   THE PRESIDENT:       Call the roll.

12                   (The Secretary called the roll.)

13                   THE SECRETARY:       Ayes, 55.

14                   THE PRESIDENT:       The bill is  
15       passed.

16                   THE SECRETARY:       Calendar Number  
17       1578, by Senator Wright, Senate Print 3490A,  
18       an act in relation to authorizing the Village  
19       of Alexandria Bay.

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

22                   Read the last section.

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

25                   THE PRESIDENT:       Call the roll.

1 (The Secretary called the roll.)

2 THE PRESIDENT: Results.

3 THE SECRETARY: Ayes, 55.

4 THE PRESIDENT: The bill is  
5 passed.

6 THE SECRETARY: Calendar Number  
7 1590, by Senator Maziarz, Senate Print 5906A,  
8 an act to amend the Parks, Recreation and  
9 Historic Preservation Law.

10 THE PRESIDENT: Read the last  
11 section.

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

14 THE PRESIDENT: Call the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 55.

17 THE PRESIDENT: The bill is  
18 passed.

19 THE SECRETARY: Calendar Number  
20 1592, by the Senate Committee on Rules, Senate  
21 Print Number 5983, an act to amend the Tax  
22 Law.

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

25 Read the last section.

1                   THE SECRETARY:     Section 2.  This  
2     act shall take effect on the first day of the  
3     sales tax quarterly period.

4                   THE PRESIDENT:     Call the roll.  
5                   (The Secretary called the roll.)

6                   THE SECRETARY:     Ayes, 53.  Nays,  
7     2.  Senators Duane and L. Krueger recorded in  
8     the negative.

9                   THE PRESIDENT:     The bill is  
10    passed.

11                   THE SECRETARY:     Calendar Number  
12    1637, by the Senate Committee on Rules, Senate  
13    Print 5988 --

14                   SENATOR DUANE:     Lay it aside,  
15    please.

16                   THE PRESIDENT:     The bill is laid  
17    aside.

18                   THE SECRETARY:     Calendar Number  
19    1650, by the Senate Committee on Rules, Senate  
20    Print 4858A, an act to amend Tax Law.

21                   THE PRESIDENT:     This bill is  
22    accompanied by a local fiscal impact note that  
23    is at the desk.

24                   The Secretary will read the last  
25    section.

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

3                   THE PRESIDENT:     The Secretary  
4     will now call the roll.

5                   (The Secretary called the roll.)

6                   THE SECRETARY:     Ayes, 55.

7                   THE PRESIDENT:     The bill is  
8     passed.

9                   THE SECRETARY:     Calendar Number  
10    1655, by Senator Leibell, Senate Print 5654A,  
11    an act to amend the Town Law and the Public  
12    Officers Law.

13                  THE PRESIDENT:     Read the last  
14    section.

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

17                  THE PRESIDENT:     Call the roll.

18                  (The Secretary called the roll.)

19                  THE SECRETARY:     Ayes, 55.

20                  THE PRESIDENT:     The bill is  
21    passed.

22                  THE SECRETARY:     Calendar Number  
23    1657, by the Senate Committee on Rules, Senate  
24    Print 5753A, an act to amend the Tax Law.

25                  THE PRESIDENT:     There is a local

1 fiscal impact note at the desk.

2 Read the last section.

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

5 THE PRESIDENT: Call the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 55.

8 THE PRESIDENT: The bill is

9 passed.

10 THE SECRETARY: Calendar Number  
11 1665, by Senator Volker, Senate Print 6079,  
12 Concurrent Resolution of the Senate and  
13 Assembly proposing an amendment to Article 3  
14 of the Constitution.

15 THE PRESIDENT: Call the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 55.

18 THE PRESIDENT: The resolution is

19 adopted.

20 THE SECRETARY: Calendar Number  
21 1667, by Senator Golden, Senate Print 2449A,  
22 an act to amend the Public Health Law.

23 THE PRESIDENT: Read the last

24 section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the same date as  
2 Section 24 of Part B of Chapter 58 of the Laws  
3 of 2007.

4 THE PRESIDENT: Call the roll.  
5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 55.

7 THE PRESIDENT: The bill is  
8 passed.

9 THE SECRETARY: Calendar Number  
10 1696, by Senator Alesi, Senate Print 4744B, an  
11 act in relation to redistributing 2006 bond  
12 volume allocations.

13 THE PRESIDENT: Read the last  
14 section.

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

17 THE PRESIDENT: Call the roll.  
18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 55.

20 THE PRESIDENT: The bill is  
21 passed.

22 THE SECRETARY: Calendar Number  
23 1700, by Senator Padavan, Senate Print 6072,  
24 an act to amend Chapter 156 of the Laws of  
25 2006.

1 THE PRESIDENT: Read the last  
2 section.

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

5 THE PRESIDENT: Call the roll.  
6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 55.

8 THE PRESIDENT: The bill is  
9 passed.

10 THE SECRETARY: Calendar Number  
11 1704, by Senator Volker, Senate Print 6135, an  
12 act to amend Chapter 367 of the Laws of 1999.

13 THE PRESIDENT: Read the last  
14 section.

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

17 THE PRESIDENT: Call the roll.  
18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 55.

20 THE PRESIDENT: The bill is  
21 passed.

22 THE SECRETARY: Calendar Number  
23 1706, by Senator Robach, Senate Print 2004, an  
24 act to amend the Executive Law.

25 THE PRESIDENT: Read the last

1 section.

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

5 THE PRESIDENT: Call the roll.  
6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 55.

8 THE PRESIDENT: The bill is  
9 passed.

10 THE SECRETARY: Calendar Number  
11 1707, substituted earlier today by Member of  
12 the Assembly Alessi, Assembly Print Number  
13 6022, Concurrent Resolution of the Senate and  
14 Assembly proposing an amendment to Section 26  
15 of Article 6 of the Constitution.

16 THE PRESIDENT: Call the roll.  
17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 55.

19 THE PRESIDENT: The resolution is  
20 adopted.

21 THE SECRETARY: Calendar Number  
22 1708, by Senator Alesi, Senate Print 2598, an  
23 act to amend the Vehicle and Traffic Law.

24 THE PRESIDENT: Read the last  
25 section.

1                   THE SECRETARY:     Section 3.  This  
2     act shall take effect on the 30th day.

3                   THE PRESIDENT:     Call the roll.  
4                   (The Secretary called the roll.)

5                   THE SECRETARY:     Ayes, 55.

6                   THE PRESIDENT:     The bill is  
7     passed.

8                   THE SECRETARY:     Calendar Number  
9     1709, by Senator Griffo, Senate Print 2724 --

10                  SENATOR DUANE:     Lay it aside,  
11     please.

12                  THE PRESIDENT:     The bill is laid  
13     aside.

14                  THE SECRETARY:     Calendar Number  
15     1710, substituted earlier today by Member of  
16     the Assembly Thiele, Assembly Print Number  
17     6065, an act to amend the Criminal Procedure  
18     Law.

19                  THE PRESIDENT:     Read the last  
20     section.

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

23                  THE PRESIDENT:     Call the roll.  
24                  (The Secretary called the roll.)

25                  THE PRESIDENT:     Results.

1                   THE SECRETARY:     Ayes, 53.  Nays,  
2     2.  Senators Duane and L. Krueger recorded in  
3     the negative.

4                   THE PRESIDENT:     The bill is  
5     passed.

6                   THE SECRETARY:     Calendar Number  
7     1711, by Senator Winner, Senate Print 3670, an  
8     act to amend the Alcoholic Beverage Control  
9     Law.

10                  THE PRESIDENT:     Read the last  
11     section.

12                  THE SECRETARY:     Section 2.  This  
13     act shall take effect on the first day of the  
14     month that begins at least 90 days after the  
15     date on which it shall have become a law.

16                  THE PRESIDENT:     Wow.  Call the  
17     roll.

18                                   (The Secretary called the roll.)

19                  THE SECRETARY:     Ayes, 54.  Nays,  
20     1.  Senator Duane recorded in the negative.

21                  THE PRESIDENT:     The bill is  
22     passed.

23                  THE SECRETARY:     Calendar Number  
24     1712, substituted earlier today Member of the  
25     Assembly Alessi, Assembly Print Number 6622,

1 an act to amend the Criminal Procedure Law.

2 THE PRESIDENT: Read the last  
3 section.

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

6 THE PRESIDENT: Call the roll.  
7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 53. Nays,  
9 2. Senators Duane and L. Krueger recorded in  
10 the negative.

11 THE PRESIDENT: The bill is  
12 passed.

13 THE SECRETARY: Calendar Number  
14 1713, substituted earlier today by Member of  
15 the Assembly Brook-Krasny, Assembly Print  
16 Number 7892, an act to amend the Private  
17 Housing Finance Law.

18 THE PRESIDENT: Read the last  
19 section.

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

22 THE PRESIDENT: Call the roll.  
23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 55.

25 THE PRESIDENT: The bill is

1 passed.

2 THE SECRETARY: Calendar Number  
3 1714, substituted earlier today by Member of  
4 the Assembly Schimminger, Assembly Print  
5 Number 7175A, an act relating to adjusted  
6 valuation for school aid.

7 THE PRESIDENT: Read the last  
8 section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect July 1, 2007.

11 THE PRESIDENT: Call the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 55.

14 THE PRESIDENT: The bill is  
15 passed.

16 THE SECRETARY: Calendar Number  
17 1715, by Senator Marcellino, Senate Print  
18 4382A, an act to amend the Executive Law.

19 THE PRESIDENT: Read the last  
20 section.

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

23 THE PRESIDENT: Call the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 55.

1                   THE PRESIDENT:     The bill is  
2     passed.

3                   THE SECRETARY:     Calendar Number  
4     1716, by Senator Skelos, Senate Print 4401, an  
5     act to amend the Education Law.

6                   THE PRESIDENT:     Read the last  
7     section.

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

10                  THE PRESIDENT:     Call the roll.  
11                   (The Secretary called the roll.)

12                  THE SECRETARY:     Ayes, 55.

13                  THE PRESIDENT:     The bill is  
14     passed.

15                  THE SECRETARY:     Calendar Number  
16     1722, by Senator Hannon, Senate Print 5339, an  
17     act to amend the County Law.

18                  THE PRESIDENT:     Read the last  
19     section.

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

22                  THE PRESIDENT:     Call the roll.  
23                   (The Secretary called the roll.)

24                  THE SECRETARY:     Ayes, 55.

25                  THE PRESIDENT:     The bill is

1 passed.

2 THE SECRETARY: Calendar Number  
3 1728, by Senator Bruno, Senate Print 5981, an  
4 act to amend Chapter 757 of the Laws of 2005,  
5 establishing the Tech Valley High School.

6 THE PRESIDENT: Read the last  
7 section.

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

10 THE PRESIDENT: Call the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 55. Nays,  
13 1. Senator Duane recorded in the negative.

14 THE PRESIDENT: The bill is  
15 passed.

16 THE SECRETARY: Calendar Number  
17 1730, by the Senate Committee on Rules, Senate  
18 Print 6123, an act to amend the Tax Law.

19 THE PRESIDENT: Read the last  
20 section.

21 THE SECRETARY: Section 2. This  
22 act shall take effect on the same date and in  
23 the same manner as a chapter of the Laws of  
24 2007.

25 THE PRESIDENT: Call the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 56.

3 THE PRESIDENT: The bill is  
4 passed.

5 THE SECRETARY: Calendar Number  
6 1732, by Senator Skelos, Senate Print 6167 --

7 SENATOR FUSCHILLO: Lay it aside  
8 for the day, please.

9 THE PRESIDENT: The bill is laid  
10 aside for the day.

11 That completes the noncontroversial  
12 reading of the calendar, Senator Fuschillo.

13 SENATOR FUSCHILLO: Mr.  
14 President, would you please take up Calendar  
15 Number 832, which was laid aside temporarily.

16 THE PRESIDENT: The Secretary  
17 will read Calendar Number 832.

18 THE SECRETARY: Calendar Number  
19 832, by Senator Fuschillo, Senate Print 1531,  
20 an act to amend the Real Property Law.

21 THE PRESIDENT: Read the last  
22 section.

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

25 THE PRESIDENT: Call the roll.

1 (The Secretary called the roll.)

2 THE PRESIDENT: Senator Duane.

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

5 I just want to point out that last  
6 year, in addition to myself, Senators  
7 Hassell-Thompson, Liz Krueger, Velmanette  
8 Montgomery, Senators Parker and Schneiderman  
9 all voted in the negative on this bill.

10 And I will be voting in the  
11 negative again this year, Mr. President.

12 THE PRESIDENT: Senator Duane  
13 will be recorded in the negative on Calendar  
14 Number 832.

15 The Secretary will announce the  
16 results.

17 THE SECRETARY: Those recorded in  
18 the negative on Calendar Number 832 are  
19 Senators Adams, Dilan, Duane, Montgomery,  
20 Schneiderman and Serrano.

21 Ayes, 50. Nays, 6.

22 THE PRESIDENT: The bill is  
23 passed.

24 Senator Fuschillo.

25 SENATOR FUSCHILLO: Mr.

1 President, there will be an immediate meeting  
2 of the Rules Committee in the Majority  
3 Conference Room.

4 And the Senate will stand at ease.

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

8 The Senate stands at ease.

9 (Whereupon, the Senate stood at  
10 ease at 4:06 p.m.)

11 (Whereupon, the Senate reconvened  
12 at 4:19 p.m.)

13 THE PRESIDENT: Senator  
14 Fuschillo.

15 SENATOR FUSCHILLO: Mr.  
16 President, if we could return to the order of  
17 reports of standing committees for the report  
18 of the Rules Committee.

19 THE PRESIDENT: Reports of  
20 standing committees.

21 The Secretary will read.

22 THE SECRETARY: Senator Bruno,  
23 from the Committee on Rules, reports the  
24 following bills.

25 Senate Print 1470, by Senator

1 Morahan, an act authorizing;  
2 2035, by Senator Young, an act to  
3 amend the Tax Law;  
4 4017, by Senator Hannon, an act to  
5 amend the County Law;  
6 4018, by Senator Saland, an act to  
7 amend the Education Law;  
8 4070B, by the Senate Committee on  
9 Rules, an act to amend the Tax Law;  
10 4163, by Senator Padavan, an act to  
11 amend the Civil Service Law;  
12 4318, by Senator Valesky, an act to  
13 amend the Tax Law;  
14 4476B, by Senator Farley, an act to  
15 amend the Education Law;  
16 4624, by Senator Griffo, an act to  
17 amend the Retirement and Social Security Law;  
18 4712, by Senator Leibell, an act to  
19 amend the Tax Law;  
20 5373, by Senator Hannon, an act to  
21 authorize;  
22 5515, by Senator Bonacic, an act to  
23 amend the Executive Law;  
24 5671, by Senator Saland, an act to  
25 amend the Education Law;

1                   5694, by Senator Morahan, an act in  
2 relation to state aid;

3                   5727, by Senator Padavan, an act to  
4 amend the Real Property Law;

5                   5805, by Senator Griffo, an act to  
6 amend the Criminal Procedure Law;

7                   5831A, by Senator Larkin, an act to  
8 authorize;

9                   5862, by Senator Maziarz, an act to  
10 amend the Environmental Conservation Law;

11                   6011, by Senator Larkin, an act to  
12 amend the Tax Law;

13                   6024A, by Senator Padavan, an act  
14 to amend the Local Finance Law;

15                   6082, by Senator Wright, an act to  
16 amend the Public Authorities Law;

17                   6125, by Senator Padavan, an act to  
18 amend the General City Law;

19                   6148, by Senator Winner, an act to  
20 amend Chapter 987 of the Laws of 1971;

21                   6165, by Senator Bonacic, an act to  
22 amend Chapter 159 of the Laws of 2000;

23                   And Senate Print 6171, by Senator  
24 Lanza, an act to amend Chapter 1 of the Laws  
25 of 2005.

1 All bills ordered direct to third  
2 reading.

3 THE PRESIDENT: Senator  
4 Fuschillo.

5 SENATOR FUSCHILLO: Move to  
6 accept the report of the Rules Committee.

7 THE PRESIDENT: All in favor of  
8 accepting the Rules Committee report please  
9 indicate so by saying aye.

10 (Response of "Aye.")

11 THE PRESIDENT: Opposed, nay.

12 (No response.)

13 THE PRESIDENT: The report is  
14 accepted.

15 Senator Fuschillo.

16 SENATOR FUSCHILLO: May we please  
17 have the noncontroversial reading of  
18 Supplemental Calendar 62A.

19 THE PRESIDENT: The Secretary  
20 will read.

21 THE SECRETARY: Calendar Number  
22 1717, by Senator Morahan, Senate Print 1470,  
23 an act authorizing the Greenwood Lake Union  
24 Free School District.

25 THE PRESIDENT: Read the last

1 section.

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

4 THE PRESIDENT: Call the roll.  
5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 57.

7 THE PRESIDENT: The bill is  
8 passed.

9 THE SECRETARY: Calendar Number  
10 1737, by Senator Young --

11 SENATOR DUANE: Lay it aside,  
12 please.

13 THE PRESIDENT: The bill is laid  
14 aside.

15 THE SECRETARY: Calendar Number  
16 1738, by Senator Hannon, Senate Print 4017, an  
17 act to amend the County Law.

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

20 The Secretary will read the last  
21 section.

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

24 THE PRESIDENT: Call the roll.  
25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 57.

2 THE PRESIDENT: The bill is

3 passed.

4 THE SECRETARY: Calendar Number

5 1739, by Senator Saland, Senate Print --

6 SENATOR DUANE: Lay it aside,

7 please.

8 THE PRESIDENT: The bill is laid

9 aside.

10 THE SECRETARY: Calendar Number

11 1740, by the Senate Committee on Rules, Senate

12 Print 4070B, an act to amend the Tax Law.

13 THE PRESIDENT: There is a local

14 fiscal impact note at the desk.

15 The Secretary will now read the

16 last section.

17 THE SECRETARY: Section 2. This

18 act shall take effect on the first day of the

19 month next succeeding the date on which it

20 shall have become a law.

21 THE PRESIDENT: Call the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 57.

24 THE PRESIDENT: The bill is

25 passed.

1                   THE SECRETARY:     Calendar Number  
2     1741, by Senator Padavan, Senate Print 4163,  
3     an act to amend the Civil Service Law.

4                   THE PRESIDENT:     Read the last  
5     section.

6                   THE SECRETARY:     Section 2. This  
7     act shall take effect on the 90th day.

8                   THE PRESIDENT:     Call the roll.  
9     (The Secretary called the roll.)

10                  THE SECRETARY:     Ayes, 58.

11                  THE PRESIDENT:     The bill is  
12     passed.

13                  THE SECRETARY:     Calendar Number  
14     1742 --

15                  SENATOR FUSCHILLO:   Lay it aside  
16     for the day, please.

17                  THE PRESIDENT:     The bill is laid  
18     aside for the day.

19                  THE SECRETARY:     Calendar Number  
20     1743, by Senator Farley, Senate Print 4476B,  
21     an act to amend the Education Law.

22                  THE PRESIDENT:     Read the last  
23     section.

24                  THE SECRETARY:     Section 2. This  
25     act shall take effect April 1, 2008.

1 THE PRESIDENT: Call the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 58.

4 THE PRESIDENT: The bill is  
5 passed.

6 THE SECRETARY: Calendar Number  
7 1744, by Senator Griffo, Senate Print 4624, an  
8 act to amend the Retirement and Social  
9 Security Law.

10 THE PRESIDENT: Read the last  
11 section.

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

14 THE PRESIDENT: Call the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 58.

17 THE PRESIDENT: The bill is  
18 passed.

19 THE SECRETARY: Calendar Number  
20 1745, by Senator Leibell, Senate Print 4712,  
21 an act to amend the Tax Law.

22 THE PRESIDENT: Read the last  
23 section.

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

1 THE PRESIDENT: Call the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 57. Nays,

4 1. Senator Duane recorded in the negative.

5 THE PRESIDENT: The bill is

6 passed.

7 THE SECRETARY: Calendar Number

8 1746, by Senator Hannon, Senate Print 5373, an

9 act to authorize the Ethical Humanist Society

10 of Long Island.

11 THE PRESIDENT: Read the last

12 section.

13 THE SECRETARY: Section 2. This

14 act shall take effect immediately.

15 THE PRESIDENT: Call the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 55. Nays,

18 3. Senators Bonacic, Larkin and Rath recorded

19 in the negative.

20 THE PRESIDENT: The bill is

21 passed.

22 THE SECRETARY: Calendar Number

23 1747, by Senator Bonacic, Senate Print 5515,

24 an act to amend the Executive Law.

25 THE PRESIDENT: Read the last

1 section.

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

4 THE PRESIDENT: Call the roll.  
5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 58.

7 THE PRESIDENT: The bill is  
8 passed.

9 THE SECRETARY: Calendar Number  
10 1748, by Senator Saland, Senate Print 5671, an  
11 act to amend the Education Law.

12 THE PRESIDENT: Read the last  
13 section.

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

16 THE PRESIDENT: Call the roll.  
17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 58.

19 THE PRESIDENT: The bill is  
20 passed.

21 THE SECRETARY: Calendar Number  
22 1749, by Senator Morahan, Senate Print 5694,  
23 an act in relation to state aid.

24 THE PRESIDENT: Read the last  
25 section.

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

3                   THE PRESIDENT:     Call the roll.  
4                   (The Secretary called the roll.)

5                   THE SECRETARY:     Ayes, 58.

6                   THE PRESIDENT:     The bill is  
7     passed.

8                   THE SECRETARY:     In relation to  
9     Calendar Number 1750, Senator Padavan moves to  
10    discharge, from the Committee on Rules,  
11    Assembly Bill Number 5182 and substitute it  
12    for the identical Senate Bill Number 5727,  
13    Third Reading Calendar 1750.

14                  THE PRESIDENT:     Substitution  
15    ordered.

16                  The Secretary will read.

17                  THE SECRETARY:     Calendar Number  
18    1750, by Member of the Assembly Young,  
19    Assembly Print Number 5182, an act to amend  
20    the Real Property Law.

21                  THE PRESIDENT:     Read the last  
22    section.

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

25                  THE PRESIDENT:     Call the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 59.

3 THE PRESIDENT: The bill is  
4 passed.

5 THE SECRETARY: Calendar Number  
6 1751, by Senator Griffo, Senate Print 5805, an  
7 act to amend the Criminal Procedure Law.

8 THE PRESIDENT: Read the last  
9 section.

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

12 THE PRESIDENT: Call the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 57. Nays,  
15 2. Senators Duane and L. Krueger recorded in  
16 the negative.

17 THE PRESIDENT: The bill is  
18 passed.

19 THE SECRETARY: Calendar Number  
20 1752, by Senator Larkin, Senate Print 5831A --

21 SENATOR FUSCHILLO: Lay it aside  
22 for the day, please.

23 THE PRESIDENT: The bill is laid  
24 aside for the day.

25 THE SECRETARY: Calendar Number

1 1753, by Senator Maziarz --

2 SENATOR FUSCHILLO: Lay it aside  
3 for the day, please.

4 THE PRESIDENT: The bill is laid  
5 aside for the day.

6 THE SECRETARY: Calendar Number  
7 1754, by Senator Larkin, Senate Print 6011, an  
8 act to amend the Tax Law.

9 THE PRESIDENT: Read the last  
10 section.

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

13 THE PRESIDENT: Call the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 58. Nays,  
16 1. Senator Duane recorded in the negative.

17 THE PRESIDENT: The bill is  
18 passed.

19 THE SECRETARY: Calendar Number  
20 1755, by Senator Padavan, Senate Print 6024A,  
21 an act to amend the Local Finance Law.

22 THE PRESIDENT: Read the last  
23 section.

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

1 THE PRESIDENT: Call the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 59.

4 THE PRESIDENT: The bill is  
5 passed.

6 THE SECRETARY: Calendar Number  
7 1756, by Senator Wright, Senate Print 6082, an  
8 act to amend the Public Authorities Law.

9 THE PRESIDENT: Read the last  
10 section.

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

13 THE PRESIDENT: Call the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 59.

16 THE PRESIDENT: The bill is  
17 passed.

18 THE SECRETARY: Calendar Number  
19 1757, by Senator Padavan, Senate Print 6125,  
20 an act to amend the General City Law.

21 THE PRESIDENT: Read the last  
22 section.

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

25 THE PRESIDENT: Call the roll.

1 (The Secretary called the roll.)  
2 THE SECRETARY: Ayes, 59.  
3 THE PRESIDENT: The bill is  
4 passed.  
5 THE SECRETARY: Calendar Number  
6 1758, by Senator Winner --  
7 SENATOR DUANE: Lay it aside,  
8 please.  
9 THE PRESIDENT: The bill is laid  
10 aside.  
11 THE SECRETARY: Calendar Number  
12 1759, by Senator Bonacic, Senate Print 6165,  
13 an act to amend Chapter 159 of the Laws of  
14 2000.  
15 THE PRESIDENT: There is a  
16 home-rule message at the desk.  
17 The Secretary will read the last  
18 section.  
19 THE SECRETARY: Section 2. This  
20 act shall take effect immediately.  
21 THE PRESIDENT: Call the roll.  
22 (The Secretary called the roll.)  
23 THE SECRETARY: Ayes, 59.  
24 THE PRESIDENT: The bill is  
25 passed.

1                   THE SECRETARY:     Calendar Number  
2     1760, by Senator Lanza, Senate Print 6171, an  
3     act to amend Chapter 1 of the Laws of 2005  
4     amending the State Finance Law.

5                   THE PRESIDENT:     Read the last  
6     section.

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

9                   THE PRESIDENT:     Call the roll.  
10     (The Secretary called the roll.)

11                   THE SECRETARY:     Ayes, 59.

12                   THE PRESIDENT:     The bill is  
13     passed.

14                   That completes the noncontroversial  
15     reading of the calendar.

16                   SENATOR FUSCHILLO:     Mr.  
17     President.

18                   THE PRESIDENT:     Senator  
19     Fuschillo.

20                   SENATOR FUSCHILLO:     Will you  
21     please recognize Senator Ruth  
22     Hassell-Thompson.

23                   THE PRESIDENT:     Senator  
24     Hassell-Thompson.

25                   SENATOR HASSELL-THOMPSON:     Thank

1           you, Mr. President.

2                         According to Rule 9, if I had been  
3           in chambers, I would have voted no on Calendar  
4           Number 832.

5                         Sorry, Chuck.

6                         THE PRESIDENT:        The record will  
7           so reflect. Thank you, Senator  
8           Hassell-Thompson.

9                         Senator Fuschillo.

10                        SENATOR FUSCHILLO:     Will you  
11           please restore Calendar Number 1739, by  
12           Senator Saland, to the noncontroversial  
13           calendar and take it up at this time.

14                        THE PRESIDENT:        We will take up  
15           Calendar Number 1739.

16                        The Secretary will read.

17                        THE SECRETARY:        Calendar Number  
18           1739, by Senator Saland, Senate Print 4018, an  
19           act to amend the Education Law.

20                        THE PRESIDENT:        Read the last  
21           section.

22                        THE SECRETARY:        Section 19. This  
23           act shall take effect on the 180th day.

24                        THE PRESIDENT:        Call the roll.

25                        (The Secretary called the roll.)

1                   THE PRESIDENT:     Senator  
2           C. Johnson, to explain his vote.

3                   SENATOR CRAIG JOHNSON:     Thank  
4           you, Mr. President.

5                   I'm going to be voting in the  
6           affirmative on this piece of legislation. I  
7           did have a question in connection with it, as  
8           to whether or not special-acts school  
9           districts were required to undertake criminal  
10          background checks for prospective employees.

11                   I had a conversation with the  
12          sponsor of this legislation, Senator Saland,  
13          and he has told me I can represent that it is  
14          his understanding and his counsel's  
15          understanding that special-acts schools do  
16          fall within this legislation, that they are  
17          required to do the fingerprinting for  
18          prospective employees. And so I will be  
19          voting in the affirmative, given that  
20          representation.

21                   So thank you very much, Senator  
22          Saland.

23                   THE PRESIDENT:     Senator  
24           C. Johnson will be recorded in the affirmative  
25           on Calendar Number 1739.

1                   Senator Saland, to explain his  
2                   vote.

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

5                   I wish to merely affirm, or  
6                   confirm, Senator Johnson's remarks. Certainly  
7                   this bill does provide and is intended to  
8                   provide that special-acts schools as well as  
9                   the 4201 schools, all special ed schools, are  
10                  covered.

11                  Thank you, Mr. President.

12                  THE PRESIDENT:       Your vote,  
13                  Senator?

14                  SENATOR SALAND:       I think I'll  
15                  vote in the affirmative, Mr. President.

16                  THE PRESIDENT:       Senator Saland  
17                  will be recorded as voting in the affirmative  
18                  on Calendar Number 1739.

19                  Senator Perkins, to explain his  
20                  vote.

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

23                  Pursuant to Rule Number 9, I'd like  
24                  to vote no on Calendar Number 381 and Calendar  
25                  Number --

1                   THE PRESIDENT:     Senator Perkins,  
2     we're on the roll call of Calendar Number  
3     1739.

4                   SENATOR PERKINS:     Oh.   Excuse me.

5                   THE PRESIDENT:     So we assume  
6     you're voting in the affirmative on Calendar  
7     Number 1739.

8                   The Secretary will announce the  
9     results.

10                  THE SECRETARY:     Ayes, 59.   Nays,  
11     0.

12                  THE PRESIDENT:     The bill is  
13     passed.

14                  The chair recognizes Senator  
15     Perkins.

16                  SENATOR PERKINS:     Once again,  
17     Mr. President, pursuant to Rule Number 9, I'd  
18     like to take this opportunity to vote no on  
19     Calendar 381 and Calendar 832, as if I were  
20     here.   Thank you.

21                  THE PRESIDENT:     Senator Perkins,  
22     pursuant to Rule 9 you cannot vote at this  
23     time on those two bills.   You can make record  
24     of your feelings on those bills.

25                  SENATOR PERKINS:     In that case I

1 would like to have my vote recorded as if I  
2 would have voted no on those two bills,  
3 Calendar 381 and Calendar 832.

4 THE PRESIDENT: Thank you,  
5 Senator. The record will reflect.

6 SENATOR PERKINS: Thank you.

7 THE PRESIDENT: Senator Winner.

8 SENATOR WINNER: Mr. President,  
9 before we go to the controversial calendar,  
10 would you lay aside my bill, Calendar Number  
11 1758, for the day, please.

12 THE PRESIDENT: Calendar Number  
13 1758 is laid aside for the day at the request  
14 of the sponsor.

15 Senator Winner.

16 SENATOR WINNER: Yes,  
17 Mr. President. On the controversial calendar  
18 can we start with Calendar Number 280.

19 THE PRESIDENT: The Secretary  
20 will conduct the controversial reading of the  
21 calendar, Calendar Number 280 to commence.

22 Ring the bell so that all members  
23 may be aware that we are now voting on bills.

24 THE SECRETARY: Calendar Number  
25 280, by Senator Morahan, Senate Print 1897A,

1 an act authorizing the Commissioner of General  
2 Services.

3 SENATOR DUANE: Explanation,  
4 please.

5 THE PRESIDENT: Senator Morahan,  
6 an explanation has been requested by the  
7 Acting Minority Leader, Senator Duane.

8 SENATOR MORAHAN: Wow. This  
9 bill -- which we voted on, by the way, in  
10 March, it passed 61 to 0 -- was requested to  
11 be amended by the Assembly, which this new  
12 bill now reflects their amendment.

13 The bill in essence allows the  
14 Commissioner of General Services to sell at  
15 fair market value a portion of a state  
16 facility called the Rockland Psychiatric  
17 Center to the Town of Orangetown.

18 THE PRESIDENT: Senator Duane.

19 SENATOR DUANE: Thank you,  
20 Mr. President.

21 If the Senator would please yield.

22 THE PRESIDENT: Senator Morahan,  
23 would you yield for a question from Senator  
24 Duane?

25 SENATOR MORAHAN: Yes, I will.

1                   SENATOR DUANE:     Thank you,  
2     Mr. President.

3                   I'm just curious, how was the bill  
4     amended? What makes this bill different than  
5     the original version?

6                   THE PRESIDENT:     Senator Morahan.

7                   SENATOR MORAHAN:     It was greatly  
8     reduced in content. The original bill  
9     outlined the use and what was going to be  
10    done. It called for a project labor  
11    agreement.

12                  Those provisions were taken out,  
13    and the phrase "fair market value" was added  
14    back in.

15                  THE PRESIDENT:     Senator Duane.

16                  SENATOR DUANE:     Thank you,  
17    Mr. President.

18                  THE PRESIDENT:     Any other Senator  
19    wishing to speak on the bill?

20                  In that case, debate is closed.  
21    Ring the bell.

22                  The Secretary will read the last  
23    section on Calendar 280.

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

1 THE PRESIDENT: Call the roll.  
2 (The Secretary called the roll.)  
3 THE PRESIDENT: Announce the  
4 results.  
5 THE SECRETARY: Ayes, 62. Nays,  
6 0.  
7 THE PRESIDENT: The bill is  
8 passed.  
9 Senator Winner.  
10 SENATOR WINNER: Continue with  
11 the controversial calendar, please,  
12 Mr. President.  
13 THE PRESIDENT: The Secretary  
14 will read.  
15 THE SECRETARY: Calendar Number  
16 1433, by Senator Marcellino, Senate Print 607,  
17 an act to amend the Education Law.  
18 SENATOR OPPENHEIMER:  
19 Explanation, please.  
20 THE PRESIDENT: Senator  
21 Marcellino, an explanation has been requested  
22 to Calendar Number 607 by Senator Oppenheimer.  
23 SENATOR MARCELLINO: Yes,  
24 Mr. President.  
25 This bill would require that each

1 school district include on their annual report  
2 card the percentage of the budget that is  
3 actually spent on instructional services.

4 The definition of what is an  
5 instructional service is already in law. The  
6 Education Commissioner has so stated. We've  
7 adopted that as the definition. The school  
8 districts are well aware of that.

9 We just want to make sure that the  
10 taxpayers and the voters know how successful  
11 and where exactly their budget dollars go,  
12 their tax dollars are going, that they're not  
13 being wasted, they're going into the classroom  
14 for legitimate expenses.

15 THE PRESIDENT: Senator  
16 Oppenheimer.

17 SENATOR OPPENHEIMER: Thank you  
18 very much, Senator.

19 THE PRESIDENT: Read the last  
20 section.

21 SENATOR OPPENHEIMER: No, I'd  
22 like to speak, if I may be heard.

23 THE PRESIDENT: Senator  
24 Oppenheimer, on the bill.

25 SENATOR OPPENHEIMER: Thank you.

1 I'm urging a no vote on this even  
2 though I will say that what is considered  
3 instructional expense in our state is much  
4 broader than in many other states. And so it  
5 does include things like curriculum  
6 development, psychological services, guidance  
7 counseling. Even interscholastic sports is  
8 now considered part of instructional services.

9 But even though the definition is  
10 broad, I'm against this because this is  
11 already available. It is reported to the  
12 state. It is highly scrutinized by the state.  
13 It is public record. And I think to mandate  
14 this report on the school districts is just  
15 onerous and rather unnecessary.

16 I think in another way it is  
17 important to defeat this because there are  
18 small districts which are going to appear to  
19 be wasteful because much of their expense goes  
20 into transportation. And if they have  
21 buildings that have to be repaired or new  
22 buildings built, it makes it look like they're  
23 not spending enough on instruction when indeed  
24 they have to provide these other services. So  
25 I think it disadvantages our smaller school

1 districts and our rural school districts.

2 And it turns out, you know, we in  
3 New York State are really much more efficient  
4 and putting much more into the classrooms as  
5 defined, the classroom expense, than most  
6 other states in our nation. We put 78 percent  
7 of our budgets, on average, into the  
8 instructional expense. And if you look at it  
9 nationally, instructional expense is around  
10 61.5 percent.

11 So we're already doing a lot more  
12 than other states as far as improving what is,  
13 you know, efficiency and putting people into  
14 the classroom and into the daily interaction  
15 with students and not building up  
16 administration layers on top of each other.

17 So for these reasons -- the  
18 information is there, it's public record. And  
19 also because our smaller school districts or  
20 rural districts would be quite disadvantaged  
21 were this bill to go through. That's why I'm  
22 urging a no vote.

23 Thank you.

24 THE PRESIDENT: Senator  
25 Marcellino.

1                   SENATOR MARCELLINO:     Yes,  
2     Mr. President, on the bill.

3                   I beg to differ with my worthy  
4     colleague. This information is not readily  
5     available. The information would have to  
6     be -- for the average citizen to go on the  
7     State Ed website, which is a maze, they would  
8     have to be able to put all of these things  
9     together. Many of them are listed separately,  
10    and they'd have to add them all up, because no  
11    place are they in fact added up so the average  
12    citizen, knowing, could find these things in  
13    an easy way.

14                  Every tax dollar that we spend --  
15    and I'm sure in the county that the Senator  
16    represents, and I know in my county, in my  
17    counties that I represent, the school property  
18    tax is about 70 percent of your tax dollar.  
19    The public demands to know that their tax  
20    dollars are being spent appropriately.

21                  We passed legislation requiring the  
22    Comptroller of this state to audit every  
23    school district to make sure that the money is  
24    being spent appropriately.

25                  I agree with the Senator, our

1 schools are very appropriate. They're very  
2 careful in how they spend their money. They  
3 do the best they can to put as much as they  
4 can into the classroom. The public must know  
5 this, and it must be made readily and easily  
6 available to every person in the state that  
7 the school districts, who are often  
8 categorized as the villains in a lot of  
9 situations, not be so cast in an inappropriate  
10 way.

11 If they're doing something wrong,  
12 that's one thing. But when they're doing it  
13 right, the public should know it. All this  
14 bill says is add a little number on the report  
15 card -- big onerous -- one little number on a  
16 report card that they put out every year which  
17 basically says we're doing the right thing,  
18 and this is where it is, and you can find it  
19 and we're proud of it.

20 If a school district has a  
21 transportation situation, the people in that  
22 school district understand. They're not  
23 stupid. They understand that you've got to  
24 bus kids great distances in certain rural  
25 districts, and therefore a large expenditure

1 goes for transportation. I don't think  
2 they're foolish enough to think that's a bad  
3 expense.

4 And if there's a building  
5 situation, they know they're going to get a  
6 percentage of that back. Building aid is  
7 reimbursable. So what are they ashamed of? I  
8 don't think that's a problem for anybody.

9 So what we're doing here, we're  
10 just simply saying that since our school  
11 districts do the right thing, by and large,  
12 the general public should be made aware of  
13 this in as clear and as easy and as open a way  
14 as possible. That is what we're all about.

15 That is what this bill is all  
16 about. It's very simple, very  
17 straightforward. I don't think it's onerous,  
18 Mr. President. And I certainly urge a  
19 unanimous yes vote.

20 This bill, by the way, passed in  
21 2006 with 61 votes. Last time I looked, that  
22 was unanimous.

23 Thank you, Mr. President.

24 THE PRESIDENT: Any other Senator  
25 who would like to speak?

1 Debate is closed.

2 The Secretary will ring the bell.

3 The Secretary will read the last  
4 section on Calendar Number 1433.

5 THE SECRETARY: Section 11. This  
6 act shall take effect on the first of July  
7 next succeeding.

8 THE PRESIDENT: Call the roll.

9 (The Secretary called the roll.)

10 THE PRESIDENT: The Secretary  
11 will announce the results on Calendar Number  
12 1433.

13 THE SECRETARY: Those recorded in  
14 the negative on Calendar Number 1433 are  
15 Senators Adams, Breslin, Connor, Duane,  
16 Hassell-Thompson, Huntley, L. Krueger,  
17 Montgomery, Oppenheimer, Parker, Perkins,  
18 Sabini, Savino, Schneiderman, Serrano,  
19 Stachowski and Thompson.

20 Ayes, 45. Nays, 17.

21 THE PRESIDENT: The bill is  
22 passed.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number  
25 1637, by the Senate Committee on Rules, Senate

1           Print 5988, an act to amend the Hudson River  
2           Park Act.

3                         THE PRESIDENT:        Senator Duane.

4                         SENATOR DUANE:        Thank you,  
5           Mr. President.   On the bill.

6                         THE PRESIDENT:        Senator Duane, to  
7           speak on the bill.

8                         SENATOR DUANE:        Thank you,  
9           Mr. President.

10                        I believe at this point all of my  
11           colleagues should have gotten a copy of a  
12           letter which I sent out regarding the  
13           reopening of the Hudson River Park Act, and  
14           I'm hopeful that everyone had a chance to take  
15           a look at it.

16                        But I do want to just highlight  
17           some of the points that I made in that letter  
18           and make sure that they are on the record so  
19           that when people look at how my colleagues  
20           have voted on it, they know that not just did  
21           they have a chance to read the letter but also  
22           heard in person from me why it is that I so  
23           strenuously oppose this legislation.

24                        First of all, I want everyone to  
25           know that the residents of the 29th Senatorial

1 District and the Assemblymembers, particularly  
2 on the west side of Manhattan who represent  
3 that portion of the district, all are clear in  
4 their desire to do more than our fair share of  
5 dealing with New York City's waste management.

6 And we all firmly and strongly  
7 believe that for far too long the burden of  
8 dealing with the city's waste has fallen  
9 disproportionately on disadvantaged  
10 communities and, frankly, also Staten Island.  
11 And our position on this issue is not to foist  
12 responsibility on anyone else, temporarily or  
13 permanently.

14 What it's about is our ability and  
15 our responsibility, frankly, to do that part  
16 of our waste management in the place that will  
17 frankly best meet the city's waste needs and  
18 will also make the most sense for West Side  
19 neighborhoods.

20 Many of you received a letter from  
21 the Mayor regarding our opposition to the  
22 siting of the waste transfer station on  
23 Gansevoort. His letter claimed that the  
24 community had its chance to work with the city  
25 and that if we even looked at other

1 alternatives it would delay or even frustrate  
2 the construction of other facilities. I'm  
3 going to kindly say that that assertion is  
4 misleading.

5 And the letter is frankly also  
6 disingenuous in its description of the city's  
7 history of support for the Hudson River Park.

8 Now, even reading the Mayor's  
9 letter of June 12th, I am even more firmly  
10 convinced that the city really did not  
11 seriously examine any alternatives to  
12 Gansevoort. And in fact, in their own initial  
13 EIS it's clear that they did not, because the  
14 final EIS, even in that initial report, is the  
15 one that's supposed to look at not just  
16 Gansevoort but, indeed, the other  
17 alternatives.

18 So in fact, the city's own  
19 documentation, or I should say the  
20 administration's own documentation, points to  
21 that it did not look substantively at any of  
22 the other possible sites and it didn't even  
23 look at the Gansevoort site in a thorough  
24 manner.

25 I want to talk about Pier 76. Many

1 of you know Pier 76. If you've ever had your  
2 car towed in New York City, especially in  
3 Manhattan, it's been towed to Pier 76.

4 Now, while it is true that Pier 76  
5 has never housed a sanitation facility, it has  
6 housed the tow pound. Now, the tow pound has  
7 had a lot of traffic on it. And the waste  
8 transfer station will have a lot of traffic on  
9 it. So it's had a lot of traffic on it.

10 Interestingly, the size of Pier 76  
11 is such that you could fit more than two  
12 Gansevoorts on it, and plus the present waste  
13 transfer station that we have at Pier 99,  
14 which is at 59th Street, all on it, and also  
15 have the tow pound and also keep the police  
16 horse facility on it. There's room for all of  
17 it on Pier 76.

18 Unlike Gansevoort, Pier 76 is  
19 actually a pier, which means boats come up to  
20 it and on those boats containerized waste  
21 could be put on barges. Which is the way it's  
22 supposed to go off. And again, Pier 76 is a  
23 pier at which boats have historically moored;  
24 Gansevoort is not. Gansevoort is a piece of  
25 land in the river.

1                   The pier, as I said before, has  
2                   room for the police department mounted unit  
3                   for the horse stables that go along with that.  
4                   Now, by the way, the issue of the mounted  
5                   police stable is an issue which the city  
6                   created itself. They removed the horse unit  
7                   from an inland location, they put it on a  
8                   land-based facility at 23rd Street, which they  
9                   should not have, but the city magnanimously  
10                  allowed them to go there.

11                  And in fact it wasn't even the city  
12                  that moved to take it off there, because it  
13                  wasn't supposed to be there. But we were nice  
14                  enough to let it stay there. It was actually  
15                  friends in the business community whose word  
16                  we had gotten that it would only be a  
17                  temporary site there that caused the city to  
18                  make the facility at Pier 76 available. Which  
19                  the community accepted, although they are  
20                  supposed to be moved inland, but who knows  
21                  whether the city will keep its word on that.  
22                  But if the city doesn't keep its word on that,  
23                  there's room for it on Pier 76, plus the tow  
24                  pound, plus the marine transfer station. Plus  
25                  there's room for a park.

1                   And in fact the parkland that they  
2                   could put on it, which would be on the roof,  
3                   would make a lot of sense, particularly in  
4                   that it would be even more accessible to  
5                   people who use the Javits Convention Center  
6                   and any of the other facilities in that area.  
7                   So there would also be room for a very large  
8                   piece of parkland there also, which is  
9                   something which has been on the drawing board  
10                  in many scenarios anyway.

11                  In addition, because there would  
12                  have to be elevation to get to the rooftop  
13                  park, it could also allow pedestrians and  
14                  cyclists to be separated from the motor  
15                  vehicle traffic or the truck traffic, so it  
16                  would be even safer for people who were using  
17                  the park.

18                  And also the budget for  
19                  constructing the facility on Pier 76 is  
20                  absolutely within range of what is supposed to  
21                  happen at Gansevoort and in fact at 59.

22                  Now, the city also says that  
23                  because of the marine traffic that 76 is not a  
24                  good spot. But 76 is just a few blocks from  
25                  the Gansevoort. There's no more and no less

1 marine traffic there, at 76, than there is at  
2 Gansevoort. In fact, there might even be more  
3 at Gansevoort. So that's just a ridiculous  
4 argument.

5 Pier 57 was another location which  
6 we had offered. Now, Pier 57 also, it's true,  
7 has never hosted a sanitation facility. But  
8 it was the place where New York Transit  
9 used -- it was a location that they used for  
10 their buses for as long as I can remember. So  
11 again, Pier 57 is a pier. Boats use piers.  
12 It had a lot of traffic. It had buses.  
13 Right?

14 If any of you are trying to figure  
15 out which is Pier 57, that's where the Mayor  
16 incarcerated demonstrators and people who  
17 weren't actually demonstrators during the  
18 Democratic [sic] convention, and where there  
19 are some issues with -- it needs to be cleaned  
20 up, let's put it that way.

21 Of course the Mayor has promised  
22 that the transfer station and the recycling  
23 center is going to be beautiful, absolutely  
24 lovely, clean, clean, clean. Although I do  
25 have to say I went and visited one in

1 New Jersey which was supposed to be similar to  
2 that one, the one that's supposed to go in  
3 Gansevoort. And if any of you listen to my  
4 podcast, you'll hear the moment when the rat  
5 ran across my feet.

6 It actually didn't smell too good  
7 there, either. In fact, they sprayed  
8 peppermint into the air so that you can  
9 actually breathe. And then they were kind  
10 enough to let us breathe in without the  
11 peppermint spray, and it was tough. Very  
12 tough. The peppermint spray helped, but you  
13 could still smell it.

14 And I did not scream like a little  
15 girl -- not that there would be anything wrong  
16 with it -- when the rat ran across my foot.

17 (Laughter.)

18 SENATOR DUANE: Anyway, so the  
19 Mayor also says that Pier 57 is a lovely  
20 historic structure and shouldn't be used for  
21 this. But in fact, in all the years it was  
22 used as a bus depot, with lots and lots and  
23 lots of buses on it, the city never fixed it  
24 up. So now the city is provided with a golden  
25 opportunity to fix up the outside historic

1 part of the structure, which is what they're  
2 talking about, and which would not in any way  
3 be negatively impacted by putting a transfer  
4 station.

5 And the Mayor also says that  
6 there's a big plan for that. And while it's  
7 true that there was a developer who was  
8 interested in using it, the biggest tenant of  
9 that developer who was planning on using it  
10 has pulled out.

11 And the developer itself is now  
12 stuck in VENDEX, and the city apparently has  
13 problems -- and I'm not going to characterize  
14 them, but the problems by which -- because of  
15 which VENDEX were created were either the  
16 company did a bad job or they had parts of  
17 them or actions involved with it that  
18 oftentimes required scrutiny by federal  
19 prosecutors. We don't know what the answer  
20 is, but we do know that it's stuck in VENDEX.  
21 It could be either one of those things or it  
22 could be neither of these things. But that is  
23 why VENDEX is usually used.

24 And finally, I want to talk for a  
25 moment about the rail option. Now, just so

1       you know, again, the disingenuousness of the  
2       city they said, Oh, rail, you couldn't  
3       possibly do it. And yet we checked with CSX,  
4       with Amtrak, with Metro North, and they all  
5       said absolutely possible to take the trash out  
6       by train.

7                   In fact, in many parts of the  
8       country that's how it's done now, trash is  
9       taken out by train. It's a more affordable  
10      way of getting rid of trash.

11                   In addition, the rail trash  
12      removal, waste removal scenario would actually  
13      be better for the entire city and would take  
14      trucks off the streets of every neighborhood  
15      in New York City. And so the city has done  
16      itself -- not just us, but itself and  
17      everybody in New York City -- a disservice by  
18      not thoroughly exploring this option, because  
19      it's an option whose time has already come.

20                   The city also says that they would  
21      have to buy, you know, that site for zillions  
22      of dollars. It's not true; they could just  
23      rent it. And again, there's money in it for  
24      the rail companies to do trash removal. They  
25      do it all around the country. It's a smart

1 way to get rid of trash.

2 Now, the city says, oh, you know,  
3 some of us approved of it or whatever. That's  
4 totally not true. None of us were ever for  
5 it, never, ever, ever. We always had better  
6 sites -- piers, where boats actually pull up,  
7 and the rail freight option.

8 We were never given the opportunity  
9 to weigh in. We weren't given an opportunity  
10 in the inception of it, and we weren't given  
11 an opportunity -- there was one City Council  
12 hearing on it, and that was it.

13 Everyone opposed it. Everyone said  
14 absolutely, we want to do our fair share, we  
15 want to do our own trash removal, but we have  
16 sites which are just a few blocks away which  
17 are actually on piers, or the rail freight  
18 option, and you refused to look at them. And  
19 we wish you would, and we think that you'll  
20 see that they're better options.

21 Now, the city says that they were a  
22 huge partner with us on fighting for the park.  
23 And again, I don't want to characterize it as  
24 something that would be characterized as  
25 sinful, so let's just say what they said is

1 misleading.

2           The city has put millions in, but  
3 the deal is -- and we're grateful for that,  
4 but they only put it in after the state put in  
5 its funds. The most egregious example of the  
6 city's alleged supportive funding is the  
7 \$8 million cost to relocate the mounted police  
8 unit, which again was a problem of the city's  
9 own making. And one which we accommodated  
10 them, and we will continue to accommodate  
11 them, even we think it's not the best place.

12           There is room for them also on  
13 Gansevoort. There's plenty of room for them  
14 on Gansevoort -- and a marine transfer  
15 station, and the tow pound, and a park which  
16 would be good for the economic development of  
17 the city, which is something that they already  
18 had envisioned doing.

19           Now, the city also was supposed to  
20 be off the Gansevoort with their sanitation  
21 facilities long ago. We had to go to court.  
22 We went to court; we won. We stayed in court;  
23 we won. The city signed a stipulation. I've  
24 given you copies of the stipulation. If  
25 anyone needs a copy, I have extra copies of

1           it. But I gave you copies, and I hope -- and  
2           I assume you read them.

3                         But probably the most important  
4           thing it says is that they would be gone by  
5           December 31, 2012. They signed a stipulation  
6           saying they'd be gone, off that Gansevoort  
7           peninsula by December 31, 2012. They can't  
8           even start construction of the new facility  
9           until after 2012. And yet just a few short  
10          months after signing that stipulation they  
11          went back on their word and decided to site  
12          another sanitation facility there without  
13          consultation.

14                        Now, I just -- this is a warning to  
15          communities that think they've made a deal  
16          with the city: Don't take it to the bank.  
17          Why would anyone make a deal with the city and  
18          sign a stipulation if they're just going to go  
19          back on their word a few months later? It's  
20          really a complete, utter disgrace that they  
21          did that. Absolutely horrendous. Imagine if  
22          they signed a deal with you and they went back  
23          on their word right after that.

24                        And even still, even though we have  
25          the right to not let it stay there and we'll

1 be back in court about it, that's the thing  
2 that's going to delay it. The delay is  
3 because they can't start at the very earliest  
4 until 2013. And even then, I think if you  
5 read the stipulation, they're not going to be  
6 able to do it then either. In the meantime,  
7 they could be doing Pier 57 or, better, Pier  
8 76 or even the rail freight option. So, you  
9 know, again, I mean why would you cut a deal  
10 with them?

11 So -- and I guess the final thing I  
12 want to say about this is that what they're  
13 doing to us and what you're being asked to  
14 vote on today is terrible. Terrible. But I  
15 think maybe you should keep in mind that it  
16 could happen to you. That by legislation you  
17 could have something being held over your  
18 heads that is most likely illegal and which is  
19 irresponsible and which is something where  
20 there's a better way to do it.

21 It's happening to me this year,  
22 potentially, although, as I say, they can't  
23 start until 2013. But you know what? It  
24 could happen to any one of you. And sooner,  
25 sooner than you think. You never know. You

1 never know. You never know.

2 So I would urge my colleagues on  
3 both sides of the aisle to vote no on this, to  
4 send a message that the city should not break  
5 its word to communities, that there is  
6 something to be said for responsible planning  
7 by communities. And that in many cases,  
8 especially in cases like this, the member  
9 who's most directly impacted -- the member who  
10 still would be getting the facility, but just  
11 in a different part of his district or her  
12 district -- in many cases knows best. And I  
13 think you know that's true.

14 So I'm urging you all in the  
15 strongest possible way to please vote no and  
16 to allow us to move forward with a better plan  
17 and one which will better deal with the city's  
18 solid waste issues and one in which we will,  
19 we promise, and we want to do our fair share  
20 for the city's waste management.

21 Thank you, Mr. President.

22 THE PRESIDENT: The chair  
23 recognizes Senator Diaz.

24 SENATOR DIAZ: Thank you,  
25 Mr. President. On the bill.

1 THE PRESIDENT: Senator Diaz, on  
2 the bill.

3 SENATOR DIAZ: This is the day  
4 that the Lord has made. This is a day where  
5 we are seeing, for the first time ever, our  
6 minority community getting justice. We  
7 finally are getting justice.

8 Forty percent of the garbage that  
9 Manhattan produces is taken by Bronx,  
10 Brooklyn, Queens and other boroughs. Every  
11 single borough, especially the Bronx, has so  
12 many transfer stations. So many in the Bronx.  
13 Every time that they need to get a miniplant  
14 or a transfer station plant, they look at our  
15 communities. Manhattan never get one. Never  
16 Manhattan get one. All the time they place  
17 all those transfer station plants and garbage  
18 plant and miniplants in minority communities,  
19 black and Hispanic communities especially.

20 The last time they had seven  
21 miniplants to be built, they studied 60 sites  
22 in the state -- they had 11 plants, sorry, to  
23 be built. They studied 60 sites in the state.  
24 And out of the 11 miniplants, seven of them  
25 were built in black and Hispanic communities.

1 Four of them in the Bronx.

2 So we are always getting -- and I'm  
3 not going to say the word what I'm going to  
4 say -- discriminated. Always. Now, finally,  
5 the Mayor of the City of New York says let's  
6 do some justice and let's build a plant in  
7 Manhattan so Manhattan could take care of its  
8 own garbage. And people start rising up,  
9 calling it injustice. Injustice. Injustice  
10 Is what has been done to us. Injustice,  
11 injustice is what has been done to the South  
12 Bronx. Injustice, injustice that blacks and  
13 Hispanics have to go through for many years.

14 So this is an opportunity for us to  
15 tell Manhattan: You've got your own garbage,  
16 take care of your own garbage. The Bronx  
17 doesn't have to take your garbage anymore.  
18 Brooklyn doesn't have to take your garbage  
19 anymore. Queens doesn't have to take your  
20 garbage. Do away with your own garbage.

21 So I'm asking all of you to follow  
22 the lead of Mayor Bloomberg and the City  
23 Council President of the City of New York,  
24 Christine Quinn, who this plan will be  
25 building in her own district. And she has

1 taken a position, her career, against her own  
2 district, saying we have to be just to the  
3 minority communities and let's build it here.  
4 And she's supporting this plan.

5 So she has to be praised, because  
6 she has seen the light. And today I'm asking  
7 all of you join her, join us, join the black  
8 and Hispanics. Even though I was reading,  
9 during the weekend, Friday, June 15th, I was  
10 reading the editorial of the New York Post,  
11 and it said that the Gansevoort site is a plan  
12 which seeks to cut down on the number of  
13 sanitation trucks needed to hold trash and  
14 thus lightening traffic and pollution  
15 throughout the city.

16 With Gansevoort, City Hall is  
17 projecting some 13,600 fewer trips by  
18 sanitation department trucks between  
19 Manhattan, the Bronx and New Jersey -- 13,600  
20 fewer trips of trucks, of sanitation trucks  
21 from Manhattan, Bronx and New Jersey.

22 That obviously pollution will come  
23 down and the asthma rate in the Bronx could  
24 take some relief because those trucks from  
25 Manhattan garbage, they come through the Bronx

1 to get to New Jersey.

2 Also, it's sad to say, that reading  
3 the same New York Post article, it said that  
4 the members of the Black and Hispanic Caucus  
5 have said they will not take a position on  
6 this matter. And that is sad. That is sad  
7 because when we build a caucus, Black and  
8 Hispanic Caucus means we got to get together  
9 to protect and defend our communities. And  
10 even though they are -- not every member of  
11 the Black and Hispanic Caucus has taken this  
12 position, it is a shame for the Black and  
13 Hispanic Caucus not to take a position on this  
14 thing.

15 Because this is our community that  
16 we are defending, and this is the black and  
17 Hispanic community who is suffering. And if  
18 we are going to have a caucus of black and  
19 Hispanic, meaning we're going to fight for our  
20 people, we're going to protect our community  
21 and we're going to defend our community at all  
22 costs.

23 And I'm asking the members of the  
24 Black and Hispanic Caucus in this chamber to  
25 send a message, clear, a loud message: We got

1       elected to defend our community, we will  
2       support our community, we will protect our  
3       community.

4                   And today is the day that the Lord  
5       has made. And the time has come today to vote  
6       in favor of this plan. Let Manhattan get  
7       their own garbage. Because if we stop this,  
8       to do this, this story talks about how it  
9       takes us ten years to come to this solution.  
10      Now we're going to stop it to get another  
11      story? That's another ten years. Meanwhile,  
12      the Bronx will keep taking and Brooklyn and  
13      Queens will keep taking Manhattan garbage  
14      while we take five, six, 10 years for another  
15      story.

16                   No, sir. This is the time. This  
17      is the day. I'm asking all of you, especially  
18      the minority members of this chamber, this is  
19      it. This is our opportunity. Let's send a  
20      clear and solid message to the other side, to  
21      the other chamber. We will protect our  
22      community, we will defend or community, we  
23      have enough garbage in our community, we have  
24      enough plants in our community, we have enough  
25      transfer station plants in our community, we

1 have enough of them dumping on us. This time,  
2 praise the Lord, Manhattan is getting a way to  
3 dump their own garbage.

4 Ladies and gentlemen, I urge you to  
5 support this bill. Thank you.

6 THE PRESIDENT: Are there any  
7 other Senators wishing to speak on this bill?

8 Senator Schneiderman.

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

11 While I agree in large part with  
12 the sentiments expressed by Senator Diaz, and  
13 I do support the Solid Waste Management Plan,  
14 this one provision -- and I think we should be  
15 clear on this -- is unique. And I don't  
16 represent the area down there, it's now  
17 Senator Duane's district, but it used to be my  
18 district before redistricting. And I know the  
19 people there, I know the folks who are in the  
20 Coalition to Protect Our Parks.

21 The only area of the city where we  
22 need to amend a state law -- and here we have  
23 to amend the Hudson River Park Act -- is the  
24 Lower West Side of Manhattan, because we have  
25 jurisdiction over it. This community has

1 requested an amendment that would keep the  
2 waste transfer facility in their area on the  
3 Lower West Side of Manhattan, they've just  
4 proposed an alternative location.

5 The most important thing I'd like  
6 to amend about what Senator Diaz says is he  
7 keeps saying Manhattan will have its own. You  
8 mean Lower Manhattan will have its own. Upper  
9 Manhattan, we have plenty of garbage. We've  
10 got a sewage treatment plant in my district in  
11 Upper Manhattan that will outstink any  
12 facility anywhere in your district, I assure  
13 you.

14 So Upper Manhattan, Alto Manhattan,  
15 la provincia mas norte de Republica  
16 Dominicana, we have plenty of garbage. But  
17 Lower Manhattan is a different -- you take  
18 that amendment? You accept that amendment?  
19 Lower Manhattan.

20 SENATOR DIAZ: Maybe Lower  
21 Manhattan get the --

22 THE PRESIDENT: Senator  
23 Schneiderman has the floor, Senator Diaz.

24 SENATOR SCHNEIDERMAN: That's  
25 okay. Thank you. I can handle him. Thanks,

1 David.

2 (Laughter.)

3 SENATOR SCHNEIDERMAN: The most  
4 important thing I want to say, though, is what  
5 has impressed me about the request here is  
6 very simple. This bill is apparently not  
7 coming to the floor in the Assembly. We will  
8 revisit this in January.

9 The request that I'm hearing from  
10 Senator Duane and the Coalition to Protect Our  
11 Parks is they have a location 20 blocks from  
12 the proposed location that they would like to  
13 have considered. Senator Duane has assured me  
14 that this could be done in the next few  
15 months. We will see this bill again. We will  
16 have another opportunity to approve the  
17 state's solid waste management plan.

18 It does seem to me that there's  
19 nothing wrong with taking a few months to  
20 consider an alternative facility that is in  
21 the same area, with the understanding that,  
22 either way, we are going to support the Solid  
23 Waste Management Plan.

24 I would not support a stonewall by  
25 the people representing this area if they're

1 saying we're going to block the plan as a  
2 whole. The plan has gone through. The only  
3 question is will there be an amendment to it  
4 relating to this one provision.

5 This is the only area of the plan  
6 that requires legislative action of this type,  
7 because this is the only area of the plan  
8 that's in the Hudson River Park. This is a  
9 park that's in development. Whether or not  
10 and how you locate a facility in a park is  
11 slightly different than how you locate a  
12 facility elsewhere.

13 So I must say I do have enough  
14 sympathy for the coalition seeking a few  
15 months to have an alternative plan within  
16 their own neighborhood, 20 blocks away,  
17 considered. And considering what's going on  
18 in the Assembly, that I think I'm going to  
19 give them a chance.

20 And I'm going to vote against this  
21 with the understanding that by the time this  
22 comes back to us in January, if this  
23 alternative facility is not approved, I'm  
24 going to support the Solid Waste Management  
25 Plan. Because I agree in large part with the

1 principles enunciated by Reverend Diaz. We  
2 have had a problem of poor communities doing  
3 more than their share of hosting these sorts  
4 of facilities.

5 However, when a community is  
6 proposing something 20 blocks away from the  
7 proposed facility, they at least deserve a  
8 hearing.

9 Thank you, Mr. President.

10 THE PRESIDENT: Senator Serrano.

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

13 For so many years East Harlem and  
14 the South Bronx has had to bear the brunt of  
15 many undesirable facilities, things that have  
16 contributed to the overwhelming asthma rate  
17 that we see in this community. And the South  
18 Bronx -- Port Morris, Hunts Point -- has had  
19 to handle the majority of Manhattan's waste  
20 for decades. This is how it's been.

21 It's been very unfortunate that  
22 this level of social injustice continues to go  
23 forward. And the idea of borough  
24 self-sufficiency in regards to dealing with  
25 waste throughout the city was a concept that

1 for many years we could not get together.

2           So here we have the Solid Waste  
3 Management Plan, which finally, as Senator  
4 Diaz said, finally addresses an age-old  
5 concern. But all those years where there was  
6 this mounting injustice in the South Bronx,  
7 where was the activism from all of these  
8 groups back then? Where were the voices being  
9 raised for the generation that may be lost to  
10 asthma in my community? We can't get those  
11 years back.

12           And my fear is that any further  
13 delay will -- every day that we delay this  
14 means more trucks continue to go through East  
15 Harlem and the South Bronx, more children will  
16 get asthma, more lives may be lost.

17           So I think it's important that we  
18 keep time -- time is of the essence -- in mind  
19 as we move forward with this and ask  
20 ourselves, is any further delay in the best  
21 interests of the communities that have  
22 suffered the most under the social injustice  
23 of the current waste management system? Can  
24 we afford to continue those delays? And how  
25 important is it that we move forward with a

1 plan whose time has come decades ago?

2 I support this bill.

3 THE PRESIDENT: Senator Adams.

4 SENATOR ADAMS: Would Senator  
5 Duane yield for a question, through you,  
6 Mr. President?

7 THE PRESIDENT: Senator Duane,  
8 will you yield for a question from Senator  
9 Adams?

10 SENATOR DUANE: Yes,  
11 Mr. President.

12 SENATOR ADAMS: Through you,  
13 Mr. President. Senator Duane, were you  
14 consulted at all on the proposed site?

15 SENATOR DUANE: No, I was not,  
16 Mr. President.

17 SENATOR ADAMS: Would he yield  
18 for another question.

19 THE PRESIDENT: Senator Duane, do  
20 you continue to yield?

21 SENATOR DUANE: Yes,  
22 Mr. President.

23 SENATOR ADAMS: Do you know any  
24 elected official on the state level in your  
25 area that was consulted?

1                   SENATOR DUANE:       Through you,  
2       Mr. President, none of us were consulted.  If  
3       we had been consulted, we would have suggested  
4       Pier 76, which is about -- a little over  
5       twenty blocks north, or Pier 57, which is five  
6       blocks north for this facility.

7                   Or, as I say, we would have  
8       suggested -- which would be good for the city,  
9       better for the city -- the rail transport.  
10      And if that was the way we were going to go,  
11      to allow either one of those other piers to be  
12      used until rail freight became operational, no  
13      matter how long that took.

14                  It is something that we've thought  
15      about, and I think many of the members here  
16      and certainly the members who served with me  
17      in the New York City Council know of -- I'm  
18      not going to speak for my colleagues in the  
19      Assembly -- but certainly know of my  
20      commitment to environmental justice.  I'd  
21      already been through the battle surrounding  
22      incineration and other solid waste management  
23      plans.

24                  We've always been not only open to  
25      but encouraging of taking Manhattan's solid

1 waste. And in fact, we know that Manhattan  
2 creates more waste than anyplace else because  
3 of the central business districts. So when we  
4 did deal with Manhattan's own waste, we knew  
5 we were dealing with not, of course, just  
6 residential waste but the entirety of the  
7 commercial and manufacturing waste which is  
8 created in Manhattan. And we, in a spirit of  
9 one city, wanted to take care of, if you will,  
10 that waste.

11 Which, as I say, we -- I'm at the  
12 point of saying we fought for it, but in fact  
13 we did fight for it. So we weren't consulted.  
14 We think we had better ideas. And it's  
15 actually a tragedy that we weren't consulted,  
16 because now we've lost some time. And as I  
17 say, Gansevoort at the earliest couldn't be  
18 used until 2013, based on the stipulation; may  
19 not be able to be used after that. And in the  
20 meantime we have two other excellent piers  
21 that could be used for this. So, I mean,  
22 that's the tragedy, that we weren't consulted.

23 SENATOR ADAMS: Through you,  
24 Mr. President, would the Senator continue to  
25 yield.

1                   THE PRESIDENT:     Senator Duane, do  
2     you continue to yield?

3                   SENATOR DUANE:     Yes,  
4     Mr. President.

5                   SENATOR ADAMS:     The train  
6     transportation of garbage, you stated that the  
7     city stated it wasn't possible?

8                   SENATOR DUANE:     Yes. Through  
9     you, Mr. President, the city said that they  
10    had looked at it, but in fact they had not  
11    looked at it. We went to Amtrak, CSX and  
12    Metro North, and they said that it was  
13    entirely possible. And as I say, removing  
14    trash by rail is a model which is used around  
15    huge parts of the country where rail is  
16    available.

17                  SENATOR ADAMS:     Would the Senator  
18    continue to yield.

19                  THE PRESIDENT:     Senator Duane, do  
20    you continue to yield?

21                  SENATOR DUANE:     Yes,  
22    Mr. President.

23                  SENATOR ADAMS:     The alternate  
24    site that you recommended, what is the date  
25    that it would be ready to be used?

1                   SENATOR DUANE:       Through you,  
2           Mr. President, sooner than Gansevoort will be  
3           available. It's indeed, you know, very, very  
4           close to being available right now.

5                   There is -- it's more than twice  
6           the size of Gansevoort. It's huge. The solid  
7           waste facility could be there.

8                   And just another -- you know, the  
9           bad thing about the solid waste the way it's  
10          been traditionally dealt with is not even so  
11          much the smelly garbage. The bad thing is the  
12          trucks, which we want to get off the streets.  
13          And not only is there enough room on  
14          Gansevoort for the actual facility where they  
15          would load the garbage, the containerized  
16          garbage onto ships, but there's also room for  
17          that and to have all the truck staging so the  
18          trucks would not be on the street, they would  
19          actually be on the pier.

20                   So in terms of air quality, 76 --  
21          and 57, but 76 is better if what we're trying  
22          to do is get truck traffic off the streets and  
23          to make air quality better.

24                   SENATOR ADAMS:       Thank you.

25                   Mr. President, on the bill.

1                   THE PRESIDENT:     Senator Adams, on  
2     the bill.

3                   SENATOR ADAMS:     Okay, I think,  
4     first, I would hate to be a revisionist and  
5     have to revisit history to give the impression  
6     that Senator Duane was not a person who has  
7     always been committed to those environmental  
8     issues.  And we shouldn't give the impression  
9     that because he's doing what we all would do,  
10    and that is fight for our districts, that in  
11    some way he's attempting to say that we  
12    shouldn't share the burden.

13                   I think that you have a long  
14    record, Senator Duane, of standing up for  
15    those issues that are important to our  
16    environment.

17                   You know, there's an unfortunate  
18    pattern that's developing out of the City of  
19    New York.  And I think about it as we begin to  
20    look at the issue of congestion pricing and  
21    how we're going to handle that.  And it's the  
22    level of arrogance, that basically snubbing  
23    their nose at state legislators.  Two weeks  
24    before the end of the term, we're handed a  
25    multipage bill on congestion pricing, just to

1           have every editorial page in the state stating  
2           we're wrong if we don't look at it, when City  
3           Hall is aware of these deeds.

4                        To look at a site with the  
5           understanding that you would need state input,  
6           and not speak to the state legislators, that's  
7           a slap in the face to all of us. And to  
8           continue to cover oneself in the  
9           environmentalist flag and state that what we  
10          want to do is best for the environment, if you  
11          want to do what's best for the environment,  
12          then the first step is to speak to those state  
13          legislators who have input.

14                       Tom is right, Senator Duane is  
15          right by representing his community. If a  
16          site was built in my district and I did not  
17          have input in that site, I would be just as  
18          vociferous as Senator Duane is, and I'm sure  
19          we all would be. And in fact we would be  
20          neglecting our duties if we didn't do that.

21                       So to know that there's an  
22          alternative site that is blocks away, to find  
23          out that City Hall lied about the use of road  
24          transportation using trains, and to give the  
25          indication that every day we delay the Mayor

1 is threatening the community with if we don't  
2 go with his plan, then he's not going to look  
3 at any other sites -- that's insulting. It's  
4 insulting to me, and it should be insulting to  
5 those who have areas with a high rate of  
6 asthma.

7 Yes, we want to deal with those  
8 areas. Yes, we do want to build a site. Yes,  
9 Lower Manhattan below 86th Street, which  
10 happens to be congestion-pricing territory.  
11 But yes, those sites should contribute to the  
12 cleanup of garbage.

13 But to merely state any plan is  
14 good enough, any plan that we create is a good  
15 plan long as it's in Manhattan, we can't be so  
16 thirsty with putting it in Manhattan that  
17 we're not going to examine is it the right  
18 move to make.

19 So, Senator Duane, I'm torn.  
20 Because as you know, historically our  
21 communities have held the highest level of  
22 garbage. We have been Manhattan's bastard  
23 child when it comes down to dumping the  
24 garbage. So I'm torn on should I support this  
25 bill or shouldn't I support this bill, because

1 the message does -- it must be sent to  
2 metropolitan Manhattan that we all have to  
3 share this burden together.

4 But at the same time, I think you  
5 raise a very troubling and disturbing pattern  
6 that seems to be coming from City Hall that  
7 state legislators do not matter, that state  
8 legislators do not have a right in how major  
9 changes are going to take place in their  
10 community.

11 And I'm asking my colleagues on  
12 both sides of the aisle, we need to consider  
13 this when congestion pricing comes to this  
14 floor. What input did we have in this? What  
15 role do we have? Are we merely just going  
16 through some ceremonial gesture of sitting  
17 here in these beautiful red-cushioned chairs,  
18 or are we legislators? And if we're not, then  
19 why are we coming up here?

20 So I think you raise a good point,  
21 Senator Duane. I'm not quite sure which way  
22 I'm going to vote on this bill. I think that,  
23 though, your colleagues from the Bronx, your  
24 colleagues from Harlem, your colleagues from  
25 other parts of the city, I just urge you to be

1 concerned that any plan is not the only plan.

2 We need to do the right plan.

3 And the right plan should include  
4 not only Senator Duane when it's in Lower  
5 Manhattan, but you know what? It should  
6 consider you, Senator Diaz, when it's in the  
7 Bronx. It should consider you, Senator  
8 Perkins, when it's in Upper Manhattan. It  
9 should consider all of us. We should be part  
10 of the planning.

11 And unless one of my colleagues  
12 from those areas can stand up and tell me they  
13 had input in the plan, or if they had input in  
14 those waste treatment sites in their  
15 community, then I can say there was something  
16 done that was different. But we don't have  
17 input. And we need to have input.

18 Diane Savino should have input when  
19 something takes place in closing down or  
20 opening the site on Staten Island. We all  
21 should have input as state legislators on  
22 those things that we will have to decide if it  
23 goes forward.

24 So right now I don't know which way  
25 I'm going to go on the vote, Senator Duane.

1 But I want to once again commend you on your  
2 long dedication to dealing with environmental  
3 issues.

4 And we should not give the  
5 impression that because you are fighting for  
6 your district and believing that another  
7 location or another site is as good as the  
8 site or better than the site that's chosen,  
9 that you're trying to abdicate your  
10 responsibility of dealing with waste treatment  
11 throughout the city. That would be a wrong  
12 message to send. And I know what you have  
13 done throughout the years, and I commend you  
14 for that.

15 THE PRESIDENT: Senator Connor.

16 SENATOR CONNOR: Thank you,  
17 Mr. President.

18 You know, over my years here, as my  
19 district changed, it's like solid waste  
20 management problems have followed me. In 1979  
21 or '80 I was the only member of this house to  
22 vote against a proposal that came up for an  
23 incinerator in my district in Williamsburg, in  
24 the Navy Yard, a large incinerator.  
25 Then-Assemblyman Strelzin, I went over and

1 told him it was on the agenda, and he was the  
2 only one in the Assembly. And we were told:  
3 This is going to happen, Ed Koch wants it.  
4 Years later, after much community opposition,  
5 that proposal was shot down.

6 Then we got into the marine waste  
7 transfer station problems. No, I should say  
8 then I had Staten Island with the largest  
9 mountain of garbage on the East Coast -- and I  
10 believe was quickly becoming the highest  
11 point, actually, on the coast, on the entire  
12 East Coast of the United States.

13 And then, I don't know, 10 years or  
14 so ago there was a proposal for six new marine  
15 waste transfer stations. Five of them were to  
16 be in my district in Brooklyn -- in Sunset  
17 Park, in Williamsburg, and in Greenpoint. We  
18 already had a few. And yes, some of these  
19 neighborhoods -- Red Hook, Sunset Park -- were  
20 minority neighborhoods, and there was no  
21 justice in that proposal. None whatsoever.  
22 They already had more than their fair share of  
23 transfer stations.

24 And now I find myself representing  
25 a goodly part of Hudson River Park, and this

1 issue of the Gansevoort transfer station  
2 arises. It's not in my district, it's in  
3 Senator Duane's district. Although I have  
4 constituents who are quite concerned about it.  
5 They're quite enthusiastic about having this  
6 park that we, this Legislature, promised them  
7 and enacted into law. And we confront this  
8 issue.

9 And Senator Adams is absolutely  
10 right, and he said what I was going to say.  
11 Over and over again, over the years, I've seen  
12 the City of New York arrive at this  
13 Legislature in the last couple of weeks or the  
14 last week of session with a proposal that  
15 affects our district and with no consultation  
16 whatsoever with the elected state  
17 representatives.

18 My colleagues on the other side of  
19 the aisle, can you imagine any of your local  
20 governments coming up here with a proposal  
21 that requires state legislation and they never  
22 talk to you until the bill got filed, and they  
23 didn't talk to you since? That's happened.

24 When I was Minority Leader, it  
25 happened with a -- I got a call saying, "Oh,

1 we finally agreed" -- it was the Lower  
2 Manhattan Revitalization Act -- "we finally  
3 agreed." This was from community people in  
4 Lower Manhattan. "We finally have a deal with  
5 City Hall for this major tax incentive  
6 revitalization program for Lower Manhattan."

7 I said "Yeah?"

8 "Well, it requires legislation."

9 I said, "Have you talked to Speaker  
10 Silver? You haven't talked to me. It's in  
11 our district."

12 "No, no, no, we're going to send  
13 the bill up. You'll pass it, right?"

14 I said, "I haven't seen the bill.  
15 No one's talked to me."

16 "Oh, we negotiated it all with City  
17 Hall."

18 "Well, you didn't negotiate with  
19 the State Legislature. You didn't negotiate  
20 with the Assembly member and the State Senator  
21 for the district."

22 Eventually they talked to us and  
23 eventually, under my sponsorship in this house  
24 and Speaker Silver's in the Assembly, we  
25 passed it.

1                   But over and over, the city does  
2                   this. I've been getting calls and mail and  
3                   seeing TV ads for weeks and weeks and weeks  
4                   for congestion pricing. A concept I like. A  
5                   concept that's probably needed. But no bill.  
6                   No bill until, what, a week and a half ago.  
7                   Not enough details in the bill. Some aspects  
8                   of it are the city wants carte blanche.

9                   You know, I recently met, oh, last  
10                  year, I guess, with a group in my district  
11                  that was working on residential parking  
12                  permits. And they had been meeting with the  
13                  City Councilmember and the City Department of  
14                  Transportation for year after year after year  
15                  to create a system of residential parking  
16                  permits.

17                  And I was at this meeting at  
18                  borough hall, and it looked like they thought  
19                  they had a deal. And I said, "What about  
20                  state legislation?" And everybody looked at  
21                  me and said: "State legislation? We don't  
22                  need state legislation. We've been dealing  
23                  with City DOT."

24                  And I said, "Well, you most  
25                  certainly do. Look at the statute. There are

1 dozens of sections lettered A through, I don't  
2 know, MM or something for virtually every city  
3 in this state that has residential parking  
4 permits. You need state legislation."

5 They said: "No." The city DOT  
6 people sat there silently, not acknowledging  
7 that it was needed.

8 I looked up the case law. It's a  
9 constitutional decision by our Court of  
10 Appeals, a long-standing one. You can't  
11 restrict access to the highways of this state,  
12 including parking on them, and that includes  
13 every roadway, without state legislation.

14 The message is, and Senator Adams  
15 is absolutely right, if you need state  
16 legislation for either constitutional reasons  
17 or in this case you're modifying a statute  
18 that this Legislature passed creating a park,  
19 how about talking to the people that are  
20 concerned?

21 And what Senator Duane is and the  
22 community is seeking here is not to send the  
23 garbage back to Brooklyn or the Bronx. I  
24 would not be for that. What they're saying  
25 is: Talk to us, we'll give you an alternative

1 in our community that will work better for the  
2 city and for the community.

3 And it's just plain arrogance on  
4 the parts of the city to not consider that, to  
5 not have consulted the state elected  
6 representatives when they need legislation for  
7 something.

8 I am for -- and by the way, the  
9 rest of the Solid Waste Management Plan, if  
10 the city has the power to implement it, they  
11 should implement it. In this case they need  
12 our approval, they need the state's approval.  
13 The least they could do is pay the courtesy to  
14 the state elected representatives for that  
15 area to hear them out, to consider the  
16 alternatives, to talk to a community,  
17 seriously talk to a community -- not talk at a  
18 community, talk to the community that's  
19 willing to accept its fair share and just says  
20 move it a few blocks, it will work far better.  
21 They won't even hear why the community thinks  
22 that.

23 So in this case I'm voting no on  
24 this bill. I know how I'm voting. Because  
25 I've seen this over and over again. It's time

1       it stops, it's time we get the respect we  
2       deserve.

3                   Thank you.

4                   THE PRESIDENT:       Senator Perkins.

5                   SENATOR PERKINS:       Thank you,  
6       Mr. President. I'd like to speak on the bill.

7                   THE PRESIDENT:       Senator Perkins,  
8       on the bill.

9                   SENATOR PERKINS:       There is no  
10       question that this Mayor has not been the best  
11       at communicating with us with regard to  
12       congestion pricing and any other number of  
13       things that take place sometimes in our  
14       neighborhoods. And I have publicly denounced  
15       him time and time again because of that.

16                   But, Senator Adams, I have to admit  
17       on this one I was consulted. I was consulted,  
18       however, several years ago as a member of the  
19       City Council when this proposal first came  
20       before us. And at that time this solid waste  
21       management treatment plan was proposed, and it  
22       was debated vociferously. Because the essence  
23       of it was that the new sites would not be in  
24       those communities that traditionally have  
25       suffered from being the ones where these

1 plants were located.

2 It was a plan that from the  
3 perspective of Manhattan included East 91st  
4 Street, I believe in Senator L. Krueger's  
5 district -- or maybe it was Senator Serrano's  
6 district. But it wasn't his East Harlem  
7 barrio part of the district, it was in the  
8 silk-stocking part of his district, the  
9 wealthier, whiter part of his district, who  
10 fought tooth and nail to prevent it from being  
11 sited there. And then of course this one was  
12 also part of the plan.

13 And I voted for the solid waste  
14 management treatment plan then. And the  
15 reason I voted for it is because of the  
16 history of the siting of these plans. And  
17 those who I depend on very much, who are what  
18 I consider to be the experts, the  
19 environmentalists, those who have been  
20 fighting environmental racism, had fought very  
21 hard to get this type of plan for the first  
22 time to be considered by the city.

23 And I want to make sure it's clear  
24 I consider Tom, Senator Duane, not just a  
25 friend but a partner in the struggle against

1 environmental racism. So I don't consider  
2 this a NIMBY per se on his part.

3 But, as was the case then, I  
4 believe is the case now, which is that delay  
5 will be a problem. And so, as I have in the  
6 past, when this first was presented to me --

7 ACTING PRESIDENT LITTLE: Senator  
8 Adams -- excuse me, Senator Perkins.

9 Senator Adams, why do you rise?

10 SENATOR ADAMS: Would Senator  
11 Perkins yield for a question, please.

12 ACTING PRESIDENT LITTLE: Thank  
13 you.

14 Senator Perkins, will you yield for  
15 a question?

16 SENATOR PERKINS: Yes.

17 ACTING PRESIDENT LITTLE: The  
18 Senator yields.

19 SENATOR ADAMS: Senator Perkins,  
20 when you were the City Councilperson and you  
21 were told about this plan several years ago,  
22 was Senator Duane a State Senator?

23 SENATOR PERKINS: I believe so.

24 SENATOR ADAMS: Was Senator  
25 Krueger a State Senator?

1                   SENATOR PERKINS:     I believe so.

2                   SENATOR ADAMS:     Would he yield  
3 for another question, please.

4                   ACTING PRESIDENT LITTLE:     Thank  
5 you.

6                   Senator, do you continue to yield?

7                   SENATOR PERKINS:     Yes.

8                   ACTING PRESIDENT LITTLE:     Thank  
9 you. The Senator yields.

10                  SENATOR ADAMS:     Do you believe  
11 the environmentalists who you trust their  
12 opinion of dealing with environmental racism,  
13 do you believe their concern was to move a  
14 site in Lower Manhattan? Or was their concern  
15 to move it to only that site? What was their  
16 primary concern, in your --

17                  SENATOR PERKINS:     This was the  
18 site that was a part of the plan that was  
19 approved at that time.

20                  SENATOR ADAMS:     Would he continue  
21 to yield.

22                  ACTING PRESIDENT LITTLE:     Thank  
23 you.

24                  Senator, do you continue to yield?

25                  SENATOR PERKINS:     Yes.

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

3                   SENATOR ADAMS:        I understand that  
4     that was the plan.   But the question I'm  
5     trying to find out, was the desire of those  
6     environmentalists that you depend on, was  
7     their desire to move a site in Lower  
8     Manhattan, or was it only at that particular  
9     site?   Would they be upset if the site was 20  
10    blocks up or 20 blocks south?   What was their  
11    desire?

12                  SENATOR PERKINS:       A twofold  
13    answer.   It was a very site-specific plan,  
14    which included what I just described.

15                  And, number two, their desire, as  
16    it has been represented to me -- and I would  
17    dare say to others as well -- is that this  
18    plan go forward, as proposed then, without any  
19    delay.

20                  And by the way, I want to also say  
21    that they're not in the pocket of the Mayor,  
22    as may have been rumored.   And for them it's  
23    an insult to suggest that their opinion, that  
24    their advocacy has anything to do with being  
25    bought off by the Mayor.

1                   And these are groups like the West  
2                   Harlem Environmental Action Group, which  
3                   represents Northern Manhattan, where we have  
4                   such a solid waste treatment plant, as well as  
5                   other local neighborhood environmentalists  
6                   that are part of the Northern Manhattan area  
7                   where the concern is that the delay will  
8                   continue the trucking through those  
9                   neighborhoods.

10                   SENATOR ADAMS:        Would the Senator  
11                   continue to yield.

12                   ACTING PRESIDENT LITTLE:        Thank  
13                   you.

14                   Senator Perkins, do you continue to  
15                   yield?

16                   SENATOR PERKINS:        Yes.

17                   ACTING PRESIDENT LITTLE:        The  
18                   Senator yields.

19                   SENATOR ADAMS:        I understand,  
20                   Senator Perkins, that they presented a plan.  
21                   What I'm trying to find out -- and you can  
22                   correct me if I don't know, but I'm trying to  
23                   find out -- was it their desire to find a  
24                   location that was in the southern part of  
25                   Manhattan? I understand that they presented a

1 plan. But was that their overall desire?

2 SENATOR PERKINS: Their desire  
3 was for this site as it was represented in the  
4 plan.

5 However, what you're asking me  
6 would require of me skills that I don't have,  
7 which is to read into their minds, as opposed  
8 to what they actually said and what they  
9 actually advocated for, which was very  
10 explicit and very vigorous.

11 SENATOR ADAMS: Would the Senator  
12 continue to yield.

13 ACTING PRESIDENT LITTLE: Thank  
14 you.

15 Senator Perkins, do you continue to  
16 yield?

17 SENATOR PERKINS: Yes.

18 ACTING PRESIDENT LITTLE: The  
19 Senator yields.

20 SENATOR ADAMS: Thank you.

21 Senator Perkins, was it your  
22 desire, when you saw the high numbers of  
23 asthma in your community, was it your desire  
24 to ensure that Lower Manhattan carried their  
25 share of the garbage? Was it your desire?

1 SENATOR PERKINS: Yes.

2 SENATOR ADAMS: Okay. Thank you.

3 ACTING PRESIDENT LITTLE: Thank  
4 you.

5 Is there any other Senator wishing  
6 to speak?

7 Senator Lanza, to close.

8 SENATOR LANZA: Thank you, Madam  
9 President. On the bill.

10 I rise to urge my colleagues to  
11 vote in favor of this legislation and to  
12 respectfully disagree with some points that  
13 have been made by those of my colleagues who  
14 have risen to oppose it.

15 The City of New York produces  
16 22,000 tons of waste and recyclables every  
17 single day. And for decades the way the city  
18 has handled that trash has been characterized  
19 by one principle, and that has been  
20 unfairness. And some of my colleagues who  
21 rose and talked about the social injustice,  
22 the environmental injustice, were absolutely  
23 truthful in what they said.

24 Last year the City Council voted  
25 overwhelmingly in favor of the city's Solid

1 Waste Management Plan, known affectionately as  
2 "the Swamp." It was approved later in the  
3 year by the State DEC. That plan will  
4 revolutionize how the City of New York handles  
5 its trash and recyclables.

6 It is characterized by flexibility,  
7 environmental fairness and justice, and a  
8 principle that has been so important and has  
9 been the object of a quest over the last  
10 decade for folks who live in the outer  
11 boroughs, a quest that has been waged by the  
12 folks who live in the outer boroughs, and that  
13 is borough self-sufficiency, whereby each  
14 borough handles its share of its garbage.

15 In the past, the outer boroughs --  
16 we heard from Senator Diaz in the Bronx, and  
17 Senator Serrano, and Greenpoint, Williamsburg  
18 in Brooklyn -- have been burdened with a  
19 disproportionate share of waste facilities.

20 Let me add another fact for you  
21 with respect to another group of people who  
22 have been the victims of environmental  
23 injustice, and those are the hundreds of  
24 thousands of people who live in my district in  
25 Staten Island, who have suffered in the

1 shadows for 48 years of one of the worst  
2 environmental disasters in the State of  
3 New York. By that I mean, let me remind  
4 you -- Senator Connor brought it up -- the  
5 unpermitted, unlined, illegal Fresh Kills  
6 Landfill.

7           Senator Serrano asked where all the  
8 voices in opposition to the environmental  
9 injustice were with respect to the people in  
10 his community. I would suggest to you they  
11 were with the rest of the people in the city  
12 who stood idly by and silent as that  
13 environmental disaster went year in and year  
14 out for nearly five decades.

15           So now we have a plan to take us  
16 beyond that, to move us into a plan that will  
17 equitably distribute the facilities and the  
18 way the city handles its garbage. The  
19 Gansevoort transfer station is the final  
20 legislative hurdle to the implementation of  
21 that plan. That said, I need to disagree with  
22 points made by those who spoke in opposition.

23           This plan was a decade in the  
24 making. It didn't happen secretly at night.  
25 I sat in the City Council, on the Committee of

1 Sanitation and Solid Waste. There were  
2 numerous public hearings that considered this  
3 plan. Testimony was invited from the  
4 community at large. Any elected official  
5 would have been welcome at those hearings to  
6 discuss this plan. Testimony was received by  
7 some elected officials, not just in the city,  
8 with regards to this plan.

9 The alternatives. My fear is that  
10 alternatives have been proposed merely to  
11 frustrate this plan, to delay implementation  
12 of this plan. They've been vetted.

13 Environmental groups by and large support the  
14 opening of this transfer station. Why?  
15 Because in the end of the end of the day it  
16 will remove 5.6 million truck miles of traffic  
17 from the roads of the City of New York.

18 The Gansevoort transfer station in  
19 and of itself would remove 30,000 truck miles  
20 of traffic from the streets of the City of  
21 New York. It was mentioned we have one of the  
22 highest asthma rates in the country, four  
23 times the national average, in the City of  
24 New York. This plan will remove 5.6 million  
25 truck miles of traffic and all the attendant

1 greenhouse gases and pollutants that hurt our  
2 environment and no doubt contribute to that  
3 ridiculous asthma rate in the City of  
4 New York.

5 So this plan has been vetted. It  
6 has been aired out. There has been the  
7 opportunity for anyone wishing to testify or  
8 to submit testimony with respect to this plan  
9 in the City Council. The Speaker of the City  
10 Council, Christine Quinn, within whose  
11 district this site exists, is in favor of this  
12 plan, came out only weeks ago to support it.

13 Talk about what can happen to you.  
14 I'll tell you what can happen to you: what  
15 happened to the people of Staten Island who  
16 had to suffer, let me repeat, under one of the  
17 worst environmental disasters in this state's  
18 history. And people stood by silently.

19 We need to get beyond that. We  
20 can't delay this. Delay means uncertainty.  
21 Delay means that those trucks will continue to  
22 run through the streets of every district in  
23 our city, primarily in the outer boroughs.

24 Those alternatives, they're not  
25 feasible. By everyone's account they are

1 not -- with the exception of a few, they're  
2 not feasible. And I fear that's why they're  
3 being proposed. They're being proposed in  
4 order that this plan is defeated.

5 We need to put the final chapter to  
6 bed here with respect to the way the city  
7 deals with its waste and recyclables. This  
8 plan does it. Enacting this legislation will  
9 clear the way to make sure that that historic  
10 plan becomes a reality. I urge my colleagues  
11 to vote in favor of this.

12 Thank you, Madam President.

13 ACTING PRESIDENT LITTLE: Thank  
14 you, Senator Lanza.

15 The debate is closed. The  
16 Secretary will ring the bell.

17 Read the last section.

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

20 ACTING PRESIDENT LITTLE: Call  
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT LITTLE: Senator  
24 Adams, to explain his vote.

25 SENATOR ADAMS: Yes, Madam

1 President. I think, you know, we have to be  
2 extremely careful not to allow politics by  
3 blackmail.

4 All the experts that I've heard on  
5 this issue, they've stated over and over  
6 again, if we delay, if we delay, the Mayor is  
7 not going to allow us to move ahead with any  
8 other project. This has been stated often.

9 And, you know, I commend both  
10 Senator Perkins as well as Senator Duane  
11 because they've long been soldiers in this  
12 battle of improving the environment that we're  
13 in. And it's important that Manhattan find an  
14 alternative site. And this is probably the  
15 first time I've been in this chamber that I'm  
16 torn on the issue of vote.

17 I'm going to vote in support of the  
18 bill. But I encourage my colleagues that we  
19 look towards City Hall and demand that the  
20 city halls throughout this state show this  
21 body the respect that it deserves.

22 ACTING PRESIDENT LITTLE: Thank  
23 you. Senator Adams will be recorded in the  
24 affirmative.

25 Could we have it quiet in the

1 chamber, please, while members explain their  
2 votes.

3 Senator Duane.

4 SENATOR DUANE: Thank you, Madam  
5 President.

6 You know, I was in the City Council  
7 when Fresh Kills was closed. And I think the  
8 only part of that that was unfortunate is that  
9 there was no plan in place and we've struggled  
10 since then to deal with our solid waste. It  
11 would have been better to, at the very least  
12 simultaneously, have a plan that was workable.

13 But I would be remiss if I didn't  
14 draw the example, since it was raised by my  
15 colleague. An agreement was made between the  
16 people of Staten Island and then-Mayor  
17 Giuliani to close the Staten Island landfill.  
18 And what's happening with us in Gansevoort,  
19 although it is on a slightly smaller scale, is  
20 as if the city reneged on its agreement to  
21 close Fresh Kills.

22 That's what they're doing with us,  
23 signing a stipulation saying that they would  
24 move off the piece of land and then going back  
25 on their word and siting a facility there,

1 especially when we have other viable  
2 alternatives, better alternatives, one 20  
3 blocks away, one five blocks away.

4 Madam President, I'll be voting in  
5 the negative, with the sincere desire that no  
6 one else in this chamber is ever put in the  
7 same position that I'm being put in today.  
8 Because that could happen.

9 Thank you, Madam President.

10 ACTING PRESIDENT LITTLE: Thank  
11 you. Senator Duane will be recorded in the  
12 negative.

13 Senator Perkins, to explain his  
14 vote.

15 SENATOR PERKINS: Thank you.

16 I just want to again reiterate my  
17 support for this. And especially from the  
18 perspective of environmental justice, the fact  
19 that certain communities, including my own,  
20 have over the years suffered having to be the  
21 dumping grounds for the city's waste, for the  
22 city's garbage, and has had the consequences  
23 of all kinds of illnesses -- in fact, even a  
24 sense of paranoia that it would never change,  
25 that it would continue to be the case.

1                   This particular situation at  
2                   Gansevoort has risen to almost a point of a  
3                   symbolic thing in some people's minds because  
4                   it represents another opportunity to do the  
5                   right thing. And folks are concerned that if  
6                   there's a delay, it will be a delay that is  
7                   designed to redo the whole plan, with the  
8                   result that the dumping will go back to those  
9                   communities such as mine, such as the ones in  
10                  the Bronx and other so-called minority  
11                  communities, communities that are for the most  
12                  part black and Latino and low-income.

13                  And we don't want to see that  
14                  anymore. I'm sure Senator Duane doesn't want  
15                  to see that anymore. And I would urge that  
16                  when we have these differences that we do not  
17                  undermine the debate by characterizing the  
18                  leaders in these efforts, who are  
19                  environmentalists, who were for years and  
20                  years and years, as being corrupt or in the  
21                  pockets of the Mayor.

22                  Thank you.

23                  ACTING PRESIDENT LITTLE:        Senator  
24                  Perkins, how do you vote?

25                  SENATOR PERKINS:        I'm voting yes.

1                   ACTING PRESIDENT LITTLE:     Thank  
2     you.  You will be recorded in the affirmative.  
3                   Senator Sabini, to explain his  
4     vote.

5                   SENATOR SABINI:        Thank you, Madam  
6     President.  To explain my vote.

7                   Senator Duane is right about one  
8     thing.  When the Giuliani administration, in  
9     their desperate attempt to curry favor with  
10    Staten Island, closed the Staten Island  
11    landfill, there wasn't a plan of what to do  
12    with the garbage.  And I believe that in  
13    retrospect one of the greatest failings of the  
14    eight years of the Giuliani administration was  
15    having a goal -- closing Fresh Kills --  
16    without having a plan.

17                   And, you know, the garbage doesn't  
18    stop in New York.  It just keeps on coming.  
19    Like Lucy and Ethel at the candy factory, it  
20    just keeping coming.  So we've got to find a  
21    way to do it.

22                   And I've got to give Mayor  
23    Bloomberg credit.  During his term in office  
24    he has tried very hard to deal with that and  
25    get a plan that was fair, environmentally

1 sensitive, recyclable-friendly. And I think  
2 he's done that.

3 I served on the City Council for  
4 10 years, and one of the first bills we passed  
5 when we got there -- and Senator Duane was a  
6 member of the same class -- was to force the  
7 City Council to approve the Solid Waste  
8 Management Plan before it was submitted to  
9 DEC. Now, why is that impressive? Because  
10 then people actually had to vote on the fates  
11 of their own districts and things like that  
12 before it went down the pike to DEC.

13 So the Council holds lots of  
14 hearings on this, people are invited to  
15 testify ad nauseam. Perhaps the longest  
16 hearings I ever went to were Environmental  
17 Protection hearings on the first solid waste  
18 management plan that the city submitted  
19 through the council.

20 This plan went through all that, it  
21 was approved by DEC. It is the most local of  
22 bodies, the council, and they spent lots of  
23 time analyzing this. And while it may not be  
24 a perfect site, there are no perfect sites for  
25 garbage, because no one likes having it near

1           them or having it trucked near them.

2                       So I do extend concerns over the  
3 arguments made by Senator Duane, but I think  
4 in totality we should let this plan move  
5 forward. I'm going to vote aye.

6                       ACTING PRESIDENT LITTLE:       Thank  
7 you. Senator Sabini will be recorded in the  
8 affirmative.

9                       Senator Lanza, to explain his vote.

10                      SENATOR LANZA:        Thank you, Madam  
11 President. I vote aye.

12                      I just want to voice my outrage  
13 with respect to what I just heard, that Mayor  
14 Giuliani should somehow be criticized for  
15 closing one of New York State's worst  
16 environmental disasters. It is one of his  
17 shining moments.

18                      Let me remind my colleagues about  
19 what exactly the Staten Island landfill was.  
20 There was no lining, as is required under  
21 federal law. It was without permit. It sat  
22 in just about the worst place you can pick to  
23 put an unlined dump, unless, of course --  
24 unless, of course, you were politically  
25 motivated in where you were placing it. It

1 sat on tidal wetlands, brackish waters,  
2 estuaries.

3 The worst place you could ever have  
4 imagined to put an unlined dump, and that's  
5 where they put it. And why? Because it was  
6 on Staten Island. Why? Because it was  
7 politically motivated.

8 And so Mayor Giuliani ought to be  
9 commended for what he did. Because remember,  
10 it was Governor Cuomo, Mayor Dinkins, Mayor  
11 Koch, Mayor Beame who every single year, by  
12 the swipe of a pen, said: I ignore the law  
13 and I don't care about the people of Staten  
14 Island and I don't care about the environment.  
15 And they signed off on continuing to pile that  
16 garbage there.

17 So that was one of Mayor Giuliani's  
18 finest moments, and now Mayor Bloomberg's  
19 finest moment in taking the city out of the  
20 shadows of that environmental disaster.

21 I vote aye, Madam President.

22 ACTING PRESIDENT LITTLE: Thank  
23 you. Senator Lanza will be recorded in the  
24 affirmative.

25 Senator Stachowski, to explain his

1 vote.

2 SENATOR STACHOWSKI: Madam  
3 President, I wasn't going to say anything.  
4 But having been here when the Staten Island  
5 landfill was closed, I would have to point out  
6 that I thought the only point that Senator  
7 Duane was making wasn't that it was a good  
8 idea to close Fresh Kills, which it was.

9 The problem was, and it was  
10 mentioned and debated on the floor at the  
11 time, was that, yeah, Mayor Giuliani's doing a  
12 good thing, he's closing this, but he had no  
13 plan what he was going to do with the garbage  
14 once he closed it. And that's what the  
15 problem was. That's what Senator Duane just  
16 pointed out. And if that's a shining moment,  
17 that's great.

18 But I'm going to vote for this  
19 bill.

20 ACTING PRESIDENT LITTLE: Thank  
21 you. Senator Stachowski will be recorded in  
22 the affirmative.

23 The Secretary will announce the  
24 results.

25 THE SECRETARY: Those recorded in

1 the negative on Calendar Number 1637 are  
2 Senators Breslin, Connor, Duane, Klein,  
3 L. Krueger, C. Kruger, Schneiderman, and  
4 Stavisky.

5 Absent from voting: Senator  
6 Fuschillo.

7 Ayes, 53. Nays, 8.

8 ACTING PRESIDENT LITTLE: The  
9 bill is passed.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 1709, by Senator Griffo, Senate Print 2724,  
13 Concurrent Resolution of the Senate and  
14 Assembly proposing an amendment to Section 1  
15 of Article 5.

16 SENATOR LIZ KRUEGER:  
17 Explanation.

18 ACTING PRESIDENT LITTLE: Thank  
19 you. Senator Griffo, for an explanation.

20 This is a concurrent resolution,  
21 though. It's not a bill.

22 SENATOR GRIFFO: Thank you,  
23 Madam President.

24 We during the course of this  
25 session have had a deal with a number of

1 changes in the political landscape. And what  
2 I was attempting to do here, after in recent  
3 memory we've seen this particular office, the  
4 Office of State Comptroller, change twice  
5 through an act of resignation and the current  
6 process be put in place where an appointment  
7 to that office takes effect.

8 This year particularly was  
9 concerning, because it would be almost a  
10 four-year appointment to a job that has great  
11 authority and responsibility, and that the  
12 people should have the choice and have had the  
13 choice to make that determination in a general  
14 election.

15 If we look at what happens in a  
16 vacancy in state government, in the  
17 Legislature, there will be a call for a  
18 special election. We saw that this year in  
19 the State Senate. We look at local  
20 government, and local governments across the  
21 state, when there's a vacancy in the elective  
22 office, there is a special election to  
23 ultimately fill that seat.

24 So what I have attempted to propose  
25 here is an opportunity to continue to engage

1 and involve the people in the democratic  
2 property to select those chief statewide  
3 elected officials, like the Comptroller, so  
4 ultimately they will have the final decision  
5 on who should be running and charged with the  
6 responsibilities and duties such as the office  
7 of the Comptroller, a significant job as it  
8 is, rather than allowing an appointment  
9 through a legislative body.

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

12 SENATOR LIZ KRUEGER: Thank you,  
13 Madam President. If the sponsor would yield,  
14 please.

15 ACTING PRESIDENT LITTLE: Thank  
16 you. Senator Griffo, do you yield for a  
17 question?

18 SENATOR GRIFFO: Gladly.

19 ACTING PRESIDENT LITTLE: Yes,  
20 the Senator yields.

21 SENATOR LIZ KRUEGER: Thank you,  
22 Madam President. Thank you, Senator Griffo,  
23 for your explanation.

24 So I understand your point. We  
25 have no model for special elections for

1 Attorney General or Comptroller, and so we end  
2 up with the Legislature deciding. And I heard  
3 you say that we should put this back in the  
4 hands of the people, and I agree with you.

5 But how would the people decide the  
6 candidates in a special election for a  
7 statewide office? What would be the process,  
8 from your bill, of who would make the decision  
9 of who were the candidates running for that  
10 seat?

11 SENATOR GRIFFO: Well, the  
12 bill -- Madam President.

13 ACTING PRESIDENT LITTLE: Thank  
14 you. Senator Griffo.

15 SENATOR GRIFFO: Senator Krueger,  
16 the bill as presently drafted would allow for  
17 the same procedures that are in place today  
18 for selection during the legislative process.  
19 It would entail a special election to be  
20 called by the Governor. And obviously there  
21 are certain things, benchmarks that you would  
22 use.

23 For instance, if it were after  
24 June, it would take place in that November.  
25 If it were after September 20th, it would have

1 wait until the next general year.

2 So basically it follows the same  
3 procedures that are in existence right now if  
4 there were a vacancy in a seat like we had in  
5 the Senate this year.

6 SENATOR LIZ KRUEGER: Thank you,  
7 Madam President. On the bill.

8 ACTING PRESIDENT LITTLE: Thank  
9 you. Senator Krueger, on the bill.

10 It's a resolution, Senator. On the  
11 resolution.

12 SENATOR LIZ KRUEGER: Excuse me.  
13 Thank you. My mistake. On the resolution,  
14 Madam President.

15 ACTING PRESIDENT LITTLE: That's  
16 okay. Thank you.

17 SENATOR LIZ KRUEGER: Thank you.

18 Well, here's my problem with the  
19 resolution, Senator. I don't think special  
20 elections are the best model for filling  
21 vacancies. Because on a local level, in a  
22 special election you can have a county  
23 committee or a subpopulation of a county  
24 committee making the decision who's the  
25 candidate for the Democrats, who's the

1 candidate for the Republicans. And  
2 third-party candidates really don't have any  
3 options.

4 And on a statewide basis, for a  
5 special election you're basically saying  
6 whoever is leading the Democratic Party and  
7 whoever is leading the Republican Party,  
8 that's the two people who will decide who the  
9 two candidates for a statewide special are.

10 So I think you and I both want a  
11 process where the people really do have a say,  
12 but I'm afraid that in a statewide special  
13 election, where it would just be the leader of  
14 each party deciding you're the candidate and  
15 you're the candidate, ironically we'd actually  
16 see less participation of people in making the  
17 decisions who the candidates were over the  
18 current model.

19 But I share your concerns about the  
20 current model. So there's a movement of  
21 people, and I support that movement, who are  
22 saying we need to change the structure for  
23 special elections, we need to set up a  
24 mechanism for primaries within special  
25 elections so that people really do have an

1 opportunity to compete for these seats.

2 And if I can see the value of that  
3 argument for an Assembly seat or a Senate  
4 seat, I can absolutely make the argument that  
5 to decide who should be the next Attorney  
6 General or Comptroller of the State of  
7 New York, if there is a vacancy, that we  
8 should really open it up to the people and set  
9 up a process where we could have a primary  
10 process rather than just the two party heads  
11 deciding who the two candidates would be.

12 That we should perhaps have a model  
13 of weighted voting, using instant runoff  
14 voting as one possibility, if we're concerned  
15 about a timeliness factor in replacing an  
16 Attorney General or Comptroller. Because I  
17 think we probably would all agree we wouldn't  
18 want to spend an extended period of time  
19 without someone being the Attorney General or  
20 the Comptroller of the State of New York.

21 So we could do a primary election  
22 before we got to the point of the special  
23 election. We could do runoff voting for  
24 determining that the majority candidate  
25 actually won the election. We could come up

1 with a variety of models that we use in other  
2 parts of the country or for other seats.

3 But again, my reason for voting  
4 against your resolution tonight is I really  
5 think, when you think of a statewide election  
6 and you say a special election is better than  
7 the Legislature deciding, that sounds right.  
8 But when you actually ask the question who  
9 would decide who each of the two party  
10 candidates would be, it would not be all of  
11 the Legislature deciding or taking a vote, it  
12 would be literally two people in the State of  
13 New York deciding one party's candidate and  
14 the other party's candidate. And so I don't  
15 sincerely think that was what you wanted it to  
16 be either.

17 So I'll vote no on the resolution.  
18 Thank you, Madam President.

19 ACTING PRESIDENT LITTLE: Thank  
20 you, Senator Krueger.

21 Senator Sabini.

22 SENATOR SABINI: Madam President,  
23 would the sponsor yield for a question.

24 ACTING PRESIDENT LITTLE: Thank  
25 you. Senator Griffo, will you yield for a

1 question?

2 SENATOR GRIFFO: Yes.

3 ACTING PRESIDENT LITTLE: Thank  
4 you. The Senator yields.

5 SENATOR SABINI: Thank you.

6 Madam President, through you, if the sponsor  
7 could tell me who would call the special  
8 election and at what point would it be  
9 required to be called.

10 SENATOR GRIFFO: Madam President.

11 ACTING PRESIDENT LITTLE: Thank  
12 you. Senator Griffo.

13 SENATOR GRIFFO: Senator Sabini,  
14 I had indicated earlier, based on the current  
15 concept, it would be at the discretion of the  
16 Governor.

17 And again, it would use certain  
18 milestones, as I indicated. If it were before  
19 June, it would be within that time period.  
20 After July, it would become a November  
21 election. And after September 20th, you have  
22 another problem; it would have to go to the  
23 next year.

24 SENATOR SABINI: Thank you, Madam  
25 President. Through you, if the sponsor would

1 continue to yield.

2 ACTING PRESIDENT LITTLE: Thank  
3 you. Senator Griffo, do you continue to  
4 yield?

5 SENATOR GRIFFO: Sure.

6 ACTING PRESIDENT LITTLE: The  
7 Senator yields.

8 SENATOR SABINI: I think the  
9 sponsor actually did mention it, but I want to  
10 be sure I got it right. In the fiscal  
11 implication in the sponsor's memo, it says  
12 there is none. And I'm just wondering who  
13 pays for this special election.

14 SENATOR GRIFFO: Madam President.

15 ACTING PRESIDENT LITTLE: Thank  
16 you. Senator Griffo.

17 SENATOR GRIFFO: Senator, this  
18 will follow the same format that you would  
19 have in any general election that would take  
20 place across the state.

21 SENATOR SABINI: Madam President,  
22 through you, if the sponsor would continue to  
23 yield.

24 ACTING PRESIDENT LITTLE: Thank  
25 you. Senator Griffo, do you continue to

1 yield?

2 SENATOR GRIFFO: Yes.

3 ACTING PRESIDENT LITTLE: The  
4 Senator yields.

5 SENATOR SABINI: I'm wondering,  
6 through you, Madam President, if the sponsor  
7 could tell me, then, if that's the case,  
8 aren't we again sticking to localities another  
9 bill with no funding, that we're going to  
10 require local Boards of Elections to conduct a  
11 statewide election and, you know, to say  
12 there's no fiscal implications -- somebody's  
13 paying the bill.

14 And I'm just wondering at what  
15 point do we admit who pays the bill here.

16 SENATOR GRIFFO: Madam President.  
17 Senator, I think it's an interesting dilemma  
18 that we have there. Because many of the  
19 people want to have that opportunity to be  
20 heard in statewide office and not allow a  
21 group of 212 legislators to make an  
22 appointment.

23 And from my discussions, while we  
24 do not want to incur additional cost, and  
25 that's something that maybe we can consider in

1 the future under a special election, at this  
2 point in time it's weighing whether or not we  
3 want to let the people, allow them to have a  
4 direct voice and at what cost democracy.

5 SENATOR SABINI: Thank you, Madam  
6 President. On the bill.

7 ACTING PRESIDENT LITTLE: Thank  
8 you. Senator Sabini, on the resolution.

9 SENATOR SABINI: I'm sorry, on  
10 the resolution.

11 I can understand the sponsor's  
12 desire to have more democracy in the state.  
13 We all want that. We'd like to see more  
14 democracy in this chamber once in a while.

15 But I think this is an idea that  
16 hasn't fully germinated out of its seedling  
17 yet. I see this as an unfunded mandate to  
18 localities. An election like that will  
19 generate enormous publicity. And I'd like to  
20 at some point figure out who's going to pay  
21 the bills for localities having yet another  
22 election that they didn't call.

23 And I think that the system we have  
24 now is so rarely used that it has worked up  
25 till now. Certainly we didn't hear a lot of

1 problems this year when the Majority's  
2 candidate was selected in the statewide  
3 procedure to elect a new Comptroller. And in  
4 the past, the procedure has been used to elect  
5 members of the Legislature to the Attorney  
6 General's spot.

7 So I'd like to see more debate on  
8 this, and perhaps a different system. But for  
9 now I'm going to be voting in the negative.

10 Thank you, Madam President.

11 ACTING PRESIDENT LITTLE: Thank  
12 you. Senator Maziarz.

13 SENATOR MAZIARZ: Thank you very  
14 much, Madam President.

15 I wanted to stand up because I  
16 couldn't believe the arguments of my  
17 colleagues on the Minority side. And just to  
18 tell Senator Griffo, the sponsor of this  
19 resolution, I can't see how anyone in their  
20 right mind would vote against this.

21 I mean, the selection of the  
22 Comptroller that just happened several months  
23 ago was clearly not New York's proudest  
24 moment. I mean, I don't understand when you  
25 say that the political parties would nominate

1 a candidate for a special election and who's  
2 going to pay for the special election. The  
3 taxpayers are going to pay. That's who pays  
4 now for our elections. That's who pays now  
5 when there's a special election. That's who  
6 paid for Senator Craig Johnson's election in  
7 Long Island.

8           You know, when we had a vacancy in  
9 the office of comptroller, an extremely  
10 popular, just recently elected governor had a  
11 candidate -- the leader of the Democratic  
12 party. And one individual, one individual who  
13 was the most popular person in the Assembly  
14 majority had another candidate. And we ended  
15 up with a candidate not of the most recently  
16 elaborated popular governor, but the candidate  
17 of the -- at least most popular speaker in the  
18 Assembly.

19           You know, I think this puts the  
20 onus and puts the decision in the hands of the  
21 voters of the state of New York. What could  
22 be better than that? And as a taxpayer, what  
23 price do you put on democracy, Senator? I  
24 think it would be well worth it to have a  
25 special election by candidates nominated by

1 all five of the major political parties.

2 I will be voting in the  
3 affirmative. Thank you.

4 ACTING PRESIDENT LITTLE: Thank  
5 you, Senator Maziarz.

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

8 Senator Connor.

9 SENATOR CONNOR: Thank you, Madam  
10 President.

11 I'm going to vote for this because  
12 my Assemblymember introduced a similar  
13 resolution and I introduced it too earlier  
14 this session.

15 But while we're having this debate,  
16 I think we ought to give it a lot of thought.  
17 You know, everybody jumps to this because, oh,  
18 that's the most recent thing they remember; we  
19 elected a comptroller recently. Hey, a few  
20 years back we elected an attorney general and  
21 a comptroller within a period of 10 months.  
22 So that's been the system.

23 The one thing nobody has ever  
24 addressed, no one has ever addressed --  
25 Governor Cuomo actually called for us to do

1 something about it -- and that is, what  
2 happens when there's a vacancy in the office  
3 of lieutenant governor? And that's  
4 happened -- if you look in the Red Book,  
5 that's happened frequently in our history.  
6 And it certainly happened when Governor Cuomo  
7 came in and about a year later, Lieutenant  
8 Governor DelBello resigned and we went three  
9 years without a lieutenant governor.

10 And, you know, the majority in this  
11 house smiled when Lieutenant Governor DelBello  
12 resigned and Governor Cuomo said, It's  
13 terrible, we have no way to replace a  
14 lieutenant governor. Why? Because the  
15 majority leader is next in line for governor.  
16 What's wrong with that if you're the majority  
17 here?

18 Well, you know, we've seen in  
19 New Jersey where the Senate president has been  
20 acting governor, frequently. Different ones  
21 in the last seven or eight years. But under  
22 their constitution, the person remains the  
23 president of the Senate and gets to go back to  
24 that job.

25 What, let me ask you, would happen

1 if a majority leader, temporary president of  
2 this body, who loved that position, loved  
3 being a Senator, found him or herself in the  
4 position where the office of lieutenant  
5 governor was vacant and the lame-duck governor  
6 resigns November 15th? Now the Senate  
7 temporary president is, by our constitution,  
8 governor for six weeks. Out of the Senate,  
9 out as majority leader.

10 My colleagues, think about it  
11 before you smile. It may have been nice to  
12 have the majority leader poised to succeed  
13 Governor Cuomo for three years. But I suggest  
14 we have this gap in our constitution that  
15 could have some very, very unforeseen results.

16 And I think, while we're playing  
17 with the constitution here, someone ought to  
18 put a bill in to fill the office of lieutenant  
19 governor, because that is a statewide  
20 position.

21 And someone ought to think about  
22 how you would feel if you'd sat in that chair  
23 as temporary president and were forced to  
24 leave to be governor for three weeks. And we  
25 once upon a time had a governor, I remind you,

1 a lame-duck governor who resigned with but six  
2 or eight weeks to go in his term, to take a  
3 federal position. But there was a lieutenant  
4 governor, Charles Poletti, who became governor  
5 for seven weeks.

6 So things like that can happen.  
7 And it may not be the best thing in the world  
8 for the majority of this house to have its  
9 temporary president become governor if it's  
10 only for four or five weeks and you're out of  
11 the Senate then, forced out.

12 ACTING PRESIDENT LITTLE: Thank  
13 you.

14 The debate is closed.

15 The Secretary will ring the bell.

16 Call the roll on the resolution.

17 (The Secretary called the roll.)

18 THE SECRETARY: Those recorded in  
19 the negative on Calendar Number 1709 are  
20 Senators Breslin, Dilan, Gonzalez,  
21 Hassell-Thompson, Huntley, Klein, L. Krueger,  
22 C. Kruger, Onorato, Oppenheimer, Parker,  
23 Perkins, Sabini, Sampson, Schneiderman,  
24 Serrano, Smith, Stachowski and Thompson.

25 Absent from voting: Senator

1 Fuschillo.

2 Ayes, 42. Nays, 19.

3 ACTING PRESIDENT LITTLE: The  
4 resolution is adopted.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 1737, by Senator Young, Senate Print 2035, an  
8 act to amend the Tax Law.

9 SENATOR LIZ KRUEGER:  
10 Explanation.

11 ACTING PRESIDENT LITTLE: Senator  
12 Young, an explanation has been requested.

13 Senator Winner.

14 SENATOR WINNER: If you'd lay  
15 Senator Young's bill aside for the day,  
16 please.

17 ACTING PRESIDENT LITTLE: Thank  
18 you. The bill is laid aside for the day.

19 Senator Winner, that completes the  
20 reading of the controversial calendar.

21 SENATOR WINNER: Madam President,  
22 is there any housekeeping?

23 ACTING PRESIDENT LITTLE: Yes,  
24 there is, Senator Winner.

25 Senator Nozzolio.

1                   SENATOR NOZZOLIO:     Madam  
2     President, I wish to call up, on behalf of  
3     Senator Skelos, Print Number 4383B, recalled  
4     from the Assembly, which is now at the desk.

5                   ACTING PRESIDENT LITTLE:     The  
6     Secretary will read.

7                   Could we please have it quiet in  
8     the chamber while we finish the day's  
9     business. Thank you.

10                  THE SECRETARY:     Calendar Number  
11     1065, by Senator Skelos, Senate Print 4383B,  
12     an act to amend the Penal Law.

13                  ACTING PRESIDENT LITTLE:     Senator  
14     Nozzolio.

15                  SENATOR NOZZOLIO:     Madam  
16     President, I now move to reconsider the vote  
17     by which the bill was enacted.

18                  ACTING PRESIDENT LITTLE:     The  
19     Secretary will call the roll on  
20     reconsideration.

21                  (The Secretary called the roll.)

22                  THE SECRETARY:     Ayes, 62.

23                  SENATOR NOZZOLIO:     Madam  
24     President, I now offer the following  
25     amendments.

1                   ACTING PRESIDENT LITTLE:     The  
2                   amendments are received.

3                   SENATOR NOZZOLIO:     Madam  
4                   President, on page number 29 I offer the  
5                   following amendments to Calendar Number 983,  
6                   Senate Print Number 4029A, by Senator Volker,  
7                   and ask that said bill retain its place on  
8                   Third Reading Calendar.

9                   ACTING PRESIDENT LITTLE:     The  
10                  amendments are received, and the bill will  
11                  retain its place on the Third Reading  
12                  Calendar.

13                  SENATOR NOZZOLIO:     Madam  
14                  President, I wish to call up, on behalf of  
15                  Senator Fuschillo, Print Number 5517, recalled  
16                  from the Assembly, which is now at the desk.

17                  ACTING PRESIDENT LITTLE:     The  
18                  Secretary will read.

19                  THE SECRETARY:     Calendar Number  
20                  1488, by Senator Fuschillo, Senate Print 5517,  
21                  an act to amend the Penal Law and others.

22                  SENATOR NOZZOLIO:     Madam  
23                  President, I now move to reconsider the vote  
24                  by which the bill was enacted.

25                  ACTING PRESIDENT LITTLE:     The

1 Secretary will call the roll on  
2 reconsideration.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 62.

5 SENATOR NOZZOLIO: Madam  
6 President, I now offer the following  
7 amendments.

8 ACTING PRESIDENT LITTLE: The  
9 amendments are received.

10 SENATOR NOZZOLIO: Madam  
11 President, I wish to call up my bill, Print  
12 Number 5012, recalled from the Assembly, which  
13 is now at the desk.

14 ACTING PRESIDENT LITTLE: The  
15 Secretary will read.

16 THE SECRETARY: Calendar Number  
17 1697, by Senator Nozzolio, Senate Print 5012,  
18 an act to amend the Penal Law.

19 ACTING PRESIDENT LITTLE: Senator  
20 Nozzolio.

21 SENATOR NOZZOLIO: Thank you,  
22 Madam President. I now move to reconsider the  
23 vote by which the bill was enacted.

24 ACTING PRESIDENT LITTLE: The  
25 Secretary will call the roll on

1 reconsideration.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT LITTLE: Senator

5 Nozzolio.

6 SENATOR NOZZOLIO: Madam

7 President, I now offer the following

8 amendments.

9 ACTING PRESIDENT LITTLE: The

10 amendments are received.

11 Senator Winner.

12 SENATOR WINNER: Yes, Madam

13 President. There will be a Rules Committee

14 meeting at 7:00 p.m. in the Majority

15 Conference Room, and the house stands at ease

16 pending the report of the Rules Committee.

17 And there will be no further

18 business tonight.

19 ACTING PRESIDENT LITTLE: Thank

20 you. There is a Rules Committee meeting at

21 7:00 o'clock in the Senate Majority Conference

22 Room, and the Senate stands at ease until the

23 report of the Rules Committee.

24 (Whereupon, the Senate stood at

25 ease at 6:48 p.m.)

1 (Whereupon, the Senate reconvened  
2 at 7:04 p.m.)

3 ACTING PRESIDENT STACHOWSKI:  
4 Senator Skelos.

5 SENATOR SKELOS: Mr. President,  
6 if we could return to motions and resolutions.

7 On behalf of Senator Alesi, I wish  
8 to call up his bill, Print Number 961,  
9 recalled from the Assembly, which is now at  
10 the desk.

11 ACTING PRESIDENT STACHOWSKI:  
12 Motions and resolutions.

13 The Secretary will now read.

14 THE SECRETARY: Calendar Number  
15 866, by Senator Alesi, Senate Print 961, an  
16 act to amend the General Business Law.

17 SENATOR SKELOS: Mr. President, I  
18 now move to reconsider the vote by which this  
19 bill was passed.

20 ACTING PRESIDENT STACHOWSKI: The  
21 Secretary will call the roll on  
22 reconsideration.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62.

25 SENATOR SKELOS: I offer the

1 following amendments.

2 ACTING PRESIDENT STACHOWSKI: The  
3 amendments are received.

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

9 ACTING PRESIDENT STACHOWSKI:  
10 Reports of standing committees.

11 The Secretary will read.

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

15 Senate Print 1668, by Senator  
16 LaValle, an act to amend the Executive Law;

17 2506B, by Senator Trunzo, an act in  
18 relation to authorizing;

19 3223A, by Senator Skelos, an act to  
20 amend the Workers' Compensation Law;

21 4011, by Senator Marcellino, an act  
22 to authorize;

23 4612A, by Senator Marcellino, an  
24 act to authorize;

25 4717A, by Senator Marcellino, an

1 act to authorize;

2 5609A, by Senator Lanza, an act to  
3 amend the Environmental Conservation Law;

4 6057, by Senator O. Johnson, an act  
5 to amend the Environmental Conservation Law;

6 6288, by Senator Bruno, an act to  
7 amend the Education Law;

8 And Senate Print 6289, by Senator  
9 Bruno, an act to amend the Education Law and  
10 the Tax Law.

11 All bills ordered direct to third  
12 reading.

13 ACTING PRESIDENT STACHOWSKI:  
14 Senator Skelos.

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

18 ACTING PRESIDENT STACHOWSKI: All  
19 in favor signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT STACHOWSKI:  
22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT STACHOWSKI: The  
25 report is accepted.

1 Senator Skelos.

2 SENATOR SKELOS: Is there any  
3 further business at the desk?

4 ACTING PRESIDENT STACHOWSKI: No  
5 further business at the desk.

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

8 There being no further business, I  
9 move we stand adjourned until Tuesday,  
10 June 19th, at 3:00 a.m.

11 ACTING PRESIDENT STACHOWSKI: On  
12 motion, the Senate stands adjourned until  
13 Tuesday, June 19th, at 3:00 p.m.

14 (Whereupon, at 7:06 p.m., the  
15 Senate adjourned.)

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