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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 21, 2007

11:02 a.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

ACTING PRESIDENT GRIFFO: The  
Senate will come to order.

I ask that you please rise and join  
me as we recite the Pledge of Allegiance to  
our Flag.

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

ACTING PRESIDENT GRIFFO: In the  
absence of clergy, I ask that you bow your  
heads in a moment of silent prayer.

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

ACTING PRESIDENT GRIFFO: Reading  
of the Journal.

THE SECRETARY: In Senate,  
Wednesday, June 20, the Senate met pursuant to  
adjournment. The Journal of Tuesday, June 19,  
was read and approved. On motion, Senate  
adjourned.

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

Presentation of petitions.  
Messages from the Assembly.

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

6 Motions and resolutions.

7 Senator Fuschillo.

8 SENATOR FUSCHILLO: Mr.  
9 President, on behalf of Senator Libous, I wish  
10 to call up Senate Print Number 6300, recalled  
11 from the Assembly, which is now at the desk.

12 ACTING PRESIDENT GRIFFO: The  
13 Secretary will read.

14 THE SECRETARY: Calendar Number  
15 1948, by Senator Libous, Senate Print 6300, an  
16 act to amend Chapter 549 of the Laws of 1994.

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

20 ACTING PRESIDENT GRIFFO: Call  
21 the roll on reconsideration.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 39.

24 SENATOR FUSCHILLO: Mr.  
25 President, I ask that the bill be restored to

1 the order of third reading.

2 ACTING PRESIDENT GRIFFO: So  
3 ordered. The bill will retain its place on  
4 the Third Reading Calendar.

5 SENATOR FUSCHILLO: Are there any  
6 substitutions at the desk?

7 ACTING PRESIDENT GRIFFO: Yes,  
8 there are substitutions at the desk.

9 The Secretary will read.

10 THE SECRETARY: On page 4,  
11 Senator Trunzo moves to discharge, from the  
12 Committee on Rules, Assembly Bill Number 5963A  
13 and substitute it for the identical Senate  
14 Bill Number 1262A, Third Reading Calendar 71.

15 On page 6, Senator Robach moves to  
16 discharge, from the Committee on Rules,  
17 Assembly Bill Number 5984A and substitute it  
18 for the identical Senate Bill Number 3071A,  
19 Third Reading Calendar 216.

20 On page 8, Senator Seward moves to  
21 discharge, from the Committee on Rules,  
22 Assembly Bill Number 9035 and substitute it  
23 for the identical Senate Bill Number 806A,  
24 Third Reading Calendar 307.

25 On page 9, Senator Maziarz moves to

1 discharge, from the Committee on Rules,  
2 Assembly Bill Number 5036A and substitute it  
3 for the identical Senate Bill Number 255A,  
4 Third Reading Calendar 317.

5 On page 9, Senator Fuschillo moves  
6 to discharge, from the Committee on Rules,  
7 Assembly Bill Number 8971 and substitute it  
8 for the identical Senate Bill Number 3555A,  
9 Third Reading Calendar 340.

10 On page 17, Senator Padavan moves  
11 to discharge, from the Committee on Rules,  
12 Assembly Bill Number 6247A and substitute it  
13 for the identical Senate Bill Number 3420A,  
14 Third Reading Calendar 628.

15 On page 18, Senator Young moves to  
16 discharge, from the Committee on Rules,  
17 Assembly Bill Number 7543A and substitute it  
18 for the identical Senate Bill Number 4334A,  
19 Third Reading Calendar 717.

20 On page 21, Senator LaValle moves  
21 to discharge, from the Committee on Rules,  
22 Assembly Bill Number 7778 and substitute it  
23 for the identical Senate Bill Number 4395,  
24 Third Reading Calendar 826.

25 On page 22, Senator Lanza moves to

1 discharge, from the Committee on Rules,  
2 Assembly Bill Number 8329A and substitute it  
3 for the identical Senate Bill Number 4260A,  
4 Third Reading Calendar 837.

5 On page 22, Senator DeFrancisco  
6 moves to discharge, from the Committee on  
7 Rules, Assembly Bill Number 8692C and  
8 substitute it for the identical Senate Bill  
9 Number 4878B, Third Reading Calendar 842.

10 On page 29, Senator DeFrancisco  
11 moves to discharge, from the Committee on  
12 Rules, Assembly Bill Number 7329A and  
13 substitute it for the identical Senate Bill  
14 Number 4877A, Third Reading Calendar 1118.

15 On page 39, Senator Stewart-Cousins  
16 moves to discharge, from the Committee on  
17 Rules, Assembly Bill Number 6964 and  
18 substitute it for the identical Senate Bill  
19 Number 4135, Third Reading Calendar 1409.

20 On page 42, Senator Rath moves to  
21 discharge, from the Committee on Rules,  
22 Assembly Bill Number 7808A and substitute it  
23 for the identical Senate Bill Number 5286A,  
24 Third Reading Calendar 1721.

25 On page 43, Senator Valesky moves

1 to discharge, from the Committee on  
2 Investigations and Government Operations,  
3 Assembly Bill Number 7143 and substitute it  
4 for the identical Senate Bill Number 4318,  
5 Third Reading Calendar 1742.

6 On page 43, Senator Nozzolio moves  
7 to discharge, from the Committee on Rules,  
8 Assembly Bill Number 3397B and substitute it  
9 for the identical Senate Bill Number 705B,  
10 Third Reading Calendar 1770.

11 On page 43, Senator Stavisky moves  
12 to discharge, from the Committee on Codes,  
13 Assembly Bill Number 463 and substitute it for  
14 the identical Senate Bill Number 2663, Third  
15 Reading Calendar 1802.

16 On page 44, Senator Winner moves to  
17 discharge, from the Committee on Rules,  
18 Assembly Bill Number 9145 and substitute it  
19 for the identical Senate Bill Number 6220,  
20 Third Reading Calendar 1889.

21 On page 45, Senator Padavan moves  
22 to discharge, from the Committee on Rules,  
23 Assembly Bill Number 8966A and substitute it  
24 for the identical Senate Bill Number 6209A,  
25 Third Reading Calendar 1924.

1                   On page 48, Senator Maltese moves  
2                   to discharge, from the Committee on Rules,  
3                   Assembly Bill Number 4051A and substitute it  
4                   for the identical Senate Bill Number 298A,  
5                   Third Reading Calendar 2004.

6                   On page 49, Senator Fuschillo moves  
7                   to discharge, from the Committee on Rules,  
8                   Assembly Bill Number 4691A and substitute it  
9                   for the identical Senate Bill Number 3583A,  
10                  Third Reading Calendar 2008.

11                  On page 49, Senator Hannon moves to  
12                  discharge, from the Committee on Rules,  
13                  Assembly Bill Number 7676 and substitute it  
14                  for the identical Senate Bill Number 4518,  
15                  Third Reading Calendar 2013.

16                  On page 49, Senator Golden moves to  
17                  discharge, from the Committee on Rules,  
18                  Assembly Bill Number 5177 and substitute it  
19                  for the identical Senate Bill Number 4531,  
20                  Third Reading Calendar 2014.

21                  On page 50, Senator Alesi moves to  
22                  discharge, from the Committee on Rules,  
23                  Assembly Bill Number 8077 and substitute it  
24                  for the identical Senate Bill Number 5784,  
25                  Third Reading Calendar 2018.

1                   And on page 50, Senator Leibell  
2 moves to discharge, from the Committee on  
3 Rules, Assembly Bill Number 9052 and  
4 substitute it for the identical Senate Bill  
5 Number 6240, Third Reading Calendar 2022.

6                   ACTING PRESIDENT GRIFFO:  
7 Substitutions ordered.

8                   Senator Fuschillo.

9                   SENATOR FUSCHILLO:     Mr.  
10 President, I believe there's a resolution by  
11 Senator Bruno at the desk. At this time may  
12 we please have the title read only.

13                  ACTING PRESIDENT GRIFFO:     The  
14 Secretary will read.

15                  I would ask, again, the chamber to  
16 please come to order.

17                  The Secretary will read.

18                  THE SECRETARY:     By Senators Bruno  
19 and Breslin, Legislative Resolution Number  
20 3072, commending Albany Medical Center upon  
21 the occasion of its designation as recipient  
22 of the 2007 Pinnacle Award for Quality  
23 Improvement by the Healthcare Association of  
24 New York State.

25                  ACTING PRESIDENT GRIFFO:     On the

1 resolution, all in favor signify by saying  
2 aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT GRIFFO:

5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT GRIFFO: The  
8 resolution is adopted.

9 Senator Fuschillo.

10 SENATOR FUSCHILLO: Mr.

11 President, may we please have the  
12 noncontroversial reading of the calendar at  
13 this time.

14 ACTING PRESIDENT GRIFFO: The  
15 Secretary will read.

16 THE SECRETARY: Calendar Number  
17 67, by Senator Volker, Senate Print 1263B, an  
18 act to amend the Penal Law.

19 ACTING PRESIDENT GRIFFO: Read  
20 the last section.

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

24 ACTING PRESIDENT GRIFFO: Call  
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 44.

3 ACTING PRESIDENT GRIFFO: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 71, substituted earlier by Member of the  
7 Assembly Abbate, Assembly Print Number 5963A,  
8 an act to amend the Retirement and Social  
9 Security Law.

10 ACTING PRESIDENT GRIFFO: Read  
11 the last section.

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

14 ACTING PRESIDENT GRIFFO: Call  
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 46.

18 ACTING PRESIDENT GRIFFO: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 82, by Senator Fuschillo, Senate Print 1537A,  
22 an act to amend the Labor Law.

23 ACTING PRESIDENT GRIFFO: Read  
24 the last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect one year after it shall  
2 have become a law.

3 ACTING PRESIDENT GRIFFO: Call  
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 46.

7 ACTING PRESIDENT GRIFFO: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 102, by Senator Maziarz, Senate Print 105A, an  
11 act to amend the General Business Law.

12 ACTING PRESIDENT GRIFFO: Read  
13 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 46.

20 ACTING PRESIDENT GRIFFO: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 216, substituted earlier by Member of the  
24 Assembly Abbate, Assembly Print Number 5984A,  
25 an act to amend the Civil Service Law.

1                   ACTING PRESIDENT GRIFFO:     Read  
2     the last section.

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

5                   ACTING PRESIDENT GRIFFO:     Call  
6     the roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:       Ayes, 46.

9                   ACTING PRESIDENT GRIFFO:     The  
10    bill is passed.

11                  THE SECRETARY:       Calendar Number  
12    277, by Senator Rath, Senate Print 1671, an  
13    act to amend the Tax Law.

14                  ACTING PRESIDENT GRIFFO:     Read  
15    the last section.

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

18                  ACTING PRESIDENT GRIFFO:     Call  
19    the roll.

20                  (The Secretary called the roll.)

21                  THE SECRETARY:       Ayes, 48.

22                  ACTING PRESIDENT GRIFFO:     The  
23    bill is passed.

24                  THE SECRETARY:       Calendar Number  
25    307, substituted earlier by Member of the

1 Assembly Morelle, Assembly Print Number 9035,  
2 an act to amend Chapter 340 of the Laws of  
3 2005 amending the Insurance Law.

4 ACTING PRESIDENT GRIFFO: Read  
5 the last section.

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

8 ACTING PRESIDENT GRIFFO: Call  
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 48.

12 ACTING PRESIDENT GRIFFO: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 317, substituted earlier today by Member of  
16 the Assembly Weisenberg, Assembly Print Number  
17 5036A, an act to amend the Penal Law and the  
18 Agriculture and Markets Law.

19 ACTING PRESIDENT GRIFFO: Read  
20 the last section.

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

24 ACTING PRESIDENT GRIFFO: Call  
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 48.

3 ACTING PRESIDENT GRIFFO: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 340, substituted earlier today by Member of  
7 the Assembly Hevesi, Assembly Print Number  
8 8971, an act to amend the General Business Law  
9 and others.

10 ACTING PRESIDENT GRIFFO: Read  
11 the last section.

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

14 ACTING PRESIDENT GRIFFO: Call  
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 50.

18 ACTING PRESIDENT GRIFFO: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 611, by Senator Larkin, Senate Print 2893, an  
22 act to amend the Tax Law.

23 ACTING PRESIDENT GRIFFO: Read  
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first of April.

2 ACTING PRESIDENT GRIFFO: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 49. Nays,  
6 1. Senator Duane recorded in the negative.

7 ACTING PRESIDENT GRIFFO: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 613, by Senator Larkin, Senate Print 4059A, an  
11 act to amend the Racing, Parimutuel Wagering  
12 and Breeding Law.

13 ACTING PRESIDENT GRIFFO: Read  
14 the last section.

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

17 ACTING PRESIDENT GRIFFO: Call  
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 49. Nays,  
21 1. Senator Duane recorded in the negative.

22 ACTING PRESIDENT GRIFFO: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 628, substituted earlier today by Member of

1 the Assembly Weprin, Assembly Print Number  
2 6247A, an act to amend the General Business  
3 Law.

4 ACTING PRESIDENT GRIFFO: Read  
5 the last section.

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

8 ACTING PRESIDENT GRIFFO: Call  
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 50.

12 ACTING PRESIDENT GRIFFO: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 670, by Senator Saland, Senate Print 3577A, an  
16 act to amend the Education Law.

17 ACTING PRESIDENT GRIFFO: Read  
18 the last section.

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

21 ACTING PRESIDENT GRIFFO: Call  
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 50.

25 ACTING PRESIDENT GRIFFO: The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 717, substituted earlier today by Member of  
4 the Assembly Magee, Assembly Print Number  
5 7543A, an act to amend the Agriculture and  
6 Markets Law.

7 ACTING PRESIDENT GRIFFO: Read  
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call  
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 52.

15 ACTING PRESIDENT GRIFFO: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 738, by Senator C. Kruger, Senate Print 4838A,  
19 an act to amend the Family Court Act and  
20 others.

21 ACTING PRESIDENT GRIFFO: Read  
22 the last section.

23 THE SECRETARY: Section 11. This  
24 act shall take effect on the 90th day.

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 52.

4 ACTING PRESIDENT GRIFFO: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 767, by Senator Padavan, Senate Print 1844, an  
8 act to amend the Vehicle and Traffic Law and  
9 the Administrative Code of the City of  
10 New York.

11 ACTING PRESIDENT GRIFFO: There  
12 is a local fiscal impact note at the desk.

13 Read the last section.

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

16 ACTING PRESIDENT GRIFFO: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 52.

20 ACTING PRESIDENT GRIFFO: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 826, substituted earlier today by Member of  
24 the Assembly Canestrari, Assembly Print Number  
25 7778, an act to amend the Education Law.

1                   ACTING PRESIDENT GRIFFO:     Read  
2     the last section.

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

5                   ACTING PRESIDENT GRIFFO:     Call  
6     the roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:     Ayes, 52.

9                   ACTING PRESIDENT GRIFFO:     The  
10    bill is passed.

11                  THE SECRETARY:     Calendar Number  
12    837, substituted earlier today by Member of  
13    the Assembly Ortiz, Assembly Print Number  
14    8329A, an act to amend the Lien Law.

15                  ACTING PRESIDENT GRIFFO:     Read  
16    the last section.

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

19                  ACTING PRESIDENT GRIFFO:     Call  
20    the roll.

21                  (The Secretary called the roll.)

22                  THE SECRETARY:     Ayes, 52.

23                  ACTING PRESIDENT GRIFFO:     The  
24    bill is passed.

25                  THE SECRETARY:     Calendar Number

1 842, substituted earlier today by Member of  
2 the Assembly Weinstein, Assembly Print Number  
3 8692C, an act to amend the Court of Claims  
4 Act.

5 ACTING PRESIDENT GRIFFO: Read  
6 the last section.

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

9 ACTING PRESIDENT GRIFFO: Call  
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 52.

13 ACTING PRESIDENT GRIFFO: The  
14 bill is passed.

15 THE SECRETARY: Calendar Number  
16 866, by Senator Alesi, Senate Print 961A, an  
17 act to amend the General Business Law.

18 ACTING PRESIDENT GRIFFO: Read  
19 the last section.

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

22 ACTING PRESIDENT GRIFFO: Call  
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 52.

1                   ACTING PRESIDENT GRIFFO:     The  
2 bill is passed.

3                   THE SECRETARY:     Calendar Number  
4 1018, by Senator Seward, Senate Print 3150A,  
5 an act to amend the Tax Law.

6                   ACTING PRESIDENT GRIFFO:     There  
7 is a local fiscal impact note at the desk.

8                   Read the last section.

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

11                   ACTING PRESIDENT GRIFFO:     Call  
12 the roll.

13                   (The Secretary called the roll.)

14                   THE SECRETARY:     Ayes, 53.

15                   ACTING PRESIDENT GRIFFO:     The  
16 bill is passed.

17                   THE SECRETARY:     Calendar Number  
18 1065, by Senator Skelos, Senate Print 4383C,  
19 an act to amend the Penal Law.

20                   ACTING PRESIDENT GRIFFO:     Read  
21 the last section.

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

24                   ACTING PRESIDENT GRIFFO:     Call  
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 53.

3 ACTING PRESIDENT GRIFFO: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 1078, by Senator Seward, Senate Print 4790A,  
7 an act in relation to transportation  
8 contracts.

9 ACTING PRESIDENT GRIFFO: Read  
10 the last section.

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

13 ACTING PRESIDENT GRIFFO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 53.

17 ACTING PRESIDENT GRIFFO: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 1118, substituted earlier today by Member of  
21 the Assembly Weinstein, Assembly Print Number  
22 7329A, an act to amend the Domestic Relations  
23 Law and others.

24 ACTING PRESIDENT GRIFFO: Read  
25 the last section.

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

3 ACTING PRESIDENT GRIFFO: Call  
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 53.

7 ACTING PRESIDENT GRIFFO: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 1200, by Senator Marcellino, Senate Print  
11 4833A, an act to amend the Environmental  
12 Conservation Law.

13 ACTING PRESIDENT GRIFFO: Read  
14 the last section.

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

17 ACTING PRESIDENT GRIFFO: Call  
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 53.

21 ACTING PRESIDENT GRIFFO: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 1250, by Senator Fuschillo, Senate Print  
25 5780A, an act to amend the Penal Law and the

1 Vehicle and Traffic Law.

2 ACTING PRESIDENT GRIFFO: Read  
3 the last section.

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

6 ACTING PRESIDENT GRIFFO: Call  
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 53.

10 ACTING PRESIDENT GRIFFO: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 1276, by Senator Farley, Senate Print 5288B,  
14 an act to authorize the Town of Caroga.

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

17 Read the last section.

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

20 ACTING PRESIDENT GRIFFO: Call  
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 53.

24 ACTING PRESIDENT GRIFFO: The  
25 bill is passed.

1                   THE SECRETARY:     Calendar Number  
2     1279, by Senator Morahan, Senate Print 4475A,  
3     an act to amend the Mental Hygiene Law.

4                   ACTING PRESIDENT GRIFFO:     Read  
5     the last section.

6                   THE SECRETARY:     Section 11. This  
7     act shall take effect immediately.

8                   ACTING PRESIDENT GRIFFO:     Call  
9     the roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:     Ayes, 53.

12                   ACTING PRESIDENT GRIFFO:     The  
13     bill is passed.

14                   THE SECRETARY:     Calendar Number  
15     1326, by Senator C. Kruger, Senate Print  
16     4542A, an act to amend the Family Court Act  
17     and the Criminal Procedure Law.

18                   ACTING PRESIDENT GRIFFO:     Read  
19     the last section.

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

22                   ACTING PRESIDENT GRIFFO:     Call  
23     the roll.

24                   (The Secretary called the roll.)

25                   THE SECRETARY:     Ayes, 53.

1                   ACTING PRESIDENT GRIFFO:        The  
2 bill is passed.

3                   THE SECRETARY:        Calendar Number  
4 1397, by Senator Saland, Senate Print 5752A,  
5 an act to amend the Retirement and Social  
6 Security Law.

7                   ACTING PRESIDENT GRIFFO:        Read  
8 the last section.

9                   THE SECRETARY:        Section 6. This  
10 act shall take effect on the first of  
11 September.

12                   ACTING PRESIDENT GRIFFO:        Call  
13 the roll.

14                   (The Secretary called the roll.)

15                   THE SECRETARY:        Ayes, 53.

16                   ACTING PRESIDENT GRIFFO:        The  
17 bill is passed.

18                   THE SECRETARY:        Calendar Number  
19 1409, substituted earlier today by Member of  
20 the Assembly Pretlow, Assembly Print Number  
21 6964, an act to amend the Tax Law.

22                   ACTING PRESIDENT GRIFFO:        Read  
23 the last section.

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

1                   ACTING PRESIDENT GRIFFO:     Call  
2     the roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:     Ayes, 53.

5                   ACTING PRESIDENT GRIFFO:     The  
6     bill is passed.

7                   THE SECRETARY:     Calendar Number  
8     1485, by Senator Lanza, Senate Print 1325B, an  
9     act to amend the Judiciary Law.

10                  ACTING PRESIDENT GRIFFO:     Read  
11     the last section.

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

14                  ACTING PRESIDENT GRIFFO:     Call  
15     the roll.

16                  (The Secretary called the roll.)

17                  THE SECRETARY:     Ayes, 53.

18                  ACTING PRESIDENT GRIFFO:     The  
19     bill is passed.

20                  THE SECRETARY:     Calendar Number  
21     1488, by Senator Fuschillo, Senate Print  
22     5517A, an act to amend the Penal Law and the  
23     Vehicle and Traffic Law.

24                  ACTING PRESIDENT GRIFFO:     Read  
25     the last section.

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

4 ACTING PRESIDENT GRIFFO: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 53.

8 ACTING PRESIDENT GRIFFO: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 1544, by Senator Young, Senate Print 5995A, an  
12 act to authorize the conveyance of certain  
13 lands.

14 ACTING PRESIDENT GRIFFO: Read  
15 the last section.

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

18 ACTING PRESIDENT GRIFFO: Call  
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 53.

22 ACTING PRESIDENT GRIFFO: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 1565, by Senator Nozzolio, Senate Print 4811A,

1 an act to amend the General Municipal Law.

2 ACTING PRESIDENT GRIFFO: Read  
3 the last section.

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

6 ACTING PRESIDENT GRIFFO: Call  
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 52. Nays,  
10 1. Senator Duane recorded in the negative.

11 ACTING PRESIDENT GRIFFO: The  
12 bill is passed.

13 Senator Morahan.

14 The Secretary will reannounce the  
15 results on 1565.

16 THE SECRETARY: Those recorded in  
17 the negative on Calendar Number 1565 are  
18 Senators Duane and Morahan.

19 Ayes, 51. Nays, 2.

20 ACTING PRESIDENT GRIFFO: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 1569, by Senator Golden, Senate Print 5729A,  
24 an act to amend the Penal Law.

25 SENATOR DUANE: Lay it aside,

1 please.

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

4 THE SECRETARY: Calendar Number  
5 1635, by Senator Nozzolio, Senate Print 5037B,  
6 an act to amend the Penal Law.

7 ACTING PRESIDENT GRIFFO: Read  
8 the last section.

9 THE SECRETARY: Section 7. This  
10 act shall take effect on the first of  
11 November.

12 ACTING PRESIDENT GRIFFO: Call  
13 the roll.

14 (The Secretary called the roll.)

15 SENATOR MORAHAN: Mr. President.

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

18 SENATOR MORAHAN: Which calendar  
19 number are we on?

20 ACTING PRESIDENT GRIFFO: We are  
21 currently on 1635. The sponsor is Senator  
22 Nozzolio.

23 SENATOR MORAHAN: Mr. President.

24 ACTING PRESIDENT GRIFFO: Senator  
25 Morahan.

1                   SENATOR MORAHAN:       On 1565 I voted  
2                   no, I believe. I'm sorry, is it 1565?

3                   ACTING PRESIDENT GRIFFO:       On 1565  
4                   you were cast in the negative, Senator  
5                   Morahan.

6                   SENATOR MORAHAN:       Can that be  
7                   corrected?

8                   ACTING PRESIDENT GRIFFO:  
9                   Senator, the rules of the house would not  
10                  provide for that.

11                  SENATOR MORAHAN:       Thank you.

12                  ACTING PRESIDENT GRIFFO:       Thank  
13                  you, Senator Morahan.

14                  THE SECRETARY:       Those recorded in  
15                  the negative on Calendar Number 1635 are  
16                  Senators Duane, Gonzalez, Hassell-Thompson,  
17                  L. Krueger, LaValle, Montgomery, Morahan,  
18                  Parker, Sabini and Serrano. Also Senator  
19                  Perkins.

20                  Ayes, 43. Nays, 11.

21                  ACTING PRESIDENT GRIFFO:       The  
22                  bill is passed.

23                  THE SECRETARY:       Calendar Number  
24                  1673, by Senator Stachowski, Senate Print  
25                  5746B, an act to authorize the Town of

1 Cheektowaga.

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

4 Read the last section.

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

7 ACTING PRESIDENT GRIFFO: Call  
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 56.

11 ACTING PRESIDENT GRIFFO: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 1685, by Senator Volker, Senate Print 6081A,  
15 an act to authorize the transfer of certain  
16 funds.

17 ACTING PRESIDENT GRIFFO: Read  
18 the last section.

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

21 ACTING PRESIDENT GRIFFO: Call  
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 56.

25 ACTING PRESIDENT GRIFFO: The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 1697, by Senator Nozzolio, Senate Print 5012A,  
4 an act to amend the Penal Law.

5 ACTING PRESIDENT GRIFFO: Read  
6 the last section.

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

10 ACTING PRESIDENT GRIFFO: Call  
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 56.

14 ACTING PRESIDENT GRIFFO: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 1719, by Senator Lanza, Senate Print 4922A, an  
18 act to amend the Vehicle and Traffic Law.

19 ACTING PRESIDENT GRIFFO: Read  
20 the last section.

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

23 ACTING PRESIDENT GRIFFO: Call  
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 56.

2 ACTING PRESIDENT GRIFFO: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 1721, substituted earlier today by Member of  
6 the Assembly Hayes, Assembly Print Number  
7 7808A, an act to amend the Real Property Tax  
8 Law.

9 ACTING PRESIDENT GRIFFO: Read  
10 the last section.

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

13 ACTING PRESIDENT GRIFFO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 56.

17 ACTING PRESIDENT GRIFFO: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 1725, by Senator Saland, Senate Print 5672A,  
21 an act to amend the Education Law.

22 ACTING PRESIDENT GRIFFO: Read  
23 the last section.

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

1                   ACTING PRESIDENT GRIFFO:     Call  
2     the roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:     Ayes, 56.

5                   ACTING PRESIDENT GRIFFO:     The  
6     bill is passed.

7                   THE SECRETARY:     Calendar Number  
8     1727, by Senator Lanza, Senate Print 5973B, an  
9     act to amend the Education Law.

10                  ACTING PRESIDENT GRIFFO:     Read  
11     the last section.

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

14                  ACTING PRESIDENT GRIFFO:     Call  
15     the roll.

16                  (The Secretary called the roll.)

17                  THE SECRETARY:     Ayes, 56.

18                  ACTING PRESIDENT GRIFFO:     The  
19     bill is passed.

20                  THE SECRETARY:     Calendar Number  
21     1742, substituted earlier today by Member of  
22     the Assembly Magee, Assembly Print Number  
23     7143, an act to amend the Tax Law.

24                  ACTING PRESIDENT GRIFFO:     Read  
25     the last section.

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

3 ACTING PRESIDENT GRIFFO: Call  
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 56.

7 ACTING PRESIDENT GRIFFO: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 1770, substituted earlier today by Member of  
11 the Assembly Aubry, Assembly Print Number  
12 3397B, an act to amend the Correction Law.

13 ACTING PRESIDENT GRIFFO: Read  
14 the last section.

15 THE SECRETARY: Section 2. This  
16 act shall take effect April 1, 2008.

17 ACTING PRESIDENT GRIFFO: Call  
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 56.

21 ACTING PRESIDENT GRIFFO: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 1802, substituted earlier today by Member of  
25 the Assembly Dinowitz, Assembly Print Number

1 463, an act to amend the Penal Law and the  
2 Correction Law.

3 ACTING PRESIDENT GRIFFO: Read  
4 the last section.

5 THE SECRETARY: Section 5. This  
6 act shall take effect on the 90th day.

7 ACTING PRESIDENT GRIFFO: Call  
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 57.

11 ACTING PRESIDENT GRIFFO: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 1808, by Senator Marcellino, Senate Print  
15 5427A, an act to amend the Environmental  
16 Conservation Law.

17 ACTING PRESIDENT GRIFFO: Read  
18 the last section.

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

21 ACTING PRESIDENT GRIFFO: Call  
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 57.

25 ACTING PRESIDENT GRIFFO: The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 1825, by Senator Golden, Senate Print 6112A,  
4 an act to amend the Retirement and Social  
5 Security Law.

6 ACTING PRESIDENT GRIFFO: Read  
7 the last section.

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

10 ACTING PRESIDENT GRIFFO: Call  
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 57.

14 ACTING PRESIDENT GRIFFO: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 1834, by Senator Alesi, Senate Print 272, an  
18 act to amend the Social Services Law.

19 ACTING PRESIDENT GRIFFO: Read  
20 the last section.

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

24 ACTING PRESIDENT GRIFFO: Call  
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT GRIFFO: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 1844, by Senator Wright, Senate Print 4261A,  
7 an act to amend Chapter 519 of the Laws of  
8 1999.

9 ACTING PRESIDENT GRIFFO: Read  
10 the last section.

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

13 ACTING PRESIDENT GRIFFO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 57.

17 ACTING PRESIDENT GRIFFO: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 1845, by Senator Young, Senate Print 4333A, an  
21 act to amend the Agriculture and Markets Law.

22 ACTING PRESIDENT GRIFFO: Read  
23 the last section.

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

1                   ACTING PRESIDENT GRIFFO:     Call  
2     the roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:     Ayes, 57.

5                   ACTING PRESIDENT GRIFFO:     The  
6     bill is passed.

7                   THE SECRETARY:     Calendar Number  
8     1880, by Senator Seward, Senate Print 6164, an  
9     act to amend the Education Law.

10                  ACTING PRESIDENT GRIFFO:     Read  
11     the last section.

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

14                  ACTING PRESIDENT GRIFFO:     Call  
15     the roll.

16                  (The Secretary called the roll.)

17                  SENATOR FUSCHILLO:     Mr.  
18     President, lay the bill aside for the day,  
19     please.

20                  ACTING PRESIDENT GRIFFO:     The  
21     bill is laid aside for the day.

22                  THE SECRETARY:     Calendar Number  
23     1882, by Senator Wright, Senate Print 6176A,  
24     an act to amend the General Business Law.

25                  ACTING PRESIDENT GRIFFO:     Read

1 the last section.

2 SENATOR DUANE: Lay it aside,  
3 please.

4 ACTING PRESIDENT GRIFFO: Lay it  
5 aside.

6 THE SECRETARY: Calendar Number  
7 1889, substituted earlier today by Member of  
8 the Assembly Schimminger, Assembly Print  
9 Number 9145, an act to amend Chapter 192 of  
10 the Laws of 2003.

11 ACTING PRESIDENT GRIFFO: Read  
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call  
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 57.

19 ACTING PRESIDENT GRIFFO: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 1890, by Senator Volker, Senate Print 6221, an  
23 act to amend the Alcoholic Beverage Control  
24 Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 57.

8 ACTING PRESIDENT GRIFFO: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 1904, by Senator Volker, Senate Print 3175A,  
12 an act to amend the Social Services Law and  
13 the Family Court Act.

14 ACTING PRESIDENT GRIFFO: Read  
15 the last section.

16 THE SECRETARY: Section 5. This  
17 act shall take effect January 1, 2009.

18 ACTING PRESIDENT GRIFFO: Call  
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 57.

22 ACTING PRESIDENT GRIFFO: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 1914, by the Senate --

1                   SENATOR FUSCHILLO:     Lay it aside  
2 temporarily.

3                   ACTING PRESIDENT GRIFFO:     The  
4 bill is laid aside temporarily.

5                   THE SECRETARY:     Calendar Number  
6 1920, by Senator Leibell, Senate Print 6156A,  
7 an act to amend the Retirement and Social  
8 Security Law.

9                   ACTING PRESIDENT GRIFFO:     Read  
10 the last section.

11                  THE SECRETARY:     Section 5. This  
12 act shall take effect on the first of January.

13                  ACTING PRESIDENT GRIFFO:     Call  
14 the roll.

15                  (The Secretary called the roll.)

16                  THE SECRETARY:     Ayes, 57.

17                  ACTING PRESIDENT GRIFFO:     The  
18 bill is passed.

19                  THE SECRETARY:     Calendar Number  
20 1924, substituted earlier today by Member of  
21 the Assembly Rosenthal, Assembly Print Number  
22 8966A, an act to amend the General Business  
23 Law.

24                  ACTING PRESIDENT GRIFFO:     Read  
25 the last section.

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

3 ACTING PRESIDENT GRIFFO: Call  
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 57.

7 ACTING PRESIDENT GRIFFO: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 1952, by Senator Leibell, Senate Print 6310,  
11 an act to amend the Domestic Relations Law.

12 ACTING PRESIDENT GRIFFO: Read  
13 the last section.

14 THE SECRETARY: Section 2. This  
15 act shall take effect on the same date as a  
16 chapter of the Laws of 2007.

17 ACTING PRESIDENT GRIFFO: Call  
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 58.

21 ACTING PRESIDENT GRIFFO: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 1953, by Senator Skelos, Senate Print 6321, an  
25 act to amend the Arts and Cultural Affairs

1 Law.

2 ACTING PRESIDENT GRIFFO: Read  
3 the last section.

4 THE SECRETARY: Section 13. This  
5 act shall take effect immediately.

6 ACTING PRESIDENT GRIFFO: Call  
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 58.

10 ACTING PRESIDENT GRIFFO: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 1954, by the Senate Committee on Rules, Senate  
14 Print 6322, an act authorizing Victor T. Greco  
15 to file.

16 ACTING PRESIDENT GRIFFO: Read  
17 the last section.

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

20 ACTING PRESIDENT GRIFFO: Call  
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT GRIFFO: The  
25 bill is passed.

1                   THE SECRETARY:     Calendar Number  
2     1955, by Senator Griffo, Senate Print 6324, an  
3     act to amend the Civil Service Law.

4                   ACTING PRESIDENT GRIFFO:     Read  
5     the last section.

6                   THE SECRETARY:     Section 24. This  
7     act shall take effect immediately.

8                   ACTING PRESIDENT GRIFFO:     Call  
9     the roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:     Ayes, 58.

12                   ACTING PRESIDENT GRIFFO:     The  
13     bill is passed.

14                   THE SECRETARY:     Calendar Number  
15     1956, by Senator DeFrancisco, Senate Print  
16     6358, an act to amend the State Finance Law.

17                   ACTING PRESIDENT GRIFFO:     Read  
18     the last section.

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

21                   ACTING PRESIDENT GRIFFO:     Call  
22     the roll.

23                   (The Secretary called the roll.)

24                   ACTING PRESIDENT GRIFFO:     Senator  
25     DeFrancisco, to explain his vote.

1                   SENATOR DeFRANCISCO:     Yes, I just  
2     want to explain this bill.

3                   Several years ago there was a  
4     change in the process for providing  
5     information to the general public about how  
6     expenditures were done in the State  
7     Legislature.  And the whole concept was that  
8     we should be open, an open government that  
9     provides information to the public, freely  
10    accessible to them.

11                  This opens that same government in  
12    different branches, however, providing the  
13    same requirements of the judiciary branch of  
14    government as well as the executive branch,  
15    its agencies and authorities.

16                  So this is another good bill for  
17    open and good government that I'm happy to  
18    vote yes for today.

19                  ACTING PRESIDENT GRIFFO:     Senator  
20    DeFrancisco to be recorded in the affirmative.

21                  Announce the results.

22                  THE SECRETARY:     Ayes, 58.

23                  ACTING PRESIDENT GRIFFO:     The  
24    bill is passed.

25                  THE SECRETARY:     Calendar Number

1 1959, by Senator Nozzolio, Senate Print 703C,  
2 an act to amend the Penal Law.

3 ACTING PRESIDENT GRIFFO: Read  
4 the last section.

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

8 ACTING PRESIDENT GRIFFO: Call  
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT GRIFFO: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 1962, by Senator O. Johnson, Senate Print  
16 2138A, an act to amend the Retirement and  
17 Social Security Law and the Military Law.

18 ACTING PRESIDENT GRIFFO: Read  
19 the last section.

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

22 ACTING PRESIDENT GRIFFO: Call  
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 58.

1                   ACTING PRESIDENT GRIFFO:     The  
2     bill is passed.

3                   THE SECRETARY:     Calendar Number  
4     1970, by Senator Farley, Senate Print 4392B,  
5     an act to amend the Banking Law.

6                   ACTING PRESIDENT GRIFFO:     Read  
7     the last section.

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

10                  ACTING PRESIDENT GRIFFO:     Call  
11     the roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:     Ayes, 58.

14                  ACTING PRESIDENT GRIFFO:     The  
15     bill is passed.

16                  THE SECRETARY:     Calendar Number  
17     1974, by Senator C. Kruger, Senate Print  
18     5142A, an act to amend the Family Court Act  
19     and the Social Services Law.

20                  ACTING PRESIDENT GRIFFO:     Read  
21     the last section.

22                  THE SECRETARY:     Section 17. This  
23     act shall take effect on the 90th day.

24                  ACTING PRESIDENT GRIFFO:     Call  
25     the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT GRIFFO: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 1976, by Senator Farley, Senate Print 5618A,  
7 an act to amend the Banking Law.

8 ACTING PRESIDENT GRIFFO: Read  
9 the last section.

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

12 ACTING PRESIDENT GRIFFO: Call  
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 58.

16 ACTING PRESIDENT GRIFFO: The  
17 bill is passed.

18 THE SECRETARY: Calendar Number  
19 1980, by Senator Nozzolio, Senate Print 6066A,  
20 an act to amend the General Municipal Law.

21 ACTING PRESIDENT GRIFFO: Read  
22 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 58.

4 ACTING PRESIDENT GRIFFO: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 1985, by Senator Libous, Senate Print 6254A,  
8 an act to amend the Vehicle and Traffic Law.

9 ACTING PRESIDENT GRIFFO: Read  
10 the last section.

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

13 ACTING PRESIDENT GRIFFO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 58.

17 ACTING PRESIDENT GRIFFO: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 1993, by Senator Nozzolio, Senate Print 6313,  
21 an act to amend the Correction Law.

22 ACTING PRESIDENT GRIFFO: Read  
23 the last section.

24 THE SECRETARY: Section 2. This  
25 act shall take effect on the same date and in

1 the same manner as a chapter of the Laws of  
2 2007.

3 ACTING PRESIDENT GRIFFO: Call  
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 58.

7 ACTING PRESIDENT GRIFFO: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 1994, by Senator Maziarz, Senate Print 6328,  
11 an act to amend Part B of Chapter 57 of the  
12 Laws of 2007.

13 ACTING PRESIDENT GRIFFO: Read  
14 the last section.

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

17 ACTING PRESIDENT GRIFFO: Call  
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 58.

21 ACTING PRESIDENT GRIFFO: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 1995, by the Senate Committee on Rules, Senate  
25 Print 6329, an act to authorize the Town of

1 Malta.

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

4 Read the last section.

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

7 ACTING PRESIDENT GRIFFO: Call  
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT GRIFFO: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 1996, by Senator Larkin, Senate Print 6332, an  
15 act to amend the Penal Law.

16 ACTING PRESIDENT GRIFFO: Read  
17 the last section.

18 THE SECRETARY: Section 2. This  
19 act shall take effect on the 11th of November.

20 ACTING PRESIDENT GRIFFO: Call  
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT GRIFFO: The  
25 bill is passed.

1 THE SECRETARY: Calendar Number  
2 1997, by Senator Fuschillo --

3 SENATOR FUSCHILLO: Lay the bill  
4 aside temporarily.

5 ACTING PRESIDENT GRIFFO: The  
6 bill is laid aside temporarily.

7 THE SECRETARY: Calendar Number  
8 1998, by Senator Fuschillo, Senate Print 6345,  
9 an act to amend Chapter 33 of the Laws of 2002  
10 relating to authorizing.

11 ACTING PRESIDENT GRIFFO: Read  
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call  
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT GRIFFO:  
19 Senator Hassell-Thompson, to explain her vote.

20 SENATOR HASSELL-THOMPSON: Yeah,  
21 thank you, Mr. President.

22 Five years ago Senator Fuschillo  
23 brought before this body a proposal for the  
24 state to take over Roosevelt School District  
25 because of the seriousness of the problems

1           that existed there.

2                       I voted against the bill, and I  
3 spoke on this floor as to my reasons why I did  
4 not believe that letting the state take over  
5 the administration of this district was going  
6 to be in best interests of children and that  
7 district.

8                       In conversations with Senator  
9 Fuschillo when this bill came back to the  
10 floor, we have shared the fact that many of my  
11 concerns have in fact been realized.

12                      I'm going to support this bill,  
13 however, because I recognize that Roosevelt  
14 has recognized the mistakes that it made and  
15 that the state cannot be allowed to, by  
16 itself, be responsible for the administration  
17 of our districts because of the way in which  
18 they don't have the enforcement power and they  
19 don't exercise the monitoring power that's  
20 necessary to ensure that the number-one  
21 criterion is that our children are learning.

22                      They have taken remedial remedies  
23 to correct many of the problems that exist.  
24 And I would like to hope, Senator Fuschillo,  
25 that your commitment that you made to me in

1 support of this bill and to the children of  
2 the Roosevelt district are very real. Because  
3 we are responding and have spent an inordinate  
4 amount of money attempting to educate our  
5 children, and we're allowing administrations  
6 to squander that money and not be able to give  
7 us the kind of results that are important to  
8 the children of the State of New York.

9 So I do support this bill, and I do  
10 support your efforts. And thank you for your  
11 commitment to make sure that the children of  
12 Roosevelt get a better shake this time.

13 Thank you.

14 ACTING PRESIDENT GRIFFO: Senator  
15 Hassell-Thompson will be recorded in the  
16 affirmative.

17 Senator Fuschillo.

18 SENATOR FUSCHILLO: Let me first  
19 thank Senator Hassell-Thompson for her  
20 support. She's right, Mr. President.

21 ACTING PRESIDENT GRIFFO: Can we  
22 have some order, please.

23 SENATOR FUSCHILLO: She's right.  
24 The Commissioner of Education failed in his  
25 responsibility and his oversight of the

1 Roosevelt School District. I've called for  
2 his resignation. And I hope upon his  
3 successful return to his office that the Board  
4 of Regents has a discussion with him and it's  
5 time for him to leave as the Commissioner of  
6 Education of the State of New York.

7 The superintendent that the  
8 commissioner put in failed the school as well,  
9 and I called for his resignation as well. And  
10 effective June 30th of this year, he's gone.

11 And those are steps in the right  
12 direction. But what I face right now is  
13 bankruptcy in the school district or taking  
14 care of 3100 kids that deserve a quality  
15 education. I go with the kids. And that's  
16 what this bill does.

17 One of the measures that we add as  
18 additional oversight is we bring in the State  
19 Comptroller, Comptroller Tom DiNapoli, to be  
20 part of the fiscal oversight of the school  
21 district. And as I explained to Senator  
22 Hassell-Thompson in our discussion, there's a  
23 real-time order. And that's the first time in  
24 any school district where the Comptroller will  
25 be involved on a daily basis.

1                   It's a difficult decision. It was  
2                   five years ago; it's a difficult decision  
3                   right now. But I'm not going to give up on  
4                   the school district. I'm not going to let  
5                   these kids, another generation, go through the  
6                   high school district of Roosevelt Union Free  
7                   School District and fail.

8                   Has it met with the acceptance of  
9                   everybody in the community? No, it's not.  
10                  Because they feel, as I feel, since the  
11                  Education Department took over this school  
12                  district, they failed, they should be burdened  
13                  with the responsibility of taking it back and  
14                  putting back the finances.

15                  And the bill that I laid aside  
16                  previously was introduced by my colleague in  
17                  the Assembly, Assemblywoman Hooper, that would  
18                  take the money out of the Education  
19                  Department. But because of the Silver lawsuit  
20                  many years ago, and the Court of Appeals made  
21                  a decision, we can't do that. The Department  
22                  of Budget has ruled that that's  
23                  unconstitutional.

24                  So I have to do what as a  
25                  legislator I feel is the responsible thing to

1 do, advance the payments to the school  
2 district, give it greater oversight if the  
3 Comptroller's office is doing it, and don't  
4 allow it to go bankrupt but support the  
5 children, the 3,100 children that are part of  
6 that school district.

7 I'll be voting in the affirmative.  
8 Thank you, Mr. President.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Fuschillo will be recorded in the affirmative.

11 Senator LaValle, to explain his  
12 vote.

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

15 I rise to support Senator  
16 Fuschillo, who has done a yeoman's job. And  
17 his commitment has been unwavering to the  
18 children in that community. And it's great to  
19 hear a legislator get up and tell everyone  
20 over and over again that his sole focus is the  
21 children and the fact that they have all the  
22 opportunities to get an education so they can  
23 be all that they can be.

24 In this case it's the adults that  
25 really have failed the children. Senator

1 Fuschillo talked about the commissioner and  
2 the Board of Regents, who oversees the school  
3 districts and the operation of the State  
4 Education Department. That should not have  
5 happened.

6 But also we need to do a better job  
7 in ensuring that there is greater disclosure,  
8 greater transparency in what goes on in our  
9 school districts. Because ultimately the  
10 greatest protection of the people in that  
11 community, if they have the right information,  
12 they are armed with the facts, they will be  
13 engaged and make sure that what happened with  
14 poor administrative work at the local level  
15 and not proper oversight at the State  
16 Education Department level would never happen.

17 Senator Fuschillo, the children of  
18 that district are appreciative for what you  
19 have done. And I vote in the affirmative,  
20 Mr. President.

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

23 Senator Marcellino, to explain his  
24 vote.

25 SENATOR MARCELLINO: Thank you,

1 Mr. President.

2 I also rise to congratulate my  
3 colleague Senator Fuschillo for taking on a  
4 task that is really very difficult. He's  
5 walking a political tightrope, treading a line  
6 between all kinds of factions -- within the  
7 community, outside the community, State Ed,  
8 Board of Regents.

9 Senator LaValle just said it; he's  
10 absolutely correct. The adults have failed  
11 the children of the Roosevelt School District.  
12 State Ed has been responsible for the  
13 governance of that district, and they have  
14 failed miserably in their efforts.

15 They have to go back into that  
16 district and take another hard look, work with  
17 the community, work with the superintendent  
18 that is there now, and work with Senator  
19 Fuschillo and the other elected officials who  
20 want to do the right thing.

21 There are 3100 good reasons for us  
22 to not lose sight of what's going on in that  
23 school district, and that's the children who  
24 deserve a quality education. That is one of  
25 our paramount responsibilities.

1                   State Ed has failed miserably, and  
2                   the Board of Regents has to step in and make  
3                   sure that that failure is not continued and is  
4                   not allowed to happen again in any other  
5                   school district in this state.

6                   It is about time the Regents of  
7                   this state took their job seriously. It is  
8                   not just a ceremonial position. It is not  
9                   just a title. They have a responsibility to  
10                  the children. They are the state school  
11                  board. They have to start acting like a  
12                  school district, they have to start acting  
13                  like responsible parents and take on that job.  
14                  It's not always easy, and it's not always  
15                  pleasant. But they owe it to those children,  
16                  they owe it to the children of the State of  
17                  New York.

18                  I intend to vote aye on this bill,  
19                  Mr. President. And again, I congratulate my  
20                  colleague Senator Fuschillo.

21                  ACTING PRESIDENT GRIFFO:        Senator  
22                  Marcellino will be recorded in the  
23                  affirmative.

24                  Senator Saland.

25                  SENATOR SALAND:        Thank you,

1 Mr. President.

2 Mr. President, I rise to commend  
3 Senator Fuschillo. Over the course of the  
4 five years that I've served as the chair of  
5 the Senate Education Committee, time and again  
6 he has engaged me on the issue of Roosevelt  
7 and the problems of the Roosevelt School  
8 District.

9 He's approached this issue with  
10 great energy, with tenacity, and always with  
11 the best of good faith, with but one purpose  
12 in mind: how is it that he could best serve  
13 the educational well-being of the students of  
14 that district.

15 I can tell you that on each and  
16 every occasion when I've engaged the  
17 Commissioner of Education on the issue of  
18 Roosevelt, I have left him with but one  
19 concluding message. Unless Senator Fuschillo  
20 is part and parcel of resolving this issue,  
21 unless he, who is really on the ground where  
22 this issue is percolating, is satisfied that  
23 it's in the best interests and the needs of  
24 the students of that district, there is little  
25 or nothing that I would do that would in any

1 way, shape or form not be in lockstep with  
2 Senator Fuschillo.

3 I commend him for his constant and  
4 ongoing commitment. He has truly been  
5 absolutely extraordinary in his willingness to  
6 do battle not only on the home front, but here  
7 in Albany, on behalf of 3,000-plus young  
8 people whose education is imperiled because of  
9 things well beyond their ability to control.

10 I vote in the affirmative and again  
11 would commend Senator Fuschillo to absolutely  
12 any end for what he has done to date. And I'm  
13 sure when this finally does resolve, he will  
14 get the credit universally that he well  
15 deserves.

16 Thank you.

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

19 Announce the results.

20 THE SECRETARY: Ayes, 58. Nays  
21 0.

22 ACTING PRESIDENT GRIFFO: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 2000, by Senator Lanza, Senate Print 6352, an

1 act to amend the Correction Law and the  
2 Criminal Procedure Law.

3 ACTING PRESIDENT GRIFFO: Read  
4 the last section.

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

7 ACTING PRESIDENT GRIFFO: Call  
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT GRIFFO: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 2001, by Senator Lanza, Senate Print 6355, an  
15 act to amend the Civil Practice Law and Rules.

16 ACTING PRESIDENT GRIFFO: Read  
17 the last section.

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

20 ACTING PRESIDENT GRIFFO: Call  
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT GRIFFO: The  
25 bill is passed.

1 THE SECRETARY: Calendar Number  
2 2004, substituted earlier today by Member of  
3 the Assembly J. Rivera, Assembly Print Number  
4 4051A, an act to amend the Public Health Law.

5 ACTING PRESIDENT GRIFFO: Read  
6 the last section.

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

9 ACTING PRESIDENT GRIFFO: Call  
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT GRIFFO: Senator  
13 C. Johnson, to explain his vote.

14 SENATOR CRAIG JOHNSON: Thank you  
15 very much, Mr. President.

16 I rise and I will be voting in the  
17 affirmative on this measure. I first want to  
18 thank and congratulate Senator Maltese for  
19 sponsoring this initiative, and his leadership  
20 on this issue.

21 What we have before us today is a  
22 bill that's going to address a growing problem  
23 in New York State, and that's helping kids  
24 deal with food allergies and food allergy  
25 problems that we see in our schools. It's a

1       problem that, as a member of the Nassau County  
2       Legislature, I worked with a number of these  
3       groups to help push Nassau County to establish  
4       guidelines for the school districts.

5               And I'm happy to support this  
6       initiative here in the Senate and see the  
7       Assembly pass it. That's going to address it  
8       on a statewide basis.

9               I want to congratulate the advocate  
10       groups that have been pushing this -- the Food  
11       Allergy Initiative and the Allergy and  
12       Anaphylactic Network -- for their tireless  
13       efforts in pushing this bill.

14              And I want to congratulate two of  
15       my younger constituents, Maya Konoff and Tyler  
16       Bromberg, two young children, elementary  
17       schoolchildren, who have been tireless  
18       advocates not only up here in New York State  
19       but in Washington, D.C., to bring to light the  
20       problems they face in having food allergies  
21       and dealing with the issues in school.

22              So again, I want to congratulate  
23       Senator Maltese on the passage of this bill,  
24       and for his leadership. Thank you very much,  
25       and I will be voting yes.

1                   ACTING PRESIDENT GRIFFO:     Senator  
2     Craig Johnson will be recorded in the  
3     affirmative.

4                   Announce the results.

5                   THE SECRETARY:     Ayes, 58.

6                   ACTING PRESIDENT GRIFFO:     The  
7     bill is passed.

8                   THE SECRETARY:     Calendar Number  
9     2006, by Senator O. Johnson, Senate Print --

10                  SENATOR DUANE:     Lay it aside,  
11     please.

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

14                  THE SECRETARY:     Calendar Number  
15     2007, by Senator Fuschillo, Senate Print  
16     1533A, an act to amend the Penal Law.

17                  ACTING PRESIDENT GRIFFO:     Read  
18     the last section.

19                  THE SECRETARY:     Section 6. This  
20     act shall take effect on the first of  
21     November.

22                  ACTING PRESIDENT GRIFFO:     Call  
23     the roll.

24                  (The Secretary called the roll.)

25                  THE SECRETARY:     Those recorded in

1 the negative on Calendar Number 2007 are  
2 Senators Adams, Gonzalez, Hassell-Thompson,  
3 Montgomery and Thompson.

4 Ayes, 53. Nays, 5.

5 ACTING PRESIDENT GRIFFO: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 2008, substituted earlier today by Member of  
9 the Assembly Paulin, Assembly Print Number  
10 4691A, an act to amend the Vehicle and Traffic  
11 Law.

12 ACTING PRESIDENT GRIFFO: Read  
13 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 58.

20 ACTING PRESIDENT GRIFFO: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 2012, by Senator Flanagan, Senate Print 4398A,  
24 an act to amend the Penal Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

5 ACTING PRESIDENT GRIFFO: Call  
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 58.

9 ACTING PRESIDENT GRIFFO: The  
10 bill is passed.

11 THE SECRETARY: Calendar Number  
12 2013, substituted earlier today by Member of  
13 the Assembly Gottfried, Assembly Print Number  
14 7676, an act to repeal subdivision 3 of  
15 Section 4012-b.

16 ACTING PRESIDENT GRIFFO: Read  
17 the last section.

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

20 ACTING PRESIDENT GRIFFO: Call  
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT GRIFFO: The  
25 bill is passed.

1 THE SECRETARY: Calendar Number  
2 2014, substituted earlier today by Member of  
3 the Assembly Perry, Assembly Print Number  
4 5177, an act to amend the Public Authorities  
5 Law.

6 ACTING PRESIDENT GRIFFO: Read  
7 the last section.

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

10 ACTING PRESIDENT GRIFFO: Call  
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 58.

14 ACTING PRESIDENT GRIFFO: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 2015, by Senator Leibell, Senate Print 4699,  
18 an act to amend the Alcoholic Beverage Control  
19 Law and the Vehicle and Traffic Law.

20 ACTING PRESIDENT GRIFFO: Read  
21 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 59.

4 ACTING PRESIDENT GRIFFO: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 2016, by Senator Little, Senate Print 5369, an  
8 act to amend the Public Health Law.

9 ACTING PRESIDENT GRIFFO: Read  
10 the last section.

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

13 ACTING PRESIDENT GRIFFO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT GRIFFO: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 2018, substituted earlier today by Member of  
21 the Assembly Koon, Assembly Print Number 8077,  
22 an act to amend the Environmental Conservation  
23 Law.

24 ACTING PRESIDENT GRIFFO: Read  
25 the last section.

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

3 ACTING PRESIDENT GRIFFO: Call  
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 59.

7 ACTING PRESIDENT GRIFFO: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 2019, by Senator Hannon, Senate Print 5875A,  
11 an act to amend the Social Services Law.

12 ACTING PRESIDENT GRIFFO: Read  
13 the last section.

14 THE SECRETARY: Section 3. This  
15 act shall take effect April 1, 2008.

16 ACTING PRESIDENT GRIFFO: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 59.

20 ACTING PRESIDENT GRIFFO: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 2020, by Senator Griffo, Senate Print 6076, an  
24 act to amend the Tax Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT GRIFFO: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 2021, by the Senate Committee on Rules, Senate  
12 Print 6159A, an act to amend the Public Health  
13 Law.

14 ACTING PRESIDENT GRIFFO: Read  
15 the last section.

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

18 ACTING PRESIDENT GRIFFO: Call  
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 59.

22 ACTING PRESIDENT GRIFFO: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 2022, substituted earlier today by Member of

1 the Assembly Brodsky, Assembly Print Number  
2 9052, an act to amend the Labor Law.

3 ACTING PRESIDENT GRIFFO: Read  
4 the last section.

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

7 ACTING PRESIDENT GRIFFO: Call  
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 59.

11 ACTING PRESIDENT GRIFFO: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 2024, by Senator Bonacic --

15 SENATOR DUANE: Lay it aside,  
16 please.

17 ACTING PRESIDENT GRIFFO: The  
18 bill is laid aside.

19 THE SECRETARY: Calendar Number  
20 2025, by the Senate Committee on Rules, Senate  
21 Print 6340, an act to amend the Tax Law.

22 ACTING PRESIDENT GRIFFO: Read  
23 the last section.

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

1                   ACTING PRESIDENT GRIFFO:     Call  
2     the roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:     Ayes, 59.

5                   ACTING PRESIDENT GRIFFO:     The  
6     bill is passed.

7                   THE SECRETARY:     Calendar Number  
8     2026, by Senator Maziarz, Senate Print --

9                   SENATOR SKELOS:     Lay it aside,  
10    please.

11                  ACTING PRESIDENT GRIFFO:     The  
12    bill is laid aside.

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

15                  SENATOR SKELOS:     I believe  
16    there's a motion that Senator Little has.

17                  ACTING PRESIDENT GRIFFO:     Senator  
18    Little, for purposes of a motion.

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

21                  I wish to call up my bill, Print  
22    Number 1052, recalled from the Assembly, which  
23    is now at the desk.

24                  ACTING PRESIDENT GRIFFO:     The  
25    Secretary will read.

1 THE SECRETARY: Calendar Number  
2 620, by Senator Little, Senate Print 1052, an  
3 act to establish.

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

7 ACTING PRESIDENT GRIFFO: Call  
8 the roll on reconsideration.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 59.

11 SENATOR LITTLE: Thank you.

12 Mr. President, I now offer the following  
13 amendments.

14 ACTING PRESIDENT GRIFFO: The  
15 amendments are received.

16 Senator Skelos.

17 SENATOR SKELOS: Mr. President,  
18 if we could go to the controversial reading of  
19 the calendar at this time.

20 ACTING PRESIDENT GRIFFO: The  
21 Secretary will ring the bells.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number  
24 1569, by Senator Golden, Senate Print 5729A,  
25 an act to amend the Penal Law.

1                   SENATOR MONTGOMERY:     Explanation.

2                   ACTING PRESIDENT GRIFFO:     Senator  
3 Golden, for an explanation.

4                   SENATOR GOLDEN:     Thank you,  
5 Mr. President.

6                   This bill was before us two weeks  
7 ago, and we've amended the bill, and the bill  
8 is back before us. This bill adds a new  
9 section of the Penal Law, refusing to identify  
10 oneself upon questioning, a Class A  
11 misdemeanor. This allows a police officer or  
12 court officer to ask a person to identify him  
13 or herself in the course of a Terry stop, a  
14 Terry stop that provides for criminal  
15 liability when a person intentionally fails to  
16 provide such information.

17                   This only applies when the officer  
18 reasonably suspects that a person has  
19 committed or is about to commit a crime. An  
20 officer's right to ask for this information  
21 has long been established in our own law here  
22 in New York under the CPL.

23                   In response to some of my  
24 colleagues' concerns, I have amended this bill  
25 to make it absolutely clear that a person has

1 to know for sure that he is refusing to  
2 identify himself to a police officer. And the  
3 new language states: "He or she intentionally  
4 fails to provide his or her name to a person  
5 whom he or she knows to be a police officer or  
6 court officer."

7 This is a standard that was created  
8 under the Hiibel v. Nevada case. There are 23  
9 other states that do what we do. And that's  
10 the explanation.

11 ACTING PRESIDENT GRIFFO: Thank  
12 you, Senator Golden.

13 Senator Montgomery.

14 SENATOR MONTGOMERY: Yes, Mr.  
15 President, I'm just going to comment on the  
16 bill.

17 ACTING PRESIDENT GRIFFO: Senator  
18 Montgomery, on the bill.

19 SENATOR MONTGOMERY: Thank you.

20 I understand that Senator Golden  
21 is -- well, maybe I -- let me change that. I  
22 do not understand why Senator Golden feels  
23 that we need this legislation.

24 One of the serious issues and  
25 problems that I have experienced in my

1 district, and I think it's pretty common in  
2 the City of New York, is that there is a  
3 propensity by police officers, either in  
4 uniform or out of uniform, to stop youngsters  
5 on the streets. If they see several young  
6 people gathered, they automatically assume  
7 that there's something about to happen,  
8 they're part of a gang operation. There is a  
9 sense that just their presence in more than  
10 one individual indicates that there is some  
11 crime about to be committed.

12 And, you know, maybe it's the way  
13 that they dress, maybe it's their movements.  
14 I don't know exactly what triggers this large  
15 number of contacts with young people. But  
16 there are, especially young men of color, some  
17 of them wearing their hoodies. My son wears a  
18 hoodie. I'm always concerned about him being  
19 stopped and frisked on the streets for no  
20 apparent reason.

21 So this is a problem. And we now  
22 are, based on Senator Golden's legislation,  
23 Mr. President, we are creating an  
24 A misdemeanor, a charge, a criminal charge, if  
25 a youngster is stopped by the police. And

1           they don't just stop them and ask them  
2           politely to identify themselves, not in my  
3           district.  Maybe in Senator Golden's district;  
4           not in mine.  They are stopped and  
5           aggressively frisked and very often taken down  
6           to the precinct.

7                         And in fact they take them down  
8           very often because they don't have  
9           identification on them.  They do this already.  
10          Now, it's not a crime now.  So fortunately it  
11          doesn't result in a misdemeanor charge, a  
12          criminal charge.

13                        But this bill would specifically  
14          allow the police officer not only to take them  
15          to the precinct, but to charge them with an  
16          A misdemeanor, criminal charge, because they  
17          don't have their ID on them.

18                        So, Mr. President, I understand  
19          that Senator Golden has tried to be specific  
20          about who and which kind of officer can make  
21          this charge or can require a person to  
22          identify themselves.  But it doesn't satisfy  
23          the issue and concern that is very, very major  
24          in my district as it relates to the  
25          relationship and the activity between the

1 police and young people in my district,  
2 particularly what I consider our young,  
3 do-rag-generation people.

4 So I'm still going to reject this  
5 legislation. I think it creates a problem  
6 that is going to have collateral consequences  
7 on certain people, especially in districts  
8 like mine. And I cannot in all good  
9 conscience support it.

10 Thank you.

11 ACTING PRESIDENT GRIFFO: Senator  
12 Adams.

13 SENATOR ADAMS: Thank you,  
14 Mr. President. Would the sponsor yield for a  
15 question?

16 ACTING PRESIDENT GRIFFO: Senator  
17 Golden, will you yield for a question?

18 SENATOR GOLDEN: I do.

19 ACTING PRESIDENT GRIFFO: Senator  
20 Adams.

21 SENATOR ADAMS: Senator Golden,  
22 first of all, I want to support this bill.  
23 But I notice that you don't have the  
24 stand-alone which we discussed before. And I  
25 just want to get clarity.

1                   The changes that you made, it would  
2                   not impact -- I mean, it would only deal if a  
3                   person committed no other crime but he did not  
4                   identify himself to a police officer. Is that  
5                   correct?

6                   ACTING PRESIDENT GRIFFO:        Senator  
7                   Golden.

8                   SENATOR GOLDEN:        If the  
9                   individual fails to -- has the potential of  
10                  being arrested if he argues that he's not  
11                  going to give the individual a name.

12                  SENATOR ADAMS:        Would the sponsor  
13                  continue to yield.

14                  ACTING PRESIDENT GRIFFO:        Senator  
15                  Golden, will you continue to yield?

16                  SENATOR GOLDEN:        I do.

17                  ACTING PRESIDENT GRIFFO:        Senator  
18                  Adams.

19                  SENATOR ADAMS:        Can you share  
20                  with us how would a civilian know if in fact  
21                  the person is a police officer?

22                  ACTING PRESIDENT GRIFFO:        Senator  
23                  Golden.

24                  SENATOR GOLDEN:        The legislation  
25                  says the person whom he or she knows to be a

1 police officer. She would have to know or he  
2 would have to know that it is a police  
3 officer.

4 SENATOR ADAMS: Would the sponsor  
5 continue to yield.

6 ACTING PRESIDENT GRIFFO: Senator  
7 Golden, will you yield for an additional  
8 question from Senator Adams?

9 SENATOR GOLDEN: I do. Two more  
10 questions.

11 ACTING PRESIDENT GRIFFO: Senator  
12 Adams.

13 SENATOR ADAMS: You stated that  
14 he will in fact know, if they know. Again I  
15 ask, how would the average person in here  
16 that's not a police officer, how would they  
17 know if a person is a police officer?

18 SENATOR GOLDEN: He would or she  
19 would know by identifying themselves as police  
20 officers to the individual with a badge, or  
21 with uniform. Or in plainclothes.

22 SENATOR ADAMS: Okay, I don't  
23 need the two more questions. I just needed  
24 that one.

25 On the bill.

1                   ACTING PRESIDENT GRIFFO:     On the  
2     bill, Senator Adams.

3                   SENATOR ADAMS:     Yes. We just had  
4     a series of cases, one was on Long Island,  
5     where we had an individual who dressed as a  
6     police officer, raped and sodomized a group of  
7     women. He had a shield, he had a badge, he  
8     had a uniform.

9                   We just had a case in the Bronx  
10    where an individual dressed as a firefighter  
11    knocked on the door and gained entry into a  
12    woman's home, raped her, stood in the  
13    apartment for several hours.

14                  We had an incident in Queens, out  
15    in Senator Smith's district, I believe, where  
16    an individual carried a shield and ID card and  
17    went around raping young ladies, based on  
18    identification.

19                  To argue this point, and I will  
20    continue to argue, this is a very dangerous  
21    precedent. The last time I argued, I got  
22    several emails from family members who were  
23    concerned.

24                  To buy a shield and a badge is  
25    easy. You could buy duplicate shields,

1 duplicate badges. You could buy police  
2 uniforms. You could walk inside a store and  
3 you can purchase a police uniform.

4 Our children gain knowledge of  
5 policing by watching "CSI" and "Hill Street  
6 Blues." They don't know who's a police  
7 officer.

8 And you don't have to look at only  
9 the racial component of it, you can just look  
10 at the average child as hanging out, having a  
11 couple of beers with his friends. He decides  
12 to lie because he doesn't want his parents to  
13 find out. Now that child is going to be  
14 arrested and charged with a misdemeanor  
15 because he lied.

16 I said in our conference, children  
17 lie. Children say, No, I didn't clean my room  
18 when the room is dirty. Children say, No, I  
19 didn't hang out after school. Children say,  
20 I'm truant. You know, children lie. They do.  
21 We all lied before when we were children.  
22 Let's not all of a sudden believe we have a  
23 halo over our head when in fact we got a tail.  
24 Because we know we lied as children.

25 Do we want to incarcerate 18-,

1 19-year-olds merely because they told a lie?  
2 That's where this problem stands. I will  
3 support this bill, Senator Golden, if you are  
4 willing to state that if in fact a person who  
5 lied to a police officer, was found out to  
6 commit a crime, then we will add this on as an  
7 additional charge. I think that's a perfect  
8 charge to add on, that they in fact lied to a  
9 police officer. We can add this on after we  
10 find out that this person committed a crime.

11 But to state merely that an action  
12 that's indicative of a young person is now  
13 going to become a crime, that's troubling.  
14 And then we have to look at the public safety  
15 aspect of it, that now anytime someone stops  
16 18-year-old Jane in the middle of the night,  
17 they are in plain civilian clothes but they  
18 show a shield or ID card and say: Young Jane,  
19 I'm a police officer. Who are you? What's  
20 your name? Follow me.

21 Anytime someone stops our children  
22 on their way to college, anytime they stop our  
23 children on the way from a party or another  
24 event, anytime our children decide to hang  
25 out -- do we understand what we're stating

1 here?

2 In an environment where police  
3 identification is readily available. It's not  
4 that it's illegal to sell a shield or a badge.  
5 A child doesn't know the difference between a  
6 real shield and a fake shield. In fact, many  
7 police officers don't know the difference  
8 between the countless number of shields from  
9 Buffalo down to Brooklyn.

10 There are many different police  
11 departments, many different identifications,  
12 many different agencies that fall into that  
13 guideline.

14 So this is a very dangerous bill,  
15 and we need to think this through. I don't  
16 want to be the person that stated I voted for  
17 a bill like this when a young 13-year-old  
18 stated she followed the person or relented to  
19 his inquiries based on we said this is the  
20 law.

21 This is a dangerous bill. And  
22 although your intentions are right, I will  
23 hope that you will pull the bill back and  
24 state that if in fact a person was found to  
25 commit a crime, this would be attached on as

1 an additional charge. To charge a person  
2 merely because they did not identify  
3 themselves I think is the wrong way to go.

4 And there are case precedents that  
5 show you people use identification of police  
6 officers to gain access, they use  
7 identifications of police officers to lure our  
8 children, they use identification of police  
9 officers to carry out criminal behavior.

10 And we are now breaking down years  
11 and years of instructions to our children of  
12 all ethnicity. This is not a black issue.  
13 All ethnicity, we've all went through the  
14 routine practice of what we want our children  
15 to do when a stranger speaks with them. In  
16 one bill we're going to dismantle all that  
17 training. We've got to rewrite the  
18 conversation that we have with our young  
19 children because we believe that they should  
20 speak to a person because he has a silver  
21 piece of metal in his hand and he says "I am  
22 the police."

23 That's wrong. And any police  
24 official in this state will tell you there are  
25 too many criminals that identify themselves

1 with the terms "I am the police," when in fact  
2 they're not the police, they're there to  
3 commit a crime.

4 I am going to vote, again, nay for  
5 this bill in hopes that the Senator will  
6 change it to include that if a person in fact  
7 committed a crime and don't allow this bill to  
8 stand alone. And as we debated, let's think  
9 about those kids up in the pew here. And what  
10 are we telling them? If you were to interview  
11 each one of those children and ask them what  
12 do your parents state to you when a stranger  
13 stops and talks to you, they'll tell you, "My  
14 parents told me not to talk to strangers."

15 There is no subscript: don't talk  
16 to strangers unless he has a silver shield.  
17 That's what they told the young girl on Long  
18 Island that was raped.

19 Thank you, Mr. President.

20 ACTING PRESIDENT GRIFFO: Any  
21 other Senator wishing to be heard?

22 Senator Thompson.

23 SENATOR THOMPSON: Yes, I have  
24 one question. If the sponsor will yield for  
25 one question, please.

1                   ACTING PRESIDENT GRIFFO:     Senator  
2     Golden, will you yield for a question?

3                   SENATOR GOLDEN:     I do.

4                   ACTING PRESIDENT GRIFFO:     Senator  
5     Thompson.

6                   SENATOR THOMPSON:     Yes, through  
7     you, Mr. President.

8                   Senator, I just have one question  
9     for you, and I had a couple of comments. Will  
10    this bill allow for people who are stopped by  
11    individuals in plainclothes to be charged if  
12    they don't respond or show ID to plainclothes  
13    people, whether they're not malls,  
14    supermarkets or --

15                  SENATOR GOLDEN:     No, this --  
16    Mr. President.

17                  ACTING PRESIDENT GRIFFO:     Senator  
18    Golden.

19                  SENATOR GOLDEN:     This bill does  
20    not require anybody to show ID, number one.  
21    Okay?

22                  Number two, if a police officer  
23    identifies himself, I dare to say that would  
24    be the wrong avenue to take, to argue that  
25    that police officer may not be a police

1 officer because he has a shield or an  
2 identification card or a uniform.

3 So if the individual is stopped and  
4 fails to give his name or her name and he or  
5 she is about to commit or has committed a  
6 crime, then that individual will be given a  
7 summons.

8 SENATOR THOMPSON: Through you,  
9 Mr. President. Does that address the issue of  
10 people with plainclothes, if people are  
11 stopped by a person with plainclothes?

12 ACTING PRESIDENT GRIFFO: Senator  
13 Golden, will you continue to yield for the  
14 question?

15 SENATOR GOLDEN: Yes,  
16 Mr. President.

17 The police departments across the  
18 state of New York work both in uniform and in  
19 plainclothes, and this applies to both.

20 SENATOR THOMPSON: On the bill,  
21 sir.

22 ACTING PRESIDENT GRIFFO: Senator  
23 Thompson, on the bill.

24 SENATOR THOMPSON: The concern  
25 that I have -- and I understand the spirit of

1 my colleague, and I think his spirit is  
2 genuine and his spirit is sincere. The  
3 concern that I have is the growing number of  
4 pedophiles that we have, sexual predators,  
5 individuals who will prey on our young people.  
6 Many of our young people are don't talk to  
7 strangers.

8 If we had isolated the issue of the  
9 plainclothes -- I mean, years ago there were  
10 problems where individuals were stopped on our  
11 various state highways by individuals in  
12 unmarked cars, and they were raping women,  
13 molesting women and abusing people.

14 And now, in my neighborhood alone,  
15 we had a block club -- we have a block club  
16 and we had an individual who would come to the  
17 block club meetings, a sexual predator, I  
18 think a high-number sexual predator. And  
19 people never knew it. The individuals were  
20 inviting this person into their house, and  
21 they never knew.

22 Now, imagine now, once the block  
23 club members found out, they disseminated the  
24 information. And I'm just very concerned that  
25 in this day and age with so many sexual

1 predators out here, the access to the  
2 Internet, the access to police badges and  
3 identification -- I'm extremely concerned  
4 about that.

5 But I do understand the spirit. I  
6 do believe as well that we should make sure  
7 that when people are stopped that they must be  
8 easily identifiable by way of a uniform. I  
9 agree with my colleague that it is easier to  
10 access police uniforms. But I believe that  
11 just allowing people to come in plainclothes  
12 would not be a good idea. I think that we  
13 should reconsider that.

14 And hopefully the sponsor will  
15 consider making an amendment to that to say  
16 that individuals must be easily identifiable  
17 by way of a uniform. And I really would hope  
18 that you would consider that.

19 ACTING PRESIDENT GRIFFO: Thank  
20 you, Senator Thompson.

21 Any other Senator wishing to speak?  
22 Senator Perkins.

23 SENATOR PERKINS: Through you,  
24 Mr. President, I have a question.

25 ACTING PRESIDENT GRIFFO: Senator

1 Golden, will you yield for a question?

2 SENATOR GOLDEN: I do.

3 ACTING PRESIDENT GRIFFO: Senator  
4 Perkins.

5 SENATOR PERKINS: Thank you.

6 Would you explain to me the term  
7 "Terry stop"?

8 ACTING PRESIDENT GRIFFO: Senator  
9 Golden.

10 SENATOR GOLDEN: "Terry stop" is  
11 a expression that is used in the police  
12 departments across -- there was a case in the  
13 Supreme Court where it approved the ability to  
14 do a stop on an individual that they suspected  
15 or it is suspected that this individual is  
16 about to commit a crime or had committed a  
17 crime.

18 SENATOR PERKINS: May I ask  
19 another question?

20 ACTING PRESIDENT GRIFFO: Senator  
21 Golden, will you yield for an additional  
22 question from Senator Perkins?

23 SENATOR GOLDEN: Yes.

24 ACTING PRESIDENT GRIFFO: Senator  
25 Perkins.

1                   SENATOR PERKINS:     And upon  
2     introducing that one is a cop, a police  
3     officer, does one indicate why that person is  
4     being stopped for identification, what  
5     potential crime or what type of incident has  
6     taken place that calls for that?

7                   SENATOR GOLDEN:     In the City of  
8     New York we have stops and frisks that are  
9     that are filled out on every stop in the City  
10    of New York.  A stop is a -- again, when they  
11    believe there is a suspicion of a crime being  
12    committed or about to be committed, the police  
13    officer can stop.

14                   And in this particular case, it  
15    would allow that police officer who would be  
16    identified to ask questions such as "What is  
17    your name?"  And if you fail to give that  
18    individual your name, you risk the option of  
19    being arrested.

20                   SENATOR PERKINS:     May I ask  
21    another question.

22                   ACTING PRESIDENT GRIFFO:     Senator  
23    Golden, will you yield for an additional  
24    question?

25                   SENATOR GOLDEN:     I do.

1                   ACTING PRESIDENT GRIFFO:     Senator  
2     Perkins.

3                   SENATOR PERKINS:     At what point  
4     is the individual informed as to why they're  
5     being stopped?

6                   ACTING PRESIDENT GRIFFO:     Senator  
7     Golden.

8                   SENATOR GOLDEN:     That is up to  
9     the officer, to make that information  
10    available to that individual.

11                  SENATOR PERKINS:     May I?

12                  ACTING PRESIDENT GRIFFO:     Senator  
13    Golden, do you continue to yield?

14                  SENATOR GOLDEN:     I do.

15                  ACTING PRESIDENT GRIFFO:     Senator  
16    Perkins.

17                  SENATOR PERKINS:     At any point  
18    are you required to indicate why you're being  
19    stopped?

20                  SENATOR GOLDEN:     No,  
21    Mr. President.

22                  SENATOR PERKINS:     May I continue  
23    with another question?

24                  ACTING PRESIDENT GRIFFO:     Senator  
25    Golden, do you continue to yield?

1                   SENATOR GOLDEN:       Two more  
2                   questions, Mr. President.

3                   SENATOR PERKINS:       No problem.

4                   ACTING PRESIDENT GRIFFO:     Senator  
5                   Perkins.

6                   SENATOR PERKINS:       At any point  
7                   does the individual ever get an explanation  
8                   for being stopped?

9                   ACTING PRESIDENT GRIFFO:     Senator  
10                  Golden.

11                  SENATOR GOLDEN:       I don't know any  
12                  particulars -- I don't know the particular  
13                  that you're talking about.

14                  In a court, police will have to  
15                  prove that there was reasonable suspicion if  
16                  that individual is taken in. So if that  
17                  person is issued a summons for failing to give  
18                  his or her name, they would have to prove that  
19                  there was reasonable suspicion to stop that  
20                  individual in the first place.

21                  This is not a run down the street,  
22                  jump on a bunch of kids, frisk them, put them  
23                  in a car because they failed to give their  
24                  name, and lock them up. And it's not about an  
25                  individual that is a plainclothes officer that

1           you have questions if that individual is in  
2           fact a police officer.

3                        If that person -- if you have  
4           questions if that individual is not a police  
5           officer, you have a right to ask that officer  
6           to identify himself. And if that individual  
7           fails to identify himself, you don't have to  
8           give that name.

9                        SENATOR PERKINS:        One final  
10          question, and that's this, if I may.

11                      SENATOR GOLDEN:        Yes.

12                      ACTING PRESIDENT GRIFFO:    Senator  
13          Golden, will you yield?

14                      SENATOR GOLDEN:        Yes,  
15          Mr. President.

16                      ACTING PRESIDENT GRIFFO:    Senator  
17          Perkins.

18                      SENATOR PERKINS:        My concern is  
19          that officers stop, they ask for ID, you know,  
20          for identification, they're given the  
21          identification --

22                      SENATOR GOLDEN:        There's no  
23          identification here. This is about a name.  
24          There's no identification.

25                      SENATOR PERKINS:        Or they give a

1 name --

2 ACTING PRESIDENT GRIFFO: Senator  
3 Perkins, do you continue to request that he  
4 yield?

5 SENATOR GOLDEN: That's the last  
6 question, I think.

7 ACTING PRESIDENT GRIFFO: You  
8 indicated that that was your final question.  
9 Do you wish to ask a question?

10 SENATOR PERKINS: Yes, I do.

11 ACTING PRESIDENT GRIFFO: Senator  
12 Golden, will you yield for an additional  
13 question?

14 SENATOR GOLDEN: Last question.

15 SENATOR PERKINS: I just want to  
16 finish what I had here.

17 ACTING PRESIDENT GRIFFO: Senator  
18 Perkins.

19 SENATOR PERKINS: I just want to  
20 finish --

21 ACTING PRESIDENT GRIFFO: Your  
22 question, sir.

23 SENATOR PERKINS: A person is  
24 stopped, they're asked to identify themselves.  
25 They identify themselves. Apparently by

1 virtue of the Terry stop precedent. At no  
2 point that person is told why they're being  
3 required to identify themselves.

4 And that can continue with at no  
5 point being told why I'm being stopped to  
6 identify myself. Yes or no?

7 SENATOR GOLDEN: Mr. President.

8 ACTING PRESIDENT GRIFFO: Senator  
9 Golden.

10 SENATOR GOLDEN: The police  
11 officer is building suspicion to get to  
12 probable cause for an arrest. He asks the  
13 name. If you don't want to give that name,  
14 don't give the name. But if you don't give  
15 the name, you risk being arrested for that.

16 An officer stops, they do tell you  
17 why they're stopping you. They just don't run  
18 down the street willy-nilly and put people in  
19 cuffs.

20 ACTING PRESIDENT GRIFFO: Senator  
21 Perkins, on the bill.

22 SENATOR PERKINS: On the bill.

23 I'm going to have to vote against  
24 this bill. Because what you believe is the  
25 reality is in fact not the reality. Too often

1 a lot of young men that I represent -- by the  
2 way, including a nephew of mine -- are stopped  
3 in the playground, in the neighborhood park,  
4 and asked to identify themselves and have even  
5 cooperated and identified themselves, not  
6 having done anything wrong, and wind up in the  
7 precinct. At which point parents and/or  
8 lawyers have to go and make arrangements,  
9 sometimes with great difficulty, to get them  
10 back home. Sometimes even having to suffer  
11 the child going through the system, especially  
12 if it's on the weekend.

13 So I'm not quite sure if this goes  
14 overboard in terms of what you might  
15 reasonably be trying to accomplish. I'm not  
16 quite sure if this is one of those slippery  
17 slopes that creates an opportunity for an  
18 excessive amount of stopping and asking and  
19 stopping and asking that can, at minimum, be a  
20 matter of harassment.

21 So I'm not going to be able to  
22 support this. And I'll be voting against this  
23 bill. Thank you.

24 ACTING PRESIDENT GRIFFO: Is  
25 there any other Senator wishing to be heard?

1 Senator Sampson.

2 SENATOR SAMPSON: If the sponsor  
3 would yield for a question.

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

6 SENATOR GOLDEN: I do, Senator.

7 ACTING PRESIDENT GRIFFO: Senator  
8 Sampson.

9 SENATOR SAMPSON: Through you,  
10 Mr. President. If there is no reasonable  
11 suspicion established why the police officer  
12 stopped this individual, does the arrest then  
13 become void?

14 ACTING PRESIDENT GRIFFO: Senator  
15 Golden.

16 SENATOR GOLDEN: Yes, it would.

17 SENATOR SAMPSON: So there --  
18 through you, Mr. President.

19 ACTING PRESIDENT GRIFFO: Do you  
20 continue to yield, Senator Golden?

21 SENATOR GOLDEN: I do,  
22 Mr. President.

23 ACTING PRESIDENT GRIFFO: Senator  
24 Sampson.

25 SENATOR SAMPSON: So therefore,

1 if at that point in time the individual gave  
2 the police officer the wrong identification or  
3 misrepresented himself, at that point in time,  
4 if he was arrested on those charges, that  
5 would too be voided?

6 ACTING PRESIDENT GRIFFO: Senator  
7 Golden.

8 SENATOR GOLDEN: I'm not sure I  
9 understand the question, Mr. President.

10 ACTING PRESIDENT GRIFFO: Senator  
11 Sampson, can you rephrase?

12 SENATOR SAMPSON: Let me rephrase  
13 the question.

14 If in fact the stop was no  
15 reasonable suspicion to stop them but the  
16 individual gave the police officer the  
17 incorrect information or misidentified  
18 himself, at that point in time, even though  
19 the stop was no reasonable suspicion, would he  
20 still be charged or arrested for violating  
21 that segment of this piece of legislation?

22 ACTING PRESIDENT GRIFFO: Senator  
23 Golden.

24 SENATOR GOLDEN: Mr. President,  
25 the Senator is a prominent attorney. He knows

1           that the legislation states that there has to  
2           be reasonable suspicion.

3                        So the legislation -- he'd have to  
4           have reasonable suspicion before he stopped  
5           that individual stopped that individual to ask  
6           him or her their name.

7                        SENATOR SAMPSON:        So therefore --

8                        ACTING PRESIDENT GRIFFO:        Are you  
9           asking the sponsor to continue to yield?

10                       SENATOR SAMPSON:        Yes.

11                       ACTING PRESIDENT GRIFFO:        Senator  
12           Golden, would you continue to yield?

13                       SENATOR GOLDEN:        I do.

14                       ACTING PRESIDENT GRIFFO:        Senator  
15           Sampson.

16                       SENATOR SAMPSON:        Through you,  
17           Mr. President. So as a result of that -- so  
18           therefore if the stop is no reasonable  
19           suspicion, so therefore the police officer's  
20           arresting of that individual would therefore  
21           be voided, then, because he had no reasonable  
22           suspicion to stop them him in the first place?

23                       ACTING PRESIDENT GRIFFO:        Senator  
24           Golden.

25                       SENATOR GOLDEN:        Yes,

1 Mr. President.

2 SENATOR SAMPSON: On the bill.

3 ACTING PRESIDENT GRIFFO: Senator  
4 Sampson, on the bill.

5 SENATOR SAMPSON: Senator Golden,  
6 you know, I do concur, and the spirit is  
7 great. And you're right about that, we  
8 shouldn't misidentify or misrepresent  
9 ourselves to police officers.

10 But in neighborhoods like  
11 Brownsville, East New York, neighborhoods I  
12 represent, you know, that's not the reality.  
13 You know, police officers stop you on the spur  
14 of the moment, they don't identify themselves.  
15 And all of a sudden, when you ask them, "Why  
16 did you stop me?" all of a sudden, just  
17 because you were on a corner with a bunch of  
18 youth, they figured you were up to something.

19 And I'll never forget when I was in  
20 Bedford-Stuyvesant, when I newly got elected  
21 to the State Senate, you know, I was riding in  
22 a very expensive car, riding down the street,  
23 and the police officers just stopped me. And  
24 they indicated to me -- I said, "Why did you  
25 stop me?" He said: "Well, you didn't use

1 your signal indicators to show you were making  
2 a right turn."

3 I said: "Officer, I'm going  
4 straight through. I'm not making a turn." I  
5 said, "Give me another one. I'm a lawyer.  
6 Give me another one."

7 He said, "Well, you know, you're  
8 driving an expensive car. We didn't see cars  
9 like this in the neighborhood before." And  
10 you're talking about a young educated black  
11 man going through this.

12 The issue is what is reality -- is  
13 what happens in Brownsville and East New York,  
14 it's not reality. They get stopped on the  
15 whim of the moment. And now we're saying just  
16 because you give them the wrong  
17 identification, you're labeling it as a  
18 misdemeanor.

19 So when these young people look for  
20 jobs and the first thing on the job  
21 application is, one -- it's not only have you  
22 been convicted, have you been arrested? And  
23 at that point in time they have to indicate.  
24 And will that be used against them when  
25 they're looking for a job? Yes, it will.

1                   So as a result, I understand the  
2                   spirit of this bill, but we have to be  
3                   realistic in what's going on. Amadou Diallo  
4                   tried to show his identification; he wound up  
5                   with 41 bullets inside of him. So at the end  
6                   of the day, what is reality?

7                   So at this point in time,  
8                   Mr. President, I will be voting no on this  
9                   bill.

10                  ACTING PRESIDENT GRIFFO:     Is  
11                  there any other Senator that wishes to be  
12                  heard?

13                  Senator Diaz.

14                  SENATOR DIAZ:        Thank you,  
15                  Mr. President.

16                  ACTING PRESIDENT GRIFFO:     Are you  
17                  on the bill?

18                  SENATOR DIAZ:        Yes, sir, on the  
19                  bill.

20                  ACTING PRESIDENT GRIFFO:     Senator  
21                  Diaz, on the bill.

22                  SENATOR DIAZ:        And I would like  
23                  to congratulate you today on the floor, and  
24                  send my regards to your parents.

25                  ACTING PRESIDENT GRIFFO:     Thank

1           you, Senator Diaz.

2                        SENATOR DIAZ:        Senator Golden is  
3           a New York State Senator.  He was, before, a  
4           police officer.  Now, as a State Senator,  
5           Senator Golden is the chairman of the Aging  
6           Committee.  And I have to say that I love  
7           Senator Golden as the chairman of the Aging  
8           Committee.

9                        I mean, he's such a great chairman  
10          of the Aging Committee that I have yet to see  
11          one bill that Senator Golden has submitted in  
12          benefit of the aging that I disagree.  
13          Everything that he submits for Aging is great.

14                       But every time that he changes  
15          clothes as an ex-police officer, we've got  
16          problems.  It's a different person.  It's a  
17          different bill.  It's a different motivation,  
18          I believe.

19                       And, Senator Golden, I will keep  
20          loving you as the chairman of the Aging  
21          Committee.  But I have to say that I don't  
22          like you as an ex-police officer.  You always,  
23          every time -- this is a bill that, you know,  
24          is -- and even though sometimes I ask myself  
25          when the Majority submits a bill, it's going

1 to pass. There is no reason why we should be  
2 questioning and asking and saying and bringing  
3 good reason why the bill should not be passed.  
4 The bill will pass no matter what.

5 Sometimes I say that's -- to me  
6 that is a sign of futility. But then yet we  
7 have to understand that we have to try to  
8 reason and bring reasons to people why the  
9 bill should not pass. This is one of them.  
10 This is one of the bills that is very  
11 detrimental.

12 I have a staff member, he was  
13 crossing George Washington Bridge, he came to  
14 the office crying. Shaking, crying. So he  
15 came to me, and I say "What happened?" He  
16 can't even speak, he was crying, crying,  
17 crying. I said, "What happened?"

18 "I was stopped by a police officer.  
19 And I asked the police officer, 'Why are you  
20 stopping me?' The police officer told me:  
21 'Shut the f--- up.' So he continued writing.  
22 I said, 'But, Officer, why have I been  
23 stopped?' He said, 'Didn't I tell you to shut  
24 the f--- up?'"

25 And he pushed him, boom, against

1 the car. The guy is a man. He took that  
2 humiliation, and he just cried like a baby.  
3 Cried, cried. He wanted to kill the police  
4 officer, he said. But he just took it. And  
5 he just came to the office shaking and crying,  
6 with a ticket in his hand.

7 And that is a problem that we face  
8 in our communities. That is a problem that  
9 our youth faces and our people face. I was  
10 stopped, my car has a license plate saying  
11 "Senate 52." Two police officers stopped me.  
12 My rear light, one of my left rear lights  
13 stopped -- the light didn't work.

14 They stopped me. I stopped. Put  
15 my hands on the wheel. They came up, say:  
16 "Sir, driver's license and registration." I  
17 said: "Can I" -- (gesturing). They say yes.

18 So then I get up, I get out of the  
19 car. The police officer, the two of them, one  
20 woman and one man, they tell: "You see that  
21 light? It's not working, sir."

22 I said, "Okay, I'm sorry. I'm  
23 going to have to fix it." So the lady says:  
24 "What the f--- you think you are?" I said  
25 "What? Excuse me?" "What the f---" -- oh,

1           okay. After I had identified myself as a  
2           State Senator.

3                         So what I'm telling you is, Senator  
4           Golden, as the chairman of the Aging  
5           Committee, you're great. But to understand  
6           what our community goes through, you're lousy.

7                         (Laughter.)

8                         SENATOR DIAZ:        So therefore, I  
9           have to say we have to vote -- even though the  
10          bill will pass, even though the bill will pass  
11          and will be approved and it seems like an  
12          exercise in futility, we -- I'm voting no on  
13          this bill.

14                        Thank you very much.

15                        ACTING PRESIDENT GRIFFO:       Thank  
16          you, Senator Diaz.

17                        Senator Maziarz, on the bill.

18                        SENATOR MAZIARZ:       Mr. President,  
19          in less than 30 seconds.

20                        Unlike my favorite Democratic  
21          member, Senator Diaz, I love Senator Golden as  
22          chairman of the Aging Committee and I love  
23          Senator Golden as an ex-police officer and  
24          sponsor of this very good bill which was on  
25          the floor last week, I believe.

1                   Senator Golden has done the right  
2                   thing, he's made it a better bill. I vote in  
3                   the affirmative.

4                   Thank you.

5                   ACTING PRESIDENT GRIFFO:       Thank  
6                   you, Senator Maziarz?

7                   SENATOR MAZIARZ:       Was that less  
8                   than 30 seconds?

9                   ACTING PRESIDENT GRIFFO:       Very  
10                  good.

11                  Any other Senator wishing to speak?

12                  Debate is closed. The Secretary  
13                  will ring the bells.

14                  Senator Adams.

15                  SENATOR ADAMS:       Senator Sampson,  
16                  would you yield for a question, please?

17                  ACTING PRESIDENT GRIFFO:       Senator  
18                  Sampson, will you yield for a question?

19                  SENATOR SAMPSON:       Yes, I yield  
20                  for a question.

21                  ACTING PRESIDENT GRIFFO:       Senator  
22                  Adams.

23                  SENATOR ADAMS:       Senator Sampson,  
24                  when a person -- you being an attorney, when a  
25                  person in fact committed a crime, when they

1 have in fact committed a crime, are they  
2 issued Miranda warnings?

3 ACTING PRESIDENT GRIFFO: Senator  
4 Sampson.

5 SENATOR SAMPSON: You should be  
6 issued a Miranda warning, yes.

7 SENATOR ADAMS: Would he continue  
8 to yield?

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

11 SENATOR SAMPSON: Yes.

12 SENATOR ADAMS: Are part of those  
13 Miranda warnings indicate you have a right to  
14 remain silent?

15 SENATOR SAMPSON: Yes, that's  
16 correct.

17 SENATOR ADAMS: Would he continue  
18 to yield.

19 ACTING PRESIDENT GRIFFO: Senator  
20 Sampson, do you continue to yield to Senator  
21 Adams?

22 SENATOR SAMPSON: Yes.

23 ACTING PRESIDENT GRIFFO: Senator  
24 Adams.

25 SENATOR ADAMS: So based on this

1 bill, if a person in fact committed a murder  
2 and he did not identify himself as a police  
3 officer, would he be charged with a crime?

4 SENATOR SAMPSON: If he did not  
5 identify himself as a police officer?

6 SENATOR ADAMS: To a police  
7 officer.

8 SENATOR SAMPSON: Yes, he would  
9 be charged with a crime, yes. Under this  
10 bill, if he did not identify himself.

11 SENATOR ADAMS: So is -- thank  
12 you, Senator.

13 ACTING PRESIDENT GRIFFO: Senator  
14 Adams, do you wish to continue to ask a  
15 question? Or are you on the bill?

16 SENATOR ADAMS: No, I do not.  
17 Thank you.

18 ACTING PRESIDENT GRIFFO: The  
19 debate is closed. The bell is being rung.

20 The house will come to order. We  
21 will read the last section.

22 I want to remind the members that  
23 we will be following Rule 9, Section 3(e),  
24 which allows for two-minute explanations. The  
25 summer solstice will be joining us in the next

1 90 minutes.

2 Last section.

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

5 ACTING PRESIDENT GRIFFO: Call  
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT GRIFFO: Senator  
9 Adams, to explain his vote.

10 SENATOR ADAMS: I'm going to  
11 vote no, and I'm going to encourage my  
12 colleagues on both sides of the aisle to do  
13 so.

14 This is one of those bills that it  
15 crosses neighborhoods, it crosses  
16 philosophies, it crosses ethnicities, it goes  
17 to the foundation of what we do as adults, as  
18 parents, on how we instruct our children.

19 I believe that Senator Golden, his  
20 spirit is right, but there's some technical  
21 aspects that can have some serious  
22 implications on what takes place in our  
23 neighborhoods, around our schools.

24 The issues of plainclothes officers  
25 or people who pretend to be police officers,

1 law enforcement officers, there are some  
2 serious questions here, and we need to think  
3 clear of them before we vote.

4 I vote no on this bill.

5 ACTING PRESIDENT GRIFFO: Senator  
6 Adams to be recorded in the negative.

7 Please raise your hands, continue  
8 to raise your hands.

9 Senator Montgomery, to explain her  
10 vote.

11 SENATOR MONTGOMERY: Yes,  
12 Mr. President, briefly to explain my vote.

13 This bill is one of those subtle,  
14 nuanced approaches to racial profiling. It  
15 sort of puts it into law, and it also gives  
16 the police an opportunity to charge a person,  
17 particularly a young person -- that's who I'm  
18 primarily concerned about -- with a crime for  
19 no other reason except that person, even  
20 though the person didn't commit a crime,  
21 wasn't about to commit a crime, was nowhere  
22 near a criminal act, but they could still be  
23 charged with a crime, an A misdemeanor crime.

24 And, Mr. President, I spend a bit  
25 of time in court. And who do I see in those

1 courts? In fact, as recently as last week I  
2 was called on the phone, on my cellphone here  
3 in Albany, because the police had swept up  
4 several of the young men in my district. They  
5 were in a park next to a school. And I had to  
6 call in to vouch for them so that they would  
7 not be prosecuted.

8 So this is a very serious issue.  
9 It is not -- it's not something that we just  
10 are talking about. It's very, very, very  
11 serious.

12 So I'm adamantly opposed to this.  
13 And I say to you, Mr. President, there is no  
14 other reason for this legislation except to  
15 create a crime associated with this so-called  
16 failure to identify.

17 So I appreciate all of the  
18 explanations, they're all excellent. But I  
19 want you to know right here and now that I  
20 consider this to be a racial profiling  
21 legislation which gives the police, which  
22 sanctions the police stopping -- not only  
23 stopping and frisking, but charging a young  
24 person for no apparent reason.

25 Thank you. I'm voting no.

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

3                   Announce the results.

4                   THE SECRETARY:     Those recorded in  
5     the negative on Calendar Number 1569 are  
6     Senators Adams, Breslin, Connor, Diaz, Duane,  
7     Gonzalez, Hassell-Thompson, L. Krueger,  
8     Montgomery, Oppenheimer, Parker, Perkins,  
9     Sabini, Sampson, Savino, Serrano, Smith,  
10    Stavisky and Thompson.

11                  Absent from voting:   Senators  
12    Huntley, C. Kruger and Schneiderman.

13                  Ayes, 40.   Nays, 19.

14                  ACTING PRESIDENT GRIFFO:     The  
15    bill is passed.

16                  The Secretary will read.

17                  THE SECRETARY:     Calendar Number  
18    1882, by Senator Wright, Senate Print 6176A,  
19    an act to amend the General Business Law.

20                  SENATOR LIZ KRUEGER:  
21    Explanation.

22                  ACTING PRESIDENT GRIFFO:  
23    Explanation, Senator Wright.

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

1           The bill before us is a wireless  
2           telephone consumer bill. It provides for  
3           uniform disclosures and detailed information,  
4           for the first time requiring that of the  
5           wireless telephone industry in this state.

6           This is an effort to establish  
7           uniformity among the major providers of the  
8           wireless industry. It is a bill that has been  
9           developed working with AARP and the five major  
10          wireless providers in the state.

11          ACTING PRESIDENT GRIFFO:     Thank  
12          you, Senator Wright.

13          Senator Krueger.

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

17          ACTING PRESIDENT GRIFFO:     Senator  
18          Wright, will you yield for a question from  
19          Senator Krueger?

20          SENATOR WRIGHT:     Yes, I will,  
21          Mr. President.

22          ACTING PRESIDENT GRIFFO:     Senator  
23          Krueger.

24          SENATOR LIZ KRUEGER:     Thank you.  
25          Does this bill address the primary

1 concern that I have been receiving memos about  
2 that would allow a customer of a cellphone  
3 service to have 15 days after their first bill  
4 before -- and allow them to cancel after  
5 they've had 15 days after the first bill, so  
6 they can actually see for the first time what  
7 the real cost of this contract will be for  
8 them?

9 ACTING PRESIDENT GRIFFO: Senator  
10 Wright.

11 SENATOR WRIGHT: Through you,  
12 Mr. President. No, this does not provide for  
13 a mandatory 15-day repayment.

14 What it provides for is a  
15 disclosure of the various requirements, fees,  
16 the trial periods and whether or not there is  
17 an early termination date.

18 What we have attempted to recognize  
19 here is the need to provide uniform disclosure  
20 and detailed information yet at the same time  
21 recognizing that the wireless industry is in  
22 fact a national industry, the wireless plans  
23 are in fact national plans.

24 And we have been very conscious not  
25 to insert provisions that would put New York

1 State at a competitive disadvantage and make  
2 requirements that only apply to New York  
3 State, thereby increasing the cost to  
4 consumers in New York State.

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

8 ACTING PRESIDENT GRIFFO: Senator  
9 Wright, will you yield for an additional  
10 question?

11 SENATOR WRIGHT: Yes, I will,  
12 Mr. President.

13 ACTING PRESIDENT GRIFFO: Senator  
14 Krueger.

15 SENATOR LIZ KRUEGER: Thank you.

16 The other serious issue that has  
17 been raised when people come to talk to me  
18 about the need to do consumer protection for  
19 people with the cellphone industry is the  
20 ability to file a complaint and have it  
21 resolved.

22 Is there a complaint resolution  
23 mechanism in your bill for consumers?

24 SENATOR WRIGHT: Through you,  
25 Mr. President, yes, there is.

1                   There is a very specific procedure  
2                   that requires the Consumer Protection Board of  
3                   this state to receive and catalog the  
4                   complaints. And as part of that, we have a  
5                   requirement that they will issue a report and  
6                   an analysis of those complaints a year from  
7                   now -- excuse me, two years from now -- so  
8                   that we have data to evaluate the nature of  
9                   the complaints and the ability to address  
10                  those complaints if necessary.

11                  SENATOR LIZ KRUEGER:        Through  
12                  you, Mr. President, if the sponsor would  
13                  continue to yield.

14                  ACTING PRESIDENT GRIFFO:        Senator  
15                  Wright, will you continue to yield?

16                  SENATOR WRIGHT:        Yes, I will,  
17                  Mr. President.

18                  ACTING PRESIDENT GRIFFO:        Senator  
19                  Krueger.

20                  SENATOR LIZ KRUEGER:        So if I  
21                  heard your answer correctly, Senator, I could  
22                  make a complaint, the Consumer Protection  
23                  Board would then record the complaint and tell  
24                  us, the Legislature, later. But could the  
25                  Consumer Protection Board do anything to

1 address my complaint?

2 ACTING PRESIDENT GRIFFO: Senator  
3 Wright.

4 SENATOR WRIGHT: Mr. President,  
5 through you. Yes, the Consumer Protection  
6 Board can address those complaints.

7 The intent is to ensure that the  
8 complainant uses and makes available the  
9 complaint services provided by the provider.  
10 One has to recognize that this is a highly  
11 competitive industry, and therefore the  
12 providers of service are very intent on  
13 retaining their customers. They don't want to  
14 lose those customers, they want to resolve the  
15 complaints, so the focus is on the provider  
16 resolving the complaint.

17 In the absence of that, then  
18 there's a provision for the Consumer  
19 Protection Board to intervene.

20 SENATOR LIZ KRUEGER: Mr.  
21 President, on the bill.

22 ACTING PRESIDENT GRIFFO: Senator  
23 Krueger, on the bill.

24 SENATOR LIZ KRUEGER: Thank you.  
25 I appreciate the sponsor's answers to my

1 questions.

2 I don't think his bill does what we  
3 need to do. He said they've worked on this  
4 with AARP. I'm sure that's true. But as of  
5 today, AARP has put in a memo of opposition  
6 urging us not to vote for this bill. They  
7 would far prefer we vote for a bill by Senator  
8 Flanagan, S3293.

9 And the reasons are that they are  
10 very disturbed that they would not have an  
11 option to cancel after receiving the first  
12 bill and having 15 days to review that bill  
13 and understand technically what they've walked  
14 themselves into.

15 They would also prefer a model  
16 where if they made a complaint about being  
17 misinformed or being provided wrongful  
18 information by their provider, that there  
19 would be actually a mechanism to resolve the  
20 complaint, not just report the complaint.

21 I certainly agree with the sponsor  
22 that the cellphone industry is a competitive  
23 industry and that they want to keep us as  
24 customers. But my analysis of agreement with  
25 that leads me to the opposite analysis, which

1 is they're certainly not going to flee  
2 New York State.

3 New York State is one of the ripest  
4 territories for getting more and more  
5 customers in the cellphone industry -- the  
6 division of the phone industry, by the way,  
7 that they want to grow because they don't have  
8 to worry about putting wires in the ground or  
9 showing up at your house. So it's a much more  
10 cost-effective model for them.

11 They're certainly not going to flee  
12 New York. They desperately want our business.  
13 I think New York State has a long, important  
14 history of having important consumer  
15 protections, of representing the interests of  
16 our people through consumer protection laws  
17 that may not match any other state in the  
18 country.

19 And the fact is we do have the  
20 ability, the power, the authority and I think  
21 the obligation to protect customers under our  
22 consumer protection laws. And so while I  
23 agree this is a bill that attempts to go  
24 partway, it doesn't go far enough for me.

25 I would very much like us to take

1 up Senator Flanagan's bill, which has an  
2 Assembly cosponsor, and which would require  
3 disclosure, provide estimates of total monthly  
4 bills. It would include more detailed  
5 coverage maps of where the phones will work.  
6 It would allow consumers to cancel their  
7 cellphone contracts 15 days after receiving  
8 their first bill without penalty. It would  
9 require cellphone companies to disclose to  
10 customers the 911 capabilities of the system.

11 There's nothing that says we in  
12 New York can't pass good, smart consumer  
13 protections. I respect Senator Flanagan for  
14 putting out a bill that does that. I wish  
15 that was the bill we were voting on today,  
16 because I'd be voting yes on that bill.

17 But I'll be voting no on this bill,  
18 Mr. President. Thank you.

19 ACTING PRESIDENT GRIFFO: Thank  
20 you, Senator Krueger.

21 Does other Senator wishing to be  
22 heard?

23 Senator Wright.

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

1                   ACTING PRESIDENT GRIFFO:     Senator  
2     Wright, on the bill.

3                   SENATOR WRIGHT:     I'd like to  
4     point out a couple of pieces of information  
5     for clarification.

6                   Unfortunately, I was not given the  
7     courtesy of the memo of opposition, so I'm not  
8     aware of what it contains. What I do know is  
9     that we convened a meeting of the  
10    representatives of AARP here in New York  
11    State, the national representatives of AARP,  
12    and the five major providers in this state.

13                  As a result of a daylong series of  
14    meetings and dialogue, this was the outcome.  
15    And it also reflects modifications as  
16    requested by AARP. So they were full  
17    participants. We wanted to ensure a  
18    cooperative venture.

19                  I'm not suggesting that this is the  
20    bill they prefer. Clearly it is not. But it  
21    is the bill that I believe is in the best  
22    interests of New York State.

23                  The provisions reflected in the  
24    Flanagan bill, in fact, as requested by AARP,  
25    are consistent with regulations imposed in

1 California. Unfortunately, those regulations  
2 had exactly what we had predicted, and that  
3 was adverse impacts on the consumer and  
4 adverse costs. As a result, those  
5 requirements were rescinded by the California  
6 Utility Board.

7 Similarly, Connecticut has looked  
8 at it and opted to study the issue rather than  
9 impose standards.

10 So to date there is no state that  
11 has imposed standards. We would be the first  
12 under this proposal. And in turn, it provides  
13 the disclosure and protection necessary for  
14 informed consumers to make informed decisions.

15 Equally important, I did not  
16 suggest that the cellphone providers would  
17 leave this state. We know full well that  
18 New York is a large market, and in fact it's a  
19 very competitive market. That is not the  
20 issue. The issue is adding additional costs  
21 to the consumers in this state.

22 And that's what happens when you  
23 set a separate set of standards for one state  
24 when you have a national industry with  
25 national standards and national plans.

1                   We have attempted to bridge that  
2                   gap, ensuring that our consumers have  
3                   appropriate and necessary disclosure  
4                   information to make clear choices in a  
5                   competitive market without any added costs or  
6                   burden to that consumer.

7                   Thank you, Mr. President.

8                   ACTING PRESIDENT GRIFFO:       Thank  
9                   you, Senator Wright.

10                  Any other Senator wishing to be  
11                  heard?

12                  Debate is closed. The Secretary  
13                  will ring the bells.

14                  Read the last section.

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

17                  ACTING PRESIDENT GRIFFO:       Call  
18                  the roll.

19                  (The Secretary called the roll.)

20                  ACTING PRESIDENT GRIFFO:       The  
21                  Secretary will announce the results.

22                  THE SECRETARY:       Those recorded in  
23                  the negative on Calendar Number 1882 are  
24                  Senators Adams, Breslin, Connor, Diaz, Duane,  
25                  Flanagan, Gonzalez, Hassell-Thompson, Huntley,

1 Klein, L. Krueger, C. Kruger, Montgomery,  
2 Onorato, Oppenheimer, Parker, Perkins, Sabini,  
3 Sampson, Savino, Serrano, Stachowski and  
4 Stavisky. Also Senator Thompson.

5 Absent from voting: Senator  
6 Schneiderman.

7 Ayes, 37. Nays, 24.

8 ACTING PRESIDENT GRIFFO: The  
9 bill is passed.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 2006, by Senator O. Johnson, Senate Print  
13 1353A, an act to amend the Vehicle and Traffic  
14 Law.

15 SENATOR LIZ KRUEGER:  
16 Explanation.

17 ACTING PRESIDENT GRIFFO: An  
18 explanation has been requested, Senator  
19 Johnson.

20 SENATOR OWEN JOHNSON: This is  
21 referred to as the Segway bill. It's an  
22 electric personal assistive mobility device, a  
23 two-wheel, tandem-wheel thing powered by an  
24 electric motor which you can move around on,  
25 up to 12 miles an hour.

1                   New York City doesn't want it  
2                   there, it's not going to be there. But they  
3                   are using it for their police, so they must  
4                   find some value in it as far as portability  
5                   goes and moving around.

6                   This allows it to be used anyplace  
7                   where it's not prohibited in the state of  
8                   New York, with the exception of the city,  
9                   which is off-limits. Localities can make  
10                  their own regulations about it. But generally  
11                  speaking, it's allowed to be used alongside  
12                  any roadway, sidewalk, or walkway and so on --  
13                  in-line skating aisle, bicycle path, whatever.

14                  And I think they've proved very  
15                  valuable in the industry and very valuable I  
16                  think in many cases for moving around your own  
17                  community.

18                  If a person under 16 uses it, rides  
19                  it, he has to wear a helmet and so on and so  
20                  on.

21                  Any other questions or comments?

22                  ACTING PRESIDENT GRIFFO:     Senator  
23                  Krueger, do you wish to ask Senator Johnson a  
24                  question?

25                  SENATOR LIZ KRUEGER:     Yes, I do,

1 Mr. President. You were reading my mind.

2 ACTING PRESIDENT GRIFFO: Senator  
3 Johnson, do you yield?

4 SENATOR OWEN JOHNSON: Yes, I  
5 will.

6 ACTING PRESIDENT GRIFFO: Perhaps  
7 we can adjust the mike for Senator Johnson.  
8 Senator Krueger?

9 SENATOR LIZ KRUEGER: Thank you  
10 very much, Mr. President. Just two questions.

11 We have debated this bill before.  
12 I have voted against it before. I am  
13 delighted to see that the City of New York is  
14 now out of this bill, because I had great  
15 concerns about it in the high-density City of  
16 New York.

17 But this bill also takes the  
18 Segway, or the electric personal assistive  
19 mobility device, out of motor vehicle, Vehicle  
20 and Traffic Law.

21 So does that mean -- see, if it was  
22 a motor vehicle, there would be insurance  
23 requirements on it. Since it's now removed  
24 from motor vehicle law, does that mean that  
25 the owner/rider would have no insurance

1 requirements on them? And if so, what happens  
2 if, let's say, I'm driving one, I hit someone  
3 it's no longer a vehicle under motor vehicle  
4 law. Does the person I harmed have any  
5 redress to me since I'm not required to have  
6 insurance?

7 ACTING PRESIDENT GRIFFO: Senator  
8 Krueger, can you repeat that question, please,  
9 directly?

10 SENATOR LIZ KRUEGER: Certainly.  
11 I'll try to simplify it.

12 My understanding is under this bill  
13 one of these devices would not be defined as a  
14 vehicle under motor vehicle law. But it could  
15 still hit someone. And so if I was the person  
16 who was hit, would I have any right to sue?  
17 Would that person have any obligation for  
18 insurance who hit me?

19 Because if they were driving a  
20 small motorcycle, they would have insurance  
21 under New York State law. I think they  
22 wouldn't be required to have insurance under  
23 this law, and I'm wondering if I'm right.

24 ACTING PRESIDENT GRIFFO: Senator  
25 Johnson.

1                   SENATOR OWEN JOHNSON:     If persons  
2     cause injury or damage to another person's  
3     property, in many instances you're not  
4     required to have liability insurance, but you  
5     can be sued or people can take you to court  
6     and get compensation.

7                   Same way here.   It's my impression  
8     that this would be just categorized as a  
9     bicycle, it's so slow and really a very safe  
10    vehicle, pedestrian-safe.  If you run into  
11    them, you bounce off a little bit.

12                  So probably your homeowner's  
13    insurance would cover that, and I think  
14    that's -- so we didn't get into the insurance.  
15    It's not a motor vehicle as such under the  
16    insurance law.  Under motor vehicle law, I  
17    mean.

18                  So I think you're on your own.  But  
19    it's just like a bicycle or your kid's on  
20    in-line skates, runs into somebody on the  
21    sidewalk.  Same situation.

22                  SENATOR LIZ KRUEGER:     Thank you.  
23    On the bill, Mr. President.

24                  ACTING PRESIDENT GRIFFO:     Senator  
25    Krueger, on the bill.

1 SENATOR LIZ KRUEGER: Well --

2 SENATOR OWEN JOHNSON: I might  
3 add that 47 other states have adopted this  
4 already, including most of our surrounding  
5 states. And they haven't raised that problem  
6 there.

7 ACTING PRESIDENT GRIFFO: Thank  
8 you, Senator Johnson.

9 Senator Krueger, on the bill.

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

12 Well, I have a memo here from the  
13 New York State Conference of Mayors and  
14 Municipal Officials saying it's an unfunded  
15 mandate, that while they'll have the ability  
16 to opt out of this law and choose not to have  
17 these vehicles used on their sidewalks and/or  
18 on their roadways or highways -- and I agree  
19 with them that I think it is an unfunded  
20 mandate.

21 I'm also, again, concerned that we  
22 have no-fault and insurance for other  
23 motorized vehicles that are used on our  
24 streets but this would no longer recognize  
25 these devices as a vehicle but, as Senator

1 Johnson aptly said, more like a bicycle. My  
2 concern of course is I'm not sure they are  
3 like bicycles. I think they are, perhaps,  
4 more like electronic scooters.

5 And so I still wonder whether we  
6 are making the right decision by saying it's  
7 okay unless a locality goes through the  
8 process of voting not to make it okay in their  
9 communities.

10 But I also recognize that it's very  
11 different in Senator Johnson's district than  
12 it is in my own district. I do understand  
13 that the uses or the concerns in a rural or a  
14 suburban area, or an area with large  
15 sidewalks, or an area with large bike paths,  
16 may be different than the City of New York.

17 So since a city of a million or  
18 more -- hence, the City of New York -- would  
19 still not allow these vehicles, despite my  
20 continuing concerns about liability and safety  
21 and traffic congestion patterns on sidewalks  
22 and roads, I will vote for the bill this year  
23 and hope that we educate all the towns and  
24 townships and villages in this state to their  
25 right to say no, this isn't going for work for

1 us, we don't want these vehicles on our  
2 streets and/or on our sidewalks.

3 I also think there continues to be  
4 a problem in the bill involving the right to  
5 declare that you are disabled and therefore  
6 need to use one of these even if your local  
7 town or village is opposed to them, because it  
8 doesn't have the same standard of disability  
9 and proof of disability that we require for  
10 people to prove disability for special permits  
11 and documentation for cars and other vehicles.

12 So with continuing concerns, but  
13 with respect for other localities' rights to  
14 make their own decisions, this year I'll vote  
15 yes.

16 Thank you, Mr. President.

17 ACTING PRESIDENT GRIFFO: Thank  
18 you, Senator Krueger.

19 Any other Senator wishing to be  
20 heard?

21 Debate is closed. The Secretary  
22 will ring the bells.

23 Read the last section.

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

1                   ACTING PRESIDENT GRIFFO:     Call  
2     the roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT GRIFFO:     The  
5     Secretary will announce the results.

6                   THE SECRETARY:     Those recorded in  
7     the negative on Calendar Number 2006 are  
8     Senators Leibell, Marcellino, Morahan,  
9     Oppenheimer, Sabini and Saland.

10                  Absent from voting: Senator  
11     Schneiderman.

12                  Ayes, 56. Nays, 6.

13                  ACTING PRESIDENT GRIFFO:     The  
14     bill is passed.

15                  The Secretary will read.

16                  THE SECRETARY:     Calendar Number  
17     2024, by Senator Bonacic, Senate Print 6294 --

18                  SENATOR KLEIN:     Explanation.

19                  ACTING PRESIDENT GRIFFO:  
20     Explanation, Senator Bonacic.

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

23                  This is an act to amend the  
24     Retirement and Social Security Law in relation  
25     to the investment of public funds with

1 companies doing business with nations  
2 identified as state sponsors of terrorism.  
3 The bill directs the New York State  
4 Comptroller to refrain from investing pension  
5 funds in companies that do business with or in  
6 nations identified as state sponsors of  
7 terrorism.

8 I was motivated to do this  
9 legislation by an article that I had seen in  
10 the Wall Street Journal within the last ten  
11 days by a Sarah Steelman, who's the Missouri  
12 state treasurer. And she is on a campaign  
13 with all of the states in the country to do  
14 legislation of this nature.

15 But as far as I'm concerned, when  
16 we put money into the hands of terrorists,  
17 it's equivalent to arming the terrorists. Our  
18 state pension fund is somewhere between  
19 \$140 billion and \$145 billion. And we should  
20 not be supporting or investing in those  
21 companies that profit from doing business with  
22 these terrorist nations.

23 Our country has a balanced set of  
24 statutes which determine who is or isn't a  
25 state terrorist. There are factual inquiries,

1 and it's determined by the conduct of those  
2 nations. And it's not political inquiries to  
3 be determined by the politics of our own  
4 nation.

5 There are five presently on the  
6 list. It is Cuba, it is Iran, it is North  
7 Korea, it is Sudan and it is Syria.

8 You know, President Bush, when he  
9 spoke on the days following 9/11, said -- and  
10 I'm not going to get into whether his deeds  
11 matched his words, but his words were good.  
12 He said: "Either you are with us or with the  
13 terrorists." Let's not allow our public  
14 employee monies to be with the terrorists.

15 ACTING PRESIDENT GRIFFO: Thank  
16 you, Senator Bonacic.

17 Senator Klein.

18 SENATOR KLEIN: On the bill,  
19 Mr. President.

20 ACTING PRESIDENT GRIFFO: Senator  
21 Klein, on the bill.

22 SENATOR KLEIN: I welcome Senator  
23 Bonacic to the fight against terrorism  
24 involving our pension fund.

25 I was very proud that this past

1 Sunday I was joined by Senator Eric Adams,  
2 Senator Craig Johnson, and Senator Toby  
3 Stavisky, where we announced legislation that  
4 I introduced about a month ago really that  
5 mirrors what Senator Bonacic is trying to pass  
6 today.

7 In addition to the legislation, we  
8 also released a very comprehensive analysis of  
9 the New York State pension fund. As Senator  
10 Bonacic said, New York State's pension fund is  
11 the second largest in the United States. And  
12 it's a total of \$140 billion serving about  
13 995,000 members.

14 One of the things we were able to  
15 do is by taking a look at the pension fund's  
16 equity investments, we passed it on to an  
17 organization which specializes in analyzing  
18 pension funds all over the United States to  
19 see if any of the companies that these pension  
20 funds are invested in are in turn supporting  
21 countries that are sponsoring terror.

22 As Senator Bonacic said, there are  
23 several nations which are on the State  
24 Department's index or watch list. And the  
25 countries that I'm concerned about are North

1 Korea, Iran, Sudan, as well as Syria. When I  
2 in turn passed our information from our  
3 New York State pension fund to this  
4 organization, called Conflict Securities, when  
5 that they ran their analysis, we found, lo and  
6 behold, that our \$140 billion pension fund,  
7 \$14 billion of that pension fund is indeed  
8 invested in corporations that are in turn  
9 doing business with one of these four nations.

10 That's 16 percent of our total  
11 pension fund investments, our equity fund  
12 investments, and it represents 232 companies.  
13 And these aren't small investments. Some of  
14 these investments are quite large.

15 As a matter of fact, upon further  
16 analysis, we were able to find some of the  
17 investments that are over \$100 million in the  
18 New York State pension fund. And again, these  
19 are companies that are in fact doing business  
20 with these nations that are sponsoring terror.

21 Over \$500 million in the New York  
22 State pension fund invested in the Chevron  
23 Corporation, which has a connection and does  
24 business with Sudan. ConocoPhillips, total  
25 investment of \$402 million, does business with

1 Iran and Syria. Coca-Cola, over \$249 million  
2 in investments, does business with Iran, North  
3 Korea, Sudan as well as Syria. Royal Dutch  
4 Shell, over \$209 million in investments, does  
5 business with Iran, Sudan and Syria. There  
6 are several others on this list as well.

7 I think it's very, very important  
8 for us in New York State not to be behind the  
9 curve but ahead of the curve. There's several  
10 states out there, like California, like  
11 New Jersey, like Florida, as well as Missouri,  
12 that have passed comprehensive legislation  
13 which would indeed give the state comptroller  
14 the ability and discretion to divest, if  
15 necessary, from these companies that do  
16 business with one of these four nations.

17 We've done this in the past. This  
18 is not something that's new. We've used  
19 social investing very, very well in New York  
20 State on a lot of very, very important issues.  
21 We were able to change policies in South  
22 Africa and end apartheid through the power of  
23 our pension. We were able to change things in  
24 Northern Ireland, again because of our pension  
25 fund.

1                   When Alan Hevesi was state  
2                   comptroller, he brought the Swiss banks to  
3                   their knees when they weren't properly paying  
4                   reparations to Holocaust survivors. The list  
5                   goes on and on.

6                   Again, I think this has come a time  
7                   when New York State, while we're sending our  
8                   men and women overseas each and every day to  
9                   fight a war on terror, we're not using our  
10                  most lethal weapon against terrorism, our  
11                  \$140 billion pension fund.

12                 I think also it's worth looking at  
13                 history once again. By actually sponsoring a  
14                 company or investing in a company that does  
15                 business with a nation like Iran, where  
16                 there's clear evidence that they're sponsoring  
17                 terror, that's the equivalent of the United  
18                 States investing in, let's say, Nazi Germany  
19                 or Imperial Japan in 1941.

20                 You know, I think we really have to  
21                 use the power of our pension fund. Maybe not  
22                 necessarily to divest, but certainly I think  
23                 we can certainly change policies in these  
24                 corporations to, I think, help us fight the  
25                 war on terror.

1                   So while I support this legislation  
2                   and I congratulate Senator Bonacic for  
3                   actually bringing this before us today, I  
4                   think this is a long road. And I hope all of  
5                   us here today, both sides of the aisle, in a  
6                   bipartisan fashion can show that New York  
7                   State will not be behind the curve, that we  
8                   will join California, we will join Missouri,  
9                   we will join Florida and these other states in  
10                  really using the leverage, our financial  
11                  resources, that we have invested in our  
12                  pension funds to do some good and do our part  
13                  in New York State to help fight terror.

14                   Thank you, Mr. President.

15                   ACTING PRESIDENT GRIFFO:        Thank  
16                  you, Senator Klein.

17                   Senator Craig Johnson.

18                   SENATOR CRAIG JOHNSON:        Thank  
19                  you. On the bill.

20                   ACTING PRESIDENT GRIFFO:        Senator  
21                  Johnson, on the bill.

22                   SENATOR CRAIG JOHNSON:        I want to  
23                  commend and congratulate Senator Bonacic for  
24                  this piece of legislation.

25                   And I also want to commend my good

1 friend Jeffrey Klein for the legislation which  
2 is a similar piece, that when we spoke on  
3 Father's Day in New York City in front of the  
4 U.N. to make the point that this really is not  
5 just a New York effort but a worldwide effort  
6 to force divestiture in these nations.

7 I introduced a bill last month that  
8 would authorize the Comptroller to divest from  
9 Iran. It has an Assembly same-as piece,  
10 sponsored by Chuck Lavine. And it's ready to  
11 be passed, that we can take the first step to  
12 authorize our Comptroller, Tom DiNapoli, to  
13 start the process to divest from foreign  
14 companies that do business in Iran.

15 Because that right now is probably  
16 the greatest threat in the Middle East. They  
17 are starting a nuclear program. Everyone  
18 knows about that. They are funding terrorist  
19 activities not just in Iraq, but also, in  
20 likelihood, in Palestine and fostering the  
21 problems in the Palestine/Israel conflict.  
22 And, quite frankly, they are the greatest  
23 threat to our greatest friend in the Middle  
24 East, Israel.

25 But I'm happy to stand up here and

1 support this bill that Senator Bonacic has put  
2 forth. We have to address certain particular  
3 issues that make a little bit more complex.  
4 For instance, we as a country are not  
5 permitted to have our companies divest in Iran  
6 or North Korea or Sudan. A little bit of a  
7 difficulty is that there is no law that  
8 prohibits U.S. companies from investing in  
9 Syria. That's something we should probably  
10 address. That's something we should have our  
11 Congress take up. Because Syria is a threat  
12 to stability in the Middle East, and this is a  
13 an issue that we should be urging our  
14 representatives in Congress to take up.

15 But right now we need to move this  
16 forward. I'm going to work with you, Senator  
17 Bonacic, to find an Assembly sponsor. I  
18 didn't see anywhere there was an Assembly  
19 sponsor. But I'm going speak to my  
20 colleagues, my friend in the Assembly. Even  
21 the Assembly sponsor for my Iran legislation,  
22 Chuck Lavine. Hopefully we can get him maybe  
23 to get on board and move this forward, because  
24 it's so important.

25 We really do have to put our money

1       where our mouth is, so to speak. And we  
2       really need to have our strength of our  
3       pension fund say no to investing in companies  
4       that invest in countries that do terrorist  
5       activities.

6                So I congratulate you, Senator  
7       Bonacic. I congratulate you, Jeffrey Klein,  
8       Senator Klein, for your leadership. And I  
9       thank you very much.

10               I will be voting yes,  
11       Mr. President. Thank you.

12               ACTING PRESIDENT GRIFFO:       Senator  
13       Duane, on the bill.

14               SENATOR DUANE:       Thank you,  
15       Mr. President.

16               I was pleased to vote for Senator  
17       Robach's legislation regarding the State  
18       Comptroller's using our pension funds as a way  
19       to stop the genocide in the Darfur. And in  
20       addition, I also reached out to the Governor  
21       and to the Comptroller on that issue.

22               In regard to specifically this  
23       legislation, I think that the embargo that  
24       we've had against Cuba is frankly stupid. And  
25       because they are included on the U.S. list, I

1 think that makes this legislation  
2 unfortunately one that I can't support. And I  
3 think that that's been a ill-conceived policy  
4 and one which has actually stopped the  
5 relationship and in fact the spread of  
6 democracy in that nation.

7 So I'm going to be voting in the  
8 negative when it comes up for a vote here,  
9 Mr. President.

10 ACTING PRESIDENT GRIFFO: Is  
11 there any other Senator wishing to be heard?

12 Senator Perkins.

13 SENATOR PERKINS: Through you,  
14 Mr. President, I'd like to ask the sponsor a  
15 quick question.

16 ACTING PRESIDENT GRIFFO: Senator  
17 Bonacic, will you yield for a question?

18 SENATOR BONACIC: Of course.

19 ACTING PRESIDENT GRIFFO: Senator  
20 Perkins.

21 SENATOR PERKINS: Thank you so  
22 much.

23 Just in your remarks you mentioned  
24 some of the countries that this legislation  
25 might apply to. I'm not sure if you meant

1           that the legislation applied to them or if it  
2           was just some countries that you were  
3           mentioning.

4                        I just want to be clear about Cuba.  
5           Because as my colleague noted, I don't also  
6           see Cuba as a terrorist nation. And I was  
7           wondering if this legislation actually applies  
8           to Cuba as well.

9                        ACTING PRESIDENT GRIFFO:     Senator  
10          Bonacic.

11                      SENATOR BONACIC:     It does.

12                      The United States Department of  
13          State determines the countries which are  
14          deemed to be sponsors of terrorism. And Cuba  
15          in particular has been designated since March  
16          1st of 1982 and has continued with that  
17          designation on all of the presidents from '82  
18          to the present time.

19                      ACTING PRESIDENT GRIFFO:     Senator  
20          Perkins.

21                      SENATOR PERKINS:     On the  
22          legislation, Mr. President.

23                      ACTING PRESIDENT GRIFFO:     Senator  
24          Perkins, on the bill.

25                      SENATOR PERKINS:     On the bill.

1 I appreciate the explanation. And  
2 I also very much appreciate what it is that  
3 you're attempting to do. In fact,  
4 conceptually and in many details, I actually  
5 would be supportive of it and would commend  
6 you in the direction that you're suggesting  
7 that we should go.

8 But as you mentioned, Cuba still  
9 being on that list is a concern of mine. And  
10 so I therefore will not be able to be  
11 supportive of this bill. But you can be sure  
12 that we're on the same wavelength otherwise.

13 ACTING PRESIDENT GRIFFO: Senator  
14 Larkin, on the bill.

15 SENATOR LARKIN: Thank you,  
16 Mr. Speaker.

17 First I'd like to congratulate my  
18 colleague Senator Bonacic for being  
19 forthright. And I thank Senator Klein, we've  
20 talked before about some of the issues, and  
21 Johnson. But I think specifically what  
22 Senator Bonacic is really laying out is a  
23 clear plan of what we should be doing.

24 You know, we look everyday at the  
25 media, we look at the TV, we listen to the

1 radio, we read papers, and we understand where  
2 the world is at. But we're the leaders of the  
3 free world, and we have to take some  
4 positions.

5 I understand what Senator Perkins  
6 said he can't -- I understand what Senator  
7 Duane said he can't adjust to it. But let's  
8 be realistic. We have a golden opportunity  
9 now, in conjunction with our Comptroller, to  
10 put forth some restrictions on what we do with  
11 our pension funds. We're not talking about  
12 the State Legislature's pension fund, we're  
13 talking about pension funds. We're talking  
14 about the responsibilities and authority we  
15 want the Comptroller to do.

16 We can't stand around and say this  
17 is wrong, this is wrong, this is wrong and  
18 then when something happens, well, why didn't  
19 you do something? What we're basically saying  
20 in this legislation is that we want to give  
21 some power to the Comptroller and let him look  
22 at it.

23 This is serious business. And I  
24 think we've got to open our eyes and not just  
25 say, Well, I don't like it because of this. I

1 think you'd better start to think. You'd  
2 better start to think. Because this is  
3 serious business.

4 Someone just said let's look at  
5 Syria, let's look at this here and let's look  
6 at that. This is a step right up. I strongly  
7 suggest you think about how you vote on this  
8 bill. I'm voting aye.

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

11 Senator Serrano.

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

14 I also rise to echo the concerns of  
15 many of my colleagues regarding the inclusion  
16 of Cuba on this list. I think the fact that  
17 Cuba is listed, and not other countries with  
18 similar political persuasions, such as China,  
19 shows that there is a political slant to the  
20 information provided by the State Department.

21 And I would say that since the  
22 State Department's information is the basis of  
23 this bill, that we should consider that the  
24 information is not good. And if we continue  
25 to disinvest, and Senator Duane talked about

1 the embargo, illegal embargo -- but if we  
2 continue to disinvest in places like Cuba, all  
3 we are doing is hurting the people of that  
4 island nation.

5 So it's very important that we  
6 think long and hard and not paint with a broad  
7 brush and simply say that all of these on this  
8 list are bad and therefore we should not  
9 invest. We should look at the politics behind  
10 it and the politics back in 1982 in which Cuba  
11 was then put on this list and see, has Cuba --  
12 can anyone in this chamber tell me has Cuba  
13 been a threat to our national security? It's  
14 really not.

15 And we need to revisit our  
16 relationship with Cuba. And I think we also  
17 need to revisit, in this legislation, the  
18 inclusion of that country and really go after  
19 the countries that sincerely wish to do harm  
20 to this nation.

21 Thank you.

22 ACTING PRESIDENT GRIFFO: Senator  
23 Stavisky.

24 SENATOR STAVISKY: Thank you,  
25 Mr. President. And thank you, Senator Klein,

1 Senator Bonacic, for bringing this issue to  
2 our attention.

3 I wish Cuba were not on the list.  
4 But there are four countries that are on the  
5 list. And we know that North Korea and the  
6 Sudan and Syria -- and there's one more --  
7 Iran, these four nations are on the list.  
8 There are foreign investments.

9 This is something I think extremely  
10 important. Divestiture has been successful  
11 over the years. It worked with apartheid  
12 until there was a government change in South  
13 Africa. This is something that can work. And  
14 it seems to me that New York State pension  
15 funds can be invested in a fiscally  
16 responsible manner to have a good return on  
17 the investment and at the same time that we  
18 act in a socially responsive and responsible  
19 manner.

20 And I think it's extremely  
21 important that New York State begin its  
22 divestiture of funds in countries that there's  
23 no question do support terror, and those four  
24 countries do.

25 Thank you, Mr. President.

1                   ACTING PRESIDENT GRIFFO:     The  
2                   chair recognizes Senator Diaz for a very brief  
3                   explanation.

4                   SENATOR DIAZ:        Thank you,  
5                   Mr. Chairman.

6                   This is a great bill, and I  
7                   congratulate Senator Bonacic on this bill.  
8                   The only thing that I question is, are we  
9                   willing to stop such a good bill because Cuba  
10                  is included? Are we now becoming the Cuban  
11                  ambassador here? I believe Cuba has Hugo  
12                  Chavez to spend his oil money there.

13                  So please, ladies and gentlemen,  
14                  we're talking business here. We're talking  
15                  very serious threats against our country, our  
16                  nation, and we're saying Cuba, Cuba, Cuba.

17                  Cuba -- Fidel has been there for  
18                  40-some years, and he's still alive and  
19                  kicking. And now he has Hugo Chavez to help  
20                  him. So don't come here saying that we cannot  
21                  support this bill and let Iran and Iraq and  
22                  all those terrorist nations getting away  
23                  because of Cuba.

24                  This is a good bill. I'm voting in  
25                  favor of it.

1                   ACTING PRESIDENT GRIFFO:     Thank  
2     you, Senator Diaz.  Is there any other Senator  
3     that wishes to be heard?

4                   Debate is closed.  The Secretary  
5     will ring the bells.

6                   The Secretary will read the last  
7     section.

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

10                  ACTING PRESIDENT GRIFFO:     Call  
11     the roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT GRIFFO:     Senator  
14     Hassell-Thompson, to explain her vote.

15                  SENATOR HASSELL-THOMPSON:     Thank  
16     you, Mr. President.  Just very briefly.

17                  I appreciate the sentiment and the  
18     intent of this bill, but I will have to vote  
19     no with the inclusion of Cuba.  Cuba does not  
20     fall into the category of the intent of this  
21     bill as I understood it.  So I will in fact be  
22     voting no.

23                  ACTING PRESIDENT GRIFFO:     Senator  
24     Hassell-Thompson to be recorded in the  
25     negative.

1                   Senator Perkins, to explain his  
2                   vote.

3                   SENATOR PERKINS:       Thank you,  
4                   Mr. President. I just want to explain my vote  
5                   a little bit.

6                   You know, I again can't express  
7                   enough my appreciation to the sponsor for the  
8                   direction in which this bill is going, again  
9                   with the exception of having included Cuba.  
10                  Cuba, quite the opposite of being a terrorist,  
11                  has an outstanding record of being an  
12                  ambassador of goodwill, especially for  
13                  developing countries, whether it be in Africa,  
14                  whether it be in South America.

15                  So I know the history of why that  
16                  country has been declared a terrorist. But  
17                  you know, Nelson Mandela was declared a  
18                  terrorist and spent quite a few years in jail  
19                  because of that. And so, you know,  
20                  yesterday's terrorists are really today's  
21                  heroes and freedom fighters.

22                  And so I just want to hope that we  
23                  can move the State Department, if necessary,  
24                  to get the record straight. Because Cuba is  
25                  quite a remarkable accomplishment for a lot of

1 underdeveloped countries as a way to become  
2 successful.

3 Thank you.

4 ACTING PRESIDENT GRIFFO: Senator  
5 Perkins, how do you vote?

6 SENATOR PERKINS: I'm voting in  
7 the negative. Thank you.

8 ACTING PRESIDENT GRIFFO: Senator  
9 Perkins will be recorded in the negative.

10 Senator Volker.

11 SENATOR VOLKER: Mr. President, I  
12 normally don't get into these esoteric  
13 debates, but may I remind some people that  
14 Cuba almost got us into World War III when the  
15 Russian missiles were moved to Cuba?

16 And let me remind you that a lot of  
17 the aid they've given to those counties is  
18 guns and weapons. You know, it's still a  
19 totalitarian country. And I realize that  
20 Fidel Castro is a very clever guy and has put  
21 all kinds of stuff out that he's really a  
22 wonderful guy and he's a great guy.

23 You only need to talk to some of  
24 the people in Florida who came from Cuba.  
25 They will tell you about what a wonderful

1        fellow he is and what a wonderful country Cuba  
2        is.

3                    I'm always amazed at the fact that  
4        some people seem to think just because you  
5        haven't bombed anybody lately, or that you  
6        haven't killed anybody that we know of, that  
7        they're a fine country. But we know one  
8        thing. They're not on our side, that's for  
9        sure. And not only are they not on our side,  
10       they're on the side of communist countries all  
11       over the world.

12                   So I just have a problem -- I'm not  
13        so worried about Cuba, I'm a lot more worried  
14        about other people, except for one thing.  
15        Cuba sits right next to us. And they are a  
16        very dangerous country.

17                   I vote aye.

18                   ACTING PRESIDENT GRIFFO:        Senator  
19        Volker to be recorded in the affirmative.

20                   Senator Parker, to explain his  
21        vote.

22                   SENATOR PARKER:        Mr. President,  
23        to explain my vote.

24                   First let me thank Senator Bonacic  
25        for his work on this bill. This is really,

1 really important, really critical for our  
2 nation. I will be voting aye on this bill  
3 because I think that it's incredibly important  
4 that we put our money where our mouth is, or,  
5 in this case, take our money out of places  
6 that are in fact presenting a danger to this  
7 country.

8 But I certainly have some concerns  
9 about Cuba being involved in this list. I  
10 think we should not be ahistorical about this  
11 and we should understand that if you have a  
12 problem with Fidel Castro, understand that  
13 this government put Fidel Castro in power. If  
14 anybody's interested in a little history  
15 lesson, my office is 517, and I'll go through  
16 it with you year by year.

17 A man educated in this country and  
18 put up against the Battista government. So,  
19 you know, we should not -- we should be very,  
20 very careful about how we talk about these  
21 things.

22 But this is an important bill and I  
23 think that this piece of it, although  
24 important, does not -- is not a poison pill  
25 for this particular bill. So I'll be voting

1 aye.

2 ACTING PRESIDENT GRIFFO: Senator  
3 Parker to be recorded in the affirmative.

4 I was concerned that Senator  
5 Brodsky might want to explain his vote too --  
6 Assemblyman Brodsky.

7 Senator Robach to explain his vote,  
8 the pride of Brockport.

9 SENATOR ROBACH: Yes,  
10 Mr. President, just briefly. I rise to  
11 support this.

12 And earlier this year we passed a  
13 bill to do similar measures in Darfur, which  
14 everyone knows what's going on there. Very  
15 bad atrocities, the women, children,  
16 displacement. Don't even like to think about  
17 what's going on there.

18 And unfortunately the need for  
19 these types of bills comes from a variety of  
20 reasons in response to these terrible  
21 atrocities. We really, in today's world -- I  
22 would like to think that a place like the U.N.  
23 would rise, when there's such obvious acts of  
24 terrorism and even worse in some cases, where  
25 people are being killed, hurt, maimed,

1 civilians, not soldiers, people going about  
2 their everyday life of all ages. But  
3 unfortunately, that doesn't exist.

4 So the one thing we can do that is  
5 meaningful in today's world is express  
6 ourselves via the usage of our resources, our  
7 dollars. And unfortunately, I think until  
8 things get better in the world, we're going to  
9 have to continue to try and take these steps  
10 not only as New Yorkers but as human beings to  
11 try and make the world a better place.

12 So I applaud Senator Bonacic for  
13 this bill, and the others supporting this, and  
14 proudly cast my vote in the affirmative.

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

17 Senator Nozzolio, to explain his  
18 vote.

19 SENATOR NOZZOLIO: Mr. President,  
20 I rise and ask to explain my vote.

21 I wish to be recorded in the  
22 affirmative on this legislation. I was not  
23 intending to rise, but when I heard the  
24 comment that yesterday's terrorist could be  
25 tomorrow's hero, it disturbed me greatly.

1                   There were 3,000 Americans, most of  
2                   whom were New Yorkers, that were shot out of  
3                   the sky because of terrorist-sponsored murder.  
4                   We shall not forget what occurred to our  
5                   nation and our state in the City of New York  
6                   on September 11th. I shudder to think that  
7                   anyone could characterize terrorist activities  
8                   in the words of heroism, on the side of the  
9                   terrorists.

10                   The only heroes that we saw that  
11                   day of September 11th were those who gave  
12                   their lives so that others could live. And  
13                   the destruction of the terrorists to our  
14                   fabric of living in our society is deep, and  
15                   it shall not be forgiven. And it certainly  
16                   shall not be forgotten.

17                   I'm shocked that that could ever be  
18                   characterized in such a trivial way. That we  
19                   have to do all we can to support legislation  
20                   like Senator Bonacic has brought to the floor  
21                   today, to send the signal that we will not  
22                   tolerate this type of activity against the  
23                   United States of America. That the largest,  
24                   most horrific crime ever to take place on  
25                   American soil took place that day because of

1 terrorist activities.

2 And I rise with righteous  
3 indignation and a great deal of sadness to  
4 have to proclaim and to remind some that that  
5 day was the culmination of terrorist  
6 activities. And that the real heroes will  
7 never be the terrorists. The real heroes were  
8 those brave men and women, firefighters,  
9 emergency medical personnel, police officers,  
10 who risked their lives to save others in that  
11 horrific tragedy.

12 Mr. President, I vote aye.

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

15 Senator Serrano, to explain his  
16 vote.

17 SENATOR SERRANO: Hi. Just to  
18 clarify, Senator Perkins was mentioning Nelson  
19 Mandela, who was called a terrorist and then  
20 obviously proven otherwise.

21 Just to make sure that the record  
22 reflects what was actually said by Senator  
23 Perkins, he was referring to Nelson Mandela,  
24 who I feel everyone in this chamber here  
25 reveres as someone who did do many great

1 things and continues to do so.

2 And I think it's shameful to use --  
3 to invoke the souls of those lost on September  
4 11th to instill fear on this issue when we've  
5 been talking about Cuba very specifically. We  
6 all agree that what was done on September 11th  
7 was horrible. But that should not preclude us  
8 from being smart about a bill that includes  
9 Cuba.

10 So I think it's important that we  
11 not mix things up and continue to sully this  
12 entire debate. We have to focus on what it  
13 is, and that is the one point.

14 I vote no.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Serrano to be recorded in the negative.

17 Senator Diaz, to explain his vote.

18 I may remind you, Senator Diaz, we  
19 are under Rule 9, Section 3.

20 SENATOR DIAZ: And that means two  
21 minutes.

22 ACTING PRESIDENT GRIFFO: The  
23 two-minute rule.

24 SENATOR DIAZ: No, I'll only take  
25 one. Just to tell my colleague Senator

1 Serrano that it is not a shame to invoke the  
2 memory of 9/11.

3 On the contrary, 9/11 shall never  
4 be forgotten. And we always -- it will never  
5 be forgotten. And it is not a scaring tactic  
6 to invoke the memory of 9/11. 9/11, our city  
7 was attacked by terrorists. That was  
8 something that more than 3,000 people gave  
9 their life -- firemen, police officers,  
10 everybody. That's a day of shame, a day to  
11 remember.

12 And I am sorry to hear my colleague  
13 saying that it's a shame to invoke that  
14 memory. No, it's not a shame. That is a day  
15 that shall never be forgotten and shall be  
16 always talking about in the memory so our  
17 children, our nation and never we forget that  
18 date. That's the day that should always be  
19 remembered.

20 I'm voting yes.

21 ACTING PRESIDENT GRIFFO: Senator  
22 Diaz to be recorded in the affirmative.

23 Announce the results.

24 THE SECRETARY: Those recorded in  
25 the negative on Calendar Number 2024 are

1 Senators Duane, Gonzalez, Hassell-Thompson,  
2 Perkins, and Serrano.

3 Absent from voting: Senator  
4 Schneiderman.

5 Ayes, 56. Nays, 5.

6 ACTING PRESIDENT GRIFFO: The  
7 bill is passed.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number  
10 2026, by Senator Maziarz, Senate Print 6356,  
11 an act to amend the Labor Law.

12 ACTING PRESIDENT GRIFFO: Senator  
13 Little.

14 SENATOR LITTLE: Thank you,  
15 Mr. President.

16 This is a bill that I have  
17 supported in the past, and it deals with  
18 public works projects and the prevailing wage  
19 rate. But I do have a few questions that I  
20 would like to ask the sponsor for purposes of  
21 clarification.

22 So would the sponsor yield to a few  
23 brief questions?

24 ACTING PRESIDENT GRIFFO: Senator  
25 Maziarz, will you yield?

1                   SENATOR MAZIARZ:     Certainly,  
2     Mr. President.

3                   ACTING PRESIDENT GRIFFO:     Senator  
4     Little.

5                   SENATOR LITTLE:     Thank you.  
6     Thank you, Senator Maziarz.

7                   Just to clear this up so that we  
8     don't have any misunderstanding -- and I do  
9     have a letter from the Association of Towns  
10    also looking for clarification on this -- if,  
11    and this happens in my district quite  
12    frequently, a developer is building some  
13    houses and he builds them on a cul-de-sac, he  
14    builds the road and then, when the houses are  
15    complete and the development is ready, the  
16    town gets the deed to the road and takes over  
17    that road to those houses.

18                  My question to the sponsor is,  
19    would the developer have to use -- would he be  
20    required to use prevailing wage rates in  
21    developing that road before it even becomes a  
22    town road?

23                  ACTING PRESIDENT GRIFFO:     Senator  
24    Maziarz.

25                  SENATOR MAZIARZ:     That is not the

1 intent of this legislation, no.

2 SENATOR LITTLE: Thank you.

3 Also, if you live in the city, in  
4 the city of Glens Falls, and your sidewalk is  
5 in pretty disrepair, you can replace that. So  
6 if I were to replace my sidewalk in front of  
7 my house, would I be required -- would that be  
8 considered a public works project? Would I be  
9 required to use prevailing wage rate, is my  
10 question to the sponsor.

11 ACTING PRESIDENT GRIFFO: Senator  
12 Maziarz.

13 SENATOR MAZIARZ: Well, I think I  
14 would comment that if you have a broken  
15 sidewalk and you live in Glens Falls, you  
16 should maybe consider moving to the city of  
17 North Tonawanda, where they don't have broken  
18 sidewalks. No, that's just a --

19 (Laughter.)

20 SENATOR LITTLE: I will take  
21 that under consideration.

22 SENATOR MAZIARZ: The answer to  
23 your question is no, Senator.

24 SENATOR LITTLE: Thank you,  
25 Senator.

1                   Also, frequently when you are  
2 building a house you need to do a sewer or  
3 water hookup to a municipal water supply.  
4 From the house to the sewer water hookup, is  
5 that considered a public works project and  
6 would prevailing wage be necessary?

7                   ACTING PRESIDENT GRIFFO:     Senator  
8 Maziarz.

9                   SENATOR MAZIARZ:     No. No, it's  
10 not the intent of this legislation.

11                  SENATOR LITTLE:     Thank you. I  
12 believe that clarifies the intent of the  
13 legislation, and I thank the sponsor for  
14 responding.

15                  SENATOR MAZIARZ:     Thank you.

16                  ACTING PRESIDENT GRIFFO:     Thank  
17 you, Senator Little. Thank you, Senator  
18 Maziarz.

19                         Read the last section.

20                  THE SECRETARY:     Section 5. This  
21 act shall take effect on the 60th day.

22                  ACTING PRESIDENT GRIFFO:     Call  
23 the roll.

24                         (The Secretary called the roll.)

25                  THE SECRETARY:     Ayes, 61. Nays,

1 0.

2 Senator Schneiderman absent from  
3 voting.

4 ACTING PRESIDENT GRIFFO: The  
5 bill is passed.

6 The Secretary will read the  
7 supplemental active list, noncontroversial.

8 THE SECRETARY: Calendar Number  
9 531, by Senator Volker, Senate Print 3844A, an  
10 act to amend the Penal Law.

11 ACTING PRESIDENT GRIFFO: Read  
12 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Those recorded in  
20 the negative on Calendar Number 531 are  
21 Senators Adams, Hassell-Thompson and Parker.

22 Ayes, 58. Nays, 3.

23 ACTING PRESIDENT GRIFFO: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 532, by Senator Volker, Senate Print 3845A, an  
2 act to amend the Penal Law.

3 ACTING PRESIDENT GRIFFO: Read  
4 the last section.

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

8 ACTING PRESIDENT GRIFFO: Call  
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Those recorded in  
12 the negative on Calendar Number 532 are  
13 Senators Hassell-Thompson, Montgomery and  
14 Parker.

15 Ayes, 58. Nays, 3.

16 ACTING PRESIDENT GRIFFO: The  
17 bill is passed.

18 THE SECRETARY: Calendar Number  
19 636, by Senator Skelos, Senate Print 4058B, an  
20 act to amend the General Business Law.

21 ACTING PRESIDENT GRIFFO: Read  
22 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT GRIFFO: The  
5 bill is passed.

6 THE SECRETARY: In relation to  
7 Calendar Number 952, Senator Golden moves to  
8 discharge, from the Committee on Rules --

9 SENATOR DUANE: Lay it aside,  
10 please.

11 THE SECRETARY: -- Assembly Bill  
12 Number 8930 and substitute it for the  
13 identical Senate Bill Number 4078A, Third  
14 Reading Calendar 952.

15 ACTING PRESIDENT GRIFFO: The  
16 substitution is ordered.

17 Senator Duane, do you wish to lay  
18 it aside?

19 SENATOR DUANE: Yes,  
20 Mr. President.

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

23 The Secretary will continue to  
24 read.

25 THE SECRETARY: Calendar Number

1 1150, by Senator Libous, Senate Print 1589D,  
2 an act to amend the Vehicle and Traffic Law.

3 ACTING PRESIDENT GRIFFO: Read  
4 the last section.

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

7 ACTING PRESIDENT GRIFFO: Call  
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT GRIFFO: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 1193, by Senator Sabini, Senate Print 1725B,  
15 an act to amend the Racing, Parimutuel  
16 Wagering and Breeding Law.

17 ACTING PRESIDENT GRIFFO: Read  
18 the last section.

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

21 ACTING PRESIDENT GRIFFO: Call  
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT GRIFFO: Senator  
25 Sabini, to explain his vote.

1                   SENATOR SABINI:     Thank you,  
2     Mr. President, to explain my vote.

3                   This bill comes out of the -- to  
4     correct what I feel and many feel was an  
5     inequity in racing law, where we had a  
6     situation where, in an effort to broaden the  
7     appetite for people at OTBs, that they could  
8     see tracks from out of state and even other  
9     countries, and that by doing that we would  
10    protect New York's equine agriculture and  
11    racing by making sure that the New York tracks  
12    were held harmless if their handles from OTBs  
13    dropped.

14                  That was misused and misinterpreted  
15    about a year and change ago, two years ago,  
16    when one of our tracks stopped racing for a  
17    long period of time and yet tried to bill the  
18    OTBs money despite the fact that the OTBs were  
19    then forced to pay for racing that didn't  
20    exist. So this bill tries to correct that  
21    inequity.

22                  I want to thank Chairman Larkin for  
23    his support on this and the various OTBs  
24    around this state. It really just corrects  
25    the intention of what the Legislature really

1 wanted to happen, which is make everybody  
2 whole here and ensure that our tracks and our  
3 OTBs stayed flourishing or at least doing as  
4 best they can in tough circumstances.

5 And as I said, I wanted to thank  
6 Chairman Larkin for his support in this. I'll  
7 be voting aye. Thank you.

8 ACTING PRESIDENT GRIFFO: Senator  
9 Sabini to be recorded in the affirmative.

10 Announce the results.

11 THE SECRETARY: Ayes, 61. Nays,  
12 0.

13 ACTING PRESIDENT GRIFFO: The  
14 bill is passed.

15 THE SECRETARY: Calendar Number  
16 1938, by Senator Padavan, Senate Print 6267A,  
17 an act to amend the Real Property Tax Law.

18 ACTING PRESIDENT GRIFFO: Read  
19 the last section.

20 THE SECRETARY: Section 4. This  
21 act shall take effect July 1, 2007.

22 ACTING PRESIDENT GRIFFO: Call  
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 61.

1                   ACTING PRESIDENT GRIFFO:       The  
2       bill is passed.

3                   Senator Skelos, that completes the  
4       reading of the noncontroversial calendar,  
5       supplemental active list.

6                   SENATOR SKELOS:       Mr. President,  
7       if we could now take up, on the controversial  
8       calendar, Calendar Number 952.

9                   ACTING PRESIDENT GRIFFO:       The  
10      Secretary will read.

11                  THE SECRETARY:       Calendar Number  
12      952, substituted earlier by Member of the  
13      Assembly Silver, Assembly Print Number 8930,  
14      an act to amend Chapter 280 of the Laws of  
15      2006.

16                  SENATOR CONNOR:       Explanation.

17                  ACTING PRESIDENT GRIFFO:     An  
18      explanation has been called for.

19                  I want to announce that there is a  
20      local fiscal impact statement here at the  
21      desk.

22                  SENATOR SKELOS:       Lay the bill  
23      aside temporarily, please.

24                  ACTING PRESIDENT GRIFFO:     The  
25      bill will be laid aside temporarily.

1 Senator Skelos.

2 SENATOR SKELOS: Mr. President,  
3 if we could return to motions and resolutions,  
4 I believe there are some motions to be made at  
5 this time.

6 ACTING PRESIDENT GRIFFO: Motions  
7 and resolutions.

8 Senator Nozzolio.

9 SENATOR NOZZOLIO: Mr. President,  
10 on behalf of Senator Hannon, on page number 23  
11 I offer the following amendments to Calendar  
12 Number 932, Senate Print Number 4640, and ask  
13 that said bill retain its place on Third  
14 Reading Calendar.

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

19 Senator Fuschillo.

20 SENATOR FUSCHILLO: Mr.  
21 President, on behalf of Senator Leibell, I  
22 wish to call up Senate Print Number 3652,  
23 recalled from the Assembly, which is now at  
24 the desk.

25 ACTING PRESIDENT GRIFFO: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number  
3 396, by Senator Leibell, Senate Print 3652, an  
4 act to amend the Executive Law.

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

8 ACTING PRESIDENT GRIFFO: Call  
9 the roll on reconsideration.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT GRIFFO: The  
13 bill is restored to the order of third reading  
14 on the calendar.

15 SENATOR SKELOS: Mr. President.

16 ACTING PRESIDENT GRIFFO: Senator  
17 Skelos.

18 SENATOR SKELOS: There will be a  
19 meeting of the Rules Committee at 2:00 p.m. in  
20 the Majority Conference Room, and the Senate  
21 will stand at ease.

22 ACTING PRESIDENT GRIFFO: There  
23 will be a meeting of the Rules Committee at  
24 2:00 p.m. in the Majority Conference Room.

25 The Senate stands at ease.

1 (Whereupon, the Senate stood at  
2 ease at 1:55 p.m.)

3 (Whereupon, the Senate reconvened  
4 at 2:19 p.m.)

5 ACTING PRESIDENT MAZIARZ: The  
6 Senate will come to order.

7 Senator LaValle.

8 SENATOR LaVALLE: Mr. President,  
9 please recognize Senator Stavisky for an  
10 announcement.

11 ACTING PRESIDENT MAZIARZ:  
12 Senator Stavisky.

13 SENATOR STAVISKY: There will be  
14 an immediate conference of the Minority in the  
15 Minority Conference Room.

16 ACTING PRESIDENT MAZIARZ: There  
17 will be an immediate conference of the  
18 Minority in the Minority Conference Room.

19 Senator LaValle.

20 SENATOR LaVALLE: Mr. President,  
21 the Senate will stand at ease.

22 ACTING PRESIDENT MAZIARZ: The  
23 Senate will stand at ease.

24 (Whereupon, the Senate stood at  
25 ease at 2:20 p.m.)

1                   ACTING PRESIDENT NOZZOLIO:     The  
2     Senate will come to order.

3                   Senator Johnson.

4                   SENATOR OWEN JOHNSON:     Mr.  
5     President, there will be an immediate  
6     conference of the Majority in the Majority  
7     Conference Room.

8                   ACTING PRESIDENT NOZZOLIO:  
9     Immediate conference of the Senate Majority in  
10    the Majority Conference Room.

11                  The Senate will stand at ease.

12                  (Whereupon, the Senate reconvened  
13    at 4:22 p.m.)

14                  ACTING PRESIDENT GRIFFO:     The  
15    Senate will come to order.

16                  Senator Skelos.

17                  SENATOR SKELOS:     Mr. President,  
18    if we could go to the supplemental calendar  
19    and take up Calendar Number 952.

20                  ACTING PRESIDENT GRIFFO:     The  
21    Secretary will read.

22                  THE SECRETARY:     Calendar Number  
23    952, substituted earlier today by Member of  
24    the Assembly Silver, Assembly Print Number  
25    8930, an act to amend Chapter 280 of the Laws

1 of 2006.

2 ACTING PRESIDENT GRIFFO: There  
3 is a local fiscal impact note here at the  
4 desk.

5 Senator Golden.

6 SENATOR GOLDEN: Yes, Mr.  
7 President. I ask for unanimous consent to  
8 replace the sponsorship of my bill, Bill  
9 Number 4078A, with Senator Martin Connor.

10 SENATOR SKELOS: No objection.

11 ACTING PRESIDENT GRIFFO: So  
12 ordered.

13 SENATOR GOLDEN: Thank you.

14 ACTING PRESIDENT GRIFFO: Senator  
15 Connor.

16 SENATOR CONNOR: Yes, Mr.  
17 President. I had earlier laid aside this  
18 bill, and I would like to remove that and have  
19 no objection to it being noncontroversial.

20 SENATOR SKELOS: Mr. President,  
21 please take up Calendar Number 952,  
22 noncontroversial.

23 ACTING PRESIDENT GRIFFO: The  
24 Secretary will read the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 60.

6 ACTING PRESIDENT GRIFFO: The  
7 bill is passed.

8 SENATOR SKELOS: Mr. President.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Skelos.

11 SENATOR SKELOS: On the regular  
12 calendar, if you could call up Calendar Number  
13 544, noncontroversial.

14 ACTING PRESIDENT GRIFFO: The  
15 Secretary will read Calendar Number 544.

16 THE SECRETARY: In relation to  
17 Calendar Number 544, Senator Seward moves to  
18 discharge, from the Committee on  
19 Investigations and Government Operations,  
20 Assembly Bill Number 6272 and substitute it  
21 for the identical Senate Bill Number 1658,  
22 Third Reading Calendar 544.

23 ACTING PRESIDENT GRIFFO: The  
24 substitution is ordered.

25 There is a local fiscal impact note

1 at the desk.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number  
4 544, substituted earlier by Member of the  
5 Assembly Silver, Assembly Print Number 6272,  
6 an act to amend the Tax Law.

7 ACTING PRESIDENT GRIFFO: Read  
8 the last section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect on the first day of the  
11 month next succeeding.

12 ACTING PRESIDENT GRIFFO: Call  
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT GRIFFO: The  
17 bill is passed.

18 Senator Skelos.

19 SENATOR SKELOS: If we could now  
20 go to Senate Calendar Number 65A,  
21 noncontroversial.

22 ACTING PRESIDENT GRIFFO: The  
23 Secretary will read.

24 Senator Skelos.

25 SENATOR SKELOS: Mr. President,

1           anxious to end the day on a positive note, I  
2           neglected to ask the Rules report to be read  
3           first. And then we'll take up the calendar.

4                    ACTING PRESIDENT GRIFFO:        The  
5           Secretary will read the report of the Rules  
6           Committee.

7                    THE SECRETARY:        Senator Bruno,  
8           from the Committee on Rules, reports the  
9           following bills:

10                   Senate Print 100, by Senator  
11           DeFrancisco, an act to amend the Executive  
12           Law;

13                   1284A, by Senator Volker, an act to  
14           amend the Environmental Conservation Law;

15                   1469, by Senator Morahan, an act to  
16           authorize;

17                   1474, by Senator Morahan, an act  
18           authorizing;

19                   1476, by Senator Morahan, an act to  
20           authorize;

21                   2142, by Senator Wright, an act to  
22           amend the Vehicle and Traffic Law;

23                   2388A, by Senator Leibell, an act  
24           to amend the Public Health Law;

25                   2441, by Senator Morahan, an act to

1 amend the Tax Law;  
2 2863A, by Senator Farley, an act to  
3 amend the Banking Law;  
4 3241, by Senator Golden, an act to  
5 amend the General Municipal Law;  
6 3546A, by Senator DeFrancisco, an  
7 act to amend the Arts and Cultural Affairs  
8 Law;  
9 3754A, by Senator Trunzo, an act in  
10 relation to authorizing;  
11 3817, by Senator LaValle, an act to  
12 amend the Education Law;  
13 3927, by Senator Trunzo, an act to  
14 amend the Retirement and Social Security Law;  
15 3982A, by Senator Hannon, an act to  
16 amend Chapter 521 of the Laws of 1994;  
17 3985A, by Senator Hannon, an act to  
18 amend the Public Health Law;  
19 3986A, by Senator Hannon, an act to  
20 amend the Public Health Law;  
21 4247, by Senator Leibell, an act to  
22 amend the Executive Law;  
23 4329, by Senator Lanza, an act to  
24 amend the Social Services Law;  
25 4393, by Senator Flanagan, an act

1 to amend the Public Officers Law;  
2 4440, by Senator Golden, an act to  
3 amend the Social Services Law;  
4 4888A, by Senator Libous, an act to  
5 amend the Vehicle and Traffic Law;  
6 5039, by Senator Savino, an act  
7 authorizing;  
8 5046A, by Senator Fuschillo, an act  
9 to amend the Executive Law;  
10 5229A, by Senator Alesi, an act to  
11 amend Chapter 530 of the Laws of 1988;  
12 5304, by Senator Marcellino, an act  
13 to amend the Environmental Conservation Law;  
14 5340, by Senator Hannon, an act to  
15 amend the Public Health Law;  
16 5521, by Senator Hannon, an act to  
17 amend the Social Services Law;  
18 5667, by Senator Leibell, an act to  
19 amend the Retirement and Social Security Law;  
20 5740, by Senator Saland, an act to  
21 amend the Education Law;  
22 5743, by Senator Flanagan, an act  
23 to amend the Arts and Cultural Affairs Law;  
24 5793, by Senator Flanagan, an act  
25 to amend the Executive Law;

1                   5927, by Senator O. Johnson, an act  
2           to amend the Environmental Conservation Law;  
3                   6063, by Senator Farley, an act  
4           making an appropriation;  
5                   6172, by the Senate Committee on  
6           Rules, an act in relation to authorizing;  
7                   6305, by Senator Marcellino, an act  
8           to amend the Environmental Conservation Law;  
9                   6318, by Senator Griffo, an act  
10          providing;  
11                   6323, by Senator Marcellino, an act  
12          to amend the Environmental Conservation Law;  
13                   6333, by the Senate Committee on  
14          Rules, an act to amend Chapter 444 of the Laws  
15          of 1997;  
16                   6337, by the Senate Committee on  
17          Rules, an act to amend Chapter 181 of the Laws  
18          of 2005;  
19                   6347, by Senator Robach, an act  
20          establishing;  
21                   6354, by the Senate Committee on  
22          Rules, an act to amend the Tax Law;  
23                   6357, by Senator Saland, an act to  
24          amend the Criminal Procedure Law;  
25                   6361, by Senator Saland, an act to

1 amend the Education Law;

2 6378, by Senator Alesi, an act in  
3 relation;

4 And Senate Print 6379, by Senator  
5 Bonacic, an act to amend the State Finance  
6 Law.

7 All bills ordered direct to third  
8 reading.

9 ACTING PRESIDENT GRIFFO: Senator  
10 DeFrancisco.

11 SENATOR DeFRANCISCO: Move to  
12 accept the report of the Rules Committee.

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

16 (Response of "Aye.")

17 ACTING PRESIDENT GRIFFO:  
18 Opposed, nay.

19 (No response.)

20 ACTING PRESIDENT GRIFFO: The  
21 report is accepted.

22 SENATOR DeFRANCISCO: Please  
23 return to motions and resolutions.

24 ACTING PRESIDENT GRIFFO: Motions  
25 and resolutions.

1 Senator Breslin.

2 SENATOR BRESLIN: Mr. President,  
3 I move to amend Senate Bill 4255 by striking  
4 out the amendments made on June 20th and  
5 restoring it to its previous print, 4255B.

6 ACTING PRESIDENT GRIFFO: So  
7 ordered.

8 SENATOR BRESLIN: Thank you.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Fuschillo.

11 SENATOR FUSCHILLO: Mr.  
12 President, on behalf of Senator Morahan, on  
13 the supplemental calendar, I offer the  
14 following amendments to Calendar Number 2032,  
15 Senate Print Number 1476, and ask that said  
16 bill will retain its place on the order of  
17 Third Reading Calendar.

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

22 Senator DeFrancisco.

23 SENATOR DeFRANCISCO: Would you  
24 please do the noncontroversial reading of  
25 Senate Calendar 65A.

1                   ACTING PRESIDENT GRIFFO:     The  
2     Secretary will read Senate Calendar 65A,  
3     noncontroversial.

4                   THE SECRETARY:     In relation to  
5     Calendar Number 2028, Senator DeFrancisco  
6     moves to discharge, from the Committee on  
7     Rules, Assembly Bill Number 6575 and  
8     substitute it for the identical Senate Bill  
9     Number 100, Third Reading Calendar 2028.

10                  ACTING PRESIDENT GRIFFO:

11                  ACTING PRESIDENT GRIFFO:

12     Substitution ordered.

13                  The Secretary will read.

14                  THE SECRETARY:     Calendar Number  
15     2028, by Member of the Assembly Towns,  
16     Assembly Print Number 6575, an act to amend  
17     the Executive Law.

18                  ACTING PRESIDENT GRIFFO:     Read  
19     the last section.

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

22                  ACTING PRESIDENT GRIFFO:     Call  
23     the roll.

24                  (The Secretary called the roll.)

25                  THE SECRETARY:     Ayes, 61.

1                   ACTING PRESIDENT GRIFFO:     The  
2     bill is passed.

3                   THE SECRETARY:     Calendar Number  
4     2029, by Senator Volker, Senate Print 1284A,  
5     an act to amend the Environmental Conservation  
6     Law.

7                   ACTING PRESIDENT GRIFFO:     Read  
8     the last section.

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

11                  ACTING PRESIDENT GRIFFO:     Call  
12    the roll.

13                  (The Secretary called the roll.)

14                  THE SECRETARY:     Ayes, 59. Nays,  
15    1. Senator Serrano recorded in the negative.

16                  ACTING PRESIDENT GRIFFO:     The  
17    bill is passed.

18                  THE SECRETARY:     In relation to  
19    Calendar Number 2030, Senator Morahan moves to  
20    discharge, from the Committee on Rules,  
21    Assembly Bill Number 7936 and substitute it  
22    for the identical Senate Bill Number 1469,  
23    Third Reading Calendar 2030.

24                  ACTING PRESIDENT GRIFFO:  
25    Substitution ordered.

1                   The Secretary will read.

2                   THE SECRETARY:     Calendar Number  
3                   2030, by Member of the Assembly Jaffee,  
4                   Assembly Print Number 7936, an act to  
5                   authorize Congregation Ribnitz.

6                   ACTING PRESIDENT GRIFFO:     Read  
7                   the last section.

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

10                  ACTING PRESIDENT GRIFFO:     Call  
11                  the roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:     Ayes, 60. Nays,  
14                  1. Senator Bonacic recorded in the negative.

15                  ACTING PRESIDENT GRIFFO:     The  
16                  bill is passed.

17                  THE SECRETARY:     Calendar Number  
18                  2031, by Senator Morahan, Senate Print 1474,  
19                  an act authorizing.

20                  ACTING PRESIDENT GRIFFO:     Read  
21                  the last section.

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

24                  ACTING PRESIDENT GRIFFO:     Call  
25                  the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 60. Nays,

3 1. Senator Bonacic recorded in the negative.

4 ACTING PRESIDENT GRIFFO: The  
5 bill is passed.

6 THE SECRETARY: In relation to  
7 Calendar Number 2032, Senator Morahan moves to  
8 discharge, from the Committee on Rules,  
9 Assembly Bill Number 7937A and substitute it  
10 for the identical Senate Bill Number 1476A,  
11 Third Reading Calendar 2032.

12 ACTING PRESIDENT GRIFFO:  
13 Substitution ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number  
16 2032, by Member of the Assembly Jaffee,  
17 Assembly Print Number 7937A, an act  
18 authorizing.

19 ACTING PRESIDENT GRIFFO: Read  
20 the last section.

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

23 ACTING PRESIDENT GRIFFO: Call  
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 59. Nays,  
2 2. Senators Bonacic and Larkin recorded in  
3 the negative.

4 ACTING PRESIDENT GRIFFO: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 2033, by Senator Wright, Senate Print 2142, an  
8 act to amend the Vehicle and Traffic Law.

9 ACTING PRESIDENT GRIFFO: Read  
10 the last section.

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

13 ACTING PRESIDENT GRIFFO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 59. Nays,  
17 2. Senators Duane and L. Krueger recorded in  
18 the negative.

19 ACTING PRESIDENT GRIFFO: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 2034, by Senator Leibell, Senate Print 2388A,  
23 an act to amend the Public Health Law.

24 ACTING PRESIDENT GRIFFO: Read  
25 the last section.

1                   SENATOR DUANE:     Lay it aside,  
2     please.

3                   ACTING PRESIDENT GRIFFO:     The  
4     bill is laid aside.

5                   THE SECRETARY:     Calendar Number  
6     2035, by Senator Morahan, Senate Print 2441,  
7     an act to amend the Tax Law.

8                   ACTING PRESIDENT GRIFFO:     There  
9     is a local fiscal impact note at the desk.  
10                  The Secretary will read the last  
11     section.

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

15                  ACTING PRESIDENT GRIFFO:     Call  
16     the roll.

17                  (The Secretary called the roll.)

18                  THE SECRETARY:     Ayes, 61.

19                  ACTING PRESIDENT GRIFFO:     The  
20     bill is passed.

21                  THE SECRETARY:     In relation to  
22     Calendar Number 2036, Senator Farley moves to  
23     discharge, from the Committee on Rules,  
24     Assembly Bill Number 9159 and substitute it  
25     for the identical Senate Bill Number 2863A,

1 Third Reading Calendar 2036.

2 ACTING PRESIDENT GRIFFO:

3 Substitution ordered.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number

6 2036, by Member of the Assembly Towns,

7 Assembly Print Number 9159, an act to amend

8 the Banking Law.

9 ACTING PRESIDENT GRIFFO: Read  
10 the last section.

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

13 ACTING PRESIDENT GRIFFO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT GRIFFO: The  
18 bill is passed.

19 THE SECRETARY: In relation to  
20 Calendar Number 2037, Senator Golden moves to  
21 discharge, from the Committee on Rules,  
22 Assembly Bill Number 7757 and substitute it  
23 for the identical Senate Bill Number 3241,  
24 Third Reading Calendar 2037.

25 ACTING PRESIDENT GRIFFO:

1 Substitution ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number  
4 2037, by Member of the Assembly Jeffries,  
5 Assembly Print Number 7757, an act to amend  
6 the General Municipal Law.

7 ACTING PRESIDENT GRIFFO: Read  
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call  
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT GRIFFO: The  
16 bill is passed.

17 THE SECRETARY: In relation to  
18 Calendar Number 2038, Senator DeFrancisco  
19 moves to discharge, from the Committee on  
20 Rules, Assembly Bill Number 5202A and  
21 substitute it for the identical Senate Bill  
22 Number 3546A, Third Reading Calendar 2038.

23 ACTING PRESIDENT GRIFFO:  
24 Substitution ordered.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number  
2 2038, by Member of the Assembly Millman,  
3 Assembly Print Number 5202A, an act to amend  
4 the Arts and Cultural Affairs Law.

5 ACTING PRESIDENT GRIFFO: Read  
6 the last section.

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

9 ACTING PRESIDENT GRIFFO: Call  
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT GRIFFO: The  
14 bill is passed.

15 THE SECRETARY: In relation to  
16 Calendar Number 2039, Senator Trunzo moves to  
17 discharge, from the Committee on Rules,  
18 Assembly Bill Number 6582A and substitute it  
19 for the identical Senate Bill Number 3754A,  
20 Third Reading Calendar 2039.

21 ACTING PRESIDENT GRIFFO: The  
22 substitution is ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number  
25 2039, by Member of the Assembly Eddington,

1 Assembly Print Number 6582A, an act in  
2 relation to authorizing.

3 ACTING PRESIDENT GRIFFO: Read  
4 the last section.

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

7 ACTING PRESIDENT GRIFFO: Call  
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 59. Nays,  
11 2. Senators Bonacic and Larkin recorded in  
12 the negative.

13 ACTING PRESIDENT GRIFFO: The  
14 bill is passed.

15 THE SECRETARY: Calendar Number  
16 2040, by Senator LaValle --

17 SENATOR DUANE: Lay it aside,  
18 please.

19 ACTING PRESIDENT GRIFFO: The  
20 bill is laid aside.

21 THE SECRETARY: Calendar Number  
22 2041, by Senator Trunzo, Senate Print 3927, an  
23 act to amend the Retirement and Social  
24 Security Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The  
9 bill is passed.

10 THE SECRETARY: In relation to  
11 Calendar Number 2042, Senator Hannon moves to  
12 discharge, from the Committee on Rules,  
13 Assembly Bill Number 8097A and substitute it  
14 for the identical Senate Bill Number 3982A,  
15 Third Reading Calendar 2042.

16 ACTING PRESIDENT GRIFFO: The  
17 substitution is ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number  
20 2042, by Member of the Assembly Gottfried.  
21 Assembly Print Number 8097A, an act to amend  
22 Chapter 521 of the Laws of 1994.

23 ACTING PRESIDENT GRIFFO: Read  
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT GRIFFO: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 2043, by Senator Hannon, Senate Print 3985A,  
10 an act to amend the Public Health Law.

11 ACTING PRESIDENT GRIFFO: Read  
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call  
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT GRIFFO: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 2044, by Senator Hannon, Senate Print 3986A,  
23 an act to amend the Public Health Law and  
24 others.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

2 THE SECRETARY: Section 20. This  
3 act shall take effect April 1, 2008.

4 ACTING PRESIDENT GRIFFO: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The  
9 bill is passed.

10 THE SECRETARY: In relation to  
11 Calendar Number 2045, Senator Leibell moves to  
12 discharge, from the Committee on Rules,  
13 Assembly Bill Number 8525 and substitute it  
14 for the identical Senate Bill Number 4247,  
15 Third Reading Calendar 2045.

16 ACTING PRESIDENT GRIFFO: The  
17 substitution is ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number  
20 2045, by Member of the Assembly Lancman,  
21 Assembly Print Number 8525, an act to amend  
22 the Executive Law.

23 ACTING PRESIDENT GRIFFO: Read  
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT GRIFFO: The  
7 bill is passed.

8 THE SECRETARY: In relation to  
9 Calendar Number 2046, Senator Lanza moves to  
10 discharge, from the Committee on Rules,  
11 Assembly Bill Number 7905 and substitute it  
12 for the identical Senate Bill Number 4329,  
13 Third Reading Calendar 2046.

14 ACTING PRESIDENT GRIFFO: The  
15 substitution is ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number  
18 2046, by Member of the Assembly V. Lopez,  
19 Assembly Print Number 7905, an act to amend  
20 the Social Services Law.

21 ACTING PRESIDENT GRIFFO: Last  
22 section.

23 SENATOR DeFRANCISCO: Please lay  
24 that bill aside temporarily.

25 ACTING PRESIDENT GRIFFO: Lay it

1       aside temporarily.

2                   THE SECRETARY:       In relation to  
3       Calendar Number 2047, Senator Flanagan moves  
4       to discharge, from the Committee on Rules,  
5       Assembly Bill Number 1108 and substitute it  
6       for the identical Senate Bill Number 4393,  
7       Third Reading Calendar 2047.

8                   ACTING PRESIDENT GRIFFO:  
9       Substitution ordered.

10                   The Secretary will read.

11                   THE SECRETARY:       Calendar Number  
12       2047, by Member of the Assembly Destito,  
13       Assembly Print Number 1108, an act to amend  
14       the Public Officers Law.

15                   ACTING PRESIDENT GRIFFO:       Read  
16       the last section.

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

19                   ACTING PRESIDENT GRIFFO:       Call  
20       the roll.

21                   (The Secretary called the roll.)

22                   THE SECRETARY:       Ayes, 61.

23                   ACTING PRESIDENT GRIFFO:       The  
24       bill is passed.

25                   THE SECRETARY:       In relation to

1 Calendar Number 2048, Senator Golden moves to  
2 discharge, from the Committee on Rules,  
3 Assembly Bill Number 1469 and substitute it  
4 for the identical Senate Bill Number 4440,  
5 Third Reading Calendar 2048.

6 ACTING PRESIDENT GRIFFO:  
7 Substitution ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number  
10 2048, by Member of the Assembly Englebright,  
11 Assembly Print Number 1469, an act to amend  
12 the Social Services Law.

13 ACTING PRESIDENT GRIFFO: Read  
14 the last section.

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

17 ACTING PRESIDENT GRIFFO: Call  
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT GRIFFO: The  
22 bill is passed.

23 THE SECRETARY: In relation to  
24 Calendar Number 2049, Senator Libous moves to  
25 discharge, from the Committee on Rules,

1 Assembly Bill Number 7877A and substitute it  
2 for the identical Senate Bill Number 4888A,  
3 Third Reading Calendar 2049.

4 ACTING PRESIDENT GRIFFO:  
5 Substitution ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number  
8 2049, by Member of the Assembly Gantt,  
9 Assembly Print Number 7877A, an act to amend  
10 the Vehicle and Traffic Law.

11 ACTING PRESIDENT GRIFFO: Read  
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call  
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT GRIFFO: The  
20 bill is passed.

21 THE SECRETARY: In relation to  
22 Calendar Number 2051, Senator Fuschillo moves  
23 to discharge, from the Committee on Rules,  
24 Assembly Bill Number 217B and substitute it  
25 for the identical Senate Bill Number 5046A,

1 Third Reading Calendar 2051.

2 ACTING PRESIDENT GRIFFO: The  
3 substitution is ordered.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number  
6 2051, by Member of the Assembly Pheffer,  
7 Assembly Print Number 217B, an act to amend  
8 the Executive Law.

9 ACTING PRESIDENT GRIFFO: Read  
10 the last section.

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

13 ACTING PRESIDENT GRIFFO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT GRIFFO: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 2052, by Senator Alesi, Senate Print 5229A, an  
21 act to amend Chapter 530 of the Laws of 1988  
22 authorizing the Department of Social Services.

23 ACTING PRESIDENT GRIFFO: Read  
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT GRIFFO: The  
7 bill is passed.

8 THE SECRETARY: In relation to  
9 Calendar Number 2053, Senator Marcellino moves  
10 to discharge, from the Committee on Rules,  
11 Assembly Bill Number 8339 and substitute it  
12 for the identical Senate Bill Number 5304,  
13 Third Reading Calendar 2053.

14 ACTING PRESIDENT GRIFFO: The  
15 substitution is ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number  
18 2053, by Member of the Assembly Sweeney,  
19 Assembly Print Number 8339, an act to amend  
20 the Environmental Conservation Law.

21 ACTING PRESIDENT GRIFFO: Read  
22 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT GRIFFO:

4 Senator Marcellino, to explain his vote.

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

7 I rise in support this bill and  
8 thank my colleagues for their support.

9 In 1993 this body created the  
10 Environmental Protection Act, the first ever  
11 permanent, dedicated environmental funding  
12 mechanism in this state. The EPF generally  
13 supports capital projects and programs that  
14 protect the water we drink, the air we breathe  
15 and the food we eat, and the quality and  
16 safety of our communities which we call home.

17 After more than 10 years of EPF  
18 funding, plus the 1996 Clean Water Clean Air  
19 Bond Act, there has been great progress. But  
20 total funding today is inadequate. Sprawling  
21 development across New York State consumes  
22 open space and farmland, threatens clean  
23 water, increases fuel consumption and air  
24 pollution, and creates more solid waste.

25 But this same sprawling development

1 has resulted in an exponential increase in  
2 receipts from the real estate transfer tax,  
3 the primary source of funding for the EPF.  
4 However, a smaller and smaller percentage of  
5 the real estate transfer tax revenue has been  
6 dedicated to conservation, while at the same  
7 time the cost of the environmental protection  
8 has increased.

9           Currently less than 1.1 cent per  
10 dollar -- that's 1.1 cent per dollar -- of  
11 every state revenue goes to the environment,  
12 which is a lower rate than at any time in the  
13 last 10 years and is well below the national  
14 average.

15           Within the EPF there are numerous  
16 programs where demand greatly outstrips  
17 available funding. Examples of grossly  
18 underfunded categories include open space,  
19 farmland protection, nonpoint source water  
20 pollution control, municipal recycling,  
21 pollution prevention, state land stewardship,  
22 local waterfront revitalization, community  
23 forestry and urban, suburban and rural parks  
24 and historic preservation, amongst others.

25           This bill will address this

1       shortfall by permanently increasing the  
2       portion of the real estate transfer tax that  
3       is dedicated to the EPF and providing a  
4       mechanism to ensure that any future growth in  
5       the real estate transfer tax revenue that is  
6       driven by development is rightly dedicated to  
7       the preservation of the environment.

8                   This is a good thing we're doing  
9       tonight, ladies and gentlemen. I proudly vote  
10      aye.

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

13                   Senator Krueger, to explain her  
14      vote.

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

17                   While I totally agree with Senator  
18      Marcellino's history of and support for the  
19      Environmental Protection Fund and the  
20      importance of it and what it's been doing, and  
21      why we need more money in the Environmental  
22      Protection Fund, I find that I have to vote no  
23      on this bill because it's taking more money  
24      out of the real estate transfer tax to move  
25      into EPF when we still don't put any money

1           into a real housing trust fund to build  
2           housing in this state.

3                       And if we have some much money  
4           coming in from a real estate tax, I find it  
5           amazing that we won't commit any of it to  
6           actually dealing with our housing crisis. And  
7           I would argue we have an ability to do both  
8           things.

9                       We could put RETT money into a real  
10          housing trust fund to invest in building  
11          affordable housing and preserving affordable  
12          housing throughout the great state of  
13          New York, and we could pass that bottle bill  
14          to come up with the money to provide to the  
15          EPF, so we could have a win/win.

16                      This bill doesn't get us a win/win.  
17          It gets us more money for EPF but lowers our  
18          opportunities of finally using some of that  
19          real estate transfer tax money for the  
20          preservation and the building of desperately  
21          needed affordable housing.

22                      And so I will vote no,  
23          Mr. President. Thank you.

24                      ACTING PRESIDENT GRIFFO:        Senator  
25          Krueger to be recorded in the negative.

1                   Announce the results.

2                   THE SECRETARY:     Ayes, 60.  Nays,  
3                   1.  Senator L. Krueger recorded in the  
4                   negative.

5                   ACTING PRESIDENT GRIFFO:     The  
6                   bill is passed.

7                   THE SECRETARY:     In relation to  
8                   Calendar Number 2054, Senator Hannon moves to  
9                   discharge, from the Committee on Rules,  
10                  Assembly Bill Number 8081 and substitute it  
11                  for the identical Senate Bill Number 5340,  
12                  Third Reading Calendar 2054.

13                  ACTING PRESIDENT GRIFFO:     The  
14                  substitution is ordered.

15                  The Secretary will read.

16                  THE SECRETARY:     Calendar Number  
17                  2054, by Member of the Assembly Gottfried,  
18                  Assembly Print Number 8081, an act to amend  
19                  the Public Health Law.

20                  ACTING PRESIDENT GRIFFO:     Read  
21                  the last section.

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

24                  ACTING PRESIDENT GRIFFO:     Call  
25                  the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT GRIFFO: The  
4 bill is passed.

5 THE SECRETARY: In relation to  
6 Calendar Number 2055, Senator Hannon moves to  
7 discharge, from the Committee on Rules,  
8 Assembly Bill Number 1462A and substitute it  
9 for the identical Senate Bill Number 5521,  
10 Third Reading Calendar 2055.

11 ACTING PRESIDENT GRIFFO:  
12 Substitution ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number  
15 2055, by Member of the Assembly Englebright,  
16 Assembly Print Number 1462A, an act to amend  
17 the Social Services Law.

18 ACTING PRESIDENT GRIFFO: Read  
19 the last section.

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

22 ACTING PRESIDENT GRIFFO: Call  
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 61.

1                   ACTING PRESIDENT GRIFFO:     The  
2     bill is passed.

3                   THE SECRETARY:     Calendar Number  
4     2056, by Senator Leibell, Senate Print 5667,  
5     an act to amend the Retirement and Social  
6     Security Law.

7                   ACTING PRESIDENT GRIFFO:     Read  
8     the last section.

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

11                  ACTING PRESIDENT GRIFFO:     Call  
12    the roll.

13                  (The Secretary called the roll.)

14                  THE SECRETARY:     Ayes, 61.

15                  ACTING PRESIDENT GRIFFO:     The  
16    bill is passed.

17                  THE SECRETARY:     Calendar Number  
18    2057, by Senator Saland, Senate Print 5740, an  
19    act to amend the Education Law.

20                  ACTING PRESIDENT GRIFFO:     Read  
21    the last section.

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

24                  ACTING PRESIDENT GRIFFO:     Call  
25    the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT GRIFFO: Senator  
3 Saland, to explain his vote.

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

6 We all recall earlier this year  
7 during the course of the adoption of the  
8 budget, as part of the education portion of  
9 the budget, we adopted a provision which was  
10 termed the Contracts for Excellence, which  
11 required schools that had received more than  
12 \$15 million or more, or 10 percent more  
13 increase in aid from the prior year, to be  
14 subject to the contract.

15 When the Governor initially  
16 provided us with his budget, there was  
17 somewhere in the area of I think 115 or 116  
18 schools on that list. This was the last item  
19 that closed at the education table, and when  
20 it closed there were some significant changes  
21 that were made.

22 But there were some unintended  
23 consequences, and we attempted to address that  
24 earlier with a bill that basically provided  
25 that the Big Five would remain subject to the

1 contract and other schools would have a  
2 one-year, in effect, break in which to be  
3 prepared for the contract.

4 There are a number of schools that  
5 are on that list, which is now 56, which were  
6 not on the original list and, when the budget  
7 was adopted, they were in the process of  
8 adopting their budgets and really had no  
9 ability to plan for this unanticipated event.

10 What this bill proposes to do is to  
11 in fact deal with that in the following  
12 fashion. There are some 579 schools in these  
13 districts that are captured under the current  
14 contract language. This would propose to  
15 reduce the 56 school list to 21, would leave I  
16 believe 535 school buildings still under the  
17 contract. It would remove, I believe, 44.

18 The standard by which we would  
19 choose to remove them would be if you are a  
20 successful school -- and a successful school  
21 is one in which 80 percent of those taking the  
22 tests, 80 percent or more, either in the case  
23 of the five Regents, are attaining 65 or  
24 better, or, in the case of the 4th and 8th  
25 grade required English and math, are

1 performing at Levels 3 and 4.

2 This list, incidentally, every year  
3 will change, because some schools will come  
4 on, some schools will go off. Next year's  
5 list, you have no idea what it will be. And  
6 historically some 50 percent of the schools  
7 fall off from year to year.

8 What this attempts to do is to say  
9 in addition to those successful schools, those  
10 schools that are not in compliance -- because,  
11 for example, they did not attain the  
12 participation rate required among students  
13 with disabilities, which is under NCLB  
14 required to be at a 95 percent level, they  
15 have been unable to attain that and therefore,  
16 under NCLB, they fail to be a school in  
17 compliance -- we say those types of more or  
18 less technical deficiencies should not  
19 hamstring a district and force them to use all  
20 of those additional monies they've received to  
21 deal with what is an isolated problem.

22 What we propose to do here is to  
23 basically undo the law of unintended  
24 consequences and at the same time ensure that  
25 those high-performing schools still have the

1 ability to deal with their student populations  
2 with a far greater degree of discretion than  
3 would be provided were they subject to  
4 compliance with the contract.

5 And again, these are schools that  
6 are generally higher performing schools, a  
7 number of which are successful schools. And  
8 of the schools districts that are involved, as  
9 distinguished from school buildings,  
10 two-thirds of them have only one building  
11 that's not in compliance.

12 Mr. President, obviously I support  
13 this bill and believe it's much needed and  
14 would certainly hope that all of my colleagues  
15 would share that same sentiment. Thank you.

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

18 Senator Oppenheimer.

19 SENATOR OPPENHEIMER: Thank you  
20 very much.

21 This bill is a good bill. And I  
22 think that in some instances the press may get  
23 some of these nuances incorrectly, and you  
24 may, Senator Saland, be hearing from the press  
25 saying why are we making it easier or, you

1 know, why are we not holding school districts'  
2 feet to the fire and all that.

3 But this makes excellent sense,  
4 because we know of some very fine individual  
5 schools that got caught up in the Contract for  
6 Excellence which really didn't appropriately  
7 have this placed upon them. Where, you know,  
8 the contract says that there are only so many  
9 areas that you can improve within, and it  
10 really limits you.

11 And so this is a very good bill.  
12 And you will have to be answering to the  
13 press. Because when we took all the districts  
14 out other than the Big Five a month or two  
15 back, they didn't understand it then. So good  
16 luck.

17 I'm voting yes.

18 ACTING PRESIDENT GRIFFO: Senator  
19 Oppenheimer to be recorded in the affirmative.

20 Announce the results.

21 THE SECRETARY: Ayes, 61. Nays,  
22 0.

23 ACTING PRESIDENT GRIFFO: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 2058, by Senator Flanagan, Senate Print 5743,  
2 an act to amend the Arts and Cultural Affairs  
3 Law.

4 ACTING PRESIDENT GRIFFO: Read  
5 the last section.

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

8 ACTING PRESIDENT GRIFFO: Call  
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT GRIFFO: Senator  
12 Sabini, to explain his vote.

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

15 I'd particularly like my colleagues  
16 on this side of the aisle to draw heed to  
17 this, because this is an important piece of  
18 legislation that amends the Arts and Cultural  
19 Affairs Law in relation to prohibiting the  
20 advertising and conducting of certain live  
21 musical performances or productions.

22 Now, I didn't lay this aside in the  
23 interests of brevity today. This bill was  
24 introduced on May 3rd. Curiously, on February  
25 13th, I introduced a bill, an act to amend the

1 Arts and Cultural Affairs Law in relation to  
2 the advertising and conducting of certain live  
3 musical performances or productions.

4 This bill, the purpose of this bill  
5 in the sponsor's memo makes it unlawful to  
6 advertise or conduct a live musical  
7 performance through the use of false,  
8 deceptive or misleading affiliation,  
9 connection or association between a performing  
10 group and a recording group.

11 Curiously, the purpose of my bill  
12 and Senator Flanagan's bill is the same.

13 The problem has been that there are  
14 copycat groups, particularly groups from the  
15 1950s, some of whom the members have passed on  
16 to their great reward, and there are now  
17 people performing throughout the state under  
18 the names of the same group but they're  
19 different members. And some people feel that  
20 that's a problem.

21 And for those of us on this side of  
22 the aisle, the newer members may not have  
23 experienced this, but we've had legislation on  
24 occasion where a word or two is changed and it  
25 was pilfered. And that's good, and I'm going

1 to vote for this bill because it's in the  
2 spirit of good government. But since this  
3 bill was to prevent copycatting, I just want  
4 to note for the record that this is a copycat  
5 bill.

6 (Laughter.)

7 SENATOR SABINI: And since in the  
8 justification that was also copied from my  
9 bill Senator Flanagan says they expect --  
10 people expect to see the real thing and not  
11 impersonators, I would submit we should follow  
12 that as well.

13 I'll be voting aye, Mr. President.

14 (Laughter.)

15 ACTING PRESIDENT GRIFFO:

16 Imitation is the greatest source of flattery.

17 Senator Sabini to be recorded in  
18 the affirmative.

19 Announce the results.

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT GRIFFO: The  
22 bill is passed.

23 THE SECRETARY: In relation to  
24 Calendar Number 2059, Senator Flanagan moves  
25 to discharge, from the Committee on Rules,

1 Assembly Bill Number 4251A and substitute it  
2 for the identical Senate Bill Number 5793,  
3 Third Reading Calendar 2059.

4 ACTING PRESIDENT GRIFFO: The  
5 substitution is ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number  
8 2059, by Member of the Assembly Ramos,  
9 Assembly Print Number 4251A, an act to amend  
10 the Executive Law and the Public Health Law.

11 ACTING PRESIDENT GRIFFO: Read  
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call  
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT GRIFFO: The  
20 bill is passed.

21 THE SECRETARY: In relation to  
22 Calendar Number 2060, Senator O. Johnson moves  
23 to discharge, from the Committee on Rules,  
24 Assembly Bill Number 8731 and substitute it  
25 for the identical Senate Bill Number 5927,

1 Third Reading Calendar 2060.

2 ACTING PRESIDENT GRIFFO: The  
3 substitution is ordered.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number  
6 2060, by Member of the Assembly Sweeney,  
7 Assembly Print Number 8731, an act to amend  
8 the Environmental Conservation Law.

9 ACTING PRESIDENT GRIFFO: Read  
10 the last section.

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

13 ACTING PRESIDENT GRIFFO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT GRIFFO: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 2061, by Senator Farley, Senate Print 6063, an  
21 action making an appropriation to the  
22 Schenectady Healthcare Practitioner Volunteer  
23 Program.

24 ACTING PRESIDENT GRIFFO: Read  
25 the last section.

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

3 ACTING PRESIDENT GRIFFO: Call  
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT GRIFFO: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 2062, by the Senate Committee on Rules, Senate  
11 Print Number 6172, an act in relation to  
12 authorizing the City of Elmira.

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

15 The Secretary will read the last  
16 section.

17 THE SECRETARY: Section 9. This  
18 act shall take effect immediately.

19 ACTING PRESIDENT GRIFFO: Call  
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT GRIFFO: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1           2063, by Senator Marcellino, Senate Print  
2           6305, an act to amend the Environmental  
3           Conservation Law.

4                    ACTING PRESIDENT GRIFFO:        Read  
5           the last section.

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

8                    ACTING PRESIDENT GRIFFO:        Call  
9           the roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:        Ayes, 61.

12                   ACTING PRESIDENT GRIFFO:        The  
13           bill is passed.

14                   THE SECRETARY:        Calendar Number  
15           2064, by Senator Griffo, Senate Print 6318, an  
16           act providing for the election of delegates.

17                   ACTING PRESIDENT GRIFFO:        Read  
18           the last section.

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

21                   ACTING PRESIDENT GRIFFO:        Call  
22           the roll.

23                   (The Secretary called the roll.)

24                   ACTING PRESIDENT GRIFFO:        Senator  
25           Connor, to explain his vote.

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

3                   I'm certainly going to support  
4     this. It obviously adopts the delegate  
5     selection plan and primary provisions adopted  
6     by each of the major parties and allows each  
7     party to do its own thing.

8                   I do want to comment on something,  
9     since I guess it was seven years ago I got  
10    into a bit of a brouhaha on the floor about  
11    the alleged lack of small D democratic  
12    opportunities that the then Republican  
13    selection plan was presenting. And I wanted  
14    to compliment the Republican Party for having,  
15    for the first time since we started 20 years  
16    ago in effect making ballot access easier,  
17    actually has a far better, open, easier ballot  
18    access provision for presidential candidates  
19    than does my own party.

20                  The Democratic Party, you have to  
21    get -- the candidates have to get 5,000  
22    signatures to get on the ballot. And in the  
23    Republican Party, if they qualify for federal  
24    matching funds or they're recognized as a  
25    prominent candidate with some serious support,

1           they can, upon application, automatically be  
2           placed on the ballot.

3                         We probably will find in the  
4           Democratic side, if anyone is disappointed by  
5           the petition process, a federal lawsuit such  
6           as plagued the Republicans in past years in  
7           terms of the process.

8                         One other technical thing, and I  
9           don't know how it affects the Mayor of the  
10          City of New York, but I don't think he'll  
11          probably sign any petitions or want to carry  
12          any. But the petitioning process certainly  
13          for the Democrats spans that period in  
14          November when enrollment changes take effect.  
15          So any new members of the party could be  
16          ineligible to sign in the first weeks of  
17          petitioning or carry a petition and eligible  
18          to sign or carry in the second part.

19                        This could present a lot of  
20          technical problems in that process. But I  
21          guess it's too late to do anything about it.  
22          That certainly won't prevent me from voting  
23          for the bill.

24                        Thank you, Mr. President.

25                        ACTING PRESIDENT GRIFFO:        Senator

1 Connor to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: Ayes, 61. Nays,  
4 0.

5 ACTING PRESIDENT GRIFFO: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 2065, by Senator Marcellino --

9 SENATOR DUANE: Lay it aside,  
10 please.

11 ACTING PRESIDENT GRIFFO: The  
12 bill is laid aside.

13 THE SECRETARY: Calendar Number  
14 2066, by the Senate Committee on Rules, Senate  
15 Print.

16 SENATOR DUANE: Lay it aside,  
17 please.

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

20 THE SECRETARY: Calendar Number  
21 2067, by the Senate Committee on Rules, Senate  
22 Print 6337, an act to amend Chapter 181 of the  
23 Laws of 2005 amending the Election Law.

24 ACTING PRESIDENT GRIFFO: Read  
25 the last section.

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

3                   ACTING PRESIDENT GRIFFO:     Call  
4     the roll.

5                   (The Secretary called the roll.)

6                   THE SECRETARY:     Ayes, 61.

7                   ACTING PRESIDENT GRIFFO:     The  
8     bill is passed.

9                   THE SECRETARY:     Calendar Number  
10    2068, by Senator Robach, Senate Print 6347, an  
11    act establishing the City of Rochester.

12                  ACTING PRESIDENT GRIFFO:     Read  
13    the last section.

14                  THE SECRETARY:     Section 24.  This  
15    act shall take effect immediately.

16                  ACTING PRESIDENT GRIFFO:     Call  
17    the roll.

18                  (The Secretary called the roll.)

19                  THE SECRETARY:     Ayes, 61.

20                  ACTING PRESIDENT GRIFFO:     The  
21    bill is passed.

22                  THE SECRETARY:     Calendar Number  
23    2069, by the Senate Committee on Rules, Senate  
24    Print 6354, an act to amend the Tax Law.

25                  ACTING PRESIDENT GRIFFO:     Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 2070, by Senator Saland --

12 SENATOR DUANE: Lay it aside,  
13 please.

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

16 THE SECRETARY: Calendar Number  
17 2071, by Senator Saland, Senate Print 6361, an  
18 act to amend the Education Law.

19 ACTING PRESIDENT GRIFFO: Read  
20 the last section.

21 THE SECRETARY: Section 27. This  
22 act shall take effect immediately.

23 ACTING PRESIDENT GRIFFO: Call  
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT GRIFFO: The  
3 bill is passed.

4 Senator Marcellino, that completes  
5 the noncontroversial reading of Calendar 65A.

6 SENATOR MARCELLINO: Thank you,  
7 Mr. President. Can we now proceed to the  
8 controversial reading of Calendar 65A.

9 ACTING PRESIDENT GRIFFO: The  
10 Secretary will ring the bell.

11 We will proceed with the reading of  
12 the controversial calendar, 65A.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number  
15 2034, by Senator Leibell, Senate Print 2388A,  
16 an act to amend the Public Health Law.

17 ACTING PRESIDENT GRIFFO: Read  
18 the last section.

19 Senator Duane.

20 SENATOR DUANE: Thank you,  
21 Mr. President. If the sponsor would yield.

22 ACTING PRESIDENT GRIFFO: Senator  
23 Leibell, do you yield?

24 SENATOR LEIBELL: Yes, I do.

25 ACTING PRESIDENT GRIFFO: Senator

1 Duane.

2 SENATOR DUANE: Thank you,  
3 Mr. President. I'm wondering, what is "brain  
4 to computer"?

5 ACTING PRESIDENT GRIFFO: Is that  
6 question directed to Senator Leibell?

7 SENATOR DUANE: It is, but  
8 through you, Mr. President.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Leibell.

11 SENATOR LEIBELL: It is a pilot  
12 program where you're able to control a  
13 computer keyboard with your eyes.

14 SENATOR DUANE: I'm sorry,  
15 Mr. President, could you ask him to repeat it?  
16 I didn't get that.

17 ACTING PRESIDENT GRIFFO: Can we  
18 have some in the house so the Senators can  
19 exchange, please.

20 Senator Duane, would you repeat  
21 your question to Senator Leibell?

22 SENATOR LEIBELL: Senator Duane,  
23 could you speak up, please? When you're  
24 passionate, you're very loud. Could you get  
25 passionate?

1 (Laughter.)

2 SENATOR MARCELLINO: Not too  
3 passionate.

4 SENATOR DUANE: Mr. President, if  
5 the sponsor wants passionate --

6 (Laughter.)

7 SENATOR LEIBELL: Senator Duane,  
8 would you please lower your voice.

9 ACTING PRESIDENT GRIFFO: We have  
10 now been here for three seasons, so engage.

11 SENATOR SCHNEIDERMAN: In the  
12 other house you could get engaged.

13 (Laughter.)

14 ACTING PRESIDENT GRIFFO: Do you  
15 have an announcement to make, Senator Duane?

16 (Laughter.)

17 SENATOR DUANE: I wouldn't want  
18 Senator Rath to miss it, so I'm going to defer  
19 it for the time being.

20 ACTING PRESIDENT GRIFFO: Your  
21 question, Senator Duane?

22 SENATOR DUANE: Yes. But I don't  
23 know whether I got the answer to this. What  
24 does "brain to computer" refer to?

25 ACTING PRESIDENT GRIFFO: Senator

1 Leibell.

2 SENATOR LEIBELL: Yeah, sorry,  
3 Mr. President. It's a pilot program which  
4 allows for an eye connection to a computer for  
5 control purposes.

6 SENATOR DUANE: Through you,  
7 Mr. President, if the sponsor would continue  
8 to yield.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Leibell, do you yield?

11 SENATOR LEIBELL: Yes.

12 ACTING PRESIDENT GRIFFO: Senator  
13 Duane.

14 SENATOR DUANE: What is it about  
15 the eyes?

16 SENATOR LEIBELL: It's a camera  
17 tracking the eyes, so you can move a keyboard.

18 SENATOR DUANE: And through you,  
19 Mr. President, if the sponsor would continue  
20 to yield.

21 ACTING PRESIDENT GRIFFO: Senator  
22 Leibell, will you yield?

23 SENATOR LEIBELL: Yes,  
24 Mr. President.

25 ACTING PRESIDENT GRIFFO: Senator

1 Duane.

2 SENATOR DUANE: And how is that  
3 accomplished? How does the keyboard and the  
4 eyes -- what helps them to have the  
5 interaction?

6 SENATOR LEIBELL: Well, I'm not  
7 an engineer. But the camera would track the  
8 eyes, and it would translate to the keyboard.  
9 And that's how it would function.

10 SENATOR DUANE: And through you,  
11 Mr. President, if the sponsor would continue  
12 to yield.

13 ACTING PRESIDENT GRIFFO: Senator  
14 Leibell, will you continue to yield?

15 SENATOR LEIBELL: Yes,  
16 Mr. President.

17 SENATOR DUANE: About how many  
18 patients in New York presently have this -- I  
19 mean, frankly it's with a chip, a computer  
20 chip. So how many New Yorkers have this  
21 computer chip now?

22 ACTING PRESIDENT GRIFFO: Senator  
23 Leibell.

24 SENATOR LEIBELL: It's many  
25 hundreds. And the reason we are addressing

1 through this bill the need for a registry is  
2 to try and get a more accurate number, because  
3 we don't think we have an accurate number.

4 SENATOR DUANE: And through you,  
5 Mr. President, if the sponsor would continue  
6 to yield.

7 ACTING PRESIDENT GRIFFO: Senator  
8 Leibell, do you continue to yield?

9 SENATOR LEIBELL: Yes,  
10 Mr. President.

11 SENATOR DUANE: Do any other  
12 states have this registry?

13 SENATOR LEIBELL: There has been  
14 an effort to do it nationally, and that has  
15 not happened yet. Which is why we're  
16 attempting to do it. And yes, there are other  
17 states.

18 SENATOR DUANE: And through you,  
19 Mr. President, what are those other states?

20 ACTING PRESIDENT GRIFFO: Senator  
21 Leibell, do you continue to yield?

22 SENATOR LEIBELL: I don't have  
23 the names. I think Massachusetts may be one.

24 ACTING PRESIDENT GRIFFO: Senator  
25 Duane, do you wish to continue to pose

1 questions or to speak on the bill?

2 SENATOR DUANE: Excuse me?

3 ACTING PRESIDENT GRIFFO: Do you  
4 wish to continue to question?

5 SENATOR DUANE: Yes,  
6 Mr. President.

7 ACTING PRESIDENT GRIFFO: Senator  
8 Leibell, will you yield?

9 SENATOR LEIBELL: Yes.

10 ACTING PRESIDENT GRIFFO: Senator  
11 Duane.

12 SENATOR DUANE: Does the  
13 metropolitan New York ALS society support  
14 this?

15 ACTING PRESIDENT GRIFFO: Senator  
16 Leibell.

17 SENATOR LEIBELL: Well, maybe I  
18 should speak directly on the bill.

19 This is one of the most devastating  
20 diseases that there is out there. I don't  
21 know if you've known anyone who has suffered  
22 from ALS, but it is a -- usually within three  
23 years there's death. And it is -- my  
24 interaction with many of the families of  
25 people who have succumbed from this terrible

1 disease, as well as I spent a day down at  
2 Columbia Presbyterian Hospital meeting with  
3 some of the top researchers in this area.

4 And I was asked by family members  
5 as well as those researchers to help them to  
6 try and put together this registry, which they  
7 feel would give them critical information.

8 SENATOR DUANE: And through you,  
9 Mr. President, if the sponsor would continue  
10 to yield.

11 ACTING PRESIDENT GRIFFO: Senator  
12 Leibell, will you continue to yield?

13 SENATOR LEIBELL: Yes.

14 SENATOR DUANE: And has the metro  
15 New York supported or opposed this  
16 legislation?

17 SENATOR LEIBELL: I'm not  
18 familiar with the group. I'm not. I've met  
19 with the families and, as I said, people who  
20 are in research in this area. The leading  
21 researchers in the United States are in  
22 New York City.

23 SENATOR DUANE: And through you,  
24 Mr. President, if the sponsor would continue  
25 to yield.

1                   ACTING PRESIDENT GRIFFO:       Does  
2                   the sponsor continue to yield?

3                   SENATOR LEIBELL:       Yes.

4                   ACTING PRESIDENT GRIFFO:       Senator  
5                   Duane.

6                   SENATOR DUANE:        What about the  
7                   national ALS Association? Do they support  
8                   this legislation?

9                   SENATOR LEIBELL:       I don't believe  
10                  I've had any contact with them. I do believe  
11                  nationally they would rather have a national  
12                  registry through Congress, but Congress hasn't  
13                  done that.

14                  SENATOR DUANE:        And through you,  
15                  Mr. President, if the sponsor would continue  
16                  to yield.

17                  ACTING PRESIDENT GRIFFO:       Senator  
18                  Leibell, do you continue to yield?

19                  SENATOR LEIBELL:        Yes.

20                  ACTING PRESIDENT GRIFFO:       Senator  
21                  Duane.

22                  SENATOR DUANE:        Anyone  
23                  specifically at Columbia requested this  
24                  registry?

25                  ACTING PRESIDENT GRIFFO:       Senator

1 Leibell.

2 SENATOR LEIBELL: Yeah, I've  
3 spoken to -- and I don't have their names with  
4 me, but I've spoken to academics there and  
5 researchers who felt it would provide  
6 assistance.

7 See, one reason is because New York  
8 State is such a large state, it's larger than  
9 so many countries. If we could get an  
10 accurate grip on it here, and on the  
11 statistics, it's perceived as being very  
12 helpful.

13 SENATOR DUANE: And through you,  
14 Mr. President, if the sponsor would continue  
15 to yield.

16 ACTING PRESIDENT GRIFFO: Senator  
17 Leibell, would you continue to yield?

18 SENATOR LEIBELL: Yes.

19 ACTING PRESIDENT GRIFFO: Senator  
20 Duane.

21 SENATOR DUANE: Thank you,  
22 Mr. President. I was wondering if the sponsor  
23 could describe to us what bulbar ALS is.

24 ACTING PRESIDENT GRIFFO: Senator  
25 Leibell.

1                   SENATOR LEIBELL:     No.  I've heard  
2                   the term, I've had them describe it to me, but  
3                   I would not be able to describe it with any  
4                   accuracy for you.

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

7                   ACTING PRESIDENT GRIFFO:     Senator  
8                   Duane, on the bill.

9                   SENATOR DUANE:     The fact is is  
10                  that the Greater New York chapter of the ALS  
11                  Association, which is the only voluntary  
12                  health association in New York State that  
13                  represents people with ALS, don't support this  
14                  legislation.

15                  In addition, the metro New York  
16                  chapter doesn't support it and the national  
17                  ALS Association does not support this  
18                  legislation.

19                  There is one other state that has  
20                  such a registry.  That is Massachusetts.  But  
21                  the national ALS Association very, very much  
22                  wants only a national registry and the  
23                  New York ALS Association also only wants a  
24                  national registry.  And they are working on  
25                  getting that.

1                   In fact, it seems like there's only  
2                   one research scientist at Columbia  
3                   Presbyterian who has requested this, and he  
4                   has done it without the approval and probably  
5                   even very much consultation with the  
6                   established ALS chapters and the national ALS  
7                   Association.

8                   I also just want to mention that  
9                   bulbar ALS is the ALS that makes it  
10                  impossible, as the disease progresses, for  
11                  someone to speak. It's the one that affects  
12                  the muscles in the throat.

13                  I agree that ALS is a very, very  
14                  tragic and just a devastating, devastating  
15                  disease. It's one which also oftentimes  
16                  families are afflicted or members of families  
17                  are afflicted with it, so there can be more  
18                  than one family member that has it.

19                  In addition, it's something that  
20                  probably embryonic stem cell research perhaps  
21                  might provide a key for a treatment that would  
22                  actually work for someone with ALS.

23                  I would encourage my colleagues to  
24                  hold off on supporting this legislation until  
25                  such time that those who are doing research --

1 and they may have very good intentions, but I  
2 think it's inappropriate for them to run  
3 roughshod over those families and individuals  
4 who actually live day-to-day with ALS or have  
5 lived with ALS. And until and unless such  
6 time that they are together with those doing  
7 research are able to get what they really want  
8 and what would be most helpful, because of  
9 course ALS does not -- it doesn't really pay  
10 any attention to boundaries.

11 So until the established and in  
12 fact the only ALS organizations on the state  
13 and national level request this, I think we  
14 should accede to their wishes and work towards  
15 getting a national registry, because that  
16 would really be the most helpful thing we  
17 could do to help them at this time.

18 So I am encouraging my colleagues  
19 to accede to their wishes and vote in the  
20 negative on this bill.

21 ACTING PRESIDENT GRIFFO: Senator  
22 Leibell.

23 SENATOR LEIBELL: Would Senator  
24 Duane yield, please.

25 ACTING PRESIDENT GRIFFO: Senator

1 Duane, would you yield for a question?

2 SENATOR DUANE: Yes,

3 Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator

5 Leibell.

6 SENATOR LEIBELL: Senator Duane,  
7 one of my constituents, Bill Monti, who lost a  
8 son to this terrible disease, he and numerous  
9 families have spoken to me about this and  
10 requested it.

11 The bill came to me -- and maybe I  
12 didn't explain this to you -- through the  
13 state association. I didn't just come up with  
14 this. It came to me through the state  
15 association.

16 But let me ask you this question.  
17 We're a state of about 19 million people.  
18 That's a large population. We are in  
19 agreement that this is a terrible disease. We  
20 are in agreement, they haven't created yet a  
21 national registry, can you tell me what harm  
22 there would be in having a state registry?

23 ACTING PRESIDENT GRIFFO: Senator  
24 Duane.

25 SENATOR DUANE: Mr. President,

1 the ALS Association, which is the largest and  
2 in fact the only association -- there's  
3 locals, but the only statewide organization --  
4 opposed the original version of this bill.  
5 And while it's been amended, they still oppose  
6 it. They don't think that it's going to  
7 achieve the results which have been --

8 SENATOR LEIBELL: Senator  
9 Duane --

10 SENATOR DUANE: If I may just  
11 finish, that it won't achieve the public  
12 health benefits that, again, may be  
13 well-intentioned but which have not -- which  
14 there's not consensus on and which have not  
15 been agreed to.

16 And by the way, the state  
17 association works with the other statewide  
18 associations, and they all agree that they  
19 don't want to follow the Massachusetts model.  
20 They believe that the best way to go is to  
21 create a national registry.

22 ACTING PRESIDENT GRIFFO: Senator  
23 Leibell.

24 SENATOR LEIBELL: Senator Duane,  
25 this bill has been passed before by this body

1 on I think two other occasions. Did you vote  
2 for this in the past?

3 ACTING PRESIDENT GRIFFO: Senator  
4 Duane.

5 SENATOR DUANE: Through you,  
6 Mr. President, I have.

7 Again, I voted for it in the past  
8 because I thought that the intentions of the  
9 sponsor of the legislation were good. And I  
10 knew less then about ALS and those who work on  
11 ALS than I do now.

12 In the meantime, I've actually done  
13 my homework, or at least some of my homework  
14 on it, reached out to representatives and have  
15 discovered that well-intentioned though the  
16 legislation may be, it's a piece of  
17 well-intentioned legislation which the  
18 advocates do not want.

19 ACTING PRESIDENT GRIFFO: Senator  
20 Leibell.

21 SENATOR LEIBELL: Well, I can  
22 tell you that I have met with the advocates.  
23 I have met with them on numerous occasions.  
24 I've met with the top researchers in the  
25 United States, which fortuitously are in New

1 York City. And they would disagree with your  
2 position.

3 Thank you.

4 ACTING PRESIDENT GRIFFO: Any  
5 other Senator wishing to speak?

6 Debate is closed. The Secretary  
7 will ring the bell.

8 SENATOR DUANE: Mr. President, I  
9 think I still have the floor.

10 ACTING PRESIDENT GRIFFO: You did  
11 not have the floor. Senator Leibell asked for  
12 the floor and asked for you to yield to a  
13 question, Senator Duane. You yielded to a  
14 question from Senator Leibell.

15 I would ask you now to explain your  
16 vote.

17 SENATOR DUANE: Mr. President, I  
18 was speaking on the bill. I was asked to  
19 yield to a question.

20 ACTING PRESIDENT GRIFFO: You sat  
21 down, Senator Duane.

22 SENATOR DUANE: No, I have not  
23 sat down, Mr. President.

24 On the bill.

25 ACTING PRESIDENT GRIFFO: On the

1 bill, Senator Duane.

2 SENATOR DUANE: There is in fact  
3 an ALS Registry Act, of which the legislation  
4 is carried in the house by Eliot Engel, a  
5 New Yorker, and Senate Majority Leader Harry  
6 Reid. Their legislation would create a  
7 national ALS registry, which would gather  
8 information from the national community of  
9 people with ALS and their families and their  
10 supporters and advocates. All of the state  
11 organizations would participate.

12 The registry would then, I hope,  
13 since it would be a national registry,  
14 efficiently collect information, share the  
15 data on a much larger scale, and it could be  
16 used as a tool for national surveillance as  
17 well as be a national place for all  
18 researchers to use.

19 And I think that the most  
20 comprehensive and accurate data probably --  
21 not probably, but would ensure that that kind  
22 of collection of data would work best, as it  
23 does with other registries, comprehensive  
24 registries.

25 So I'm not even sure, you know,

1       when I looked more closely at the bill, you  
2       know, who is going to be setting this up. Who  
3       are the consultants that are going to be  
4       involved in it? There's lots and lots of  
5       unanswered questions about how this registry  
6       would be set up. What physicians, what  
7       organizations would be part of creating this  
8       registry and implementing the registry?

9                I mean, it does say that whoever it  
10       is that's doing the registry would have to  
11       cooperate with, you know, physicians and  
12       voluntary organizations, but it's not -- it's  
13       very unclear about how and whether all the  
14       stakeholders would be involved in it.

15               You know, there are already pilot  
16       programs across the nation. They are -- their  
17       mandate is to look at and try to find the most  
18       effective ways to collect accurate  
19       information, ways that that information could  
20       be verified and how it is that that  
21       information could be shared and collected.

22               And actually, interestingly --  
23       anyway, I just want to go back and say that  
24       even the New York chapter of the ALS  
25       Association is in opposition to this. And I

1           just -- I don't think that this is -- we  
2           shouldn't be doing something for people that  
3           they don't want done.

4                        So I'm going to encourage my  
5           colleagues to vote no on this. And I feel we  
6           should continue to consult with the  
7           metropolitan and the statewide ALS  
8           associations before we make this move.

9                        Thank you, Mr. President.

10                      ACTING PRESIDENT GRIFFO:        You are  
11           now seated, correct, Senator Duane?

12                      SENATOR DUANE:            I am.

13                      ACTING PRESIDENT GRIFFO:        Senator  
14           Leibell.

15                      SENATOR LEIBELL:           Mr. President,  
16           on the bill.

17                      ACTING PRESIDENT GRIFFO:        Senator  
18           Leibell, on the bill.

19                      SENATOR LEIBELL:            I'll try and  
20           answer a couple of points that came across  
21           from Senator Duane.

22                      This is modeled, this legislation,  
23           after the cancer registry that we did, which  
24           has been very successful and continues to  
25           provide knowledge and information.

1                   And I also pointed out to you that  
2                   the information came to us through the state  
3                   organization, the statewide organization.  
4                   I've told you that I spent a day at Columbia  
5                   Presbyterian, which I would not wish to  
6                   indicate to you gave me great technical  
7                   knowledge. I'm not a scientist. But it did  
8                   lead me to me to understand a little bit more  
9                   about the complexities of this research and  
10                  how it's tied into in many other types of  
11                  research.

12                  And I certainly am also hopeful  
13                  that stem cell research will provide knowledge  
14                  and information in this area.

15                  Congress, I'm pleased that they  
16                  have legislation. And I hope it is  
17                  successful. If in fact it is ultimately  
18                  successful, by passing this we will have  
19                  wasted no time and we will have garnered  
20                  information from our own population that will  
21                  be in no way in conflict with what they would  
22                  gather if in fact Congress ever does enact  
23                  that legislation.

24                  This is about gathering knowledge.  
25                  It's about gathering scientific information.

1           It's about helping people and helping families  
2           that suffer from a terribly dreadful disease.  
3           And I cannot understand why we would wish to  
4           in any way put this off. These families, they  
5           suffer now. Possibly we can give them some  
6           hope by enacting this legislation.

7                         Thank you, Mr. President.

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

10                        SENATOR FARLEY:        Yes, Senator  
11           Duane and Senator Leibell, I rise in support  
12           of this.

13                        And let me just say, as a former  
14           national chairman of the Council of State  
15           Governments -- and Senator Marcellino has been  
16           regional chair of the Council of State  
17           Governments, as have I, and Senator Hannon was  
18           the head of suggested state legislation -- let  
19           me just say what this does.

20                        Actually the federal government is  
21           kind of slow to move on some of these issues.  
22           And so often on something like this, this  
23           could be an impetus to get a national  
24           registry, I'll tell you that right now.

25                        New York has been a leader, you

1 know, in many areas of banking and so forth,  
2 where we have moved first and then the federal  
3 government has acted as a result of what we  
4 have done, the success of it.

5 All this is is an information  
6 gathering for 19 million people in this, the  
7 second or third largest state in the nation.  
8 And Massachusetts has already done it. You're  
9 going to see other states do this. And then  
10 they see how this works, it dovetails  
11 together, and you'll end up with a national  
12 registry.

13 I think it's a good bill. There's  
14 no reason to not support this. I am confident  
15 that the national registry say, gee, our  
16 priority is to get a national list -- but they  
17 don't have one. And this could be an impetus  
18 to get one. And it is the way things happen  
19 nationally, because the Council of State  
20 Governments, this is an example of something  
21 that is done all the time in different areas.  
22 States move one by one, and all of a sudden  
23 the federal government moves along with it.

24 I urge support of the bill.

25 ACTING PRESIDENT GRIFFO: Any

1 other Senator wishing to speak?

2 Debate is closed. The Secretary  
3 will ring the bells.

4 Read the last section.

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

7 ACTING PRESIDENT GRIFFO: Call  
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT GRIFFO: Senator  
11 Padavan, to explain his vote.

12 SENATOR PADAVAN: Thank you,  
13 Mr. President.

14 Annually for the last three or four  
15 years the ALS Association has conducted a  
16 cavalcade that begins in Manhattan, goes  
17 through the center of the city of New York,  
18 Queens, and all the way out to Long Island.  
19 And one of the places they spend time at and  
20 gather is the parking lot at St. John's  
21 University, where I meet them, along with  
22 other elected officials.

23 And so over the years I've gotten  
24 to know many of the leaders, as well as many  
25 of those who are suffering by ALS, and know

1 the wishes, desires and the goals of that  
2 organization and the individuals directly  
3 affected.

4 Now, a lot of discussion that we  
5 heard was relevant to the reporting mechanism  
6 in this bill. But what is overlooked is  
7 perhaps the more important part of the bill,  
8 and it says very directly that the  
9 commissioner shall develop, work with counties  
10 and cities in the state for the diagnosis and  
11 treatment of these diseases and shall  
12 cooperate with local health authorities,  
13 physicians, hospitals, clinics and voluntary  
14 associations in the development of suitable  
15 facilities for the diagnosis, treatment and  
16 control of ALS.

17 And that's what they keep talking  
18 about when they gather there. They say  
19 there's not enough going on in this state and  
20 perhaps in the nation that deals with  
21 developing -- we know there's no cure. But  
22 certainly we have to move in the direction of  
23 developing treatment modalities, ways of  
24 dealing with the disease. And that's not  
25 going on in this state to the extent that it

1           should and can, and that's what they're  
2           calling for.

3                       Now, I can't get involved into the  
4           discussion on the reporting, because I don't  
5           know enough about that other than what I read.  
6           But I know do know that this part of the bill  
7           is very significant. And if there's any one  
8           you should vote for, it's for that.

9                       I vote aye.

10                      ACTING PRESIDENT GRIFFO:       Senator  
11           Padavan to be recorded in the affirmative.

12                      Announce the results.

13                      THE SECRETARY:       Those recorded in  
14           the negative on Calendar Number 2034 are  
15           Senators Adams, Connor, Duane, Gonzalez,  
16           Hassell-Thompson, L. Krueger, Perkins,  
17           Sampson, Savino, Schneiderman, Serrano,  
18           Stachowski and Thompson. Also Senator  
19           Montgomery. Also Senator Diaz.

20                      Absent from voting:   Senator C.  
21           Kruger.

22                      Ayes, 45. Nays, 15.

23                      ACTING PRESIDENT GRIFFO:       The  
24           bill is passed.

25                      The Secretary will read.

1                   THE SECRETARY:     Calendar Number  
2                   2040, by Senator LaValle, Senate Print 3817,  
3                   an act to amend the Education Law.

4                   SENATOR OPPENHEIMER:  
5                   Explanation, please.

6                   ACTING PRESIDENT GRIFFO:  
7                   Explanation.

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

10                  There could not be a better segue  
11                  into this bill than the discussion that we had  
12                  this morning on Senator Fuschillo's bill on  
13                  the Roosevelt School District. The bill that  
14                  we have before us is a bill that is  
15                  essentially a disclosure bill, a bill that  
16                  asks our school districts to provide greater  
17                  transparency into the budget process and how  
18                  budgets are presented to the voters.

19                  One of the provisions here, we just  
20                  talk about the point of the Roosevelt School  
21                  District. There are provisions here on how a  
22                  budget is presented in a comparison report  
23                  card asking for information on the total  
24                  dollar amount actually spent pursuant to the  
25                  school budget adopted the previous year, the

1 total amount to be appropriated under the  
2 proposed budget for the ensuing year, the  
3 maximum amount of money available under the  
4 contingent budget cap for the ensuing year,  
5 and the total dollar amount to be appropriated  
6 under the proposed contingent budget.

7 This is but one of many provisions  
8 that asks the school district to give to the  
9 voter, in as plain language as they possibly  
10 can, information so that the voter can make  
11 intelligent decisions and can be really  
12 involved in the budget process.

13 It provides for notice when a  
14 school budget -- and we've had a discussion on  
15 this floor on fund balances, whether they  
16 exceed the 2 percent. And one of the things  
17 in drafting this bill that I've found very  
18 interesting is that we do not have fines or if  
19 a school district exceeds the 2 percent,  
20 nothing ever happens to the school district.  
21 Nor would we want to really fine a school  
22 district for exceeding the 2 percent, because  
23 we would be fining our taxpayers and just  
24 adding to the very burden.

25 And so what we do in this bill is

1 to say that the school district, if it has  
2 been brought to their attention that they did  
3 something inappropriate, in violation of the  
4 Education Law, that they must notify the  
5 public, simple notification: Yeah, you know,  
6 we didn't realize that we were in excess of  
7 the 2 percent limit. We carried 4 percent.  
8 And so the taxpayer can understand what it is  
9 that their school district is doing.

10 Also, in the way a budget is  
11 presented, so many of you, I am sure --  
12 outside of the City of New York -- have had  
13 taxpayers come to you indicating that if they  
14 didn't pass the budget that certain things  
15 would be left out. This Legislature over the  
16 years has ensured that many items, such as  
17 transportation and other things, are part of a  
18 contingent budget. We didn't want to go  
19 through and deny children transportation  
20 because the district was using that as a  
21 hostage to get people to vote yes.

22 So here we merely say if there's  
23 going to be a contingent budget, what is it  
24 that will be in that? Just don't tell me  
25 you're going to eliminate sports, but tell us

1       you're going to eliminate junior varsity  
2       tennis or freshman football or women's field  
3       hockey or women's soccer. Be specific so that  
4       the voter understands, if they don't support  
5       the budget, what the contingency budget would  
6       look like.

7                        So what we try and do -- and this  
8       bill could not be brought before this body at  
9       a more relevant time, when everything is all  
10      about disclosure, greater transparency, giving  
11      people information, making them part of the  
12      process. And that's what this bill does.

13                      SENATOR OPPENHEIMER:     Mr.  
14      President.

15                      ACTING PRESIDENT GRIFFO:     Senator  
16      Oppenheimer.

17                      SENATOR OPPENHEIMER:     On the  
18      bill.

19                      ACTING PRESIDENT GRIFFO:     Senator  
20      Oppenheimer, on the bill.

21                      SENATOR OPPENHEIMER:     There is  
22      much to applaud in this bill, Senator LaValle.  
23      I particularly like the fact that you're  
24      demonstrating very clearly what would and  
25      would not be in a contingency budget. I think

1           that's very valuable. I think demonstrating  
2           what is in the surplus funds is valuable.

3                         But on the whole, I feel there are  
4           some damaging things in here, and I just want  
5           to speak briefly on them.

6                         For one, nothing prohibits a school  
7           district now from doing just what you are  
8           recommending in your budget. Indeed, in our  
9           school district, it is fully presented and we  
10          do get sometimes, I think, more information  
11          than we really want.

12                        But as you say, information is  
13          valuable and voters should be informed. And I  
14          think it's important that we do that. And  
15          that's why I say part of this bill is very  
16          good.

17                        But if you examine it more closely,  
18          this also has a requirement to do the proposed  
19          construction bonding at the same time. And I  
20          really think -- at the same time as you do  
21          your school budget vote. And I think that's  
22          the crux of my problem right there.

23                        To do all the projects at the same  
24          time presents a number of problems. It's a  
25          huge problem for SED because they will be

1 handling these requests for approval of  
2 construction bonding in many districts at the  
3 same time. That's a problem.

4 A second problem is if this is done  
5 in the third week in May, when we must do our  
6 budget votes, then construction could not  
7 possibly start until the following year. And  
8 the figures that you present in May of one  
9 year will not hold the same when they go into  
10 the ground a year later.

11 It doesn't offer the flexibility  
12 that is needed when you go to bond for  
13 construction. You want to have flexibility as  
14 far as your labor and construction markets, as  
15 far as the bond markets. And all of that is  
16 not available if you don't have the  
17 flexibility. It must be this third week in  
18 March and no alternatives.

19 I think that is the main problem  
20 that I have. And I see it as a problem for  
21 many of the people so intimately involved in  
22 school funding and education issues. And I  
23 think there's a rather extraordinary communion  
24 of folks who don't want to see this happen,  
25 who want to see this bill defeated. And it is

1 so extraordinary, this communion, that I'm  
2 going read them out.

3 For instance, SED, State Education  
4 Department, does not want to see this happen.  
5 The School Boards Association is against this  
6 bill. The superintendents, the New York State  
7 Superintendents of Schools is against this  
8 bill. The New York State United Teachers is  
9 against this bill. Isn't it quite remarkable?  
10 I've never seen all these groups working  
11 together. Quite extraordinary.

12 So I think, because I'm afraid  
13 something will strike me dead if I voted for  
14 this -- but no, seriously, I think the  
15 important thing is that we have to have the  
16 flexibility for when we put these bond  
17 resolutions before our constituencies. And I  
18 think it is damaging to do it at the same time  
19 as we do our budget votes in May.

20 I'll be voting no.

21 ACTING PRESIDENT GRIFFO: Senator  
22 Craig Johnson.

23 SENATOR CRAIG JOHNSON: Thank you  
24 very much, Mr. President. On the bill.

25 ACTING PRESIDENT GRIFFO: On the

1 bill.

2 SENATOR CRAIG JOHNSON: With all  
3 due respect to my good friend and colleague  
4 Senator Oppenheimer, I view this measure not  
5 as a glass half empty but a glass almost all  
6 the way full, and I will be voting in favor of  
7 this legislation.

8 I see this as a critical piece of  
9 legislation for our constituents. That's what  
10 the issue we're talking about here. With all  
11 due respect to the SED, to the School Boards  
12 Association, to the superintendents and to the  
13 teachers union, that's not what this bill is  
14 about.

15 This bill is about taxpayers who we  
16 represent who live in our districts who are  
17 faced on Election Day, the third Tuesday in  
18 May, with whether or not they want to see  
19 their property taxes go up.

20 Oftentimes these budget votes are  
21 very confusing. Our school boards try very  
22 hard to educate the voting public about what's  
23 in a school budget, but oftentimes -- and I  
24 think everybody is experiencing it, especially  
25 members who represent the suburbs -- Senator

1 Marcellino, Senator LaValle, myself, Senator  
2 Oppenheimer, to name a few -- the fights that  
3 we see amongst our friends and neighbors over  
4 the school budgets, and a lot of times it's  
5 about information or misinformation that's  
6 being given on a school budget.

7 Oftentimes it's about the  
8 consequences of a failed budget vote. Senator  
9 Fuschillo, my good friend, talked about  
10 Roosevelt today and how the Roosevelt budget  
11 vote, the first time around, failed. In my  
12 district last month the Westbury School  
13 District budget vote failed for the first time  
14 and they had to go to a second round of votes.

15 Oftentimes the voters, when they  
16 see a second budget vote fail, then it goes  
17 into contingency. But there are times when  
18 that contingency budget is actually very close  
19 in amount to what a proposed budget would be,  
20 and so you don't really know what's going to  
21 be lost.

22 So what you have here -- and I  
23 commend Senator LaValle for this  
24 legislation -- is a way to ensure full  
25 information about you're voting upon. And

1           that full information provides and shows that  
2           this is the consequence if we don't pass a  
3           budget, look what could happen.

4                       And it really requires the school  
5           board -- whose representatives are our  
6           neighbors, our friends, our constituents -- to  
7           think ahead of time during the process what  
8           the consequence will be if a budget fails.

9                       Now, interestingly, I think many of  
10          us know that in -- and this administration has  
11          started talking about our state budget process  
12          starting earlier. There's talks about  
13          starting the budget process for the state  
14          budget in November, giving a substantial  
15          period of time to talk about what's going to  
16          be in next year's budget.

17                      This does the same thing and will  
18          require our school boards to do a little bit  
19          of the same thing, to start thinking about a  
20          budget earlier because they're going to be  
21          really required to do two budgets, the budget  
22          they hope to have passed and, if the budget  
23          doesn't get passed, what's the contingency  
24          budget. And that way the entire voting public  
25          knows, look, this is what could happen if you

1 don't support a first budget.

2           And that's a good thing. It's a  
3 good thing to know whether or not the JV  
4 tennis program is going to get cut, the  
5 driver's education program is going to get  
6 cut, the French program is going to get cut,  
7 or the school busing program is going to get  
8 cut. The voters have a right to know because  
9 it's their tax dollars that are supporting  
10 these programs and these schools.

11           I truly appreciate the concerns  
12 that my colleague Senator Oppenheimer has and  
13 the concerns that these groups have put forth  
14 in expressing reservations about this  
15 legislation. But I think that given all the  
16 difficulties we are seeing today with our  
17 residents who are facing the difficult choice  
18 of whether or not they can continue to afford  
19 to live in the area that Senator LaValle  
20 represents or the areas that I represent, we  
21 need to make the decision a little bit easier,  
22 and putting forth and supporting this  
23 initiative will help do that.

24           So I support Senator LaValle's  
25 initiative, I commend Senator LaValle, and I

1 will be voting yes on this initiative.

2 Thank you very much.

3 ACTING PRESIDENT GRIFFO: Senator  
4 Stavisky.

5 SENATOR STAVISKY: I have a  
6 question for Senator LaValle, if he would  
7 yield.

8 ACTING PRESIDENT GRIFFO: Will  
9 the sponsor yield?

10 SENATOR LaVALLE: Yes, I will,  
11 Mr. President.

12 SENATOR STAVISKY: Is there any  
13 provision for an emergency situation where a  
14 school district finds an unanticipated  
15 special, expensive need that would have to be  
16 bonded out?

17 ACTING PRESIDENT GRIFFO: Senator  
18 LaValle.

19 SENATOR LaVALLE: Senator  
20 Stavisky, as you would probably imagine, in  
21 the drafting of this bill I was very  
22 intimately involved. And we talked about -- I  
23 talked about that, and I've got to find that  
24 one section, because I can't -- unless you  
25 have it there.

1                   But there was -- in the discussion  
2                   on this bill we thought about putting in  
3                   the -- allowing for emergencies. Because a  
4                   boiler could explode. To replace a boiler you  
5                   would need, you know, voter approval or --  
6                   although there are certain, you know,  
7                   exceptions.

8                   And I'm glad that Senator  
9                   Oppenheimer brought up this issue of the  
10                  bonding, and you're bringing it up, because  
11                  some of these things can be resolved in a  
12                  chapter amendment.

13                  The issue of the bonding being at  
14                  the same time was done because many of our  
15                  taxpayers, particularly senior citizens, feel  
16                  offended that it is brought up in January and  
17                  February when, you know, a large percent are  
18                  being snowbirds down in Florida.

19                  Now, whether it's just a  
20                  coincidence or not, they feel offended. And  
21                  that resentment builds up a negative attitude  
22                  when they can vote on the budget. Because  
23                  they say, You know what you did to me, you  
24                  know, in January and February, I'm going to  
25                  vote no on the budget.

1 I don't have an answer for you  
2 on -- without looking through the bill, unless  
3 you've looked through it and you know it  
4 either exists or it doesn't exist. Does it  
5 exist?

6 SENATOR STAVISKY: (Shrugging.)

7 SENATOR LaVALLE: You don't know.

8 But it's a good point. It's a good  
9 point. Because there had been discussion on  
10 this very issue, and I honestly don't know  
11 whether it got into this version.

12 ACTING PRESIDENT GRIFFO: Senator  
13 Stavisky.

14 SENATOR STAVISKY: I think I'm  
15 going to have an answer in a moment.

16 SENATOR LaVALLE: I think I was  
17 right in what I said, that there are other  
18 provisions outside of this that allow you, in  
19 emergency situations, to move forward.

20 SENATOR STAVISKY: Because I  
21 would not -- through you, Mr. President, I'm  
22 sure you would agree we would not want a bond  
23 issue to replace a boiler. That's just bad  
24 policy.

25 On the other hand, if, let's say,

1           there's a flood, as we've been experiencing,  
2           and perhaps there's extensive damage to a  
3           school, then perhaps this is a more serious  
4           situation that could require an emergency  
5           appropriation.

6                         SENATOR LaVALLE:       Those kinds of  
7           things are allowed in law. I mean, all the  
8           time there are fires and schools have to be  
9           repaired and they are repaired in those  
10          circumstances.

11                        SENATOR STAVISKY:       Through you,  
12          Mr. President, Senator LaValle raises another  
13          interesting question.

14                        Do they have any provision for  
15          absentee voting in these school board  
16          elections?

17                        ACTING PRESIDENT GRIFFO:     Senator  
18          LaValle.

19                        SENATOR LaVALLE:       I'm sorry?

20                        ACTING PRESIDENT GRIFFO:     Can we  
21          have some order, please.

22                        Senator Stavisky.

23                        SENATOR STAVISKY:       Through you,  
24          Mr. President, are there any provisions made  
25          for absentee voting in the school board

1 elections?

2 SENATOR LaVALLE: Of course there  
3 are.

4 SENATOR STAVISKY: So,  
5 Mr. President, presumably the senior citizens  
6 can vote on an absentee ballot if they're  
7 indeed snowbirds.

8 Thank you, Senator.

9 ACTING PRESIDENT GRIFFO: Thank  
10 you.

11 Senator Oppenheimer.

12 SENATOR OPPENHEIMER: Thank you.  
13 I guess I want to direct this -- if Senator  
14 Craig Johnson would yield.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Johnson, do you yield to a question from  
17 Senator Oppenheimer?

18 SENATOR CRAIG JOHNSON: Of  
19 course, Senator. Yes, Mr. President.

20 ACTING PRESIDENT GRIFFO: Senator  
21 Oppenheimer.

22 SENATOR OPPENHEIMER: Well, I did  
23 not want to forget to say that the  
24 opportunity -- this is a statement I'm making;  
25 then I'll ask my question -- the opportunity

1 to put in emergency legislation I would assume  
2 is not under question. Because if you have a  
3 burnt-out school or a flooded-out school, you  
4 have to do something.

5 So I think that even though it  
6 might not specifically be written into the  
7 bill, I think under an emergency situation we  
8 would always be able to correct what the  
9 problem was.

10 In the case of Bronxville in  
11 Westchester, which Bronxville High School got  
12 flooded out, we had emergency legislation so  
13 that we could do something. So again --

14 ACTING PRESIDENT GRIFFO: Senator  
15 Oppenheimer, are you speaking on the bill or  
16 do you have a question?

17 SENATOR OPPENHEIMER: No, I said  
18 I was making a statement. Now I'm going to  
19 ask my question.

20 And the question is that there  
21 seems to be perhaps some kind of a problem  
22 which I'm trying to understand, because I  
23 don't experience that problem where I am in my  
24 county. And we both have suburban counties,  
25 so I can't imagine that they're that

1 different.

2 But why is it not available to you  
3 now, since all these resources are there and  
4 we do require them, more or less, in our  
5 county, by going to your school board --  
6 here's your question -- by going to your  
7 school board and saying, This is what we  
8 expect you to do. We -- you know, the  
9 population of your school district -- are very  
10 interested in seeing that you give us a full  
11 representation of all of your reserve funds,  
12 of, you know, what -- I know, you're  
13 shrugging.

14 But you can appeal to your school  
15 board to say, This is what we expect, we the  
16 voters of this school district.

17 So I'll first present it to Senator  
18 Craig Johnson, and then I will ask for Senator  
19 LaValle.

20 ACTING PRESIDENT GRIFFO: Senator  
21 Johnson.

22 SENATOR CRAIG JOHNSON: Thank you  
23 very much. Thank you, Mr. President. Thank  
24 you, Senator, for the question.

25 I think it's very simple. I think

1           that we represent the residents of our  
2           district as a senatorial body. And oftentimes  
3           school boards may or may not take the  
4           suggestion. I'll give you a perfect example,  
5           and something that we handled today not just,  
6           you know, six hours ago, and that was the food  
7           allergy bill.

8                         When I was a county legislator, I  
9           had to enlist the Nassau County Board of  
10          Health to recommend to school boards to enact  
11          a food allergy guideline. Now, it was just a  
12          recommendation. They could do it if they  
13          wanted to, or they could not do it. Some  
14          school boards in Nassau County did it; some  
15          didn't, and for a variety of reasons.

16                        Same here. Now, with this piece of  
17          legislation, we have an opportunity to make a  
18          statement to direct the school boards to do  
19          this. To do this. It is that important, I  
20          believe. Not as a sponsor or cosponsor, but  
21          simply as an interested Senator representing  
22          the 7th Senatorial District, to have all my  
23          school boards undertake this responsibility.

24                        And they can do it. I believe they  
25          can do it. They have the staffing, they have

1 the personnel to prepare, while they're  
2 preparing the budget and the information for  
3 the budgets, to also prepare the information  
4 to show the what-if scenario to fully educate  
5 the voters.

6 SENATOR OPPENHEIMER: Thank you.

7 ACTING PRESIDENT GRIFFO: Senator  
8 Oppenheimer.

9 SENATOR OPPENHEIMER: If Senator  
10 LaValle would please respond to that same  
11 question.

12 ACTING PRESIDENT GRIFFO: Would  
13 the sponsor yield?

14 SENATOR LaVALLE: Yes, I will.

15 It feels a little bit like a  
16 candidate night, that you're asking several  
17 people that one question.

18 But this was drafted with the  
19 purpose of ensuring that information gets to  
20 the public, that it's done uniformly. Yes,  
21 there are probably school districts that are  
22 exemplary, that they feel a connection with  
23 their taxpayer and are responsive. But I  
24 would tell you, on the issue of the surplus  
25 monies and the way a budget is formulated,

1 with other monies buried in there, school  
2 districts for the most part have adopted,  
3 unfortunately -- and I can't understand why --  
4 a them-and-us attitude.

5 And so if there is one level of  
6 government that doesn't have transparency and  
7 doesn't have disclosure, it's at the one level  
8 where 68 percent of an individual's tax bill  
9 is school taxes. That should be the level  
10 that has the greatest disclosure, the greatest  
11 communication, so that people feel part of the  
12 process.

13 So, I mean, I can't tell you out of  
14 more than 700 districts whether 200 are rogues  
15 and the other 500 are exemplary, good  
16 citizens.

17 I also would say to you, Senator,  
18 that being a school board member is a  
19 volunteer position. It's a volunteer  
20 position. They can only spend so much time in  
21 their life to scrutinize this huge budget. In  
22 Suffolk County and Nassau County there are  
23 many budgets well over \$100 million and  
24 growing. And growing. How do we expect a  
25 volunteer to go through that budget in detail?

1                   And many times I'll say to a school  
2 board member, How could you support this?  
3 They go [shrugs], I didn't even know it was in  
4 there.

5                   So I think we need standards so  
6 that everyone can properly disclose what is  
7 going on in a very complex situation.

8                   ACTING PRESIDENT GRIFFO:     Senator  
9 Oppenheimer.

10                  SENATOR OPPENHEIMER:     Well, I do  
11 appreciate -- yes, I'm on the bill.

12                  ACTING PRESIDENT GRIFFO:     Senator  
13 Oppenheimer, on the bill.

14                  SENATOR OPPENHEIMER:     I do  
15 appreciate what my colleagues are saying. And  
16 perhaps I don't have too many examples of what  
17 they're describing in my county, though I can  
18 hear that there are certain examples in the  
19 other counties.

20                  I feel the example of the snowbirds  
21 voting their ire when it comes time for the  
22 regular school budget, that doesn't hold  
23 water. Because I was going to say the same  
24 thing that Senator Stavisky said, which is if  
25 they're so interested in voting down a bond

1 issue, then they ought to be voting in  
2 absentee. And we certainly have a lot of  
3 absentee voters.

4 But the very problematic piece of  
5 all of this is putting the bonding on the same  
6 vote date as the regular school board and  
7 school budget vote. And that presents so many  
8 problems, makes it so much more costly when  
9 you have to delay by one year getting into the  
10 ground to do your construction.

11 And seeing as how every entity that  
12 seems to be involved in school and school  
13 budgeting and school education, every entity  
14 seems to be against this, I will be voting no.

15 ACTING PRESIDENT GRIFFO: Is  
16 there any other Senator that wishes to be  
17 heard?

18 Debate is closed. The Secretary  
19 will ring the bells.

20 Read the last section.

21 THE SECRETARY: Section 9. This  
22 act shall take effect immediately.

23 ACTING PRESIDENT GRIFFO: Call  
24 the roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT GRIFFO:

2           Announce the results.

3                   THE SECRETARY:       Those recorded in  
4           the negative on Calendar Number 2040 are  
5           Senators Adams, Connor, Dilan, Duane,  
6           Gonzalez, Hassell-Thompson, L. Krueger,  
7           Montgomery, Onorato, Oppenheimer, Perkins,  
8           Sampson, Schneiderman, Serrano, Smith,  
9           Stachowski, Stavisky and Thompson.

10                   Absent from voting: Senator C.  
11           Kruger.

12                   Ayes, 42.   Nays, 18.

13                   ACTING PRESIDENT GRIFFO:       The  
14           bill is passed.

15                   The Secretary will read.

16                   THE SECRETARY:       Calendar Number  
17           2065, by Senator Marcellino, Senate Print  
18           6323, an act to amend the Environmental  
19           Conservation Law.

20                   SENATOR SCHNEIDERMAN:  
21           Explanation.

22                   ACTING PRESIDENT GRIFFO:  
23           Explanation, Senator Marcellino.

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

1                   In 2003 we passed the first  
2                   brownfield law in this state, after many, many  
3                   years of hard work and a lot of effort on a  
4                   lot of people's parts.

5                   From just about day one, people  
6                   were asking us to amend the bill and change  
7                   it. We held off because we felt the bill  
8                   should be given a chance to operate and  
9                   function, see what it did in the real world.  
10                  Let's see what would happen when various  
11                  organizations, municipalities, lawyers,  
12                  developers and the like got involved.

13                  After a few years it became evident  
14                  that the bill was not working the way it was  
15                  intended. The bill had the opportunity and  
16                  the potential to be the greatest environmental  
17                  cleanup measure and the great economic  
18                  development measure that this state has seen.

19                  After meeting with various  
20                  individuals, organizations and groups, we  
21                  began to develop the bill that is before us  
22                  today. This bill clarifies that brownfield  
23                  sites with historic fill are eligible for the  
24                  program. And this change will allow a large  
25                  number of sites to enter the program,

1 especially those located on our waterfronts  
2 and those in our inner cities.

3 This Senate bill moves the  
4 Brownfield Opportunity Areas from the DEC to  
5 oversight by the Department of State. The BOA  
6 program encourages community planning in  
7 neighborhoods burdened by brownfields, by  
8 providing funds to help assess the conditions  
9 fueling abandonment and decay and to create a  
10 community vision that subsequent cleanups and  
11 community development projects will help  
12 fulfill.

13 This amendment will remove the  
14 delays in funding for this key program that  
15 ensures community participation and  
16 revitalization of distressed areas and the  
17 attraction of new investment to those areas,  
18 which is a key element here.

19 This Senate bill modifies the  
20 environmental easements on remediated  
21 brownfields to meet the standards of the  
22 Uniform Environment Covenant Act. These  
23 standards were developed by the National  
24 Conference of Commissioners of Uniform State  
25 Laws. These changes will offer more certainty

1 for national developers looking to do cleanups  
2 in New York State.

3 The bill is a good step. Is it  
4 everything I would want? No. Does it address  
5 every issue I think might have to be  
6 addressed? No. The committees -- and we're  
7 in communication with the En Con Committee in  
8 the other house, chaired by my friend  
9 Assemblyman Sweeney -- are going to hold some  
10 hearings over the summer to address the issue,  
11 to see what we can do to develop approval.

12 Right now there is no corresponding  
13 bill in the other house. So we're going to  
14 try to come together on this issue and see if  
15 we can close some of the loopholes and some of  
16 the doors that are still left open by the  
17 prior bill.

18 But I do believe that this bill  
19 provides us a good basis to work from. And if  
20 we had to pass this bill today and it was to  
21 become law, it would eliminate probably 75 to  
22 80 percent of the objections that are out  
23 there by any groups.

24 Thank you.

25 ACTING PRESIDENT GRIFFO: Senator

1 Schneiderman.

2 SENATOR SCHNEIDERMAN: Thank you,  
3 Mr. President. If the sponsor would yield for  
4 a few brief questions.

5 ACTING PRESIDENT GRIFFO: Senator  
6 Marcellino, will you yield for a few brief  
7 questions?

8 SENATOR MARCELLINO: Yes, I'm  
9 happy to yield.

10 ACTING PRESIDENT GRIFFO: Senator  
11 Schneiderman.

12 SENATOR SCHNEIDERMAN: Thank you.  
13 Under this legislation, if I am the  
14 owner -- I purchased a state Superfund site  
15 with full knowledge that it was a polluted  
16 site, a Class 2 Superfund site -- as soon as  
17 this bill passes, as of the effective date, I  
18 would be able to transfer that into a  
19 brownfield site and receive tax credits for a  
20 cleanup that I'm already legally obligated to  
21 perform. Is that not correct?

22 ACTING PRESIDENT GRIFFO: Senator  
23 Marcellino.

24 SENATOR MARCELLINO: As long as  
25 the site is owned by someone who didn't do the

1           spilling. The program is only for volunteers.

2                   SENATOR SCHNEIDERMAN:       Yes. If I  
3           am a purchaser who purchased with knowledge a  
4           Class 2 Superfund site, know I have to clean  
5           it up when I buy it, that's factored into the  
6           purchase price, this program, as of the day  
7           this bill becomes law, would get me off the  
8           hook and I could make it a brownfield, receive  
9           tax credits for obligations that I'm already  
10          under. Is that not correct?

11                   SENATOR MARCELLINO:       The answer  
12          is yes.

13                   SENATOR SCHNEIDERMAN:       Thank you,  
14          Mr. President. Thank the sponsor.

15                   On the bill.

16                   ACTING PRESIDENT GRIFFO:       Senator  
17          Schneiderman, on the bill.

18                   SENATOR SCHNEIDERMAN:       This is  
19          one of the most remarkable end-of-session  
20          moves I've seen in a few years.

21                   We know that we have a problem with  
22          our current Superfund and brownfield programs.  
23          We know that under the last administration's  
24          Department of Environmental Conservation,  
25          sites languished, there was not the kind of

1           vigorous pursuit of polluters and responsible  
2           parties that the law contemplates.

3                       Now, all of a sudden, we've got a  
4           new sheriff in town, a new DEC commissioner  
5           who maybe is more interested in pursuing  
6           polluters and responsible parties.

7                       So what this would do -- ladies and  
8           gentlemen, before you vote for this, think  
9           carefully -- this would take Class 2 Superfund  
10          sites -- which are the worst sites in the  
11          state. We have no Class 1 Superfund sites in  
12          the state. The worst polluted sites are Class  
13          2 Superfund sites. They are under this  
14          bill -- and everyone who owns one, as long as  
15          you weren't the actual polluter, but most of  
16          these sites have been passed along over time,  
17          would be immediately removed from the  
18          obligation to clean it up with no cost to the  
19          state and place it into the brownfield program  
20          where you could receive tax credits.

21                      This is some transfer from the  
22          taxpayers of the State of New York to big  
23          property owners, developers, and businessmen  
24          of the State of New York.

25                      So, you know, you can't blame

1 people for trying. They should try to get  
2 money. Capitalists are in business to make  
3 money. If I buy stock in a company, I want  
4 them to make money. But they shouldn't be  
5 given the money, by the Senate of the State of  
6 New York, of the taxpayers of the State of  
7 New York, to clean up sites that they're  
8 already under a legal obligation to clean up.

9 Now, the new DEC commissioner is  
10 working -- and, as the sponsor has correctly  
11 acknowledged, the Assembly is working -- to  
12 come up with proposals to amend our current  
13 brownfield bill. Why we would make this  
14 hollow gesture in favor of some developers, in  
15 favor of some people who are not eligible for  
16 the substantial tax credits under the  
17 brownfield law and want to be, why we would do  
18 this, I don't know. There may be some hidden  
19 financial connection that I can't see.

20 But I know that the Environmental  
21 Advocates are opposed to it quite simply for  
22 this reason. This bill, while it contains  
23 provisions we all support, does not deal with  
24 the problem of the tax credits, which is the  
25 principal problem of the brownfields program.

1 It doesn't deal with the problem that we have  
2 tax credits that are given out today that have  
3 no proportionality to the amount of cleanup.

4 This bill in fact would create  
5 another loophole and transfer millions and  
6 millions more dollars of tax credits to the  
7 developers. Let me give you --

8 ACTING PRESIDENT GRIFFO: Senator  
9 Connor, why do you rise?

10 SENATOR CONNOR: Yes, excuse me,  
11 Mr. President. Would Senator Schneiderman  
12 yield for a question?

13 ACTING PRESIDENT GRIFFO: Senator  
14 Schneiderman, will you yield?

15 SENATOR SCHNEIDERMAN: Let me  
16 just check my place in my voluminous notes,  
17 and I'd be happy to yield to the distinguished  
18 gentleman from Brooklyn Heights.

19 ACTING PRESIDENT GRIFFO: Senator  
20 Connor.

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

23 I would ask Senator Schneiderman if  
24 he had occasion, as I did, to read the entire  
25 PlanNYC proposal proposed by the mayor of

1 New York City, which includes congestion  
2 pricing, and if he was aware of the fact that  
3 it also includes a similar brownfields  
4 provision exonerating persons who own polluted  
5 sites and giving them taxpayer funds to clean  
6 them up.

7 SENATOR SCHNEIDERMAN: Yes.  
8 We're taking a slight trip a bit afield, but  
9 it is absolutely correct that the PlanNYC  
10 legislation does include a brownfields  
11 provision. It is not the same as this, but it  
12 has several features which in fact, when we  
13 met with the mayor's representatives, I have  
14 objected to.

15 Among other things -- I don't want  
16 to give ideas that might be seized upon to the  
17 detriment of the public interest, but among  
18 other things, the mayor's proposal actually  
19 provides that companies can self-certify their  
20 cleanup, which is viewed as very problematic  
21 by a lot of environmentalists.

22 SENATOR CONNOR: Right. It's  
23 even more problematic than --

24 SENATOR SCHNEIDERMAN: But yes,  
25 you are correct that there is a brownfields

1 program there. And should the congestion  
2 pricing legislation ever grace this house, I  
3 look forward to a discussion of these matters  
4 then.

5 But meanwhile, back at the current  
6 caper, the brownfields tax credit program  
7 currently has no requirement that limits the  
8 amount of tax credit to the amount of money  
9 spent on the cleanup. So think of the lust of  
10 the developers for these tax credits when you  
11 hear the following examples. I'm trying to  
12 get Sabini's support.

13 Here's an example of one cleanup.  
14 The cost of the site preparation, the cleanup,  
15 was \$1.5 million. But the development was a  
16 \$500 million development, making that  
17 developer eligible for \$110 million in tax  
18 credits for a \$1.5 million cleanup.

19 Ah, another example. This in  
20 Manhattan, in fact. A \$770 million  
21 development proposal, they spent \$18.2 million  
22 on cleanup, but they got a \$157.6 million tax  
23 credit.

24 So the problem with the brownfields  
25 program that the Assembly is attempting to

1 address, that Commissioner Grannis is  
2 attempting to address, is that the tax credits  
3 are already out of control. The only thing  
4 that is putting some limits on some of the  
5 sites, the worst sites, is that currently,  
6 under the existing program, Class 2 Superfund  
7 sites and other Superfund sites -- but the  
8 worst are the Class 2 sites -- are not  
9 eligible for these tax credits. That is the  
10 one thing that is holding back the sea.

11 This bill would immediately  
12 transfer every existing Class 2 site held by a  
13 purchaser -- not by a polluter, but held by  
14 someone who bought it with knowledge of the  
15 pollution -- and turn it in a brownfield so  
16 they're eligible for these tax credits. That  
17 is a monumental transfer of the taxpayer  
18 dollars we are supposed to protect to  
19 developers and real estate interests in the  
20 State of New York.

21 I hope you are all listening and  
22 paying attention. It is not necessary for us  
23 to pass this bill. It is a one-house bill.  
24 Hearings are being held. The new commissioner  
25 wants to take a more aggressive approach to

1 going after the very polluters -- the very  
2 holders of polluted property, excuse me, the  
3 responsible parties for pollution of Superfund  
4 sites that this bill would transfer into the  
5 brownfields program.

6 So, ladies and gentlemen, it is  
7 late in the day and it's late in the session.  
8 Whatever interests have compelled you to move  
9 forward and advance this bill today, I urge  
10 you to rethink it. This is a bad bill for the  
11 people of the State of New York. This is a  
12 bad bill for the taxpayers of the State of  
13 New York.

14 And the final piece of this that I  
15 must raise that adds insult to injury is that  
16 this bill would enable local governments to  
17 authorize sites to be brownfields. Now, I  
18 love my local government. I love the  
19 independent mayor of my local government --  
20 more so since he's independent. But  
21 municipalities who are not paying for the tax  
22 credits should not be authorized to accept  
23 applications for brownfields. If I'm running  
24 a municipality, I want everyone in my  
25 municipality to get state tax credits for

1 cleanups. That is bad public policy.

2 So I would urge all of you,  
3 particularly anyone who has any notion or any  
4 claim to being a fiscal conservative, do not  
5 give away taxpayer dollars to developers. Do  
6 not open up the floodgates for the brownfields  
7 program while we are in the process of  
8 attempting to review and modify the program.

9 I appreciate the fact that we have  
10 to do something about this. The work is  
11 underway by Commissioner Grannis and by the  
12 Assembly, led by that great Assemblyman Diaz.  
13 And I hope that you will all think carefully  
14 before we vote for something -- the good Diaz.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Diaz, why do you rise?

17 SENATOR SCHNEIDERMAN: Yes, yes,  
18 let me just finish this sentence. Momentito,  
19 por favor.

20 So I urge all of you, before we go  
21 off on what I have a feeling will be another  
22 entertaining frolic or detour, to think  
23 carefully about this bill and vote against it.

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Senator

1 Diaz.

2 SENATOR DIAZ: Would Senator  
3 Schneiderman yield for a question.

4 ACTING PRESIDENT GRIFFO: Senator  
5 Schneiderman, do you yield?

6 SENATOR SCHNEIDERMAN: [In  
7 Spanish.]

8 SENATOR DIAZ: [In Spanish.]

9 SENATOR SCHNEIDERMAN: [In  
10 Spanish.]

11 SENATOR DIAZ: [In Spanish.]

12 ACTING PRESIDENT GRIFFO: For the  
13 benefit of the stenographer.

14 SENATOR SCHNEIDERMAN: Don't  
15 worry.

16 (Laughter.)

17 ACTING PRESIDENT GRIFFO: Muy  
18 bien.

19 (Laughter.)

20 SENATOR DIAZ: This is the bad  
21 Diaz. The good Diaz is on the other side.

22 SENATOR SCHNEIDERMAN: The good  
23 Diaz, supporting the Assembly hearings.

24 SENATOR DIAZ: Senator, I'm just  
25 going to pick up on what Senator Connor asked.

1           Could you please explain to me in Spanish, in  
2           English, in German, in whatever you want, what  
3           is the difference between this granting  
4           permission or exemptions to developers and  
5           Mayor Bloomberg's plan?

6                         SENATOR SCHNEIDERMAN:        Si.

7                         ACTING PRESIDENT GRIFFO:        Senator  
8           Schneiderman.

9                         SENATOR SCHNEIDERMAN:        Thank you.

10                        There's actually very little  
11           overlap between this proposal and Mayor  
12           Bloomberg's proposal. This proposal is a  
13           statewide proposal that specifically transfers  
14           a certain category of sites, Superfund sites,  
15           or makes them eligible for transfer into the  
16           brownfields program.

17                        The mayor's proposal is more of a  
18           prospective program. It doesn't retroactively  
19           transfer sites, which is what this bill does.  
20           But it does have some provisions, and I  
21           mentioned it in conference -- si?

22                        SENATOR DIAZ:        No. No.

23                        SENATOR SCHNEIDERMAN:        Excuse me.  
24           Momentito.

25                        It does allow for easing the

1 requirements, to a certain extent, for  
2 certification of brownfield cleanup. And some  
3 environmentalists have raised that as a  
4 problem. But it's a very different provision.

5 SENATOR DIAZ: Mr. President.

6 ACTING PRESIDENT GRIFFO: Senator  
7 Diaz.

8 SENATOR DIAZ: Would Senator  
9 Schneiderman please yield for another  
10 question.

11 ACTING PRESIDENT GRIFFO: Senator  
12 Schneiderman, do you continue to yield?

13 SENATOR SCHNEIDERMAN: Oh, I  
14 continue to yield.

15 SENATOR DIAZ: Does Bloomberg's  
16 plan give tax money to landowners as this bill  
17 does, yes or no?

18 ACTING PRESIDENT GRIFFO: Senator  
19 Schneiderman, the question is yes or no.

20 SENATOR SCHNEIDERMAN: Thank you,  
21 Mr. President, but I work alone.

22 (Laughter.)

23 ACTING PRESIDENT GRIFFO: Senator  
24 Schneiderman, you're out of order.

25 (Catcalls from floor.)

1                   SENATOR SCHNEIDERMAN:     How can I  
2     be out of order? I can't be ruled out of  
3     order in a debate with him.

4                   ACTING PRESIDENT GRIFFO:     Senator  
5     Diaz --

6                   SENATOR DIAZ:     Yes or no?

7                   SENATOR SCHNEIDERMAN:     The answer  
8     is in a different way the mayor's program does  
9     make it easier for developers to get  
10    brownfield tax credits. Or, actually, it's a  
11    very different provision. It enables them to  
12    end their requirement to clean up the site at  
13    all.

14                   So it is a different way, but it  
15    does confer a benefit on developers, yes.  
16    It's a different benefit.

17                   SENATOR DIAZ:     Mr. President,  
18    through you, can I get an answer yes or no?

19                   ACTING PRESIDENT GRIFFO:     Senator  
20    Schneiderman, would you please give an answer  
21    to Senator Diaz and can you do it with a yes  
22    or no?

23                   SENATOR SCHNEIDERMAN:     Yes or no.  
24    That's the best -- it's a different program.  
25    Senator, it's not the same.

1                   ACTING PRESIDENT GRIFFO:     Senator  
2     Diaz.

3                   SENATOR DIAZ:     Through you,  
4     Mr. President, would the Senator yield for  
5     another question.

6                   SENATOR SCHNEIDERMAN:     Yes, I  
7     will yield for another question.

8                   SENATOR DIAZ:     Are you supporting  
9     Mayor Bloomberg's plan?

10                  SENATOR SCHNEIDERMAN:     I support  
11     the concept of congestion pricing. I have  
12     raised some of the problems I have with the  
13     plan, including this one, in conference.

14                  When you were in conference when  
15     the mayor's people were there? I'm sorry.  
16     Senator Diaz, if you had been in conference  
17     when the mayor's people were there last time,  
18     I specifically raised this issue of brownfield  
19     sites with them in the conference.

20                  Senator Savino is nodding her head,  
21     and you know her to be a good and honorable  
22     person.

23                  SENATOR DIAZ:     Mr. President.

24                  ACTING PRESIDENT GRIFFO:     Senator  
25     Diaz.

1                   SENATOR DIAZ:     Will the Senator  
2 still yield for another question.

3                   ACTING PRESIDENT GRIFFO:     Senator  
4 Schneiderman, do you continue to yield?

5                   SENATOR SCHNEIDERMAN:     Well, I'm  
6 getting a lot of huffing here. So una mas.  
7 Una mas.

8                   SENATOR DIAZ:     Okay, I --  
9 Senator, I just want you to be honest with  
10 yourself and with everybody else. You cannot  
11 come and attack a bill because it's a  
12 Republican bill that gives credits to -- and  
13 then support Mayor Bloomberg, who does the  
14 same thing.

15                   Either you are for it or you are  
16 against it. Or you were for the bill before  
17 you were against it. What is it? Thank you  
18 very much.

19                   (Laughter.)

20                   ACTING PRESIDENT GRIFFO:     Senator  
21 Schneiderman.

22                   SENATOR SCHNEIDERMAN:     Thank you.  
23 Just to wrap up. Yes, I would like to answer  
24 that, and believe me, I will later.

25                   No, I appreciate what the Senator

1 is saying. He's calling attention to the fact  
2 that there are brownfield provisions, as  
3 Senator Connor did somewhat more briefly, in  
4 the brownfields program proposed by the mayor.  
5 The mayor's program is a very complicated  
6 proposal. And most of us who support the  
7 concept of congestion pricing have one problem  
8 or another with part of the bill.

9 That, I would like to suggest -- if  
10 we put that aside, let's look at every bill on  
11 the merits, whether it's Republican or  
12 Democrat. And when Mayor Bloomberg proposed  
13 that plan, he was a Republican too. So it was  
14 a bipartisan act to encourage him, but it's  
15 also an act encouraged by all of the  
16 environmental justice groups I've worked with  
17 in the City of New York for many years.

18 This bill is a completely separate  
19 issue. It is an unnecessary bill. It is a  
20 bill that transfers Class 2 Superfund sites in  
21 the brownfields program, confers billions of  
22 dollars, potentially, of tax credits paid for  
23 by the taxpayers on developers.

24 We should not be supporting this  
25 bill. We should allow the Assembly hearings

1 to go forward. I would suggest that we should  
2 conduct our own hearings on the issue, if  
3 necessary. And we should be working with the  
4 new DEC commissioner, who right now has his  
5 sights set on targeting the responsible  
6 parties in these Class 2 Superfund sites.

7 And what are we doing? Are we  
8 helping him? Are we helping to get the  
9 polluters to pay? Are we helping to get the  
10 property owners to clean up? No. We're  
11 proposing to transfer those sites into a  
12 program so that these people can get tax  
13 credits paid for by our constituents.

14 I urge everyone to vote no,  
15 including my friend de boricua.

16 ACTING PRESIDENT GRIFFO: Senator  
17 Johnson.

18 SENATOR CRAIG JOHNSON: Thank  
19 you, Mr. President. Mr. President, will the  
20 sponsor of the bill yield for a couple of  
21 short questions, please.

22 ACTING PRESIDENT GRIFFO: Senator  
23 Marcellino, will you yield for a couple of  
24 questions?

25 SENATOR MARCELLINO: Yes, I will.

1                   ACTING PRESIDENT GRIFFO:     Senator  
2     Johnson.

3                   SENATOR CRAIG JOHNSON:     Thank  
4     you. Through you, Mr. President. Senator  
5     Marcellino, I just want to clarify a couple of  
6     things.

7                   Did this bill go before the  
8     Environmental Conservation Committee, the  
9     committee that you chair and that I am the  
10    ranking member on?

11                  SENATOR MARCELLINO:     No, it did  
12    not. It was introduced into the Rules  
13    Committee.

14                  SENATOR CRAIG JOHNSON:     Mr.  
15    President, through you, will the sponsor  
16    continue to yield?

17                  ACTING PRESIDENT GRIFFO:     Senator  
18    Marcellino, will you continue to yield?

19                  SENATOR MARCELLINO:     Yes.

20                  ACTING PRESIDENT GRIFFO:     Senator  
21    Johnson.

22                  SENATOR CRAIG JOHNSON:     And I  
23    believe that -- and correct me if I'm wrong,  
24    was this bill introduced on June 18th of this  
25    year?

1                   SENATOR MARCELLINO:     Yes, this  
2     bill was.

3                   However, I must state for the  
4     record that that bill was part of the Upstate  
5     Now package that was passed in this house.  
6     And Senator Schneiderman voted for it, and so  
7     did you, Senator Johnson. As did everybody  
8     else. Because the bill passed unanimously, I  
9     think.

10                  SENATOR CRAIG JOHNSON:     Through  
11     you, Mr. President, will the sponsor continue  
12     to yield?

13                  ACTING PRESIDENT GRIFFO:     Senator  
14     Marcellino, will you yield?

15                  SENATOR MARCELLINO:     Yes.

16                  SENATOR CRAIG JOHNSON:     Thank  
17     you, Senator Marcellino.

18                  Is there an Assembly same-as bill?

19                  SENATOR MARCELLINO:     I think I  
20     said that at the early part of it. There is  
21     none.

22                  SENATOR CRAIG JOHNSON:     Okay.  
23     Through you, Mr. President, will the sponsor  
24     continue to yield?

25                  ACTING PRESIDENT GRIFFO:     Senator

1 Marcellino, do you continue to yield?

2 SENATOR MARCELLINO: Yes.

3 SENATOR CRAIG JOHNSON: I  
4 apologize, I was detained. I didn't hear  
5 that.

6 SENATOR MARCELLINO: No problem.

7 SENATOR CRAIG JOHNSON: Can you  
8 tell me which groups or -- advocacy groups or  
9 other interested parties either support this  
10 legislation or oppose this legislation?

11 SENATOR MARCELLINO: We have  
12 NYPIRG's memo in opposition.

13 Senator Schneiderman mentioned EA.  
14 They rescinded their memo of opposition. If  
15 you check it out now, you'll find that  
16 Environmental Advocates no longer opposes the  
17 bill. They've rescinded that memo in  
18 opposition, Senator.

19 In NYPIRG's opposition memo, they  
20 actually say "We commend the Senate for  
21 identifying the weaknesses in the BCP program  
22 and proposing measures to address them." They  
23 talk about the tax credits, as did Senator  
24 Schneiderman. But what you have here is a  
25 situation where some groups are making the

1 perfect the enemy of the good.

2 We can address other issues in  
3 hearings, you're right. And I said that also  
4 in my opening remarks, that we will be holding  
5 hearings on this program. Senator  
6 Schneiderman talks about Class 2 sites. They  
7 can't get in the program any longer, Senator.  
8 That door closed in 2005.

9 You're right, a site could get in.  
10 But in my mind the issue here is cleaning up.  
11 If I lived in a community with a lot of  
12 brownfield sites, I'd want this bill, because  
13 I'd want to encourage as much cleanup as I  
14 possibly could.

15 The attorney general then, who is  
16 now governor, was responsible or should have  
17 been bringing suits against polluting sites.  
18 I am all for going after polluters. I am all  
19 for supporting Commissioner Grannis in any  
20 targeting of polluters that he can find. And  
21 the current attorney general as well as the  
22 prior one should be aggressively taking these  
23 people or organizations or companies or  
24 whatever to court to bring them in and make  
25 them pay for the cleanup.

1                   However, pending that long  
2                   litigation process -- and, Senator, as you  
3                   well know -- you're an attorney, you know the  
4                   process; so does Senator Schneiderman -- it's  
5                   very difficult to find some of these groups.  
6                   They're gone. They're hidden by rows and rows  
7                   and rows of phony corporations that have long  
8                   since gone away.

9                   If I lived in those communities,  
10                  I'd want the cleanup. I think that was part  
11                  of what Mayor Bloomberg was talking about. He  
12                  wants the cleanup in the City of New York. He  
13                  wants the dollars invested in the City of  
14                  New York. He wants the jobs created by the  
15                  cleanups to occur in the City of New York, as  
16                  I do in every community from Buffalo to  
17                  Montauk. I want the cleanup to occur in all  
18                  of those communities. I want the tax revenues  
19                  to occur when these sites are cleaned up and  
20                  put back on the tax rolls.

21                  We are not spending enough money on  
22                  cleanup. As I said in discussion of the EPF  
23                  expansion bill, which passed this house just a  
24                  few moments ago, we are not spending enough on  
25                  cleanup. It's not that there's too much

1 money. It's not being spent in the right  
2 places.

3 We need to get those communities  
4 clean. We need those brownfield sites clean.  
5 And we need to encourage and entice  
6 organizations to come in -- you don't have  
7 people walking in and saying, Ah, we can a  
8 make a fortune by cleaning up a site.

9 They're going to have to buy a  
10 polluted site and engage in cleanup, which is  
11 a rigorous process, and undergo scrutiny while  
12 they do it. And they're going to have to  
13 expend an awful lot of money to do that. And  
14 as a result, the community benefits. The  
15 state benefits, the city benefits, the  
16 neighborhood benefits, everybody benefits from  
17 the cleanup.

18 So I don't understand Senator  
19 Schneiderman's objections to putting money  
20 into cleaning up sites and neighborhoods and  
21 communities. Even NYPIRG agrees with that.  
22 We need to clean up these communities. And I  
23 think that's the most important aspect of this  
24 bill.

25 ACTING PRESIDENT GRIFFO: Senator

1 Johnson.

2 SENATOR CRAIG JOHNSON: Will the  
3 sponsor continue to yield.

4 ACTING PRESIDENT GRIFFO: Senator  
5 Marcellino, do you continue to yield?

6 SENATOR MARCELLINO: Sure.  
7 Absolutely.

8 ACTING PRESIDENT GRIFFO: Senator  
9 Johnson.

10 SENATOR CRAIG JOHNSON: Thank  
11 you, Senator Marcellino. And thank you for  
12 that answer.

13 When did Environmental Advocates  
14 indicate that they rescinded their opposition  
15 to this bill?

16 SENATOR MARCELLINO: Earlier  
17 today.

18 SENATOR CRAIG JOHNSON: Will the  
19 Senator continue to yield?

20 SENATOR MARCELLINO: About an  
21 hour ago, I'm told.

22 ACTING PRESIDENT GRIFFO: Senator  
23 Marcellino, will you continue to yield?

24 SENATOR MARCELLINO: Yes, I do.

25 ACTING PRESIDENT GRIFFO: Senator

1 Johnson.

2 SENATOR CRAIG JOHNSON: Thank  
3 you. I find that funny, just because I have  
4 documentation dated an hour ago from  
5 Environmental Advocates that says they  
6 continue to oppose it. But that's neither  
7 here nor there --

8 SENATOR MARCELLINO: Is the  
9 Senator suggesting that I'm making a  
10 misstatement?

11 SENATOR CRAIG JOHNSON: No. I am  
12 not suggesting -- I'm saying there may be  
13 confusion. I think that other than your  
14 representation that they oppose it, and I have  
15 a statement with a fax timeline that says that  
16 an hour ago, from them, they continue to  
17 oppose it, there seems to be some sort of  
18 miscommunication.

19 But that being said, Senator, if  
20 they supposedly rescinded it, do they now  
21 support your bill?

22 SENATOR MARCELLINO: I don't  
23 know. I didn't speak to them.

24 SENATOR CRAIG JOHNSON: Will the  
25 Senator continue to yield.

1                   ACTING PRESIDENT GRIFFO:     Senator  
2     Marcellino, do you continue to yield?

3                   SENATOR MARCELLINO:     Yes.

4                   SENATOR CRAIG JOHNSON:     Who spoke  
5     to Environmental Advocates that provided you  
6     with this information that they rescinded  
7     their opposition to this bill?

8                   SENATOR MARCELLINO:     Staff  
9     members spoke to them.

10                  They simply don't oppose the bill.

11                  SENATOR CRAIG JOHNSON:     Will the  
12     Senator continue to yield.

13                  SENATOR MARCELLINO:     I continue  
14     to yield.

15                  SENATOR CRAIG JOHNSON:     So they  
16     do not support this piece of legislation.

17                  SENATOR MARCELLINO:     I think I've  
18     said that several times. They don't oppose  
19     the bill.

20                  SENATOR CRAIG JOHNSON:     Okay, so  
21     they don't support this bill.

22                  SENATOR MARCELLINO:     I didn't say  
23     that. I said they don't oppose the bill.

24                  SENATOR CRAIG JOHNSON:     Okay.  
25     Will the Senator continue to yield.

1                   SENATOR MARCELLINO:     Yes, I  
2     continue to yield.

3                   SENATOR CRAIG JOHNSON:     You  
4     referenced the Upstate Now legislation.  Is  
5     this bill identical to the Upstate Now bill  
6     language dealing with brownfields?

7                   SENATOR MARCELLINO:     The only  
8     difference is there's a piece that is in here  
9     that deals with designated municipalities.  
10    Other than that, it's the same.

11                  SENATOR CRAIG JOHNSON:     Will the  
12    Senator continue to yield.

13                  ACTING PRESIDENT GRIFFO:     Senator  
14    Marcellino, do you continue to yield?

15                  SENATOR MARCELLINO:     Yes.

16                  SENATOR CRAIG JOHNSON:  
17    Notwithstanding the Environmental Advocates  
18    question, are there any groups that support  
19    this piece of legislation?

20                  SENATOR MARCELLINO:     No.  Not  
21    that I know of, let's put it that way.

22                  SENATOR CRAIG JOHNSON:     Okay.  
23    Mr. President, on the bill.

24                  ACTING PRESIDENT GRIFFO:     Senator  
25    Johnson, on the bill.

1                   SENATOR CRAIG JOHNSON:     I think  
2                   that Senator Schneiderman spoke eloquently and  
3                   at length about the concerns.  I share the  
4                   concerns raised by Senator Schneiderman with  
5                   respect to the tax credits.

6                   I do not disagree with you, Senator  
7                   Marcellino, with respect to the need to clean  
8                   up these properties.  I agree with you.

9                   The problem I have is that with  
10                  such an important piece of legislation, to  
11                  have it introduced through Rules three days  
12                  ago, to have a simple difference of opinion as  
13                  to whether or not when one of the leading  
14                  environmental groups supports it, opposes it  
15                  or -- let me take that back, opposes it or  
16                  does not oppose it -- raises a lot of issues,  
17                  issues that are so important.

18                  I believe we have a better  
19                  brownfields bill out there.  That's the bill  
20                  sponsored by my good friend and colleague  
21                  Senator Thompson from Buffalo.  That's the  
22                  bill we should be supporting.  That's the bill  
23                  that will truly address the issues raised by  
24                  Senator Marcellino.  That's the bill that will  
25                  address the problems here.  And I would

1 certainly look forward to seeing that bill.

2 So with that said, I thank you,  
3 Senator Marcellino, but I will be voting in  
4 the negative on this piece of legislation.

5 Thank you.

6 ACTING PRESIDENT GRIFFO: Any  
7 Senator wishing to be heard?

8 Debate is closed. The Secretary  
9 will ring the bell.

10 SENATOR MARCELLINO: At the  
11 appropriate time, to explain my vote.

12 ACTING PRESIDENT GRIFFO: Thank  
13 you, Senator.

14 Read the last section.

15 THE SECRETARY: Section 9. This  
16 act shall take effect immediately.

17 ACTING PRESIDENT GRIFFO: Call  
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: Senator  
21 Marcellino, to explain his vote.

22 SENATOR MARCELLINO: As I said  
23 earlier, Mr. President, the bill is important.  
24 It starts a process. If it were to become a  
25 law tomorrow, it would do nothing but increase

1 environmental cleanup in communities that are  
2 in desperate shape and desperately need the  
3 cleanup.

4           There is no good reason to vote  
5 against this bill. There is every good reason  
6 to vote for this bill. I vote aye.

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

9           Senator Thompson, to explain his  
10 vote.

11           SENATOR THOMPSON:     First let me  
12 just say that I understand the spirit of what  
13 Senator Marcellino is attempting to do. I  
14 believe that more work needs to be done, and I  
15 think he did clearly state that.

16           And I believe today by voting for  
17 this bill it would, for me, coming from the  
18 Buffalo-Niagara region, which has so many  
19 brownfields, that it would send the wrong  
20 message. And so I'm going to oppose this  
21 bill.

22           I think that we have a number of  
23 proposals that are in the same ballpark, but  
24 this doesn't complete the job. So I would ask  
25 that my colleagues consider voting against

1           this bill so that the Democrats do not send  
2           the message that all is right with this bill.

3                         We have a lot of work to do. I  
4           believe that we have the Green Apple  
5           Initiative that talks about creating more  
6           shovel-ready sites, sites that we can access  
7           for some developers at a reduced amount of  
8           money and putting more shovel-ready sites in  
9           so many communities. I think this is a good  
10          start, but we have a long way to go.

11                        And I'm going to vote no,  
12          Mr. President.

13                        ACTING PRESIDENT GRIFFO:     Senator  
14          Thompson to be recorded in the negative.

15                        Senator Sabini, to explain his  
16          vote.

17                        SENATOR SABINI:     Thank you,  
18          Mr. President. To explain my vote.

19                        The sponsor used an analogy that I  
20          have often agreed with, which is that the  
21          perfect shouldn't be the enemy of the good.  
22          But I believe, in voting no, the reasons for  
23          voting no on this bill is another analogy,  
24          which is we have a problem with the  
25          brownfields program. It's hemorrhaging money.

1 We just made more deposits into the program on  
2 earlier legislation, but the program is  
3 hemorrhaging money.

4 And for us to give tax credits to  
5 people who knowingly buy these sites, the  
6 analogy to that is if you have a flat tire, to  
7 flatten the other three tires on the car to  
8 make the car on a level plain.

9 ACTING PRESIDENT GRIFFO: Excuse  
10 me, Senator Sabini.

11 Can we have some order, please.

12 Senator Sabini.

13 SENATOR SABINI: I believe this  
14 just exacerbates the problem and will  
15 eventually lead to us coming back to recorrect  
16 the brownfields program. So I'll be voting  
17 no.

18 Thank you.

19 ACTING PRESIDENT GRIFFO: Senator  
20 Sabini to be recorded in the negative.

21 Senator Krueger, to explain her  
22 vote.

23 SENATOR LIZ KRUEGER: Thank you.

24 I just want to just state on the  
25 record, I want a fix to the brownfields

1 legislation. But my colleagues on this side  
2 of the aisle I think have explained very  
3 eloquently why this isn't the right fix.

4 Now, if we were staying longer --  
5 our conference has said we shouldn't go home  
6 today or tomorrow, we should stay here till we  
7 get things done -- I would love to see the  
8 right brownfields legislation come to this  
9 floor, be debated and be passed.

10 But again, this isn't the right  
11 one. There are too many what's wrong with  
12 pieces of this bill. While there are good  
13 pieces of this bill, I will vote no.

14 Thank you, Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Krueger to be recorded in the negative.

17 Senator Johnson, to explain his  
18 vote.

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

21 Again, I am voting no on this piece  
22 of legislation. I commend Senator Marcellino  
23 for a good start, but there is more to do.  
24 And given this importance of cleaning up the  
25 brownfields, addressing the issues with

1 respect to tax credits, I believe there are  
2 better ways to do it. There are ways to do it  
3 that Senator Thompson's piece of legislation  
4 will do.

5 We all want to see the brownfields  
6 cleaned up. It is of imperative nature to do  
7 so. But this bill has too many flaws that  
8 don't get addressed.

9 So I commend Senator Marcellino  
10 again for the start, but we need to keep  
11 moving forward. There are better bills out  
12 there. We should be supporting Senator  
13 Thompson's piece of legislation. I will be  
14 voting no.

15 Thank you very much.

16 ACTING PRESIDENT GRIFFO: Senator  
17 Johnson to be recorded in the negative.

18 Announce the results.

19 I'm sorry. Senator  
20 Hassell-Thompson. My apologies.

21 SENATOR HASSELL-THOMPSON: That's  
22 okay. Thank you, Mr. President.

23 It's very important, I think, for  
24 many of us to just explain why we're voting  
25 against this bill.

1                   As someone who has served on a  
2                   local city council and has petitioned the  
3                   state to create brownfield legislation, it  
4                   wouldn't look good for me to just vote no  
5                   without explaining that while it is critical  
6                   that we have the wherewithal to clean up these  
7                   areas, I do not believe in creating loopholes  
8                   that allow people who, whether accidentally or  
9                   intentionally, create toxic situations within  
10                  our communities and then allow them to just  
11                  walk away or -- and you may not believe that  
12                  this is a walkaway, but any time you cite  
13                  loopholes that says that the taxpayer has to  
14                  pay for it, then that's a loophole.

15                  And so that we're sending the wrong  
16                  message when we say it's all right, mess it  
17                  up, we'll clean it up and we'll pay for it.  
18                  Because too many of our businesses walk away  
19                  and leave us with this problem.

20                  And so I will be voting no on this  
21                  bill, Senator Marcellino. And if we come back  
22                  and redo the bill, I will give consideration  
23                  to what you have to say.

24                  ACTING PRESIDENT GRIFFO:        Senator  
25                  Hassell-Thompson to be recorded in the

1 negative.

2 Announce the results.

3 THE SECRETARY: Those recorded in  
4 the negative on Calendar Number 2065 are  
5 Senators Breslin, Connor, Dilan, Duane,  
6 Gonzalez, Hassell-Thompson, Huntley,  
7 C. Johnson, L. Krueger, Montgomery, Onorato,  
8 Oppenheimer, Parker, Perkins, Sabini, Sampson,  
9 Savino, Schneiderman, Serrano, Smith,  
10 Stachowski, Stewart-Cousins and Thompson.

11 Absent from voting: Senator C.  
12 Kruger.

13 Ayes, 37. Nays, 23.

14 ACTING PRESIDENT GRIFFO: The  
15 bill is passed.

16 Senator DeFrancisco.

17 SENATOR DeFRANCISCO: Would you  
18 please go to the active list, the original  
19 active list today, and call up Calendar Number  
20 989 on the noncontroversial calendar.

21 ACTING PRESIDENT GRIFFO: The  
22 Secretary will read.

23 THE SECRETARY: In relation to  
24 Calendar Number 989, Senator Skelos moves to  
25 discharge, from the Committee on Rules,

1 Assembly Bill Number 2434A and substitute it  
2 for the identical Senate Bill Number 5196A,  
3 Third Reading Calendar 989.

4 ACTING PRESIDENT GRIFFO: The  
5 substitution is ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number  
8 989, by Member of the Assembly Morelle,  
9 Assembly Print Number 2434A, an act to amend  
10 the General Business Law.

11 ACTING PRESIDENT GRIFFO: Read  
12 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT GRIFFO: The  
21 bill is passed.

22 Senator DeFrancisco.

23 SENATOR DeFRANCISCO: Can we now  
24 go to Calendar 65A and call up Calendar Number  
25 2066.

1                   ACTING PRESIDENT GRIFFO:     We arse  
2     now returning to the controversial calendar.

3                   The Secretary will read.

4                   THE SECRETARY:     Calendar Number  
5     2066, by the Senate Committee on Rules, Senate  
6     Print --

7                   SENATOR LIZ KRUEGER:  
8     Explanation, please.

9                   ACTING PRESIDENT GRIFFO:  
10    Explanation, Senator Little.

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

13                  Our industrial development  
14    organizations have the authority to fund  
15    not-for-profit civic facilities and some  
16    long-term-care facilities and nursing homes.  
17    That authorization expires on June 30th of  
18    this month. And this is a bill to extend that  
19    authorization for two years, until July 1st of  
20    2009.

21                  This is important in my district,  
22    as it is, I'm sure, in all of yours. Since  
23    1990, more than 700 not-for-profits have been  
24    assisted by IDAs, with project investments  
25    succeeding \$8 billion. And millions of

1 New Yorkers have been served by these  
2 projects.

3 In my district alone, I know that I  
4 have had a hospital expanding, scrambling to  
5 get their financing, their IDA financing by  
6 end of this month. I have Paul Smith's  
7 College doing a dormitory, scrambling to get  
8 that extension done by the end of this month.

9 So it's important that we extend  
10 this for those projects that have not  
11 completed their financing, and that we extend  
12 it for two years so that our civic facilities  
13 and not-for-profits will be able to plan.

14 You don't do one of these projects  
15 in three or four months or in six months. It  
16 takes a while to do the planning, the  
17 drawings, the permitting, the financing, and  
18 to get the IDA financing. Therefore, a  
19 two-year extension is very important.

20 For the past several years we've  
21 done one-year extensions. And I will tell you  
22 that there is not a same-as bill in the  
23 Assembly. The Assembly has a bill that  
24 extends this authorization for IDAs seven  
25 months. It would be up again in January of

1 2008.

2 I have many letters in opposition  
3 to that, saying that that is not enough time  
4 for these IDAs, right now who don't have their  
5 financing, who are beginning a project, they  
6 could not possibly get a project done. Nor  
7 would they risk planning it in the hopes that  
8 we would extend it again in January. So I  
9 would ask you to support a two-year extender.

10 This is not a reform bill. And I  
11 had hoped to be standing before you with a  
12 reform bill, in concert with making this  
13 authorization permanent as well. But I do  
14 have a reform bill that I have been working on  
15 with the Assembly, looking at the things that  
16 they wanted to reform as well as things that  
17 we thought were important.

18 That bill will be on the Rules  
19 calendar this evening, and it will be on the  
20 calendar, although it will be high tomorrow.  
21 That bill does a lot of things that people  
22 have been asking for IDAs to do, and  
23 accountability and transparency as well as  
24 helping to have hearings, make people know  
25 what's going on with our IDAs and to make the

1 information very visible to the public.

2 But the bill before you tonight, as  
3 I said, is a two-year extender, which is very  
4 important to the civic facilities, the  
5 not-for-profits in our community, for those  
6 continuing-care retirement projects, which are  
7 actually not in the seven-month extender.

8 So I hope you will support this  
9 bill.

10 ACTING PRESIDENT GRIFFO: Thank  
11 you, Senator Little.

12 Senator Krueger.

13 SENATOR LIZ KRUEGER: Thank you.

14 Would the sponsor please yield,  
15 Mr. President.

16 ACTING PRESIDENT GRIFFO: Senator  
17 Little, would you yield?

18 SENATOR LITTLE: Yes, I will  
19 yield.

20 ACTING PRESIDENT GRIFFO: Senator  
21 Krueger.

22 SENATOR LIZ KRUEGER: Thank you.

23 So as you just said, this is not a  
24 same-as bill. The Assembly is only going to  
25 do an extender for seven months.

1 I've been in the Senate for a  
2 little over five years, and it seems like we  
3 all always talk about IDA reform but we don't  
4 get there. How long does it take to try to  
5 move reform of a system that I don't think is  
6 working and I've heard you say before,  
7 Senator, that you don't think is working the  
8 way it should either?

9 ACTING PRESIDENT GRIFFO: Senator  
10 Little.

11 SENATOR LITTLE: Thank you.  
12 Through you, Mr. President.

13 I too believe that there is some  
14 reform needed for IDAs. I also believe that  
15 the public authority reform bill that we did  
16 two years ago affects IDAs and that many of  
17 them have had to conform to the accountability  
18 and transparency in that bill.

19 And in working with my counterpart  
20 in the Assembly, we went through the IDA  
21 legislation and all the ideas for reform. The  
22 bill that will be on the calendar tonight does  
23 something about it. It says that an IDA that  
24 does not have any bonding over \$100,000 will  
25 cease to exist after five years.

1                   It also calls on the Department of  
2                   Economic Development to look at merging and  
3                   getting IDAs to work together so that we have  
4                   fewer of them to deal, which I think is  
5                   important and is also something the Governor  
6                   has been looking at.

7                   It also, to the membership on an  
8                   IDA, adds an environmental person to be one of  
9                   the members on an IDA board, along with local  
10                  governments, school boards, organized labor  
11                  and someone from the business community. It  
12                  adds conflict of interest provisions for board  
13                  members. It adds a provision for local jobs  
14                  for local people, saying consideration of an  
15                  employment workforce within 75 miles of the  
16                  project is very important, notifying local  
17                  businesses of the opportunity to bid for IDAs.

18                  It adds records and reporting  
19                  provisions. It requires a website where  
20                  hearing minutes will be on the website, where  
21                  projects are on the website, talking about the  
22                  evaluation and activities of the IDAs.

23                  It also calls for a study of  
24                  clawback provisions and how we can go about  
25                  that. In the area of pirating it says that

1 the economic development should go to an  
2 independent arbitrator to work with the two --  
3 you know, where the job is and the county, the  
4 IDA that may be trying to attract one. So  
5 that we avoid one IDA pirating a company from  
6 another IDA for no other reason than to give  
7 them other benefits.

8 And it continues to do a lot of  
9 things -- uniform criteria for evaluating a  
10 project, establishes a financial agreement  
11 with between the IDA and the project owners.  
12 Makes a lot of this information, as I said,  
13 available on a website.

14 The website would have the names of  
15 all the board members, a notice of any public  
16 hearing. It would be a requirement to have a  
17 board member at every public hearing, a record  
18 of all public hearings and meetings held after  
19 the date the website was established, proposed  
20 and adopted resolutions, voting and attendance  
21 records and minutes. It would also provide  
22 the agency's project funding criteria, the  
23 agency's pilot policy, the agency's five most  
24 recent financial statements, and any financial  
25 assistance agreements.

1                   So I think the website would be  
2                   pretty thorough. And anyone interested in  
3                   what a local IDA was doing or finding  
4                   information about a project, what had been  
5                   awarded, would be able to get that information  
6                   on that website.

7                   SENATOR LIZ KRUEGER:     Thank you.  
8                   Mr. President, on the bill.

9                   ACTING PRESIDENT GRIFFO:     Senator  
10                  Krueger, on the bill.

11                  SENATOR LIZ KRUEGER:     I want to  
12                  thank the sponsor for her detailed explanation  
13                  of both the bill before us, a straight  
14                  extender for two years, and the bill I believe  
15                  she wishes was before us, a reform bill. And  
16                  I believe she had a reform bill the last time  
17                  this came up to be sunsetted.

18                  And I have to say, I'm as  
19                  frustrated as perhaps she is that it's a year  
20                  later now, we've been doing one-year  
21                  extenders, and we didn't get anywhere with the  
22                  reform. And we're now in perhaps the last few  
23                  minutes of the last day of official session,  
24                  and we're being asked to do a two-year  
25                  extender rather than a reform bill.

1                   And so I have to say I think the  
2                   sponsor makes a better argument than I do for  
3                   why we should only support the seven-month  
4                   extender of the Assembly, because we tend to  
5                   only get things done in this Legislature when  
6                   we're on tight deadlines and something will  
7                   happen if the deadline isn't there in front of  
8                   us.

9                   And I would hate the idea of  
10                  waiting another two years before we fix  
11                  problems with IDAs.

12                 And I'm not a hundred percent in  
13                 agreement that her bill goes as far as I would  
14                 like us to go, because we know from research  
15                 done by the Comptroller's office that IDAs  
16                 have gotten out of hand in this state -- not  
17                 all of them, but too many of them. IDAs were  
18                 originally intended to provide specific  
19                 functions at the local level, at the county  
20                 level, to provide the opportunity for specific  
21                 strategic industries to be able to be  
22                 attracted and to grow and create new jobs.  
23                 And they have morphed over the years into  
24                 things that I don't even think we recognize as  
25                 IDAs.

1                   So she talked about some of the  
2                   reforms we need. And just again to agree with  
3                   her, we need it streamline and standardize the  
4                   accountability and the reporting requirements.  
5                   We need to make sure that they're prohibited  
6                   from providing bonds to nonstrategic  
7                   activities. We need to understand and very  
8                   carefully put into legislation antipirating  
9                   provisions, which I know the sponsor agrees  
10                  with me on. She just mentioned that. We need  
11                  to actually have penalties for IDAs that are  
12                  in the pirating business.

13                  We need to ensure that there are  
14                  there is careful evaluation and monitoring to  
15                  require IDAs to file annual statements, to  
16                  have public hearings, to make sure the local  
17                  municipalities are actually approving these  
18                  deals before they go forward, that we have  
19                  public hearings so the public can come and  
20                  testify about why they think something is good  
21                  or not.

22                  Because remember, what does an IDA  
23                  do? One of the things it does, it has the  
24                  power to take away taxes from the locality.  
25                  It can make projects tax-exempt or decrease

1 the rate of taxes. And then the locality ends  
2 up going what happened to some of my revenue  
3 stream that I need for my schools and my  
4 public services?

5 And in fact just on the floor of  
6 this Senate this year, we've dealt with  
7 several bills where localities have needed to  
8 come to us to get help or to get changes in  
9 their school aid formulas or to deal with some  
10 kind of relief because they didn't realize how  
11 much revenue they'd be losing through IDA  
12 tax-exemption deals.

13 Sometimes we've even seen competing  
14 IDAs working on different deals for the same  
15 company because we don't have the right kind  
16 of evaluation and oversight. And yes, we did  
17 a public authority reform law that included  
18 IDAs to be evaluated by the Comptroller's  
19 office. But that even gives us more reason to  
20 want to hurry to put into effect the types of  
21 reforms for IDAs to make sure that we are  
22 being strategic with our tax revenue, with our  
23 credits, with our laws, that we are in fact  
24 investing in strategic, targeted economic  
25 development projects that create jobs.

1                   The sponsor again spoke about  
2           studying clawbacks. There have to be clawback  
3           provisions in our IDA law. You can't get the  
4           deal, not pay your taxes, and then not deliver  
5           on job creation for these communities. That's  
6           the wrong kind of deal. We've been going down  
7           the road for years now knowing what's wrong  
8           with IDAs but continuing to do extenders.

9                   I think a one-year extender would  
10          be the wrong answer. I think a two-year  
11          extender is doubly the wrong answer. This is  
12          a one-house bill. Maybe we could bring a  
13          seven-month out quickly through a Rules  
14          calendar and actually make sure we don't lose  
15          the IDA program completely. I completely  
16          understand the sponsor's argument about you  
17          wouldn't want it to sunset.

18                  But two years more for us to never  
19          get what we need done for IDA reform is not  
20          acceptable to me. I hope people will vote no,  
21          although I'm not sure it matters because it's  
22          a one-house bill this late in session.

23                  Thank you, Mr. President.

24                  ACTING PRESIDENT GRIFFO:        Thank  
25          you, Senator Krueger.

1                   Is there any other Senator that  
2 wishes to speak?

3                   Senator Little.

4                   SENATOR LITTLE:     Just if I could  
5 for a moment, please.

6                   The seven-month extender is really  
7 not adequate and it doesn't -- it really makes  
8 the whole IDA funding of civic facilities  
9 useless. Because no one can start into this  
10 program right now and get it. And if it has  
11 to lapse, perhaps that's one way of getting  
12 everyone to the table to make civic facilities  
13 permanent and to do the IDA reform.

14                   We did try to do the reform and to  
15 have agreement before we got to this point.  
16 And even though the deadlines were here for  
17 the end of session, we were not able to do  
18 that.

19                   So I would ask everyone to vote for  
20 the two-year extender. And then I am  
21 committed to continuing to work on this  
22 reform.

23                   Thank you.

24                   ACTING PRESIDENT GRIFFO:     Thank  
25 you, Senator Little.

1                   Is there any other Senator that  
2 wishes to be heard?

3                   Debate is closed. The Secretary  
4 will ring the bells.

5                   Read the last section.

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

8                   ACTING PRESIDENT GRIFFO: Call  
9 the roll.

10                  (The Secretary called the roll.)

11                  ACTING PRESIDENT GRIFFO: The  
12 Secretary will announce the results.

13                  THE SECRETARY: Those recorded in  
14 the negative on Calendar Number 2066 are  
15 Senators Adams, Connor, Dilan, Duane,  
16 Gonzalez, Hassell-Thompson, Huntley,  
17 C. Johnson, L. Krueger, Onorato, Oppenheimer,  
18 Perkins, Sabini, Schneiderman, Serrano,  
19 Stachowski, Stewart-Cousins and Thompson.  
20 Also Senator Stavisky.

21                  Absent from voting: Senator C.  
22 Kruger.

23                  Ayes, 41. Nays, 19.

24                  ACTING PRESIDENT GRIFFO: The  
25 bill is passed.

1 The chair recognizes Senator D.

2 SENATOR DeFRANCISCO: Pardon me?

3 ACTING PRESIDENT GRIFFO: Senator  
4 DeFrancisco.

5 SENATOR DeFRANCISCO: I have a  
6 comment to make, Mr. P. Off of Senate  
7 Calendar 65A, would you please call up  
8 Calendar Number 2070.

9 ACTING PRESIDENT GRIFFO: The  
10 Secretary will read.

11 THE SECRETARY: Calendar Number  
12 2070, by Senator Saland, Senate Print 6357, an  
13 act to amend the Criminal Procedure Law and  
14 the Public Health Law.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Duane.

17 SENATOR DUANE: Thank you,  
18 Mr. President. On the bill.

19 ACTING PRESIDENT GRIFFO: Senator  
20 Duane, on the bill.

21 SENATOR DUANE: This is an  
22 amended version of the HIV testing of a  
23 criminal defendant in a sexual assault case.

24 And it is true that it incorporates  
25 my amendment that free prophylactic treatment

1 will be provided to save or to ensure the  
2 health of sexual assault victims. And that's  
3 the sort of good news, that my amendment has  
4 become part of this legislation.

5 But tragically, this bill also  
6 keeps in all the bad parts of the legislation,  
7 testing the defendant for HIV. And I'm not  
8 going to go through it again, but I think I  
9 clearly made the argument that it is dangerous  
10 for a victim to depend on someone else's HIV  
11 status.

12 And so for that reason and the  
13 reasons I outlined last week, I would urge all  
14 of my colleagues to still vote no on this  
15 legislation.

16 Thank you, Mr. President.

17 ACTING PRESIDENT GRIFFO: Thank  
18 you, Senator Duane.

19 Any other Senator wishing to be  
20 heard?

21 Debate is closed. The Secretary  
22 will ring the bell.

23 Read the last section.

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

1 November.

2 ACTING PRESIDENT GRIFFO: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT GRIFFO: The  
6 Secretary will announce the results.

7 THE SECRETARY: Those recorded in  
8 the negative on Calendar Number 2070 are  
9 Senators Connor, Duane, Hassell-Thompson,  
10 Huntley, L. Krueger, Montgomery, Parker,  
11 Perkins, Sabini, Schneiderman and Serrano.

12 Absent from voting: Senator C.  
13 Kruger.

14 Ayes, 49. Nays, 11.

15 ACTING PRESIDENT GRIFFO: The  
16 bill is passed.

17 Senator DeFrancisco, that concludes  
18 the reading of the controversial calendar.

19 SENATOR DeFRANCISCO: There will  
20 be an immediate meeting of the Rules Committee  
21 in Room 332.

22 ACTING PRESIDENT GRIFFO: There  
23 will be an immediate meeting of the Rules  
24 Committee in Room 332.

25 The Senate stands at ease.

1 (Whereupon, the Senate stood at  
2 ease at 7:24 p.m.)

3 (Whereupon, the Senate reconvened  
4 at 7:37 p.m.)

5 ACTING PRESIDENT ROBACH: Senator  
6 DeFrancisco.

7 SENATOR DeFRANCISCO: Can we  
8 return to reports of standing committees and  
9 have the Rules Committee report read, please.

10 ACTING PRESIDENT ROBACH: Reports  
11 of standing committees.

12 The Secretary will read.

13 THE SECRETARY: Senator Bruno,  
14 from the Committee on Rules, reports the  
15 following bills:

16 Assembly Print Number 8400A, by  
17 Member of the Assembly Schimel, an act  
18 authorizing the Village of Great Neck;

19 Assembly Print Number 9238, by  
20 Member of the Assembly Hoyt, an act to amend  
21 Chapter 444 of the Laws of 1997;

22 Senate Print 962A, by Senator  
23 Skelos, an act to amend the Public Officers  
24 Law and the Civil Practice Law and Rules;

25 1239, by Senator Saland, an act to

1 amend the Education Law;  
2 1511C, by Senator Hannon, an act to  
3 amend the Public Health Law;  
4 2932A, by Senator Seward, an act to  
5 amend the Public Health Law;  
6 3089, by Senator Morahan, an act to  
7 amend the Retirement and Social Security Law;  
8 3091, by Senator Saland, an act to  
9 amend the Education Law;  
10 3554, by Senator Flanagan, an act  
11 to amend the Vehicle and Traffic Law;  
12 3760A, by Senator Trunzo, an act to  
13 amend the Social Services Law;  
14 3829, by Senator Skelos, an act to  
15 amend the Public Health Law;  
16 3988A, by Senator Hannon, an act to  
17 amend the Public Health Law;  
18 4021A, by Senator Hannon, an act to  
19 amend the Public Health Law;  
20 4023, by Senator DeFrancisco, an  
21 act to amend the Tax Law;  
22 4413A, by Senator Alesi, an act in  
23 relation to the initial date of enrollment;  
24 4558, by Senator O. Johnson, an act  
25 to amend the Tax Law;

1                   4793A, by Senator Hannon, an act to  
2 amend the Public Health Law;

3                   5208, by Senator Padavan, an act to  
4 amend the Education Law;

5                   5565A, by Senator Golden, an act to  
6 amend the Criminal Procedure Law;

7                   5845, by Senator Larkin, an act to  
8 amend the Village Law;

9                   5864, by Senator Padavan, an act to  
10 amend the Tax Law;

11                  5866, by Senator Padavan, an act to  
12 amend the General City Law;

13                  5878B, by Senator Maltese, an act  
14 to amend the Insurance Law;

15                  5943, by Senator Morahan, an act to  
16 amend the Public Health Law;

17                  6017, by Senator Bruno, an act to  
18 amend the New York State Urban Development  
19 Corporation Act;

20                  6060A, by the Senate Committee on  
21 Rules, an act to amend the Tax Law;

22                  6067, by Senator Breslin, an act to  
23 amend the Real Property Tax Law;

24                  6141A, by Senator Golden, an act to  
25 amend the Real Property Tax Law;

1                   6163, by Senator Hannon, an act to  
2 amend the Public Health Law;

3                   6191, by the Senate Committee on  
4 Rules, an act to amend the Retirement and  
5 Social Security Law;

6                   6271, by Senator Leibell, an act to  
7 amend the Environmental Conservation Law;

8                   6308, by the Senate Committee on  
9 Rules, an act establishing;

10                  6315, by Senator Volker, an act to  
11 amend the Public Authorities Law;

12                  6316, by Senator Maltese, an act to  
13 amend the Insurance Law;

14                  6319, by Senator Seward, an act to  
15 amend the Executive Law;

16                  6327, by Senator Skelos, an act to  
17 amend the Tax Law;

18                  6335, by Senator Farley, an act to  
19 amend the Tax Law;

20                  6336, by the Senate Committee on  
21 Rules, an act to amend the Tax Law;

22                  6339, by the Senate Committee on  
23 Rules, an act to amend the Tax Law;

24                  6344, by Senator Hannon, an act to  
25 amend the Social Services Law;

1                   6349, by Senator Golden, an act to  
2 amend the Real Property Tax Law;

3                   6360, by the Senate Committee on  
4 Rules, an act to amend the Insurance Law;

5                   6381, by the Senate Committee on  
6 Rules, an act to amend the Education Law;

7                   6383, by Senator Bruno, an act  
8 authorizing;

9                   6384, by Senator Golden, an act to  
10 amend the Real Property Tax Law;

11                   6386, by Senator Padavan, an act to  
12 amend the General City Law;

13                   And Senate Print 6391, by Senator  
14 Little, an act to amend the General Municipal  
15 Law.

16                   All bills ordered direct to third  
17 reading.

18                   ACTING PRESIDENT GRIFFO:       Senator  
19 DeFrancisco.

20                   SENATOR DeFRANCISCO:       Move to  
21 accept the Rules Committee report.

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

25                   (Response of "Aye.")

1                   ACTING PRESIDENT GRIFFO:

2           Opposed.

3                   (No response.)

4                   ACTING PRESIDENT GRIFFO:        The  
5           report is accepted.

6                   Senator DeFrancisco.

7                   SENATOR DeFRANCISCO:        Could you  
8           please go to the supplemental calendar and do  
9           the noncontroversial reading, starting with  
10          Calendar 248, please.

11                   ACTING PRESIDENT GRIFFO:        The  
12          Secretary will read the supplemental active  
13          calendar.

14                   THE SECRETARY:        Calendar Number  
15          248, by Senator LaValle, Senate Print 2426B,  
16          an act to amend the Education Law.

17                   ACTING PRESIDENT GRIFFO:        Read  
18          the last section.

19                   THE SECRETARY:        Section 5. This  
20          act shall take effect on the 120th day.

21                   ACTING PRESIDENT GRIFFO:        Call  
22          the roll.

23                   (The Secretary called the roll.)

24                   THE SECRETARY:        Ayes, 61.

25                   ACTING PRESIDENT GRIFFO:        The

1 bill is passed.

2 THE SECRETARY: In relation to  
3 Calendar Number 253, Senator Maziarz moves to  
4 discharge, from the Committee on Rules,  
5 Assembly Bill Number 2514A and substitute it  
6 for the identical Senate Bill Number 1606,  
7 Third Reading Calendar 253.

8 ACTING PRESIDENT GRIFFO:  
9 Substitution ordered.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 253, by Member of the Assembly John, Assembly  
13 Print Number 2514A, an act to amend the Labor  
14 Law.

15 ACTING PRESIDENT GRIFFO: Read  
16 the last section.

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

19 ACTING PRESIDENT GRIFFO: Call  
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT GRIFFO: The  
24 bill is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 571 --

2 SENATOR DUANE: Lay it aside,  
3 please.

4 ACTING PRESIDENT GRIFFO: Senator  
5 Duane, we need to make the substitution first.

6 The Secretary will read.

7 THE SECRETARY: In relation to  
8 Calendar Number 571, Senator Saland moves to  
9 discharge, from the Committee on Rules,  
10 Assembly Bill Number 3249A and substitute it  
11 for the identical Senate Bill Number 1465B,  
12 Third Reading Calendar 571.

13 ACTING PRESIDENT GRIFFO: The  
14 substitution is ordered.

15 The bill is laid aside.

16 THE SECRETARY: In relation to  
17 Calendar Number 617, Senator Alesi moves to  
18 discharge, from the Committee on Finance,  
19 Assembly Bill Number 1013 and substitute it  
20 for the identical Senate Bill Number 269,  
21 Senate Print 617.

22 ACTING PRESIDENT GRIFFO: The  
23 substitution is ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1           617, by Member of the Assembly Englebright,  
2           Assembly Print Number 1013, an act to amend  
3           the State Finance Law.

4                    ACTING PRESIDENT GRIFFO:        Read  
5           the last section.

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

8                    ACTING PRESIDENT GRIFFO:        Call  
9           the roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:        Ayes, 61.

12                   ACTING PRESIDENT GRIFFO:        The  
13           bill is passed.

14                   THE SECRETARY:        In relation to  
15           Calendar Number 720, Senator Hannon moves to  
16           discharge, from the Committee on Rules,  
17           Assembly Bill Number 884 and substitute it for  
18           the identical Senate Bill Number 643, Third  
19           Reading Calendar 720.

20                   ACTING PRESIDENT GRIFFO:        The  
21           substitution is ordered.

22                   The Secretary will read.

23                   THE SECRETARY:        Calendar Number  
24           720, by Member of the Assembly Englebright,  
25           Assembly Print Number 884, an act to amend the

1 Public Health Law.

2 ACTING PRESIDENT GRIFFO: Read  
3 the last section.

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

6 ACTING PRESIDENT GRIFFO: Call  
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT GRIFFO: The  
11 bill is passed.

12 THE SECRETARY: In relation to  
13 Calendar Number 751, Senator Fuschillo moves  
14 to discharge, from the Committee on Rules,  
15 Assembly Bill Number 61A and substitute it for  
16 the identical Senate Bill Number 4723A, Third  
17 Reading Calendar 751.

18 ACTING PRESIDENT GRIFFO: The  
19 substitution is ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number  
22 751, by Member of the Assembly Lafayette,  
23 Assembly Print Number 61A, an act to amend the  
24 General Business Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 813, by Senator Lanza, Senate Print 3443, an  
12 act to amend the New York City Health and  
13 Hospital Corporation Act.

14 ACTING PRESIDENT GRIFFO: Read  
15 the last section.

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

18 ACTING PRESIDENT GRIFFO: Call  
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 61.

22 ACTING PRESIDENT GRIFFO: The  
23 bill is passed.

24 THE SECRETARY: In relation to  
25 Calendar Number 1110, Senator Robach moves to

1 discharge, from the Committee on Rules,  
2 Assembly Bill Number 6757 and substitute it  
3 for the identical Senate Bill Number 4820,  
4 Third Reading Calendar 1110.

5 ACTING PRESIDENT GRIFFO: The  
6 substitution is ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number  
9 1110, by Member of the Assembly Abbate,  
10 Assembly Print Number 6757, an act to amend  
11 the Civil Service Law.

12 ACTING PRESIDENT GRIFFO: Read  
13 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT GRIFFO: The  
21 bill is passed.

22 THE SECRETARY: In relation to  
23 Calendar Number 1234, Senator Volker moves to  
24 discharge, from the Committee on Rules,  
25 Assembly Bill Number 8647A and substitute it

1 for the identical Senate Bill Number 3166D,  
2 Third Reading Calendar 1234.

3 ACTING PRESIDENT GRIFFO:  
4 Substitution ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 1234, by Member of the Assembly Weinstein,  
8 Assembly Print Number 8647A, an act to amend  
9 the Civil Practice Law and Rules.

10 ACTING PRESIDENT GRIFFO: Read  
11 the last section.

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

14 ACTING PRESIDENT GRIFFO: Call  
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT GRIFFO: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 1356, by Senator Skelos, Senate Print 4886B,  
22 an act to amend the Executive Law.

23 ACTING PRESIDENT GRIFFO: Read  
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT GRIFFO: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 1362, by Senator Trunzo, Senate Print 5817, an  
10 act to amend the Education Law.

11 ACTING PRESIDENT GRIFFO: Read  
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call  
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT GRIFFO: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 1419, by Senator Marcellino, Senate Print  
23 634C, an act to amend the Vehicle and Traffic  
24 Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 1503, by Senator Marcellino, Senate Print  
12 2935, an act to require the New York State and  
13 Local Employees' Retirement System.

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

16 Read the last section.

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

19 ACTING PRESIDENT GRIFFO: Call  
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT GRIFFO: The  
24 bill is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 1732, Senator Skelos moves to  
2 discharge, from the Committee on Rules,  
3 Assembly Bill Number 9086A and substitute it  
4 for the identical Senate Bill Number 6167A,  
5 Third Reading Calendar 1732.

6 ACTING PRESIDENT GRIFFO:  
7 Substitution ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number  
10 1732, by Member of the Assembly Gianaris,  
11 Assembly Print Number 9086A, an act to amend  
12 the Executive Law.

13 ACTING PRESIDENT GRIFFO: Read  
14 the last section.

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

17 ACTING PRESIDENT GRIFFO: Call  
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO:  
21 Senator Onorato, to explain his vote.

22 SENATOR ONORATO: To explain my  
23 vote. Thank you, Mr. President.

24 I would like to thank the sponsor,  
25 Senator Skelos, for this very, very worthwhile

1 bill. I have one of those fuel lines running  
2 right through the heart of my community. I  
3 live several blocks away from it. And I've  
4 received many calls from my constituents  
5 regarding the possibility of doing something  
6 like this.

7 So I really commend Senator Skelos  
8 for putting it forward, and I vote aye.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Onorato to be recorded in the affirmative.

11 Announce the results.

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT GRIFFO: The  
14 bill is passed.

15 THE SECRETARY: In relation to  
16 Calendar Number 1830, Senator Trunzo moves to  
17 discharge, from the Committee on  
18 Investigations and Government Operations,  
19 Assembly Bill Number 6017 and substitute it  
20 for the identical Senate Bill Number 6162,  
21 Third Reading Calendar 1830.

22 ACTING PRESIDENT GRIFFO:  
23 Substitution ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 1830, by Member of the Assembly Sweeney,  
2 Assembly Print Number 6017, an act to amend  
3 the Legislative Law.

4 ACTING PRESIDENT GRIFFO: Read  
5 the last section.

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

8 ACTING PRESIDENT GRIFFO: Call  
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT GRIFFO: The  
13 bill is passed.

14 THE SECRETARY: In relation to  
15 Calendar Number 1859, Senator Bruno moves to  
16 discharge, from the Committee on Rules,  
17 Assembly Bill Number 8867 and substitute it  
18 for the identical Senate Bill Number 6032,  
19 Third Reading Calendar 1859.

20 ACTING PRESIDENT GRIFFO:  
21 Substitution ordered.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number  
24 1859, by the Assembly Committee on Rules,  
25 Assembly Print Number 8867, an act making an

1 appropriation to pay Linda Zebrowski.

2 ACTING PRESIDENT GRIFFO: Read  
3 the last section.

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

6 ACTING PRESIDENT GRIFFO: Call  
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT GRIFFO: The  
11 bill is passed.

12 THE SECRETARY: In relation to  
13 Calendar Number 1948, Senator Libous moves to  
14 discharge, from the Committee on Rules,  
15 Assembly Bill Number 8786 and substitute it  
16 for the identical Senate Bill Number 6300,  
17 Third Reading Calendar 1948.

18 ACTING PRESIDENT GRIFFO:  
19 Substitution ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number  
22 1948, by Member of the Assembly Millman,  
23 Assembly Print Number 8786, an act to amend  
24 Chapter 549 of the Laws of 1994 amending the  
25 Public Authorities Law.

1                   ACTING PRESIDENT GRIFFO:     Read  
2     the last section.

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

5                   ACTING PRESIDENT GRIFFO:     Call  
6     the roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:     Ayes, 61.

9                   ACTING PRESIDENT GRIFFO:     The  
10    bill is passed.

11                  THE SECRETARY:     In relation to  
12    Calendar Number 1984, Senator DeFrancisco  
13    moves to discharge, from the Committee on  
14    Rules, Assembly Bill Number 9206 and  
15    substitute it for the identical Senate Bill  
16    Number 6223A, Third Reading Calendar 1984.

17                  ACTING PRESIDENT GRIFFO:  
18    Substitution ordered.

19                  The Secretary will read.

20                  THE SECRETARY:     Calendar Number  
21    1984, by Member of the Assembly Barclay,  
22    Assembly Print Number 9206, an act authorizing  
23    the Town of Camillus.

24                  ACTING PRESIDENT GRIFFO:     Read  
25    the last section.

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

3 ACTING PRESIDENT GRIFFO: Call  
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT GRIFFO: The  
8 bill is passed.

9 THE SECRETARY: In relation to  
10 Calendar Number 2005, Senator Montgomery moves  
11 to discharge, from the Committee on Rules,  
12 Assembly Bill Number 1088 and substitute it  
13 for the identical Senate Bill Number 557,  
14 Third Reading Calendar 2005.

15 ACTING PRESIDENT GRIFFO:  
16 Substitution ordered.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number  
19 2005, by Member of the Assembly Millman,  
20 Assembly Print Number 1088, an act to amend  
21 the General Municipal Law.

22 ACTING PRESIDENT GRIFFO: Read  
23 the last section.

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

1                   ACTING PRESIDENT GRIFFO:     Call  
2     the roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:     Ayes, 61.

5                   ACTING PRESIDENT GRIFFO:     The  
6     bill is passed.

7                   THE SECRETARY:     Calendar Number  
8     2009, by Senator Hannon, Senate Print 3987A,  
9     an act to amend the Public Health Law.

10                  ACTING PRESIDENT GRIFFO:     Read  
11     the last section.

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

14                  ACTING PRESIDENT GRIFFO:     Call  
15     the roll.

16                  (The Secretary called the roll.)

17                  THE SECRETARY:     Ayes, 60. Nays,  
18     1. Senator Hassell-Thompson recorded in the  
19     negative.

20                  ACTING PRESIDENT GRIFFO:     The  
21     bill is passed.

22                  Senator DeFrancisco, that completes  
23     the noncontroversial reading of the  
24     supplemental active list.

25                  SENATOR DeFRANCISCO:     Would you

1 please go to Senate Calendar Number 65A and  
2 call up Calendar Number 2046 on the  
3 noncontroversial calendar that was laid aside  
4 earlier today, temporarily, by us.

5 ACTING PRESIDENT GRIFFO: The  
6 Secretary will read.

7 THE SECRETARY: Calendar Number  
8 2046, substituted earlier today by Member of  
9 the Assembly V. Lopez, Assembly Print Number  
10 7905, an act to amend the Social Services Law.

11 ACTING PRESIDENT GRIFFO: Read  
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call  
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT GRIFFO: The  
20 bill is passed.

21 Senator DeFrancisco.

22 SENATOR DeFRANCISCO: If we could  
23 go back to the supplemental active list. And  
24 would you please call up Calendar Number 571  
25 that was laid aside.

1                   ACTING PRESIDENT GRIFFO:     The  
2     Secretary will ring the bell, and we will  
3     begin the controversial reading of the  
4     supplemental active calendar.

5                   Senator DeFrancisco.

6                   SENATOR DeFRANCISCO:     Mr.  
7     President, could I move to recall the vote on  
8     Calendar Number 1234 by which it previously  
9     passed the house.

10                  ACTING PRESIDENT GRIFFO:     The  
11     Secretary will read Calendar Number 1234.

12                  THE SECRETARY:     Calendar Number  
13     1234, substituted earlier by Member of the  
14     Assembly Weinstein, Assembly Print 8647A, an  
15     act to amend the Civil Practice Law and Rules.

16                  ACTING PRESIDENT GRIFFO:     Call  
17     the roll on reconsideration.

18                  (The Secretary called the roll.)

19                  THE SECRETARY:     Ayes, 61.

20                  SENATOR DeFRANCISCO:     Lay it  
21     aside, please.

22                  ACTING PRESIDENT GRIFFO:     The  
23     bill is laid aside.

24                  We will return to the controversial  
25     reading of Calendar Number 571 of the

1 supplemental active list.

2 THE SECRETARY: Calendar Number  
3 571, substituted earlier today by Member of  
4 the Assembly Nolan, Assembly Print Number  
5 3249A, an act to amend the Real Property Tax  
6 Law.

7 SENATOR STAVISKY: Explanation,  
8 please.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Saland, an explanation has been requested.

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

13 Mr. President, earlier this session  
14 we passed an amended version of this bill  
15 which increased the fund balance from 2 to 3  
16 to 4 percent.

17 Subsequently we engaged in  
18 negotiations with the Governor's office and  
19 the Governor requested additional language in  
20 this bill which is not inconsistent with some  
21 of the comments made earlier today by Senator  
22 LaValle in the context of his truth-in-voting  
23 proposal.

24 What this language does is to  
25 require that the school report cards have

1 additional information, and that additional  
2 information is information with respect to  
3 unappropriated reserve fund balances, or the  
4 so-called reserve fund, as well as other  
5 appropriated reserve funds, which would  
6 include things such as funds retained for tax  
7 certioraris, repair reserve funds, and a host  
8 of others that are provided for in law.

9 And clearly the bottom line that is  
10 sought to be part of this report card is  
11 exactly what is the percentage of the fund  
12 balance that a school is retaining.

13 These are all in an effort to  
14 provide greater transparency, in an effort to  
15 ensure that information will be made available  
16 to the taxpayers of a given school district as  
17 to a more specific accounting of a school's  
18 fund balance.

19 ACTING PRESIDENT GRIFFO: Thank  
20 you, Senator Saland.

21 Senator Stavisky.

22 SENATOR STAVISKY: If the sponsor  
23 would yield for a number of questions.

24 ACTING PRESIDENT GRIFFO: Senator  
25 Saland, do you yield for a number of

1 questions?

2 SENATOR SALAND: Yes,  
3 Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator  
5 Stavisky.

6 SENATOR STAVISKY: Mr. President,  
7 through you. How does this bill, 1465B,  
8 differ from the plain variety of 1465 and  
9 1465A?

10 You indicated that the Governor had  
11 requested some changes. Can you be a little  
12 more specific?

13 SENATOR SALAND: I don't recall  
14 the -- quite candidly -- I could get my file.  
15 I don't recall the change from the initial  
16 version to the A version.

17 But what this is primarily about is  
18 the -- the B version is about the language  
19 that you'll find on lines 31 through 39 on  
20 page 2, and on page 3, lines 2 through 11.

21 SENATOR STAVISKY: Thank you,  
22 Mr. President. Will the sponsor continue to  
23 yield.

24 ACTING PRESIDENT GRIFFO: Senator  
25 Saland, do you continue to yield?

1                   SENATOR SALAND:     Yes,  
2     Mr. President.

3                   ACTING PRESIDENT GRIFFO:     Senator  
4     Stavisky.

5                   SENATOR STAVISKY:     We're talking  
6     here about unexpended surplus monies.  What  
7     protections are there that they will not be  
8     misused by anybody in the school district?

9                   For example, the Roslyn School  
10    District obviously --

11                  SENATOR SALAND:     I'm sorry, I  
12    didn't hear.  For example, the --

13                  SENATOR STAVISKY:     I'm saying the  
14    legislation increases the amount of the  
15    unexpended funds, and it appears on the school  
16    report card.  What protections are there for  
17    the taxpayers in these school districts that  
18    we will not have a misuse of the unexpended  
19    funds, such as what happened in the Roslyn  
20    School District?

21                  SENATOR SALAND:     Keep in mind  
22    that what reserve funds are about are really  
23    what rainy day funds are about.  And we are  
24    constantly, at our level of government, being  
25    told to ensure that we have adequate rainy day

1 funds for those valleys that we have to  
2 contend with from time to time.

3 The same concept applies to the  
4 surplus or reserve fund.

5 What may have occurred at Roslyn I  
6 don't think necessarily -- and I'm more than  
7 happy to yield to someone with greater  
8 firsthand knowledge -- had to do so much with  
9 the presence of a reserve fund as with  
10 overreaching and abuse by administrative  
11 officials who were committing fraud on the  
12 system.

13 I don't know what lines they were  
14 taking those funds out of. But certainly I  
15 think, if I remember correctly, when last  
16 counted it was somewhere in the area of about  
17 \$11 million that had been stolen from that  
18 district's taxpayers and students. But I'm  
19 not sure that could be laid at the doorstep of  
20 the reserve fund.

21 Again, it's intended as the same  
22 kind of rainy day fund that we generally are  
23 praised for when we provide adequate amounts  
24 of money to prepare for those valleys.

25 SENATOR STAVISKY: Thank you.

1           Because we want to obviously be sure that the  
2           funds are there, not in somebody else's bank  
3           account.

4                       The surplus funds that are being  
5           retained by the school district, if there's a  
6           surplus over that 2 or 3 percent, how are the  
7           extra funds beyond that returned to the  
8           taxpayers?

9                       SENATOR SALAND:       Well, as was  
10          pointed out earlier by Senator LaValle,  
11          there's concern in some quarters that that is  
12          not being adequately monitored.

13                      I'd like to think that the vast  
14          majority of school districts abide by the  
15          current level, which is 2 percent.   And  
16          certainly Senator LaValle's proposal I thought  
17          was an excellent way of dealing with it which  
18          was basically to require publication in the  
19          school district, in the school newsletter.

20                      Because if you punish the school  
21          district for exceeding the surplus, you run  
22          into a problem where you're punishing the  
23          taxpayers who help provide the surplus.

24                      SENATOR STAVISKY:       And they're  
25          the ones that we're concerned about, that the

1 people pay the correct amount of taxes.

2 Thank you, Mr. President. Thank  
3 you, Senator Saland.

4 ACTING PRESIDENT GRIFFO: Thank  
5 you, Senator Stavisky.

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

8 Debate is closed. The Secretary  
9 will ring the bell.

10 Read the last section.

11 THE SECRETARY: Section 4. This  
12 act shall take effect on July 1, 2007.

13 ACTING PRESIDENT GRIFFO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT GRIFFO: Senator  
17 Oppenheimer, to explain her vote.

18 SENATOR OPPENHEIMER: Thank you.

19 This is something that I have been  
20 seeking for at least a decade, and I am very,  
21 very pleased that the Governor has made this  
22 change so that we can approve this bill.

23 The movement of 2 percent to  
24 3 percent of unrestricted fund balance and  
25 then next year, from 2008 to 2009, to

1 4 percent, is a very important move for some  
2 of us that are in districts that are  
3 experiencing unexpected but very large sums  
4 that have to be expended and are not really  
5 something that can be programmed in.

6 In many cases it's things like tax  
7 certioraris that are going almost consistently  
8 against us, and in very large sums of as much  
9 as a million dollars owed in back taxes. For  
10 a small school district, this can be  
11 overwhelming. And that's why it is so  
12 important to have an increase in our  
13 unrestricted surplus funds.

14 So I'm very happy to see this. It  
15 is something that is long overdue. And I  
16 thank the Governor for changing his mind and  
17 permitting this to go through with the  
18 additional language.

19 ACTING PRESIDENT GRIFFO: How do  
20 you vote, Senator Oppenheimer?

21 SENATOR OPPENHEIMER: Yes.

22 ACTING PRESIDENT GRIFFO: Senator  
23 Oppenheimer to be recorded in the affirmative.

24 Any of those that are voting in the  
25 negative please raise your hands.

1                   Announce the results.

2                   THE SECRETARY:     Those recorded in  
3                   the negative on Calendar Number 571 are  
4                   Senators Bonacic, Fuschillo, LaValle and  
5                   Sabini.

6                   Absent from voting:   Senator C.  
7                   Kruger.

8                   Ayes, 57.   Nays, 4.

9                   ACTING PRESIDENT GRIFFO:     The  
10                  bill is passed.

11                  Senator DeFrancisco, that completes  
12                  the controversial reading of the supplemental  
13                  active list.

14                  Senator DeFrancisco.

15                  SENATOR DeFRANCISCO:     May we  
16                  return to motion and resolutions and adopt the  
17                  Resolution Calendar.

18                  ACTING PRESIDENT GRIFFO:     Motions  
19                  and resolutions.

20                  All in favor of adopting the  
21                  Resolution Calendar signify by saying aye.

22                  (Response of "Aye.")

23                  ACTING PRESIDENT GRIFFO:

24                  Opposed, nay.

25                  (No response.)

1                   ACTING PRESIDENT GRIFFO:     The  
2     Resolution Calendar is adopted.

3                   Senator Robach, for a motion.

4                   SENATOR ROBACH:     Yes,  
5     Mr. President. I move that the following bill  
6     be discharged from its respective committee  
7     and be recommitted with instructions to strike  
8     the enacting clause: Senate Bill Number 4831,  
9     by Senator Hannon.

10                  ACTING PRESIDENT GRIFFO:     So  
11     ordered.

12                  Order in the house, please.

13                  Senator DeFrancisco.

14                  SENATOR DeFRANCISCO:     Mr.  
15     President, would you please go to the main  
16     calendar and call up Calendar Number 2017.

17                  ACTING PRESIDENT GRIFFO:     The  
18     Secretary will read.

19                  THE SECRETARY:     Calendar Number  
20     2017, by Senator Volker, Senate Print 5561A,  
21     an act to authorize the County of Erie.

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

24                  Read the last section.

25                  THE SECRETARY:     Section 4. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT GRIFFO: The  
7 bill is passed.

8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: May we have  
10 the noncontroversial reading of Senate  
11 Calendar 65B.

12 ACTING PRESIDENT GRIFFO: The  
13 Secretary will conduct the noncontroversial  
14 reading of Senate Calendar 65B.

15 THE SECRETARY: Calendar Number  
16 2074, by Senator Skelos, Senate Print 962A, an  
17 act to amend the Public Officers Law and the  
18 Civil Practice Law and Rules.

19 ACTING PRESIDENT GRIFFO: Read  
20 the last section.

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

23 ACTING PRESIDENT GRIFFO: Call  
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT GRIFFO: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 2075, by Senator Saland --

6 SENATOR DUANE: Lay it aside,  
7 please.

8 ACTING PRESIDENT GRIFFO: The  
9 bill is laid aside.

10 THE SECRETARY: In relation to  
11 Calendar Number 2076, Senator Hannon moves to  
12 discharge, from the Committee on Rules,  
13 Assembly Bill Number 7351B and substitute it  
14 for the identical Senate Bill Number 1511C,  
15 Third Reading Calendar 2076.

16 ACTING PRESIDENT GRIFFO:  
17 Substitution ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number  
20 2076, by Member of the Assembly Dinowitz,  
21 Assembly Print Number 7351B, an act to amend  
22 the Public Health Law.

23 ACTING PRESIDENT GRIFFO: Read  
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT GRIFFO: The  
7 bill is passed.

8 THE SECRETARY: In relation to  
9 Calendar Number 2077, Senator Seward moves to  
10 discharge, from the Committee on Rules,  
11 Assembly Bill Number 2832A and substitute it  
12 for the identical Senate Bill Number 2932A,  
13 Third Reading Calendar 2077.

14 ACTING PRESIDENT GRIFFO: The  
15 substitution is ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number  
18 2077, by Member of the Assembly Lifton,  
19 Assembly Print Number 2832A, an act to amend  
20 the Public Health Law.

21 ACTING PRESIDENT GRIFFO: Read  
22 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT GRIFFO: The  
5 bill is passed.

6 THE SECRETARY: In relation to  
7 Calendar Number 2078, Senator Morahan moves to  
8 discharge, from the Committee on Rules,  
9 Assembly Bill Number 7565 and substitute it  
10 for the identical Senate Bill Number 3089,  
11 Third Reading Calendar 2078.

12 ACTING PRESIDENT GRIFFO: The  
13 substitution is ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number  
16 2078, by Member of the Assembly Jaffee,  
17 Assembly Print Number 7565, an act to amend  
18 the Retirement and Social Security Law.

19 ACTING PRESIDENT GRIFFO: Read  
20 the last section.

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

23 ACTING PRESIDENT GRIFFO: Call  
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT GRIFFO: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 2079, by Senator Saland, Senate Print 3091, an  
6 act to amend the Education Law.

7 ACTING PRESIDENT GRIFFO: Read  
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call  
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT GRIFFO: The  
16 bill is passed.

17 THE SECRETARY: In relation to  
18 Calendar Number 2080, Senator Flanagan moves  
19 to discharge, from the Committee on Rules,  
20 Assembly Bill Number 2496 and substitute it  
21 for the identical Senate Bill Number 3554,  
22 Third Reading Calendar 2080.

23 ACTING PRESIDENT GRIFFO:  
24 Substitution ordered.

25 The Secretary will read.

1                   THE SECRETARY:     Calendar Number  
2                   2080, by Member of the Assembly Sweeney,  
3                   Assembly Print Number 2496, an act to amend  
4                   the Vehicle and Traffic Law.

5                   ACTING PRESIDENT GRIFFO:     Read  
6                   the last section.

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

9                   ACTING PRESIDENT GRIFFO:     Call  
10                  the roll.

11                  (The Secretary called the roll.)

12                  THE SECRETARY:     Ayes, 62.

13                  ACTING PRESIDENT GRIFFO:     The  
14                  bill is passed.

15                  THE SECRETARY:     Calendar Number  
16                  2081 --

17                  SENATOR DeFRANCISCO:     Lay it  
18                  aside for the day, please.

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

21                  THE SECRETARY:     In relation to  
22                  Calendar Number 2082, Senator Skelos moves to  
23                  discharge, from the Committee on Rules,  
24                  Assembly Bill Number 8618 and substitute it  
25                  for the identical Senate Bill Number 3829,

1 Third Reading Calendar 2082.

2 ACTING PRESIDENT GRIFFO: The  
3 substitution is ordered.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number  
6 2082, by Member of the Assembly Weisenberg,  
7 Assembly Print Number 8618, an act to amend  
8 the Public Health Law.

9 ACTING PRESIDENT GRIFFO: Read  
10 the last section.

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

13 ACTING PRESIDENT GRIFFO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT GRIFFO: The  
18 bill is passed.

19 THE SECRETARY: In relation to  
20 Calendar Number 2083, Senator Hannon moves to  
21 discharge, from the Committee on Rules,  
22 Assembly Bill Number 8099A and substitute it  
23 for the identical Senate Bill Number 3988A,  
24 Third Reading Calendar 2083.

25 ACTING PRESIDENT GRIFFO:

1 Substitution ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number  
4 2083, by Member of the Assembly Gottfried,  
5 Assembly Print Number 8099A, an act to amend  
6 the Public Health Law.

7 ACTING PRESIDENT GRIFFO: Read  
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call  
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT GRIFFO: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 2084, by Senator Hannon, Senate Print 4021A,  
19 an act to amend the Public Health Law.

20 ACTING PRESIDENT GRIFFO: Read  
21 the last section.

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

24 ACTING PRESIDENT GRIFFO: Call  
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT GRIFFO: The  
4 bill is passed.

5 THE SECRETARY: In relation to  
6 Calendar Number 2085, Senator DeFrancisco  
7 moves to discharge, from the Committee on  
8 Rules, Assembly Bill Number 4606 and  
9 substitute it for the identical Senate Bill  
10 Number 4023, Third Reading Calendar 2085.

11 ACTING PRESIDENT GRIFFO:  
12 Substitution ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number  
15 2085, by Member of the Assembly Espaillet,  
16 Assembly Print Number 4606, an act to amend  
17 the Tax Law.

18 ACTING PRESIDENT GRIFFO: Read  
19 the last section.

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

22 ACTING PRESIDENT GRIFFO: Call  
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62.

1                   ACTING PRESIDENT GRIFFO:       The  
2       bill is passed.

3                   THE SECRETARY:       In relation to  
4       Calendar Number 2087, Senator O. Johnson moves  
5       to discharge, from --

6                   SENATOR DeFRANCISCO:       Lay it  
7       aside for the day, please.

8                   ACTING PRESIDENT GRIFFO:       The  
9       bill is laid aside for the day.

10                   Senator DeFrancisco.

11                   SENATOR DeFRANCISCO:       Before  
12       laying it aside, would you please make the  
13       substitution.

14                   ACTING PRESIDENT GRIFFO:       The  
15       Secretary will read.

16                   THE SECRETARY:       In relation to  
17       Calendar Number 2087, Senator O. Johnson moves  
18       to discharge, from the Committee on Rules,  
19       Assembly Bill Number 8015 and substitute it  
20       for the identical Senate Bill Number 4558,  
21       Third Reading Calendar 2087.

22                   ACTING PRESIDENT GRIFFO:  
23       Substitution ordered.

24                   The Secretary will read.

25                   THE SECRETARY:       Calendar Number

1 2087 --

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

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

6 The Secretary will continue to  
7 read.

8 THE SECRETARY: In relation to  
9 Calendar Number 2088, Senator Hannon moves to  
10 discharge, from the Committee on Rules,  
11 Assembly Bill Number 8456A and substitute it  
12 for the identical Senate Bill Number 4793A,  
13 Third Reading Calendar 2088.

14 ACTING PRESIDENT GRIFFO: The  
15 substitution is ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number  
18 2088, by Member of the Assembly Gottfried,  
19 Assembly Print Number 8456A, an act to amend  
20 the Public Health Law.

21 ACTING PRESIDENT GRIFFO: Read  
22 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT GRIFFO: The  
5 bill is passed.

6 THE SECRETARY: In relation to  
7 Calendar Number 2089, Senator Padavan moves to  
8 discharge, from the Committee on Rules,  
9 Assembly Bill Number 8447 and substitute it  
10 for the identical Senate Bill Number 5208,  
11 Third Reading Calendar 2089.

12 ACTING PRESIDENT GRIFFO:  
13 Substitution ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number  
16 2089, by Member of the Assembly Abbate,  
17 Assembly Print Number 8447, an act to amend  
18 the Education Law.

19 ACTING PRESIDENT GRIFFO: Read  
20 the last section.

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

23 ACTING PRESIDENT GRIFFO: Call  
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT GRIFFO: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 2090, by Senator Golden, Senate Print 5565A,  
6 an act to amend the Criminal Procedure Law.

7 ACTING PRESIDENT GRIFFO: Read  
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call  
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61. Nays,  
15 1. Senator Duane recorded in the negative.

16 ACTING PRESIDENT GRIFFO: The  
17 bill is passed.

18 THE SECRETARY: Calendar Number  
19 2091, by Senator Larkin, Senate Print 5845, an  
20 act to amend the Village Law.

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

23 Read the last section.

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

1                   ACTING PRESIDENT GRIFFO:     Call  
2     the roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:     Ayes, 62.

5                   ACTING PRESIDENT GRIFFO:     The  
6     bill is passed.

7                   THE SECRETARY:     In relation to  
8     Calendar Number 2092, Senator Padavan moves to  
9     discharge, from the Committee on Rules,  
10    Assembly Bill Number 8176 and substitute it  
11    for the identical Senate Bill Number 5864,  
12    Third Reading Calendar 2092.

13                  ACTING PRESIDENT GRIFFO:     The  
14    substitution is ordered.

15                  The Secretary will read.

16                  THE SECRETARY:     Calendar Number  
17    2092, by Member of the Assembly Farrell,  
18    Assembly Print Number 8176, an act to amend  
19    the Tax Law.

20                  ACTING PRESIDENT GRIFFO:     There  
21    is a local fiscal impact note at the desk.

22                  Read the last section.

23                  THE SECRETARY:     Section 3. This  
24    act shall take effect on the first day of a  
25    sales tax quarterly period.

1                   ACTING PRESIDENT GRIFFO:     Call  
2     the roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:     Ayes, 62.

5                   ACTING PRESIDENT GRIFFO:     The  
6     bill is passed.

7                   THE SECRETARY:     In relation to  
8     Calendar Number 2093, Senator Padavan moves to  
9     discharge, from the Committee on Rules,  
10    Assembly Bill Number 8132 and substitute it  
11    for the identical Senate Bill Number 5866,  
12    Third Reading Calendar 2093.

13                  THE PRESIDENT:     Substitution  
14    ordered.

15                  The Secretary will read.

16                  THE SECRETARY:     Calendar Number  
17    2093, by Member of the Assembly Silver,  
18    Assembly Print Number 8132, an act to amend  
19    the General City Law and the Administrative  
20    Code of the City of New York.

21                  THE PRESIDENT:     Read the last  
22    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, 62.

3 THE PRESIDENT: The bill is  
4 passed.

5 THE SECRETARY: Calendar Number  
6 2094, by Senator Maltese, Senate Print 5878B,  
7 an act to amend the Insurance Law.

8 SENATOR DeFRANCISCO: Lay it  
9 aside for the day, please.

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

12 THE SECRETARY: In relation to  
13 Calendar Number 2095, Senator Morahan moves to  
14 discharge, from the Committee on Rules,  
15 Assembly Bill Number 3842 and substitute it  
16 for the identical Senate Bill Number 5943,  
17 Third Reading Calendar 2095.

18 THE PRESIDENT: Substitution  
19 ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number  
22 2095, by Member of the Assembly Dinowitz,  
23 Assembly Print Number 3842, an act to amend  
24 the Public Health Law.

25 THE PRESIDENT: Read the last

1 section.

2 THE SECRETARY: Section 4. This  
3 act shall take effect April 1, 2008.

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

6 THE SECRETARY: Ayes, 62.

7 THE PRESIDENT: The bill is  
8 passed.

9 Couldn't have done it without my  
10 new counsel.

11 THE SECRETARY: In relation to  
12 Calendar Number 2096, Senator Bruno moves to  
13 discharge, from the Committee on Corporations,  
14 Authorities and Commissions, Assembly Bill  
15 Number 8359 and substitute it for the  
16 identical Senate Bill Number 6017, Third  
17 Reading Calendar 2096.

18 THE PRESIDENT: Substitution  
19 ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number  
22 2096, by Member of the Assembly Silver,  
23 Assembly Print Number 8359, an act to amend  
24 the New York State Urban Development  
25 Corporation Act.

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, 62.

8 THE PRESIDENT: The bill is  
9 passed.

10 THE SECRETARY: In relation to  
11 Calendar Number 2097, Senator Bruno moves to  
12 discharge, from the Committee on Rules,  
13 Assembly Bill Number 9107A and substitute it  
14 for the identical Senate Bill Number 6060A,  
15 Third Reading Calendar 2097.

16 THE PRESIDENT: Substitution  
17 ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number  
20 2097, by the Assembly Committee on Rules,  
21 assembly Print Number 9107A, an act to amend  
22 the Tax 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, 62.

5 THE PRESIDENT: The bill is  
6 passed.

7 THE SECRETARY: In relation to  
8 Calendar Number 2098, Senator Breslin moves to  
9 discharge, from the Committee on Rules,  
10 Assembly Bill Number 8900A and substitute it  
11 for the identical Senate Bill Number 6067A,  
12 Third Reading Calendar 2098.

13 THE PRESIDENT: Substitution  
14 ordered.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number  
17 2098, by Member of the Assembly Reilly,  
18 Assembly Print Number 8900A, an act to amend  
19 the Real Property Tax Law.

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, 62.

2 THE PRESIDENT: The bill is  
3 passed.

4 THE SECRETARY: In relation to  
5 Calendar Number 2099, Senator Golden moves to  
6 discharge, from the Committee on Rules,  
7 Assembly Bill Number 4408A and substitute it  
8 for the identical Senate Bill Number 6141A,  
9 Third Reading Calendar 2099.

10 THE PRESIDENT: The substitution  
11 is ordered.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number  
14 2099 --

15 SENATOR LIZ KRUEGER: Lay it  
16 aside, please.

17 THE PRESIDENT: The bill is laid  
18 aside.

19 THE SECRETARY: In relation to  
20 Calendar Number 2100, Senator Hannon moves to  
21 discharge, from the Committee on Rules,  
22 Assembly Bill Number 8759 and substitute it  
23 for the identical Senate Bill Number 6163,  
24 Third Reading Calendar 2100.

25 THE PRESIDENT: The substitution

1 is ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number  
4 2100, by Member of the Assembly McEneny,  
5 Assembly Print Number 8759, an act to amend  
6 the Public Health Law.

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, 62.

14 THE PRESIDENT: The bill is  
15 passed.

16 THE SECRETARY: In relation to  
17 Calendar Number 2101, Senator Bruno moves to  
18 discharge, from the Committee on Rules,  
19 Assembly Bill Number 6586 and substitute it  
20 for the identical Senate Bill Number 6191,  
21 Third Reading Calendar 2101.

22 ACTING PRESIDENT GRIFFO:

23 Substitution ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 2101, by Member of the Assembly Abbate,  
2 Assembly Print Number 6586, an act to amend  
3 the Retirement and Social Security Law.

4 ACTING PRESIDENT GRIFFO: Read  
5 the last section.

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

8 ACTING PRESIDENT GRIFFO: Call  
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT GRIFFO: The  
13 bill is passed.

14 THE SECRETARY: In relation to  
15 Calendar Number 2102, Senator Leibell moves to  
16 discharge, from the Committee on Rules,  
17 Assembly Bill Number 7849B and substitute it  
18 for the identical Senate Bill Number 6271,  
19 Third Reading Calendar 2102.

20 ACTING PRESIDENT GRIFFO:  
21 Substitution ordered.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number  
24 2102, by Member of the Assembly Bradley,  
25 Assembly Print Number 7849B, an act to amend

1 the Environmental Conservation Law.

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

4 Read the last section.

5 THE SECRETARY: Section 8. This  
6 act shall take effect January 1, 2008.

7 ACTING PRESIDENT GRIFFO: Call  
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 60. Nays,  
11 2. Senators Larkin and Rath recorded in the  
12 negative.

13 ACTING PRESIDENT GRIFFO: The  
14 bill is passed.

15 (Applause from the gallery.)

16 THE SECRETARY: Calendar Number  
17 2103, by the Senate Committee on Rules, Senate  
18 Print 6308, an act establishing the --

19 SENATOR DUANE: Lay it aside,  
20 please.

21 ACTING PRESIDENT GRIFFO: The  
22 bill is laid aside at the request of Senator  
23 Duane.

24 THE SECRETARY: In relation to  
25 Calendar Number 2104, Senator Volker moves to

1 discharge, from the Committee on Rules,  
2 Assembly Bill Number 9048B and substitute it  
3 for the identical Senate Bill Number 6315,  
4 Third Reading Calendar 2104.

5 ACTING PRESIDENT GRIFFO: the  
6 substitution is so ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number  
9 2104, by Member of the Assembly Peoples,  
10 Assembly Print Number 9048B, an act to amend  
11 the Public Authorities Law.

12 ACTING PRESIDENT GRIFFO: Read  
13 the last section.

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

16 ACTING PRESIDENT GRIFFO: Senator  
17 Thompson, to explain his vote.

18 SENATOR THOMPSON: Yes,  
19 Mr. President.

20 I think this is an important piece  
21 of legislation. I want to commend Senator  
22 Volker for standing strong with many of us as  
23 relates to this bill in relation to the City  
24 of Buffalo, which has done a great job of  
25 turning itself around.

1                   There was an initial bill that  
2                   would have put blue-collar workers,  
3                   white-collar workers, teachers, firefighters,  
4                   lunch ladies and lunch aides, bus aides,  
5                   everyone would have been pitted against one  
6                   another as relates to Buffalo's fiscal  
7                   recovery.

8                   I think this is a great step when  
9                   we stand together, stand united. And I'm just  
10                  glad that all the members of the Senate stood  
11                  together to make sure that we support working  
12                  men and women and not let other interests  
13                  divide workers.

14                  And so I'm so glad Senator Volker,  
15                  Senator Stachowski and all the other members  
16                  of the Western New York delegation also stood  
17                  firm on this bill. This is a very good bill.  
18                  This is how we make good bills great. And I  
19                  think many of the workers in Buffalo will be  
20                  very happy about this bill.

21                  Thank you. I support this bill.

22                  ACTING PRESIDENT GRIFFO:     Senator  
23                  Thompson to be recorded in the affirmative.

24                  Call the roll.

25                  (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT GRIFFO: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 2105, by Senator Maltese, Senate Print 6316,  
6 an act to amend the Insurance Law.

7 ACTING PRESIDENT GRIFFO: Read  
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call  
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61. Nays,  
15 1. Senator Seward recorded in the negative.

16 ACTING PRESIDENT GRIFFO: The  
17 bill is passed.

18 THE SECRETARY: Calendar Number  
19 2106 --

20 SENATOR DeFRANCISCO: Please lay  
21 it aside temporarily.

22 ACTING PRESIDENT GRIFFO: The  
23 bill is laid aside temporarily.

24 THE SECRETARY: Calendar Number  
25 2107, by Senator Skelos, Senate Print 6327, an

1 act to amend the Tax Law.

2 ACTING PRESIDENT GRIFFO: Read  
3 the last section.

4 THE SECRETARY: Section 2. This  
5 act shall take effect on the first day of a  
6 sales tax quarterly period.

7 ACTING PRESIDENT GRIFFO: Call  
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT GRIFFO: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 2108, by Senator Farley, Senate Print 6335, an  
15 act to amend the Tax Law.

16 ACTING PRESIDENT GRIFFO: Read  
17 the last section.

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

20 ACTING PRESIDENT GRIFFO: Call  
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT GRIFFO: The  
25 bill is passed.

1                   THE SECRETARY:     Calendar Number  
2                   2109, by the Senate Committee on Rules, Senate  
3                   Print 6336, an act to amend the Tax Law.

4                   ACTING PRESIDENT GRIFFO:     Read  
5                   the last section.

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

8                   ACTING PRESIDENT GRIFFO:     Call  
9                   the roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:     Ayes, 61. Nays,  
12                   1. Senator Duane recorded in the negative.

13                   ACTING PRESIDENT GRIFFO:     The  
14                   bill is passed.

15                   THE SECRETARY:     Calendar Number  
16                   2110, by the Senate Committee on Rules, Senate  
17                   Print 6339, an act to amend the Tax 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, 61. Nays,  
25                   1. Senator Duane recorded in the negative.

1                   THE PRESIDENT:       The bill is  
2                   passed.

3                   THE SECRETARY:       Calendar Number  
4                   2111, by Senator Hannon, Senate Print 6344, an  
5                   act to amend the Social Services Law and the  
6                   State Finance Law.

7                   THE PRESIDENT:       Read the last  
8                   section.

9                   THE SECRETARY:       Section 5. This  
10                  act shall take effect on July 1, 2007.

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

13                  THE PRESIDENT:       Announce the  
14                  results.

15                  THE SECRETARY:       Ayes, 62.

16                  THE PRESIDENT:       The bill is  
17                  passed.

18                  THE SECRETARY:       In relation to  
19                  Calendar Number 2113, Senator Bruno moves to  
20                  discharge, from the Committee on Rules,  
21                  Assembly Bill Number 9036 and substitute it  
22                  for the identical Senate Bill Number 6360,  
23                  Third Reading Calendar 2113.

24                  THE PRESIDENT:       Substitution  
25                  ordered.

1                   The Secretary will read.

2                   THE SECRETARY:     Calendar Number  
3                   2113, by Member of the Assembly Morelle,  
4                   Assembly Print Number 9036, an act to amend  
5                   the Insurance Law.

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, 62.

13                  THE PRESIDENT:     The bill is  
14                  passed.

15                  THE SECRETARY:     Calendar Number  
16                  2119, by Member of the Assembly Schimel,  
17                  Assembly Print Number 8400A, an act  
18                  authorizing the Village of Great Neck Estates.

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, 62.

1 THE PRESIDENT: The bill is  
2 passed.

3 THE SECRETARY: Calendar Number  
4 2120, by Member of the Assembly Hoyt, Assembly  
5 Print Number 9238, an act to amend Chapter 444  
6 of the Laws of 1997 amending --

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

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

11 That completes the noncontroversial  
12 Calendar 65B, Senator Bruno.

13 SENATOR BRUNO: Mr. President,  
14 can we take up Calendar Number 2106.

15 THE PRESIDENT: Calendar Number  
16 2106. The Secretary will read.

17 THE SECRETARY: In relation to  
18 Calendar Number 2106, Senator Seward moves to  
19 discharge, from the Committee on Rules,  
20 Assembly Bill Number 9249 and substitute it  
21 for the identical Senate Bill Number 6319,  
22 Third Reading Calendar 2106.

23 THE PRESIDENT: Substitution  
24 ordered.

25 The Secretary will read.

1                   THE SECRETARY:     Calendar Number  
2                   2106, by Member of the Assembly Magee,  
3                   Assembly Print Number 9249, an act to amend  
4                   the Executive Law.

5                   THE PRESIDENT:     Read the last  
6                   section.

7                   THE SECRETARY:     Section 5. This  
8                   act shall take effect on the same date as a  
9                   chapter of the Laws of 2007.

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

12                  THE PRESIDENT:     Senator Krueger,  
13                  to explain her vote.

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

16                  This is a bill that we debated  
17                  earlier in the year. It would basically  
18                  exempt most buildings on farms from the  
19                  building code and the fire prevention laws.

20                  I worry about buildings' safety  
21                  wherever they are in the state of New York.  
22                  If a factory is built on a farm, it's no  
23                  different if a factory is built on a highway.  
24                  We should have uniform rules. This is a new  
25                  set of laws that went into effect just this

1           January. I think we should give them a try.

2                       I continue to think this is a  
3 safety issue. I vote no. Thank you,  
4 Mr. President.

5                       THE PRESIDENT:       Senator Krueger  
6 will be recorded in the negative.

7                       Announce the results.

8                       THE SECRETARY:       Ayes, 59. Nays,  
9 3. Senators Duane, Hassell-Thompson and  
10 L. Krueger recorded in the negative.

11                      THE PRESIDENT:       The bill is  
12 passed.

13                      Senator Bruno.

14                      SENATOR BRUNO:       Mr. President,  
15 can we lay aside for the day 1914 and 1997.

16                      THE PRESIDENT:       Those bills, 1914  
17 and 1997, are laid aside for the day.

18                      SENATOR BRUNO:       And,  
19 Mr. President, on the main calendar can we  
20 take up 740.

21                      THE PRESIDENT:       Calendar Number  
22 740. The Secretary will read.

23                      THE SECRETARY:       In relation to  
24 Calendar Number 740, Senator Flanagan moves to  
25 discharge, from the Committee on Rules,

1 Assembly Bill Number 4111A and substitute it  
2 for the identical Senate Bill Number 830B,  
3 Third Reading Calendar 740.

4 THE PRESIDENT: The substitution  
5 is ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number  
8 740, by Member of the Assembly Brodsky,  
9 Assembly Print Number 4111A, an act to amend  
10 the General Business Law.

11 THE PRESIDENT: Read the last  
12 section.

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

15 THE PRESIDENT: Call the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62.

18 THE PRESIDENT: The bill is  
19 passed.

20 SENATOR BRUNO: Mr. President, on  
21 the main calendar, 1696.

22 THE PRESIDENT: The Secretary  
23 will read.

24 THE SECRETARY: Calendar Number  
25 1696, by Senator Alesi, Senate Print 4744B, an

1 act in relation to redistributing 2006 bond  
2 volume allocations.

3 THE PRESIDENT: Read the last  
4 section.

5 THE SECRETARY: Section 17. This  
6 act shall take effect immediately.

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

9 THE SECRETARY: Ayes, 62.

10 THE PRESIDENT: The bill is  
11 passed.

12 Senator Bruno.

13 SENATOR BRUNO: Mr. President, on  
14 the controversial calendar can we take up 65B.

15 THE PRESIDENT: The Secretary  
16 will conduct the controversial reading of  
17 Calendar 65B.

18 THE SECRETARY: Calendar Number  
19 2075, by Senator Saland, Senate Print 1239, an  
20 act to amend the Education Law.

21 THE PRESIDENT: Read the last  
22 section.

23 THE SECRETARY: Section 2. This  
24 act shall take effect September 1, 2008.

25 THE PRESIDENT: Call the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62.

3 THE PRESIDENT: The bill is  
4 passed.

5 THE SECRETARY: Calendar Number  
6 2099, substituted earlier today by Member of  
7 the Assembly V. Lopez, Assembly Print Number  
8 4408A, an act to amend the Real Property Tax  
9 Law.

10 SENATOR LIZ KRUEGER:  
11 Explanation.

12 SENATOR DUANE: Explanation,  
13 please.

14 THE PRESIDENT: Senator Golden,  
15 an explanation is requested.

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

18 The 421-a bill that we're expanding  
19 would expand the geographical exclusion areas.  
20 It would reserve the 421-a tax benefits for  
21 buildings with a minimum of four units.

22 And it maintains the establishment  
23 of a \$400 million fund for affordable housing  
24 citywide. The dedicated fund would be used to  
25 create affordable housing outside the GEA,

1 focusing on 15 highest poverty-stricken  
2 districts in the city.

3 And it eliminates the negotiable  
4 certificate program at the end of 2007.

5 It was passed in the Assembly this  
6 evening unanimously, and it requires the units  
7 remain affordable up to 40 years instead of 30  
8 years.

9 THE PRESIDENT: Senator Krueger.

10 SENATOR LIZ KRUEGER: Thank you,  
11 Mr. President. If the sponsor would please  
12 yield.

13 THE PRESIDENT: Senator Golden,  
14 will you yield for a question from Senator  
15 Krueger?

16 SENATOR GOLDEN: I do,  
17 Mr. President.

18 THE PRESIDENT: The Senator  
19 yields, Senator Krueger.

20 SENATOR LIZ KRUEGER: Mr.  
21 President, through you, if the sponsor would  
22 answer, how does this bill treat the Atlantic  
23 Yards development differently than any other  
24 arrangement under this bill for the City of  
25 New York?

1                   SENATOR GOLDEN:     It would allow  
2     the project to get the credits as long as it  
3     maintains 70 percent of affordability.

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

7                   THE PRESIDENT:         Senator Golden,  
8     do you continue to yield?

9                   SENATOR GOLDEN:         I do.

10                  THE PRESIDENT:         The Senator  
11     yields, Senator Krueger.

12                  SENATOR LIZ KRUEGER:     Thank you.

13                         So it's 60 percent -- or it's  
14     80 percent of AMI in other parts of the city,  
15     or 60 percent?

16                  SENATOR GOLDEN:         Sixty percent.

17                  SENATOR LIZ KRUEGER:     Sixty  
18     percent, thank you.   And 70 percent there.  
19     But is there not also something different  
20     about the amount of rent they can charge?

21                         My understanding is in 421-a in  
22     most cases the maximum you would pay of your  
23     income was 30 percent.   How would that be  
24     different here?

25                  SENATOR GOLDEN:         This would be 20

1 percent.

2 SENATOR LIZ KRUEGER: You would  
3 only have to pay 20 percent of your income for  
4 rent?

5 I'm sorry, Mr. President, if  
6 through you the sponsor would yield.

7 THE PRESIDENT: Yes.

8 SENATOR GOLDEN: Yes,  
9 Mr. President, 20 percent.

10 THE PRESIDENT: Senator Krueger.

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

14 THE PRESIDENT: Senator Golden,  
15 do you continue to yield?

16 SENATOR GOLDEN: Yes,  
17 Mr. President.

18 SENATOR LIZ KRUEGER: Thank you.

19 This bill increases the  
20 requirements for HPD to monitor affordability  
21 requirements but takes away specific tools  
22 they had in an original version of this bill,  
23 such as regulatory agreements, deed  
24 restrictions, resale restrictions, occupancy  
25 requirements, other such instruments or

1 requirements deemed necessary to establish  
2 both the realities of these units and legal  
3 remedies to enforce such mechanisms.

4 How would HPD actually implement  
5 the rules of this law without those tools?

6 SENATOR GOLDEN: Those tools are  
7 all still there.

8 SENATOR LIZ KRUEGER: Mr.  
9 President, if the sponsor would continue to  
10 yield.

11 THE PRESIDENT: Senator Golden,  
12 do you continue to yield?

13 SENATOR GOLDEN: I do.

14 SENATOR LIZ KRUEGER: Thank you.

15 This bill expands the exclusionary  
16 zones; it adds quite a few of them. And many  
17 people are very happy about that. Actually,  
18 the Senate Democrats proposed a bill that made  
19 the entire City of New York an exclusionary  
20 zone.

21 But is it your understanding  
22 that -- I'm sorry, Mr. President. I'm going  
23 to rephrase my question. May I start again?

24 THE PRESIDENT: Please.

25 SENATOR LIZ KRUEGER: Would the

1 sponsor mind if I started again?

2 THE PRESIDENT: Does the sponsor  
3 yield?

4 SENATOR GOLDEN: I do.

5 SENATOR LIZ KRUEGER: Thank you.  
6 I think I need to do these in order.

7 Under the city law that was passed,  
8 the Local Law 58, the City of New York  
9 intended to commit an investment of  
10 \$400 million to a trust fund to then be made  
11 available to build affordable housing in 15  
12 geographic districts of the City of New York.

13 SENATOR GOLDEN: High-poverty  
14 districts, yes.

15 SENATOR LIZ KRUEGER: Under this  
16 law where we've expanded the exclusionary  
17 zones, is it your understanding, one, that the  
18 City of New York intends to continue or is  
19 obligated to put the \$400 million into this  
20 trust fund (a), and then (b) can they use this  
21 money in the exclusionary zones for building  
22 housing?

23 SENATOR GOLDEN: Answer B is no.  
24 And Answer A is that the 15 designated areas  
25 haven't been designated, so we don't know if

1 they're in the exclusionary zone.

2 Last question?

3 SENATOR LIZ KRUEGER: Mr.

4 President, now I have to think about my last  
5 question.

6 THE PRESIDENT: Do you have a  
7 last question, Senator?

8 SENATOR LIZ KRUEGER: Well, I had  
9 more, so I have to think carefully about the  
10 one I want. Since I've been offered one more.

11 Is there an estimate in this bill  
12 for how much the new tax deductions would cost  
13 the City of New York? Under the old law that  
14 is sunseting, the estimate was that the City  
15 of New York was losing approximately  
16 \$400 million in tax revenue per year, but they  
17 were choosing to do so under the law.

18 Under the new law, how much would  
19 be the tax revenue lost to the City of  
20 New York because of the 421-a credits expected  
21 to be distributed under your law?

22 SENATOR GOLDEN: Over the long  
23 period of time, a lot less than if we had not  
24 made these changes.

25 SENATOR LIZ KRUEGER: Mr.

1 President, could I indulge to ask the sponsor  
2 another question.

3 THE PRESIDENT: Senator Golden,  
4 do you continue to yield?

5 SENATOR GOLDEN: Mr. President,  
6 this is absolutely the last question.

7 SENATOR LIZ KRUEGER: Thank you.

8 THE PRESIDENT: The sponsor  
9 absolutely yields one more time.

10 SENATOR GOLDEN: Thank you,  
11 Mr. President.

12 SENATOR LIZ KRUEGER: I  
13 appreciate the sponsor's patience.

14 I understand the affordability  
15 rules in the bill for rental apartments, where  
16 affordability requirements would remain in  
17 effect for 40 years from the completion of  
18 construction of the building, and they must  
19 remain subject to rent stabilization the  
20 entire 40-year period. And I'm glad.

21 But how do we deal with  
22 affordability for co-ops and condos that might  
23 be built under this new 421-a law, either the  
24 definitions of affordability and/or the length  
25 of time that those co-op and condo units would

1 have to stay both within that 40-year  
2 timeline, if they did, and the relationship to  
3 rent regulation?

4 SENATOR GOLDEN: The industry is  
5 going to have to come up with creative ways of  
6 doing it or they're not going to get the  
7 credits.

8 Thank you, Mr. President.

9 SENATOR LIZ KRUEGER: Thank you.  
10 On the bill.

11 THE PRESIDENT: Senator Krueger,  
12 on the bill.

13 SENATOR LIZ KRUEGER: Thank you.

14 Well, I appreciate the sponsor's  
15 answers. I'm not sure I agree with him on  
16 several of the answers. And I just want to  
17 give us some context, because there were  
18 several bills out in the last several weeks on  
19 421-a, and it confused pretty much everyone.  
20 It was a moving target, what would the state  
21 do with extension of 421-a.

22 And the sponsor in the Assembly had  
23 multiple bills that seemed to be either  
24 complementary or totally contradictory to each  
25 other. There were three separate Senate

1 Republican-sponsored bills that were very,  
2 very different in what they did and how they  
3 went forward.

4           There is a chapter amendment -- no,  
5 excuse me, two chapter amendments that have  
6 already been filed for this law that  
7 dramatically change what this law would be.  
8 But those bills are high. So unless we stay  
9 until tomorrow -- perhaps Senator Bruno is  
10 going to announce that -- or the Assembly  
11 passes those chapter amendments, but I'm  
12 pretty much they're high there also, those  
13 chapter amendments would dramatically change  
14 what this bill does, the outcome, the cost to  
15 the city, the impacts and what could or  
16 couldn't be built.

17           So my frustration here is both with  
18 what we see in this bill but also what we  
19 don't see in this bill, because you'd need to  
20 hold it up to chapter amendments that we're  
21 being asked to consider at the exact same time  
22 as we're passing this law. And yet we can't  
23 do those chapter amendments now.

24           There are good parts of this bill.  
25 We knew we needed to change 421-a. We knew

1       that we needed to stop giving tax exemptions  
2       to developers who were building luxury  
3       high-rises.

4                   And we knew we needed to make sure  
5       that if the City of New York or we were giving  
6       the City of New York the authority or even in  
7       some cases ordering the City of New York to  
8       create a tax exemption -- from their money,  
9       not ours; this is New York City property  
10      taxes -- that if they were going to go forward  
11      and we were going to go forward with them, we  
12      should try to make sure that every dollar of  
13      tax exemption was going for building actual  
14      affordable units in communities in New York  
15      City that desperately needed the assistance of  
16      tax credits and exemptions to get those  
17      buildings done, and to stop the pattern of  
18      allowing, as has been the case up until now,  
19      the vast majority of 421-a tax credits going  
20      to luxury developments with very few units  
21      being built for low-income, middle-income  
22      working people.

23                   And so there are good parts of this  
24      bill. And it expands the exclusionary zone.  
25      And again -- well, it's called the geographic

1 exclusionary areas, to be technical. And many  
2 of my colleagues are very pleased to see those  
3 exclusionary areas included in this bill.

4 But one of the questions I asked  
5 the sponsor was would you be able to receive  
6 the city's trust fund for housing money if  
7 somebody built in the geographic exclusionary  
8 areas. And when I asked the City of New York  
9 that question, they said no.

10 So people need to understand, when  
11 they're looking at their specific area of  
12 New York City, if you're in the geographic  
13 exclusion area, you're not going to be able to  
14 draw down on any of the \$400 million of  
15 housing trust fund money, assuming that's  
16 still going to be there, for building in your  
17 district or your geographic area. So it's  
18 important to understand that's one of the  
19 things that happens in this bill.

20 It's also important to understand  
21 that -- Mr. President --

22 (Laughter; catcalls.)

23 SENATOR HASSELL-THOMPSON: He is  
24 out of order. He is totally out of order.  
25 There's nothing funny about it.

1                   SENATOR LIZ KRUEGER:     Mr.  
2     President.   Last night, Senator -- Governor --  
3     last night one of my colleagues also waved a  
4     white flag at me, and I thought that meant  
5     that I had gotten through and he was going to  
6     vote with me, but he didn't.

7                   So I suspect this learned gentleman  
8     from farther north in New York State who's  
9     waving his white flag now also isn't prepared  
10    to vote with me.

11                  And I don't have a time limit, sir,  
12    because there's two hours on a bill.

13                  Mr. President, I'll continue.  
14    Perhaps I might have to start again.   You've  
15    made me lose track of my --

16                  (Laughter.)

17                  THE PRESIDENT:        Senator Krueger  
18    continues.

19                  SENATOR LIZ KRUEGER:   Excuse me.  
20    To continue.   Thank you, Mr. President.

21                  So it's important to understand  
22    that this bill tied into the chapter  
23    amendments, if they are to be passed, also  
24    very much changed the deals of what could or  
25    could not happen in areas.

1                   For example, one of the very  
2                   important parts of 421-a -- and I know that  
3                   Assemblymember Lopez, who's joined us here  
4                   tonight and is the sponsor in the Assembly,  
5                   has been a hard fighter for this -- is the  
6                   importance of making sure that affordable  
7                   units are built on-site, in the same buildings  
8                   with the quote, unquote, market-rate  
9                   apartments.

10                   And that's important both for  
11                   developing stronger, more stable communities  
12                   but also because integrated communities and  
13                   integrated buildings by socioeconomic status  
14                   are better buildings and better communities.

15                   And this bill we're discussing  
16                   tonight would still continue to establish that  
17                   that 20 percent needed to be on-site for the  
18                   same types of apartments. It was also  
19                   important that you couldn't have the nice  
20                   apartments on certain floors for the  
21                   market-rate people and then the worse  
22                   apartments -- the smaller apartments, the  
23                   cheaper fixtures, the thinner walls -- in the  
24                   other types of apartments.

25                   But in the chapter amendment -- and

1 I'm urging my colleagues to think about the  
2 bill and the chapter amendment as one -- they  
3 wouldn't have to build the same kinds of units  
4 or the same size units, they would just have  
5 to continue to have 20 percent of the floor  
6 space used for units rather than 20 percent of  
7 the units in the same building.

8 And so that opens up a whole new  
9 area of questions I feel we should be  
10 concerned about.

11 This bill also establishes several  
12 sections of the city where there are different  
13 rules. I mentioned the Atlantic Yards  
14 section. There's also a section in Queens  
15 with different rules.

16 This bill also extends the current  
17 rules for at least six months beyond when this  
18 law sunsets and in some cases offers  
19 exemptions to allow developers to continue  
20 under the old rules for up to 2009.

21 And Senator Golden, when he  
22 answered one of my questions and I asked him  
23 how much will this cost in tax exemptions  
24 compared to the old law, was perhaps right  
25 when he said perhaps less over time than the

1 current law, because the current law has been  
2 a failure and has been offering large sums of  
3 tax exemptions where they are least needed.

4 My concern with this bill and the  
5 chapter amendments is it pushes this new --  
6 excuse me, it pushes the bad current law years  
7 into the future, leaving the City of New York  
8 knowing that they will continue under this law  
9 to have to give the wrong kinds of tax  
10 exemptions to the wrong types of development  
11 for years into the future.

12 I'm not going to ask my colleagues  
13 to vote no with me tonight. I know that for  
14 many of them in their communities the pieces  
15 of this bill that are good are worth it to  
16 them. And in fact my district has been,  
17 basically, already in the exclusion zone.

18 So when I talk here tonight and I  
19 tell you how important I think it is to get  
20 this right and that we haven't gotten this  
21 right, even though some people have been  
22 talking about this for years, I'm trying to  
23 say that, one, we could do better. We  
24 actually had better bills written. We had  
25 better bills written by Senate Republicans, by

1 Assembly Democrats.

2 And yet at the end of the day,  
3 everybody changed the deal, and we're passing  
4 a bill that isn't nearly as good for the City  
5 of New York, won't result in nearly as many  
6 new units of affordable housing over the next  
7 period of years. And that I think we were  
8 here with a test, and that I think we've  
9 flunked that test.

10 So I will vote no, but I'm  
11 certainly not asking anyone to vote no with  
12 me.

13 Thank you, Mr. President.

14 THE PRESIDENT: Is there any  
15 other member that wishes to speak on the bill?

16 The debate is closed.

17 Read the last section.

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

20 THE PRESIDENT: Call the roll.

21 (The Secretary called the roll.)

22 THE PRESIDENT: Senator Sabini,  
23 to explain his vote.

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

1 I just want to commend the  
2 sponsors, Senator Golden and Chairman Lopez in  
3 the other house, because this bill takes a law  
4 that was really antiquated and passed in a  
5 different time and makes it current under the  
6 current housing conditions in our city of  
7 New York.

8 It expands the exclusionary zone to  
9 include burgeoning neighborhoods in Western  
10 Queens of Corona, Elmhurst, Woodside, East  
11 Elmhurst and Jackson Heights, which have a  
12 housing crisis now that is forcing people out  
13 of those neighborhoods, to move to more remote  
14 parts of town where they can afford to live.

15 One of the best pieces of this bill  
16 no one has mentioned is it ensures that  
17 residents of a community board will have  
18 priority for the rental of at least 50 percent  
19 of the affordable housing units in that area,  
20 so people will be able to stay in the  
21 neighborhoods that they're accustomed to live  
22 in or grew up in. So I want to thank the  
23 sponsors for all that.

24 I am concerned about the housing  
25 trust fund that the mayor has put forward,

1           that this may not be used in the exclusionary  
2           zones. But the City Council can amend Local  
3           Law 58 as a result of this bill and perhaps  
4           will do so and make the bill even better.

5                        I vote aye.

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

8                        Senator Stavisky, to explain her  
9           vote.

10                      SENATOR STAVISKY:       I want to echo  
11           what Senator Sabini just said, because areas  
12           of Queens, particularly the areas of Flushing,  
13           are included in this exclusionary zoning area.

14                      And the fact that they recognize  
15           the importance of the local neighborhoods.  
16           The community board is so important,  
17           particularly in a burgeoning community such as  
18           Flushing where there's been so much  
19           construction but it hasn't been affordable.  
20           We're delighted with the development, but  
21           people have to have a place to live.

22                      And I'm hopeful that in this area  
23           that is included in the exclusionary zoning  
24           area that we will have, for once, some  
25           affordable housing where people can

1 participate in neighborhood activities and  
2 continue to make New York City such a  
3 wonderful place to live.

4 I vote aye.

5 THE PRESIDENT: Senator Stavisky  
6 votes aye.

7 Senator Schneiderman, to explain  
8 his vote.

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

11 I very much appreciate the debate  
12 we just had. And I would like to thank the  
13 sponsor and also thank Senator Krueger for  
14 drawing out a critical issue.

15 It is now in the record that, while  
16 the language of the bill is vague, the sponsor  
17 has indicated that co-ops and condos have to  
18 provide for affordability. That is a  
19 critical, critical factor for me in my  
20 district, and the language of the bill frankly  
21 was not that clear. I'm glad we've gotten  
22 that clear.

23 This does protect a substantial  
24 part of upper Manhattan. It expands the  
25 exclusionary zone in a way that will benefit

1 many, many of my constituents. I share the  
2 concerns about the trust fund. I am concerned  
3 about some of the special provisions in here  
4 for some areas of New York. But as far as my  
5 district is concerned, this is a good deal. I  
6 will be voting yes.

7 THE PRESIDENT: Senator  
8 Schneiderman will be recorded in the  
9 affirmative on Calendar Number 2099.

10 Senator Connor, to explain his  
11 vote.

12 SENATOR CONNOR: Thank you,  
13 Mr. President.

14 I know -- and I congratulate the  
15 sponsors. I know it's been a difficult  
16 process. It's gone on for many, many months.  
17 There are contentious features, there have  
18 been hearings, there have been many drafts of  
19 bills.

20 I'm sure, like any other bill, it's  
21 not a perfect bill. I have voted on hundreds  
22 of bills this week, and I didn't see a perfect  
23 bill. I saw a lot of good bills.

24 And this is a good bill because it  
25 does update the 421-a program. It expands the

1 exclusionary zone into areas in my district,  
2 the rest of my district in Manhattan and into  
3 Brooklyn that are under enormous pressure for  
4 development now. The market's hot.

5 Affordability, under the old law,  
6 was being sacrificed, frankly, because the  
7 certificates were going somewhere else and  
8 people in places like the Lower East Side or  
9 in downtown Brooklyn weren't able to remain in  
10 the neighborhood. It wasn't affordable.

11 I think another great feature, a  
12 great feature of this is the prevailing wage  
13 provision that's provided for the building  
14 service workers and so on in larger buildings.  
15 I think that's fair and appropriate and it's  
16 something we ought to do and we're doing.

17 And I think I know, I appreciate  
18 some of the concern expressed by Senator  
19 Krueger or Senator Schneiderman about some of  
20 the personal features. But, you know, in  
21 crafting a bill like this you have to look at  
22 certain realities. There are certain things  
23 that are underway, there are certain things  
24 have been done in reliance by people, and you  
25 have to try and carefully craft the zone to

1 take account of those things.

2 Because while you want to take some  
3 of the golden eggs and apply them to  
4 affordability, you don't want to kill the  
5 goose that's the real estate market.

6 So I'm voting aye, Mr. President.

7 THE PRESIDENT: Senator Connor  
8 will be recorded in the affirmative on  
9 Calendar Number 2099.

10 Senator Adams, to explain his vote.

11 SENATOR ADAMS: Thank you,  
12 Mr. President. I also will vote in favor of  
13 this because of the many issues in the bill.

14 But I want to thank Senator Krueger  
15 for her explanation.

16 And, you know, I think that after  
17 six months of being here, and I believe we  
18 have been patient listening to each other --  
19 and because at the end of the day we should  
20 not raise to the level of being disrespectful  
21 to each other. Because these are real issues.  
22 Some of the issues that you raise are  
23 important.

24 And I think that when we start  
25 waving flags, when we start being

1       discourteous, when we start being  
2       disrespectful, then we get into a spiraling  
3       course where no one can articulate their  
4       issues. You are here to represent your  
5       constituents and the concerns of your  
6       constituents. And if we start disrespecting  
7       each other, that we don't allow us to  
8       articulate those issues that are important to  
9       our constituents, we will never get things  
10      done.

11                   I respect your concerns. And  
12      although I'm voting for this bill, I think you  
13      raised some important issues and I hope we all  
14      begin the process of respecting each other  
15      first and not to the point of being  
16      discourteous and disrespectful. Nothing is  
17      funny about being disrespectful.

18                   I vote aye.

19                   (Scattered applause.)

20                   THE PRESIDENT:     Senator Adams  
21      will be recorded in the affirmative on  
22      Calendar Number 2099.

23                   Announce the results.

24                   THE SECRETARY:     Those recorded in  
25      the negative on Calendar Number 2099 are

1 Senators L. Krueger and Padavan.

2 Absent from voting: Senator C.

3 Kruger.

4 Ayes, 59. Nays, 2.

5 THE PRESIDENT: The bill is  
6 passed.

7 THE SECRETARY: Calendar Number  
8 2103, by the Senate Committee on Rules, Senate  
9 Print 6308, an act establishing the Commission  
10 on Health Care Facilities.

11 SENATOR KLEIN: Explanation,  
12 please.

13 THE PRESIDENT: Senator Hannon,  
14 an explanation has been requested by Senator  
15 Klein.

16 SENATOR HANNON: This is a bill  
17 that fulfills a provision in the budget that  
18 we passed where we had PTAC'd these specific  
19 monies. In other words, pursuant to a  
20 chapter, it appropriates money to additionally  
21 implement the recommendations of the Berger  
22 Commission, in this regard for workers who are  
23 displaced by recommendations of that  
24 committee.

25 THE PRESIDENT: Senator Klein.

1                   SENATOR KLEIN:     Would the sponsor  
2     yield for a couple of questions.

3                   THE PRESIDENT:     Senator Hannon,  
4     will you yield for a question from Senator  
5     Klein?

6                   SENATOR HANNON:     Mr. President,  
7     I'll yield to a question at a time.

8                   SENATOR KLEIN:     Through you,  
9     Mr. President.

10                  I notice in the legislation there's  
11     a half a million dollars that's allocated to  
12     both the Senate and the Assembly. Is that  
13     only for the two respective majorities?

14                  SENATOR HANNON:     It talks about a  
15     memorandum of understanding between the  
16     Temporary President of Senate and the Speaker  
17     of the Assembly.

18                  SENATOR KLEIN:     Again through  
19     you, Mr. President, would the sponsor yield  
20     for a question.

21                  THE PRESIDENT:     Does the sponsor  
22     yield for another question?

23                  SENATOR HANNON:     Yes.

24                  THE PRESIDENT:     Senator Klein.

25                  SENATOR KLEIN:     You know, I

1 notice here that one of the qualifications  
2 here in sort of finding a way to place these  
3 workers is a proven track record of competence  
4 in providing job training.

5 Would you be able to tell me  
6 offhand who would be able to fill that bill  
7 and be able to train these displaced workers?

8 SENATOR HANNON: I would presume  
9 there is any number of groups that are  
10 qualified for that. But it would have to be  
11 people who would meet these standards. At the  
12 moment I don't have specifics on that.

13 SENATOR KLEIN: Thank you. Thank  
14 you, Mr. Hannon.

15 On the bill, Mr. President.

16 THE PRESIDENT: Senator Klein, on  
17 the bill.

18 SENATOR KLEIN: It's rather  
19 disheartening that our last sort of half hour,  
20 hour of session we're doing a piece of  
21 legislation that is acknowledging that the  
22 Berger Commission was correct. Here we are  
23 doing an employee displacement mitigation  
24 program, finding ways to get jobs for workers  
25 when we close their hospitals.

1                   It was only last week where we  
2                   debated, I believe, how Berger was incorrect  
3                   in closing some of our hospitals. I know we  
4                   passed legislation in this house that  
5                   Mr. Farley sponsored keeping Bellevue open, a  
6                   very laudable cause.

7                   We debated a hostile amendment by  
8                   my colleague Senator Andrea Stewart-Cousins to  
9                   keep her hospital, Dobbs Ferry Hospital, open  
10                  in her district. I know at the time I also  
11                  mentioned my hospital in the Bronx,  
12                  Westchester Square.

13                  I think it's worth repeating -- and  
14                  I think in some cases, to some of you, I'm  
15                  preaching to the choir -- the findings of  
16                  Berger were misguided.

17                  If we look at the different  
18                  hospitals that I talked about, what we did was  
19                  we closed hospitals that were really  
20                  low-Medicaid -- in other words, they weren't  
21                  costing the state a lot of money in Medicaid,  
22                  because they had a very low Medicaid  
23                  population -- and they were also hospitals  
24                  that were running in the black. Which means  
25                  they were not a burden on the state again.

1                   That seems to be the pattern that I  
2                   see. And here we are not passing a piece of  
3                   legislation that I believe will enable the  
4                   Health Department to keep some of our  
5                   hospitals open.

6                   I know after we had our long debate  
7                   last week, my colleague Senator Hannon  
8                   introduced a piece of legislation very similar  
9                   to the amendment I attempted to pass last week  
10                  which I believe would have given the Health  
11                  Department a lot of discretion in keeping a  
12                  lot of these hospitals open. In other words,  
13                  it would give a hospital that was on the  
14                  Berger list to be closed, the ability to  
15                  restate their case.

16                  And I think that's a good thing,  
17                  because I think what we've seen as far as a  
18                  discrepancy as part of some of the regional  
19                  recommendations, these hearings that took  
20                  place around the state of New York that made  
21                  certain recommendations, that kept some  
22                  hospitals open, some hospitals would close,  
23                  really ignoring local community input.

24                  Under Senator Hannon's bill, it  
25                  would give those individuals the ability to

1 kind of sort of revisit those recommendations.  
2 That's the kind of legislation I think we  
3 should be passing now, not a piece of  
4 legislation where we're acknowledging that all  
5 these hospitals are closing and we're going to  
6 leave it up to the two respective majorities  
7 to divvy out a pot of money to where these  
8 workers will work.

9 I think that's important. We want  
10 to make sure these healthcare workers land  
11 safely. But to turn around now and pass this  
12 legislation and totally ignore what we can do,  
13 I believe, to effectively save our hospitals I  
14 think is bad government.

15 I vote no, Mr. President.

16 THE PRESIDENT: Are there any  
17 other Senators wishing to speak on this  
18 legislation?

19 Hearing none, the debate is closed.

20 The Secretary will read the last  
21 section.

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

24 THE PRESIDENT: Call the roll.

25 (The Secretary called the roll.)

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

3                   SENATOR HANNON:     Yes, Mr.  
4     President, I just want to point out we are  
5     dealing with this not because of the other  
6     discussions taking place and continuing to  
7     take place in regard to Berger but because we  
8     had put language in the budget and said that  
9     we would have a chapter later.  And that's  
10    simply what we're doing now.

11                  THE PRESIDENT:     Senator Hannon  
12    will be recorded in the affirmative on  
13    Calendar Number 2103.

14                  The Secretary will announce the  
15    results.

16                  THE SECRETARY:     Those recorded in  
17    the negative on Calendar Number 2103 are  
18    Senators Adams and Klein.  Also Senator  
19    Stewart-Cousins.  Also Senator L. Krueger.  
20    Also Senator Sabini.

21                  Absent from voting:  Senator C.  
22    Kruger.

23                  Ayes, 56.  Nays, 5.

24                  THE PRESIDENT:     The bill is  
25    passed.

1                   We now move to Calendar Number  
2                   1319. This is the last bill.

3                   SENATOR BRUNO:       Thank you,  
4                   Mr. President, for anticipating that request.  
5                   Thank you.

6                   THE PRESIDENT:       The Secretary  
7                   will read.

8                   THE SECRETARY:       In relation to  
9                   Calendar Number 1319, Senator Griffo moves to  
10                  discharge, from the Committee on Rules,  
11                  Assembly Bill Number 5804 and substitute it  
12                  for the identical Senate Bill Number 4801,  
13                  Third Reading Calendar 1319.

14                  THE PRESIDENT:       The substitution  
15                  is ordered.

16                  The Secretary will read.

17                  THE SECRETARY:       Calendar Number  
18                  1319, by Member of the Assembly Lifton,  
19                  Assembly Print Number 5804, an act to amend  
20                  the Election Law.

21                  THE PRESIDENT:       Read the last  
22                  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 PRESIDENT: Announce the  
3 results.

4 THE SECRETARY: Ayes, 62.

5 THE PRESIDENT: The bill is  
6 passed.

7 The chair recognizes Senator Smith.

8 SENATOR SMITH: Thank you very  
9 much, Mr. President.

10 And first, Mr. President, let me  
11 thank you for presiding over the first portion  
12 of this session that we are ending tonight.  
13 You have presided on the floor with the adroit  
14 ability that you always have. Your intellect,  
15 your ability to reason and recall continues to  
16 amaze many of us. And I want to congratulate  
17 you on your first session where you have  
18 presided over the Senate.

19 (Extended applause.)

20 THE PRESIDENT: The statements  
21 are not germane and are ruled out of order.

22 (Laughter.)

23 SENATOR SMITH: Let me also thank  
24 Senator Bruno, who in his consistent wisdom  
25 has done what he could and done all that he

1           could to move us to deal with the issues at  
2           hand as it relates to the people of this  
3           state.

4                       The Governor and his ability to  
5           move some agenda items which we did earlier in  
6           the year -- those of which, many of us know,  
7           some of which took close to 12 to 14 years.  
8           Workmen's comp was a big important issue for  
9           us, civil confinement, the anti-human  
10          trafficking, all of which were successes early  
11          on in our year, all of which were very  
12          important issues to us, all of which got done  
13          because of the time and effort that we all put  
14          in.

15                      I do want to thank my floor  
16          manager, Senator Tom Duane, for all that  
17          you've done this session. You've managed the  
18          floor very well. I know Senator Bruno at  
19          times felt as though there was need for  
20          intervention. But Senator Duane, as he always  
21          does, does very well.

22                      My deputy, Senator Jeff Klein, for  
23          his guidance and wisdom, his quiet counsel of  
24          myself at times on various issues.

25                      Our floor whips, Senator Kevin

1 Parker, Senator Toby Stavisky. They have  
2 always ran into the office: Which way are we  
3 voting, how do we corral the members? They  
4 did a great job, sweating most of the time. I  
5 think they lost a little bit of weight running  
6 back and forth between, but they've done a  
7 great job also.

8 To our floor counsel, Chrissy  
9 Dickinson, who I'm not sure how you managed to  
10 keep us all together, but she did a wonderful  
11 job.

12 To my general counsel, Shelley  
13 Mayer, who I know many of you saw her bouncing  
14 around like a little bullet. She moves around  
15 very quickly. Always very worried, always  
16 very concerned, but concerned about the  
17 people's business at hand.

18 To my chief of staff, Mortimer  
19 Lawrence, and my friend, Mortimer Lawrence.

20 And to all of my staff members who  
21 have taken the time to do so much, I want to  
22 thank all of you. I know many of you have  
23 families, and we put some long hours in this  
24 year. A lot of your families questioned why  
25 you were there, how much time are you going to

1 give back to us.

2 And I know we demanded, the members  
3 demanded, I demanded much of you. We want you  
4 to know that it did not go unnoticed. It  
5 doesn't mean you're getting raises, but it did  
6 not go unnoticed. You did very well, and we  
7 appreciate all that you did.

8 This was a unique session for us.  
9 Many of the members -- Senator Sabini; Senator  
10 Ruth Hassell-Thompson; Senator Gonzalez,  
11 Senator Stachowski, our finance chair; Senator  
12 Valesky; Senator Parker; Senator Breslin;  
13 Senator Savino; Senator Adams; Senator  
14 Schneiderman -- many of them were involved  
15 with the six-way meetings with the Governor,  
16 Senator Bruno, Speaker Silver, myself, and  
17 Assemblyman Tedisco.

18 Many of them put a lot of hours in,  
19 a lot of effort in, took the time to become  
20 expert on issues. The people of this state  
21 are thankful to each and every one of you. I  
22 am thankful to each and every one of you. You  
23 have allowed this conference, the Democratic  
24 conference, to show the leadership and the  
25 ability that it has to manage and run this

1 state, which we will do and we plan to do and  
2 we will do it very well. You have made people  
3 very proud of all that you have done.

4 I seen some unique things happen.  
5 I saw Senator Johnson introduce a divestment  
6 bill. I saw Senator Klein add to that idea.  
7 I saw Senator Bonacic put the bill on the  
8 floor today. I saw it be passed today. Which  
9 is a shining example of what happens when we  
10 work together, what happens when we confine  
11 ourselves to doing what we was elected to do,  
12 and that was to handle the people's business.

13 Staff for the Majority, appreciate  
14 all that you have done as well. While at  
15 times we are on different sides of the aisle,  
16 the bottom line is we are all focused on the  
17 same thing, and that is to get the job done  
18 for the people of this state so that they know  
19 that they can raise their families here, they  
20 can have their children go to school, they can  
21 be safe, and that you can continue to get your  
22 paycheck as well.

23 You've done a great job as well; I  
24 know Senator Bruno will also thank you.

25 We have some very interesting

1 initiatives that we took up this year --  
2 foreclosure crisis, subprime lending.  
3 Senators Klein, Krueger, Connor, Sampson  
4 pushed the issue very hard. Green Apple  
5 Initiative. Brownfields. Senator Breslin,  
6 Senator Johnson, Thompson, Perkins,  
7 Schneiderman. Members working very hard.  
8 Reproductive choice: Stewart-Cousins, Diane  
9 Savino. Our suburban caucus. Our suburban  
10 caucus: Senator Valesky, Senator Craig  
11 Johnson, Senator Suzi Oppenheimer, Senator  
12 Klein, who I'm still wondering how much  
13 suburban he is.

14 But we've done some very unique  
15 things this year. We also had some tough  
16 times. Recently on this floor we had to talk  
17 about Trooper Brinkerhoff. We had to talk  
18 about his family and what it meant to each and  
19 every one of us, what it meant to this  
20 particular body of Senators, of members, who  
21 had to explain to the people of this state  
22 that we are here to protect them and to serve  
23 them.

24 We have a tremendous amount of  
25 unfinished business that we need to handle

1 still, Mr. President. We have economic  
2 development issues that we have to deal with,  
3 tax relief issues, campaign finance issues,  
4 paid family leave issues we have not gotten  
5 to, Article X siting, healthy schools,  
6 judicial pay raise.

7 There are a number of issues that  
8 we still have to deal with, and that is why  
9 many of you heard me call for us to stay here  
10 and continue our work.

11 However, I will say to Senator  
12 Bruno, I thank you at least for accepting my  
13 recommendation and moving beyond 5 o'clock.  
14 We are now at 9:30. And at the rate we're  
15 going, perhaps we'll be here tomorrow. And I  
16 know many of you don't mind being here  
17 tomorrow. It's good to take care of our  
18 business. My conference, our members are  
19 ready to continue to work.

20 But I do know there comes a time  
21 when we have to move on. But however, I am  
22 looking forward to us returning. I don't  
23 consider this the end of session. I had some  
24 decent conversations with Senator Bruno, with  
25 the Governor, with the Speaker, and we've all

1       agreed that it is time for us to continue our  
2       work.

3                   So we will pause. We will pause  
4       for a moment, we will collect our thoughts, we  
5       will take a breather and begin to continue the  
6       dialogue. I do hope that when we come back on  
7       the 16th or the 23rd, at the call of the  
8       Majority Leader, that we will have taken the  
9       time to evaluate all the issues that are laid  
10      out before us and things that we still have to  
11      do.

12                   Our conference has made a  
13      commitment to what we consider a nine-to-five  
14      agenda. That is, making sure all the people  
15      that play by the rules, those that work very  
16      hard, have somebody who is prepared to speak  
17      up for them. Those who will go to that gas  
18      station and say \$4 for a gallon of gas is just  
19      much too much, we want to stand up for them.

20                   Those who say I can't afford to  
21      live in this state anymore because either I'm  
22      being taxed out or the fact that I can't  
23      afford a home -- we want to talk them as well.

24                   Those that say I can't send my  
25      child to a particular public school and get a

1       decent education, we want to speak up for  
2       them. We want to make sure that they know we  
3       understand their message, we received their  
4       message, and we are going to take care of  
5       their business when we come back.

6                       We are not finished. We are not  
7       finished. Yes, we've gotten a few things  
8       done, but there is a lot more we still have to  
9       do. The staff on both sides, those of you in  
10      the audience that have advocated for different  
11      issues, please do not leave these chambers  
12      today with a sense of unaccomplishment, with a  
13      sense that we have not done all the business  
14      you have asked us to do, because we will be  
15      back. We will do more. We will get more  
16      done. We will be back with the same  
17      commitment that we had before we got here in  
18      January.

19                      In closing, let me just say to my  
20      friend, to my Senate mentor -- and I say this  
21      publicly to many of you who do not understand  
22      the relationship that this young man and I  
23      have, Senator Bruno. He has been a friend to  
24      me, he has been a guiding light to me. He has  
25      educated me from time to time on certain

1 issues. He has even told me from time to time  
2 whether or not I should listen to Dean Skelos.

3 (Laughter.)

4 SENATOR SMITH: However --  
5 careful. Careful.

6 However, I say this with all due  
7 respect to all of you here, I understand,  
8 Senator Bruno, what this institution, the  
9 Senate, means to you. I understand that your  
10 soul is a part of this institution. And we  
11 are looking forward to being your partner and  
12 making sure that the people of this state  
13 remember and understand the significance of  
14 this institution.

15 This is one of the greatest bodies  
16 in this country. People around the country  
17 talk about the New York State Senate and how  
18 much esteem comes out of each and every one of  
19 our members. And I want to thank you for the  
20 aura that you have placed over this body. It  
21 is clear that it resonates not only through  
22 the state of New York but throughout this  
23 country.

24 And I want each and every one of  
25 you to know that as I travel the state,

1           whether we are on this side of the aisle or on  
2           that side of the aisle, what is most important  
3           to me is that people recognize that when a  
4           member of this body speaks, we are speaking on  
5           behalf of the people of this state. The  
6           19 million people need to know, irrespective  
7           of what we do in this chamber, that we have  
8           their best interests at heart.

9                         And that is why I want to thank you  
10           each for your cooperation during my first  
11           session as Minority leader. Don't know how  
12           long that will last. (Pause.) However, I  
13           want to thank each and every one of you for  
14           your friendship, for your counsel, for all  
15           that you've helped me with.

16                        To my members, to my family, to our  
17           team, I want to thank you as well. We've had  
18           our moments, our growing pains. But I think  
19           all in all this has been a tremendous session.  
20           We've moved some things. We've got more to  
21           do. And I look forward, Mr. President, coming  
22           back in a short period of time, when we can  
23           continue the business of the state.

24                        To the Governor, who I know will be  
25           listening, I thank you for all that you have

1 done this session. We look forward to working  
2 with you.

3 We have much more to do. We have  
4 not completed our calendar. We have not  
5 completed what we need to do for the people of  
6 this state to let them know we are open for  
7 business and that this is a place where you  
8 raise your family. But we will be back.

9 Thank you very much.

10 THE PRESIDENT: Thank you very  
11 much for those remarks, Senator Smith, and  
12 thank you for your service to the New York  
13 State Senate as Minority leader.

14 Now, for closing remarks, the  
15 Majority Leader of the Senate, serving his  
16 13th year, Senator Joseph Bruno.

17 SENATOR BRUNO: Thank you,  
18 Mr. President, Senator Smith, colleagues.

19 Senator Smith, in his diligence,  
20 was insisting that we work through tomorrow.  
21 And I really thought he was going to talk us  
22 through to tomorrow.

23 (Laughter.)

24 SENATOR BRUNO: But thank you for  
25 your kind observations, your great words. I

1 am proud of you that you are such a quick  
2 study.

3 And my conference was murmuring  
4 when you were being so complimentary to me --  
5 I got to tell you, it jeopardizes my  
6 leadership.

7 (Laughter.)

8 SENATOR BRUNO: But what you  
9 don't know is that Senator Smith spends a lot  
10 of time in my district, in the great county of  
11 Rensselaer. He is one of the locals now. And  
12 I'm always happy to know that we are  
13 comfortable, we are compatible, we are  
14 neighbors.

15 And so I thank him for his  
16 friendship and for the good job that he does  
17 as the Minority leader. He is extremely  
18 representative.

19 And when you question how long  
20 you'll hold the job, if we can help it, it  
21 will be forever.

22 (Laughter.)

23 SENATOR BRUNO: But,  
24 Mr. President, thank you. We've always  
25 enjoyed a great, great relationship, you as

1 leader here on the floor and now in your  
2 present position. Thank you for the good work  
3 that you do, and your diligence.

4 And I want to say thank you to so  
5 many people, we could literally be here  
6 through the night saying thank you. You look  
7 around the room, the people that contribute to  
8 all the good things that happen here on behalf  
9 of our constituency. It happens because of  
10 the hard work, the commitment of the people  
11 that are here.

12 I want to especially thank the  
13 Deputy Majority Leader, our floor leader here,  
14 Senator Skelos, who is here constantly and  
15 continually making things happen.

16 And, Dean, thank you for doing such  
17 an outstanding job and putting up with the  
18 likes of some of what we have to put up with  
19 generally.

20 Now, that was supposed to be funny,  
21 but you didn't hear me. And I was thinking of  
22 Tom Duane.

23 (Laughter.)

24 SENATOR BRUNO: And Tommy,  
25 Senator Libous, and Senator Trunzo, who are

1 all part of leadership, Senator Volker,  
2 Senator Padavan. Who else? All of the people  
3 that I see here. And I could mention each and  
4 every one of them by name.

5 Senator Johnson, our chair of  
6 Finance, who has committed a large portion of  
7 his life to doing the good work of his  
8 district and the people of this state.

9 And, Owen, thank you for friendship  
10 and for all the good things that you do.

11 And to all of the Senators, all the  
12 people that are in our conference, those of  
13 you here who really spend so much time, so  
14 much energy, so much that goes on in your  
15 lives, taking time away from your family to do  
16 the kinds of things that you do. And you do  
17 it just because you're committed to being in  
18 public service. So thank you, thanks for the  
19 support you give me as a partner.

20 And to all of our colleagues here,  
21 really on both sides of the aisle, when we are  
22 legislating, we differ, we debate, we come in  
23 different places sometimes. But you say it  
24 right when you say that we are in public  
25 service, and that means to all of the people

1 of this state.

2 And all of us want the very best  
3 things that we can enjoy for our mutual  
4 constituency. And people don't care whether  
5 they're Republican or Democrat or whatever  
6 party; what they want in this state from us is  
7 a quality of life. They want results.

8 And, you know, all of us together  
9 we started this session. And, Senator Smith,  
10 you recited a lot of what we did and you  
11 recited a lot of what we didn't do. And you  
12 recited it extremely well. And I'm not going  
13 to repeat it.

14 But if you think about the way we  
15 started this session, we really had momentum.  
16 We were doing so many great things on behalf  
17 of the people of this state. And you said it,  
18 with budget reform that we had worked on in  
19 this house for 12 years, with civil  
20 confinement that we had worked on for 10  
21 years. Ethics and lobby reform that we did in  
22 this house four or five years ago, something  
23 very, very similarly. Workers' comp, from the  
24 time we did the first bill, we tried to  
25 upgrade it and couldn't.

1                   We got all that done. We got it  
2 done within the first five or six weeks. So  
3 there was great, great promise here for all  
4 the good things. And how did we do those? We  
5 did them as partners, here in this chamber,  
6 with the Assembly, and with the Governor  
7 providing leadership and direction.

8                   Now, you know, it's sad, but we are  
9 ending the regular session tonight. It's  
10 June 21st. And it's kind of sad that when  
11 Senator Smith recited a litany of good work on  
12 behalf of the people of this state, those  
13 things are not being done. They're not being  
14 done. Why aren't they being done?

15                   We passed in this house almost  
16 everything that you mentioned -- from DNA to  
17 protect the innocent and to punish the guilty,  
18 the whole tax cut package to relieve people of  
19 the heavy burden that they bear in this state.  
20 Tax rebates for seniors that we deprived in  
21 the regular budget, \$200 million worth. And  
22 that's for lower-income seniors. Jobs,  
23 economic development, capital to fund. Death  
24 penalty for killing a peace officer. I mean,  
25 they're fair game, it seems, in this state.

1                   Why aren't we doing those things?  
2           Why? We did them in this house. Why didn't  
3           they make it through the Assembly? Where was  
4           the leadership of the Governor in these last  
5           few weeks and last month?

6                   We are where we are here tonight,  
7           and there's very, very important things for  
8           the people of this state that aren't getting  
9           done because this Governor obsessed about  
10          campaign finance reform.

11                  And what does that mean? What does  
12          that mean to people who are struggling to keep  
13          a child in college, praying that their  
14          children can find a job here when they finish  
15          their education, praying that they won't move  
16          to Carolina or Texas or Florida or California.

17                  Seniors who have to go into  
18          assisted living, nursing homes, because they  
19          can't stay in their homes because we are, by  
20          far, the highest-taxed people in properties in  
21          the whole United States. And we still,  
22          per capita, are the highest-taxed in the  
23          United States.

24                  Why can't we get that kind of  
25          relief? Why can't we? Because our Governor,

1       who is our leader here, our partner, who  
2       started this session with the momentum, doing  
3       a budget that returned a billion, 300 million  
4       dollars to the property taxpayers, set a  
5       record for education -- a billion-eight, a  
6       record, 21-plus-billion going into education.  
7       We fixed healthcare here in this house. We  
8       did a lot of these things.

9               Now, I don't take any pleasure in  
10       standing here with my colleagues saying that  
11       we have left a lot of the people's business  
12       undone. And Senator Smith, you are right.  
13       You recited many, many of the things -- and I  
14       have two pages worth that I'm not going to  
15       review.

16              But let me just share with you,  
17       we're still here, we're elected to serve  
18       through December 31st of '08. And we shall  
19       return. Senator Smith wanted to stay through  
20       the night and through tomorrow. How are you  
21       fixed for Monday? You all right? Okay, good.  
22       We will have to return, because we do have all  
23       of this unfinished business.

24              Now, what I'm saying really is  
25       intended to engage this Governor in a positive

1 way, not a negative way, to engage this  
2 Governor in what is really important on behalf  
3 of the people of this state.

4 And if you ask people about  
5 priorities -- do I want to be protected, do I  
6 want to be able to support my family, can I  
7 pay my taxes, can I pay my tuition -- that's  
8 what the people want from us. They want help.

9 And you go ask anybody out on the  
10 street, Do you know what the finance laws, the  
11 campaign finance laws are? When you get up in  
12 the morning, do you wonder if your Senator is  
13 going to pass a campaign finance reform bill?  
14 Is that how people go to sleep at night in  
15 this state and wake up in the morning? I  
16 don't think so.

17 Now, why can't a bright,  
18 articulate, intelligent chief executive  
19 understand that? I talked with him I don't  
20 know how many times today, talked with him  
21 this morning, talked with him yesterday,  
22 talked with him Monday. And each conversation  
23 almost began and ended with: You have to do  
24 campaign finance reform or nothing else  
25 happens. We don't fund jobs, we don't fund a

1 lot of the things that need to be funded, we  
2 don't do that.

3 And I said, We will try, but I  
4 don't believe we can get there. We couldn't  
5 get there in five months. How are we going to  
6 get there in a few hours or a few days?

7 Now, I'm sharing this with you  
8 because, Senator Smith, you were relating  
9 things we haven't done. And I am sharing with  
10 you that we've done them, most of them have  
11 been done in this house. And why aren't they  
12 done on behalf of the people of this state?  
13 Because people are preoccupied with one issue,  
14 campaign finance reform.

15 Now, I'm not going to go on and on  
16 and on. But what I have said is that is an  
17 issue that we will debate in any forum, any  
18 place, with this Governor at any time.  
19 Because we feel that freedom of expression and  
20 the freedom of speech is guaranteed by our  
21 Constitution, and that means that people can  
22 step up and support whomever they want as long  
23 as they do it in an accountable way with  
24 transparency.

25 That's what America is all about,

1 is freedom of expression. You ought to be  
2 able to support people you want to, work  
3 against and financially support people that  
4 you don't want to see, their opponents.  
5 That's what it's all about.

6 So we are going to return. We're  
7 going to try and do the congestion pricing for  
8 the city. We're going to try and get that  
9 done. Why? Because it's the right thing to  
10 do. Now, how do you do it? It's very  
11 troublesome, it's very difficult, like a lot  
12 of good things.

13 But I have to applaud this Mayor  
14 for his vision, for his creativity, for his  
15 leadership, for stepping up. And we do have a  
16 deadline that the feds, the Undersecretary of  
17 Transportation confirmed, of July 16th. This  
18 is a billion-one, billion-two. Five hundred  
19 million potentially can go to New York City if  
20 we do it right. And they're very interested  
21 in making that happen.

22 So I share these thoughts with you.  
23 And I have the privilege of having the last  
24 word. And I know there's some people there  
25 just dying to get up and answer me. But

1 please save it. Okay? And remember it. Make  
2 some notes. And we will have an opportunity  
3 to continue our discussion and our  
4 relationship.

5 I want to thank Mike Avella, our  
6 chief counsel; Jeff Lovell, our budget  
7 analyst; Steve Boggess, our Secretary to the  
8 Senate, everybody that has been involved.  
9 John McArdle, our director of communications.

10 And you know, when you look around,  
11 you start thanking people, you can go on  
12 indefinitely, but I thank you all. Because  
13 without you being here, many times days,  
14 nights, weekends, we just don't function. So  
15 I really, sincerely thank you.

16 Amy Leitch in my office, my  
17 executive assistant, and Smitty, who assists  
18 her. They're just here and they're just  
19 working and they just do whatever it takes.  
20 And everyone else that is here. And I just  
21 thank you for from the bottom of my heart.

22 And when Senator Smith talks about  
23 this being part of my life, you are right.  
24 What happens here in the Senate on behalf of  
25 the people -- and I understand the dynamic of

1       partnering. Believe me, I've committed --  
2       this is the 31st year of my life, my adult  
3       life with many of you here and many of you  
4       that weren't here when we started.

5               And I thank you. I thank you for  
6       being adversarial, I thank you for being  
7       productive, I thank you for being  
8       constructive. And I especially, especially  
9       thank my conference for bearing with me  
10      through trials and tribulations and being  
11      there and being supportive, and this great  
12      team that we have here and many others that  
13      can't be here.

14             Present intent will be to get back  
15      here sometime in July, to hopefully negotiate  
16      some of the things that are undone, and come  
17      back in a productive, constructive way.  
18      Partnering with the Governor, respecting his  
19      leadership, respecting our relationship here,  
20      and the Assembly, and recognizing that  
21      together we get a lot of great things done and  
22      apart we just don't make it happen.

23             So looking forward and looking  
24      upward and looking onward. I want you to be  
25      safe through this weekend until we get back

1 together. And we'll have good thoughts for  
2 each other, everybody.

3 And I am being reminded, by way of  
4 I may talk us past midnight -- but I will try  
5 not to -- and would ask that we recommit any  
6 of the bills that are outstanding and on the  
7 calendar to Rules.

8 And will suggest that there being  
9 no further business to come before the Senate,  
10 that we stand adjourned, subject to the call  
11 of the Majority Leader, and intervening days  
12 to be legislative days.

13 Thank you all, and God bless you.

14 (Extended applause.)

15 THE PRESIDENT: All outstanding  
16 bill are recommitted to the Rules Committee.

17 The Senate is adjourned subject to  
18 the call of the Majority Leader, all  
19 intervening days to be legislative.

20 Senate adjourned.

21 (Whereupon, at 10:01 p.m., the  
22 Senate adjourned.)

23

24

25