NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:07 p.m.

REGULAR SESSION

SENATOR ELIZABETH O'C. LITTLE, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT LITTLE: The Senate will come to order.

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

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

ACTING PRESIDENT LITTLE: The invocation today will be given by the Reverend Peter G. Young, of Mother Theresa Community in Albany.

REVEREND YOUNG: Thank you, Senator.

As we share the prayer today, I ask you to look above this podium at the stained glass window. It's the state seal that has been expressing "Excelsior" -- "ever upward." It is replacing the place of the crown in 1777. Lady Liberty, with a peasant cap representing democracy, has her left foot stepping on the crown, representing the rejection of royalty.

As citizens of the Empire State, we have been the leader with our constitution,

12 years before the federal Constitution.

As a national leader, You have given these Senators a great power and responsibility. Now may we pray that they will always work in Your image and in Your honor for all of our New York State citizens.

Amen.

ACTING PRESIDENT LITTLE: Thank you, Father Young.

Reading of the Journal.

THE SECRETARY: In Senate, Sunday, April 13, the Senate met pursuant to adjournment. The Journal of Saturday, April 12, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of my seatmate here, Senator Seward, on page 24 I offer the following amendments to Calendar Number 341, Senate Print 5775, and I ask that that bill retain its place on the Third Reading Calendar.

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

SENATOR FARLEY: Madam President, on behalf of Senator Bonacic, I have a motion to amend a bill which was recalled from the Assembly. And I wish to call up Senator Bonacic's bill, Print Number 6903. It's recalled from the Assembly, and it's now at your desk.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 522, by Senator Bonacic, Senate Print 6903, an

act to amend the Highway Law.

ACTING PRESIDENT LITTLE: Senator Farley.

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

ACTING PRESIDENT LITTLE: The Secretary will call the roll on reconsideration of the vote.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 32.

SENATOR FARLEY: Madam President, I now offer the following amendments.

ACTING PRESIDENT LITTLE: The amendments are received.

Senator Skelos.

SENATOR SKELOS: Madam President, I believe there's a substitution at the desk. If we could make it at this time.

ACTING PRESIDENT LITTLE: The Secretary will read the substitution.

THE SECRETARY: On page 29, Senator Alesi moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 9906 and

substitute it for the identical Senate Bill Number 6883, Third Reading Calendar 435.

ACTING PRESIDENT LITTLE: The substitution is ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, there's a resolution at the desk by Senator Maziarz, 5220. If we could have the title read and move for its immediate adoption.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: By Senator Maziarz, Legislative Resolution Number 5220, paying tribute to the New York State Alliance of Boys and Girls Clubs 2008 Youths of the Year.

ACTING PRESIDENT LITTLE: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

It's a great honor for me to stand today before my colleagues and recognize these outstanding young women and men from across New York State who are active in their local boys and girls clubs.

This celebration has been going on for over 75 years, and it recognizes outstanding youth who demonstrate leadership skills, academic success, and a willingness to serve their community.

Each year thousands of young people who are active in their local boys and girls clubs compete within their own organizations for Youth of the Year, and then they all gather here in Albany for two days. And out of all of these outstanding youth, the boys and girls clubs from across the state will recognize an outstanding young person across the entire state. That will be announced tomorrow at the luncheon in the Well of the LOB which you are all invited to.

And I just want to welcome them here today to Albany. I was very active in the Boys and Girls Clubs of the Tonawandas. And I often say, being one of nine children in the Maziarz family, if there was any organization that was more responsible for me getting elected to the New York State Senate at the age of 40, it was the Vandervoort Street Boys and Girls Club in the city of

North Tonawanda.

So congratulations to all of you. Congratulations on behalf of all of my colleagues from across the state.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Maziarz.

On the resolution, all those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Those opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The resolution is passed.

Congratulations, and thank you for being here.

Senator Skelos.

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

The Senate will stand at ease.

ACTING PRESIDENT LITTLE: Thank you. There's an immediate meeting of the

Rules Committee in the Majority Conference Room.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:14 p.m.)

(Whereupon, the Senate reconvened at 3:18 p.m.)

ACTING PRESIDENT LITTLE: Senator Skelos.

SENATOR SKELOS: Madam President, if we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT LITTLE: Thank you. The Secretary will read.

THE SECRETARY: Calendar Number 116, by Senator Nozzolio, Senate Print 327, an act to repeal paragraph (f) of subdivision 4 of Section 209 of the Civil Service Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 158, by Senator Volker, Senate Print 2337, an act to amend the Civil Practice Law and Rules, in relation to service of process.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 175, by Senator Larkin, Senate Print 645A, an act to amend the Lien Law, in relation to authorizing a lien.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 433, by Senator Padavan, Senate Print 5224, an act to amend the Alcoholic Beverage Control Law, in relation to form of notification.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 435, substituted earlier today by Member of the Assembly Schimminger, Assembly Print Number 9906, an act to amend Chapter 391 of the Laws of 2007.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 472, by Senator LaValle, Senate Print 864, an act to amend the Uniform Commercial Code, in relation to deeming goods.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number

616, by Senator Seward, Senate Print 5138A, an act to amend the Insurance Law, in relation to provisions.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 683, by Senator DeFrancisco, Senate Print 4037, an act to amend the New York City Civil Court Act, in relation to filing of commercial claims.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 684, by Senator DeFrancisco, Senate Print 4038, an act to amend the New York City Civil Court Act, in relation to filing of commercial claims.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 688, by Senator Seward --

SENATOR SKELOS: Lay it aside for the day, please.

ACTING PRESIDENT LITTLE: The bill is laid aside for the day.

THE SECRETARY: Calendar Number

700, by Senator Larkin, Senate Print 1236, an act to amend the Vehicle and Traffic Law, in relation to the age of driver's license photographs.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect one year after it shall have become law.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 702, by Senator Winner, Senate Print 3237, an act to amend the Highway Law, in relation to authorizing county highway superintendents.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 704, by Senator Lanza, Senate Print 3682, an act to amend the Highway Law, in relation to transferring certain land.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 710, by Senator LaValle, Senate Print 3659, an act to amend the Education Law, in relation to the practice of interior design.

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 9. This

act shall take effect one year after the date on which it shall have become law.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT LITTLE: The bill is passed.

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

SENATOR SKELOS: Thank you, Madam President. If we could return to reports of standing committees for the report of the Rules Committee.

ACTING PRESIDENT LITTLE: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 7521, by Senator Robach, an act to amend the Labor Law;

And Senate Print 7551, by Senator Skelos, an act to amend Chapter 20 of the Laws of 2006.

Both bills ordered direct to third reading.

ACTING PRESIDENT LITTLE: Senator Skelos.

SENATOR SKELOS: Madam President, move to accept the report of the Rules Committee.

ACTING PRESIDENT LITTLE: Thank you. All those in favor of accepting the Rules Committee report please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Those opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The Rules report is accepted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could take up the Rules Committee report at this time, noncontroversial.

ACTING PRESIDENT LITTLE: Thank you. The Secretary will read.

THE SECRETARY: Calendar Number 805, by Senator Robach, Senate Print --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT LITTLE: The bill is laid aside.

THE SECRETARY: Calendar Number 806, by Senator Skelos, Senate Print 7551, an act to amend Chapter 20 of the Laws of 2006, amending the Real Property Tax Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could take up Calendar Number 805, controversial.

If we could ring the bells first to get the members into the chamber.

ACTING PRESIDENT LITTLE: Thank

you. The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 805, by Senator Robach, Senate Print 7521, an act to amend the Labor Law.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT LITTLE: Thank you. Senator Robach, for an explanation.

SENATOR ROBACH: Yes, Madam President.

This bill is a bill to address a pay equity issue in the state, something I think that probably everyone would agree on.

What the two major components of this bill are is, one, a study to be done by an outside agency -- not self-patrolling by the businesses themselves, if you will, but the Labor Department -- to quantify, review, look at where we're at on that, the first major component.

And then the second component, maybe equally as important, if not more important, is to increase the penalties for something that shouldn't be going on at any

level or any percentage, whether we're one, two, three, or four. Whether New York has a good performance on pay equity compared to other issues is really inconsequential.

To do all we can to stamp it out, send a clear message that in this state gender, any other reason, should not dictate pay, we are increasing both the civil penalties -- doubling them, as a matter of fact -- for those violators right now today, and also increasing the criminal penalties as well, even greater than doubling them, raising them from $1,000 up to $20,000 in, again, an attempt to set the record straight, do what we can on a pay equity issue.

And the only other thing that I would add is this is something that's been talked about for some time and, having the privilege of being the new Labor chair, I said that I would try to address. I think this bill goes to that in both a direct and beneficial manner for the working people of New York State.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank

you.

Senator C. Johnson.

SENATOR CRAIG JOHNSON: Thank you, Madam President. Will Senator Robach yield for a question.

SENATOR ROBACH: I certainly will.

ACTING PRESIDENT LITTLE: Thank you. Senator Robach yields.

SENATOR CRAIG JOHNSON: Thank you very much, Madam President. Through you.

Senator Robach, when did you introduce this piece of legislation?

SENATOR ROBACH: I don't know the exact date, Senator Johnson. Fairly recently.

As I said in my opening remarks, while this has been something that has been critically important to me in my career, and a lot of other labor issues, as the newly appointed chairman of the Labor Committee I'm trying to take a more aggressive role in regard to this issue as well as many others.

SENATOR CRAIG JOHNSON: Thank you. Will the Senator continue to yield for a question.

SENATOR ROBACH: Certainly.

ACTING PRESIDENT LITTLE: Thank you. Senator Robach continues to yield, Senator Johnson.

SENATOR CRAIG JOHNSON: Thank you.

For the record, to my understanding, I have a copy of the legislation that was presented before us. The introduction date or the date of the bill is April 9, 2008.

And I congratulate you on your appointment to chairman of the Labor Committee.

Before you introduced this piece of legislation, have you introduced any other legislation in connection with pay equity issues?

SENATOR ROBACH: This is the bill I've introduced that I think would address the issue most beneficially. This is it.

SENATOR CRAIG JOHNSON: Okay, Thank you.

SENATOR ROBACH: You have it.

SENATOR CRAIG JOHNSON: Thank

you.

Madam President, will Senator Robach continue to yield for a question.

ACTING PRESIDENT LITTLE: Thank you. Senator Robach, do you continue to yield?

SENATOR ROBACH: I will.

ACTING PRESIDENT LITTLE: Senator Robach continues to yield.

SENATOR CRAIG JOHNSON: Thank you, Madam President.

And as chairman of the Labor Committee, you are aware or are made aware by your counsel of other bills that are referred to your committee by Senators, whether they are Majority Senators or Minority Senators?

SENATOR ROBACH: Yes, that's true. Probably representing thousands of bills that are introduced each year by our collective colleagues. That's true.

SENATOR CRAIG JOHNSON: Will the Senator continue to yield for a question.

ACTING PRESIDENT LITTLE: Thank you. Senator Robach, do you continue to yield?

SENATOR ROBACH: Certainly.

ACTING PRESIDENT LITTLE: Thank you. Senator Robach continues to yield, Senator Johnson.

SENATOR CRAIG JOHNSON: Thank you, Senator Robach.

I would love, actually, to get the list of the thousands of bills that are referred to the Senate Labor Committee, to your committee, because obviously it sounds like a lot. But I'll ask you about one particular bill.

SENATOR ROBACH: I didn't say referred. I thought you said introduced, excuse me.

SENATOR CRAIG JOHNSON: Referred. Referred.

But I will go to a bill that has been referred to your committee. It's Senate Number 3936, sponsored actually by myself. Are you aware of that bill, which is entitled the New York State Fair Pay Act?

SENATOR ROBACH: Yes.

SENATOR CRAIG JOHNSON: Madam President, will the Senator continue to yield

for a question.

ACTING PRESIDENT LITTLE: Thank you. Senator Robach, do you continue to yield?

SENATOR ROBACH: I do.

ACTING PRESIDENT LITTLE: Thank you. The Senator yields.

SENATOR CRAIG JOHNSON: Thank you.

And are you aware, Senator Robach, that that piece of legislation was introduced in the Senate on March 20, 2007, and then immediately referred to the Labor Committee?

SENATOR ROBACH: Senator Johnson, let me say this. I'm happy for whatever your work is. The bill before us is this one. I felt this was the best way to address the issue.

Again, I do look at a lot of the bills that are there. At the end of the day, what I have to come up with on behalf of my constituents, groups across the state I've talked to, working men and women in my district -- which I will admit to you publicly, sometimes I give top preference

to -- I then determine what's the best way to address this issue.

Clearly -- I'll say it again as I did in the opening remarks -- I think that outside agencies, not businesses self-policing, is a better way to go. And I think you have to put real teeth into it, with some real consequences for those people even today who are not following existing law and rules. That's what I've attempted to do.

That's the bill we're on. I noticed that most of your colleagues have supported it in committee, as well as the AFL-CIO and many other organizations. Hopefully we'll get this passed.

Assemblywoman Mayersohn, a champion for infants, children and others, is putting this in in the Assembly. I did not stick to party affiliation; I did this in a bipartisan way to try and get the best result, get a bill passed we can get to the Governor to address this important issue. That's simply what I tried to do.

ACTING PRESIDENT LITTLE: Thank you. Could we have it a little quieter in the

chamber, please, so the speakers can be heard.

Thank you. Senator Johnson.

SENATOR CRAIG JOHNSON: Thank you, Madam President. Will Senator Robach yield for a question.

SENATOR ROBACH: I will.

ACTING PRESIDENT LITTLE: Senator Robach continues to yield.

SENATOR CRAIG JOHNSON: Thank you, Senator Robach. Just trying to get more of a procedural understanding here.

As I indicated on March 20, 2007, my New York State Fair Pay Act was referred to your committee. It was rereferred on January 9th. Are you aware that on April 3, 2008, we filed a -- Minority counsel filed a notice of motion to petition to discharge this bill on April 3, 2008, six days before you -- five days or, I'm sorry, six days before you actually introduced this piece of legislation?

SENATOR ROBACH: I reluctantly -- I don't want to hurt your feelings. I wasn't aware of that.

Again, I operate as openly and publicly as I can. You know, my goal is to

get a result. That's what I'm trying to do -- not even get credit specifically for myself, trying to get the best bill out there. That's what it's about for me.

ACTING PRESIDENT LITTLE: Thank you. Senator Johnson.

SENATOR CRAIG JOHNSON: Madam President, will Senator Robach continue to yield for a question.

ACTING PRESIDENT LITTLE: Thank you. Senator Robach, do you continue to yield?

SENATOR ROBACH: I do if there's a question that's germane to this bill, not somebody else's bill or some other different issue.

Because in all due respect to your colleagues on that side of the aisle, and mine, I'm happy to answer any question that has to do with this bill. I'd love to. If it's not, perhaps we could talk afterwards on what credit you're getting or not getting.

ACTING PRESIDENT LITTLE: Thank you. Senator Johnson, Senator Robach will continue to yield for questions on this bill

that is before us at the present time.

SENATOR CRAIG JOHNSON: Sure. On this bill.

What's the rush for this bill? Why move it quickly today through your Labor Committee and then immediately through Rules and bring it on the calendar today, when on April 3rd you were told -- or the Labor Committee and your counsel, I'm sure, realized that a note of petition was put on the calendar to petition a bill -- actually, my bill -- for tomorrow? So what's the rush today to put your study bill on?

SENATOR ROBACH: You know why? Because my mother taught me many years ago why put off what you can today.

And that's why we're doing it, because it's an important issue -- I don't mean to make light of it -- for the men and women of New York. And I've worked with a lot of groups who have now come and been focused on this issue, and we're really trying to be responsive and, again, get a result, get something we can get passed through both houses that will address the issue in the best

way I know how.

Hopefully you and my colleagues will agree with that and vote for it at the end of the day.

ACTING PRESIDENT LITTLE: Thank you. Senator Johnson.

SENATOR CRAIG JOHNSON: Yes, Madam President. Will Senator Robach continue to yield for a question.

SENATOR ROBACH: Sure.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR CRAIG JOHNSON: Thank you. Senator Robach, a question on the bill, which I'm sure you want to have.

SENATOR ROBACH: I do.

SENATOR CRAIG JOHNSON: You referenced that the bill is to address, first component -- I'm talking about the civil penalty portion -- the civil penalties it talks about, it raises. And you've amended it from $500 to $1,000 as a penalty on an employer.

And it goes, on line 4 of the bill: "employees or shall differentiate in rate of

pay, because of sex." And then it goes on "as provided in this article, shall forfeit to the people."

Why didn't you include language such as national origin and/or race? Under your legislation, would your legislation fine a business that discriminates in terms of wages because of somebody's status as a minority or because of their national origin?

SENATOR ROBACH: Good question. All's we did was taking the existing language in New York and increase the penalty. Good point. That doesn't mean at some time we couldn't expand that further.

But what we did was focus on existing law, increasing the penalties. Which again I think is a good step in the right direction.

SENATOR CRAIG JOHNSON: Madam President, will Senator Robach continue to yield for a question?

ACTING PRESIDENT LITTLE: Thank you. Senator Robach, do you continue to yield?

SENATOR ROBACH: I will.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR CRAIG JOHNSON: Thank you. I think that's why we shouldn't rush this process. The legislation, of course, that I have -- and we'll talk about it at length tomorrow, or at least what I'm permitted to talk about -- addresses these issues. By rushing it through, we forgot a particular component.

So maybe the better course of action is to pull this out, pull back the bill and start addressing these particular things so something like this particular provision, just talking about the civil penalty provision, can be addressed appropriately.

But for my next questions I want to refer now, I guess, to the underlying focus.

SENATOR ROBACH: I didn't get that. What was the first question?

SENATOR CRAIG JOHNSON: No, I'm getting to the question. I'm referencing what you said, Senator Robach. Thank you.

But I'm getting now to the point of, I guess, the crux of your bill, which is

to commission, I guess, a study. Is that correct?

SENATOR ROBACH: Department of Labor to research and study, correct. The last one wasn't done except in 1985. To not only out people and find them, who they might be, along with any other government entity, but also to be able to quantify where we're at and the scope of the issue, correct.

SENATOR CRAIG JOHNSON: Will the Senator continue to yield for a question.

ACTING PRESIDENT LITTLE: Senator Robach, will you continue to yield?

SENATOR ROBACH: I will.

ACTING PRESIDENT LITTLE: The Senator does continue to yield.

SENATOR CRAIG JOHNSON: Thank you so much.

Senator Robach, are you aware of any of the results of that study?

SENATOR ROBACH: I am. I have it right here.

There's actually two studies that were kind of germane that covered the country, one in New York and one done in California.

Which I guess I'll give you the good news and bad news. Obviously, for an issue like this, we'd like to have findings that have no discrimination of any kind. But the good news is compared to the other 50 states, I believe we were number four in compliance with not discriminating against people in the workplace on the pay equity issue. Which overall, I guess, was surprising to some people.

SENATOR CRAIG JOHNSON: Would the Senator continue to yield for a question.

ACTING PRESIDENT LITTLE: Thank you. Senator Robach, will you continue to yield?

SENATOR ROBACH: I will.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR CRAIG JOHNSON: Thank you.

Are you aware, Senator Robach, though, that notwithstanding those studies there's nothing in the law that mandates state, counties, cities, school districts to actually provide for pay equity in line with the results from that study?

Meaning a study came out, but it has no teeth. If I choose not to abide by that study, there's no consequence.

SENATOR ROBACH: Well, actually, I think -- well, I would answer it in two ways.

I think part of what you're saying is inaccurate. Certainly when it comes to county government, state government, anything covered by civil service, we have pay equity by title regardless of someone's origin, sexual orientation, currently under the law in those pay brackets. So it wouldn't apply to government.

I think in the private sector, it's been harder to quantify. And our study absolutely incorporates the Department of Labor to look at the entire scope as well as work in collaboration with the AG or anybody else we can, to make sure those fines are given out to anyone who wouldn't be in compliance.

Again, this goes a long way to improving where we're at, where we're going to, more -- regardless of any study, I guess

is the point I'm trying to make.

ACTING PRESIDENT LITTLE: Thank you. Senator Johnson --

SENATOR ROBACH: I'm aware of those things, but again, this is more -- maybe this will answer all your questions.

The reason for this bill, the timing, everything else, is twofold. One, need. One, I believe it is a very good piece of legislation. And, three, it really is relevant. I made a pledge to people in groups --

ACTING PRESIDENT LITTLE: Senator Skelos -- excuse me, Senator Robach.

Senator Skelos.

SENATOR SKELOS: Madam President, if I could just rise for a moment, it's my understanding that a staff individual is filming the debate from the floor.

I would suggest to the entire Senate that that's inappropriate to be conducted from the Senate floor. One of Senator Smith's staff people. So I would suggest that stop and that we do not do that.

SENATOR ROBACH: Actually,

Senator Skelos, let me fix my tie if they're filming. I would like to look good. And then let me finish.

This really is just about me trying to challenge whatever system there is to get a result, obviously working with everyone. But I have been out speaking about this issue long before you were in the Senate, long before a lot of other things. Again, trying to live up to that pledge, get something done. My policy has always been when you have something good, the quicker you can get it done the better.

I've been very proud of a very results-oriented time here in the Senate in my six years. That will not stop, regardless of your opinion on the bill, whatever else you've done. Or anybody else's, for that matter. So don't take it personally. This is just to try and get the bill done.

ACTING PRESIDENT LITTLE: Thank you. Senator Johnson.

SENATOR CRAIG JOHNSON: Madam President, will Senator Robach continue to yield for a question.

SENATOR ROBACH: Sure.

ACTING PRESIDENT LITTLE: Senator Robach continues to yield.

SENATOR CRAIG JOHNSON: I take no offense whatsoever. I think it's important, it's healthy -- I think it's healthy for us to debate. Because as you clearly know and as my colleagues know, I am a strong supporter of pay equity, given the fact that I am the sponsor of the New York State law that would require, statutorily require employers to provide pay equity.

And your bill is what I'll just call a study bill. Besides the civil component of the penalties, it's a study bill.

SENATOR ROBACH: And criminal penalties.

SENATOR CRAIG JOHNSON: And criminal penalties. I stand corrected. Criminal penalties, of course.

I raise the issue about the effectiveness of a study because in my study, so to speak, I had the privilege of reading from Lois Haignere, who actually did the research behind the New York State comparable-worth study that was done in 1985.

And what she noted was while certainly, when it came to -- there were certain good worth adjustments when it came to particular titles, the fact is, according to her -- and she is an expert -- many counties, cities and school districts did not make the adjustments based on the report and have not done so since 1987.

And so my concern is is that, you know, a report, while it sounds important, doesn't bring relief now.

Now to my question, because I'm required to pose a question. You cite, I believe, in the memo in support two studies. Is that correct?

SENATOR ROBACH: Mm-hmm.

SENATOR CRAIG JOHNSON: I'm sorry, I didn't hear the answer.

SENATOR ROBACH: Yes, I'm sorry.

SENATOR CRAIG JOHNSON: Madam President, will Senator Robach continue to yield for a question.

ACTING PRESIDENT LITTLE: Thank you. Senator Robach, do you continue to yield?

SENATOR ROBACH: I will.

ACTING PRESIDENT LITTLE: Senator Robach continues to yield.

SENATOR CRAIG JOHNSON: Thank you.

Senator Robach, are you aware that the United States Department of Labor, since 2003, the federal Department of Labor has conducted -- let's see -- one, two, three separate studies on pay equity, the most recent being May 2007?

SENATOR ROBACH: I've had some dialogue with staff on that.

SENATOR CRAIG JOHNSON: Will the Senator continue to yield for a question.

ACTING PRESIDENT LITTLE: Yes, Senator Robach, do you continue to yield?

SENATOR ROBACH: I will.

ACTING PRESIDENT LITTLE: The Senator continues to yield, Senator Johnson.

SENATOR CRAIG JOHNSON: Thank you.

And what was the result of that dialogue? How did they convince you that another study by our state was required when Elaine Chao, Secretary of Labor, has authored

a very comprehensive, hundreds-of-pages study already on this particular issue?

SENATOR ROBACH: I think that -- you call it a study, I would call it a study and review.

I think this would be specific for New York State, which would not only quantify data but also simultaneously maybe will fine offenders, apply the increased fines that this bill will do, that I assume you're going to vote for, and really be a multitrack way again to address the pay equity issue.

So I think you're underestimating what I'm saying should be done by the Department of Labor. Many people have made different suggestions to me. Some people thought it should be self-policed. I don't think that would work. I think we need a comprehensive study done by an outside agency, a government agency, our Department of Labor, in conjunction with the AG when there's an issue, to really go to hopefully what is a small percentage of people who may be violating this as employers.

ACTING PRESIDENT LITTLE: Senator

Johnson.

SENATOR CRAIG JOHNSON: Thank you. Will Senator Robach continue to yield for a question?

SENATOR ROBACH: I will.

ACTING PRESIDENT LITTLE: Thank you. The Senator continues to yield.

SENATOR CRAIG JOHNSON: Thank you, Senator Robach. I appreciate that.

So I'm assuming that in addition to these two extensive studies done by the U.S. Department of Labor, I would assume that the Department of Labor will also then look at the Department of Commerce's findings in 2004 that detailed the earnings by occupation for men and women. Or the study by the Institute of Women's Policy Research, 2004, "Still a Man's Labor Market: A Long-Term Earnings Gap." Another study done in 2005 by the AAUP, which stands for the American Association of University Professors, entitled "Gains in Learning, Gaps in Earning." A study in 2006 by the AAUP, "Faculty Gender Equity Indicators." Institute for Women's Policy Research, another outside institute. A

briefing paper, "The Best and Worst State Economies for Women."

How about this one, the National Committee for Pay Equity, which updates their research every year, which sets forth the wage gap in New York State. How about the AAUW, which says "Behind the Pay Gap," a study done in 2004. How about this -- oh, another U.S. Department of Labor --

ACTING PRESIDENT LITTLE: Senator Johnson, do you have a question?

SENATOR CRAIG JOHNSON: I do. But I want to get through my question.

And the U.S. Department of Labor, "Highlights of Women's Earnings in 2006."

Senator Robach, my question is study after study after study after study after study -- why not introduce a bill right now to make it statutorily prohibited to ban the discrimination of pay between women and men? Why another study bill?

SENATOR ROBACH: Well, I think that my goal is obviously to outlaw, increase the penalties. It's already on the books as something that you cannot do, aren't supposed

to do. This increases the penalties for what already exists and would have an outside organization rather than an internal one, specifically for New York, quantify that data, turn that information over to the right authorities to do all possible to stop the practice.

Again, I think this is a very appropriate way to approach it. The AFL-CIO supports it. Many of the groups you've cited in your studies, I've also met with at least local chapters and they support it as well.

I think you want to underestimate and call this a simple study to quantify the data with no other follow steps. This is not accurate. We're not reinventing the wheel here, we're quantifying the data and requesting that it be turned over to the right people, coupled with the second part of the bill on civil and criminal penalties for those that violate it.

SENATOR CRAIG JOHNSON: Madam President, will Senator Robach continue to yield for a question.

ACTING PRESIDENT LITTLE: Thank

you. Senator Robach, do you continue to yield to Senator Johnson?

SENATOR ROBACH: I will.

ACTING PRESIDENT LITTLE: Yes, the Senator continues to yield.

SENATOR CRAIG JOHNSON: Thank you, Senator Robach.

When did you meet with the Business Council, the AFL-CIO and these other various groups to discuss your piece of legislation?

SENATOR ROBACH: I meet with them regularly on an ongoing basis. That has just been a regular occurrence for me.

And oftentimes, rather than tell them what I want, I listen to what they're after and then try to put it into bill form when needed. That's exactly what occurred with this piece of legislation right here, Senate Bill 7521.

ACTING PRESIDENT LITTLE: Thank you. Senator Johnson.

SENATOR CRAIG JOHNSON: Madam President, will Senator Robach continue to yield for a question?

ACTING PRESIDENT LITTLE: Thank

you. Senator Robach --

SENATOR ROBACH: I'll take one more question.

ACTING PRESIDENT LITTLE: Senator Robach will continue to yield for one more question.

SENATOR CRAIG JOHNSON: I'd better make it a big doozy, then.

Senator Robach, if all these entities support your legislation -- the Business Council, the New York State AFL-CIO -- where are their -- I don't have in front of me, and unless somebody can provide it, where are the memorandums in support for this piece of legislation?

Because usually when they do support it -- and I trust you, Senator Robach, you are --

SENATOR ROBACH: You can take it to the bank, Senator Johnson.

SENATOR CRAIG JOHNSON: But I don't see any memorandums in support, and I'd like to see them. Because I'd like to have them.

SENATOR ROBACH: Well, I can't

speak for everybody. I have one in front of me. If you'd like me to, I'll be happy to read it to you.

SENATOR CRAIG JOHNSON: I'd love to see it.

SENATOR ROBACH: Okay. Well, it says --

SENATOR CRAIG JOHNSON: I'd love to see it.

SENATOR ROBACH: I'm going to read it to you.

"The New York State AFL-CIO, representing over 2.5 million union men and women, their families and retirees, has the following position on a bill considered by the State Senate Labor Committee, 7251, Robach: Support. For further information, contact Ed Donnelly." Feel free.

Again, this -- you know, and I don't mean to sound -- this has a lot of great things in it. I think you're trying to cast -- which you're entitled to your opinion -- aspersions on that this has been done in a vacuum or a closet. That's just inaccurate.

And I think the record, my dialogue, the dialogue with other colleagues on your side and my side of the aisle on this issue would indicate that.

And while we're all entitled to our opinion, no one member has carte blanche or the only one that can deal with an issue in our house. That's one of the great things about our democracy.

ACTING PRESIDENT LITTLE: Senator --

SENATOR CRAIG JOHNSON: Will Senator Robach continue to yield for a question?

SENATOR ROBACH: I've already done it.

ACTING PRESIDENT LITTLE: Senator Robach will not continue to yield for a question.

Senator Johnson.

SENATOR CRAIG JOHNSON: I will speak on the bill.

ACTING PRESIDENT LITTLE: Thank you. Senator Johnson, on the bill.

SENATOR CRAIG JOHNSON: Thank you

very much.

And I thank Senator Robach for, I believe, a very hearty debate. And I don't know if necessarily it was a debate, because at least from my point of view, or from what I believe, I support pay equity in this state.

There is no excuse why equal pay is not being paid for equal work. And 40 years after the Equal Pay Act, women are still being paid 77 percent of what their male counterparts make. And how do I know that? Because the studies tell me. New York State Department of Labor, outside agency, labor experts, done under a Republican administration, say it. U.S. State Department of Commerce. Assorted outside groups all say it.

This fact is just plain unacceptable in New York and anywhere else. We have to hold businesses accountable for paying their employees fairly. We unfortunately live in a world where legislation requiring New York State to provide equal pay is not only necessary but vital to the many working families in New York

State, especially in families where women are the head of the household.

Now, I have reviewed Senator Robach's legislation. I have to say I'm dismayed that it was clearly put in after a rally by supporters of pay equity which was held on April 2nd, after a notice of petition was filed to petition the Senate to bring my pay equity bill onto the floor and was introduced on April 9th, and only today were we told --

ACTING PRESIDENT LITTLE: Senator Maziarz, why do you rise?

SENATOR MAZIARZ: Thank you, Madam President. Excuse me, Senator.

Would Senator Johnson yield for a question?

ACTING PRESIDENT LITTLE: Thank you. Senator Johnson, do you yield for a question?

SENATOR CRAIG JOHNSON: I will yield for my friend Senator Maziarz.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR MAZIARZ: Thank you very

much, Senator.

My question is this. You know, we've crossed a line here today. You know, we've -- thanks to Senator Craig Johnson. You know, there's a time when -- we're all elected officials, and we all play politics. But here on the Senate floor, you know, that doesn't happen very often that we take --

SENATOR CRAIG JOHNSON: Madam President, what's the question?

ACTING PRESIDENT LITTLE: I believe the Senator is framing his question.

SENATOR CRAIG JOHNSON: Ah.

SENATOR MAZIARZ: Yes, I'm framing my question, just as you did, Senator, in much more time than it's going to take me to frame mine.

We've crossed a line here when we take cheap political shots directly at another member. And once those lines are crossed, it's very hard, very hard, to ever go back.

Don't make the New York State Senate the county legislature or the New York State Assembly. It demeans all of us.

SENATOR DUANE: Madam President,

I really --

SENATOR MAZIARZ: My question is this, Madam President --

ACTING PRESIDENT LITTLE: Thank you. Senator Duane, why do you rise?

SENATOR MAZIARZ: My question is this. I chaired the Senate --

SENATOR DUANE: I just want to make sure --

ACTING PRESIDENT LITTLE: Senator Maziarz, just a moment, please.

SENATOR MAZIARZ: Madam President, I'm sorry, who do you recognize?

ACTING PRESIDENT LITTLE: I'm recognizing Senator Duane, who just stood up.

SENATOR DUANE: Thank you, Madam President. It sounds as if the Senator --

ACTING PRESIDENT LITTLE: Do you have a question, Senator Duane?

SENATOR DUANE: -- is getting to his question.

ACTING PRESIDENT LITTLE: Thank you. I'm sure he is.

SENATOR MAZIARZ: My question is this. I served, up until approximately

30 days ago, as chairman of the Senate Labor Committee for every day Senator Craig Johnson has been a member of this Senate.

My question to Senator Johnson is, Senator Craig Johnson is, did you ever once call me, as chairman of the Senate Labor Committee, and tell me how important this bill was to you?

ACTING PRESIDENT LITTLE: Senator Johnson.

SENATOR CRAIG JOHNSON: Thank you. First I would say that -- and I thank you for your question, Senator Maziarz.

SENATOR MAZIARZ: You're welcome.

SENATOR CRAIG JOHNSON: But I will say this. I actually led my county legislature to actually pass a pay equity piece of legislation which --

SENATOR MAZIARZ: Would you answer the question, Senator? I take it the answer is no.

SENATOR CRAIG JOHNSON: I'm framing the question, Senator Maziarz.

SENATOR MAZIARZ: Your answer is no.

ACTING PRESIDENT LITTLE: Excuse me. Senator Johnson, point of order. Would you answer the question? Senator Johnson --

SENATOR CRAIG JOHNSON: You don't get to say yes or no, Senator Maziarz. I get to answer my question --

ACTING PRESIDENT LITTLE: Senator Johnson, you're out of order.

Senator Duane --

SENATOR MAZIARZ: Senator Johnson, did you ever call me --

ACTING PRESIDENT LITTLE: Gentlemen, please.

SENATOR DUANE: Point of order, Madam President.

ACTING PRESIDENT LITTLE: Point of order. Senator Duane.

SENATOR DUANE: Madam President, in the Senator's question to Senator Johnson, the issue of a county legislative process was raised. So obviously the response would necessitate a response including a reference to the county legislature. If it is germane for one Senator, it is germane for another Senator.

Thank you, Madam President. I hope that you'll let the Senator continue answering the question.

ACTING PRESIDENT LITTLE: Thank you, Senator.

Senator Johnson, to respond to Senator Maziarz's question.

SENATOR CRAIG JOHNSON: Thank you.

Which included my, I believe, excellent seven years in the Nassau County legislature. The fact is, as a member of the county legislature -- and for history of my colleagues who are here, I actually led the effort to pass pay equity legislation in the Niagara County legislature. So I think that's very important.

But to answer Senator Maziarz's question, which, by the way, I have -- and I understand that the rules don't require a yes-or-no-type answer, it requires an answer. I filled out the request form with the committee, which it's my understanding is the process.

So, Senator Maziarz, to answer you

directly, did I pick up the phone and call you? I'm sorry, but I did not.

ACTING PRESIDENT LITTLE: Thank you.

SENATOR MAZIARZ: Senator, the next question is, did you ever ask to meet with me to talk about this very important topic to you?

ACTING PRESIDENT LITTLE: Excuse me. Please address your questions through the chair.

Senator Maziarz.

SENATOR MAZIARZ: I was addressing you, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

SENATOR MAZIARZ: Would Senator Johnson yield for another question.

ACTING PRESIDENT LITTLE: Senator Johnson, do you yield for a question?

SENATOR CRAIG JOHNSON: No, I will not. I will continue to explain my -- continue to talk on the bill.

ACTING PRESIDENT LITTLE: Thank you. The Senator refuses to yield to the

question.

SENATOR CRAIG JOHNSON: Thank you.

ACTING PRESIDENT LITTLE: Senator Johnson, to continue to explain his vote.

SENATOR CRAIG JOHNSON: Thank you very much. And I apologize for --

ACTING PRESIDENT LITTLE: Excuse me. Senator Johnson, on the bill.

SENATOR CRAIG JOHNSON: I'm on the bill. Thank you very much.

Before that short interruption, what I was going to talk about was the fact that I find it incredibly ironic that a bill introduced on April 9th is put quickly before this Senate body -- which, by the way, in questioning pointed out there are some flaws to it. Doesn't make it a bad bill, ladies and gentlemen, members, my colleagues. It just points out the rushed nature of this process.

But what's important here is how we address this issue. I think the best way to do it is to finally take that stand and to pass legislation that will make it an unlawful employment practice for an employer to

discriminate between employees on the basis of sex, race, and national origin by paying different wages.

Right now my colleague believes that his procedure of having another study done is better. I don't have a problem doing a study. Why not? Because we know what the result will be. It will be the results that everyone else has been saying.

So, I tell my colleagues, vote for a study bill. It's due May of 2009. I'll tell you, and I'll tell Senator Robach privately, I know what the result is going to be. The big question is going to be is when we get that result. And if we have not passed pay equity legislation by then, I hope that if Senator Robach and his colleagues are in the majority that they'll pass pay equity legislation then. But their first chance to do so will be tomorrow.

So my colleagues, members of the Democratic conference, I urge you to support this bill. I urge you to support it because it will tell you what we already know, and maybe that isn't a bad thing. But the fact

is, is that we need pay equity. We need pay equity now.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Johnson.

Is there any other Senator wishing to be heard?

Thank you. Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. Will Senator Maziarz rise for a question?

ACTING PRESIDENT LITTLE: Thank you. Senator Maziarz, will you respond to a question?

SENATOR MAZIARZ: Yes.

ACTING PRESIDENT LITTLE: Thank you. The Senator responds.

SENATOR LIZ KRUEGER: Thank you --

SENATOR MAZIARZ: Senator, unlike some of my colleagues, I would be more than happy to respond to a question from you.

SENATOR LIZ KRUEGER: Thank you so much. Well, you reference --

SENATOR MAZIARZ: I think it

would be insulting not to, by the way.

SENATOR LIZ KRUEGER: Thank you.

You referenced in your statement earlier that up until about 30 days ago you were the chair of the Labor Committee.

SENATOR MAZIARZ: Yes.

SENATOR LIZ KRUEGER: And certainly the issue of inequity in pay between men and women is not in debate in this country. The statistics are clear, as my colleague Senator Craig Johnson just laid out.

When you were the chair of the Labor Committee, did you ever move any pay equity bills through committee for discussion or debate or hearing?

SENATOR MAZIARZ: No. Actually because the sponsor, Senator Johnson, never contacted me once about it. Never attended, never came to one Labor Committee meeting about it, Senator Krueger. Never sent me a message, never talked to me on the floor of this house, never talked to me -- you know, we all tend to hang around here by the telephones in the lounge. Never once did Senator Craig Johnson mention this issue to me.

SENATOR LIZ KRUEGER: Madam President --

SENATOR MAZIARZ: In the year and a half that he's been here, almost.

ACTING PRESIDENT LITTLE: Thank you. Senator Krueger.

SENATOR LIZ KRUEGER: Will Senator Maziarz continue to yield.

ACTING PRESIDENT LITTLE: Thank you. Senator Maziarz, do you continue to yield?

SENATOR MAZIARZ: Yes.

ACTING PRESIDENT LITTLE: Thank you. The Senator yields.

SENATOR LIZ KRUEGER: Thank you. Senator Maziarz, the bill that Senator Johnson has been referencing is the same bill that the Assembly passed in the '02 session, the '04 session, the '06 session. You were the chair of the Labor Committee during those years --

SENATOR MAZIARZ: Yes.

SENATOR LIZ KRUEGER: -- you were --

SENATOR MAZIARZ: And now I'm even more shocked that Senator Craig Johnson

didn't put this out in front of me, didn't write me memos --

ACTING PRESIDENT LITTLE: Thank you --

SENATOR MAZIARZ: -- didn't talk to a Labor Committee meeting.

ACTING PRESIDENT LITTLE: Thank you. Just a moment, please.

Senator Krueger.

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

ACTING PRESIDENT LITTLE: Thank you. Senator Maziarz, do you continue to yield?

SENATOR LIZ KRUEGER: Excuse me. Senator Maziarz.

SENATOR MAZIARZ: I'm not the sponsor, but --

SENATOR LIZ KRUEGER: I clarify. Would Senator Maziarz continue to yield.

SENATOR MAZIARZ: Thank you.

ACTING PRESIDENT LITTLE: Thank you. Do you continue to yield?

SENATOR MAZIARZ: Again, Madam

President, my answer is, unlike some of my colleagues, I will continue to yield, yes.

ACTING PRESIDENT LITTLE: Thank you. The Senator continues to yield.

SENATOR LIZ KRUEGER: Thank you.

In fact, Senator Johnson wasn't here during those years. He's a relatively new Senator.

But when you were the chair of the Labor Committee, the issue of pay equity or the inequity of pay between men and women never was an issue before your committee? It was not something you were aware of or following through with the Assembly Committee on Labor on?

SENATOR MAZIARZ: Well, let me start off by saying, you know, based on your first comment there, I said in my comments that every day Senator Craig Johnson was a member of this body, I was chairman of the Senate Labor Committee. And he never contacted me once about it.

You made the reference that Senator Johnson has only been here for a little over a year. And that's exactly what I said in my

comments; he's been here over a year. If this was such a important issue to him he's critical of Senator Robach for it, he never did anything about it.

SENATOR LIZ KRUEGER: Thank you --

SENATOR MAZIARZ: I never heard from him, Senator, on how important this issue was.

ACTING PRESIDENT LITTLE: Thank you, Senator --

SENATOR MAZIARZ: Never came to one meeting. Never called me. Never saw me out here, never wrote me a memo.

ACTING PRESIDENT LITTLE: Senator Maziarz, thank you.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. Well, thank you, Senator Maziarz.

SENATOR MAZIARZ: Thank you.

SENATOR LIZ KRUEGER: I have no more questions for you.

SENATOR DUANE: Madam President.

ACTING PRESIDENT LITTLE: Senator

Duane.

SENATOR DUANE: Would Senator Krueger yield for a question from me?

ACTING PRESIDENT LITTLE: Thank you. Senator Krueger, do you yield for a question from Senator Duane?

SENATOR LIZ KRUEGER: Certainly, Madam President.

ACTING PRESIDENT LITTLE: Thank you. The Senator yields.

SENATOR DUANE: Thank you, Madam President.

I'm assuming that Senator Krueger actually, on committees of which she is a member -- unlike committees that she may not be a member -- but if she is a member of such committees, when -- I'm wondering if the Senator, when she has asked for action on her bills from those committee chairs that are in the Majority, how has that gone for you?

(Laughter.)

SENATOR LIZ KRUEGER: Unfortunately, I have not been very successful at getting my bills brought to agenda in the various committees that I sit on.

SENATOR DUANE: I'm sure that will change now.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Duane.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President.

I appreciated Senator Maziarz answering my questions.

I do think I want to highlight that pay inequity is a huge issue for the people of the State of New York. It is a huge issue for the women of the state of New York and minorities of the State of New York. And so I am in fact disappointed that in all the years he was the chair of the Labor Committee, apparently this never came to the attention of the committee.

But I would like to ask the sponsor if he would please yield, if Senator Robach would yield for a question.

ACTING PRESIDENT LITTLE: Thank you. Senator Robach, would you yield for a question from Senator Krueger?

SENATOR ROBACH: I will not only yield but say you must be delighted that we're doing something about it now.

ACTING PRESIDENT LITTLE: Thank you. Senator Krueger, the Senator yields.

SENATOR LIZ KRUEGER: Thank you.

Well, yes, in reference it is true the new Labor Committee chair is at least looking at the issue, unlike the previous Labor chair, who did not look at the issue for all those years.

SENATOR ROBACH: I've been saying that for years, you know.

ACTING PRESIDENT LITTLE: Please speak through the chair.

SENATOR LIZ KRUEGER: But in fact, your bill is a study bill. And I share my colleague's concern that the studies have been done.

But I want to talk about the penalties. Can you tell me how many people in the State of New York actually have been found guilty in the civil penalties which you're increasing from $500 to $1,000?

SENATOR ROBACH: I do not know

that off the top of my head. If it's one, it's too many. We ought to increase the penalty to make sure we're doing all we can to dissuade them from that bad activity.

SENATOR LIZ KRUEGER: Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT LITTLE: Thank you. Senator Robach, do you continue to yield?

SENATOR ROBACH: I will.

ACTING PRESIDENT LITTLE: Thank you. The Senator continues to yield.

SENATOR LIZ KRUEGER: Thank you.

While I suspect I know the answer, for consistency, do you know how many people were found guilty under the criminal penalties section of your act, which would also increase the penalties? And, just to continue, how many people have been found guilty of a felony under the existing criminal laws that you are referencing increasing?

SENATOR ROBACH: I don't. But I hope through the study, the review of an outside agency -- rather than internal review,

which has been suggested in other pieces of legislation -- that we'd be more likely to catch anybody through that. And also have the word go out that not only the penalty would more fit the crime, but less people and employers would be willing to do that negative practice.

So I didn't really focus on what the number was. I tried to focus on how bad I thought it was and how much we should try to do something, both in terms of the unfairness as well as the heightened sense of a lot of groups on trying to refocus on this issue. Totally in response to that, Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. Madam President --

ACTING PRESIDENT LITTLE: Thank you. Senator Krueger.

SENATOR LIZ KRUEGER: On the bill, Madam President.

ACTING PRESIDENT LITTLE: Thank you. Thank you --

SENATOR ROBACH: It's really a prosecutor's job to enforce those penalties. I think what the problem is, and I think it's

relevant to your answer, we have to do a better job regardless of what the number or percentage of people who are violating it is, to get them to a place where they can't do it anymore.

That's the intent of this legislation, and I think it does it strongly. I do think it's more than a study. I think it's really a review by the people that can then turn that information over to the right authorities to stop it, rather than do a review internally by businesses, or self-reviewed, where the information goes and sits somewhere and, as people have pointed out, maybe has not been acted on.

Again, also, this would be specific to New York State, not a national study.

SENATOR LIZ KRUEGER: Thank you.

ACTING PRESIDENT LITTLE: Thank you.

Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you, Madam President.

I think we know the answers. I am as frustrated as my colleague, Senator

Johnson, that we are not debating a bill that would actually outlaw discrimination in employment and wages.

According to the AFL-CIO, as a woman, statistically -- now, to be fair, as a woman in the New York State Legislature, it's one of the only jobs where you are guaranteed equal pay. Men legislators and women legislators do not get paid differently.

But in most situations in the State of New York and in this country, there is not that protection against discrimination. And according to the AFL-CIO, at the rate that pay inequity is being addressed in this country, it will take women to the year 2050 to reach pay equity. And I have to say that is way too long a period of time.

And the data is in. And one colleague pulled a number of reports out. I went on Google Scholars -- it's a subsection on the Internet for academic research -- and I could find 257 reports on pay inequity for women. And Congress has held hearings, and organizations and agencies throughout the country have held hearings.

And in fact, I carry a bill that would be a constitutional amendment requiring that there not be discrimination in pay between men and women.

And in fact, I would argue that this is too little, too late. It's not that it's wrong to study the issue. It's wrong to delay taking action on the issue, saying you're waiting for another report when the data is so clear. And it harms women, and it harms minorities, and it harms their families. And it has now been decades, decades that women are not closing the gap, that minorities are not closing the gap.

And we are all paying a price for it, because in fact we are seeing families in poverty, we are seeing children growing up in poverty because there is an inequitable pay structure throughout our economy.

So I will vote for Senator Robach's bill. But I will with a wink and a nod that this is not adequate, and that we do have answers, and that we have better legislation that I wish had moved through this house, as it has moved through the Assembly every

session for the last four sessions.

So it's not the bill I would like to be voting on, but it is a bill that I can find no argument to vote no on. But it is not enough, and we should not be satisfied.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Krueger.

Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

I'm supporting this bill, and I certainly agree with the issue Senator Craig Johnson raised about we should get right down to it and outlaw discrimination.

I rise really to correct something that my esteemed colleague Senator Liz Krueger said. The New York State Senate is not, is not the only place in New York State where there's pay equity. There isn't equity here. There is not equity in this Legislature. If you read the State Constitution, it says that all members of the Legislature shall receive a like annual compensation. The cases are legion that say compensation includes pension.

And indeed, speaking for the whole Legislature, if I'm not correct, since Betty Connelly left the Assembly and Arthur Eve left the Assembly there remain in this Legislature a handful of white males that are in ADA, have a much, much better pension plan than any woman serving in either house of the Legislature, than any African-American serving in either house of the Legislature, more than any Latino or Latina serving in the Legislature. There is not equity in compensation in the Legislature.

And by the way, a lot of younger white males also are doing the same job and aren't getting pay equity with the people who are in ADA.

My colleagues, someday we ought to address this. Thank you.

ACTING PRESIDENT LITTLE: Thank you.

Senator Stavisky.

SENATOR STAVISKY: Would Senator Maziarz --

ACTING PRESIDENT LITTLE: I'm sorry, Senator Maziarz is not in the chamber

right now.

SENATOR STAVISKY: Would Senator Robach perhaps --

ACTING PRESIDENT LITTLE: Yes. Senator Robach, would you yield for a question, please?

SENATOR ROBACH: Of course.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR STAVISKY: Senator Maziarz spent quite a bit of time as chair of the Labor Committee. And during that time -- and in fact, I know you're a new chair of the Labor Committee -- did that pay equity or did a pay equity bill ever pass the Assembly?

SENATOR ROBACH: I heard today that it had.

SENATOR STAVISKY: And if the Senator would continue to yield.

SENATOR ROBACH: I will.

ACTING PRESIDENT LITTLE: Thank you. The Senator continues to yield.

SENATOR STAVISKY: Thank you.

When a bill passes the Assembly, it automatically comes -- it is referenced to a

Senate committee, the Senate Committee on Labor. Is that correct?

ACTING PRESIDENT LITTLE: Is that a question, Senator?

SENATOR STAVISKY: Yes, it is.

Is that correct?

SENATOR ROBACH: I'm taking your word for it. I believe so, yes.

ACTING PRESIDENT LITTLE: The Senator says he believes so.

SENATOR STAVISKY: And what happened when the bills passed the Assembly and came to the Labor Committee over the years? What happened to those bills? They were held; is that correct, Senator?

SENATOR ROBACH: I'm assuming so. Again, I was not the chairman of that committee when any of those bills were ever sent here.

SENATOR STAVISKY: So in other words -- on the bill, Madam President.

Thank you, Senator.

ACTING PRESIDENT LITTLE: Thank you.

SENATOR STAVISKY: These bills

did pass the Assembly, they were sent to the Senate Labor Committee, and they were held. They were never reported out of committee. This is an automatic process, I understand, where they are referred to the committee in the other house.

So there was an opportunity to vote on pay equity. It never was put on the agenda to be voted upon by the entire Labor Committee and then the entire Senate.

Thank you.

ACTING PRESIDENT LITTLE: Thank you, Senator.

Senator Diaz.

SENATOR DIAZ: Thank you, Madam President. Madam President, would the sponsor yield for a question or two?

ACTING PRESIDENT LITTLE: Thank you.

Senator Robach, will you yield for a question?

SENATOR ROBACH: I will.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR DIAZ: Regarding the

discussion that we are having here today, it is a good one. It is a good one. But I have some things that are coming to my mind.

Senator Robach, when we talk about pay inequities, we always talk about men versus women. Men get better pay, the women are always getting less pay. And that is true, that's something that we all know. However, I believe there are some other pay inequities, and I would like to know if you are including these categories in your study.

Besides men versus women, there are also inequities in salary when it comes to whites versus minorities. There are occasional studies that a person doing the same work, a minority or black or Hispanic, gets less pay than a white person doing it.

There are also other inequities. English speaker versus non-English speaker doing the same work, doing the same job, doing the same thing. But because one speaks English better than the other, that one gets better pay.

And the last one that I would like you to tell me if you are including those

categories in your study is undocumented. You know, undocumented people are being abused. People hire them, they work, they do the same kind of work as other people. And there are employers there that don't pay them, that abuse them and don't pay them -- not only they don't pay equal, sometimes they don't even get paid at all.

So in your study that you are requesting, are you including these categories too, or just men versus women?

SENATOR ROBACH: Yes, Senator Diaz. I don't like to use just the word "study." I think it will be a study and somewhat of a comprehensive review. And it not only affect men and woman, but it will also affect minorities, something that was kind of put out there that was inaccurate by one of the previous speakers.

On line 10 and 11 of the bill, it says "also will study and look at violations relating to the wage differential between men and women, between minorities and nonminorities in the same job, in jobs that are dissimilar but that required equivalent

composites of skill, welfare, responsibility," et cetera. So it does address it more comprehensively than just the men and women issue.

ACTING PRESIDENT LITTLE: Thank you. Senator Diaz.

SENATOR DIAZ: Madam President, would the sponsor yield for --

SENATOR ROBACH: Which I believe is consistent --

ACTING PRESIDENT LITTLE: Excuse me. Senator Robach, will you continue to yield for Senator Diaz?

SENATOR ROBACH: I will. Can I just finish, just a clarification.

Which I think is consistent with existing law, which is one of the misnomers that's also been out there. There is already some law on the books as well as general laws where you cannot discriminate in hiring practices to begin with.

What this bill, again, goes after for everyone's benefit is to try to find out where these offenders are and then make sure we go after them aggressively, thoroughly, not

only with increased penalties and fines, to send out the message, but really give the proper authority -- which I believe should be government, not only because they have the ability but the obligation to enforce it in a strong way.

ACTING PRESIDENT LITTLE: Thank you. Senator Diaz.

SENATOR DIAZ: Madam President, through you, would the sponsor yield for another question?

ACTING PRESIDENT LITTLE: Thank you. Senator Robach, will you continue to yield for a question?

SENATOR ROBACH: Absolutely.

ACTING PRESIDENT LITTLE: Thank you.

He yields.

SENATOR DIAZ: We all know that anyone that hires an undocumented person, there's a fine for that. Now, what I'm talking about -- because I don't hear you saying that's included -- the person that don't pay the wages when they hire an undocumented person, is that undocumented

inequity, the inequity in pay to undocumented people, is that included in the --

SENATOR ROBACH: Expanding on the current law, staying consistent, it says exactly what I read to you. I don't think it makes any differential. I believe it would be if there was a violation, then for them to review that.

I don't know -- I'm not an attorney, I have never done that -- I don't know what the application would be for an undocumented alien working here or person in here.

I don't know. But just for reference, I think that would be up for interpretation, because it clearly does say, you know, for any reason discriminating inside the pay for equal skill set.

ACTING PRESIDENT LITTLE: Thank you. Senator Diaz.

SENATOR DIAZ: Last question. Madam President, through you, would the sponsor yield for another question?

ACTING PRESIDENT LITTLE: Senator Robach, will you yield for another question?

SENATOR ROBACH: I will.

ACTING PRESIDENT LITTLE: Yes, he yields.

SENATOR DIAZ: Reading part of the bill, it says "any employer who fails to pay the wages of his employees."

Do you consider an undocumented worker an employee?

SENATOR ROBACH: I would say this. The law is pretty clear on what it does. I think the issue, quite frankly, of undocumented illegal aliens is really a subject for our federal colleagues that need to define that and do that. I think we're stretching here to try and attach this issue to this bill, in all honesty.

SENATOR DIAZ: I was supposed to ask a last question. But, Madam President, through you, I don't think that the Senator has answered my question.

SENATOR ROBACH: So, Senator Diaz, perhaps this will --

ACTING PRESIDENT LITTLE: Thank you, Senator --

SENATOR ROBACH: Maybe this is a

better answer for you. I've been told by counsel that the Department of Labor simply looks at the issue, not the status of the person, if there is a complaint found and lodged.

ACTING PRESIDENT LITTLE: Thank you.

SENATOR DIAZ: On the bill, Madam President.

ACTING PRESIDENT LITTLE: Yes, Senator Diaz, on the bill.

SENATOR DIAZ: We all know about the inequities in payment through history. I understand that studies have been made. But we don't have to do too much studies to know that this thing is happening.

I commend Senator Robach for trying to do something about it. I commend Senator Craig Johnson for also trying to solve the problem. Because this is a problem that we are facing in our society. Men are always getting paid more than, better than women, and women being discriminated in that essence.

However, there is also, there is also the inequities, anybody that's trying to

do something about it, that we're trying to do, Senator Craig Johnson and Senator Robach, anybody that is trying to do something about it, I will say that we have to consider, we have to consider the inequities in payment, Senator Johnson, on blacks against whites, on English speakers against non-English speakers, on legal workers versus undocumented workers.

Inequity is all over. And we have to do away with this. We have to do something about it. I congratulate you again. I'm supporting this bill. I'm voting for this bill. And I will support Senator Craig Johnson's bill if it come to the floor. And I support anyone that brings a bill dealing with this situation.

I hope that the future bill deals with undocumented, black versus white, English speaker versus non-English speaker, and people with nice hair against kinky hair.

(Laughter.)

ACTING PRESIDENT LITTLE: Thank you.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you,

Madam President. I also rise in support of this bill. If the sponsor would yield for a few questions.

ACTING PRESIDENT LITTLE: Thank you. Senator Robach, do you yield?

SENATOR ROBACH: I will.

ACTING PRESIDENT LITTLE: Thank you. The Senator yields.

SENATOR SCHNEIDERMAN: Thank you.

It appears to me that we are in the fortunate position today of both sides of the aisle attempting to remedy the same problem. And I think it's important for us to bear that in mind. I don't know -- sometimes we get excited here. I think someone tore up Senator Maziarz's Eddie Eagle comics earlier today, put him off his feed.

But it is clear that we are all trying to address the same issue, and I think it's important to bear that in mind.

And I gather that Senator Johnson's bill, the New York State Fair Pay Act, which he has discussed and has come up here, and Senator Robach's bill, Senate 7521, are two different approaches to the same set of

issues.

Senator Robach, you stated in response to this back-and-forth, and sometimes you guys were talking a little bit in shorthand, that you felt this was the best way to address the issue. What issue are you referring to, the equal pay for equal work issue?

SENATOR ROBACH: Pay equity, correct.

SENATOR SCHNEIDERMAN: Pay equity. And then you stated that we just took the existing language of the Labor Law and made the modifications as to the numbers of the fine.

SENATOR ROBACH: Correct.

SENATOR SCHNEIDERMAN: Okay. And then the other provision provides for the study.

SENATOR ROBACH: And review, correct.

SENATOR SCHNEIDERMAN: Study and review.

Senator Johnson's bill actually changes the language in the Labor Law and adds

additional provisions. It is an interesting bill. I think it seems like a very good bill. I commend it to you in your capacity as Labor chair.

It adds, throughout the legislation, where the current Labor Law just refers to sex, the phrase "sex, race or national origin." Is that correct?

SENATOR ROBACH: I'll take your word for it.

And existing law, as I read before to Senator Diaz, I think says the same thing in a little bit different semantics, between men and women, minorities, nonminorities in the same job classification. I think that broaches the same subject.

SENATOR SCHNEIDERMAN: I'm sorry, which section of the law were you just reading from?

SENATOR ROBACH: I believe, let me see, it is on page -- do you have the bill? Page 2.

SENATOR SCHNEIDERMAN: Of which bill?

SENATOR ROBACH: 7521, line 11 --

well, 10, 11 and 12.

SENATOR SCHNEIDERMAN: That is the provision defining the scope of the study, is that not correct?

SENATOR ROBACH: Not on page -- not on the front page, 10, 11.

If you go to page 2, and on 10, 11 and 12. Actually, if you'll give this back to me, I'll hand this right --

SENATOR SCHNEIDERMAN: No, no, I've got a copy of it.

That actually is the provision that states that it authorizes the Senate and Assembly and everyone else to do a report on or before May 1st on issues relating to the wage differential between men and women and between minorities and nonminorities. But that has to do with the scope of the report.

SENATOR ROBACH: Correct. Let me -- that is what they will study, and that's the language that we used consistent with existing law. Correct.

SENATOR SCHNEIDERMAN: Okay, thank you. So other than changing the amount of the fines for the misdemeanor and felony

already provided for in law, your bill doesn't change any of the language of the existing law.

Do you have any thoughts or ideas that you could share with us as to how the existing language of the Labor Law could be improved in our efforts to achieved pay equity?

SENATOR ROBACH: I -- you know, again, today is an interesting day. We got criticized for acting quickly.

I am always open to anything that I think will improve it. This is an attempt, again, to try and address an issue that we've talked about for a while. Groups have come, both to me and other members of this body, wanting a specific action, a number of specific actions. This is my attempt to address it in a way I do sincerely feel is very good.

You have to -- you can call it just a study, but I think unless you have the right people studying it and reviewing it, it's never going to get turned over or get acted upon. That clearly is my attempt, whether

it's gender inequity, whether it's minority inequity, whatever they may be -- for the women in my family, for the women in yours, that's what we want to get to.

I really do believe this will do that, in some regards more expeditiously than some of the other ideas I've heard on the issue, which I'm sure all have some validity.

SENATOR SCHNEIDERMAN: Thank you, Madam President. On the bill.

ACTING PRESIDENT LITTLE: Thank you. Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: This has been an interesting discussion. I am pleased that after years of the Assembly passing legislation to require pay equity between men and women, the Senate is finally seeking to do something on the issue.

But I must say I share the concern of some of my colleagues that Senator Johnson has taken a great deal of effort to look at all the existing studies and all the data that's available and craft a bill that goes significantly beyond the bill before us today.

And it was only after there was a

rally with supporters of his bill, and after there was some press blowback because Senator Robach spoke at the rally but then said he was not going to support the New York State Fair Pay Act sponsored by Senator Johnson, that this bill flew out of the back room, flew into the Labor Committee and flew into Rules.

I think the people of the State of New York may not understand, gentlemen, that when a Senator fills out the forms and files a bill so that it's all open to public disclosure, that that's not the right procedure. They may not understand this business about phone calls and backroom conversation.

If the Senator said to the chairman of the committee or the bill was referred to the chairman of the committee, a piece of legislation, I don't think it's really -- I think it demeans this institution to suggest that that's not the proper way to present the bill. So I commend Senator Johnson for following those procedures.

The one substantive difference between Senator Johnson's bill and the bill

before us today that I find very disturbing -- and, Senator Diaz, you spoke to this -- is that throughout Senator Johnson's bill it says we are here to prevent and it orders the state to prevent discrimination based on sex, race, or national origin. Over and over again: "sex, race or national origin."

Now, other than providing for a study to find out whether or not there are these problems in wage differentials between men and women and between minorities and nonminorities in the same job -- I'm not sure what "minorities and nonminorities" mean. It doesn't use the language of the federal law, which Senator Johnson does, "sex, race or national origin."

This law just refers to the existing statute, which only covers unequal pay because of sex. Now, unequal pay because of sex is a very serious problem, but the existing law already deals with it. The only change to existing law here is a slight modification in fines.

Why on earth in 2008 do we need to wait for a study before we put into the

New York State Labor Law a provision that it is wrong to pay people differently based on sex, race or national origin? That's what Senator Johnson's bill does. That's what Senator Robach's bill does not do.

And when I asked do you have any thoughts as to how we might change the language of the Labor Law to improve it, the Senator said he thinks this is the best approach. Well, I don't think the best approach is to wait for a study before we make the law as tough as possible on people who would pay unequal wages based on race.

And I think that it is a shame that a very few days after we had all sorts of fine words spoken and a noble tribute to Reverend Martin Luther King, that we are today passing a bill that does not add to the New York State Labor Law a provision to prevent unequal pay because of race or national origin.

I'm going to support this law just because it is some effort. The fines are slightly greater. But I think that Senator Johnson's bill, which will come here tomorrow, as everyone knows, on a motion to petition --

and which this is apparently an effort to preempt -- proposes a much more serious approach to this problem.

I will be voting for this bill, Madam President, but I'll also be voting for Senator Johnson's petition tomorrow. And anyone who is sincere about trying to do something about the issue of inequity in pay in this state should vote for that petition as well.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Madam President.

Could the sponsor please yield for a question?

ACTING PRESIDENT LITTLE: Thank you. Senator Robach, will you yield for a question?

SENATOR ROBACH: I will.

ACTING PRESIDENT LITTLE: The Senator yields.

SENATOR STEWART-COUSINS: Thank

you.

I must say that I certainly am going to support this. I'm very, very excited that there's so much discussion about the inequity of pay. And certainly it seems that we are motivated.

But I was just taking a look at the legislation, I was just inquiring on the second page, on line 21, it seems that this would provide legislative and policy recommendations regarding wage differential, including sanctions and penalties.

So I'm just wondering whether the front, where we're changing the penalties, is not somehow preempting the study that we're requiring. Why are you, without benefit of the study, deciding to change the penalties?

SENATOR ROBACH: Well, I think that's the misnomer. People keep saying that it's not -- there is already existing statute that penalizes people for doing exactly what we're talking about. There's a breadth and scope of law that already addresses discrimination, and rightfully so.

I'm going to say it again, and what

this bill really does -- not what others are trying to say it does or doesn't do for that -- this bill quantifies and increases the penalty, doubles, for civil penalties, the fine for those that already violate the law, fivefold for those that do it; in a criminal way, twentyfold, up to $20,000 in fines in one part of the law.

And that is for gender inequity, that is for minority inequity or any of those things we've spoken of. There's already a set of penalties in here for that. So this is going to expand on those.

Simultaneously -- and this is where our bills are a little bit different, even though I don't think it's really germane to today. The other approach that some people have is to put a self-policing or reporting mechanism in place which would still need action from government. My approach is to have the government do it right up front, and not only study but look for the violations, turn them over and address them quickly.

And when they do, I want those penalties in place. And I also want to send a

clear message that we're going to be a little bit more serious about the enforcement of what I think everyone already knows in New York -- we've led the way -- that we should not be discriminating against anyone for any reason, on employment, on pay equity, any of those things.

SENATOR STEWART-COUSINS: If the sponsor would continue to yield.

ACTING PRESIDENT LITTLE: Thank you. Will the sponsor continue to yield?

SENATOR ROBACH: I will.

ACTING PRESIDENT LITTLE: Thank you. The Senator yields.

SENATOR STEWART-COUSINS: I certainly appreciate that broader explanation.

And so I guess now I'm concerned about the study. I think those of us who have waited so long for a disparity study and the cost of that disparity study and the depth and the breadth of minority-, women-owned businesses and whether or not they were doing business in New York -- we know they're not. However -- not, certainly, to the extent that they could and should. But however, there is

a study.

Is there some accommodation for the expense of this study that you would begin to undertake? What do you suspect it might cost? And how long do you think before we can begin to even study?

SENATOR ROBACH: I hope there will be something before the year. And I have every confidence Commissioner Smith, the Labor Commissioner, who came from the Attorney General's office, is, I think, not only very capable, very interested, and has a little bit of a different breadth of experience that will make her not only committed but perfect for heading this up.

SENATOR STEWART-COUSINS: Thank you very much.

SENATOR ROBACH: You're welcome.

SENATOR STEWART-COUSINS: On the bill.

Again, it is -- I think it is interesting that we're spending this much time on this: beginning to study things that we know the answer to, limiting our studies where we know that there is an expansive opportunity

for us.

Of course I will support this legislation because I believe, hopefully, this is the beginning of something that really changes. I'll be supporting, obviously, the motion to petition tomorrow and really urge our colleagues that if we are really serious about ending the inequity, which frankly is embarrassing in 2008, that we do it not in a month, not at the end of the year, not depending on other people, but right here in this body where we can.

Thank you.

ACTING PRESIDENT LITTLE: Thank you, Senator.

Is there any other Senator wishing to be heard?

Senator Robach will close to the debate.

SENATOR ROBACH: Yes, Madam President. Just to really reiterate, this has been an interesting dialogue and I think is somewhat useful. But I would have to say, interestingly, one of the first times in my legislative career where, for addressing

something quickly and aggressively, there's been some degree of criticism leveled.

I also think that when we talk about the merits of this bill, because of the dialogue, I would be remiss -- people often speak for you. What I said is exactly what I did. I said I would look at the issue, I was ideologically opposed to this -- again, for my daughters, for the women in my family, the women across New York State, people of every race, creed and color -- and that I would look at the issue as the new chairman and I would try to take the action that I felt was best.

That is exactly what I did. Quickly, timely, had a lot of dialogue with a lot of people in this process, both inside the Legislature and outside, to accomplish that goal, even as well as my colleague on the Assembly side of the aisle, who again I would say has been a real champion for infants, children, men and women, civil rights: Nettie Mayersohn. We want to move this bill forward and get it done.

This bill, again, sets forward a review and an action plan for the commissioner

to out those people who are in violation and increases the penalties dramatically. The smallest increase is doubling; on the criminal side, even increasing it 20 times what the financial penalty is for those that violate.

Clearly, this is what many people have been talking about, many people have been advocating for. I believe both those things going on at the same time will be good. And I hope that they'll work in concert -- because my assurance is this bill will pass, based on its merit -- that as the study and the review is done, and if people are found to be in violation, we can then apply the second part of this, which is the penalty.

And then, lastly, I'll applaud everyone who is going to vote for this because I believe it also does send a message to the advocates and to the community at large that we're serious about addressing this important issue for everyone in New York. This not only will help those workers that will benefit; I think it makes our state stronger, and I ultimately think it makes our businesses not only fairer but stronger as well. So I would

encourage people to vote in the affirmative.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Robach.

The debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Thank you. Senator Adams, to explain his vote.

SENATOR ADAMS: Thank you, Madam President.

I want to thank Senator Johnson for his explanation. I'm going to vote yea on this bill. And I think, when you look at how many single-family households are headed by women, how important this issue is, we don't need more studies to show how important it is to make sure that people are paid fairly. And we need to move ahead with this agenda.

I'm hoping tomorrow, when Senator

Johnson's bill is brought to the floor, we would have the same positive energy and the same sense of urgency that this needs to be addressed.

I'm going to vote yes on this bill, and I'm hoping and I encourage my colleagues to do so also.

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

Senator Maziarz, to explain his vote.

SENATOR MAZIARZ: Thank you, Madam President.

I too will be voting in the affirmative on this legislation.

You know, today, today is kind of a sad day for me here. I've been in this body for 14 years, been honored every day I've served here. And it's the first day ever, first day ever that another Senator has refused to yield for a question from me.

You know, on that side of the aisle there are a lot of Senators who get up and talk a lot. Senator Eric Adams, Kevin Parker,

Liz Krueger, Eric Schneiderman, Senator Duane -- not so much Senator Duane recently, but in the past, certainly.

You know, every day -- every day that I am here, every day that I am here the last call I make at night is to my wife. And she and I talk, you know, for a little while, and we kind of compare notes of what went on that day. And I tell her about something that Eric Adams got up and talked about here on the floor. And I say, you know, he talked with such passion and such commitment. And I so admire that. I so admire that.

And it's an honor for me to serve with all of you. You know why? Because you're never offensive. And you're never personal.

And that's what we lost here today. That's what we lost here today.

I've served here with Franz Leichter, Manny Gold, giants of the New York State Senate. Ron Stafford, Charlie Cook, John Marchi. You know, I can -- John DeFrancisco.

(Laughter.)

UNIDENTIFIED SENATOR: Giants. Giants.

(Laughter.)

SENATOR MAZIARZ: You know, when Marty Connor gets up and talks about the history of the Senate because he's been here so long, it's also like a young version of John Marchi talking, you know: he knows everything.

I would encourage the leadership in the Minority to think about things like that.

I think when you personally attack another Senator on the floor of this body, it's not good for any of us. Not good for any of us.

And when I leave here -- and I hope that's a few years from now, by the way -- you know, I want to be able to say that every day I served here that I was proud of it and that I was honored to serve with all of you.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you. Senator Maziarz, how do you vote?

SENATOR MAZIARZ: Aye.

ACTING PRESIDENT LITTLE: Thank

you. Senator Maziarz will be recorded in the affirmative.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President. Just to explain my vote.

I will in fact be voting yes on this bill.

I'm not -- I'm still not quite clear what the objective of an additional study will give. I would have thought that the kinds of things that we would be looking for in this bill would become policy as opposed to legislative.

However, I am concerned that in the process of this study, it will in fact delay the moment at which the State of New York declares that it does in fact owe all workers in the State of New York equitable pay.

When the Urban League just did its study several weeks ago on employment among blacks in New York and across this country, they talked about 70 percent of black households were headed by women. Whether we're proud or not of those statistics is not

relevant. What is relevant is that they are working women supporting families. And when we talk about them receiving less than other workers in the workplace for the same work, it is doubly unfair, because they are carrying a burden alone.

I think that our obligation as legislators is to be concerned about all the people in the State of New York. And as we look at our working class, those who are doing the best that they can, they expect more from us. And I expect more from us. And I would hope that at some point we would come to the point of reality and say let's move the agenda in the right direction. That's my hope.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you. Senator Hassell-Thompson will be recorded in the affirmative.

Senator Craig Johnson, to explain his vote.

SENATOR CRAIG JOHNSON: Thank you very much.

I rise in support of this legislation. And I thank my colleagues on the

Democratic aisle in advance of tomorrow's vote that we're going to take.

This is a start. It's a start that, quite frankly, my concern is it's going to be a false one and that the bill tomorrow that we're going to address is the real thing.

I'm not going to get into personal attacks that have been made, misrepresentations. I will say that last week I sat here as a member of this body and heard one Senator claim that we violated our oath of office because we stood up for the way this conference, our conference has been treated and was treated in the budget negotiations. I didn't hear anybody on the other side disagree. I heard a lot of anger and resentment towards the members of my conference about violations of oath of office.

It is clear through the debate, through the history that I do not, unfortunately, share yet with my colleagues who have been here a number of years, that pay equity has been called for in the '80s, and it's been ignored by the Majority. It's been called for in the '90s, and it's been ignored.

Since 2002 the Assembly sponsor, the same-as sponsor of my bill, they've passed it in the Assembly and referred it, and it's been ignored.

Today is a start. Let's hope it gets there. Let's hope we have a better tomorrow for our minorities and for our women who work, who are so vital to our workforce. I vote yes.

ACTING PRESIDENT LITTLE: Thank you. Senator Johnson will be recorded in the affirmative.

Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Madam President.

I had my name mixed in with a lot of present and past Senators which I hold in the greatest of esteem. Although I do have to mention that I believe that some of my colleagues on the other side of the aisle, though I was not here, thought that Senator Leichter would be a little bit annoying when he talked also. Now, he's not here to defend himself. But I think they learned to love him over time.

And I am convinced -- and I also know that Senator Lanza has told me how much he loves it when I debate and wants more of it, has asked for more of that, as a matter of fact.

(Laughter.)

SENATOR DUANE: So -- but I like to share, Madam President. And in that, I'm going to make sure that all of my colleagues get to share. And sometimes they'll upset people, and sometimes they'll make people laugh. But really to have healthy debates and discussion in this body is, I think, always a good idea.

So I will be voting yes, Madam President, in the spirit of all of the greats whose names have been mentioned who previously were in this body and who are in this body today.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you. Senator Duane will be recorded in the affirmative.

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I'm going to vote aye. And I'm a little bit -- can't quite understand why people are saying this type of activity is not outlawed. Because this bill that Senator Robach brought out is an improvement on a bill that became law in 2002.

And I commend Senator Robach, after a few weeks of being chairman of the committee, for working to strengthen the laws against discrimination against women in the wage area.

And to suggest that it's not outlawed, and the first offense is a misdemeanor, the second offense is a felony -- there's a lot of criminal statutes that we have that some people don't vote for because they think it's just too harsh. Well, it seems to me there is a law. Discrimination is illegal. And it's being strengthened at this time.

And I commend Senator Robach at this time, having been chairman of the committee for such a short time, to make it his priority and to bring this law into a much

stronger -- this bill a much stronger bill and hopefully a much stronger law.

I vote aye.

ACTING PRESIDENT LITTLE: Thank you. Senator DeFrancisco will be recorded in the affirmative.

Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: Yes, thank you, Madam President.

SENATOR SCHNEIDERMAN: Another giant.

(Laughter.)

SENATOR OPPENHEIMER: Another giant. At least nobody is saying "please stand up when you address the Senate."

(Laughter.)

SENATOR OPPENHEIMER: I will be voting yes for this bill, though I am puzzled by the need for another study.

I know maybe 20 years ago I was carrying a similar-type bill, and that was because I had experienced pay inequity. And I think this was brought out last week when some of the advocates were up here.

After I got my M.B.A. from Columbia, I went down to Wall Street and I was working in one of the major houses on Wall Street, and I was handling certain industries for them in research. And in my room with me was a classmate who had graduated when I did, got his M.B.A. at Columbia, and he was earning almost $10,000 more than I was earning.

And so right from the very start -- at that point, we are talking many years ago. And I guess I didn't want to ruffle feathers, because we were only about ten women on Wall Street back then. This was in the late '50s and the early '60s. And I guess I was fearful that if I brought this up, that I would experience some negative responses. But that's why, when I came up here maybe 20 years ago or more, I was looking at this bill.

So I really don't think we need to study. I mean, I'm the perfect example. And this has been going on for 50 years. And I think that we have the studies to validate it.

But I have nothing against the bill; I just think it's unnecessary to do more studies. And certainly if we want to increase

fines, I guess that's valid. But I think we really have to do more, act more now.

I'll be voting yes.

ACTING PRESIDENT LITTLE: Thank you. Senator Oppenheimer will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 62. Nays, 0.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Is there any further business at the desk?

ACTING PRESIDENT LITTLE: No, there is no further business.

SENATOR SKELOS: I believe there's one motion to petition, if we could take it up at this time.

ACTING PRESIDENT LITTLE: Thank you.

Senator Johnson.

SENATOR CRAIG JOHNSON: Madam President, I have a motion at the desk. I

would like to have it called up at this time.

ACTING PRESIDENT LITTLE: Thank you. The Secretary will read.

THE SECRETARY: Senate Print 7037, by Senator C. Johnson, an act requiring resolutions be passed prior to the Metropolitan Transportation Authority's approval.

ACTING PRESIDENT LITTLE: Thank you. Senator Johnson.

SENATOR CRAIG JOHNSON: Thank you very much, Madam President.

Simply put, this bill, Senate Bill 7037, is about choice. And it's about empowering our communities to have a say in what happens in our own backyards.

To those unfamiliar, the Long Island Railroad's third track expansion project would lay approximately 10 miles of track between the Hicksville and Floral Park train stations located in Long Island. This is a project that goes right through the southern portion of the 7th Senatorial District, a district I represent, bisecting dozens of residential neighborhoods, creating

real eminent domain issues, to say nothing about the real potential to irrevocably harm the quality of life for these residents.

This is obviously of great concern to the residents and the people of these communities and their elected representatives, such as myself. And in my view, the MTA and the Long Island Railroad, under the last two administrations, have not done nearly enough to allay these concerns. They have, in fact, had a tough enough time trying to settle on a justification for this project.

A little history. First when they talked about this, they said the project was to increase freight capacity. The proposed truck-to-rail intermodal facility that the DOT wants to build in Suffolk County would certainly back up this justification.

But when I and the mainline communities in my district rallied against it, the MTA and third track quickly changed their song. They said no, no, no, it's about accommodating reverse commuters from New York City to Long Island. Only the fact is, is when they actually did the research, there

weren't really the reverse commute to justify a third track.

And so now they say, well, let's try another one. We're going to call it a passing lane that's going to help the proposed East Side access to Penn Station. But of course, when pressed, the MTA and Long Island Railroad officials admit they don't need the third track for East Side access. And if it is for East Side access, why does the proposed third track stop before it hits Floral Park? If the third track is really the congestion reliever that the MTA claims it to be, shouldn't it go all the way to the Jamaica station in Queens?

But of course, by the time this motion is voted upon, the MTA will probably come up with yet again another justification to support this project. They may say, look, Senator Johnson, if we build the third track, they'll all come out.

Well, the fact remains is that the mainline communities don't have the parking necessary to actually support a third track. If they build it, in fact, in the New Hyde

Park area, the village of New Hyde Park is also going to be undergoing construction for Jericho Turnpike, a state road, at the same time. No one is going to be able to get through the village of New Hyde Park if this project goes on with the Route 25 project.

The people, the residents of the mainline corridor are now being asked to shoulder the burdens of third track. But they currently have few answers and no say about how this project is going to be built and will it be built.

Well, this legislation, my colleagues, will correct that. Under this bill the village boards of trustees for Bellerose, Floral Park, New Hyde Park, Garden City, Mineola and Westbury, as well as the town boards in Hempstead, North Hempstead and Oyster Bay, which represent the unincorporated areas, would have to vote to approve this project.

All the Nassau Senators represent these towns. Two-thirds of these municipalities will be needed to approve it before a third track can proceed.

But most importantly, no vote can be taken without a public hearing. That will require and leave to the MTA and the Long Island Railroad no choice but to listen to the concerns and recommendations of the residents who live in the mainline corridor and whose lives are going to be impacted by the third track proposal. It would afford the residents the opportunity to have all their questions answered once and for all.

Last week, as you may recall, media reports emerged suggesting that the MTA was considering, once again, another fare hike to pay for its five-year capital plan, of which the third track is a part of. So I now hope one of the first questions to ask is how do we pay for the third track.

It is unfortunate that a bill like this is needed. And I actually have a suggestion to the MTA. They want to pay for their capital projects, they can't find the money? Let's make it very simple. Dump the third track. It will save the MTA $1.3 billion right off the bat.

Like I said, it's unfortunate that

a bill like this is necessary and needed. But frankly, I do not see a better alternative making sure that the communities affected by the third track get the information that they need about this project and have the ability to make sure that their voices are heard.

In fact, there was a similar bill sponsored by one of my colleagues from Long Island that sought to empower the communities that would be affected by the Broadwater in the same manner. Thankfully and fortunately, it looks like that measure will not be necessary. And maybe one day the people of the mainline communities will have the same luck.

But until that day, and for this moment, this legislation is vital and necessary. I urge every Senator to join me today in voting to bring this measure to the floor.

Thank you very much, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

All those Senators in favor of the

petition out of committee please signify by raising their hands.

THE SECRETARY: Those recorded in agreement are Senators Adams, Aubertine, Breslin, Diaz, Gonzalez, Hassell-Thompson, C. Johnson, Klein, Montgomery, Onorato, Oppenheimer, Perkins, Sampson, Schneiderman, Serrano, Smith, Stachowski, Stewart-Cousins, Thompson and Valesky.

ACTING PRESIDENT LITTLE: The petition is not agreed to.

Senator Griffo.

SENATOR GRIFFO: Yes, Madam President, is there any further business before the desk?

ACTING PRESIDENT LITTLE: No, Senator, there is no further business at the desk.

SENATOR GRIFFO: There being none, I move that we adjourn until Tuesday, April 15th, at 3:00 p.m.

ACTING PRESIDENT LITTLE: Thank you. On motion, the Senate stands adjourned until Tuesday afternoon at 3:00 p.m., April 15th.

(Whereupon, at 5:11 p.m., the Senate adjourned.)