NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 4, 2008

11:08 a.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to rise and join with me as we recite the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: In the absence of clergy, I ask that we all bow our heads in a moment of silence.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, June 3, the Senate met pursuant to adjournment. The Journal of Monday, June 2, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Fuschillo.

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

Amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator Young, page number 12, Calendar Number 270, Senate Print Number 406;

By Senator Libous, page number 46, Calendar Number 1136, Senate Print Number 6828;

By Senator Little, page number 65, Calendar Number 1396, Senate Print Number 7729;

By Senator Golden, page number 56, Calendar Number 1279, Senate Print Number 8196.

I now move that these bills retain their place on the order of third reading.

ACTING PRESIDENT GRIFFO: Thank you, Senator.

The amendments are received and adopted, and the bills will retain their place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I understand there are some substitutions at the desk. Can we have those done now, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: On page 25, Senator Maltese moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9898 and substitute it for the identical Senate Bill Number 7158, Third Reading Calendar 654.

On page 32, Senator Volker moves to discharge, from the Committee on Transportation, Assembly Bill Number 695 and substitute it for the identical Senate Bill Number 6630, Third Reading Calendar 857.

On page 37, Senator DeFrancisco moves to discharge, from the Committee on

Rules, Assembly Bill Number 11096 and substitute it for the identical Senate Bill Number 7997, Third Reading Calendar 946.

On page 39, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 10397 and substitute it for the identical Senate Bill Number 6545, Third Reading Calendar 990.

On page 57, Senator Saland moves to discharge, from the Committee on Finance, Assembly Bill Number 1033A and substitute it for the identical Senate Bill Number 1599A, Third Reading Calendar 1298.

And on page 69, Senator Saland moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 9478B and substitute it for the identical Senate Bill Number 6547, Third Reading Calendar 1457.

ACTING PRESIDENT GRIFFO: The substitutions are so ordered.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

It's my understanding there is a

resolution at the desk, Number 6290, by Senator Bonacic. May we please have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Bonacic, Legislative Resolution Number 6290, commending the Valedictorians, Salutatorians and Honored Students of the 42nd Senate District, in recognition of their outstanding accomplishments, at a celebration to be held at the State Capitol on June 4, 2008.

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

"WHEREAS, This Legislative Body is justly proud to recognize and commend the high achievements of these dedicated students in the 42nd Senate District on the occasion of a special celebratory visit to the State Capitol

in Albany, New York, on Wednesday, June 4, 2008. At this time the Valedictorians, Salutatorians and Honored Students who have been selected by their school leadership for outstanding community service will receive special recognition from the Senate in the Senate Chamber. Lunch will be served in the well of the Legislative Office Building, followed by a tour of the State Capitol; and

"WHEREAS, These Valedictorians, Salutatorians and Honored Students represent the best of developed potential inherent in our most precious resource, our youth. Their achievements have brought enduring honor to their families and communities and should be recognized and saluted; and

"WHEREAS, The Valedictorians who are being commended today for their outstanding academic performances and exemplary achievements include: Cheyenne Tait, Frances Mudge, Jessica Reynolds, John Gardner, Grace Babula, Katrina Kass, Esti Ross, Venessa Bedford, Christina Caucci, Taylor Jordan, Anam Chouhdry, Andrew Hoffman-Patalona, Nevin Perez, Alice Chu,

Kenneth Sweeney, Ingrid Carvo, Anna Flores-Amper, Elise DeSantis, Melissa Prieto, Kristen Lamastro, Heather Hodge, Rebecca Welton, Alisa Fersch, Evelyn Bing, Tammie Harris, Nathan Holdridge, Geoffrey Garrett, Jordan Nichols, Patrick James Barnes, Sarah Lander, Gavin Perrella, Jillian Tompkins, and Christopher Donnelly; and

"WHEREAS, The Salutatorians who are being commended today for their outstanding academic performances and exemplary achievements include: Carrianne Fairbairn, Jessica Jones, Andrew McKeegan, Jean Gregory, Celia Oset, Rebecca Cohen, Brittany Baldwin-Hunter, Lindsay Worden, Saad Majeed, Chelsea Thompson, Leila Zilles, Jessie Simmons, Aja Alana Jenkins, Amelia Fish, Elizabeth Moriarty, Ann S. Joy, Cassandra LaRussa, Jessi Panico, Elizabeth Schneider, Erica Gantz, Brighid Fogarty, Michelle Massell, Tess Beatrice, Markus Delello, Emma Nell Stratigos, Victoria Harman, Rachel Pompeii, Carol Ann Reed, and Eliel VanBuren; and

"WHEREAS, The Honored Students who

are being commended today and who have been selected by their school leadership for outstanding school or community service include: Kelly Hotaling, Claire Gohorel, Paulina Renggli, Nickolas Meier, Elise DeAndrea, Patrick Amari, Bernadette Gaffney, Ryan Cerullo, Valentina Babich, Laura Johnson, Taylor Fasce, Michael Bernholz, Giovanna Steinhaus, Megan Showers, Ashley Baker, Dominic Gallo, Kasta Howland, Shauna Rockwell, Matthew Layman, Julia Berger, Chelsie Schadt, David McDonald and Jonathan Davis; and

"WHEREAS, These Valedictorians, Salutatorians and Honored Students may now stand with pride as they assess their achievements, experience the satisfaction of their labors and the joy of their accomplishments, eager to face the new experiences of a challenging world; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commend the Valedictorians, Salutatorians and Honored Students of the 42nd Senate District, in recognition of their outstanding

accomplishments at a celebration to be held at the State Capitol on June 4, 2008, and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the aforementioned Valedictorians, Salutatorians and Honored Students."

ACTING PRESIDENT GRIFFO: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

First of all, I would like to congratulate all of the valedictorians, the salutatorians, and the honored students for their achievements in their high school. We have 22 schools represented today.

I'd like to thank the parents who took time out of their busy schedule, who are very proud of their daughters and sons; the teachers who have come; the administrators and superintendents.

What you have on both sides of this gallery is the best of the best of our youth. You know, and I would hope that after they finish college or they go on to higher

education after college, they would think of coming back to the State of New York to live and work.

But no matter where they land in any part of the world, it's been said that will America be as strong in the next generation as it is today. And I say that answer is easily yes, and it will be stronger. We are in good hands with the future leaders of America.

Members, please help me stand up and congratulate these honored students.

Thank you very much, Mr. President.

(Sustained applause.)

ACTING PRESIDENT GRIFFO: Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President. After hearing the reading of that resolution, I wonder if there is anybody in the 42nd Senatorial District that wasn't named in that resolution.

But to that end, Senator Bonacic is to be credited for honoring young people who are doing the right thing. If you were to read the media on a regular basis, or listen

to the radio and watch television, most of the time you see young people getting into trouble or doing something wrong. It would lead one to believe that we have no future, if all you saw was what was on the media and in the current print.

These people belie that fact. These people are the truth. These people are the majority of young people, who do the right things, strive to do the right things, and are an honor to their parents and their families.

We need more coverage of events like this and of young people like the ones that were named in this audience and that are all over this state, by the millions, who are doing the right thing and don't get enough credit for it.

Unfortunately, we hear the negatives; we rarely hear the positives. So thank you, Senator Bonacic, for bringing that to our attention and raising this to the level of the discussion on the floor of this chamber. It's a great thing you've done here today.

These people are an honor to their

families, their schools, their teachers. And I congratulate them and thank you and wish you good cheer and a good day, and God bless you one and all.

Thank you, Mr. President.

(Applause.)

ACTING PRESIDENT GRIFFO: Thank you, Senator Marcellino.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

We congratulate the visiting valedictorians, salutatorians, and honored students of the 42nd, and we extend our best wishes to all of you.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, may we now have the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The

Secretary will read.

THE SECRETARY: Calendar Number 23, by Senator Leibell, Senate Print 5645, an act to amend the Executive Law, in relation to establishment of disaster preparedness.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 194, by Senator Hannon, Senate Print 4879A, an act to amend the Public Health Law, in relation to hospital report cards.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 257, by Senator Morahan, Senate Print 5699, an act relating to school bus travel on the Palisades Parkway.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 305, by Senator Young, Senate Print 4904, an act to amend the Public Health Law, in relation to requiring healthcare providers.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of October.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 351, by Senator Skelos, Senate Print --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 362, by Senator Maltese, Senate Print 6865, an act to amend the Labor Law, in relation to posting of a bond.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 602, by Senator Volker, Senate Print 4730A, an act to amend the Religious Corporation Law, in relation to providing a means of incorporation.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 654, substituted earlier today by Member of the Assembly Abbate, Assembly Print Number 9898, an act to amend the Civil Service Law, in relation to resolution of disputes.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 680, by Senator Leibell, Senate Print 2382A, an act to amend the Surrogate's Court Procedure Act, in relation to increasing the value of a small estate.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2009.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 775, by Senator Little, Senate Print --

SENATOR MARCELLINO: Lay it aside

for the day, please.

ACTING PRESIDENT GRIFFO: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 842, by Senator Volker, Senate Print 7074, an act to amend the Penal Law, in relation to restitution hearings.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 857, substituted earlier by Member of the Assembly Wright, Assembly Print Number 695, an act to amend the Vehicle and Traffic Law, in relation to postponements of hearings.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 930, by Senator Bonacic --

SENATOR MARCELLINO: Lay the bill aside for the day, please.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 946, substituted earlier today by Member of the Assembly Weinstein, Assembly Print Number 11096, an act to amend the Estates, Powers and Trusts Law, in relation to transfer.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 990, substituted earlier today by Member of the Assembly Raia, Assembly Print Number 10397, an act to amend the Criminal Procedure Law, in relation to granting peace officer status.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 990 are Senators Duane, L. Krueger, and Perkins.

Ayes, 49. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1022, by Senator Libous, Senate Print 7574, an act to amend the Public Authorities Law, in

relation to procurements.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1022 are Senators Gonzalez and Perkins.

Ayes, 51. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1066, by Senator Skelos, Senate Print 7713A, an act to amend the Executive Law, the Tax Law and the Correction Law, in relation to requiring the Division of Lottery.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of January next succeeding.

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1066 are Senators Duane, Gonzalez, Hassell-Thompson, L. Krueger, Montgomery, and Perkins.

Ayes, 48. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1083, by Senator Little, Senate Print 7658, an act to amend the General Municipal Law, in relation to awarding contracts.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1097, by Senator Morahan, Senate Print 7562,

an act to amend the Mental Hygiene Law, in relation to membership on the advisory council.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2009.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1123, by Senator Little, Senate Print 1121, an act to amend the State Finance Law and the Environmental Conservation Law, in relation to requiring open space land.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

SENATOR DUANE: Thank you, Madam President [sic].

This bill would require that open space conservation projects be undertaken with willing sellers. And I just wanted to point that out to my colleagues.

Thank you. I'll be voting in the affirmative.

ACTING PRESIDENT GRIFFO: How are your glasses?

SENATOR DUANE: My glasses are half full.

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator Oppenheimer.

SENATOR OPPENHEIMER: That went over my head. Okay.

ACTING PRESIDENT GRIFFO: The reference was to "Madam President."

SENATOR OPPENHEIMER: I'll be voting no on this issue, principally because if there is not a willing seller of the land and the state wishes to take the land, this

eliminates the possibility of eminent domain.

We see eminent domain utilized for a lot less important purposes than providing open space for our residents in this state. And I think to eliminate the possibility of eminent domain is definitely the wrong thing to do in this particular -- I think almost in any circumstance it's the wrong thing to do, but particularly in permitting the state to take land that they wish for the citizens through eminent domain.

So that's why I'm voting against it.

ACTING PRESIDENT GRIFFO: Senator Oppenheimer, how do you cast your vote?

SENATOR OPPENHEIMER: No.

ACTING PRESIDENT GRIFFO: Senator Oppenheimer to be recorded in the negative.

Is there any other Senator wishing to speak?

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1123 are Senators Hassell-Thompson, L. Krueger, and Oppenheimer.

Ayes, 51. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1162, by Senator Volker, Senate Print 7190, an act to amend the Alcoholic Beverage Control Law, in relation to New York State Wine and Culinary Center, Inc.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1182, by Senator Bonacic, Senate Print 7920, an act to authorize the Town of Saugerties in the County of Ulster.

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

The Secretary will read the last

section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1198, by Senator Maziarz, Senate Print 6696, an act to amend the Vehicle and Traffic Law, in relation to allowing retired service members.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1204, by Senator Saland --

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

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

THE SECRETARY: Calendar Number 1236, by Senator Maltese, Senate Print 3003, an act to amend the Education Law, in relation to student loans for persons in military service.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1270, by Senator Saland, Senate Print 4630C, an act to amend the Domestic Relations Law, the Social Services Law, the Judiciary Law,

and the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 10. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1298, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 1033A, an act to amend the Public Officers Law, in relation to costs and fees.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: Calendar Number 1303, by Senator Marcellino, Senate Print 6088A, an act to amend the Tax Law, in relation to alternative fuel vehicle property tax credit.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1308, by Senator Maltese, Senate Print 6858, an act to amend the State Finance Law, in relation to prohibiting the purchase by a state agency of goods produced by a sweatshop.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1310, by Senator LaValle --

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 1314, by Senator Farley, Senate Print 7868, an act to amend the Executive Law, in relation to assisting state and local enforcement agencies.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1345, by Senator Winner, Senate Print 6919, an act to amend Chapter 365 of the Laws of 2005, amending the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1351, by Senator Winner, Senate Print 7656, an act to amend Chapter 366 of the Laws of 2005, amending the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1371, by Senator Nozzolio, Senate Print 707, an act to amend the Penal Law, in relation to prohibiting stalking.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1375, by Senator Rath, Senate Print 1755, an act to amend the Penal Law, in relation to endangering the welfare of a child.

ACTING PRESIDENT GRIFFO: Read

the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1392, by Senator Maltese, Senate Print 7608, an act to amend the Criminal Procedure Law, in relation to designating employees.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1392 are

Senators Duane, L. Krueger, and Perkins.

Ayes, 52. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1400, by Senator Skelos, Senate Print 7869, an act to amend the Penal Law, in relation to providing criminal penalties.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1402, by Senator Saland, Senate Print 7948, an act to amend the Penal Law, in relation to expanding the definition.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1405, by Senator Bruno, Senate Print 8138, an act to amend the Penal Law and the Highway Law, in relation to violence committed on school grounds.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 2. Senators Adams and Montgomery recorded in

the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1420, by Senator Libous, Senate Print 7396, an act to amend the Vehicle and Traffic Law, in relation to removing vehicles.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1425, by Senator Young, Senate Print 6765, an act to direct the Department of Transportation to retain jurisdiction.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1457, substituted earlier today by Member of the Assembly Cahill, Assembly Print Number 9478B, an act to amend the Alcoholic Beverage Control Law, in relation to licenses.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

I'd ask that we bring some order to the house, please.

The Secretary will continue to

read.

THE SECRETARY: Calendar Number 1489, by Senator Maziarz, Senate Print 6839, an act to amend Chapter 606 of the Laws of 2006 amending the Volunteer Firefighters Benefit Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1506, by Senator LaValle, Senate Print 7841, an act to amend the Public Authorities Law, in relation to authorizing the Dormitory Authority.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1508, by Senator Morahan, Senate Print 8159, an act amending Chapter 371 of the Laws of 1998, amending the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1525, by Senator Morahan, Senate Print 5167, an act to amend the Education Law, in relation to authorizing Rockland Community College.

ACTING PRESIDENT GRIFFO: Read

the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1530, by Senator LaValle, Senate Print 7821, an act to amend the Education Law, in relation to the board of trustees.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1532, by Senator Griffo, Senate Print 7902A,

an act authorizing the State University of New York Institute of Technology.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 1. Senator Stavisky recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1054, by Senator Nozzolio, Senate Print --

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT GRIFFO: Lay it aside.

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

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

If we could ring the bells to alert the members that we'll be going to the

controversial calendar.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell to indicate the beginning of the controversial calendar.

Senator Skelos.

SENATOR SKELOS: If we could go to the controversial calendar now.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 351, by Senator Skelos, Senate Print 6823A, an act to amend the General Municipal Law, in relation to enacting the Long Island Workforce Housing Act.

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT GRIFFO: Explanation, Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

Senator Krueger, this is progressive legislation which I know by the end of the explanation you are going to support. I'm absolutely convinced of that.

For the past year, we've been

having discussions, on a bipartisan basis -- Assemblyman Sweeney is the sponsor of the legislation in the Assembly -- with builders, with housing experts, with local governments on how we can improve the affordable housing stock on Long Island. It's one of the critical economic issues that exist on Long Island.

Basically, what this legislation does is when a developer makes an application to a local government to build five or more residential units in Nassau or Suffolk Counties, the local government shall choose to have a developer comply with one of the following in exchange for a density bonus of at least 10 percent or other incentives:

Number one, the set-aside of at least 10 percent of those units for affordable workforce housing, defined as housing for individuals or families at or below 130 percent of Long Island's median income.

The construction of required affordable units on other land within the same municipality, or the payment of a fee for each affordable unit that the developer would have

been required to construct. The fee shall be equal to two times the median income for a family of four on Long Island. Currently, that would be $194,200.

In cases where the fee exceeds the appraised value of the building lot, the fee shall equal the appraised value of the lot.

The fees collected by the local government may be used in one of the following ways. The local government may establish a trust fund to be used for the construction of affordable housing, the purchase of land for the purpose of providing affordable housing, or rehabilitating existing structures to provide affordable housing.

Or the local government may turn the funds over to the Long Island Housing Partnership. Fifty percent of this money must be used in the same manner described above, and the remaining 50 percent must be used for the creation of a revolving loan fund to provide down payment assistance to qualified homebuyers who are eligible for the partnership's employer assistance housing benefit program.

And incidentally, the Long Island Housing Partnership has been responsible for putting thousands of people into affordable units on Long Island.

The local government may turn the funds over to another local government within the same county, subject to an intermunicipal agreement, to be used to construct affordable housing.

All units created under this act shall remain affordable for subsequent purchases.

This legislation is supported by the Long Island Association, the LIA; Long Island Builders Institute; New York State Association for Affordable Housing; and Suffolk County. And I have no opposition on record at this time to the legislation.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I appreciate the sponsor's explanation. But no, you haven't convinced me yet.

You have two bills on affordable housing that you have filed this year. One is 7065, which is also cosponsored by Assemblymember Sweeney, and this bill that we're talking about today, 6823.

My concern about this bill is that it violates what has been the intention of inclusionary zoning in statute and throughout the state, in that, as you just explained, it would allow the developer to transfer the location of where the affordable housing was built to another area or even another community.

And one of the concerns that has been raised, because some people do have concerns with the bill -- even your newspaper, Newsday, on Long Island has raised concerns about the bill -- is that this would lead to the furthering of both racial and socioeconomic segregation in Long Island, because it would be more likely that the units would be moved to another site or another town, which I believe is in violation of the concept of inclusionary zoning, the idea that you include people in communities regardless

of their socioeconomic status.

So again, my real concern here is the fact that it won't be on-site and that it could increase discrimination in Long Island.

SENATOR SKELOS: That's your opinion. It's not my opinion.

I think that what this is going to do is it's going to increase affordable housing for many young people throughout the counties of Nassau and Suffolk who are struggling to find housing.

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

ACTING PRESIDENT GRIFFO: Senator Skelos, do you continue to yield?

SENATOR SKELOS: Yes.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

You defined the cutoff of eligibility as 130 percent of the median income in Long Island. Can you tell me, therefore, what the income cutoff would be for this housing?

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: If it's one individual, the maximum income would be $88,000. Two would be $101,000. Three would be $113,600. And for the family of four, $126,250.

SENATOR LIZ KRUEGER: Thank you.

Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Senator Skelos, do you continue to yield?

SENATOR SKELOS: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

So if I'm reading your bill correctly, under these scenarios you could get credit to do 10 percent bonus, you could build the housing off-site or not at all, actually, because the money could also go into the trust fund. And that this would be up to, to round up for a family of four, $130,000 per year -- $126,000 I believe is what you said for a

family of four.

Would this type of arrangement then allow these units to become eligible for state subsidies as affordable inclusionary zoning housing?

SENATOR SKELOS: I don't totally understand the question.

This is an inclusionary zoning issue that involves affordable housing on Long Island. I don't know if -- I'm not sure if that would preclude any types of other types of subsidies.

SENATOR LIZ KRUEGER: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I wish Senator Skelos had his other bill up before us today, which I would be happy to support and would which actually develop a model for expanding a significant number of units of affordable housing and laying out a comprehensive plan for how Long Island and the communities within Long Island could expand their housing to address the

concerns of affordability and workforce housing throughout the two counties of Long Island.

I would argue that the other bill that we are not having a discussion on today would also be an interesting model for discussion throughout the state.

My concerns about this bill are, one, it's a voluntary program, so it's not at all clear anybody would take advantage of it.

Two, it's only 10 percent. Where at least in the work around the country that I have looked, at when you talk about inclusionary zoning, you want to be talking about 20 to 30 percent inclusionary, not a small number such as 10 percent.

Three, in addition to it being voluntary and only 10 percent, because you don't have to build on-site, you can take the credits, so to speak, and use them in another section of the same town, perhaps in what's referred to as the poor section of the town. You can take them and move them to another town. You can take them and not actually use them at all.

I think what we would find is some of the same problems we found in 421-a certificates in the City of New York until we changed that law -- effectively, actually, just in a couple of months now, where we said no, you can't have your certificates and promise you're going to deliver on affordable housing somewhere else someday. Because what we learned was they weren't delivering on the affordable housing. They were getting the advantages, but they weren't actually delivering on the affordable housing.

And so I think one of the lessons from the City of New York's experience is to make sure you're very clear when you do legislation intended to locate affordable housing and change density and zoning rules to do so, that you ensure you actually get that housing and you get that housing where it's needed.

Finally, while the sponsor and I may have absolutely disagree, as we have the right to, on whether this will have an impact on increasing housing discrimination and socioeconomic discrimination in housing in

these counties, I think the record is clear that there is a history of housing discrimination and that we need to be addressing that. And I fear that this legislation will exacerbate the problem, not address it.

And you're right, it's a hypothetical, because we don't know what happens before. But again, we can look at inclusionary zoning, what has worked and what has not in other parts of the country. We can look at the city's model of certificates you can transfer through various programs and see what did happen.

And I would urge the sponsor to revisit his support for his other bill, rather than this bill, because I think it will get us where we want to go.

So I'm urging my colleagues to vote no on this bill.

Thank you, Mr. President.

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

Debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2009.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

SENATOR LaVALLE: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Order in the chamber, please.

Senator LaValle, you may continue.

SENATOR LaVALLE: One of the vexing problems on Long Island is the issue of affordable housing, to ensure that we don't continue to have a brain drain, as we do by having a lot of our young people move away because they cannot afford housing.

My Senate district rolls over six of the townships of the 10 in Suffolk County, and much of the open land is in the First Senatorial District. I know that Senator Skelos has worked very, very hard on this bill to put together something that is fair,

something that the towns can live with.

Most of the six towns in the First District already have gone to a 10 percent, at least 10 percent of any development to have those units as affordable housing. But the towns have been very reluctant to embrace this particular bill, given the open space, given the fact that we have pine barrens credits, transfer of development credits. And the issue of density is one that communities have a problem with.

Having said all of that, at some point we need a concerted effort, an effort between the two counties to address this issue of affordable housing. I don't believe this is a perfect solution, but it is a bill that gives it a good try.

And for that reason, I am going to join my colleagues from Long Island and cast my vote in the affirmative.

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

Senator Hannon, to explain his vote.

SENATOR HANNON: Yes,

Mr. President. I wanted to rise in support of this legislation because I think this is truly precedent-breaking.

The use of the word "inclusionary" means in regard to density, not in regard to any other concept. And this bill does provide for that. It also provides it in a such a way that it does not override local zoning. It gives people an option.

And if you don't result in the physical presence of a new house or an extra house, it then provides that some of the money may go to the down payment program, which was initiated last year so that key workers in the workforce can be assisted by their employer, through the Long Island Housing Partnership, with help in the down payment for a house.

This has, as with a set of suburbs that have many different fact patterns, it has a varied response. I believe that Senator Skelos should be congratulated because this has been a difficult concept to carry through, one that will result in successful expansion of the housing stock and making it affordable to people who need it.

Thank you. I vote in the affirmative.

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

Again, I would remind the chamber to please come to order out of respect for our speakers who are explaining their votes.

Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Thank you, Mr. President.

I rise also to support my colleague Senator Skelos on this groundbreaking bill, no pun intended.

This bill covers a lot of issues and has brought together, through Senator Skelos's leadership, many different groups and organizations that have been trying for years to find a path towards bringing affordable housing onto Long Island where, as you well know, this is a very difficult issue for us. Many of our young people cannot afford to stay on the island. They get their education there, but when it comes time to find a home, they have to go somewhere else.

We need good workforce housing. We need a program like this. Some of my colleagues are stressing issues where you might state that their concern is the perfect has become the enemy of the good.

This is a great bill. This is a good bill. It starts the process moving. Could it be a better bill? Yes. And I'm sure once it gets a chance to get into the field and get it in action and we test it and see what's going on, things can be done at a later time to change it and fix it and tweak it to make it even better.

But in the meantime, this bill is needed. The issue is of great concern on the island. And I support this bill enthusiastically.

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

Senator Golden, to explain his vote.

SENATOR GOLDEN: Thank you, Mr. President.

I rise too to support this legislation. I believe there is a need for

affordable housing across the State of New York, and I believe the approach that Dean Skelos has taken is an important, historic step for Long Island.

I'm eager, as I look into the balcony and I see the Japanese Local Government Center, who has joined us here today -- and one of their issues obviously is housing. So for them to see what's going on here in this chamber and to see that we are arguing over affordable housing I'm sure amuses them.

And I'm glad to see that they have joined and us and will watch this debate and show how Dean Skelos, the Senator that has put this legislation forward, is a leader in trying to come to terms with dealing with affordable and low-income housing, not just for Long Island but for that of the City and of the State of New York.

So I vote in favor. I vote aye.

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

Senator Fuschillo, to explain his vote.

SENATOR FUSCHILLO: Thank you very much, Mr. President. Just briefly.

I want to compliment my colleague Senator Dean Skelos. You know, this is a long --

ACTING PRESIDENT GRIFFO: Senator Fuschillo, excuse me.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President. I want everybody to hear me as well.

I want to compliment Senator Skelos. This is a battle, a negotiation that's been going on for many years. And he's done his due diligence with many groups, many municipalities, media outlets. And he never gave up.

And there's not a day that goes by that I'm in my district where parents or young kids coming from back from college, looking for jobs, always say "I can't afford a house. I can't afford the property taxes."

This piece of legislation, which I'm confident will become law now, sets the framework, sets the guidelines to make Long

Island more affordable, to allow people to come back.

You know, Senator LaValle talked about the Long Island Housing Partnership and the funding that we place there and the partnership that allows for corporations to join with them to make loans and match loans that are given to individuals to make the American dream affordable. This takes it to the next step.

So, Dean, thank you very much for this legislation. I'll be voting aye.

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

Senator Craig Johnson, to explain his vote.

SENATOR CRAIG JOHNSON: Thank you very much, Mr. President. I too rise in support of this legislation. I also wish to thank Senator Skelos on the bill.

It's a bill that actually I think has seen many forms. I remember a couple of years ago my predecessor, Michael Balboni, had a similar piece of legislation that he sponsored here, and Assemblyman -- now

Comptroller -- Tom DiNapoli was the Assembly sponsor. And it's a piece of legislation whose time is necessary.

And like Senator Fuschillo pointed out, and Senator Marcellino, Senator LaValle, and even Senator Golden, this is a problem that we're facing in Long Island when it comes to our young people, people younger than me and my friends who want to come back and live in North Hempstead or in Hempstead or in Oyster Bay, who can't seem to find the affordable housing.

But as a couple of Senators have remarked, it's not a perfect bill. As one study indicated or commentator pointed out, if this legislation had been in place last year, in 2007, only, I believe, 200 affordable units would have been set aside or at most 2,000 affordable units would have been set aside. And workforce housing is so desperately needed in Nassau County and Suffolk County for our young people.

But it's a start. And if it's a decision between something and nothing, we have to do something. And so I see this as a

first step, an important step, but a step nonetheless to help our young people come back to Long Island or stay on Long Island. And so I will be voting in the affirmative.

Thank you very much.

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

Senator Bonacic, to explain his vote.

SENATOR BONACIC: Thank you, Mr. President.

I stand to congratulate Senator Skelos for this legislation. The need for affordable housing, workforce housing, is insatiable. And our experiences throughout the State of New York on workforce housing is that you need local approval. And many times it's difficult because of the image that people in the community think who you bring in with workforce housing.

Workforce housing is about nurses, it's about policemen, it's about middle-class people trying to afford a decent place to live in their community. And without workforce

housing, a particular county or community will never have economic vitality, they'll never have enough people to keep up with the growth of an emerging economy.

So, Senator Skelos, thank you. And I vote in the affirmative.

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

Senator Libous, to explain his vote.

SENATOR LIBOUS: Mr. President, I want to stand and join my colleagues and thank Senator Skelos for this bill.

And I vote aye.

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator Libous in the affirmative.

Senator Flanagan, to explain his vote.

SENATOR FLANAGAN: In the category of piling on, Mr. President -- no, I do want to congratulate Senator Skelos.

But I think it's important to recognize, you know, we all come from difficult areas. And we're all talking about

affordable housing on Long Island; it certainly has ramifications across the State of New York.

But I listened with interest to my colleagues, particularly those who don't live on Long Island, on this bill. And I would suggest that for anyone who has paid attention to this issue, Senator Skelos in particular had been ripped apart, torn apart, excoriated by all the editorial pages because he wouldn't do exactly what they thought was the right thing to do.

What we're looking at today is the by-product of months and literally years of negotiations with so many different interested parties. And I don't think this is a first step. This is beyond a first step. This is a very good bill. It's supported by many local municipalities who previously had great objections to what we were talking about.

I look at this in relation to what Senator Hannon said about the funding for affordable housing -- $25 million last year, $6 million more this year. So while other people are opining and offering, you know,

comments about things, we're acting. We're actually getting something done. It will mean real results for real people, and that's what all our constituents expect.

So this is a very good thing, and it's way beyond a first step. Thank you.

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

Senator Hassell-Thompson, to explain her vote.

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

I'm very sorry to say that I can't stand and congratulate Senator Skelos on this bill.

(Groans.)

SENATOR HASSELL-THOMPSON: Yeah. Everybody.

The reason that I cannot is that as someone who has always supported affordable housing, one of the concerns that is raised -- and there's nothing that I've read in this bill that convinces me that I'm wrong yet -- is when we allow what we call floating zones, developers will go to those zones where it is

most easy to build affordable units, get the credits, but it will do nothing for the kind of racial politics that we try to create across communities.

We've seen it in Westchester. It's not different because it's Long Island. There are communities who continue to fight against the kinds of housing inclusion that we should be standing for in these chambers.

Much of this bill has merit. But any portion of a bill that causes an increase in racial and economic discrimination in any community is not a bill I can or will ever vote for.

So I declare that it is not the best bill that we could do based upon the consciousness that we should be raising about how we do correct mixed-use and how we best use state dollars and subsidies in the State of New York.

Thank you, Mr. President. I will be voting no.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 351 are Senators Adams, Gonzalez, Hassell-Thompson, L. Krueger, Montgomery, Parker, Perkins, Schneiderman and Serrano.

Absent from voting: Senators DeFrancisco, C. Kruger and Sampson.

Ayes, 48. Nays, 9.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 1054, by Senator Nozzolio, Senate Print 1453, an act to amend the Correction Law, in relation to requiring inmates.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Thank you, Mr. President. If the sponsor would yield.

ACTING PRESIDENT GRIFFO: Senator Nozzolio, will you yield for a question?

SENATOR NOZZOLIO: I'd be happy to yield, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I'm curious as to whether or not the Department of Corrections is supporting this bill.

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: I'm not sure, Senator. Mr. President, through you, I'm not sure whether the department has taken a position on this issue or not.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT GRIFFO: Senator Nozzolio, do you continue to yield?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

If an inmate has their own insurance, can they go to any healthcare provider in their plan?

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, this measure requires those inmates who are receiving medical care from the State of New York to provide a $7 copayment for every medical visit. Much as citizens who are participants and lucky enough to get medical insurance and medical coverage, the copayment is presented as a way that we in the state would see a more balanced approach to the provision of inmate medical care.

To answer Senator Duane's question, I would believe it would be depending on what the terms of the individual policies were, whether or not, when incarcerated, that individual policy would carry into a prison facility.

It is anybody's guess what an individual's policy would maintain. I don't believe there's too many precedents for that in the typical medical insurance coverage we see in New York State.

SENATOR DUANE: On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: On the bill?

SENATOR DUANE: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Duane, on the bill.

SENATOR DUANE: Thank you.

I just think this bill is just terrible, meanspirited, wrong. I think it's morally wrong and ethically wrong.

I think financially it doesn't make any sense. You'd have to create a whole new department within the Department of Corrections to actually collect the copayments. You'd have to have people liaising with insurance companies and HMOs.

You know, most doctors don't make house calls. I can't imagine that doctors are going to make, you know, prison calls if people get to go to their own -- or have services from doctors within their network.

But I mean, just generally, incarcerated people, they have no money. And what little money they have, they use that to buy snacks, you know, in the commissary or --

I mean, there's really such a small amount of money that they are able to have. Even if they work at a core craft or in some other way make a little bit of money, for them to have to sacrifice $7 -- which is a tremendous amount of money if you're incarcerated -- to get a doctor's appointment, I think it would deter people from actually getting the healthcare that they need while they're incarcerated.

The incarceration is the punishment. I don't think that people should be additionally sentenced to even more cruelty in our state facilities. And I just -- and I have never known the Department of Corrections to support this.

You know, I think that, you know, we're going to be judged on how it is that we treat the least fortunate among us. And it's hard to imagine anyone that's less fortunate than someone who's incarcerated. No matter what the circumstances that caused their being incarcerated, that's the punishment.

This has nothing to do with rehabilitation. This has nothing to do with

teaching people financial skills that they could use when they come to the outside. It's just mean.

So I'm going to encourage my colleagues to vote no on this bill and hope that we don't see it anymore.

Thank you, Mr. President. I'll be voting no.

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

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

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: I would ask the chamber to please come to order and members who are casting negative votes to be in their seats.

And I'm going to recognize Senator Nozzolio to explain his vote.

SENATOR NOZZOLIO: Thank you,

Mr. President. I rise to support this legislation --

ACTING PRESIDENT GRIFFO: Excuse me, Senator Nozzolio.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President, I rise to support legislation that provides and requires the inmates of our state correctional facilities to pay a modest copayment for their medical services.

This provision is not unique to any state. As a matter of fact, there are a number of states -- like California, Connecticut, Ohio, Pennsylvania, Virginia and New Jersey -- where a copayment is required, as well as the entire federal system of corrections. A copayment is required for the federal system and for those states, and there is no discernible amount of difference between healthcare in those states for prisoners and in New York where no copayment is required.

Mr. President, in an era where every item of state government must be cut,

where the Governor of this state has issued an edict that across all state system, including our State University system, 5 percent has to be chopped off after we passed the state budget, at a time when hospitals are closing, when healthcare is a tremendous crisis situation for the cost and availability across our state -- to state that we believe that the inmates of our state system, those who are convicted of a serious crime and are incarcerated in our prison facilities, should not have to pay a modest copayment, that to me is a slap in the face to the taxpayers of our system and our state.

We should be cutting -- one of the most important reasons why the cost of incarceration of prison inmates in this state has increased so dramatically is the dramatic increase of the cost of healthcare in our prison system.

I think it's time that this Senate and this Legislature established the appropriate priorities. Think of our citizens, our taxpayers who have not broken the law first.

That is the essence of this bill, Mr. President. It's why I bring it to the floor. I'm very proudly in support of this.

Thank you for the opportunity to explain my vote.

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

Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President.

This bill, unfortunately, that Senator Nozzolio is so committed to creates a mockery, I believe, of the notion of having paid your dues to society -- and when you return to your community, you're unable to fulfill the debt created based on any number of charges, and this being one of them.

So I think in that sense we need to really rethink this whole idea of the notion of having people create debt while they're in prison and owing that debt when they return, unable to find employment, and thereby never, ever being realistically able to repay to society.

The second point I want to make is that this bill, while it requires a copay of $7, that money does not go back into providing additional healthcare. It goes into the general fund of the prison. And so what is the purpose of this copay?

And the last point that I want to make -- which is certainly not the most important, but I think it is important to all of us in this room -- is that when a person who has served time in prison returns to their community and they have an illness, a chronic illness such as exposure to hepatitis, HIV and AIDS and other illnesses, they return to a community, under this legislation, very, very likely without having had healthcare in that facility.

So we really do a disservice to the people of this state where we have people returning to communities infected with diseases, having not been treated, and thereby becoming a health hazard to other people in the communities that they come back to.

So not only is this a very, very bad idea, this is very wrongheaded and, as my

colleague says, meanspirited and all the rest, it endangers the health of citizens in our state. And I think that of all of the concerns, this should be number one.

And since I have a large number of people who return from prison every single year, I want to know that they have at least had access to healthcare in the prisons that they've served.

So I'm voting no on this.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1054 are Senators Adams, Breslin, Connor, Dilan, Duane, Gonzalez, Hassell-Thompson, Klein, L. Krueger, Montgomery, Onorato, Parker, Perkins, Sabini, Savino, Schneiderman, Serrano, Smith, Stewart-Cousins and Thompson. Also Senators Oppenheimer and Stavisky.

Absent from voting on Calendar Number 1054: Senators DeFrancisco, C. Kruger, and Sampson.

Ayes, 35. Nays, 22.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Marcellino, that completes the controversial reading of the calendar.

SENATOR MARCELLINO: Mr. President, is there any further business at the desk?

ACTING PRESIDENT GRIFFO: There is none.

SENATOR MARCELLINO: Seeing that there's no further business, I move that the Senate stand adjourned until Thursday, June 5th, at 11:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Thursday, June 5th, at 11:00 a.m.

(Whereupon, at 12:26 p.m., the Senate adjourned.)