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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 12, 2008

11:07 a.m.

REGULAR SESSION

SENATOR GEORGE H. WINNER, JR., Acting President

STEVEN M. BOGGESS, Secretary

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P R O C E E D I N G S

ACTING PRESIDENT WINNER: 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 WINNER: In the
absence of clergy, may we bow our heads in a
moment of silence.

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

ACTING PRESIDENT WINNER: Reading
of the Journal.

THE SECRETARY: In Senate,
Wednesday, June 11, the Senate met pursuant to
adjournment. The Journal of Tuesday, June 10,
was read and approved. On motion, Senate
adjourned.

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

Presentation of petitions.
Messages from the Assembly.

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

6 Motions and resolutions.

7 Senator Libous.

8 SENATOR LIBOUS: Mr. President,
9 could I call an immediate meeting of the Rules
10 Committee in Room 332, please.

11 ACTING PRESIDENT WINNER: There
12 will be an immediate meeting of the Rules
13 Committee in Room 332.

14 The Senate will stand at ease
15 pending the return of the Rules Committee
16 members.

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

19 (Whereupon, the Senate stood at
20 ease at 11:08 a.m.)

21 (Whereupon, the Senate reconvened
22 at 11:28 a.m.)

23 ACTING PRESIDENT WINNER: Senator
24 Libous.

25 SENATOR LIBOUS: Mr. President,

1 could we return to motions and resolutions,
2 please.

3 ACTING PRESIDENT WINNER: Motions
4 and resolutions.

5 Senator Little.

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

8 On behalf of Senator O. Johnson,
9 please place a sponsor's star on Calendar
10 Number 1705.

11 ACTING PRESIDENT WINNER: So
12 ordered.

13 SENATOR LITTLE: Thank you.

14 Mr. President, amendments are
15 offered to the following Third Reading
16 Calendar bills:

17 Sponsored by Senator LaValle, on
18 page 11, Calendar Number 264, Senate Print
19 Number 930A;

20 Sponsored by Senator Larkin, on
21 page number 23, Calendar Number 612, Senate
22 Print Number 205A;

23 Sponsored by Senator Morahan, page
24 number 68, Calendar Number 1671, Senate Print
25 Number 8078;

1 And sponsored by Senator
2 Marcellino, on page 67, Calendar Number 1656,
3 Senate Print Number 5307.

4 ACTING PRESIDENT WINNER: The
5 amendments are received, and the bills will
6 retain their place on the Third Reading
7 Calendar.

8 SENATOR LITTLE: Thank you.

9 ACTING PRESIDENT WINNER: Thank
10 you, Senator Little.

11 Senator Duane.

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

14 On behalf of Senator Stavisky, on
15 page 64 I offer the following amendments to
16 Calendar Number 1528, Senate Print Number
17 7016A, and ask that said bill retain its place
18 on Third Reading Calendar.

19 ACTING PRESIDENT WINNER: The
20 amendments are received, and the bill will
21 retain its place on the Third Reading
22 Calendar.

23 Thank you, Senator Duane.

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

1 ACTING PRESIDENT WINNER: Senator
2 Libous.

3 SENATOR LIBOUS: Mr. President,
4 we have substitutions at the desk.

5 ACTING PRESIDENT WINNER: The
6 Secretary will read.

7 THE SECRETARY: On page 34,
8 Senator Little moves to discharge, from the
9 Committee on Health, Assembly Bill Number
10 5278A and substitute it for the identical
11 Senate Bill Number 7468, Third Reading
12 Calendar 926.

13 On page 34, Senator Hannon moves to
14 discharge, from the Committee on Health,
15 Assembly Bill Number 10395A and substitute it
16 for the identical Senate Bill Number 7629,
17 Third Reading Calendar 927.

18 On page 43, Senator Alesi moves to
19 discharge, from the Committee on
20 Investigations and Government Operations,
21 Assembly Bill Number 10657 and substitute it
22 for the identical Senate Bill Number 7636,
23 Third Reading Calendar 1163.

24 On page 67, Senator Golden moves to
25 discharge, from the Committee on Finance,

1 Assembly Bill Number 6198 and substitute it
2 for the identical Senate Bill Number 3727,
3 Third Reading Calendar 1654.

4 On page 70, Senator Flanagan moves
5 to discharge, from the Committee on Commerce,
6 Economic Development and Small Business,
7 Assembly Bill Number 6906 and substitute it
8 for the identical Senate Bill Number 3581,
9 Third Reading Calendar 1682.

10 On page 70, Senator Marcellino
11 moves to discharge, from the Committee on
12 Energy and Telecommunications, Assembly Bill
13 Number 2005C and substitute it for the
14 identical Senate Bill Number 5442B, Third
15 Reading Calendar 1689.

16 On page 71, Senator Maziarz moves
17 to discharge, from the Committee on Social
18 Services, Children and Families, Assembly Bill
19 Number 10671 and substitute it for the
20 identical Senate Bill Number 8133, Third
21 Reading Calendar 1698.

22 And on page 71, Senator Skelos
23 moves to discharge, from the Committee on
24 Rules, Assembly Bill Number 11156 and
25 substitute it for the identical Senate Bill

1 Number 8188, Third Reading Calendar 1700.

2 ACTING PRESIDENT WINNER:

3 Substitutions ordered.

4 Senator Libous.

5 SENATOR LIBOUS: Mr. President,
6 Resolution Number 6464, by Senator Thompson,
7 could we have the title read and the
8 resolution moved. And certainly we'd like to
9 open it for cosponsorship.

10 ACTING PRESIDENT WINNER: The
11 Secretary will read.

12 THE SECRETARY: By Senator
13 Thompson, Legislative Resolution Number 6464,
14 memorializing Governor David A. Paterson to
15 proclaim November 20, 2008, as Great American
16 Smoke Out Day in the State of New York.

17 ACTING PRESIDENT WINNER: The
18 question is on the resolution. All in favor
19 signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT WINNER:
22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT WINNER: The
25 resolution is adopted.

1 The resolution is open for
2 cosponsorship; may we please put everyone on
3 as a cosponsor. If someone does not wish to
4 be a cosponsor, please notify the desk.

5 Senator Libous.

6 SENATOR LIBOUS: Mr. President,
7 could we please have the noncontroversial
8 reading of the calendar.

9 ACTING PRESIDENT WINNER: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 819, by Senator Hannon, Senate Print 4661A, an
13 act to amend the Public Health Law, in
14 relation to training.

15 ACTING PRESIDENT WINNER: Read
16 the last section.

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

19 ACTING PRESIDENT WINNER: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 52.

23 ACTING PRESIDENT WINNER: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 920, by Senator C. Kruger, Senate Print 7403,
2 an act to amend the Executive Law, in relation
3 to tolling the placement period for youth on
4 conditional release.

5 ACTING PRESIDENT WINNER: Read
6 the last section.

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

9 ACTING PRESIDENT WINNER: Call
10 the roll call.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 52.

13 ACTING PRESIDENT WINNER: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 925, by Senator Fuschillo, Senate Print 7330,
17 an act to amend the Public Health Law, in
18 relation to requiring hotels.

19 ACTING PRESIDENT WINNER: Read
20 the last section.

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

23 ACTING PRESIDENT WINNER: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 52.

2 ACTING PRESIDENT WINNER: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 926, substituted earlier by Member of the
6 Assembly Wright, Assembly Print Number 5278A,
7 an act to amend the Public Health Law, in
8 relation to healthcare education.

9 ACTING PRESIDENT WINNER: Read
10 the last section.

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

13 ACTING PRESIDENT WINNER: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT WINNER: Senator
17 Duane, to explain his vote.

18 SENATOR DUANE: Thank you,
19 Mr. President. I'll be voting in the
20 affirmative on this bill, and I am very
21 supportive of it.

22 But I do also want to remind all of
23 my colleagues that time in this session is
24 running short and we have yet to take action
25 on the Healthy Teens Act. And I just couldn't

1 help but be reminded that that also deals with
2 healthcare education. And I hope that time is
3 not going to run out before we're able to pass
4 the Healthy Teens Act.

5 Thank you, Mr. President. I'll be
6 voting in the affirmative.

7 ACTING PRESIDENT WINNER: Senator
8 Duane will be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: Ayes, 53. Nays,
11 0.

12 ACTING PRESIDENT WINNER: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 927, substituted earlier by Member of the
16 Assembly Gottfried, Assembly Print Number
17 10395A, an act to amend the Public Health Law,
18 in relation to authorizing physician
19 assistants.

20 ACTING PRESIDENT WINNER: Read
21 the last section.

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

24 ACTING PRESIDENT WINNER: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 53.

3 ACTING PRESIDENT WINNER: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 1035, by Senator LaValle, Senate Print 7625,
7 an act to authorize payment.

8 ACTING PRESIDENT WINNER: Read
9 the last section.

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

12 ACTING PRESIDENT WINNER: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 53.

16 ACTING PRESIDENT WINNER: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 1163, substituted earlier by Member of the
20 Assembly Schimminger, Assembly Print Number
21 10657, an act to amend the Alcoholic Beverage
22 Control Law, in relation to terms.

23 ACTING PRESIDENT WINNER: Read
24 the last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect on the 90th day.

2 ACTING PRESIDENT WINNER: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 53.

6 ACTING PRESIDENT WINNER: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 1284, by Senator Padavan, Senate Print 8145,
10 an act to amend the Real Property Tax Law and
11 the Education Law, in relation to solar
12 electric generating system.

13 ACTING PRESIDENT WINNER: Read
14 the last section.

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

17 ACTING PRESIDENT WINNER: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 53.

21 ACTING PRESIDENT WINNER: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 1299, by Senator Skelos, Senate Print 2375, an
25 act to amend the Executive Law, in relation to

1 including the conviction.

2 SENATOR DUANE: Lay it aside,
3 please.

4 ACTING PRESIDENT WINNER: The
5 bill is laid aside.

6 THE SECRETARY: Calendar Number
7 1372, by Senator Trunzo, Senate Print 1324A,
8 an act to amend the Penal Law, in relation to
9 the criminal sale.

10 ACTING PRESIDENT WINNER: Read
11 the last section.

12 THE SECRETARY: Section 5. This
13 act shall take effect on the first of
14 November.

15 ACTING PRESIDENT WINNER: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT WINNER: Senator
19 Schneiderman, to explain his vote.

20 SENATOR SCHNEIDERMAN: Thank you,
21 Mr. President.

22 This bill expands the areas around
23 playgrounds and municipal parks to create --
24 to attempt to create drug-free zones. And I
25 understand that it has a good intention.

1 The problem with this bill is that
2 functionally, in the City of New York, if you
3 try and expand the zone where you have
4 enhanced penalties to an area anywhere near a
5 municipal park, you're essentially wiping out
6 the entire borough of Manhattan and the
7 borough of the Bronx and most of Brooklyn and
8 Queens.

9 Now, if the objective here is to
10 try and toughen penalties in the entire City
11 of New York so that we move all the drug
12 dealing to the suburbs, maybe this would make
13 sense. But as it is now, I think it has to be
14 retooled to deal with the vast differences
15 around our state in geography and demography.

16 The intention, I think, is very
17 good. None of us want drug dealing in parks.
18 But as it is currently drafted, I think this
19 is an unworkable bill. So with all due regard
20 and appreciation for Senator Trunzo's effort,
21 I'm going to be voting no. This is not
22 something that can possibly work.

23 Everything within a thousand feet
24 of the real property line of Central Park is a
25 lot of territory, Mr. President, and I don't

1 think this is going to functionally work. I
2 think this is going to create a two-tier
3 system of penalties, which is not what the
4 sponsor intends.

5 So I'm going to be voting no.
6 Thank you.

7 ACTING PRESIDENT WINNER: Senator
8 Schneiderman will be recorded in the negative.

9 The Secretary will announce the
10 results.

11 THE SECRETARY: Those recorded in
12 the negative on Calendar Number 1372 are
13 Senators Duane, L. Krueger, Perkins and
14 Schneiderman.

15 Ayes, 52. Nays, 4.

16 ACTING PRESIDENT WINNER: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 1390, by Senator LaValle, Senate Print 6847A,
20 an act to amend the Criminal Procedure Law, in
21 relation to designating employees.

22 ACTING PRESIDENT WINNER: Read
23 the last section.

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

1 ACTING PRESIDENT WINNER: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Those recorded in
5 the negative on Calendar Number 1390 are
6 Senators Duane, L. Krueger and Perkins.

7 Ayes, 53. Nays, 3.

8 ACTING PRESIDENT WINNER: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1435, by Senator LaValle, Senate Print 8110,
12 an act to amend the Education Law, in relation
13 to central high school districts.

14 ACTING PRESIDENT WINNER: Read
15 the last section.

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

18 ACTING PRESIDENT WINNER: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 56.

22 ACTING PRESIDENT WINNER: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 1456, by Senator Saland, Senate Print 7949A,

1 an act to amend the Correction Law, in
2 relation to agreements.

3 ACTING PRESIDENT WINNER: Read
4 the last section.

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

7 ACTING PRESIDENT WINNER: Call
8 the roll.

9 (The Secretary called the roll.)

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

13 ACTING PRESIDENT WINNER: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 1471, by Senator Seward, Senate Print 7111 --

17 SENATOR DUANE: Lay it aside,
18 please.

19 ACTING PRESIDENT WINNER: The
20 bill is laid aside.

21 THE SECRETARY: Calendar Number
22 1499, by Senator Skelos, Senate Print 7349, an
23 act to amend the Business Corporation Law, in
24 relation to dividends.

25 ACTING PRESIDENT WINNER: Read

1 the last section.

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

4 ACTING PRESIDENT WINNER: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 57.

8 ACTING PRESIDENT WINNER: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1578, by Senator Bonacic, Senate Print 5298A,
12 an act to amend the General Municipal Law, in
13 relation to authorizing.

14 ACTING PRESIDENT WINNER: There
15 is a home-rule message at the desk.

16 Read the last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect on the first of January
19 next succeeding.

20 ACTING PRESIDENT WINNER: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 57.

24 ACTING PRESIDENT WINNER: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 1589, by Senator Morahan, Senate Print 4013A,
3 an act relating to authorizing and directing
4 the Commissioner of General Services.

5 ACTING PRESIDENT WINNER: Read
6 the last section.

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

9 SENATOR DUANE: Lay it aside,
10 please.

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

13 THE SECRETARY: Calendar Number
14 1590, by Senator Winner, Senate Print 4325, an
15 act to amend the Real Property Tax Law, in
16 relation to exemption.

17 ACTING PRESIDENT WINNER: Read
18 the last section.

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

21 ACTING PRESIDENT WINNER: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 57.

25 ACTING PRESIDENT WINNER: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1613, by Member of the Assembly Lentol,
4 Assembly Print Number 10736, an act to amend
5 Chapter 548 of the Laws of 2004.

6 ACTING PRESIDENT WINNER: Read
7 the last section.

8 SENATOR DUANE: Lay it aside,
9 please.

10 ACTING PRESIDENT WINNER: The
11 bill is laid aside.

12 THE SECRETARY: Calendar Number
13 1619, by Senator Leibell, Senate Print 7267A,
14 an act to amend the Public Officers Law, in
15 relation to residency requirements.

16 ACTING PRESIDENT WINNER: Read
17 the last section.

18 THE SECRETARY: Section 2. This
19 act --

20 SENATOR DUANE: Lay it aside,
21 please.

22 ACTING PRESIDENT WINNER: The
23 bill is laid aside.

24 THE SECRETARY: Calendar Number
25 1638, by Senator Saland, Senate Print 7984A,

1 an act to amend the Penal Law and the
2 Correction Law, in relation to establishing
3 penalties.

4 ACTING PRESIDENT WINNER: Read
5 the last section.

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

9 ACTING PRESIDENT WINNER: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Those recorded in
13 the negative on Calendar Number 1638 are
14 Senators Duane, Montgomery, Perkins and
15 Serrano. Also Senator Hassell-Thompson.

16 Ayes, 54. Nays, 5.

17 ACTING PRESIDENT WINNER: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 1644, by Senator LaValle, Senate Print 8314 --

21 SENATOR DUANE: Lay it aside,
22 please.

23 ACTING PRESIDENT WINNER: The
24 bill is laid aside.

25 THE SECRETARY: Calendar Number

1 1648, by Senator O. Johnson, Senate Print
2 1287, an act to amend the Executive Law, in
3 relation to requests.

4 ACTING PRESIDENT WINNER: Read
5 the last section.

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

8 ACTING PRESIDENT WINNER: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 58. Nays,
12 1. Senator Duane recorded in the negative.

13 ACTING PRESIDENT WINNER: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 1650, by Senator Larkin, Senate Print 195, an
17 act to authorize the City of Newburgh.

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

20 Read the last section.

21 THE SECRETARY: Section 2. This
22 act shall --

23 SENATOR DUANE: Lay it aside,
24 please.

25 ACTING PRESIDENT WINNER: The

1 bill is laid aside.

2 THE SECRETARY: Calendar Number
3 1651, by Senator Flanagan, Senate Print 900,
4 an act to authorize the Holy Cross Roman
5 Catholic Church to retroactively apply.

6 ACTING PRESIDENT WINNER: Read
7 the last section.

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

10 ACTING PRESIDENT WINNER: Call
11 the roll.

12 (The Secretary called the roll.)

13 SENATOR DUANE: Lay it aside,
14 please.

15 ACTING PRESIDENT WINNER: The
16 bill is laid aside.

17 THE SECRETARY: Calendar Number
18 1652, by Senator Little, Concurrent
19 Resolution --

20 SENATOR DUANE: Lay it aside,
21 please.

22 ACTING PRESIDENT WINNER: The
23 bill is laid aside.

24 THE SECRETARY: Calendar Number
25 1653, by Senator Alesi, Senate Print 2597, an

1 act to amend the Volunteer Firefighters
2 Benefit Law and the Volunteer Ambulance
3 Workers Benefit Law, in relation to increasing
4 permanent total disability benefits.

5 ACTING PRESIDENT WINNER: There
6 is a local fiscal impact note at the desk.

7 Read the last section.

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

10 ACTING PRESIDENT WINNER: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT WINNER: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 1654, substituted earlier today by Member of
18 the Assembly Englebright, Assembly Print
19 Number 6198, an act to amend the Executive
20 Law, in relation to making the director.

21 ACTING PRESIDENT WINNER: Read
22 the last section.

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

25 ACTING PRESIDENT WINNER: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 59.

4 ACTING PRESIDENT WINNER: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 1655, by Senator Leibell, Senate Print 3741A,
8 an act to amend the Executive Law, in relation
9 to establishing.

10 ACTING PRESIDENT WINNER: Read
11 the last section.

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

14 ACTING PRESIDENT WINNER: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 59.

18 ACTING PRESIDENT WINNER: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1657, by Senator Griffo, Senate Print 6004, an
22 act to amend the Education Law, in relation to
23 extending certain benefits.

24 ACTING PRESIDENT WINNER: Read
25 the last section.

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

3 ACTING PRESIDENT WINNER: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 59.

7 ACTING PRESIDENT WINNER: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 1658, by Senator Flanagan, Senate Print 6736,
11 an act to authorize the Holy Cross Polish
12 National Church to retroactively apply.

13 ACTING PRESIDENT WINNER: Read
14 the last section.

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

17 ACTING PRESIDENT WINNER: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Those recorded in
21 the negative on Calendar Number 1658 are
22 Senators Bonacic, Larkin and Rath.

23 Ayes, 56. Nays, 3.

24 ACTING PRESIDENT WINNER: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 1659, by Senator Winner, Senate Print 7063, an
3 act to amend the County Law and others, in
4 relation to requiring.

5 ACTING PRESIDENT WINNER: Read
6 the last section.

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

9 ACTING PRESIDENT WINNER: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 59.

13 ACTING PRESIDENT WINNER: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 1660, by Senator Libous, Senate Print --

17 SENATOR DUANE: Lay it aside,
18 please.

19 ACTING PRESIDENT WINNER: The
20 bill is laid aside.

21 THE SECRETARY: Calendar Number
22 1661, by Senator Golden, Senate Print 322, an
23 act to amend the Elder Law, in relation to
24 creating.

25 ACTING PRESIDENT WINNER: Read

1 the last section.

2 THE SECRETARY: Section --

3 SENATOR DUANE: Lay it aside,
4 please.

5 ACTING PRESIDENT WINNER: The
6 bill is laid aside.

7 THE SECRETARY: Calendar Number
8 1662, by Senator Duane, Senate Print 7226 --

9 SENATOR MARCELLINO: Lay the bill
10 aside, please.

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

13 THE SECRETARY: Calendar Number
14 1663, by Senator Skelos, Senate Print 7256, an
15 act to authorize the Hewlett-East Rockaway
16 Jewish Centre.

17 ACTING PRESIDENT WINNER: Read
18 the last section.

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

21 ACTING PRESIDENT WINNER: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Those recorded in
25 the negative on Calendar Number 1663 are

1 Senators Bonacic, Larkin and Rath.

2 Ayes, 56. Nays, 3.

3 ACTING PRESIDENT WINNER: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 1664, by Senator Volker, Senate Print 7312, an
7 act to amend the County Law, in relation to
8 establishing.

9 ACTING PRESIDENT WINNER: There
10 is a local fiscal impact note at the desk.

11 Read the last section.

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

14 SENATOR DUANE: Lay it aside,
15 please.

16 ACTING PRESIDENT WINNER: The
17 bill is laid aside.

18 THE SECRETARY: Calendar Number
19 1666, by Senator Skelos, Senate Print 7501, an
20 act to authorize Valley Stream Union Free
21 School District.

22 ACTING PRESIDENT WINNER: Read
23 the last section.

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

1 ACTING PRESIDENT WINNER: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 58. Nays,
5 1. Senator Bonacic recorded in the negative.

6 ACTING PRESIDENT WINNER: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 1667, by Senator Trunzo, Senate Print 7717, an
10 act to amend the General Municipal Law, in
11 relation to granting.

12 ACTING PRESIDENT WINNER: Read
13 the last section.

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

16 ACTING PRESIDENT WINNER: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 59.

20 ACTING PRESIDENT WINNER: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1669, by Senator Farley, Senate Print 7805, an
24 act to amend the Education Law, in relation to
25 contract for excellence.

1 ACTING PRESIDENT WINNER: Read
2 the last section.

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

5 ACTING PRESIDENT WINNER: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 59.

9 ACTING PRESIDENT WINNER: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 1670, by Senator Maziarz, Senate Print 7930,
13 an act in relation to authorizing and
14 directing.

15 ACTING PRESIDENT WINNER: Read
16 the last section.

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

19 ACTING PRESIDENT WINNER: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 59.

23 ACTING PRESIDENT WINNER: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1672, by Senator Trunzo, Senate Print 8183A,
2 an act to amend the Criminal Procedure Law, in
3 relation to granting uniform members.

4 ACTING PRESIDENT WINNER: Read
5 the last section.

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

8 ACTING PRESIDENT WINNER: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Those recorded in
12 the negative on Calendar Number 1672 are
13 Senators Dilan, Duane, L. Krueger, Montgomery,
14 Perkins and Schneiderman. Also Senator
15 Hassell-Thompson.

16 Ayes, 52. Nays, 7.

17 ACTING PRESIDENT WINNER: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 1673, by Senator Marcellino, Senate Print
21 8247, an act to authorize the American Diocese
22 of the Malankara Orthodox Syrian Church, Inc.,
23 to retroactively apply.

24 ACTING PRESIDENT WINNER: Read
25 the last section.

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

3 ACTING PRESIDENT WINNER: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Those recorded in
7 the negative on Calendar Number 1673 are
8 Senators Bonacic, Larkin and Rath.

9 Ayes, 56. Nays, 3.

10 ACTING PRESIDENT WINNER: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1674, by Senator Golden, Senate Print 8276A,
14 an act to amend the Education Law, in relation
15 to citizenship requirements.

16 ACTING PRESIDENT WINNER: Read
17 the last section.

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

20 ACTING PRESIDENT WINNER: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 59.

24 ACTING PRESIDENT WINNER: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 1675, by Senator Leibell, Senate Print 8327,
3 an act to amend the Tax Law, in relation to
4 New York adjusted gross income.

5 ACTING PRESIDENT WINNER: Read
6 the last section.

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

9 ACTING PRESIDENT WINNER: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 59.

13 ACTING PRESIDENT WINNER: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 1676, by Senator Flanagan, Senate Print 8348,
17 an act to amend Chapter 629 of the Laws of
18 2005, amending the Local Finance Law.

19 ACTING PRESIDENT WINNER: Read
20 the last section.

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

23 ACTING PRESIDENT WINNER: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 59.

2 ACTING PRESIDENT WINNER: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 1677, by Senator Bonacic, Senate Print 475, an
6 act to amend the Public Health Law, in
7 relation to providing.

8 ACTING PRESIDENT WINNER: Read
9 the last section.

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

12 ACTING PRESIDENT WINNER: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 59.

16 ACTING PRESIDENT WINNER: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 1678, by Senator LaValle, Senate Print 942B,
20 an act to amend the Tax Law, in relation to
21 providing an exemption.

22 ACTING PRESIDENT WINNER: A local
23 fiscal impact note is at the desk.

24 Read the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect September 1, 2008.

2 ACTING PRESIDENT WINNER: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT WINNER: Senator
6 Krueger, to explain her vote.

7 SENATOR LIZ KRUEGER: Thank you
8 very much. Just to explain briefly my vote of
9 why I continue to vote no on this bill.

10 I'm very concerned about the
11 unequal tax policy treatment of if a company
12 locates in a college campus, then they don't
13 have to pay their sales tax under this law,
14 while if you're operating outside of a campus,
15 then you do.

16 And I think that there should be a
17 concern about fair business tax treatment in
18 this state, so I'll continue to vote no.

19 Thank you, Mr. President.

20 ACTING PRESIDENT WINNER: Senator
21 Krueger will be recorded in the negative.

22 Announce the results.

23 THE SECRETARY: Those recorded in
24 the negative on Calendar Number 1678 are
25 Senators Duane, Hassell-Thompson, L. Krueger,

1 Perkins and Schneiderman. Also Senator Diaz.

2 Ayes, 53. Nays, 6.

3 ACTING PRESIDENT WINNER: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 1679, Senator Little moves to
7 discharge, from the Committee on Rules --

8 SENATOR DUANE: Lay it aside,
9 please.

10 ACTING PRESIDENT WINNER: Allow
11 the substitution to go forward.

12 SENATOR DUANE: Yes,
13 Mr. President.

14 THE SECRETARY: -- Assembly Bill
15 Number 872 and substitute it for the identical
16 Senate Bill Number 1120, Third Reading
17 Calendar 1679.

18 ACTING PRESIDENT WINNER:
19 Substitution ordered.

20 The bill is laid aside.

21 THE SECRETARY: Calendar Number
22 1680, by Senator LaValle, Senate Print 1842C,
23 an act to amend the Tax Law, in relation to
24 exempting primary residential property.

25 ACTING PRESIDENT WINNER: Read

1 the last section.

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

4 SENATOR DUANE: Lay it aside,
5 please.

6 ACTING PRESIDENT WINNER: Lay it
7 aside.

8 THE SECRETARY: Calendar Number
9 1681, by Senator Griffo, Senate Print 2724,
10 Concurrent Resolution --

11 SENATOR DUANE: Lay it aside,
12 please.

13 ACTING PRESIDENT WINNER: The
14 bill is laid aside.

15 THE SECRETARY: Calendar Number
16 1682, substituted earlier today by Member of
17 the Assembly Koon, Assembly Print Number 6906,
18 an act to amend the Economic Development Law
19 and others, in relation to providing.

20 ACTING PRESIDENT WINNER: Read
21 the last section.

22 THE SECRETARY: Section 2. This
23 act --

24 SENATOR DUANE: Lay it aside,
25 please.

1 ACTING PRESIDENT WINNER: The
2 bill is laid aside.

3 THE SECRETARY: Calendar Number
4 1683, by Senator Young, Senate Print 3776A, an
5 act to amend the Environmental Conservation
6 Law, in relation to allowing.

7 ACTING PRESIDENT WINNER: Read
8 the last section.

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

11 ACTING PRESIDENT WINNER: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Those recorded in
15 the negative on Calendar Number 1683 are
16 Senators Duane, Perkins and Serrano.

17 Ayes, 56. Nays, 3.

18 ACTING PRESIDENT WINNER: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1684, by Senator Trunzo, Senate Print 4174, an
22 act to amend the General Municipal Law --

23 SENATOR DUANE: Lay it aside,
24 please.

25 ACTING PRESIDENT WINNER: The

1 bill is laid aside.

2 THE SECRETARY: Calendar Number
3 1685, by Senator Leibell, Senate Print 4218A,
4 an act to amend the Executive Law, in relation
5 to state contract preference.

6 ACTING PRESIDENT WINNER: Read
7 the last section.

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

10 ACTING PRESIDENT WINNER: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT WINNER: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 1686, by Senator Fuschillo, Senate Print
18 4304C, an act to amend the Executive Law, in
19 relation to creating.

20 ACTING PRESIDENT WINNER: Read
21 the last section.

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

25 ACTING PRESIDENT WINNER: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT WINNER: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 1687, by Senator Padavan, Senate Print 4639C,
8 an act to amend the Tax Law, in relation to
9 the exemption.

10 ACTING PRESIDENT WINNER: A local
11 fiscal impact note is at the desk.

12 Read the last section.

13 THE SECRETARY: Section 5. This
14 act shall take effect August 1, 2008.

15 ACTING PRESIDENT WINNER: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT WINNER: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 1688, by Senator Saland, Senate Print 5042, an
23 act to amend the General Obligations Law, in
24 relation to modifications.

25 ACTING PRESIDENT WINNER: Read

1 the last section.

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

4 ACTING PRESIDENT WINNER: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT WINNER: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1689, substituted earlier today by Member of
12 the Assembly Lupardo, Assembly Print Number
13 2005C, an act to amend the Energy Law, in
14 relation to enacting.

15 ACTING PRESIDENT WINNER: Read
16 the last section.

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

19 ACTING PRESIDENT WINNER: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT WINNER: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1691, by Senator Trunzo, Senate Print 6691, an
2 act to direct the adoption of certain
3 criteria.

4 ACTING PRESIDENT WINNER: Read
5 the last section.

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

8 ACTING PRESIDENT WINNER: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT WINNER: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 1692, by Senator O. Johnson, Senate Print
16 6728A, an act to amend Chapter --

17 SENATOR DUANE: Lay it aside,
18 please.

19 ACTING PRESIDENT WINNER: Lay it
20 aside.

21 THE SECRETARY: Calendar Number
22 1693, by Senator Fuschillo, Senate Print
23 6785A, an act to authorize the Redeemed
24 Christian Church of God to file.

25 ACTING PRESIDENT WINNER: Read

1 the last section.

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

4 ACTING PRESIDENT WINNER: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Those recorded in
8 the negative on Calendar Number 1693 are
9 Senators Bonacic, Larkin and Rath.

10 Ayes, 57. Nays, 3.

11 ACTING PRESIDENT WINNER: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 1694, by Senator Lanza, Senate Print 6792A, an
15 act to amend the Tax Law, in relation to
16 authorizing.

17 ACTING PRESIDENT WINNER: Read
18 the last section.

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

21 ACTING PRESIDENT WINNER: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT WINNER: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1695, by Senator Leibell --

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

6 ACTING PRESIDENT WINNER: Lay it
7 aside for the day.

8 THE SECRETARY: Calendar Number
9 1696, by Senator Maltese, Senate Print 7139A,
10 an act to amend the Executive Law, in relation
11 to display and use of the flag.

12 ACTING PRESIDENT WINNER: Read
13 the last section.

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

16 ACTING PRESIDENT WINNER: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT WINNER: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1697, by Senator Rath --

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

1 ACTING PRESIDENT WINNER: The
2 bill is laid aside for the day.

3 THE SECRETARY: Calendar Number
4 1698, substituted earlier today by Member of
5 the Assembly Gottfried, Assembly Print Number
6 10671, an act to amend Chapter 33 of the Laws
7 of 1998, amending the Social Services Law.

8 ACTING PRESIDENT WINNER: Read
9 the last section.

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

12 ACTING PRESIDENT WINNER: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT WINNER: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 1699, by Senator Marcellino, Senate Print
20 8173A, an act to amend the Tax Law, in
21 relation to allowing.

22 ACTING PRESIDENT WINNER: Read
23 the last section.

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

1 ACTING PRESIDENT WINNER: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 60.

5 ACTING PRESIDENT WINNER: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 1700, substituted earlier today by Member of
9 the Assembly Hoyt, Assembly Print Number
10 11156, an act to amend the Town Law.

11 ACTING PRESIDENT WINNER: Read
12 the last section.

13 THE SECRETARY: Section 6. This
14 act shall take effect on the first of January.

15 ACTING PRESIDENT WINNER: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT WINNER: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 1701, by Senator Bruno, Senate Print 8237, an
23 act to legalize, validate, ratify and confirm
24 certain actions taken by the Town of Schodack.

25 ACTING PRESIDENT WINNER: A

1 home-rule message is at the desk.

2 Read the last section.

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

5 ACTING PRESIDENT WINNER: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT WINNER: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 1702, by Senator Little, Senate Print 8310, an
13 act to adjust certain state aid payments.

14 ACTING PRESIDENT WINNER: Read
15 the last section.

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

18 ACTING PRESIDENT WINNER: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT WINNER: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 1703, by the Senate Committee on Rules, Senate

1 Print Number 8363, an act in relation to
2 adjusting certain state aid payments.

3 ACTING PRESIDENT WINNER: Read
4 the last section.

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

7 ACTING PRESIDENT WINNER: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT WINNER: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 1704, by Senator Robach, Senate Print 8374, an
15 act to amend the Workers' Compensation Law, in
16 relation to eliminating.

17 ACTING PRESIDENT WINNER: Read
18 the last section.

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

21 ACTING PRESIDENT WINNER: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT WINNER: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1706, by Senator Seward --

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

6 ACTING PRESIDENT WINNER: Lay it
7 aside for the day.

8 THE SECRETARY: Calendar Number
9 1707, by Senator Gonzalez, Senate Print Number
10 8387, an act to amend the Domestic Relations
11 Law, in relation to authorizing.

12 ACTING PRESIDENT WINNER: Read
13 the last section.

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

16 ACTING PRESIDENT WINNER: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT WINNER: The
21 bill is passed.

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

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

1 If you could have the bells rung at
2 this time, let the members know that we're
3 going to the controversial calendar.

4 And it would help if the members
5 are in their seats as we move through so that
6 we can finish the day expeditiously.

7 ACTING PRESIDENT WINNER: The
8 Secretary will ring the bell.

9 And if the members would be kind
10 enough to be in their seats so that we can
11 move through the controversial calendar.

12 Senator Skelos.

13 SENATOR SKELOS: Mr. President,
14 if we could go to the controversial reading of
15 the calendar at this time.

16 ACTING PRESIDENT WINNER: Order
17 in the chamber, please.

18 We will now move to the reading of
19 the controversial calendar. The Secretary
20 will read.

21 THE SECRETARY: Calendar Number
22 1299, by Senator Skelos, Senate Print 2375, an
23 act to amend the Executive Law.

24 ACTING PRESIDENT WINNER: Senator
25 Schneiderman.

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

3 I am here joined in opposition to
4 this bill by Mr. Sheen, because this seeks to
5 expand the DNA database. And as anyone who
6 has worked in a law enforcement movie or TV
7 show knows, the DNA database currently is
8 backlogged, we've had tremendous problems with
9 it.

10 And any bill that expands, as this
11 bill does -- and it's a substantial expansion
12 of the DNA database. It would include people
13 for two violations. It's much broader than
14 anything that has been proposed or really
15 seriously considered thus far.

16 Anything that -- any bill that
17 expands the database but does not deal with
18 the fundamental issue of mandating that we get
19 rid of rogue DNA databases, mandating that we
20 have requirements for the preservation,
21 cataloging and maintenance of DNA, is not
22 going to solve any of our problems. In fact,
23 it's going to create more problems.

24 We now have a relatively chaotic
25 system in which we know innocent people are

1 going to jail and doing time because we don't
2 have a functional system of DNA management,
3 cataloging and indexing in our state.

4 So I'm going to support this bill
5 as a very, very small part of an overall
6 remedy. And I would urge that the other
7 matters that were under discussion when we
8 debated Senator DeFrancisco's bill two days
9 ago also apply.

10 But this is a very, very narrow
11 part of a very big problem, and we are not
12 going to pass a bill ever that will become a
13 law that expands the DNA database if it
14 doesn't deal with these other fundamental
15 issues.

16 Our goal should not just be to show
17 the public that we're spending a lot of money
18 to collect a lot of DNA samples so we look
19 tough on crime when we're not actually putting
20 the mechanisms in place to ensure that every
21 defendant has access to DNA so we can compare
22 crime scene evidence to their DNA, that rogue
23 databases are eliminated, and that we know
24 where the DNA is and can access it.

25 Once again, I call your attention

1 to the case of Al Newton, who for 11 years
2 requested a match of his DNA to the DNA found
3 at a crime scene and was told that that DNA
4 had been lost. It had not been lost.

5 But until we put the money up and
6 invest in a system of cataloging and unifying
7 our DNA database, this kind of a bill will
8 never become law. And if it became law, it
9 wouldn't do us any good.

10 So I'm going to support the bill,
11 Mr. President, but with the understanding that
12 it's really just a very small part of a very
13 big problem.

14 Thank you.

15 ACTING PRESIDENT WINNER: Any
16 other Senator wishing to be heard?

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

19 May we please have some order in
20 the chamber, please.

21 Read the last section.

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

24 ACTING PRESIDENT WINNER: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT WINNER: Senator
3 Skelos, to explain his vote.

4 SENATOR SKELOS: Just to explain
5 my vote --

6 ACTING PRESIDENT WINNER: Excuse
7 me, Senator Skelos.

8 May we have some order in the
9 chamber, please.

10 SENATOR SKELOS: Currently there
11 are approximately 17 misdemeanor crimes that
12 require a person convicted of a crime to
13 submit their DNA.

14 This expands the list to cover all
15 misdemeanors. The reason for this is
16 experience has clearly shown that many
17 perpetrators convicted of lower or mid-level
18 crimes have committed or will subsequently
19 commit more serious and violent crimes.

20 ACTING PRESIDENT WINNER: Senator
21 Skelos, will you suffer an interruption.

22 SENATOR SKELOS: What's important
23 is that we have discovered, Mr. President,
24 that by expanding those who are required to
25 split their DNA to the DNA database, it helps

1 law enforcement convict those who should be
2 rightfully convicted, but also expanding the
3 DNA database has led to the acquittal of those
4 who are indeed not guilty.

5 So I strongly support this
6 legislation and urge my colleagues to do so.

7 ACTING PRESIDENT WINNER: Senator
8 Skelos will be recorded in the affirmative.

9 Any other Senators wishing to be
10 heard?

11 Announce the results.

12 THE SECRETARY: Those recorded in
13 the negative on Calendar Number 1299 are
14 Senators Connor, Dilan, Duane,
15 Hassell-Thompson, Montgomery, Parker, Perkins,
16 and Sampson. Also Senator Serrano.

17 Ayes, 51. Nays, 9.

18 ACTING PRESIDENT WINNER: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 1471, by Senator Seward, Senate Print 7111, an
22 act to amend the Insurance Law, in relation to
23 service contracts.

24 SENATOR DUANE: Explanation,
25 please.

1 ACTING PRESIDENT WINNER: An
2 explanation has been asked for, Senator
3 Seward.

4 SENATOR SEWARD: Certainly,
5 Mr. President.

6 This legislation would expand the
7 definition of a service contract --

8 ACTING PRESIDENT WINNER: Senator
9 Seward, excuse me. Would you suffer an
10 interruption?

11 SENATOR SEWARD: Certainly.

12 ACTING PRESIDENT WINNER: My
13 colleagues, we need to have some order in the
14 chamber. I can barely hear Senator Seward up
15 here.

16 We're never going to get this
17 business done if we don't have some order and
18 members remain in the chamber in order to be
19 able to vote and move this along. So please
20 keep the conversations down to a minimum, and
21 no unnecessary walking around, and we can get
22 through this business.

23 Senator Seward.

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

1 This legislation would expand the
2 definition of a service contract to include
3 contracts providing windshield-repair services
4 which do not involve actual replacement of the
5 windshield or providing for the repair of
6 dents for motor vehicles using paintless
7 dent-repair techniques.

8 As you know, Mr. President and my
9 colleagues, very often when consumers purchase
10 a vehicle they also purchase a service
11 contract to cover the maintenance of the
12 vehicle to help avoid any unanticipated
13 expenses. And this legislation is necessary
14 to clearly state in the statutes that these
15 types of repairs being included in service
16 contracts do not constitute insurance.

17 ACTING PRESIDENT WINNER: Thank
18 you, Senator Seward.

19 Senator Duane.

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

22 ACTING PRESIDENT WINNER: Senator
23 Seward, do you yield to a question from
24 Senator Duane?

25 SENATOR SEWARD: Yes.

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

3 I'm just wondering if in state law
4 if there is any definition for "ding."

5 SENATOR SEWARD: I am not aware
6 that there is such a definition in statute.

7 However, I would point out that the
8 legislation clearly states that if there is
9 any painting that actually has to occur as
10 part of the repair of the ding that may be on
11 the vehicle, then, of course, that's a whole
12 different matter. This only involves when
13 there's no painting or actual replacement of a
14 part.

15 SENATOR DUANE: Thank you.
16 Mr. President, on the bill.

17 ACTING PRESIDENT WINNER: Senator
18 Seward, thank you.

19 Senator Duane, on the bill.

20 SENATOR DUANE: I am just going
21 to make a tremendous leap of faith and assume
22 that you'll know a ding when you see a ding,
23 and I will be voting in the affirmative on
24 this bill.

25 Thank you, Mr. President.

1 ACTING PRESIDENT WINNER: Thank
2 you for your observation. Senator Duane will
3 be recorded in the affirmative.

4 Any other Senator wishing to be
5 heard?

6 Debate is closed. The Secretary
7 will ring the bell.

8 Read the last section.

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

11 ACTING PRESIDENT WINNER: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT WINNER: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 1589, by Senator Morahan, Senate Print 4013A,
19 an act relating to authorizing and directing
20 the Commissioner of General Services.

21 SENATOR CONNOR: Explanation.

22 ACTING PRESIDENT WINNER: An
23 explanation has been asked for.

24 Senator Morahan.

25 SENATOR MORAHAN: Yes,

1 Mr. President.

2 This bill really authorizes the
3 Commissioner of General Services to erect a
4 monument in the Empire State Plaza or the
5 Capitol Park dedicated to those New York
6 residents who served in the armed forces
7 during the Persian Gulf War, including those
8 who served in the theater operations in Iraq
9 and Afghanistan. And it's an appropriation of
10 \$500,000.

11 ACTING PRESIDENT WINNER: Senator
12 Connor.

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

15 I believe there's an amendment at
16 the desk. I ask that the reading of the
17 amendment be waived, and I ask to be heard on
18 the amendment.

19 ACTING PRESIDENT WINNER: The
20 reading is waived and, Senator, you may be
21 heard on the amendment.

22 SENATOR CONNOR: Thank you,
23 Mr. President.

24 As Senator Morahan explained, this
25 bill would authorize the expenditure of

1 \$500,000 to erect a memorial, and it covers
2 the Persian Gulf War, which I believe we
3 define elsewhere in state law as that war in
4 1991 to push the Iraqis out of Kuwait, and it
5 also has an addendum and says, oh, and those
6 serving in Iraq and Afghanistan, which we know
7 that's in the present day.

8 With respect to that 1991 war, the
9 then President Bush Sr. had the good sense to
10 stop and not to try and rebuild Iraq. He was
11 criticized for it at the time in some circles,
12 but the fact is I think the occurrences in
13 these past years in Iraq have shown the wisdom
14 of it.

15 And I would have no objection to a
16 memorial to that war. I believe U.S.
17 casualties were 97 people, something like
18 that. Maybe a hundred.

19 But I really have a concern with a
20 memorial to the present military actions in
21 Afghanistan and Iraq. I can't recall -- and
22 not that I've been around forever -- us ever
23 doing that. Now, I don't propose we wait, as
24 we did for those Korean War veterans, I don't
25 propose we wait until many years later.

1 ACTING PRESIDENT WINNER: Can we
2 have some order in the chamber so that all the
3 members can hear the remarks of Senator
4 Connor.

5 Thank you, Senator Connor.

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

8 As I was saying, I certainly think
9 it would be appropriate to have a memorial to
10 those who served in 1991 in that action. That
11 war has since passed.

12 I really question the wisdom of
13 building a memorial to a war that's still
14 ongoing, the outcome of which we cannot be
15 certain of, and a war which I think never
16 should have been fought. We never should have
17 invaded Iraq. It was done on false premises,
18 false claims of intelligence reports. The
19 Congress was misled into it. And we've
20 suffered the loss of thousands of young men
21 and women who bravely serve our country. And
22 certainly someday they should have a memorial,
23 but not now. Not till the war is over.

24 With respect to Afghanistan, it's
25 the war we should have fought, we should have

1 won, we should have stuck with it. We should
2 have captured Osama bin Laden; he attacked our
3 state and nation. And the effort was diverted
4 to Iraq, and he's still wherever with his
5 devious plots, and the Taliban seem to come
6 out and resurge constantly in Afghanistan.

7 I object to spending this state
8 money on this memorial while the war is
9 ongoing. My amendment would take that same
10 amount of money and put it into a scholarship
11 fund for the children of the men and women who
12 serve in these wars. And I think that's what
13 we ought to be doing while the war is ongoing,
14 taking care of the people who served and their
15 children and families.

16 We should be taking care -- and I
17 know many of my colleagues here have sponsored
18 bills. We should eliminate those anomalies.
19 Why are all our brave National Guard troops
20 over there and get wounded and come back, why
21 do they get 30 days medical care when an
22 active duty or Army Reservist comes back and
23 they're taken care of as long as needed?

24 We're not treating the people who
25 are serving there fairly. We're not treating

1 them the way we should. They didn't make the
2 bad political decision to go to this war.
3 They're serving their country honorably,
4 bravely, and with great self-sacrifice.

5 And our first obligation while this
6 war is going on is to take care of them and
7 their children, and not to build a stone
8 monument to a war that hasn't ended yet.
9 There's time for that later. There's time for
10 that later when and if this war ever
11 concludes. Someone, and I don't want to say
12 who, talked about it going only for a hundred
13 years. God forbid it goes on for a hundred
14 days more.

15 So I urge everyone to support my
16 amendment. Let's take care of the children of
17 those New Yorkers who serve there before we
18 worry about standing out there on the mall and
19 cutting a ribbon like a burning of big shots
20 with a memorial behind us.

21 Mr. President, I urge my amendment
22 be adopted.

23 ACTING PRESIDENT WINNER: Senator
24 Schneiderman.

25 SENATOR SCHNEIDERMAN: Thank you,

1 Mr. President.

2 I rise to strongly support Senator
3 Connor's amendment. I realize that this
4 legislation is well intended, and I mean no
5 disrespect for any of the sponsors, but
6 there's something wrong, in a time of fiscal
7 crisis in this state -- when we know we are
8 not providing the aid to the returning
9 veterans from the Iraq and Afghanistan
10 conflicts, when we know that we're not taking
11 care of the children of those who have made
12 the ultimate sacrifice for a war that probably
13 will never produce any of the benefits that
14 were proffered when we were lured into it --
15 there's something wrong in this state when
16 we're not taking care of the people who need
17 our care because of this war and yet we're
18 going to spend millions of dollars on a
19 monument. I think we should wait for any
20 monuments.

21 It sends a very bad message. I am
22 reminded of proposals to present fountains in
23 poor communities where there were riots and
24 there were problems with -- this is back in
25 the 1960s and '70s -- riots, homelessness,

1 problems with lack of jobs, and there were
2 proposals for fountains and for parks.

3 Those are not bad things to do,
4 Mr. President. But we are in a time when
5 New York's veterans are not getting the care
6 they need, when the children of people who are
7 dying in this war are not getting the care
8 they need. We do not need to spend our scarce
9 state dollars on a monument, we need to spend
10 our dollars taking care of people who deserve
11 that care.

12 I think Senator Connor is
13 absolutely right on. I do not think we should
14 be spending state money on a monument when
15 we're not meeting the needs of the people who
16 really deserve the help and are really bearing
17 the burden. This is a war that would not be
18 fought if we had a draft. If the children of
19 the rich were fighting this war, it never
20 would have started.

21 So let's be clear about this. In
22 my district we have a lot of people who are
23 going to this war, a lot of Dominican-
24 Americans. We have people who aren't even
25 citizens who are fighting this war. They all

1 come home with needs, whether it's because
2 they're wounded, because they're injured,
3 because they have posttraumatic stress
4 disorder, because they can't find a job when
5 they come home.

6 Let's deal with that and, as
7 Senator Connor has proposed, let's deal with
8 the children of those who make the ultimate
9 sacrifice. I think everyone in this chamber
10 should support this amendment.

11 ACTING PRESIDENT WINNER: Senator
12 Diaz.

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

15 You know, we are living in a
16 time -- and nobody, nobody, no one, I believe,
17 wants war. Everyone wants war to end. We
18 don't want war. Nobody wants to see their
19 children being killed or killing people.
20 Nobody wants that.

21 However, however, however, however,
22 when Senator Connor says that we are -- that
23 this bill will build a monument to the war in
24 Iraq, the bill doesn't say that. With all due
25 respect to Senator Connor, who I do respect

1 and admire a lot, the bill doesn't say they're
2 going to build a monument to the war. The
3 bill is saying that we'll build a monument to
4 those young soldiers that have died there.

5 How will you tell a mother, a
6 parent of one of those young soldiers that
7 have died there that we should not spend half
8 a million dollars to build a monument
9 remembering them so they could come once in a
10 time to the monument to remember their fallen
11 one? I mean, that's an outrage what I'm
12 hearing here.

13 I don't want war. I want the war
14 to end. I want the war to end. My
15 granddaughter, 18 years old, she volunteered
16 in the Marines, and she's out there. And you
17 are going to tell me now that no, we should
18 not build a monument to remember the fallen
19 ones, those heroes and then we come here
20 and -- when they are there like that, we call
21 them our heroes and heroines. Look at our
22 heroes. And we're going to say no, oh, no,
23 that's too much money because we have other
24 things to do? We should not build a monument
25 to remember the fallen ones, those young girls

1 and young boys that have given their lives to
2 protect us?

3 Yes, the war should end. Yes, we
4 should get doing away with that. Yes, nobody
5 wants a war. But to come here and say, oh, we
6 got to do other things -- yes, we have to take
7 care of veterans. I'm a veteran. Yes, I need
8 more benefits as a veteran. Yes, we do. Yes,
9 we need to take care of our students. Yes, we
10 need to take care of all the needs that we
11 have.

12 But to stand here in this chamber
13 and say, oh, we should not spend half a
14 million dollars to build a monument to those
15 heroes that lost their lives there, shame on
16 you guys. I'm voting yes on that bill.

17 SENATOR CONNOR: Mr. President.

18 ACTING PRESIDENT WINNER: Senator
19 Hassell-Thompson is next.

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

22 While I believe that all of us have
23 a right to our opinions, I also think that the
24 merit to what Senator Connor has asked us to
25 do and to consider ought to be given greater

1 consideration.

2 If you were to ask any of the
3 veterans what they would want to have, it
4 certainly would not be to have a monument. A
5 living monument is much more effective, much
6 more true, a true accounting of what you
7 believe their sacrifice is worth. Their
8 sacrifice is to give a better life to their
9 children, to continue to create freedom for
10 their children in this society.

11 And if those children have to
12 struggle because the benefits that we give to
13 families are denied them because we chose to
14 do a posturing before a monument, then we miss
15 the point.

16 The point here is that we ask
17 sacrifices of our children, our youth, our
18 future. And they ask us, take care of our
19 families. Right now the benefits to the women
20 who stay behind, the ability to have benefits
21 for their children, health benefits for their
22 children -- we have not sat down and done that
23 plan.

24 And we have a war that's going on
25 and will continue to make more and more

1 children orphans because of that war. And
2 while I think that monuments certainly have
3 their place, I think that what people respect
4 is the care that we give to their children and
5 to those loved ones that leave behind.

6 So when we talk about where our
7 money should go, we should be talking about
8 what is more meaningful to them and not how a
9 moment in the sun means to us as legislators
10 here in this legislative tent.

11 Thank you, Mr. President. I just
12 chose not to get emotional about this, but I
13 do. I feel that our young men and women give
14 so much. And for us to think that a monument
15 will substitute for what they give and what
16 they ask their families to sacrifice misses
17 the mark.

18 ACTING PRESIDENT WINNER: Senator
19 Morahan.

20 SENATOR MORAHAN: Thank you,
21 Mr. President.

22 I fully understand the concern
23 about the offspring, the survivors of those
24 who have served honorably in the military and
25 sacrificed their lives or given up a portion

1 of their life for their country. But I
2 believe when we talk benefits for survivors,
3 education for survivors, we talk a different
4 bill. This is a monument bill with \$500,000.

5 By the way, the Iraq and
6 Afghanistan measure was put in the bill at the
7 of bill at the request of the Assembly. They
8 would not pass the bill when it was just the
9 monument and it didn't include Iraq and Iran.
10 So we accommodated the Assembly.

11 But as to this amendment, what
12 we're saying is because the war is not over or
13 it's because the war should never have been
14 fought, we don't recognize the sacrifice of
15 the veterans, those who did not make the
16 decision to go there other than they were
17 volunteers in the service.

18 But are we to say the monument --
19 we don't know the outcome, that we will only
20 recognize the service of those who win the
21 war, and if we lose the war we don't recognize
22 those who served? Is that what we're saying
23 here with this amendment? That's how I read
24 the amendment's desire, or certainly in the
25 comments of the sponsor of the amendment.

1 I believe we ought to put up this
2 monument in recognition of those who have
3 served in the Persian Gulf and those who
4 continue to serve, those New Yorkers who went
5 as volunteers at the request of their country.
6 You can argue that request all you want. But
7 these young men and women deserve our
8 recognition.

9 And if we want to do something
10 beyond this, if we want to do something more
11 meaningful -- education benefits, survivor
12 benefits, which we have in place now to some
13 degree -- then fine, let's entertain a
14 separate stand-alone bill that's adequately
15 funded to do that.

16 But it's hard for me to understand
17 how people can say I'm against the war, but I
18 support the troops, but I won't give them a
19 monument. I find that insulting.

20 Thank you, Mr. President.

21 ACTING PRESIDENT WINNER: Senator
22 Leibell.

23 SENATOR LEIBELL: Thank you,
24 Mr. President.

25 It's appropriate, I guess, that

1 while we are having this discussion today we
2 should acknowledge that in the balcony there
3 are women veterans from all over New York
4 State who are watching us have this discussion
5 and dialogue. It's especially appropriate
6 because there are hundreds of thousands of
7 young Americans who are now deployed,
8 guaranteeing us the right to have this debate
9 today.

10 I'd like to comment on some of the
11 comments that I've heard made. The idea that
12 we should not have a monument until something
13 has concluded goes against, actually, our
14 history in this country. President Lincoln
15 went and dedicated the Gettysburg battleground
16 and cemetery while the outcome of that
17 conflict was not determined yet.

18 Senator Schneiderman made some
19 comments, if I may, that I think reflects
20 inaccurately on the nature of our military.
21 We are a volunteer force -- nobody is made to
22 go there -- but they are not poor. Some of
23 them are. Some of them are from wealthy
24 families. It may shock some people to know
25 that our military reflects the makeup of the

1 American population, with one exception. They
2 are better educated than the average American,
3 statistically.

4 There is no question that we have a
5 need, a continuing need, to address the
6 benefits that our veterans get, their families
7 and those who survive them. That is a
8 continuing dialogue that has gone on
9 throughout the history of this country.

10 And if anybody wishes to take the
11 time, you can go back and research the debates
12 that occurred after the American Civil War,
13 the greatest loss of American lives in
14 military action up until the current day.
15 That was a discussion that continued. In
16 fact, up until the early 1900s, the largest
17 part of the United States budget was dedicated
18 to making compensation to war widows and their
19 orphans.

20 It is a continuing challenge. It
21 is one that we will face in this state, other
22 states will face, and primarily the federal
23 government will face. But that should not
24 diminish in any way the recognition that we
25 give to monuments.

1 And that's how we in our culture,
2 one way we recognize those who have served,
3 those who have suffered, and those who have
4 lost their lives. If it was otherwise, we
5 would have no monuments. We would have no
6 great national cemeteries. There would be no
7 Arlington.

8 I'm opposed to this amendment,
9 Mr. President.

10 ACTING PRESIDENT WINNER: Senator
11 Connor.

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

14 I think a little careful
15 listening -- I did not say we should not have
16 a monument. I said we should not, as a matter
17 of priority, do the monument at this time. We
18 can wait for that. The most urgent need is to
19 take care of veterans, those who have served
20 and who serve and their families.

21 You know, we talk about the
22 "greatest generation." You know, for me, my
23 parents' generation. They not only saved this
24 country and democracy, they saved the world in
25 World War II. And look at how long it took

1 before the federal government had a World War
2 II monument on the mall.

3 Because the federal government gave
4 them the greatest tribute to their service,
5 the greatest living monument you could
6 imagine, in the GI Bill. It allowed those
7 veterans to buy houses and become homeowners.
8 It allowed millions to go to college and get
9 an education and improve their lives and their
10 families' lives. It literally changed America
11 by producing this well-educated corps of
12 returned veterans.

13 I read in the paper that both
14 houses of Congress have passed a new GI Bill
15 just like the other one: Four years of
16 college when you get back from your service.
17 And our president, who started this war on
18 false information and lies, is threatening to
19 veto it because it costs too much.

20 Well, how much did that war cost in
21 treasure and in blood that he started? Why
22 not take care of those veterans? Why not give
23 them four years of college? They certainly
24 sacrificed as much as my parents' generation
25 did in that great World War II, and they

1 deserve it.

2 And the point I'm making with this
3 amendment is before we build the marble
4 monuments, let's build the monuments of the
5 soul. Let's take care of the families.
6 Let's -- you know, I understand someone who
7 served or who had a loss, it means something
8 to have a monument. And they will have their
9 monument. But it means a lot more to be able
10 to pay the bills, educate the kids, get on
11 with your life and get proper medical care.

12 Senator Morahan, I have no doubt of
13 his sincerity and concern here. He has a bill
14 that ought to be on this floor now because it
15 deals with the present need now, and that's
16 the posttraumatic stress disorder bill I
17 believe Senator Morahan has.

18 Because the returning Reservists
19 and National Guardspeople do not get, unlike
20 regular service personnel, do not get the same
21 benefits to treat that disorder, which we know
22 a large percentage of those who have
23 experienced combat suffer from. No, they come
24 back, their 30 days are up. If they have an
25 employer with health insurance, most plans are

1 going to give them, you know, eight visits.

2 That's a need. That's a need
3 Senator Morahan has addressed in his bill. I
4 call on the Majority, bring that out.

5 The point of this amendment is
6 let's take care of today's business, the most
7 urgent needs. We can build the well-deserved
8 monument to the sacrifice at a later time.
9 Right now we should be taking care of those
10 men and women who serve us so bravely in such
11 a self-sacrificing way. And that's the point
12 of my amendment, let's take care of first
13 things first.

14 Let's bring Senator Morahan's
15 posttraumatic stress disorder bill to the
16 floor and pass it certainly in the next few
17 days.

18 Thank you, Mr. President.

19 ACTING PRESIDENT WINNER: Senator
20 Padavan.

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

23 If someone were listening to the
24 debate, they would be under the misconception
25 that we have not been addressing the needs of

1 our returning military personnel, either those
2 who were in the National Guard and the
3 Reserves returning home to New York State. We
4 have.

5 There have been a number of bills
6 passed in this house dealing with credit,
7 dealing with civil service benefits, dealing
8 with their opportunities for educational
9 enhancements. And if we look up the index,
10 I'm sure you will pick out some others even
11 that I may have forgotten that passed this
12 house.

13 So it isn't that we have not been
14 attentive to the needs of those young men and
15 women as they return home to New York State,
16 at least not in this chamber.

17 For 30 years I served in the active
18 and reserves, and prior to retiring in 1984,
19 the unit that I served in for 14 years and
20 commanded for a period of time was activated
21 in the first Gulf War. Headquartered in Fort
22 Tilden and then later Floyd Bennett Field, and
23 they went off to Iraq. And of course when
24 they came back, being in touch with many of
25 them, many of them have worked for me, I had

1 certainly a different perspective of what they
2 did and how they did it.

3 That same unit, the 411 Engineer
4 Brigade, was activated a year and a half ago
5 to go back to Iraq. Now, these are all
6 volunteers, citizen soldiers here in New York
7 State, with units that go from Watertown, a
8 battalion up there, all the way down to
9 Brooklyn and Long Island. About 5,000 men and
10 women in toto. They all went. And now
11 they're all coming back. Not quite all.

12 Now, when I talk to them, I get a
13 different perspective than when I pick up the
14 newspaper and read various commentaries and
15 editorials about what we're doing and why
16 we're doing it. But I don't want to debate
17 that. To use this monument issue as a vehicle
18 to discuss this conflict I think to some
19 degree is inappropriate.

20 But the point I would like to make
21 is for those 5,000 men and women who served in
22 the Gulf War and served more recently in the
23 current conflict, they would like to have a
24 monument, something that draws attention to
25 their service in this state in this place.

1 And so therefore I think Senator Morahan's
2 proposal makes a great deal of sense.

3 I've been at Fort Totten, where we
4 have units leaving. We have ceremonies when
5 they depart and ceremonies when they return.
6 Similarly at an armory in Whitestone. So I've
7 seen these young men and women going, and I've
8 talked to them when they came back. And I
9 know that they would, and their families --
10 and those who did not return and their
11 families -- would welcome the fact that we in
12 this state acknowledge their service, said
13 thank you in some small way by putting a
14 monument across a street near the Korean War
15 Monument and the other monuments that we have.

16 Thank you, Mr. President.

17 ACTING PRESIDENT WINNER: Senator
18 Larkin.

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

21 You know, I listened today with
22 mixed emotions. First of all, I want to thank
23 my colleague Tom Morahan for putting this bill
24 in. When Tom Morahan put it in, some of the
25 veterans in any area said "Super idea." I

1 have as many as anybody else served in Iraq,
2 served in Afghanistan, served in Kuwait in
3 Iraq I.

4 I don't know how many people in
5 this chamber have been in combat. But I want
6 to tell you something. From those who have,
7 we think this is the right thing to do.

8 You want to put a bill in about
9 doing something else, like a Montgomery bill,
10 I'll be there to help you. But I've asked,
11 over groups coming home -- there will be
12 another 80 coming home next Saturday. But the
13 last two groups that come home, I asked them:
14 "What do you think?" They said, "You know,
15 maybe the people will get it that we're all
16 volunteers."

17 Three months ago the MNF Commander,
18 General Petraeus, swore in 4600 troops for a
19 reenlistment of four to six years. As Senator
20 Leibell said it, Senator Padavan, Senator
21 Morahan, these are volunteers. Senator
22 Schneiderman talked about a draft. I think a
23 volunteer service is the best thing in the
24 world.

25 You may not agree with it, but

1 you've never been there. I don't know anybody
2 in this room that's ever sat down at a table
3 and wrote home to a mother: "I regret to
4 inform you that your son was killed in combat
5 today." I have. It's a sad case. It will
6 make you cry. When you're 24 and the man that
7 just got killed was 19. And I stand here
8 today as an 80-year-old thinking it could be
9 mine.

10 But why not honor these people?
11 Why not? They've been there. You haven't.

12 But I tell you, I see people going
13 to Washington Monument, going to the Korean
14 Monument that was built in Beacon, New York,
15 and they got pictures and how great it is and
16 all that. Never heard a shot fired in anger,
17 in combat. Never went to combat. Never went
18 to service. But they want to go there and
19 say, "Oh, I've been to the monument, Tommy.
20 Didn't you like it?"

21 What you're saying, Senator Connor,
22 is a good point. We should do more. But why
23 take away from those individuals who served,
24 for those individuals who gave their life or
25 parts of their life?

1 We had a bill last year to take
2 care of those individuals who went overseas
3 and their mortgage was out of whack -- as a
4 matter of fact, there was one from Staten
5 Island. You even helped us, remember, Diane?
6 The cavalry unit. The mother was there, their
7 mortgage was done, two kids were in college.

8 We tried to do what 22 other states
9 did. And last year the Governor vetoed it.
10 Couldn't afford it. Twenty-two other states
11 have done it. That would have helped us. It
12 passed this chamber, bipartisan. It was a
13 good bill.

14 But don't mix apples and oranges.
15 This bill says one thing: We want to pay
16 respect and homage to those individuals who
17 served.

18 When you talk about service, let's
19 think about it. We've got troops in Korea, on
20 the 38th. We have skirmishes. We don't
21 report the casualties. But they've been there
22 since September 2, 1945. We've had troops in
23 France since '44, Germany '44, Japan '45. So,
24 you know, we've got troops all over the world.

25 But don't let us sit in this

1 chamber as almighty god and king and say we're
2 not going to do this because of this. I think
3 we make a big, big mistake. I think that
4 Senator Morahan had the right idea. He made a
5 very fine choice. He didn't say we'll do this
6 or we'll do this. There was no decision in
7 his -- if you read the bill and memo, there
8 was nothing to say we're going to take this
9 and we're not give it to somebody else. It
10 specifically talks about creating something to
11 pay respect to those who served.

12 I want to tell you something. You
13 serve one day in combat, you'd be out there
14 with a trowel putting the concrete together.

15 I salute you, Tom, for your
16 commitment to our veterans. Thank you and God
17 bless you.

18 ACTING PRESIDENT WINNER: Senator
19 Nozzolio.

20 SENATOR NOZZOLIO: Mr. President,
21 on the legislation, on the bill, the
22 amendment.

23 It is an honor for me to follow, in
24 debating this measure, the words of one of the
25 finest Americans ever, Colonel Bill Larkin.

1 And when Senator Colonel Bill Larkin talks
2 about military matters, about protecting our
3 veterans, there's no stronger advocate, no
4 finer voice.

5 I rise as one who served in the
6 Naval Reserve, in the naval militia, but never
7 saw the horrors of combat and can only imagine
8 the anguish, the anxiety, the courage
9 exhibited by those who have.

10 This monument certainly recognizes
11 that courage and those contributions. But
12 monuments are not just for the dead, they are
13 as much for the living.

14 A few weeks ago, during the
15 Memorial Day week, I looked into the eyes of
16 second-graders and asked them what they
17 thought of when they were looking forward to
18 Memorial Day. And all of them said they
19 looked forward to it because some were going
20 camping, all of them were going to be off from
21 school. They looked at Memorial Day as a day
22 of play, of recreation. As do, unfortunately,
23 most Americans.

24 But it's the Memorial Days and the
25 monuments that teach our second-graders and

1 our high school students and the young and
2 not-so-young together that the price of
3 freedom is not free, that the sacrifices have
4 been exorbitant through our history to ensure
5 that we have the greatest standard of living,
6 the greatest continuous running democracy in
7 the history of the world, and that we are the
8 strength and source of freedom for millions of
9 people across the world. That's what
10 monuments tell us, and that's why monuments
11 play a role.

12 I join Senator Larkin. I think his
13 suggestion was perfect when he said that we
14 will join in support of veterans' issues. We
15 enacted a resolution earlier this year in this
16 Senate chamber calling on the Congress of the
17 United States to take the adequate steps
18 necessary to provide real healthcare benefits
19 for all our veterans. We led with that
20 request because that's where the policy lies.

21 I certainly agree with the tenets
22 of the support of our veterans. But frankly,
23 we have done as much as we can in this
24 state -- certainly would look to do more, but
25 those educational benefits, those healthcare

1 benefits, the things that Senator Connor
2 discussed, we believe they should be beefed
3 up. And that's why we stood in support of
4 that resolution.

5 Mr. President, that we believe
6 strongly that our veterans are owed much and
7 that we will continue to support them. We
8 have led the way. We have implored our
9 national Congressional delegation to support
10 us in this effort. And that that's why I rise
11 with my remarks today.

12 Thank you.

13 ACTING PRESIDENT WINNER: Senator
14 Sabini.

15 SENATOR SABINI: Thank you,
16 Mr. President. I rise in support of Senator
17 Connor's amendment.

18 You know, because of the policies
19 of the federal government, while this war is
20 fought on an international level, Congress has
21 refused to institute a draft and we now have
22 to send members of our National Guard among
23 the fighting force, under the command of our
24 Governor.

25 So Congress has said we want to

1 fight, but we're not going to introduce a
2 draft. Now, I served on the Selective Service
3 Board, which still exists, stands ready to
4 implement a draft at any moment under orders
5 from Congress. That board stands ready, but
6 there has been no call for a draft.

7 And the interesting thing is that
8 when we invaded Iraq and started this
9 conflict, there was no call for a draft. And
10 that's probably a good thing.

11 We're not against monuments. I'm
12 sure all of us would be united in supporting
13 them. I have an interesting monument in my
14 district -- that I helped put up when I was on
15 the City Council -- in Elmhurst. Elmhurst is
16 the most diverse community on the planet. Not
17 in New York State or New York City, but on the
18 planet. And in the Vietnam conflict, some of
19 which dates back four decades, nine servicemen
20 and women were lost from the community of
21 Elmhurst. At that time, three of them were
22 noncitizens, going back four decades.

23 And the reason I raise that is
24 this. Senator Schneiderman's right. We send
25 a force of all kinds of people. When we

1 invaded Iraq, oil was at \$45 a barrel. We
2 know where it is today. We know the economic
3 times today. And we've seen press reports, or
4 at least I have, that say that recruiting
5 efforts for the military have been improved by
6 the fact that our economic times are so bad,
7 that people in the underclass feel that they
8 can get a jump on things by getting into the
9 armed forces. And yet it's an economic
10 climate we created by being in this war.

11 That's a little self-serving, it's
12 a little ironic, and it's frankly sad for our
13 state of affairs as a country.

14 And so the people who are going
15 into the military in areas like mine very
16 often are not citizens. People who some in
17 this room wouldn't give a driver's license to.
18 People who some in this room have voted to
19 take away the Tuition Assistance Program. But
20 they're good enough to shed their blood on
21 behalf of the United States of America.

22 So I don't think anyone here is
23 against monuments. But I think we as a state,
24 because we have been asked to step up with our
25 National Guard, it's incumbent for us to make

1 a statement. Senator Connor's amendment makes
2 that statement. And that is that, you know,
3 we'd like to see monuments, but we'd also like
4 to see our folks taken care of, those who have
5 been asked to commit to the service.

6 So I'm not against Senator
7 Morahan's idea for a monument, and we can take
8 that up as a separate piece of legislation.

9 But I think that Senator Connor,
10 who can't bring a bill to the floor without
11 the assistance of the Majority, by bringing up
12 this amendment allows New York State to make a
13 statement. And that is that the folks that go
14 to conflict on our behalf deserve the
15 healthcare, the education and, frankly, the
16 respect of the people of the State of
17 New York. That would be a statement that
18 would be heard around this country.

19 I'm going to vote aye on Senator
20 Connor's amendment.

21 ACTING PRESIDENT WINNER: Senator
22 Morahan.

23 SENATOR MORAHAN: Thank you,
24 Mr. President.

25 I want to thank my colleagues who

1 support the bill and challenge the amendment.
2 I've heard a lot here. And I think very
3 cleverly wove into this discussion of
4 recognizing our veterans are the merits of the
5 war itself. And I think that's a very
6 dangerous route to take when you're deciding
7 what to do to honor those who serve our
8 country, whether you like the war or not like
9 the war.

10 There would be no monument to the
11 Vietnam vets. In the '60s we tore this nation
12 apart. We lost our will and we didn't want to
13 continue that war. Now we have this other war
14 coming in, but we have veterans.

15 Now, we talked about benefits.
16 Somebody said 30 days. Any National Guard
17 New Yorker who has been activated into this
18 Iraq war has benefits for six years, free
19 healthcare from the VA for six years. Those
20 GIs from New York who are wounded have
21 lifetime benefits from the VA. And I guess
22 the next discussion would be how well the VA
23 does that. That's something else.

24 In this last budget we just passed
25 we appropriated \$4.5 million for the education

1 purposes of those returning from Iraq and
2 Afghanistan, and who have served this nation,
3 for their college education. And I have no
4 problem with saying we should do more. That's
5 fine.

6 I wasn't a volunteer. I was
7 drafted during the Korean War. A lot of us
8 didn't volunteer. I don't know how those kids
9 do it. It's remarkable.

10 But as far as I'm concerned, we
11 have a bill on the floor that says we want to
12 erect a monument, we have appropriated the
13 money. I know Senator Hassell-Thompson, she
14 also put a bill in for a monument for the same
15 purpose for the same people, but there was no
16 appropriation. This has an appropriation.
17 This will get it done.

18 The Assembly has agreed to this
19 bill. It will get done. The Governor will
20 sign this bill, I assume. It will get done.

21 And if someone wants to do more --
22 and I think we all want to do more for
23 survivors or whoever -- then let's discuss it,
24 let's get a bill, let's move it on the merits,
25 let's get the appropriation and then we'll

1 move it.

2 But I stand in opposition of this
3 particular amendment because it really takes
4 away the purpose of the basic bill, and it
5 really isn't connected. I think it should
6 stand alone.

7 It takes on a greater
8 responsibility for the state to do the health
9 benefits and whatever and an examination of
10 what's provided now by the federal people to
11 our National Guard folks coming home and to
12 our GIs.

13 Thank you, Mr. President.

14 ACTING PRESIDENT WINNER: Senator
15 Diaz.

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

18 Ladies and gentlemen, we should not
19 allow ourselves to be confused. People are
20 trying to confuse us. I heard somebody saying
21 that we should not substitute -- and that was
22 the word that was said -- we should not
23 substitute the health services and the care of
24 the veterans for a monument. We should not --
25 that's what they said.

1 Somebody here said it, I was not
2 even going to mention the name: We should not
3 substitute the benefits for their families and
4 for the veterans for a monument. Who's saying
5 that? How are you -- are you trying to play
6 with our intelligence?

7 So those people that are watching,
8 those people that are listening, do not let
9 yourself get confused, because nobody is
10 talking about substituting the benefits.

11 Because in 1960, when I was 18
12 years old, I proudly joined the Army,
13 voluntary, in Puerto Rico. And I wore the
14 uniform proudly. But you know what happened?
15 1960, they sent me overseas. And then we find
16 out that we have those Jane Fondas of the
17 world, and those Hanoi Janes, that when I came
18 back in 1963 to Puerto Rico, instead of
19 feeling proud or being proud of the uniform, I
20 hide to get into my house. Because the Hanoi
21 Janes of the world made me feel shame.

22 And we -- I was not a captain, I
23 was not a general, I was not a sergeant, I was
24 not even a corporal. I was PFC Diaz, Private
25 First Class Diaz. And I was so proud of that

1 uniform and to go out there and fight for my
2 country.

3 But the Hanoi Janes of this world,
4 those people make us feel shame and put guilty
5 conscience on us. We were not the ones that
6 initiated the war. We were serving our
7 country.

8 And those young guys and women that
9 are serving now in Iraq or Iran or whatever it
10 is, over there in the Middle East, they have
11 nothing to do -- if Bush lied, which I don't
12 know if he did, okay, we take it on him. If
13 he had agreed to sign and approve the war and
14 sign to go to war, we take it on him.

15 But to take it on those, to take it
16 on them that gave their life and made them
17 feel like in 1960 -- in the '60s when we came
18 back home, and try to make them feel ashamed
19 because they are serving the country, because
20 Bush or Hillary Clinton or whoever approved
21 the war sent them there, they have nothing to
22 do with it. Have nothing to do with it.

23 We are trying -- the bill says
24 let's build a monument to remember those
25 fallen ones. Nobody is saying let's take away

1 the money for their health, for their
2 community, for their family and forget about
3 them. Nobody is saying that.

4 We're saying let's build a monument
5 so their parents could come to Albany or
6 wherever it is and, you know, like some people
7 do now, they go to Washington, to the Vietnam
8 Memorial, to remember their fallen ones. So
9 it has nothing to do with it. The Hanoi Janes
10 of this world has no part anymore. We have to
11 make those people feel proud.

12 And there is no money, there is no
13 money to pay for one life, one young boy or
14 girl, woman, that fall, that give their life
15 in Iraq for this country. There's no money,
16 no money in this world that could compensate
17 their parents for their loss.

18 So, ladies and gentlemen, this is a
19 good bill. I'm sorry it's a Republican bill,
20 but it's a good bill. And I would like to be
21 part of that bill, if you could allow me to
22 sign on that bill and be part of that bill and
23 be -- and join you and be part of asking for
24 that monument.

25 Ladies and gentlemen, thank you

1 very much. We've got to vote yes on this
2 bill.

3 ACTING PRESIDENT WINNER: Senator
4 Parker.

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

7 First let me begin by thanking
8 Senator Morahan for putting this bill in. I
9 think this is an important bill. I think that
10 honoring the troops is absolutely the absolute
11 thing that we must be doing at this time.

12 Senator Larkin's comments, I want
13 to associate myself with his comments in terms
14 of how important this is in terms of the
15 generations of troops that we honor by doing
16 this monument.

17 But I'm in support of this
18 amendment because I think that timing is
19 everything. I think it's insufficient to in
20 fact do a physical monument without doing what
21 Senator Connor calls building a monument to
22 the soul.

23 I think, Senator Diaz, that in fact
24 when you have a bill that simply says build a
25 monument but does not increase opportunities,

1 then in fact we are saying to people that yes,
2 we're substituting.

3 Senator Nozzolio said that the
4 price of freedom is not free, and he's
5 absolutely right. The price of freedom is
6 eternal vigilance. But the vigilance has to
7 be around access to opportunity. We must
8 continue to be vigilant about making sure that
9 our veterans have the opportunities that they
10 fought for.

11 And as anybody who's, you know, got
12 up and touted their war records -- I
13 unfortunately don't have one, but I come from
14 a family of lots of veterans. I have a uncle
15 who died in -- you know, as a result of
16 injuries and other kinds of detrimental things
17 that happened to him in the Vietnam War. I
18 have a brother who fought in many of the
19 conflicts that we're talking about now who
20 died the very first year I came here as a
21 result of things that resulted from his
22 service in the Marines. A career Marine.

23 So I have a different story to
24 tell, not one of writing letters home to
25 people of passed war veterans, but of veterans

1 who have returned home and have walked into my
2 district office and said to me: "Senator
3 Parker, I fought for this country, and I can't
4 get a job." "Senator Parker, I fought for
5 this country and have sustained injuries and
6 can't get proper medical care." "Senator
7 Parker, I fought for this country and can't
8 get proper housing."

9 And what simply this amendment says
10 is let's first deal with those veterans who
11 have returned home, and let's honor the
12 sacrifice they've made to us and this country
13 by in fact making sure that they have access
14 to the American dream, to be eternally
15 vigilant to make sure that their access to
16 opportunity is not killed because we have
17 allocated money to a monument.

18 Yes, let's do the monument. But
19 let's also do the other things that need to be
20 done to make sure that our veterans have
21 access to healthcare, to housing, and to
22 employment opportunities once they're out of
23 the military.

24 Mr. President, I vote aye on this
25 amendment.

1 ACTING PRESIDENT WINNER: Senator
2 Schneiderman.

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

5 This is really a fascinating
6 debate, and I'm sorry to say that it appears
7 to reflect a complete disconnect between most
8 of my colleagues on the other side of the
9 aisle, most of our Republican Senators, and
10 most of my colleagues on this side of the
11 aisle and I believe the overwhelming majority
12 of the American people.

13 It is not true that we have an
14 infinite money and if we spent money -- and
15 this bill does not, by the way, say that the
16 cost of the monument will be limited to half a
17 million dollars. It says we're appropriating
18 half a million, but it may well cost more.

19 I would urge anyone who suggests
20 that this is not substituting the monument for
21 other social services or veterans' services to
22 read the bill. It simply says that this is
23 appropriating money from the State Treasury or
24 the General Fund.

25 We've just heard that the Governor

1 vetoed a bill to help veterans because we
2 couldn't afford it. And yet we want to
3 provide the symbolism.

4 Here's the disconnect. What you
5 are offering the American people are symbols.
6 And what we are trying to say is deal with the
7 real needs of the troops. Support the troops.
8 Bring them home and care for them when they
9 come home.

10 Are you telling me -- and one of
11 you just said we have done as much as we can
12 in this house for veterans. That is a lie.
13 And everyone should be ashamed of themselves
14 if you are pretending that that is true when
15 we're closing veterans' hospitals, we're
16 cutting veterans' benefits.

17 Senator Parker is right. They come
18 into my office, they come into your office.
19 Veterans are in need. And until we meet the
20 needs of those veterans, until we ensure that
21 their children can get a decent education,
22 shame on us for diverting money from those
23 purposes to a monument.

24 I'm not against monuments, but
25 let's look at this. We're in a fiscal crisis,

1 our veterans are in need. The troops are
2 being hurt now because of the insanely bad
3 policies of the federal government under this
4 Republican administration. And yet what you
5 are suffering us is symbols.

6 We passed a resolution urging the
7 federal government to help veterans. Is that
8 all we can do? That's not all we can do.
9 Senator Hassell-Thompson has a bill she cannot
10 get to the floor -- because your leadership
11 blocks it -- to provide additional tax
12 exemptions for veterans who are living in the
13 same household. Senator Shirley Huntley has a
14 bill -- which you're blocking from coming to
15 the floor, the Republican leaders of this
16 house -- that would increase benefits for
17 blind veterans or spouses of blind veterans.
18 You're blocking that.

19 Have we done everything we can do
20 for veterans? Shame on any one of you who
21 pretends we have. You are blocking bills as
22 we sit here today. And yet you want us to
23 divert money from healthcare, social service,
24 benefits for their children, to build a
25 monument.

1 This is not about not liking
2 monuments. This is about our priorities.
3 Where are our priorities? I support the
4 troops. I support the human beings. We can
5 build a monument later. I think everyone
6 should vote for this amendment, Mr. President.

7 ACTING PRESIDENT WINNER: Senator
8 Skelos.

9 SENATOR SKELOS: Mr. President, I
10 wasn't really going to speak on this
11 amendment, but number one, I want to thank
12 Senator Morahan for the legislation.

13 And quite honestly, I understand
14 that this is an even year, some people have
15 primaries, others have primaries where county
16 chairmen aren't supporting them.

17 But to bring up this amendment when
18 we're looking to honor those who have served
19 their country and have lost their life,
20 whether you agree with the war or not, and to
21 somehow equate that as a political statement
22 as to we're not doing enough for our veterans
23 or we shouldn't be building monuments I think
24 is totally inappropriate. It's totally
25 inappropriate and wrong.

1 You know, a number of years ago I
2 was traveling in the Netherlands and I just
3 happened to stop by, we ran into the American
4 Cemetery of the Netherlands. And I visited
5 another one in Luxembourg. And the group I
6 was with, and my wife, we were stunned, quite
7 honestly, how beautiful, how peaceful, how
8 respectful those cemeteries were.

9 And we were with the commandant,
10 and there wasn't one piece of crab grass in
11 that cemetery, and we commented how beautiful
12 it was. And the commandant said: "Do you
13 know how many people that live in other
14 countries, in other European countries will
15 come here and say 'It's a waste of money, it's
16 a waste of money that we have all these
17 monuments for those who gave up their lives,
18 that we take such care of those cemeteries'?
19 Only the Americans would do that." Only the
20 Americans would do that.

21 Well, you know, it took this
22 country over 40 years, if I'm correct, Senator
23 Larkin, to build a World War II monument.
24 Over 40 years. Republican administrations,
25 Democrat administrations, all administrations,

1 over 40 years. And thank God for Bob Dole,
2 who made that happen.

3 As I said, this is a political year
4 and we understand at times certain things are
5 done for political advantage. But you know
6 what, if you want to pass or try to pass this
7 amendment, attach it to another bill. There's
8 so many pieces of legislation that are going
9 to come up this year, in the balance of this
10 year, that you could, Senator Connor, try to
11 attach the amendment to.

12 If it's a matter of making a point
13 or whatever, do it on something else, not on
14 this legislation. Because by doing that,
15 quite honestly -- and for those of you who are
16 going to vote for this amendment, you're no
17 better than those Europeans who said we waste
18 our money on monuments, on cemeteries, and
19 respecting those who lost their lives and
20 sacrificed their lives for their country.

21 That's, that's the message we
22 should be sending, is we're going to do the
23 monument. We're going to -- Senator Morahan
24 pointed out certain benefits that we did
25 increase this year. Do the amendment on

1 another bill.

2 Senator Connor, withdraw this
3 amendment, do it on another bill. Do it on
4 another bill. And there will be, you know, a
5 petition to canvass, the whole thing. But not
6 on this bill to build a monument to those who
7 have sacrificed their lives.

8 ACTING PRESIDENT WINNER: Senator
9 Volker.

10 SENATOR VOLKER: Just one
11 statement, if I might.

12 As somebody who has been involved
13 in building monuments before, I have to tell
14 you, this legislation, should it become law,
15 you don't have to worry about a big hurry of
16 spending the money. It takes about two years,
17 once you authorize a process, to get the plans
18 and all the rest of the stuff done. The OGS
19 controls the process no matter what we do.

20 So if you think that this is going
21 to have a major impact on the fiscal plan of
22 this state -- the one thing it will do is get
23 the process in motion to get that monument.
24 Most likely by the time it actually happens,
25 it will probably be certainly 2009 and

1 possibly 2010. So one of the reasons you do
2 it now is to get the process moving to get
3 that done.

4 It's the way the system works.
5 It's the real world. I can tell you, I was
6 involved in the State Police monument or the
7 police memorial thing and a lot of other
8 things. It took us a number of years to get
9 it. First of all, they've got to find a site
10 for it. There's a number of things that have
11 to be done.

12 But what Senator Morahan is saying
13 is now is the time to authorize it, get the
14 process moving so we can actually do a
15 memorial to those people.

16 Just one thing I just want to say,
17 and I know you could say this is irrelevant.
18 When I was in Poland -- the national media
19 always talks about the young people who are
20 attacking America and how terrible it is. My
21 wife and I were standing in Cracow, we were
22 trying to figure out which train to take into
23 downtown Cracow. And there was a woman
24 standing there, and my wife, who speaks a
25 little bit of Polish, asked her about how to

1 go.

2 And she said, "Americans," and she
3 yelled upstairs, pushed the button. Her
4 mother, who spoke English, came to the window
5 and said: "I'll be right down." We said,
6 "No, no, no, no, all we want to know is how do
7 we get to downtown Cracow on the train."

8 The woman said -- she told us from
9 up there, and she said, "You know, we love
10 Americans." And I said, "Well, why?" She
11 said, "Because if it wasn't for you, we
12 wouldn't be free." The older Poles, they
13 understand that story.

14 And I only say that because I think
15 the national media will never tell you that
16 story, because they would rather knock America
17 as a country.

18 One final thing, and I'm just --
19 you know, I have something to do with homeland
20 security and Vinnie Leibell. There's a great
21 many people in homeland security -- in fact,
22 virtually all of them -- that believe if we
23 didn't go into Iraq and Afghanistan, we would
24 have been hit at least twice in this country.

25 Now, nobody can actually verify

1 that, but nobody can exactly figure out in the
2 intelligence community why we haven't been
3 hit, because we were supposed to have been hit
4 twice. And we've done a lot of -- we've
5 stopped a lot of plots. "We" meaning our
6 people.

7 But I have to tell you, I
8 personally believe if we hadn't gone into Iraq
9 and Afghanistan, the West Coast would have hit
10 and probably something on the East Coast. You
11 know, who knows? But I can only say to you
12 there are reasons for everything.

13 ACTING PRESIDENT WINNER: Senator
14 Little.

15 SENATOR LITTLE: Thank you,
16 Mr. President.

17 I am not a veteran and have not
18 served in that capacity at any time, although
19 I have two sons who have served in the
20 military, and I have one son who is currently
21 serving in the military. But I am a supporter
22 of veterans' issues, and I work with the
23 veterans in my district.

24 And talking to the men and women
25 who have served our country and the family

1 members who have lost members of their
2 families in the service of our country, I just
3 can't believe that we would stand here and be
4 talking about an either/or; instead of doing
5 that, let's do this. Because I don't believe
6 that we can do enough for our veterans. And I
7 don't believe that any program should be
8 rejected by this body.

9 My own son, as serving spends three
10 months, six months, three weeks, four weeks
11 away from his family. Those are the
12 sacrifices that they endure. Their entire
13 family endures sacrifices, as do all of our
14 men and women who are away from their families
15 for lengths of time up to a year.

16 We need to do more, we need to do
17 everything. If anything, this amendment
18 should be in addition to Senator Morahan's
19 idea for a monument.

20 Monuments speak volumes. And you
21 may say that they aren't necessary, but I
22 believe that they are. And they say, they
23 represent our feelings and our gratitude to
24 our men and women, to our veterans, to those
25 who have died, to those who have changed their

1 lives and been willing to work for us.

2 So I support this bill. And if
3 anything, the amendment is what should be
4 changed to say "and" we also do that.

5 Thank you.

6 ACTING PRESIDENT WINNER: I would
7 point out that the time allotted to the Senate
8 Minority has expired.

9 Are there any other Senators on the
10 Majority side that wish to be heard with the
11 few remaining minutes?

12 If not, on the amendment, those
13 Senators in agreement please signify by
14 raising your hands.

15 THE SECRETARY: Those recorded in
16 agreement are Senators Breslin, Connor, Dilan,
17 Duane, L. Krueger, Montgomery, Onorato,
18 Oppenheimer, Parker, Perkins, Sabini, Sampson,
19 Savino, Schneiderman, Serrano, Smith, Stavisky
20 and Thompson.

21 ACTING PRESIDENT WINNER: The
22 amendment is not agreed to.

23 On the bill, any other Senators
24 wish to be heard?

25 The debate is closed. The

1 Secretary will ring the bell.

2 Read the last section.

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

5 ACTING PRESIDENT WINNER: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 60. Nays,
9 0.

10 ACTING PRESIDENT WINNER: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1613, by Member of the Assembly Lentol,
14 Assembly Print Number 10736, an act to amend
15 Chapter 548 of the Laws of 2004, amending the
16 Education Law.

17 ACTING PRESIDENT WINNER: Senator
18 Stavisky.

19 SENATOR STAVISKY: Will the
20 sponsor rise for a very brief question.

21 ACTING PRESIDENT WINNER: Senator
22 Padavan, do you yield to a question?

23 SENATOR PADAVAN: Yes.

24 SENATOR STAVISKY: A couple of
25 very brief questions.

1 ACTING PRESIDENT WINNER: The
2 Senator yields.

3 SENATOR STAVISKY: Calendar 1613,
4 which is Senate 6897, didn't this pass
5 yesterday?

6 SENATOR PADAVAN: Pardon me?

7 SENATOR STAVISKY: I'm under the
8 impression that this --

9 SENATOR PADAVAN: No, it was laid
10 aside, Senator.

11 SENATOR STAVISKY: Oh, it was
12 laid aside yesterday?

13 SENATOR PADAVAN: Yes, that's
14 correct.

15 SENATOR STAVISKY: There's a --
16 one more question, two more questions, if --

17 SENATOR PADAVAN: The Assembly
18 bill which passed was substituted.

19 SENATOR STAVISKY: The Assembly
20 bill was substituted for Calendar 1613?

21 SENATOR PADAVAN: That's correct.

22 SENATOR STAVISKY: There is a
23 very similar bill, Calendar Number 1632, which
24 was laid aside yesterday, which increased the
25 number of courses and applied it to SUNY as

1 well as CUNY, isn't that correct?

2 SENATOR PADAVAN: Yes. But
3 that's not the bill we're dealing with right
4 now. We're dealing with this bill.

5 SENATOR STAVISKY: But if
6 Calendar Number 1613 passes, it's going to be
7 in conflict with Calendar 1632.

8 SENATOR PADAVAN: No, not really.
9 Why don't we wait till we get to 1632 and then
10 we can discuss that. Right now we're dealing
11 with 1613, which is an extension of what
12 currently is in place. All right?

13 SENATOR STAVISKY: Okay, agreed.

14 ACTING PRESIDENT WINNER: Thank
15 you, Senator Padavan.

16 Read the last section.

17 Oh, Senator Smith, sorry.

18 SENATOR SMITH: On the bill.

19 ACTING PRESIDENT WINNER: Not on
20 this bill?

21 SENATOR SMITH: On this bill.

22 ACTING PRESIDENT WINNER: On the
23 bill.

24 SENATOR SMITH: Yes. Let me
25 just -- what I wanted to -- I think others

1 know just recently the trial-level task force,
2 which was a legislative task force of three
3 branches of government, city, state and
4 federal, recently put out a report that spoke
5 to a number of bills that related to
6 increasing the confidence of the public in our
7 law enforcement system.

8 This particular bill that Senator
9 Padavan is putting forward, or at least an
10 extension thereof, is a good bill. Senator
11 Stavisky in what she was alluding to was a
12 bill that perhaps will come up later which
13 extends the waiver for two classes, as opposed
14 to this extension, which is also good.

15 What we are trying to underscore
16 with Toby Stavisky as well is understanding
17 the importance of what happens if our law
18 enforcement are allowed to be better educated,
19 what it does to their improved law enforcement
20 background, what it does to improve their
21 ability to do their job.

22 And while our colleagues are going
23 to pass this bill today, which is a good one,
24 we do hope that the bill will come back that
25 he did lay aside yesterday, it comes back

1 again this week or perhaps next week.

2 And it is our belief and
3 understanding that CUNY may have had some
4 involvement with putting this bill off. We
5 would hope that we will rise to a point where
6 we do what is actually best for our law
7 enforcement people, notwithstanding the
8 importance of higher education institutions
9 and their influence.

10 This is a bill that we support, a
11 bill that I support. But I do hope in the
12 future, given it was part of a larger package
13 of a report that was issued on Sunday, and we
14 are hopeful that some other bills that are
15 within this package will come forward, as we
16 believe it's one that will raise the public
17 confidence in our law enforcement teams not
18 only in New York City but around the state.

19 So I will be voting aye on this
20 bill, Mr. President, but I do want to make
21 sure that we hopefully have the bill that
22 Senator Stavisky was talking about, that it
23 will come back to the floor before we adjourn
24 next week.

25 ACTING PRESIDENT WINNER: Is

1 there any other Senator wishing to be heard?

2 Debate is closed. The Secretary
3 will ring the bell.

4 Read the last section.

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

7 ACTING PRESIDENT WINNER: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT WINNER: Senator
11 Stavisky, to explain her vote.

12 SENATOR STAVISKY: My question,
13 Mr. President, was simply a mechanical one and
14 a procedural one, not on the substance. I
15 wanted to be sure that there was no conflict
16 between the two bills, where one gives one
17 course and the other is additional courses.
18 Thank you.

19 ACTING PRESIDENT WINNER: Senator
20 Stavisky will be recorded in the affirmative.

21 Results.

22 THE SECRETARY: In relation to
23 Calendar Number 1613, absent from voting:
24 Senators Gonzalez, Huntley, and Rath.

25 Ayes, 57. Nays, 0.

1 ACTING PRESIDENT WINNER: The
2 bill is passed.

3 Can I please ask the Senators to
4 remain in the chamber so that we can finish
5 the controversial calendar.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 1619, by Senator Leibell, Senate Print 7267A,
9 an act to amend the Public Officers Law.

10 SENATOR KLEIN: Explanation,
11 please.

12 ACTING PRESIDENT WINNER: Senator
13 Leibell.

14 SENATOR LEIBELL: Mr. President,
15 this bill would amend Section 3 of the Public
16 Officers Law to remove the residency
17 requirement for assistant district attorneys
18 in Putnam County.

19 SENATOR KLEIN: Explanation
20 satisfactory.

21 ACTING PRESIDENT WINNER: Any
22 other Senator wishing to be heard?

23 Debate is closed. The Secretary
24 will ring the bell.

25 Read the last section.

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

3 ACTING PRESIDENT WINNER: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: In relation to
7 Calendar Number 1619, absent from voting:
8 Senators Gonzalez, Huntley and Rath.

9 Ayes, 57. Nays, 0.

10 ACTING PRESIDENT WINNER: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1644, by Senator LaValle, Senate Print 8314,
14 an act to amend the Correction Law, in
15 relation to facilitating compliance.

16 ACTING PRESIDENT WINNER: Senator
17 Klein.

18 SENATOR KLEIN: Would the sponsor
19 yield for a couple of questions,
20 Mr. President.

21 ACTING PRESIDENT WINNER: Senator
22 LaValle, will you yield to Senator Klein for a
23 couple of questions?

24 SENATOR LaVALLE: Yes, sure.

25 You didn't want an explanation?

1 SENATOR KLEIN: Just a couple of
2 questions.

3 Through you, Mr. President.
4 Senator LaValle, can you just explain what the
5 sex offender registration officer would do as
6 applied to enforcing Megan's Law in the State
7 of New York?

8 SENATOR LaVALLE: Yeah. One of
9 the changes we made from last year where we
10 had social services handling this as a
11 responsibility, we -- in negotiations with the
12 Governor's office, we chose to allow the
13 locality to choose an officer that would
14 ensure that the individual would be meeting
15 the 10-day rule of checking in in compliance
16 with the provisions of this act.

17 We give DCJS rule power so that
18 that individual could check in in a number of
19 places that would be convenient and could,
20 after two or three visits, every 10 days they
21 might check in over the telephone. I mean,
22 that could be.

23 So the individual wants to make
24 sure, since the sex offender really doesn't
25 have a home and is homeless and traveling from

1 one place to another within the county, that
2 we want to know where that individual is. So
3 that's the key element here.

4 SENATOR KLEIN: Again, another
5 question through you, Mr. President.

6 If an individual is homeless and
7 also happens to be classified as a Level 3
8 sexual predator, will they have to reregister
9 every 90 days as if they had a residence?

10 SENATOR LaVALLE: Just so you
11 know who we are talking about, this bill
12 emanated because the county -- individuals
13 that didn't have a home, instead of having
14 them in a specific motel, one place, they came
15 up and they said, "We're going to move
16 individuals from one place to another." Could
17 be in almost like a mobile van.

18 And so it was important to know
19 where they are. So in the legislation it's
20 not 90 days, it's every 10 days.

21 SENATOR KLEIN: So they would
22 have to reregister every 10 days?

23 SENATOR LaVALLE: Every 10 days,
24 yeah. And as long as they are classified,
25 then every 10 days they have to check in so

1 that we know where they are.

2 With the exception, as I had
3 indicated, if DCJS says this is a Level 1
4 person, we could do it by the telephone.

5 SENATOR KLEIN: Again, through
6 you, Mr. President. This is, I guess, a
7 hypothetical.

8 If indeed, again, a dangerous
9 sexual predator, Level 3, is actually living
10 in a homeless shelter, wouldn't that
11 individual be able to use that address as the
12 homeless shelter they're living in? For
13 Megan's Law registration purposes.

14 SENATOR LaVALLE: We very
15 specifically define what this person -- in
16 other words, they do not have a residence that
17 is one that we can register as their
18 residence.

19 SENATOR KLEIN: So we're not
20 talking about sexual predators that are living
21 in homeless shelters? Would they be exempt
22 from your potential law?

23 SENATOR LaVALLE: No, they would
24 not be exempt from here.

25 SENATOR KLEIN: So I guess what

1 I'm asking is would they now be required to
2 register -- let's say they're living in a
3 homeless shelter, let's say it's a family
4 homeless shelter. They use the address of the
5 shelter, that's their residence. Would they
6 have to reregister every 10 days or every 90
7 days?

8 SENATOR LaVALLE: No. The key
9 here is -- let's use your hypothetical. I am
10 in a shelter. I will then declare that
11 shelter as my home.

12 SENATOR KLEIN: And you wouldn't
13 be part of this legislation?

14 SENATOR LaVALLE: That's right.

15 SENATOR KLEIN: I have one more
16 question, through you, Mr. President.

17 Under the requirements of your
18 legislation, would it change the notification
19 requirements under the present Megan's Law?
20 In other words --

21 SENATOR LaVALLE: No. No,
22 nothing changes there.

23 SENATOR KLEIN: Thank you very
24 much.

25 On the bill, Mr. President.

1 ACTING PRESIDENT WINNER: Senator
2 Klein, on the bill.

3 SENATOR KLEIN: I think
4 Mr. LaValle has actually introduced a piece of
5 legislation I think which will go a long way
6 towards helping individuals in his district on
7 a very limited basis.

8 The reason being is one of the
9 things that I found very, very disturbing
10 after we put out a report, my office, last
11 year, was presently there's Level 2 and
12 Level 3 sexual predators living in family
13 homeless shelters all around the City of
14 New York. Not in men's shelters, that's not
15 what we looked at. And we didn't do this to
16 try to deny an individual their right to
17 shelter.

18 But at the same time, these are
19 individuals who use their address as a family
20 shelter around children. I think that's
21 something that we need to change and maybe go
22 one step further than Mr. LaValle's
23 legislation, to have some type of notification
24 requirements.

25 Right now the City Homeless

1 Services does not require anyone in their
2 facilities to even know or be told or notified
3 in any way that a dangerous sexual predator is
4 living around families. I think that's
5 absolutely ludicrous. I think homeless
6 children deserve the same safety as all of our
7 children.

8 If under our present Megan's Law
9 we're notifying local schools, we're notifying
10 parents in the area, if local law enforcement
11 chooses to do that, I think certainly homeless
12 families have that same right if a dangerous
13 sexual predator is living in one of these
14 family shelters.

15 So a piece of legislation that I've
16 introduced, and I hope it can somehow pass
17 this session as maybe even an amendment to
18 Senator LaValle's bill, would be very simple.
19 If indeed there is a dangerous sexual predator
20 living in one of these family homeless
21 shelters, I don't think it's too much to ask
22 that we notify the families living in these
23 family shelters that a dangerous sexual
24 predator is living there as well.

25 And I also think that we should

1 require the Division of Homeless Services to
2 actually find out that information. If
3 someone walks in and says, "I'm a family
4 member of this family, I want to come live in
5 your family shelter," they should do a
6 background check. They should keep that
7 information confidential, I guess, if the
8 person actually doesn't stay for an extended
9 period of time.

10 But I think it's important that we
11 gather this information. It's presently part
12 of the Division of Criminal Justice Megan's
13 Law subdirectory, and I think it should be
14 used in a positive way to protect families who
15 are presently living in family shelters.

16 So I thank Senator LaValle for
17 introducing this piece of legislation, but I
18 think we really need to take it one step
19 further if we're going to really protect
20 families from dangerous sexual predators.

21 I vote yes on this bill.

22 ACTING PRESIDENT WINNER: Any
23 other Senator wishing to be heard?

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

1 Read the last section.

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

4 ACTING PRESIDENT WINNER: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: In relation to
8 Calendar Number 1644, recorded in the
9 negative: Senator Montgomery.

10 Absent from voting: Senators
11 Gonzalez, Huntley, Rath and Serrano.

12 Ayes, 55. Nays, 1.

13 ACTING PRESIDENT WINNER: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 1650, by Senator Larkin, Senate Print 195, an
17 act to authorize the City of Newburgh to
18 establish.

19 SENATOR KLEIN: Explanation,
20 please.

21 ACTING PRESIDENT WINNER: There
22 is a home-rule message at the desk.

23 Senator Larkin.

24 SENATOR LARKIN: Who asked for
25 the --

1 ACTING PRESIDENT WINNER: Senator
2 Klein has asked for an explanation.

3 SENATOR LARKIN: Thank you for
4 voting for this bill the last two years,
5 Mr. Klein.

6 This bill hasn't changed. It
7 passed 61 to nothing; the previous year it
8 passed 60 to nothing.

9 This is a very simple bill that
10 allows the City of Newburgh to be in
11 partnership with Peekskill, Yonkers, Suffolk
12 County, the City of Utica, and a lot of our
13 cities with population of over 200,000.

14 The City of Newburgh is a small
15 city. It's got a lot of problems. What it
16 needs is this court so they can handle a lot
17 of these traffic violations and whatnot. I
18 think it's an excellent deal. The city is now
19 owed about \$4.5 million to \$5 million. And if
20 you have a small city -- I know you have a big
21 city, but even in a city of your size, Senator
22 Klein, you'd realize an additional \$5 million
23 would go a long way to providing services that
24 are essential.

25 SENATOR KLEIN: Thank you,

1 Senator Larkin. Your explanation was better
2 this year than even last year.

3 ACTING PRESIDENT WINNER: Senator
4 Duane.

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

7 ACTING PRESIDENT WINNER: Senator
8 Larkin, do you yield to Senator Duane?

9 SENATOR LARKIN: I yield to the
10 good Senator from the City of New York, Tom
11 Duane.

12 ACTING PRESIDENT WINNER: The
13 Senator yields, Senator Duane.

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

16 I'm wondering what happens now.
17 How are these traffic tickets dealt with now?

18 SENATOR LARKIN: Tom, right now
19 the city has a backlog of probably six to nine
20 months. They've been going out and hiring
21 people to serve notice on it. The city
22 doesn't have extra money to do this. Without
23 this, they're not able to process all of the
24 violations.

25 And this came from the Division of

1 Criminal Justice of the previous
2 administration and this administration that
3 this was a positive way to do it, because we
4 in this chamber and in the other house and in
5 previous governors have allowed others to do
6 it.

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

10 ACTING PRESIDENT WINNER: Senator
11 Larkin, do you yield?

12 SENATOR LARKIN: Yes, sir.

13 ACTING PRESIDENT WINNER: The
14 Senator yields.

15 SENATOR DUANE: More
16 specifically, where are these tickets
17 adjudicated now?

18 SENATOR LARKIN: Pardon me?

19 SENATOR DUANE: In what venue are
20 these parking tickets adjudicated now?

21 SENATOR LARKIN: They're in the
22 custody of the police in the City of Newburgh.

23 SENATOR DUANE: But through you,
24 Mr. President, just even more specifically,
25 what is the third branch, if you will, what is

1 the judicial branch of government within
2 Newburgh where these tickets are now being
3 heard?

4 SENATOR LARKIN: Tom, the City
5 Court is handling all of this. But they have
6 no funding to do any of the other things that
7 are required to be done.

8 The city manager and the city
9 council visited Peekskill, they've visited
10 Yonkers, they've been to Utica. And they feel
11 that this would in turn effect a positive
12 reaction to clean up all of this mess and
13 generate revenue for the municipality.

14 SENATOR DUANE: And through you,
15 Mr. President, if the sponsor would continue
16 to yield.

17 ACTING PRESIDENT WINNER: Senator
18 Larkin, do you yield?

19 SENATOR LARKIN: Yeah.

20 ACTING PRESIDENT WINNER: Senator
21 Larkin yields.

22 SENATOR DUANE: Thank you.

23 And what are the funding streams by
24 which the City Court is funded?

25 SENATOR LARKIN: The state. And

1 the municipality.

2 SENATOR DUANE: And through you,
3 Mr. President, if the sponsor would continue
4 to yield.

5 SENATOR LARKIN: Oh, come on.
6 One more time.

7 ACTING PRESIDENT WINNER: Senator
8 Larkin yields.

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

11 What is the pay for City Court
12 judges in Newburgh?

13 SENATOR LARKIN: If you look at
14 the books that we've passed every few years,
15 there's been statutes saying what the city
16 judges -- in our case we have one sitting
17 judge and one part-time judge.

18 SENATOR DUANE: And through you,
19 Mr. President, if the sponsor would continue
20 to yield. I'm getting to the point that I'm
21 trying get to, but I need to --

22 SENATOR LARKIN: I would be
23 delighted if you'd get to the point. Even
24 Klein's laughing.

25 ACTING PRESIDENT WINNER: By all

1 means, Senator --

2 SENATOR DUANE: With bated
3 breath?

4 SENATOR LARKIN: With bated
5 breath.

6 SENATOR DUANE: Are
7 administrative judges on tribunals paid less
8 than City Court judges?

9 SENATOR LARKIN: That's to be
10 determined by the city council.

11 SENATOR DUANE: So through you,
12 Mr. President -- actually, I'll just speak on
13 the bill. Thank you.

14 SENATOR LARKIN: You're most
15 welcome.

16 SENATOR DUANE: Unless you'd like
17 more questions. I could do that too.

18 ACTING PRESIDENT WINNER: Senator
19 Duane, are you asking Senator Larkin to yield
20 to more questions?

21 SENATOR DUANE: No, I'm a good
22 person. I will only speak on the bill,
23 Mr. President.

24 ACTING PRESIDENT WINNER: That's
25 terrific. Senator Duane, on the bill.

1 SENATOR DUANE: Less time in
2 purgatory for both Senator Larkin and myself.

3 ACTING PRESIDENT WINNER: Not to
4 mention myself.

5 SENATOR DUANE: Yes, Mr.
6 President.

7 UNIDENTIFIED SENATOR: What about
8 us?

9 SENATOR DUANE: Take care of
10 yourselves.

11 I am concerned that we are doing an
12 end run around the proper adjudication of
13 these parking tickets in an effort to lessen
14 the fiscal impact. But it seems as if we
15 don't really know what the fiscal impact is.
16 A tribunal -- I'm assuming that's three
17 people, but maybe it's not. But hiring three
18 people may actually end up being more
19 expensive than hiring one person as a town
20 court judge.

21 So I think that one thing I'd like
22 to see happen is to see what the fiscal impact
23 would be here. Would we be making up enough
24 money on more rapid parking violations, fees
25 being paid by people? Would it be enough to

1 pay for the hiring of people for a tribunal?

2 Maybe this is an opportunity for us
3 to share with other municipalities or other
4 jurisdictions within a county. It may be a
5 way to actually reduce the price of
6 government. During these difficult fiscal
7 times I think maybe we should try to look at
8 new strategies.

9 And while I understand that other
10 municipalities may be using tribunals, perhaps
11 the sharing idea would work better, that
12 different municipalities could share
13 adjudicators or they could travel from place
14 to place within a county, they could spend a
15 day in each municipality.

16 There are many, many different
17 kinds of strategies which we potentially could
18 use to lessen the burden both for this city
19 but also for other cities around it.

20 Perhaps a pilot program. We're
21 wild about pilot programs here. And maybe
22 this is a golden opportunity for a pilot
23 program to see if there might be ways for
24 counties and municipalities to share services
25 and save money, including as it applies to

1 parking violations.

2 So I'm pleased that this bill has
3 come before us. And because Senator Larkin
4 was so convincing, I may actually end up
5 voting for it.

6 However, I do think that this
7 should be a jumping-off point for us to look
8 at other ways to share services in
9 municipalities and overall reduce the cost of
10 government while at the same time potentially
11 increasing revenue at the expense of people
12 using vehicles who break our local laws.

13 So I will vote yes, but I'm
14 optimistic that we will all take a good, long,
15 hard look at other strategies that we could
16 use.

17 Thank you, Mr. President.

18 ACTING PRESIDENT WINNER: Any
19 Senator wishing to be heard?

20 Debate is closed. The Secretary
21 will ring the bell.

22 Read the last section.

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

25 ACTING PRESIDENT WINNER: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: In relation to
4 Calendar Number 1650, absent from voting:
5 Senators Gonzalez, Hassell-Thompson, Huntley,
6 Rath and Serrano.

7 Ayes, 55. Nays, 0.

8 ACTING PRESIDENT WINNER: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1651, by Senator Flanagan, Senate Print 900,
12 an act to authorize the Holy Cross Roman
13 Catholic Church to retroactively apply.

14 SENATOR DUANE: Explanation,
15 please.

16 ACTING PRESIDENT WINNER: Senator
17 Flanagan, an explanation has been asked for.

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

20 This is a retroactive tax exemption
21 request from a church within the town of
22 Smithtown in the district that I represent.

23 ACTING PRESIDENT WINNER: Senator
24 Duane.

25 SENATOR DUANE: Thank you,

1 Mr. President. If the sponsor would yield.

2 SENATOR FLANAGAN: Yes.

3 ACTING PRESIDENT WINNER: Senator
4 Duane, for a question.

5 SENATOR DUANE: There was another
6 piece of legislation that passed earlier today
7 which authorized the Holy Cross Polish
8 National Church to retroactively apply for a
9 real property tax exemption for property in
10 Smithtown, and I'm wondering whether there's a
11 relationship between the Holy Cross Polish
12 National Church and the Holy Cross Roman
13 Catholic Church, as they're both in Smithtown.

14 SENATOR FLANAGAN: Senator Duane,
15 we have a lot of houses of worship and
16 churches in the Second Senate District. I
17 don't believe that they are the same.

18 SENATOR DUANE: But through you,
19 Mr. President, I just want to make absolutely
20 sure that --

21 ACTING PRESIDENT WINNER: Senator
22 Duane, are you asking Senator Flanagan to
23 yield to a question?

24 SENATOR DUANE: Yeah, I'm about
25 to get up to that. It's all -- it's a prelude

1 to the question.

2 ACTING PRESIDENT WINNER: We
3 can't wait, Senator Duane.

4 (Laughter.)

5 SENATOR DUANE: And because I'm
6 trying to find out if -- more precisely if
7 they are the same, then I would ask the
8 sponsor to yield on that question, so we can
9 find out if they are the same institution.

10 ACTING PRESIDENT WINNER: Senator
11 Flanagan, will you yield to Senator Duane to
12 make a determination as to whether or not the
13 churches are one and the same?

14 SENATOR FLANAGAN: Yes, I will,
15 Mr. President.

16 And the answer to your question is
17 no.

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

21 ACTING PRESIDENT WINNER: Senator
22 Flanagan, do you yield?

23 SENATOR FLANAGAN: Yes, I do.

24 ACTING PRESIDENT WINNER: The
25 Senator yields, Senator Duane.

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

3 The tax exemption that's being
4 asked for, that would impact both the local
5 property tax -- does it impact any other taxes
6 being collected or not being collected if we
7 pass this?

8 SENATOR FLANAGAN: I believe
9 that's a determination that would ultimately
10 be made by the Town of Smithtown through its
11 town assessor. What we're doing is giving
12 them permission to make that application. The
13 ultimate decision will rest with the
14 municipality.

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

17 ACTING PRESIDENT WINNER: Any
18 Senator wishing to be heard?

19 The debate is closed.

20 SENATOR MAZIARZ: Mr. President.

21 ACTING PRESIDENT WINNER: Senator
22 Maziarz.

23 SENATOR MAZIARZ: Mr. President,
24 on behalf of the Polish American Caucus here
25 in the New York State Senate, chaired by

1 Senator Bill Stachowski and myself, we want to
2 express our support for this bill for Holy
3 Cross Polish National Catholic Church, is the
4 correct title, and there are two separate
5 churches.

6 Thank you, Mr. President.

7 ACTING PRESIDENT WINNER: Thank
8 you, Senator Maziarz.

9 Senator Diaz.

10 (Laughter, catcalls.)

11 SENATOR DIAZ: Mr. President.

12 ACTING PRESIDENT WINNER: Yes.

13 SENATOR DIAZ: On behalf of the
14 evangelical churches of the state, especially
15 the Hispanic ones in the State of New York, we
16 also support this bill. Thank you.

17 ACTING PRESIDENT WINNER: On
18 behalf of the Episcopal Church, we also thank
19 him as well.

20 (Laughter.)

21 ACTING PRESIDENT WINNER: So any
22 other Senator wishing to be heard?

23 Debate is closed. The Secretary
24 will ring the bell.

25 Read the last section.

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

3 ACTING PRESIDENT WINNER: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Those recorded in
7 the negative on Calendar Number 1651 are
8 Senators Bonacic and Larkin.

9 Absent from voting: Senators
10 Gonzalez, Huntley, Rath and Serrano.

11 Ayes, 54. Nays, 2.

12 ACTING PRESIDENT WINNER: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 1652, by Senator Little, Senate Print 1140A,
16 Concurrent Resolution of the Senate and
17 Assembly proposing amendments to Article 9 of
18 the Constitution.

19 SENATOR LIZ KRUEGER:
20 Explanation.

21 ACTING PRESIDENT WINNER: Senator
22 Little, an explanation has been asked for by
23 Senator Krueger.

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

1 This is a concurrent resolution of
2 the Senate and the Assembly proposing
3 amendments to Article 9 of the Constitution
4 intended to prevent the state from imposing
5 additional unfunded mandates on local
6 governments.

7 SENATOR LIZ KRUEGER: Thank you,
8 Mr. President. If through you the sponsor
9 would yield.

10 SENATOR LITTLE: Yes, I will
11 yield.

12 ACTING PRESIDENT WINNER: Senator
13 Little yields.

14 SENATOR LIZ KRUEGER: Thank you.

15 Constitutional amendments require
16 serious discussion and debate, because we're
17 talking about changing the Constitution. And
18 so I was reviewing Senator Little's bill, and
19 my understanding is it would, with some
20 exceptions -- and they're detailed in there,
21 so I appreciate that -- we, the Legislature,
22 could not pass any law that applied a new cost
23 mandate to a local government.

24 Is that a fair quick version?

25 SENATOR LITTLE: No, that's not

1 accurate, I don't believe, because we have a
2 safety-net provision in the bill which would
3 permit the State Legislature to enact an
4 unfunded mandate if two-thirds of each house
5 concur, the Senate and the Assembly. A public
6 hearing would have to be held, and there would
7 are have to be a fiscal analysis as to the
8 cost of the bill, the mandate, and that would
9 all be made public.

10 And of course there are several
11 exemptions. Anything under \$20,000 is not
12 considered an unfunded mandate, even though it
13 really is. And for a city of a million or
14 more -- New York City -- it's anything under
15 \$100,000 would not be considered an unfunded
16 mandate.

17 SENATOR LIZ KRUEGER: Mr.
18 President, if through you the sponsor would
19 continue to yield.

20 ACTING PRESIDENT WINNER: Senator
21 Little, do you yield?

22 SENATOR LITTLE: Yes.

23 ACTING PRESIDENT WINNER: Senator
24 Little yields.

25 SENATOR LIZ KRUEGER: Thank you.

1 In the details of your bill it also
2 talks about budget bills submitted by the
3 Governor pursuant to Article 7 of the
4 Constitution, but only if such bills
5 "implement, revise, amend or continue programs
6 or mandates which currently exist and such
7 bills do not impose any new mandates which, if
8 undertaken by themselves, would otherwise be
9 subject to the restrictions."

10 If we, the Legislature, chose to
11 submit our own budget bills or our own
12 amendments to budget bills, which it seems to
13 me we do every year, is it my correct
14 understanding that we could not, the Governor
15 could propose new unfunded mandates within
16 particular categories but we, the Legislature,
17 could not do that through amendments to the
18 budget bills? Am I reading that correctly?

19 SENATOR LITTLE: Well, I think in
20 the summary it talks about budget bills
21 submitted by the Governor. But when you
22 understand it, it says that you're not going
23 to be able to change any currently existing
24 mandate, but you cannot add a new mandate.
25 And many of our new budget bills ask for

1 continuation of programs which are basically
2 mandates.

3 For instance, the Medicaid program,
4 which mandates that the counties pay a portion
5 of. Therefore, you would continue budgeting
6 for that every year, and you would be able to
7 do that. This resolution and this
8 constitutional amendment would not affect it.
9 But you could not add any additional mandate
10 to that.

11 And the way they would determine
12 that is by taking that particular mandate and
13 saying if this separately would be an
14 additional mandate, then it is an unfunded
15 mandate.

16 There also is a commission that is
17 enacted in this bill that would be used to --
18 where you could challenge, a local government
19 could challenge an unfunded mandate and say
20 that this was an unfunded mandate even though
21 we at the state may say it wasn't.

22 So there are opportunities there.

23 SENATOR LIZ KRUEGER: Mr.
24 President, if through you the sponsor would
25 continue to yield.

1 ACTING PRESIDENT WINNER: Senator
2 Little, will you yield?

3 SENATOR LITTLE: Yes, I will
4 yield.

5 ACTING PRESIDENT WINNER: The
6 Senator yields.

7 SENATOR LIZ KRUEGER: Thank you.
8 You know, there are so many examples I could
9 raise of -- because I'm struggling with this.
10 I'm concerned about a constitutional amendment
11 and the complications therein. But I think
12 you and I share many concerns about our taking
13 action here that translates into costs at the
14 local level.

15 You have another bill on today
16 which we're going to get to a little later.
17 It is Bill Number S1120, which would amend the
18 Real Property Tax Law. This would be the
19 State Legislature changing the rules such that
20 there was a broader exemption from property
21 taxes. We actually have many of those of
22 various kinds.

23 Would that be, under this
24 constitutional amendment, not allowed because
25 would that be an unfunded mandate to --

1 SENATOR LITTLE: No, I don't
2 believe it would, because it doesn't change,
3 it doesn't extend.

4 If you want me to start explaining
5 that bill, I can, but that's not before bill
6 before us. But that bill actually makes
7 things easier for DEC to allow a forestry
8 program to get into a 480-a program which
9 already exists. It's just saying that if you
10 are a certified forestry, you don't have to
11 have a forestry management plan approved and
12 all of that by DEC to get into the 480-a
13 forestry plan, which gives you up to an
14 80 percent reduction in your assessed value.
15 No, so that wouldn't count in this.

16 And really the reason for this
17 unfunded mandate bill, certainly I relate to
18 it from my years on the Warren County Board of
19 Supervisors, where we would hear how the state
20 budget was doing so well and not raising costs
21 and not raising taxes and not doing all of
22 that, and yet the unfunded mandates that were
23 imposed upon the county caused us to raise
24 property taxes.

25 And I think that throughout

1 New York State, everyone is well aware of the
2 fact that our local properties are the
3 problem. It's not the state tax, it's the
4 local property taxes that are a deterrent to
5 business and a deterrent to people living in
6 New York State.

7 SENATOR LIZ KRUEGER: And I
8 appreciate your answer.

9 We will debate that other bill
10 later, because I'm not sure I agree with you
11 on the analysis of whether it's not a new
12 program or not.

13 But just to use another example, I
14 remember a debate on the floor, and I
15 supported the bill, to require our schools to
16 have defibrillators, particularly I believe in
17 sporting events. And at the time I distinctly
18 remember my city sending a memo saying this is
19 an unfunded mandate to mandate defibrillators,
20 even though I think most of us in this house
21 voted for that bill because we thought it
22 would save lives.

23 Under your constitutional
24 amendment, would a bill like that not be able
25 to be passed?

1 SENATOR LITTLE: I don't think it
2 would be able to be passed, although it might
3 be able to get under the \$20,000 threshold per
4 municipality, per school district. You
5 probably could, although many of my schools
6 are saying that the defibrillators are costing
7 them more than \$20,000 to keep them up to
8 speed and -- so yeah, that was an unfunded
9 mandate, and we did pass it in the interests.

10 Now, how could we do it if we
11 decided that that was important enough? We
12 would pass it by a two-thirds majority.

13 SENATOR LIZ KRUEGER: Thank you.
14 And, Mr. President, if the sponsor would
15 continue to yield.

16 SENATOR LITTLE: Yes.

17 SENATOR LIZ KRUEGER: Thank you.

18 Earlier today we just did a --
19 actually, Senator Klein had a debate with
20 Senator LaValle over the homeless sex offender
21 registration. And we passed it, I think close
22 to unanimously. And again, this will clearly
23 increase the costs at the local level,
24 certainly if I was speaking for New York City,
25 of having to cross-check people every 10 days

1 as opposed to 90 days or 180 days.

2 Would, under your constitutional
3 amendment, that bill also then not meet the
4 standard?

5 SENATOR LITTLE: I believe that,
6 depending on the cost, again, and the
7 exceptions -- there are other exceptions for
8 state laws that comply with federal laws. But
9 if you were going to do an unfunded mandate
10 over that \$20,000, you would have to have a
11 fiscal analysis, you would have to have a
12 public hearing before passage, and you would
13 have to make the public aware that this is
14 what we are doing.

15 SENATOR LIZ KRUEGER: Thank you.

16 Mr. President, on the bill. Thank
17 you. I appreciate the Senator's answers to my
18 questions.

19 And I struggle with my own decision
20 about the bill because, again, I think all of
21 us here understand the abject concerns of our
22 local governments that we pass laws that
23 translate into some of the costs or all of the
24 costs translating to them.

25 If I take any calendar of any day

1 on this floor, I'm going to find bills we
2 passed that I don't believe would meet your
3 standard of being allowable under this
4 constitutional amendment without a much more
5 complex process as you've described:
6 Hearings, which I always support for
7 legislation, fiscal analysis, which I strongly
8 support for all legislation. I'm always
9 amazed we have so many bills that make it to
10 the floor with fiscal notes that haven't been
11 done; we're not even explaining how we're
12 going to pay for them. And I also agree with
13 the importance of two-thirds bills, because I
14 also think that increases representation on
15 both sides of the aisle of bills.

16 So I have a dilemma. I agree with
17 so much of this. I like two-thirds bills. I
18 like fiscal analysis. I like public hearings.
19 But I also think through the bills we pass
20 every day. Again, I just used a couple of
21 examples from this book. But take any day,
22 any Third Reading Calendar, any active list;
23 we're passing bills that wouldn't meet your
24 standard.

25 And so I would make the argument to

1 you, you have a very radical proposal here in
2 the context of the New York State Senate. I
3 tend to actually like radical proposals. I'm
4 that kind of legislator. I want us to
5 challenge what we're doing.

6 And yet I still think that there's
7 any number of examples where we would be sorry
8 if we trapped ourselves in a constitutional
9 amendment without further public hearing,
10 discussion and review of what the impact of
11 this would be.

12 So I'm also concerned that we're
13 not even meeting the test I think you would
14 like us to have for this bill. Now, granted
15 it would have to go through both houses --

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

18 SENATOR LITTLE: Thank you,
19 Mr. President. If I may respond.

20 SENATOR LIZ KRUEGER: Yes.

21 ACTING PRESIDENT GRIFFO: Senator
22 Little.

23 SENATOR LITTLE: A constitutional
24 amendment, this is first passage. Second
25 passage would begin in '09. And if we passed

1 it in '09, it would be before the voters in
2 November of 2009. And I believe there would
3 be plenty of public discussion, plenty of
4 hearings, and this bill would certainly grab a
5 lot of attention statewide.

6 The other thing that in your
7 discussion you brought up is that if we are
8 enacting something here in the Senate that we
9 think is very, very important for our
10 communities to do, then it should be just as
11 important for the state to pay those costs as
12 for the local governments to have to pay those
13 costs.

14 ACTING PRESIDENT GRIFFO: Senator
15 Krueger.

16 SENATOR LIZ KRUEGER: Thank you.
17 Thank you, Mr. President, to continue.

18 In fact, Senator Little spoke on
19 exactly what I was going to say, that because
20 it's a constitutional amendment it does need
21 to go through both houses twice before it goes
22 to the public for a vote.

23 And in fact, I was going to agree
24 completely with you that this is an opening
25 discussion about something that will require

1 much more detail.

2 And I also share with you the view
3 that if we went down this road, we would
4 inevitably find ourselves either choosing to
5 reduce the amount of legislation we pass and
6 mitigate ourselves what we are mandating on
7 our locals and/or would end up shifting the
8 requirements of who pays for what in New York
9 State, which I believe would get us eventually
10 to a statewide equity system for tax policy,
11 something I'm looking forward to.

12 So I'm having the conversation I
13 appreciated here on the floor today to say
14 that I find this incredibly fascinating and
15 intellectually challenging to what the role of
16 the state government is versus local
17 government, how we would make decisions up
18 here under a new purview in the constitution,
19 what it would mean at the local level, what it
20 would mean for fiscal analysis and shifting
21 from local to state tax policy.

22 And so because of that, despite
23 concerns that I might have at the end of the
24 day of how this might play out, I'm actually
25 going to urge support of this constitutional

1 amendment at this point in time in order to
2 continue the discussion and the debate with
3 the 19 million New Yorkers who are impacted
4 every day by bills we pass that perhaps we
5 have not given enough thought to or evaluated
6 the outcome of.

7 So I want to thank the sponsor for
8 the legislation. Again, at the end of the
9 day, by the second round or a public vote, I
10 might have concluded that I would want to
11 change my mind. But right now, I think that
12 this type of radical proposal is well worth it
13 in the 21st century for the state.

14 Thank you, Mr. President.

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

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

19 The Secretary will call the roll on
20 the Concurrent Resolution.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Senator
23 Schneiderman, to explain his vote.

24 And, Senator Schneiderman, we will
25 be invoking Rule 9(3)(e), two minutes.

1 SENATOR SCHNEIDERMAN: Thank you,
2 Mr. President. That's one of my favorite
3 rules.

4 I am rising to note that all of
5 this concern over unfunded mandates appears to
6 omit one salient fact. There's not one
7 unfunded mandate that has been imposed by the
8 State of New York on local governments since
9 I've been here that has not been through a
10 bill put on the floor by the Majority and
11 passed in this house by the Majority. Every
12 unfunded mandate, ladies and gentlemen, comes
13 from you.

14 So if you want to put a
15 constitutional amendment out there to say
16 please stop us from beating you up, there's a
17 simpler solution. Why don't you and the
18 Republican Majority stop passing unfunded
19 mandates?

20 I'm going to support this bill,
21 Mr. President, in the spirit of bringing to
22 light the extraordinarily and remarkable
23 hypocrisy which we celebrate here today, and I
24 hope this debate will go forward.

25 ACTING PRESIDENT GRIFFO: How do

1 you vote?

2 SENATOR SCHNEIDERMAN: Oh, I'm
3 for it.

4 ACTING PRESIDENT GRIFFO: Senator
5 Schneiderman to be recorded in the
6 affirmative.

7 Announce the results.

8 THE SECRETARY: Those recorded in
9 the negative on Calendar Number 1652 are
10 Senators Connor, Montgomery, Perkins and
11 Sabini.

12 Absent from voting: Senators
13 Gonzalez, Hassell-Thompson, Huntley, Rath and
14 Serrano.

15 Ayes, 51. Nays, 4.

16 ACTING PRESIDENT GRIFFO: The
17 resolution is adopted.

18 THE SECRETARY: Calendar Number
19 1660, by Senator Libous, Senate Print 7132, an
20 act to amend the Executive Law, in relation to
21 requiring state agencies.

22 SENATOR DUANE: Explanation.

23 ACTING PRESIDENT GRIFFO:
24 Explanation, Senator Libous.

25 SENATOR LIBOUS: Mr. President, I

1 am extremely happy that Senator Duane asked
2 for an explanation, because I was going to lay
3 this bill aside myself just to explain it.

4 It's a great bill, and I'm going to
5 explain what it does, because it's going to
6 help everybody in this chamber. It is the
7 "Honesty in Permit Progressing Act." And, for
8 those of you who like acronyms, HIPPA.

9 What it does, basically, we have a
10 lot of agencies that give out permits, and we
11 all get very frustrated because constituents
12 call us, constituents call us because at the
13 State Liquor Authority a request for a license
14 went in, the application went in, and four or
15 five -- Mr. President, there's a lot of noise
16 in the chamber.

17 ACTING PRESIDENT GRIFFO: May we
18 have order in the chamber, please.

19 SENATOR LIBOUS: Thank you.

20 And four or five months go by, and
21 then we end up calling the agency and asking
22 the agency, "Gee, what's going on? Where's
23 the permit?" And, you know, we go back to the
24 constituent and say that the agency is working
25 on it.

1 And then there are young people who
2 go to college and get their teaching license
3 and then they apply to the State Education
4 Department for their license so they can go
5 off into the world and educate our children,
6 and we get phone calls because they want to go
7 to work and they're still waiting two, three,
8 four months because the permit is sitting on
9 somebody's desk in the State Education
10 Department and they just haven't signed off on
11 it.

12 And it goes on and on and on and on
13 and on, with a whole host of permitting
14 agencies in the State of New York.

15 What this bill does, Mr. President,
16 is basically require the agencies to come back
17 to the Legislature and the Governor and say,
18 for a liquor license it takes X number of days
19 and X number of months, and for an education
20 license it takes X number of days, X number of
21 months, whatever. And they'll set a standard,
22 they'll come back to us, and now we can call
23 our constituents and say that, you know, it
24 takes -- for a liquor license, hypothetically,
25 it takes two months to get a license.

1 And if it takes three or four, then
2 they will be penalized in that the application
3 fee that they paid will have to go back to the
4 applicant because the agency did not fulfill
5 its responsibility.

6 This is a consumer-oriented bill,
7 this is a pro-business bill. This basically
8 helps us to get people their licenses and
9 their permits. And it only pertains to those
10 agencies who issue a hundred permits or more
11 on an annual basis.

12 Mr. President, this is something
13 that I think is long overdue, it's good
14 legislation. As I said, it's pro-consumer
15 legislation. It's going to help each member
16 in this chamber and their office staff with
17 efficiency in responding to their
18 constituents. I certainly urge all my
19 colleagues to vote aye.

20 ACTING PRESIDENT GRIFFO: Thank
21 you, Senator Libous.

22 Senator Montgomery, why do you
23 rise?

24 SENATOR MONTGOMERY: Yes,
25 Mr. President, I rise to support this

1 legislation.

2 I think certainly that Senator
3 Libous is correct, it will help all of us to
4 know exactly what is going on on behalf of our
5 constituents as it relates to the agencies
6 that issue permits.

7 I only wish, Senator Libous, that
8 you had included in your bill information on
9 how many permits or licenses were refused by
10 an agency and the reason why people are
11 refused.

12 I am interested in knowing whether
13 or not our state agencies are actually
14 breaking the state law, which says that we are
15 not to discriminate against a person,
16 especially people who, because they've been
17 incarcerated, they've served their time, they
18 have every other aspect of their citizenship
19 returned, and they still are refused to be
20 able to get permits and licenses in certain
21 cases.

22 So I would really like to see if we
23 could -- if you might consider at some point
24 adding to this information from those agencies
25 requiring them to tell us how many licenses

1 they refused and what reasons and who was
2 refused, so that we can evaluate whether or
3 not they're actually fulfilling the mandate of
4 the state law in that regard.

5 And with that, Mr. President, I
6 thank you, and I'm voting yes on this
7 legislation.

8 ACTING PRESIDENT GRIFFO: Thank
9 you.

10 Any other Senator wishing to be
11 heard?

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

14 Read the last section.

15 THE SECRETARY: Section 3. This
16 act shall take effect on the first of April
17 next succeeding.

18 ACTING PRESIDENT GRIFFO: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Recorded in the
22 negative: Senator Perkins.

23 Absent from voting: Senators
24 Gonzalez, Hassell-Thompson, Huntley, Rath and
25 Serrano.

1 Ayes, 54. Nays, 1.

2 ACTING PRESIDENT GRIFFO: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 1661, by Senator Golden, Senate Print 322, an
6 act to amend the Elder Law, in relation to
7 creating.

8 ACTING PRESIDENT GRIFFO: Senator
9 Smith.

10 SENATOR SMITH: Thank you,
11 Mr. President.

12 I believe there is an amendment at
13 the desk, and I ask that the amendment be
14 waived and ask that I be heard on the
15 amendment.

16 ACTING PRESIDENT GRIFFO: Thank
17 you, Senator. The reading is waived and you
18 may be heard on the amendment.

19 Senator Golden, why do you rise?

20 SENATOR GOLDEN: Point of order,
21 Mr. President.

22 ACTING PRESIDENT GRIFFO: Please
23 state your point of order.

24 SENATOR GOLDEN: This is a
25 state's benefit card that was put together as

1 a statewide program, and it deals with helping
2 our seniors across the State of New York live
3 a healthier and longer life. And by creating
4 this card, this card would give them access to
5 many, many discounts. And in the future, this
6 card would be used as a card for food stamps
7 or EPIC or Medicaid or the federal
8 pharmaceutical benefits program somewhere down
9 in the near future.

10 So this card is a card that can be
11 used for all of our seniors across the state.
12 The amendment that I looked at is a citywide
13 bill for the City of New York and not germane
14 to the statewide issue that we are presently
15 engaged in.

16 ACTING PRESIDENT GRIFFO: Thank
17 you, Senator Golden.

18 Senator Golden's point of order is
19 on whether or not the amendment is germane.
20 Upon consultation with counsel, your point is
21 well-taken.

22 The amendment is not considered
23 germane, Senator Smith.

24 SENATOR DUANE: Mr. President,
25 point of order.

1 ACTING PRESIDENT GRIFFO: Senator
2 Duane, what is your point of order?

3 SENATOR DUANE: Mr. President, I
4 believe that the definition of "germane" is
5 being at once relevant and appropriate and
6 having to do with the matter at hand.

7 ACTING PRESIDENT GRIFFO: Senator
8 Duane, are you attempting to overrule the
9 ruling of the chair?

10 SENATOR MONTGOMERY: Yes.

11 ACTING PRESIDENT GRIFFO: Please
12 state your point.

13 (Laughter.)

14 ACTING PRESIDENT GRIFFO: Please
15 state your point.

16 SENATOR DUANE: Yes,
17 Mr. President. Though sometimes I actually
18 have to think before I answer, because I get
19 into a lot of trouble if I don't think before
20 I answer. So I appreciate your indulging me
21 on thinking, which can also get me into
22 trouble.

23 But anyway, I believe if you look
24 at Senate Bill 322, lines 1 through 7, and
25 I'll give you a moment to take a look at that,

1 those lines state in part that "The
2 Legislature hereby finds and declares that
3 access to healthy foods can make a significant
4 difference in the quality and length of the
5 life of seniors, and that the voluntary
6 program created by this act, with the
7 education and outreach program instituted by
8 the State Office for the Aging" --

9 ACTING PRESIDENT GRIFFO: Thank
10 you, Senator Duane. Your point --

11 SENATOR DUANE: Therefore,
12 Mr. President --

13 ACTING PRESIDENT GRIFFO: Senator
14 Duane --

15 SENATOR DUANE: Therefore, Mr.
16 President, the bill is germane, our bill is
17 germane to the extent that it applies to
18 programs undertaken or authorized by the --

19 ACTING PRESIDENT GRIFFO: Senator
20 Duane, the chair rules that you're out of
21 order.

22 SENATOR DUANE: Through you, Mr.
23 President --

24 ACTING PRESIDENT GRIFFO: Do you
25 have a point, an additional point of order?

1 SENATOR DUANE: Mr. President, my
2 point of order, then I would like a vote on
3 that.

4 ACTING PRESIDENT GRIFFO: Would
5 you like to appeal the ruling of the chair,
6 then?

7 SENATOR DUANE: Yes, I would,
8 Mr. President.

9 ACTING PRESIDENT GRIFFO: The
10 question shall be on the ruling of the chair,
11 should it be overruled. All in favor signify
12 say aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT GRIFFO:
15 Opposed.

16 (Response of "Nay.")

17 ACTING PRESIDENT GRIFFO: The
18 ruling stands.

19 SENATOR DUANE: Mr. President, I
20 would request that we have a hand count on
21 that, because it sounded to me like the ayes
22 had it.

23 ACTING PRESIDENT GRIFFO: Senator
24 Duane, the motion to overrule the chair has
25 failed.

1 SENATOR DUANE: Mr. President, as
2 long as --

3 ACTING PRESIDENT GRIFFO: Senator
4 Duane. You are out of order, Senator Duane.

5 SENATOR DUANE: -- as long as
6 five of my members or any members stand, we
7 are entitled to have a slow roll.

8 ACTING PRESIDENT GRIFFO: Very
9 good, Senator Duane. Do five members stand?

10 Five members have stood. We will
11 have a slow roll call.

12 The Secretary will read the slow
13 roll call.

14 SENATOR DUANE: Mr. President.

15 ACTING PRESIDENT GRIFFO: There's
16 no debate on a roll call, Senator Duane. Why
17 do you rise?

18 SENATOR DUANE: I know that,
19 Mr. President. I would like a point of
20 clarification.

21 I just want to make sure that
22 voting yes is to be in agreement with my
23 challenge, and voting no is to be in agreement
24 with your denial.

25 ACTING PRESIDENT GRIFFO:

1 Correct. Senator, yes, that is correct.
2 The Secretary will call the roll.
3 The question is shall the ruling of the chair
4 be overruled.
5 THE SECRETARY: Senator Adams,
6 excused.
7 Senator Alesi.
8 SENATOR ALESI: No.
9 THE SECRETARY: Senator
10 Aubertine.
11 SENATOR AUBERTINE: Yes.
12 THE SECRETARY: Senator Bonacic.
13 (No response.)
14 THE SECRETARY: Senator Breslin.
15 SENATOR BRESLIN: Yes.
16 THE SECRETARY: Senator Bruno,
17 no.
18 Senator Connor.
19 SENATOR CONNOR: Aye.
20 THE SECRETARY: Senator
21 DeFrancisco.
22 SENATOR DeFRANCISCO: No.
23 THE SECRETARY: Senator Diaz.
24 SENATOR DIAZ: Si.
25 THE SECRETARY: Senator Dilan.

1 SENATOR DILAN: Yes.
2 THE SECRETARY: Senator Duane.
3 SENATOR DUANE: Yes.
4 THE SECRETARY: Senator Farley.
5 SENATOR FARLEY: No.
6 THE SECRETARY: Senator Flanagan.
7 SENATOR FLANAGAN: No.
8 THE SECRETARY: Senator
9 Fuschillo.
10 SENATOR FUSCHILLO: No.
11 THE SECRETARY: Senator Golden.
12 SENATOR GOLDEN: No.
13 THE SECRETARY: Senator Gonzalez.
14 (No response.)
15 THE SECRETARY: Senator Griffo.
16 SENATOR GRIFFO: No.
17 THE SECRETARY: Senator Hannon.
18 SENATOR HANNON: No.
19 THE SECRETARY: Senator
20 Hassell-Thompson.
21 (No response.)
22 THE SECRETARY: Senator Huntley.
23 (No response.)
24 THE SECRETARY: Senator C.
25 Johnson.

1 SENATOR CRAIG JOHNSON: Yes.
2 THE SECRETARY: Senator O.
3 Johnson.
4 SENATOR OWEN JOHNSON: No.
5 THE SECRETARY: Senator Klein.
6 SENATOR KLEIN: Yes.
7 THE SECRETARY: Senator
8 L. Krueger.
9 SENATOR LIZ KRUEGER: Yes.
10 THE SECRETARY: Senator C.
11 Kruger, excused.
12 Senator Lanza.
13 SENATOR LANZA: No.
14 THE SECRETARY: Senator Larkin.
15 SENATOR LARKIN: No.
16 THE SECRETARY: Senator LaValle.
17 SENATOR LaVALLE: No.
18 THE SECRETARY: Senator Leibell.
19 SENATOR LEIBELL: No.
20 THE SECRETARY: Senator Libous.
21 SENATOR LIBOUS: No.
22 THE SECRETARY: Senator Little.
23 SENATOR LITTLE: No.
24 THE SECRETARY: Senator Maltese.
25 SENATOR MALTESE: No.

1 THE SECRETARY: Senator
2 Marcellino.
3 SENATOR MARCELLINO: No.
4 THE SECRETARY: Senator Maziarz.
5 SENATOR MAZIARZ: No.
6 THE SECRETARY: Senator
7 Montgomery.
8 SENATOR MONTGOMERY: Yes.
9 THE SECRETARY: Senator Morahan.
10 SENATOR MORAHAN: No.
11 THE SECRETARY: Senator Nozzolio.
12 SENATOR NOZZOLIO: No.
13 THE SECRETARY: Senator Onorato.
14 SENATOR ONORATO: Yes.
15 THE SECRETARY: Senator
16 Oppenheimer.
17 (No response.)
18 THE SECRETARY: Senator Padavan.
19 SENATOR PADAVAN: No.
20 THE SECRETARY: Senator Parker.
21 SENATOR PARKER: Yes.
22 THE SECRETARY: Senator Perkins.
23 SENATOR PERKINS: Yes.
24 THE SECRETARY: Senator Rath.
25 (No response.)

1 THE SECRETARY: Senator Robach.
2 SENATOR ROBACH: No.
3 THE SECRETARY: Senator Sabini.
4 SENATOR SABINI: Aye.
5 THE SECRETARY: Senator Saland.
6 SENATOR SALAND: No.
7 THE SECRETARY: Senator Sampson.
8 SENATOR SAMPSON: Yes.
9 THE SECRETARY: Senator Savino.
10 SENATOR SAVINO: Yes.
11 THE SECRETARY: Senator
12 Schneiderman.
13 SENATOR SCHNEIDERMAN: Yes.
14 THE SECRETARY: Senator Serrano.
15 (No response.)
16 THE SECRETARY: Senator Seward.
17 SENATOR SEWARD: No.
18 THE SECRETARY: Senator Skelos.
19 SENATOR SKELOS: No.
20 THE SECRETARY: Senator Smith.
21 SENATOR SMITH: Yes.
22 THE SECRETARY: Senator
23 Stachowski.
24 SENATOR STACHOWSKI: Yes.
25 THE SECRETARY: Senator Stavisky.

1 SENATOR STAVISKY: Aye.
2 THE SECRETARY: Senator
3 Stewart-Cousins.
4 SENATOR STEWART-COUSINS: Yes.
5 THE SECRETARY: Senator Thompson.
6 SENATOR THOMPSON: Yes.
7 THE SECRETARY: Senator Trunzo.
8 SENATOR TRUNZO: No.
9 THE SECRETARY: Senator Valesky.
10 SENATOR VALESKY: Yes.
11 THE SECRETARY: Senator Volker.
12 SENATOR VOLKER: No.
13 THE SECRETARY: Senator Winner.
14 SENATOR WINNER: No.
15 THE SECRETARY: Senator Young.
16 SENATOR YOUNG: No.
17 ACTING PRESIDENT GRIFFO: The
18 Secretary will call the absentees.
19 THE SECRETARY: Senator Bonacic.
20 SENATOR BONACIC: No.
21 THE SECRETARY: Senator Gonzalez.
22 (No response.)
23 THE SECRETARY: Senator
24 Hassell-Thompson.
25 (No response.)

1 THE SECRETARY: Senator Huntley.
2 (No response.)
3 THE SECRETARY: Senator
4 Oppenheimer.
5 (No response.)
6 THE SECRETARY: Senator Rath.
7 (No response.)
8 THE SECRETARY: Senator Serrano.
9 (No response.)
10 ACTING PRESIDENT GRIFFO:
11 Announce the results.
12 THE SECRETARY: Ayes, 23. Nays,
13 31.
14 ACTING PRESIDENT GRIFFO: The
15 ruling of the chair is sustained.
16 Are there any Senators wishing to
17 be heard on the bill?
18 The debate is closed. The
19 Secretary will ring the bell.
20 Read the last section.
21 THE SECRETARY: Section 4. This
22 act shall take effect immediately.
23 ACTING PRESIDENT GRIFFO: Call
24 the roll.
25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 55. Nays,
2 0.

3 Absent from voting on Calendar
4 Number 1661 are Senators Gonzalez,
5 Hassell-Thompson, Huntley, Rath and Serrano.

6 ACTING PRESIDENT GRIFFO: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 1662, by Senator Duane, Senate Print 7226, an
10 act to amend the Environmental Conservation
11 Law --

12 SENATOR MARCELLINO:
13 Explanation.

14 ACTING PRESIDENT GRIFFO:
15 Explanation, Senator Duane.

16 SENATOR DUANE: Thank you,
17 Mr. President. I know my colleagues can't get
18 enough of this voice.

19 This bill allows the commissioner
20 of the Department of Environmental
21 Conservation to establish a civil penalty of
22 up to \$10,000 for violations -- that is, after
23 notice and opportunity for hearing -- by
24 dealers and exhibitors who violate federal
25 laws related to direct contact between a big

1 cat -- and what is a big cat? Lions, tigers,
2 leopards, cheetahs, jaguars, mountain lions --
3 and a member or members of the public.

4 The bill does not apply to an
5 exhibitor or a zoo accredited by or in good
6 standing with the Association of Zoos and
7 Aquariums and operated with sufficient regard
8 to public safety.

9 Now, seriously and tragically,
10 there have been recent incidents of members of
11 the public getting too close to big cats like
12 lions, tigers, et cetera, and that has caused
13 injuries and in some cases death. And also
14 very sadly, it forces that these big cats be
15 put to sleep as a result.

16 So this bill is designed to help
17 make it so that this unfortunate and tragic
18 situation does not occur.

19 Now, my bill is in large part
20 precipitated by Haley's Act, which is named
21 after 17-year-old Haley Hilderbrand, who was
22 mauled to death while posing with a 550-pound
23 tiger for her senior photo at a USDA-licensed
24 facility.

25 Now, while there are many

1 USDA-licensed facilities housing dangerous
2 cats, these zoos and sanctuaries account for
3 less than one-third of the USDA-licensed
4 facilities, and the bulk of them, the rest of
5 them are being used by backyard breeders and
6 roadside tourist traps, flea market
7 attractions, and people who call themselves
8 educators, and I'm putting that in quotes, and
9 they charge a fee to bring a lion or a tiger
10 into a classroom or a party.

11 And bringing big cats, though they
12 may seem tame and not at all dangerous, is
13 actually very, very dangerous. And if not
14 handled properly, they cause a tremendous
15 danger. And sometimes, unfortunately, young
16 people are most at risk because the people
17 handling them should not be handling them and
18 the tigers or cats or leopards or whatever
19 other big cat has not been properly housed and
20 there's not proper supervision.

21 You know, oftentimes this starts
22 with just using a cub, which obviously are
23 less dangerous. But there's a very slippery
24 slope which occurs. And people pay to have
25 their photos taken or children pay to have

1 their photo taken or to pet them, and they
2 seem very cute and cuddly. However, these
3 cats can quickly grow into dangerous
4 predators.

5 And again, it's not their fault,
6 it's what they are as animals. That's their
7 natural way to be. And if one of them mauls
8 or kills a child or an adult, that's terrible
9 in and of itself, and it's compounded because
10 the animal needs to be killed as a result.

11 So this bill will dovetail along
12 with Haley's Act and actually provide
13 protection for people and also protection for
14 these large and wild cats which should not be
15 put in front of the public without proper
16 supervision. So for the safety of our
17 citizens, as well as to preserve these breeds
18 of large cats, I am urging my colleagues to
19 vote in the affirmative.

20 Thank you, Mr. President.

21 ACTING PRESIDENT GRIFFO: Senator
22 Skelos.

23 SENATOR SKELOS: Thank you,
24 Mr. President. Would Senator Duane yield for
25 a series of questions.

1 (Laughter.)

2 ACTING PRESIDENT GRIFFO: Senator
3 Duane, will you yield for a series of
4 questions?

5 SENATOR DUANE: Yes,
6 Mr. President, I will.

7 ACTING PRESIDENT GRIFFO: Senator
8 Skelos.

9 SENATOR SKELOS: Senator Duane,
10 would this apply to feral cats or large
11 pussycats?

12 SENATOR DUANE: No,
13 Mr. President, it would not apply to even
14 chubby pussycats, no.

15 (Laughter.)

16 ACTING PRESIDENT GRIFFO: Senator
17 Skelos.

18 SENATOR SKELOS: Mr. President,
19 if Senator Duane would yield for another
20 question.

21 ACTING PRESIDENT GRIFFO: Senator
22 Duane?

23 SENATOR DUANE: I would be, as
24 always, pleased to yield.

25 SENATOR SKELOS: It's my

1 understanding that under the legislation that
2 the Commissioner of Environmental Conservation
3 can exempt some zoos from this requirement.

4 Is there a particular department
5 within the Department of Environmental
6 Conservation that deals with these types of
7 issues? What criteria is there in making this
8 determination as to whether a zoo should be
9 exempt?

10 SENATOR DUANE: Through you,
11 Mr. President, the overarching authority is
12 based upon that a zoo be accredited and in
13 Good standing with the Association of Zoos and
14 Aquariums. And within DEC there is a
15 department which deals with animals, and this
16 would fall under that jurisdiction.

17 But the overarching -- the
18 controlling -- that the zoo in good standing
19 would be based on the Association of Zoos and
20 Aquariums.

21 ACTING PRESIDENT GRIFFO: Senator
22 Skelos.

23 SENATOR SKELOS: Mr. President,
24 if Senator Duane would yield for another
25 question.

1 ACTING PRESIDENT GRIFFO: Senator
2 Duane?

3 SENATOR DUANE: Yes,
4 Mr. President.

5 ACTING PRESIDENT GRIFFO: Senator
6 Skelos.

7 SENATOR SKELOS: Senator Duane,
8 you mentioned that there could be civil
9 penalties of up to \$10,000 for violations of
10 this legislation. I think you also have
11 within the law that an exhibitor or a dealer
12 could be subject up to one year of
13 imprisonment and a \$10,000 fine if this is
14 violated. Is that correct?

15 SENATOR DUANE: With a
16 clarification, Mr. President. That would only
17 occur, the fine or the potential imprisonment,
18 after notice and an opportunity for a hearing.

19 ACTING PRESIDENT GRIFFO: Senator
20 Skelos.

21 SENATOR SKELOS: Mr. President,
22 if Senator Duane would yield to another
23 question.

24 ACTING PRESIDENT GRIFFO: Senator
25 Duane?

1 SENATOR DUANE: Yes,
2 Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator
4 Skelos.

5 SENATOR SKELOS: Senator Duane, I
6 know on a number of occasions yourself and
7 other members of your conference, when we've
8 looked to increase the penalties for issues
9 such as sex offenders not registering, other
10 legislation concerning criminals, that there
11 has been, from a number of members of your
12 conference, a consistent vote against this
13 type of legislation.

14 I'm just wondering whether, in your
15 mind, that one year in jail is appropriate --
16 and I'm going to support the legislation -- is
17 appropriate for a person that violates this
18 law, yet for sex offenders and others who
19 commit violent crimes, at times misdemeanors
20 are appropriate.

21 SENATOR DUANE: Mr. President, I
22 think if you looked at my record -- and I'm
23 not going to pretend to agree -- to speak for
24 every member of my conference, because we're a
25 Democratic conference and people have their

1 own opinions and points of view on criminal
2 justice and other issues. But I believe if
3 you look at my record, there's a pretty good
4 consistency on protecting children in all
5 cases of crimes that are committed against
6 them. So this would be consistent with my
7 philosophy.

8 In terms of consistency on sex
9 offenses in general, I just would call
10 everyone's attention to a piece of legislation
11 today which I believe was sponsored by Senator
12 Skelos which I voted in the affirmative on.

13 So I cannot promise that I'm a
14 hundred percent consistent on everything. As
15 I mentioned before, similarly to before I
16 speak I try to think, I try to think before I
17 vote. So I may not always be consistent, but
18 there is generally a good reason if there's a
19 variation in my vote on various issues.

20 But in this case, in terms of
21 protecting children, whether from predatory
22 adults or when an animal, through no fault of
23 its own, because of its natural inclinations,
24 puts a child at risk, my support and putting
25 this bill forward is consistent with that

1 philosophy.

2 ACTING PRESIDENT GRIFFO: Senator
3 Skelos.

4 SENATOR SKELOS: If Senator Duane
5 would yield for another question.

6 ACTING PRESIDENT GRIFFO: Senator
7 Duane, do you yield?

8 SENATOR DUANE: Yes.

9 ACTING PRESIDENT GRIFFO: Senator
10 Skelos.

11 SENATOR SKELOS: Senator Duane,
12 is there an Assembly sponsor to this
13 legislation?

14 SENATOR DUANE: Mr. President, at
15 this time there is not. However, I expect by
16 the end of this week that there will be.

17 And in all candor, there was --
18 there were -- it was hard for me to choose
19 which of the Assembly members who wanted this
20 bill, it was hard for me to choose which one
21 to give it to. And that was my conundrum,
22 because I don't like to let people down. But
23 there will be one, I'm going to have to make
24 that choice by the end of this week.

25 SENATOR SKELOS: Thank you,

1 Senator Duane.

2 If Senator Duane would yield for
3 one more question.

4 ACTING PRESIDENT GRIFFO: Senator
5 Duane, do you continue to yield?

6 SENATOR DUANE: Yes,
7 Mr. President.

8 ACTING PRESIDENT GRIFFO: Senator
9 Skelos.

10 SENATOR SKELOS: Senator Duane, I
11 would just ask in the future when Senator
12 Schneiderman admonishes this conference about
13 wasting the Senate's time on one-house bills,
14 that you remind him in the future that we're
15 voting on a one-house bill right now.

16 And certainly, as I said, I'll be,
17 you know, supportive of the legislation. I'm
18 just wondering whether those within your
19 conference who vote against bills because they
20 consider them one-house or they think the
21 penalties are too severe, you know, I hope
22 they support you in this bill.

23 SENATOR DUANE: Thank you.

24 Mr. President, I want to say a
25 couple of things. One is I'd like to open up

1 sponsorship of this bill to all members on
2 both sides of the aisle, and I'm going to
3 encourage the lucky Assembly sponsor to do the
4 same thing.

5 Also, it was such a pleasant
6 surprise to see this bill come out of Rules,
7 it was such a surprise -- and who doesn't love
8 a surprise? I was surprised that it came out.
9 And part of my celebration will be to hurry up
10 and get an Assembly sponsor for the bill.

11 And finally, I wish my conference
12 would do what I said all the time, but
13 unfortunately they don't. And I'm just going
14 to have to live with that burden of
15 independence. But I have a feeling they heard
16 you, and I will let them decide on their own
17 regarding your advice, and I trust that
18 they'll make a good decision.

19 Thank you.

20 ACTING PRESIDENT GRIFFO: Senator
21 Bonacic.

22 SENATOR BONACIC: Yes. Will the
23 sponsor yield for a couple of questions.

24 ACTING PRESIDENT GRIFFO: Senator
25 Duane, do you yield?

1 SENATOR DUANE: More than a
2 couple. From Senator Bonacic? He couldn't
3 have enough questions for me.

4 ACTING PRESIDENT GRIFFO: Senator
5 Bonacic.

6 SENATOR BONACIC: This kind of
7 legislation is kind of unique to me. I
8 haven't seen this subject matter before. So
9 I'd like to inquire --

10 SENATOR DUANE: And I am a unique
11 Senator.

12 SENATOR BONACIC: Do you know
13 what's required to get a federal license for
14 this kind of business?

15 SENATOR DUANE: You know, I have
16 to honestly say I'm not familiar with
17 everything that's needed, but -- so I'm a
18 little loath to answer that question.

19 SENATOR BONACIC: Okay. Do you
20 know how many federal licenses there are in
21 the State of New York that would cover this
22 kind of activity?

23 I would take yes or no if you're
24 not --

25 SENATOR DUANE: You know, I did

1 know, and I -- but at this moment I don't
2 know. Again, I -- between yesterday and
3 today, I apologize that I didn't bring that
4 information with me, because I should have
5 known that this bill would be coming to the
6 floor today.

7 But I did know -- I don't know, but
8 I could get that to you very quickly.

9 SENATOR BONACIC: Okay.

10 ACTING PRESIDENT GRIFFO: Senator
11 Bonacic.

12 SENATOR BONACIC: I don't have a
13 sense of the assets or the size of this kind
14 of a business that would have a federal
15 license in the State of New York. In other
16 words, are these corporate businesses with
17 significant assets and employees? I just
18 don't know. And if you had any knowledge on
19 it, I would appreciate it.

20 ACTING PRESIDENT GRIFFO: Senator
21 Duane.

22 SENATOR DUANE: The reason for
23 this bill is to make sure that it's not just,
24 you know, sort of mom-and-pop backyard
25 organizations that would have these dangerous

1 cats, large cats available for birthday
2 parties, that it would only be organizations
3 like zoos and perhaps circuses, though I have
4 some mixed emotions about those as well, that
5 have the wherewithal and the expertise to
6 handle the animals in a humane and, specific
7 to this legislation, safe way.

8 And it's not my intention to put
9 out of business petting zoos that have, you
10 know, goats and calves, et cetera. But it is
11 my intention to put out of business
12 organizations that are not equipped to handle
13 these big dangerous cats.

14 ACTING PRESIDENT GRIFFO: Senator
15 Bonacic.

16 SENATOR BONACIC: Would you
17 continue to yield for just a couple more
18 questions.

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

21 SENATOR DUANE: Absolutely,
22 Mr. President.

23 ACTING PRESIDENT GRIFFO: Senator
24 Bonacic.

25 SENATOR BONACIC: The explanation

1 talks of direct contact with cats. So if an
2 individual was in close proximity, this
3 legislation wouldn't apply, it would have to
4 be physical contact, the touching of the
5 animal?

6 SENATOR DUANE: Mr. President,
7 the point of the legislation -- I'm not
8 expecting DEC commissioners to comb every
9 valley and mountain in New York State to see
10 if people are keeping these big cats
11 illegally.

12 What I'm trying to prevent is
13 children and adults from coming into contact
14 with them, for instance, for photo ops or
15 petting, for hire. Because I think that that
16 could precipitate a dangerous and potentially
17 deadly situation for the child, the person,
18 and for the animal as well.

19 So it's really just for those who
20 would be charging and not have the expertise
21 to make sure that the animals are kept in a
22 safe relationship from children or adults.

23 ACTING PRESIDENT GRIFFO: Senator
24 Bonacic.

25 SENATOR BONACIC: Will you

1 continue to yield for just a couple more?

2 ACTING PRESIDENT GRIFFO: Senator
3 Duane?

4 SENATOR DUANE: Certainly.

5 SENATOR BONACIC: Is there any
6 other state in the United States that has this
7 legislation?

8 SENATOR DUANE: Through you,
9 Mr. President, there are other states with
10 bills pending. As of my last look, none of
11 those states have yet passed the bills. But
12 there is a national state-by-state movement to
13 pass these bills.

14 And it would be great if we were
15 the first, actually. And in particular, it
16 would be great if we beat California, because
17 you know they recently beat us on the whole
18 marriage thing, so it would be great if we
19 could beat them on this, similar to, you know,
20 the Red Sox and the Yankees, I guess.

21 But I anticipate that many other
22 states will pass similar legislation, but it
23 would be wonderful if we were the first
24 because there is a national movement with the
25 state-by-state strategy.

1 SENATOR BONACIC: So I take it no
2 other state has passed it yet.

3 ACTING PRESIDENT GRIFFO: Senator
4 Duane.

5 SENATOR DUANE: It is -- it is
6 possible that California has passed this
7 legislation, so I'm not a hundred percent
8 sure. I don't think that they did, but they
9 may have. And I don't know whether Governor
10 Schwarzenegger, if they did pass it, has
11 signed it. But again, I anticipate that they
12 will. And I will get the most up-to-date
13 information pretty much as soon as I get back
14 to my office.

15 ACTING PRESIDENT GRIFFO: Senator
16 Bonacic.

17 SENATOR BONACIC: My last
18 question, if I may.

19 ACTING PRESIDENT GRIFFO: Senator
20 Duane?

21 SENATOR DUANE: Certainly, Mr.
22 President.

23 SENATOR BONACIC: Senator Duane,
24 if someone were to be convicted under this
25 legislation, if it were to become law, would

1 that cause them to have their federal license
2 revoked because they would then be deemed a
3 criminal? And would that result in a loss of
4 business and jobs in this state?

5 SENATOR DUANE: Through you,
6 Mr. President, they would automatically be in
7 violation of federal law if they were
8 convicted of this, because under federal law
9 they should not be doing this anyway.

10 So I guess the answer would be yes,
11 they would.

12 SENATOR BONACIC: Thank you,
13 Senator Duane.

14 On the bill.

15 ACTING PRESIDENT GRIFFO: Senator
16 Bonacic, on the bill.

17 Senator DeFrancisco, why do you
18 rise?

19 SENATOR DeFRANCISCO: I was
20 wondering if I could have the opportunity to
21 ask Senator Duane a couple of questions.

22 SENATOR BONACIC: I defer to
23 Senator DeFrancisco.

24 ACTING PRESIDENT GRIFFO: Thank
25 you, Senator Bonacic.

1 Senator Duane, are you yielding to
2 questions from Senator DeFrancisco?

3 SENATOR DUANE: Yes, Mr.
4 President.

5 SENATOR DeFRANCISCO: Senator
6 Duane, you indicated the purpose of this bill
7 is to avoid children being mauled by animals;
8 correct?

9 SENATOR DUANE: That is correct,
10 Mr. President.

11 SENATOR DeFRANCISCO: And the
12 animals that you want to prevent them being
13 mauled by are big cats; correct?

14 ACTING PRESIDENT GRIFFO: Senator
15 Duane.

16 SENATOR DUANE: That is correct,
17 Mr. President.

18 SENATOR DeFRANCISCO: Under your
19 bill, what is the minimum size of a big cat?

20 SENATOR DUANE: Mr. President,
21 the bill is defined as, per species, lions,
22 tigers, leopards, cheetahs, jaguars, mountain
23 lions. I think that's it.

24 ACTING PRESIDENT GRIFFO: Senator
25 DeFrancisco.

1 SENATOR DeFRANCISCO: Would you
2 yield to another question?

3 ACTING PRESIDENT GRIFFO: Senator
4 Duane, do you continue to yield?

5 SENATOR DUANE: Yes, Mr.
6 President.

7 SENATOR DeFRANCISCO: So is it
8 fair to say that a lion on the first day of
9 birth would be determined to be a big cat,
10 under your bill?

11 SENATOR DUANE: Mr. President,
12 yes, that is correct.

13 Because remember, the point of this
14 is that these are not just cuddly, cute little
15 animals, they are in fact something quite
16 different. They're not kittens of
17 domesticated cats, they are a member of a
18 species that is not domesticated.

19 ACTING PRESIDENT GRIFFO: Senator
20 DeFrancisco.

21 SENATOR DeFRANCISCO: Would you
22 yield to another question, please.

23 ACTING PRESIDENT GRIFFO: Senator
24 Duane, do you yield?

25 SENATOR DUANE: Yes, Mr.

1 President.

2 ACTING PRESIDENT GRIFFO: Senator
3 DeFrancisco.

4 SENATOR DeFRANCISCO: If this
5 bill were to become law, would anyone
6 appearing on Jay Leno with a cuddly young baby
7 lion to show to Jay Leno -- or the former
8 Johnny Carson, as he did in the past -- an
9 animal for educational purposes for the
10 general public, would that person be violating
11 this law?

12 ACTING PRESIDENT GRIFFO: Senator
13 Duane.

14 SENATOR DUANE: Mr. President,
15 without knowing specifically who they are, I
16 can't answer that.

17 But I am assuming that those kinds
18 of television shows do not permit people to
19 bring animals on who are not properly licensed
20 or accredited and in good standing with
21 relevant state and federal agencies,
22 including, for instance, the Association of
23 Zoos and Aquariums.

24 And so -- well, I'll wait for more
25 questions.

1 ACTING PRESIDENT GRIFFO: Senator
2 DeFrancisco.

3 SENATOR DeFRANCISCO: And just
4 one last question, if you would, Senator
5 Duane.

6 ACTING PRESIDENT GRIFFO: Senator
7 Duane?

8 SENATOR DUANE: Yes,
9 Mr. President.

10 ACTING PRESIDENT GRIFFO: Senator
11 DeFrancisco.

12 SENATOR DeFRANCISCO: Senator
13 Duane, your definition of exhibitors seems to
14 include just about anybody, any person
15 exhibiting any animals which were purchased in
16 commerce or the intended distribution of which
17 affects commerce, et cetera, et cetera.

18 Is there anybody under this bill,
19 under the language of this bill, that had a
20 baby animal of some type, one of these cats,
21 would there be anybody that would not be an
22 exhibitor under your definition?

23 SENATOR DUANE: Mr. President,
24 yes, I thought I had clarified this. For
25 instance, zoos. I would hope circuses that

1 are accredited, though again I have mixed
2 emotions about circuses and large animals.
3 But they all would be permitted to make their
4 animals in a safe manner available to be
5 viewed by the public. And anyone with a
6 license.

7 It's really just those who are
8 unlicensed and unaccredited. Again, because
9 of the safety issue, because they should not
10 be putting these animals in close contact with
11 children or adults.

12 ACTING PRESIDENT GRIFFO: Thank
13 you.

14 Senator Libous.

15 SENATOR LIBOUS: Thank you,
16 Mr. President.

17 I wondered if Senator Duane would
18 clarify a couple of points for me, because
19 there's an issue that I'm a little concerned
20 with.

21 ACTING PRESIDENT GRIFFO: Senator
22 Duane, do you yield?

23 SENATOR DUANE: Yes,
24 Mr. President.

25 ACTING PRESIDENT GRIFFO: Senator

1 Libous.

2 SENATOR LIBOUS: Senator Duane, I
3 appreciate what you're trying to do with this
4 legislation, and I've licensed intently. But
5 I do have a concern, because I don't think it
6 goes far enough to the protection of all
7 children, and I'll tell you what I mean.

8 We have a nice zoo in Binghamton
9 called the Ross Park Zoo, it was established
10 back in the 1900s, and it's on a very nice
11 tract of land that the Ross family donated.
12 Because of some problems over the course of
13 the last year, the Ross Park Zoo lost its
14 accreditation. And of course a number of the
15 members of the community -- it's a good-sized
16 zoo for the City of Binghamton, and we do have
17 large cats as defined under your legislation.

18 And what I'm concerned about is
19 that the protection of our children in
20 Binghamton who still visit the zoo -- and
21 they're trying to reapply for their
22 accreditation, but it is a process. From what
23 I'm hearing, I'm concerned that, God forbid,
24 an incident were to happen under this
25 legislation that because they are in between

1 accreditation, that they wouldn't be protected
2 under this. Is that correct?

3 SENATOR DUANE: Through you,
4 Mr. President, I want to first say as long as
5 an organization is accredited by the federal
6 government, it is -- there wouldn't a problem.

7 And I am assuming, because I
8 believe the people that run the Ross Zoo are
9 law-abiding, that similar to -- I'm trying to
10 think of an example. Sometimes people are
11 allowed to inhabit a building even though it
12 hasn't gotten its certificate of occupancy
13 yet, that pending that, they're allowed to
14 continue to operate.

15 So I'm assuming that the Ross Zoo
16 would fall under that and so it would still be
17 in compliance with federal regulation.

18 ACTING PRESIDENT GRIFFO: Senator
19 Libous.

20 SENATOR LIBOUS: Well, Mr.
21 President, it is --

22 SENATOR DUANE: And if they're
23 not, they shouldn't be operating. So I'm
24 assuming they are okay with the feds right
25 now.

1 ACTING PRESIDENT GRIFFO: Senator
2 Libous.

3 SENATOR LIBOUS: Mr. President,
4 if the sponsor would then -- I certainly
5 respect the sponsor's answer, but I'm not sure
6 that that's the case without having checked
7 with legal counsel.

8 And, Mr. President, if I could ask
9 the sponsor if he wouldn't mind checking into
10 that for me and responding, only because I do
11 support the concept of the bill here, but I do
12 feel as if the children and the people who
13 visit the Ross Park Zoo may be left out on
14 this technicality until the reaccreditation
15 takes place.

16 And I feel that as my constituents,
17 they deserve the same protection that anyone
18 else under Senator Duane's bill would receive
19 as they approach a zoo or a place where those,
20 quote, large cats or pussycats are going to be
21 located.

22 ACTING PRESIDENT GRIFFO: Senator
23 Duane.

24 SENATOR DUANE: Mr. President,
25 again, not pussycats. Tigers, leopards,

1 cheetahs, jaguars, et cetera.

2 But again, I am 99 percent sure
3 that the Ross Zoo is in compliance with
4 federal regulations. But if the Senator would
5 give me the name of their government relations
6 person and a phone number, or the executive
7 director, I will absolutely call and check to
8 make sure. But I would be incredulous if they
9 were not in compliance.

10 ACTING PRESIDENT GRIFFO: Senator
11 Libous.

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

14 And, Senator Duane, thank you. I
15 will get the name of the director. We're not
16 large enough to have a lobbyist or a
17 government relations director, because we're
18 just a small zoo. But I appreciate Senator
19 Duane's response, and I would be happy to get
20 the director's name so that we could see to it
21 that they're covered under this legislation.

22 Thank you, Senator.

23 ACTING PRESIDENT GRIFFO: Thank
24 you, Senator Libous.

25 Senator Marcellino.

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

3 ACTING PRESIDENT GRIFFO: On the
4 bill, Senator Marcellino.

5 SENATOR MARCELLINO: Many of the
6 questions have been asked and answered on this
7 issue, very important. I intend to vote for
8 this bill, but I just would like to point out
9 to everybody in the chamber that everything in
10 this bill is already current law.

11 With the exception of the penalty,
12 every single thing that has been discussed is
13 current law right now in the State of
14 New York. Permitting must be done, the DEC
15 carries that out. If you handle these
16 animals, if you travel with them, you have
17 very strict requirements if you do it legally.
18 It's all current law.

19 We passed a bill in 2004, Chapter
20 693. We passed an amendment to that in 2005,
21 Chapter 10. The venomous snakes bill, we
22 expanded it to include a whole host of
23 organisms and animals and creatures and
24 critters.

25 It is current law now. You

1 cannot -- in the City of New York, for
2 example, it's a complete violation of law to
3 even own a wild cat or one of these creatures
4 that's so defined, and the law goes through a
5 whole litany of these species that goes in.

6 So I appreciate Senator Duane's
7 eagerness to put forth legislation, but it's
8 already law. So if you want to re-pass
9 existing law -- we're ahead of California,
10 Senator. We did it four years ago. So, you
11 know, if you want to change the penalty, I
12 could agree with that. That's no problem.
13 I'll increase the penalty. So that's fine.

14 And I'll vote for the bill, because
15 it's apple pie and motherhood as far as I'm
16 concerned. We should not be abusing these
17 creatures or putting them at risk, or the
18 general public at risk with these animals.

19 The Senator is perfectly correct,
20 these are not cuddly little creatures, these
21 are wild animals, they're dangerous. Their
22 instincts are protection and self-preservation
23 and eating. And quite frankly, folks, we're
24 their food. So if I were you, I wouldn't get
25 too close to any one of these creatures at any

1 given time because you never know when they
2 want to have lunch.

3 So as I said before, this is
4 already existing law, but I will in effect
5 vote yes on this very important bill.

6 Thank you.

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

9 Senator Sabini.

10 SENATOR SABINI: Thank you,
11 Mr. President.

12 I just wanted to point out, an
13 earlier speaker pointed out that 90 percent of
14 this is in current law. Well, if that were
15 the criteria for the bills we pass in this
16 house, this would look about the size of a
17 pamphlet.

18 So I think if we want to reflect on
19 what's in statute now that are in our bills,
20 we wouldn't have much to pass for the last six
21 months. So I don't think that's a criteria at
22 all.

23 ACTING PRESIDENT GRIFFO: Senator
24 Connor.

25 SENATOR CONNOR: Yes,

1 Mr. President. You know, as we paw and claw
2 our way through the calendar today --

3 (Laughter.)

4 SENATOR CONNOR: -- it's
5 refreshing to have this legislation. And
6 Senator Duane several times referred to the
7 overarching nature of it. And I would ask
8 everyone to look over the arches over the
9 windows at the gargoyles up there and see the
10 big cats looking down on us.

11 And, you know, I've got to admit
12 this bill doesn't exactly make me want to
13 purr, Mr. President. But weighing it --
14 weighing it, I think I'll vote aye, but it's
15 close. It's by a whisker.

16 (Groans.)

17 ACTING PRESIDENT GRIFFO: Senator
18 Connor, you've earned your stripes.

19 Any other Senator wishing to be
20 heard?

21 Senator Montgomery.

22 SENATOR MONTGOMERY: Yes,
23 Mr. President, I would like to respond to one
24 of the comments by my colleague Senator
25 Skelos, who referred to the penalty and the

1 fact that many of -- some of us on this side
2 frequently vote against criminal penalties
3 that come so frequently before us for
4 everything, including jumping the turnstile
5 and whatever.

6 So I have a lot of young people in
7 my district who in fact have criminal records
8 because maybe they jumped the turnstile a
9 couple of times. So I do vote against those,
10 certainly, as one of those people.

11 But I want to just refer to Senator
12 Duane's bill, because it's very different in
13 the way that he establishes what the penalty
14 is and how it is assessed. It says the
15 penalty may be assessed, a civil penalty, by
16 the commissioner.

17 So essentially, there's a lot more
18 emphasis on this being a civil penalty, and it
19 allows for a lot of discretion by the
20 commissioner, including, as it says in the
21 bill, any such civil penalty may be
22 compromised by the commissioner. So there is
23 a lot of leeway there.

24 And in the event that the entity
25 refuses to pay the penalty, assuming that

1 there is even a penalty, if the commissioner
2 decides that there should be, then they are
3 presumed to be in violation of the law and the
4 bill allows for imprisonment for not more than
5 one year or a fine of not more than \$10,000 or
6 both.

7 However, I just want to point out
8 that there is discretion by the commissioner,
9 there is a lot of latitude, there are a lot of
10 considerations that the commissioner can make.
11 And it is certainly not as punitive as some of
12 the types of penalties that come from the
13 Majority in terms of the legislation that they
14 propose.

15 And since the criminal justice
16 system specifically, is specifically levied
17 most heavily on African-Americans in this
18 country -- 2 million people incarcerated, and
19 half of them are African-American. So that's
20 a whole different ballgame, in my mind, very
21 disproportionate to the actual rate of crime
22 and who commits those crimes.

23 So I weigh that very heavily in all
24 of my votes. I do not apologize for it. And
25 certainly I think that this penalty is

1 extremely and very different from whatever
2 comes across in terms of criminal penalties in
3 many of the legislation.

4 I support this bill, Mr. President.

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

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

9 The Secretary will read the last
10 section.

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

13 ACTING PRESIDENT GRIFFO: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT GRIFFO: Senator
17 Bonacic, to explain his vote.

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

20 I have concerns with this
21 legislation because I don't know any more now
22 than before this debate started. I don't know
23 how we're going to hurt this industry with a
24 criminal offense, if this becomes law, of an
25 exhibitor. I don't know if their license will

1 be revoked. I don't know the arbitrariness
2 and the capriciousness of the DEC saying
3 whether a zoo would be exempted or not. I
4 don't know if it will hurt the tourism
5 industry, when it has, with our zoos upstate.
6 There's more unanswered questions than there
7 are answered.

8 Having said all of that, I can
9 identify with the safety concerns of Senator
10 Duane. But quite frankly, I don't think this
11 bill is ready yet. It's not structured
12 properly. There's not enough information to
13 make intelligent decisions today.

14 I'm voting no. Thank you,
15 Mr. President.

16 ACTING PRESIDENT GRIFFO: Senator
17 Bonacic to be recorded in the negative.

18 Senator Craig Johnson, to explain
19 his vote.

20 SENATOR CRAIG JOHNSON: Thank you
21 very much, Mr. President. I'll be voting in
22 the affirmative.

23 I want to commend Senator Duane for
24 his leadership on this issue, for the way he
25 handled himself through some very rigorous

1 questioning by the members of the Majority.

2 As the father of two young children
3 who oftentimes is asked to attend a number of
4 events where you do have these exhibitors with
5 the large cats, I'm relieved to know that
6 there's now a law going to be put into place
7 that will protect my children, all of our
8 children from these dangerous animals.

9 We see in the news all the time of
10 situations where teenagers and young people
11 are mauled, either killed or hurt, and now
12 we're going to have a piece of legislation put
13 in place by our good friend Tom Duane that's
14 going to help protect them and punish those
15 who violate it.

16 So I commend you, Senator Duane, on
17 this piece of legislation. I'll be voting
18 yes. Thank you very much.

19 ACTING PRESIDENT GRIFFO: Senator
20 Diaz, to explain his vote.

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

23 I'm also voting yes. But you know,
24 I'm not clear -- I was supposed to ask the
25 sponsor before, but I let it go. I'm not

1 clear -- I'm voting yes, but I'm not clear if
2 this is the black cat or the white cat, the
3 one that's going to get punished, because
4 always the black cat is the one that always
5 gets it.

6 (Laughter.)

7 SENATOR DIAZ: So I'm voting yes.

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

10 SENATOR DeFRANCISCO: Yes, I'm
11 going to vote no. I don't think the bill is
12 consistent and makes a lot of sense.

13 It seems to me if the intent of the
14 bill is to keep kids away from animals that
15 are dangerous, why would you give a zoo an
16 exemption to allow contact between one of
17 these animals and the general public? But it
18 allows that.

19 And if animals that are of such
20 small size that may have some educational
21 value if children were able to see them up
22 close and personal, and they're no danger, why
23 would you outlaw that?

24 I just don't think the bill is
25 consistent, I don't think it makes a heck of a

1 lot of sense, and for those reasons I'm going
2 to vote no.

3 ACTING PRESIDENT GRIFFO: Senator
4 DeFrancisco to be recorded in the negative.

5 Senator Schneiderman, to explain
6 his vote.

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

9 I think this is a fine piece of
10 legislation. I'm confident that it will pass
11 the Assembly. There are numerous
12 Assemblymembers who would like to sponsor it.

13 This is not one of the bills that I
14 criticized, the recidivist one-house bills
15 that come up year and year again that we pass
16 in an effort to make it look as though we're
17 doing something when we're really not.

18 But I would just like to say I'm
19 very proud that our conference is staking out
20 a position against the mauling of children by
21 animals. And I regret to say that on the
22 other side of the aisle, you're repeatedly
23 passing -- I'm sorry my good friend George
24 Maziarz is not here -- the bill that
25 authorizes children to hunt bears with bows

1 and arrows, that I refer to as the "Wounded
2 Bear Chasing Children Through the Woods Act."

3 And I hope that we will take a
4 consistent anti-children-mauling position in
5 this house, and I look forward to you joining
6 with us when that bill comes to the floor in
7 the not too distant future.

8 I'm opposed to the mauling of
9 children by animals. Thank you, Senator
10 Duane, for taking a firm stance on this
11 important issue.

12 ACTING PRESIDENT GRIFFO: How do
13 you vote, Senator Schneiderman?

14 SENATOR SCHNEIDERMAN: I vote in
15 the affirmative, proudly.

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

19 Senator Duane.

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

22 I just want to thank my colleagues
23 for their great questions and also for their
24 interest and support.

25 And I just, in all seriousness,

1 want to raise an issue because of Senator
2 Bonacic's comments. And even though he's
3 voting no, I will get back to him with his
4 answers, even though I don't think I should
5 have to, but I will.

6 But the serious thing is that I was
7 very saddened and I know he was when the
8 Catskill Game Farm closed down, which was in
9 compliance at all times with federal
10 regulations. And it is my hope that we would
11 be able to have a similar educational farm
12 there in the near future, because I was sad
13 that that family felt they could no longer
14 keep operating it.

15 So -- and again, but with
16 appreciation to my colleagues, I'll be voting
17 yes.

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

20 Announce the results.

21 THE SECRETARY: Those recorded in
22 the negative on Calendar Number 1662 are
23 Senators Bonacic and DeFrancisco.

24 Absent from voting: Senators
25 Gonzalez, Hassell-Thompson, Huntley, Rath and

1 Serrano.

2 Ayes, 53. Nays, 2.

3 ACTING PRESIDENT GRIFFO: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 1664, by Senator Volker, Senate Print 7312, an
7 act to amend the County Law, in relation to
8 establishing.

9 ACTING PRESIDENT GRIFFO: There
10 is a local fiscal impact note at the desk.

11 SENATOR DUANE: Explanation.

12 ACTING PRESIDENT GRIFFO: Senator
13 Volker.

14 SENATOR VOLKER: Yeah,
15 Mr. President, this is a bill requested by the
16 Wyoming County Legislature. And we received a
17 home-rule message. And it asks for a 30-cent
18 surcharge on all wireless devices.

19 The reason for it has to do,
20 frankly, with the fact that we have not been
21 able to deal with the SWIN problem statewide,
22 and as a result Wyoming County has a 911
23 dispatching unit in Wyoming County, called the
24 Dispatching Center, which takes care of all
25 fire, EMS, police and also highway department

1 emergencies and other situations.

2 What this is designed for is to
3 provide -- and they estimate \$92,000 from a
4 30-cent wireless surcharge to deal with this
5 911 center. Otherwise, it would have to go on
6 the real property tax.

7 Wyoming County is not a large
8 county. It has been very frugal in spending,
9 and particularly in the area of real property
10 taxes. So that's the reason that they asked
11 us to provide this wireless surcharge, only
12 for Wyoming County, only for those addresses
13 that are in the county itself.

14 SENATOR DUANE: Explanation
15 satisfactory.

16 ACTING PRESIDENT GRIFFO: Thank
17 you, Senator Volker.

18 Is there any other Senator wishing
19 to be heard?

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

22 Read the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT GRIFFO:

4 Announce the results.

5 THE SECRETARY: In relation to
6 Calendar Number 1664, absent from voting:
7 Senators Gonzalez, Hassell-Thompson, Huntley,
8 Rath and Serrano.

9 Ayes, 55. Nays, 0.

10 ACTING PRESIDENT GRIFFO: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1679, substituted earlier today by Member of
14 the Assembly Destito, Assembly Print Number
15 872, an act to amend the Real Property Tax
16 Law.

17 SENATOR DUANE: Explanation,
18 please.

19 ACTING PRESIDENT GRIFFO:
20 Explanation, Senator Little.

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

23 To understand this bill, you first
24 of all need to understand the 480/480-a real
25 property tax program, which is given to large

1 tract of forest land.

2 You have to have over 50 acres of
3 land. You put your land into a forest program
4 with DEC. You then have to have an approved
5 forest management plan, and you have to follow
6 that plan for 10 years. If you cut down
7 trees, you have to pay a stumpage fee to the
8 municipality, depending upon the size of the
9 tree that was cut down.

10 And in return for being in this
11 program, you get up to an 80 percent reduction
12 in the assessed value of your land. This is
13 one way of helping maintain forest lands. And
14 we all know the value of trees and forests to
15 the environment.

16 ACTING PRESIDENT GRIFFO: Can we
17 have order, please. Thank you.

18 Senator Little.

19 SENATOR LITTLE: So what we have
20 here is a program that if the forest company
21 that is working the lands, logging the lands,
22 and using all of these hundreds -- in the
23 Adirondacks, you have thousands of acres of
24 forest lands. They are utilizing a forest
25 certification program, something that is

1 certified by the DEC as sustainable forestry.
2 And the regulations will be made for that by
3 the DEC.

4 So if they have one of those
5 programs, and many of them do, and they have
6 this program, they advertise it so that people
7 know that when they are cutting their timber
8 on their lands, they are good to the
9 environment, they are careful about endangered
10 species, they do not clear-cut, they follow a
11 very good sustainable forestry program, and
12 they see that new trees are planted and new
13 trees grow along to maintain the resources.

14 So if they are in that program --
15 this is a certified forestry program -- what
16 we are saying here is that instead of having
17 to have that forest management plan with DEC,
18 that DEC would accept the forestry
19 certification and say that this is a certified
20 forestry plan and working forest, therefore,
21 we will allow them to be in the 480-a program
22 without having to be part of the forest
23 management plan.

24 And all of the things that are in
25 the certified plan are really at a higher

1 level even than the forest management plan
2 that DEC requires.

3 One of the benefits of this, it
4 really would encourage more of the forestry
5 companies to get into a certified forestry
6 plan and have sustainable certification in
7 their forest operation. It would also free up
8 DEC staff from having to monitor and
9 constantly, you know, okay the forest
10 management plan that the company has to keep
11 presenting.

12 Other than that, it is good for the
13 forest, good for the environment, good for the
14 companies that are operating. And believe me,
15 this is a big business in many parts of
16 New York State.

17 And this bill has passed the Senate
18 in 2006 by a vote of 59 to 0, and in 2007 by a
19 veto of 50 to 3.

20 The bill is supported by the Empire
21 State Forest Products Association, by the
22 Adirondack Council, by the American Forest and
23 Paper Association. And the bill passed the
24 Assembly this morning.

25 ACTING PRESIDENT MORAHAN:

1 Senator Duane.

2 SENATOR DUANE: Thank you, Madam
3 President -- Mr. President.

4 ACTING PRESIDENT MORAHAN: Close.
5 (Laughter.)

6 SENATOR DUANE: If the sponsor
7 would yield.

8 ACTING PRESIDENT MORAHAN:
9 Senator Little, will you yield?

10 SENATOR LITTLE: I will yield.

11 ACTING PRESIDENT MORAHAN: The
12 Senator yields.

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

15 How can we be sure that we can
16 trust the DEC commissioner to recognize
17 forests and certify them if potentially the
18 commissioner is running around the state
19 hunting big cats?

20 (Laughter.)

21 SENATOR LITTLE: Well, are they
22 one of the endangered species that we would --
23 I guess you can be about as sure as anything
24 of the DEC.

25 SENATOR DUANE: Thank you.

1 Thank you, Mr. President.

2 ACTING PRESIDENT MORAHAN: Thank
3 you, Senator Duane.

4 Senator Krueger.

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

8 ACTING PRESIDENT MORAHAN:
9 Senator Little, will you yield?

10 SENATOR LITTLE: Yes, I will
11 yield.

12 ACTING PRESIDENT MORAHAN: The
13 Senator yields.

14 SENATOR LIZ KRUEGER: Thank you.
15 Does DEC support this bill?

16 SENATOR LITTLE: Yes. It
17 actually would relieve them of some of the
18 oversight that they have to provide for the
19 forest management plan that is required to be
20 in the 480-a. So if this becomes a
21 sustainable certified forestry company working
22 that way, then they could just accept their
23 plan without having to go out and do the whole
24 thing.

25 SENATOR LIZ KRUEGER: Thank you,

1 Mr. President. If the sponsor would continue
2 to yield.

3 ACTING PRESIDENT MORAHAN:
4 Senator, will you continue to yield?

5 SENATOR LITTLE: Yes.

6 ACTING PRESIDENT MORAHAN: The
7 Senator yields.

8 SENATOR LIZ KRUEGER: Do you know
9 how many acres under the current program
10 currently are considered in our program in the
11 State of New York?

12 SENATOR LITTLE: Fifty.

13 SENATOR LIZ KRUEGER: I'm sorry?

14 SENATOR LITTLE: You have to have
15 50 acres to be in the 480-a program.

16 SENATOR LIZ KRUEGER: I'm sorry.
17 Mr. President, if through you the sponsor
18 would continue to yield.

19 ACTING PRESIDENT MORAHAN:
20 Senator Little, will you continue to yield?

21 SENATOR LITTLE: Yes.

22 ACTING PRESIDENT MORAHAN: The
23 Senator continues to yield.

24 SENATOR LIZ KRUEGER: Thank you.
25 I didn't make my question clear enough.

1 Do you know the total number of
2 acres in the State of New York that are
3 currently in this program?

4 SENATOR LITTLE: I don't believe
5 I do have that figure, do I? Two million
6 acres of forest land.

7 And I will tell you that a great
8 deal of it is within the Adirondack Park and
9 the Catskills and many parts of the state.

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

13 ACTING PRESIDENT MORAHAN:
14 Senator Little, do you continue to yield?

15 SENATOR LITTLE: Yes, I will.

16 SENATOR LIZ KRUEGER: Thank you.
17 Do you have an estimate of how many more acres
18 would fall into this eligibility if your bill
19 became law?

20 SENATOR LITTLE: Well, there
21 could be more, but we don't really know that.

22 We just know that some of the
23 companies that are in this plan are already
24 certified foresters, and they would not have
25 to have the forest management plan because

1 they are sustainably certified foresters. So
2 it would remove that requirement. And they
3 actually work above the requirements of the
4 forest management plan.

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

8 ACTING PRESIDENT MORAHAN:
9 Senator Little, will you continue to yield to
10 Senator Krueger?

11 SENATOR LITTLE: Yes.

12 ACTING PRESIDENT MORAHAN: The
13 Senator yields.

14 SENATOR LIZ KRUEGER: So as I
15 read your bill, if acreage is categorized
16 under the new expanded program -- and we don't
17 know how many additional acres might be
18 covered, but some number would be, we assume;
19 otherwise, there would be no purpose of the
20 bill -- then the owner would not have to pay a
21 percentage of their property tax. That is
22 correct?

23 SENATOR LITTLE: Their assessment
24 is reduced, and their property tax therefore
25 is reduced.

1 Several years ago, I was able to
2 secure the state commitment, and they pay
3 those taxes, they've been added into the Aid
4 to Municipalities. And they do receive those
5 taxes if the 480-a program affects more than
6 1 percent of their entire tax base. That's
7 how they get into the reimbursement program.

8 There does need to be more
9 reimbursement. And if there is a huge
10 expansion of that, then the state needs to
11 continue to reimburse. Because this is
12 actually a statewide plan that helps everyone
13 in the state because of the green and the
14 trees and the forested lands.

15 SENATOR LIZ KRUEGER: Mr.
16 President, if through you the sponsor would
17 continue to yield.

18 ACTING PRESIDENT MORAHAN:
19 Senator Little, will you continue to yield to
20 Senator Krueger?

21 SENATOR LITTLE: Yes.

22 ACTING PRESIDENT MORAHAN: The
23 Senator yields.

24 SENATOR LIZ KRUEGER: Thank you.

25 So again, if I'm understanding your

1 answers to my questions -- and I appreciate
2 them very much -- this would expand the
3 universe of acreage that might be covered by
4 this program. The existing program does in
5 fact mean that there's a loss in local
6 property tax revenue, although some of it,
7 you're saying, is made up through a program,
8 although not enough, if I understand you
9 correctly.

10 Is this a local option? Because we
11 pass this law, more acreage goes into this
12 program, there's a reduction in the property
13 tax revenue to the locality. Do I, the local
14 government, have the right to say no, I don't
15 want to lose this property tax revenue?

16 SENATOR LITTLE: I'm trying to
17 answer all of those questions.

18 No, it is not an option. This is a
19 statewide program. It does not necessarily
20 mean that the state program would be expanded.
21 It just means that those within the program,
22 if they are a certified forest program, that
23 they would not have to do the unit management
24 plan.

25 And the state is currently

1 preparing to have all state forests, all
2 700,000 acres, come under this, become
3 certified programs, so -- and I'm not sure of
4 the other questions.

5 SENATOR LIZ KRUEGER: Thank you,
6 Mr. President. On the bill.

7 ACTING PRESIDENT MORAHAN:
8 Senator Krueger, on the bill.

9 SENATOR LIZ KRUEGER: Thank you.
10 I appreciate the sponsor's answers
11 to my questions.

12 And actually, I'm reading the memos
13 in support, and the supporters actually think
14 that there would be more forest that would be
15 certified this way, and that's why they're
16 supporting it.

17 Which, then, I'm not actually
18 arguing whether it's a good or bad things for
19 the forests to expand the program this way.
20 But I am concerned, given our earlier
21 discussions about unfunded mandates, that this
22 is an example where we would pass a bill
23 without public hearings, without financial
24 evaluation, without a guarantee of replacement
25 by the state for the lost local revenue, and

1 without a two-thirds vote that would in fact
2 be one of those unfunded mandates we've been
3 talking about during the day.

4 So I have voted for the bill in the
5 past; I will vote for the bill today. But I
6 just want to highlight how complex the
7 situation is of whether we go down the road of
8 trying to establish that we don't transfer
9 costs to our localities because we think that
10 it's a good thing -- because I don't disagree
11 that better stewardship of our forests is a
12 good thing.

13 But I do worry that we're not
14 necessarily answering all the questions for
15 our local governments, even the questions the
16 excellent Senator Betty Little's
17 constitutional amendment from earlier today
18 raises when we pass this kind of legislation.

19 So I will be supporting the bill.
20 Thank you, Mr. President.

21 ACTING PRESIDENT MORAHAN: Thank
22 you, Senator Krueger.

23 Senator Little.

24 SENATOR LITTLE: Mr. President,
25 if I may, yes, this is an unfunded mandate

1 that is currently in existence, and this would
2 make it easier for these companies to be in
3 this program.

4 And if we did pass the prohibition
5 on unfunded mandates, then certainly this
6 state would be required to reimburse for the
7 taxes, which is something I have been working
8 on since I've been in the Legislature.

9 So even though we have a partial,
10 if we do the unfunded mandate constitutional
11 amendment then they would have to pay all the
12 taxes that would happen, because of this
13 statewide program that is already in
14 existence.

15 Thank you.

16 ACTING PRESIDENT MORAHAN: Thank
17 you, Senator Little.

18 Any other Senator wishing to be
19 heard?

20 If not, the debate is closed. The
21 Secretary will ring the bell.

22 The Secretary will read the last
23 section.

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

1 ACTING PRESIDENT MORAHAN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT MORAHAN:
5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar Number 1679, those recorded in the
8 negative are Senators Connor, Duane,
9 C. Johnson, LaValle, Marcellino, Padavan,
10 Parker, Perkins, Sabini, Stavisky,
11 Stewart-Cousins and Thompson.

12 Absent from voting: Senators
13 Gonzalez, Hassell-Thompson, Huntley, Rath and
14 Serrano.

15 Ayes, 43. Nays, 12.

16 ACTING PRESIDENT MORAHAN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 1680, by Senator LaValle, Senate Print 1842C,
20 an act to amend the Tax Law, in relation to
21 exempting.

22 ACTING PRESIDENT MORAHAN: Read
23 the last section.

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

1 ACTING PRESIDENT MORAHAN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT MORAHAN:
5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar Number 1680: Ayes, 55. Nays, 0.

8 Absent from voting: Senators
9 Gonzalez, Hassell-Thompson, Huntley, Rath and
10 Serrano.

11 ACTING PRESIDENT MORAHAN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 1681, by Senator Griffo, Senate Print 2724,
15 Concurrent Resolution of the Senate and
16 Assembly proposing an amendment to Section 1
17 of Article 5 of the Constitution.

18 SENATOR LIZ KRUEGER:
19 Explanation.

20 ACTING PRESIDENT MORAHAN:
21 Explanation, Senator Griffo.

22 SENATOR GRIFFO: Thank you,
23 Mr. President.

24 Essentially recognizing the
25 important duties and responsibilities in these

1 important positions, this bill essentially
2 expresses our preference to have these
3 positions elected rather than appointed
4 wherever a vacancy may occur and exist.

5 ACTING PRESIDENT MORAHAN:
6 Senator Krueger.

7 SENATOR LIZ KRUEGER: Thank you.
8 I appreciate the explanation.

9 If through you, Mr. President, the
10 sponsor would yield.

11 ACTING PRESIDENT MORAHAN:
12 Senator Griffo, do you yield?

13 SENATOR GRIFFO: Yes.

14 ACTING PRESIDENT MORAHAN: The
15 Senator yields.

16 SENATOR LIZ KRUEGER: Thank you.

17 Would this bill provide a mechanism
18 for people to have primaries to get onto the
19 ballot, or simply allow the state committees
20 of the leading parties to choose or anoint the
21 candidate?

22 SENATOR GRIFFO: Mr. President,
23 through you. Senator Krueger, this bill
24 basically reflects the current process that
25 exists right now. In order to allow for any

1 type of primary approach to contest the
2 election, we would have to be changing
3 numerous laws and aspects of the law.

4 So in this case we follow the
5 current procedures that exist under the law,
6 which would basically have the call for the
7 election and a designation of the candidates
8 and the election would take place.

9 SENATOR LIZ KRUEGER: Thank you.

10 Mr. President, if through you the
11 sponsor would continue to yield.

12 ACTING PRESIDENT MORAHAN:
13 Senator Griffo, do you continue to yield?

14 SENATOR GRIFFO: Yes.

15 ACTING PRESIDENT MORAHAN: The
16 Senator yields.

17 SENATOR LIZ KRUEGER: Thank you.

18 Does this bill allow for any model
19 of petitions and coming to the public to show
20 your support by individuals, especially in
21 statewide elections where, under the current
22 rules for elections of statewide officials,
23 you need a fairly broad universe of petitions
24 to be filed?

25 SENATOR GRIFFO: Mr. President,

1 through you. Senator Krueger, it does not.

2 But that is not necessarily the
3 case. In a general election, that would be
4 the case. But in a special election, that is
5 not the case right now. There is not a
6 petition process, there is a designation.

7 And as I indicated to you, I would
8 be more than willing and interested to hear
9 any ideas of how to change the various aspects
10 and laws that exist relative to the process
11 itself.

12 This basically, again, allows us to
13 say that we favor an election of these
14 statewide officers as opposed to an
15 appointment, and it follows the current
16 procedures and guidelines that are in place.

17 SENATOR LIZ KRUEGER: Mr.
18 President, on the bill.

19 ACTING PRESIDENT MORAHAN:
20 Senator Krueger, on the bill.

21 SENATOR LIZ KRUEGER: Thank you.
22 Thank the sponsor for his explanation.

23 We had a discussion about this bill
24 I think two years ago and -- maybe it was just
25 last year, I don't want to misspeak -- and

1 some of the issues I just asked the sponsor
2 were raised then.

3 I understand the argument for
4 having an election for open seats at the
5 statewide level. I would argue we could have
6 thrown Lieutenant Governor in here as well,
7 since we now have no technical Lieutenant
8 Governor.

9 My concerns then, and they continue
10 to be my concerns, are that we're not going
11 far enough with this constitutional amendment.
12 Again, as the sponsor correctly said, we would
13 have to change a number of laws to have an
14 actual primary process, actual petitioning, a
15 model for the public to pick the candidates,
16 not the major parties to simply select,
17 conceivably in a back room, who their
18 candidate would be.

19 We could incorporate some type of
20 runoff election or instant runoff voting
21 method for special elections to ensure that
22 the winner actually had a majority vote of the
23 public. We're talking statewide elections,
24 again.

25 We could in fact reduce the number

1 of signatures required in order to open up the
2 ballot but still have a petition process. I
3 heard the sponsor say, well, that would
4 require changing other laws. I think my point
5 is we're talking a constitutional amendment.
6 By definition, we're opening up a complex
7 process to change a system that I think he and
8 I agree we don't like the current system.

9 But I wish that the sponsor had
10 gone farther in the year since we last
11 discussed this bill -- it was 2007, to be
12 correct -- because I still don't like the
13 model we're being offered. I don't like the
14 current process. I can't in good faith
15 support this constitutional amendment because,
16 again, we're opening up the Constitution. We
17 have the ability to do it right.

18 So we'll see what happens in both
19 houses, and maybe we'll try for a different
20 constitutional amendment proposal that I think
21 would open up to the public their right to
22 have every vote count, to make decisions about
23 who they wish to have in key statewide elected
24 offices even under circumstances of vacancies
25 and special elections.

1 So I'm sorry that I don't think
2 that this gets us to where we want to go, and
3 I will be voting no.

4 Thank you, Mr. President.

5 ACTING PRESIDENT MORAHAN: Thank
6 you, Senator Krueger. You will be recorded in
7 the negative.

8 Senator Sabini.

9 SENATOR SABINI: Thank you,
10 Mr. President. If the sponsor would yield to
11 a question.

12 ACTING PRESIDENT MORAHAN:
13 Senator Griffo, will you yield?

14 SENATOR GRIFFO: Yes.

15 ACTING PRESIDENT MORAHAN: The
16 Senator yields.

17 SENATOR SABINI: Through you,
18 Mr. President, the sponsor indicated that the
19 special election that the bill calls for would
20 be conducted under rules currently in the law
21 under special elections. But I would submit
22 that there are no special elections statewide.

23 So based on the answer I heard to
24 Senator Krueger's question, I assume that the
25 nominees would be designated by the state

1 committees of the appropriate parties that are
2 recognized under state law now. Is that not
3 the case?

4 SENATOR GRIFFO: Mr. President,
5 through you. Senator Sabini, that is the
6 case. And that's what I had mentioned also to
7 Senator Krueger.

8 There may not be any statewide
9 elections right now, but we do have special
10 elections that take place in this house and in
11 the Assembly, and those are the procedures
12 that we are mirroring at this point in time.

13 SENATOR SABINI: Through you,
14 Mr. President, if the sponsor would continue
15 to yield.

16 ACTING PRESIDENT MORAHAN:
17 Senator Griffo, will you continue to yield?

18 SENATOR GRIFFO: Yes.

19 ACTING PRESIDENT MORAHAN: The
20 Senator yields.

21 SENATOR SABINI: That goes
22 precisely to my next question, Mr. President,
23 which is there are rules governing the
24 election of members of the Legislature when
25 there's a vacancy, but none of them are

1 statewide.

2 And the rules regarding elections
3 and vacancies in the Legislature allow for
4 independent or nonrecognized parties of the
5 State of New York to petition their way on the
6 ballot in a time frame that is set out in law.

7 Not having special elections
8 statewide, we have no time frame set out in
9 the law where an independent candidate or a
10 candidate of one of the parties that's not
11 recognized under state law -- that would
12 include Democrats, Republicans, Conservatives
13 Independents, Working Families -- how would
14 they get on the ballot if the sponsor's bill
15 became law, of nonparties that are recognized?

16 SENATOR GRIFFO: Mr. President,
17 through you. Senator Sabini, at this point in
18 time the idea was to take existing law, to
19 level the playing field, to follow -- to bring
20 this into compliance with how we do follow
21 basic procedures in specials. And in most
22 cases, that is what this mirrors right now.

23 As I had indicated to Senator
24 Krueger, obviously there are many nuances that
25 could be considered. If anyone has ideas or

1 an input, I would be interested and willing to
2 listen as to changing the various laws across
3 the state and the timetables and things of
4 that nature.

5 But this gives us the opportunity,
6 because of what we saw in recent time, to deal
7 with the subject immediately. There is a
8 sponsor in the Assembly. We thought this was
9 an agreeable, quick approach to deal with this
10 problem that we have had recurring in the last
11 decade with these vacancies and these
12 significant offices.

13 And yes, it would follow the basic
14 pattern of the approach and procedures that
15 are in place right now. So that was the
16 reasoning behind it.

17 SENATOR SABINI: Mr. President,
18 on the bill.

19 ACTING PRESIDENT MORAHAN:
20 Senator Sabini, on the bill.

21 SENATOR SABINI: While I
22 appreciate the sponsor's sincerity in trying
23 to get a more democratic and workable solution
24 to the problem of statewide vacancies, I
25 think -- and I know my colleague Senator

1 Connor would agree -- sometimes the devil is
2 the details.

3 And I would want to know what
4 protection there was for people to advance
5 independent candidacies, especially in light
6 of the fact that if the state committees of
7 the parties were going to nominate candidates,
8 that would generally exclude, in an open
9 primary, usually the winner of those
10 primaries. Because if past history continues,
11 having the designation of the state parties in
12 an open primary often leads you to second or
13 third place in a real primary.

14 So I would want to protect the
15 interests of all New Yorkers. I'd want to see
16 more detail. I voted against this bill in the
17 past, and I will do so again, recognizing the
18 sincerity of trying to advance democracy that
19 the chairman of the Election Law committee
20 has. So I'll be voting in the negative.

21 ACTING PRESIDENT MORAHAN: Thank
22 you, Senator Sabini. You will be recorded in
23 the negative.

24 Any other Senator wish to be heard?
25 Senator Connor.

1 SENATOR CONNOR: Yes, thank you,
2 Mr. President.

3 I actually have a similar bill in,
4 and voted for this in the past.

5 But it's amazing to me,
6 Mr. President, how the Republican Party has
7 changed. Because prior to 1952 or '54, I
8 think it was, there were special elections
9 when these offices were vacant. And at a time
10 when the Republican Party dominated both
11 houses of the Legislature, they passed the
12 current provision for election by a joint
13 session. So it's a case of watch what you
14 wish for, Mr. President.

15 The fact of the matter is any way
16 you look at it, it's political. Now they come
17 forward with it when for many years in a joint
18 session they have not been the majority, and
19 they want to go back on something that their
20 party advocated and pushed through many years
21 ago.

22 That said, I think it's always a
23 good idea to let the people choose. While
24 this is a constitutional amendment, it won't
25 automatically trigger anything without

1 enabling legislation, and I would certainly be
2 vigilant to make sure that the enabling
3 legislation provided an opportunity for other
4 than just the party leaders to pick the
5 candidates.

6 So I'm going to vote yes,
7 Mr. President, but this isn't the whole
8 package. I'd like to see some enabling
9 legislation, certainly before this amendment
10 were ever to receive its second passage and go
11 on to the people.

12 ACTING PRESIDENT MORAHAN: Thank
13 you, Senator Connor. You will be recorded in
14 the affirmative.

15 Any other Senator wishing to be
16 heard? If not, the Secretary will ring the
17 bell.

18 Call the roll on the resolution.
19 (The Secretary called the roll.)

20 ACTING PRESIDENT MORAHAN:
21 Announce the results when available.

22 THE SECRETARY: Those recorded in
23 the negative on Calendar Number 1681 are
24 Senators Breslin, Dilan, Duane, Klein,
25 L. Krueger, Onorato, Parker, Perkins, Sabini,

1 Sampson, Schneiderman, Smith, Stachowski and
2 Thompson.

3 Absent from voting: Senators
4 Gonzalez, Hassell-Thompson, Huntley, Rath and
5 Serrano.

6 Ayes, 41. Nays, 14.

7 ACTING PRESIDENT MORAHAN: The
8 concurrent resolution is adopted.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 1682, substituted earlier today by Member of
12 the Assembly Koon, Assembly Print Number 6906,
13 an act to amend the Economic Development Law
14 and others.

15 SENATOR LIZ KRUEGER:
16 Explanation.

17 ACTING PRESIDENT MORAHAN:
18 Senator Flanagan, Senator Krueger is
19 requesting an explanation.

20 SENATOR FLANAGAN: Thank you,
21 Mr. President.

22 Very simply, this requires that our
23 economic development agencies gear their
24 efforts towards small business with an eye
25 towards getting 20 percent of the funds that

1 are available to go to small business.

2 SENATOR LIZ KRUEGER: Through
3 you, Mr. President, if the sponsor would
4 yield.

5 ACTING PRESIDENT MORAHAN:
6 Senator Flanagan, will you yield for a
7 question from Senator Krueger?

8 SENATOR FLANAGAN: Yes, I will.

9 SENATOR LIZ KRUEGER: Thank you.
10 Could you define "small business"
11 in this law?

12 SENATOR FLANAGAN: No, I don't
13 define it in this law. But it is defined in
14 New York State statute. In the Economic
15 Development Law, Section 131, "small business"
16 is defined.

17 SENATOR LIZ KRUEGER: I'm going
18 to ask my counsel, if I find him, to look at
19 that.

20 Mr. President, if through you the
21 sponsor would yield.

22 ACTING PRESIDENT MORAHAN:
23 Senator Flanagan, will you continue to yield
24 to Senator Krueger?

25 SENATOR FLANAGAN: Yes.

1 SENATOR LIZ KRUEGER: Could you
2 define "entrepreneur" in this law?

3 SENATOR FLANAGAN: Is it defined?
4 No.

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

8 ACTING PRESIDENT MORAHAN:
9 Senator Flanagan, would you continue to yield?

10 SENATOR FLANAGAN: Yes.

11 SENATOR LIZ KRUEGER: Thank you.

12 This law would require 20 percent
13 of the contracts going through the Economic
14 Development Corporation or the Urban
15 Development Corporation to go to, quote, small
16 business and entrepreneurs; is that correct?

17 SENATOR FLANAGAN: That's
18 correct.

19 SENATOR LIZ KRUEGER: Thank you.

20 Mr. President, if through you the
21 sponsor would continue to yield.

22 ACTING PRESIDENT MORAHAN:
23 Senator Flanagan, will you continue to yield
24 to Senator Krueger?

25 SENATOR FLANAGAN: Yes.

1 SENATOR LIZ KRUEGER: Are you
2 familiar with the rules within economic
3 development for targets of contracts for MWBE
4 businesses?

5 SENATOR FLANAGAN: Yes, I am.

6 SENATOR LIZ KRUEGER: Mr.
7 President, if the sponsor would continue to
8 yield.

9 ACTING PRESIDENT MORAHAN:
10 Senator Flanagan, will you continue to yield
11 to Senator Krueger?

12 SENATOR FLANAGAN: Yes,
13 Mr. President.

14 ACTING PRESIDENT MORAHAN: The
15 Senator yields.

16 SENATOR LIZ KRUEGER: So we both
17 know that under MWBE, there's actually a
18 definition of what is a minority or a
19 woman-owned business, they have to be
20 certified, there is an evaluation done on the
21 percentage of state business going through
22 certified, quantified MWBE businesses, and out
23 of that research and analysis then the target
24 is attempted to be met.

25 Your bill would have 20 percent

1 going to entrepreneurs and small business, but
2 at least in Economic Development Law and in
3 your proposal, I can't find definitions of who
4 those entities would be. So how would we have
5 a parallel type of model to what we have in
6 MWBE?

7 SENATOR FLANAGAN: Well, under
8 the Economic Development Law, a small business
9 is defined as being deemed to be one which is
10 resident in the state, independently owned and
11 operated, not dominant in its field, and
12 employs 100 or less persons.

13 I'm confident that our economic
14 development agencies can ascertain what
15 businesses would qualify and those that would
16 not.

17 SENATOR LIZ KRUEGER: If through
18 you, Mr. President, the sponsor would continue
19 to yield.

20 ACTING PRESIDENT MORAHAN:
21 Senator Flanagan, will you continue to yield
22 to Senator Krueger?

23 SENATOR FLANAGAN: Yes.

24 ACTING PRESIDENT MORAHAN: The
25 Senator yields.

1 SENATOR LIZ KRUEGER: Thank you.
2 How would we do that same
3 assignment for entrepreneurs if we haven't
4 defined "entrepreneur"?

5 SENATOR FLANAGAN: Senator
6 Krueger, you are correct. But I'm going to go
7 out on the proverbial limb and suggest that
8 the people who hold these types of positions
9 in these agencies will be well equipped to
10 make a determination about who would qualify
11 and who would not.

12 SENATOR LIZ KRUEGER: If through
13 you the sponsor would continue to yield,
14 Mr. President.

15 ACTING PRESIDENT MORAHAN:
16 Senator Flanagan, will you continue to yield
17 to Senator Krueger?

18 SENATOR FLANAGAN: Yes.

19 SENATOR LIZ KRUEGER: Thank you.
20 So we would have a new 20 percent
21 target for small business and entrepreneurs.
22 How would that overlap or contradict our
23 mandates in MWBE programs at this time, since
24 to some degree they'd be competing?

25 SENATOR FLANAGAN: I don't view

1 them as being mutually exclusive. I think
2 there could be a complementary effort. There
3 are probably a number of small businesses that
4 would also qualify under the qualifications of
5 MWBE. I don't think one has to be to the
6 exclusion of the other.

7 SENATOR LIZ KRUEGER: Mr.
8 President, if through you the sponsor would
9 continue to yield.

10 ACTING PRESIDENT MORAHAN:
11 Senator Flanagan, will you continue to yield
12 to Senator Krueger?

13 SENATOR FLANAGAN: Yes.

14 ACTING PRESIDENT MORAHAN: The
15 sponsor yields.

16 SENATOR LIZ KRUEGER: Thank you.
17 I do appreciate this dialogue.

18 All right, so we've established
19 what we define as a small business, and it
20 actually has to be a New York State business,
21 but we don't have a definition for
22 entrepreneur. Would it concern you if this
23 mandated contracting out to people who define
24 themselves as entrepreneurs with very large
25 businesses not even here in New York State?

1 SENATOR FLANAGAN: The concept of
2 the legislation is to be geared towards small
3 business and entrepreneurs within the State of
4 New York. I think being consistent with the
5 definition of a small business, that whether
6 it's Economic Development or Empire State
7 Development, I think their first premise and
8 operation would be to look at businesses in
9 New York State.

10 And no, do I think they would be
11 looking at a business that would be too large
12 and outside the State of New York? I don't.

13 SENATOR LIZ KRUEGER: Mr.
14 President, on the bill.

15 ACTING PRESIDENT MORAHAN:
16 Senator Krueger, on the bill.

17 SENATOR LIZ KRUEGER: Thank you.
18 So earlier today we had a long
19 discussion about what was a big cat and what
20 was a zoo and who would define it as such.
21 And one could argue that this would have a
22 much larger impact on the State of New York.

23 I don't disagree with the proposal
24 to try to ensure that when the State of
25 New York does business with the people's money

1 (A) we keep it here in the State of New York,
2 (B) we recognize the importance of supporting
3 small business, because I think too much of
4 our economic development policies favor large
5 corporations at the expense of small business.

6 I'm also, by definition, not, of
7 course, opposed to supporting home-grown
8 entrepreneurs. My concern is, again, the
9 definitions or the lack thereof in your
10 proposal where, as I read this bill, I could
11 actually be a large corporation in another
12 state who defines myself as entrepreneurial
13 and as someone who defines myself as an
14 entrepreneur at the top of that corporation,
15 and I could take a stab at arguing that what
16 we meant was that the State of New York should
17 do business with me even if I'm a very large
18 corporate entity outside the State of
19 New York.

20 So my concern is in the definitions
21 or the lack thereof in the bill. I'm also
22 concerned that since we don't have the
23 definitions, it's very hard to determine how
24 we would have certifications. Because, again,
25 if I read this as somewhat parallel to what

1 we're attempting to do with MWBE in the State
2 of New York, where of course we all know we
3 haven't really met our requirements for quite
4 some time, that really the definitions of who
5 you are to be certified is very important to
6 be clarified in law -- who you are as far as
7 percentages out there in order to count who
8 are we doing business with now, do they meet
9 that criteria, who would we do business with
10 instead, have they met the criteria.

11 That we need to go further than you
12 have in this bill to clarify that we would
13 actually accomplish your goals of ensuring
14 that more of the state money does in fact get
15 used by small businesses and, quote, unquote,
16 home-grown state entrepreneurs.

17 I'm also a little concerned,
18 because of the lack of definitions and how it
19 would fit into the existing Economic
20 Development Law, what this could mean for
21 existing MWBE businesses. Because would they
22 simply be rolled into this new category, would
23 they have separate certification and numbers
24 requirements still placed on government
25 participating in meeting its MWBE

1 requirements?

2 Again, I will admit that I don't
3 think we've been doing it right up until now
4 on MWBE, which is one of the reasons I'm
5 concerned about leaving it to the agencies to
6 come up with all these answers not yet
7 answered in this bill.

8 So while I actually overall like
9 where you're trying to go with this, I'm very
10 concerned that this is not defined nearly
11 enough, and therefore I'm not clear what the
12 outcome would be.

13 And so I'm going to vote no, hoping
14 that we can come up with some amendments that
15 might actually pass both houses that would
16 help me answer. And in fact if this bill
17 passes both houses and we have to face that
18 issue even with my concerns, I'm hoping you'll
19 be interested in working with me to try to get
20 those clarifications into the law, because I
21 think that that's really where this will all
22 succeed or fall apart.

23 Thank you, Mr. President.

24 ACTING PRESIDENT MORAHAN: Thank
25 you, Senator Krueger.

1 Any other Senator wish to be heard?

2 Senator Stewart-Cousins.

3 SENATOR STEWART-COUSINS: Yes,
4 thank you, Mr. President. I too wanted to
5 rise.

6 First of all, I certainly wanted to
7 commend Senator Flanagan for dealing with the
8 small business issue. Obviously we know that
9 it is a huge economic engine. Obviously we
10 know that there are so many jobs that are
11 provided by small businesses. In fact, most
12 of our jobs are provided by small business.

13 But I echo my colleague Senator
14 Krueger's concerns with regard to minority and
15 women-owned businesses. Obviously in the
16 State of New York we know that in terms of
17 minority businesses and women-owned
18 businesses, the state does less than 1 percent
19 business with either of those categories. And
20 many of them obviously are small businesses.

21 There's nothing that would have
22 prevented us from setting aside other than the
23 fact that it seems that it is not
24 constitutional. We are told that we have to
25 do a disparity study in order to make those

1 preferences. And that, despite what we see as
2 obvious in terms of the utilization of
3 minority businesses and women-owned
4 businesses, has delayed us from creating
5 preferences.

6 So at this point I am supportive,
7 but I'm certainly wondering why we are now
8 investing a million dollars in terms of a
9 disparity study if we could so easily just set
10 preferences. If indeed that is true, I would
11 love to have this piece of legislation amended
12 to allow for the preferences that we've sought
13 for minority and women-owned businesses who,
14 again, have been rather underrepresented in
15 the business that we do with the state.

16 This being said, because small
17 businesses are at the focal point and because
18 it is important, I will certainly support this
19 legislation. But I do hope, as my colleague
20 Senator Krueger says, that we will be able to
21 have something that also looks at the issue of
22 minority and women-owned businesses and
23 addresses them.

24 ACTING PRESIDENT MORAHAN: Thank
25 you, Senator.

1 Any other Senator wishing to be
2 heard?

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

5 The Secretary will read the last
6 section.

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

9 ACTING PRESIDENT MORAHAN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT MORAHAN: The
13 Secretary will announce the results when
14 available.

15 Can we have a little order in the
16 house, please.

17 THE SECRETARY: Those recorded in
18 the negative on Calendar Number 1682 are
19 Senators L. Krueger and Perkins.

20 Absent from voting: Senators
21 Gonzalez, Hassell-Thompson, Huntley, Rath and
22 Serrano.

23 Ayes, 53. Nays, 2.

24 ACTING PRESIDENT MORAHAN: The
25 bill is passed.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 1684, by Senator Trunzo, Senate Print 4174, an
4 act to amend the General Municipal Law and
5 others.

6 ACTING PRESIDENT MORAHAN: There
7 is a home-rule message at the desk.

8 Read the last section.

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

11 ACTING PRESIDENT MORAHAN: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: In relation to
15 Calendar Number 1684, absent from voting:
16 Senators Gonzalez, Hassell-Thompson, Huntley,
17 Rath and Serrano.

18 Ayes, 55. Nays, 0.

19 ACTING PRESIDENT MORAHAN: The
20 bill is passed.

21 If the Senators in the chamber will
22 take their seats, we're now going to take on
23 the last bill of the day.

24 THE SECRETARY: Calendar Number
25 1692, by Senator O. Johnson, Senate Print

1 6728A, an act to amend Chapter 635 of the Laws
2 of 1987.

3 SENATOR SABINI: Explanation.

4 ACTING PRESIDENT MORAHAN:

5 Senator Johnson, an explanation has been
6 requested.

7 SENATOR O. JOHNSON: Well, in
8 1988 there was a piece of land that belonged
9 to the Pilgrim State Hospital, and there was
10 talk about developing it. So I got hold of
11 it, got it transferred to what we call now the
12 Oak Brush Plain Preserve.

13 It's 850 acres of land,
14 environmental land. It's situated along the
15 high point of Long Island where the water runs
16 either way both sides, a great recharge area
17 for fresh water, a lot of critters run around
18 in there, people walk through on nature walks.
19 It's a wonderful thing.

20 There was 118 acres that was not
21 included in the preserve at that time. Now
22 we're adding that 118 acres to the 850, to
23 make a total of 970 acres.

24 ACTING PRESIDENT MORAHAN:

25 Senator Sabini.

1 SENATOR SABINI: Mr. President,
2 if the sponsor would yield for questions.

3 ACTING PRESIDENT MORAHAN:
4 Senator Johnson, will you yield to Senator
5 Sabini for a question?

6 SENATOR OWEN JOHNSON: Yes,
7 Mr. President.

8 SENATOR SABINI: Mr. President,
9 through you, is the land currently in a
10 natural state right now that you would want it
11 in the preserve?

12 SENATOR OWEN JOHNSON: Yes,
13 essentially it is.

14 SENATOR SABINI: Mr. President,
15 through you, if the sponsor would continue to
16 yield.

17 ACTING PRESIDENT MORAHAN:
18 Senator Johnson, will you continue to yield?

19 SENATOR OWEN JOHNSON: Yes, I
20 will.

21 ACTING PRESIDENT MORAHAN: The
22 Senator yields.

23 SENATOR SABINI: I thought during
24 the explanation you said this was the grounds
25 of Pilgrim State Hospital. And my

1 recollection of that property is that there
2 was a large long-term care facility there.

3 ACTING PRESIDENT MORAHAN: Is
4 there a question there?

5 SENATOR SABINI: So, I mean, is
6 it natural or not natural?

7 SENATOR OWEN JOHNSON: Is that a
8 question?

9 SENATOR SABINI: Yes.

10 SENATOR OWEN JOHNSON: Your
11 recollection is correct.

12 SENATOR SABINI: Mr. President,
13 I'm at a loss, then. Is that a long-term
14 healthcare facility or a naturally wild
15 habitat?

16 SENATOR OWEN JOHNSON: Your
17 recollection has been altered by time and
18 actions.

19 SENATOR SABINI: So it's not in a
20 natural state, is that what I'm being told?

21 ACTING PRESIDENT MORAHAN:
22 Senator Sabini, are you asking Senator Johnson
23 to yield?

24 SENATOR SABINI: Yes, Mr.
25 President.

1 ACTING PRESIDENT MORAHAN:
2 Senator Johnson, will you yield to Senator
3 Sabini?

4 SENATOR OWEN JOHNSON: There was
5 a structure there which has been demolished
6 and eliminated.

7 SENATOR SABINI: Mr. President,
8 perhaps I'll rephrase the question. Are there
9 currently structures on the property?

10 SENATOR OWEN JOHNSON: No
11 structures at the moment. Two minor
12 electrical transfer stations, but they're
13 separated out from this parcel.

14 SENATOR SABINI: Mr. President,
15 through you, if the sponsor would continue to
16 yield.

17 ACTING PRESIDENT MORAHAN:
18 Senator Johnson, will you continue to yield to
19 Senator Sabini?

20 SENATOR OWEN JOHNSON: Yes.

21 ACTING PRESIDENT MORAHAN: The
22 sponsor yields.

23 SENATOR SABINI: Are there
24 roadways on the site now?

25 SENATOR OWEN JOHNSON: Vestiges

1 of a roadway exist, yes. But all the rest of
2 the land which is not under the road -- in
3 fact, the road is used for hiking through the
4 property. It all reverted to natural growth
5 and so forth.

6 SENATOR SABINI: So I'm to
7 ascertain that the part that aren't roads are
8 not roads and the parts that are roads --

9 ACTING PRESIDENT MORAHAN: Are
10 you on the bill, Senator?

11 SENATOR SABINI: No, no, I'm just
12 trying to get it straight in my mind.

13 Mr. President, through you, if the
14 sponsor would continue to yield. Is it not
15 the case that --

16 ACTING PRESIDENT MORAHAN:
17 Senator Johnson, will you continue to yield?

18 SENATOR OWEN JOHNSON: Yes, I
19 will, Mr. President.

20 ACTING PRESIDENT MORAHAN:
21 Senator Sabini, he yields again.

22 SENATOR SABINI: -- that the
23 New York State Department of Transportation is
24 seeking to site, as stated in the sponsor's
25 memo, the Long Island Truck and Rail

1 Intermodal Facility at that site?

2 SENATOR OWEN JOHNSON: Yes, they
3 would like to have that. But we're not
4 permitting them to take that property because
5 there are other sites for that to be located
6 which will not be in a nature preserve.

7 ACTING PRESIDENT MORAHAN:
8 Senator Sabini.

9 SENATOR SABINI: On the bill,
10 Mr. President.

11 ACTING PRESIDENT MORAHAN:
12 Senator Sabini, on the bill.

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

15 I'm very concerned about
16 transferring this property. State DOT has
17 long sought to put the Long Island Intermodal
18 Facility at this site, and as the ranker on
19 Transportation it makes me concerned.

20 I don't believe, based on
21 information State DOT has given out, that
22 there are alternative sites. The sponsor's
23 memorandum said says there's no cost to the
24 state in the transfer of this land. Actually,
25 there would be a cost to the state, because

1 they would have to acquire other land to do
2 this project.

3 Now, you might not want to do the
4 project at all, and maybe the sponsor doesn't
5 and maybe there are people in this room that
6 don't. But I think the project would be one
7 that would reduce truck traffic throughout the
8 downstate region, including areas like Queens
9 and Nassau and Suffolk.

10 And New York State DOT says that
11 the site selection criteria necessary to site
12 the intermodal facility is access to the Long
13 Island Railroad, at least 50 to 100 acres,
14 access to major east-west truck routes, a site
15 that's suitable to usage for an intermodal
16 facility, and minimal social and environmental
17 impact.

18 ACTING PRESIDENT MORAHAN:
19 Senator Flanagan, why do you rise?

20 SENATOR FLANAGAN: I rise to ask
21 if Senator Sabini would yield to a question.

22 ACTING PRESIDENT MORAHAN:
23 Senator Sabini, would you yield for a question
24 from Senator Flanagan?

25 SENATOR SABINI: I'll be happy to

1 yield to Senator Flanagan as soon as I finish
2 my statement.

3 ACTING PRESIDENT MORAHAN: The
4 Senator refuses to yield at the moment.

5 SENATOR SABINI: For the moment.

6 State DOT says that Pilgrim State
7 Hospital is the only site that met all the
8 criteria for this type of project. If we want
9 to continue to try to reduce greenhouse gases
10 and to minimize truck traffic, it's important
11 we utilize rail freight, whether that be our
12 Cross-Harbor Tunnel or throughout Long Island.

13 And I want to raise the concern of
14 the New York State Department of
15 Transportation, and to those who are concerned
16 about transit issues all over the state, that
17 loss of this site may jeopardize the Long
18 Island Intermodal Truck and Rail Facility.

19 And so that is my concern that I
20 wanted to raise at this time, and I'm
21 interested in hearing what Senator Flanagan's
22 question is.

23 ACTING PRESIDENT MORAHAN:
24 Senator Flanagan.

25 SENATOR FLANAGAN: Mr. President,

1 through you.

2 Senator Sabini, do you have a
3 memorandum of opposition from State DOT?

4 SENATOR SABINI: Through you,
5 Mr. President, I actually have a PowerPoint
6 presentation from State DOT saying this is the
7 only site they believe is suitable for this.

8 SENATOR FLANAGAN: I appreciate
9 your answer, but that doesn't really answer my
10 question.

11 ACTING PRESIDENT MORAHAN:
12 Senator Flanagan, do you ask that Senator
13 Sabini continue to yield?

14 SENATOR FLANAGAN: Yes.

15 ACTING PRESIDENT MORAHAN:
16 Senator, do you yield?

17 SENATOR SABINI: Yes.

18 ACTING PRESIDENT MORAHAN: The
19 Senator yields.

20 SENATOR FLANAGAN: I appreciate
21 the PowerPoint presentation comment, but do
22 you have a memorandum of opposition on this
23 bill?

24 SENATOR SABINI: Mr. President,
25 through you, no, I don't.

1 But I even have a newsletter from
2 the Tri-State Regional Transportation Campaign
3 dating back to 2003 saying the only parcel in
4 Central Long Island where an intermodal
5 freight yard would be feasible is this site.

6 SENATOR FLANAGAN: Mr. President,
7 would Senator Sabini continue to yield.

8 ACTING PRESIDENT MORAHAN:
9 Senator Sabini, will you continue to yield?

10 SENATOR SABINI: Yes,
11 Mr. President.

12 ACTING PRESIDENT MORAHAN: The
13 Senator yields.

14 SENATOR FLANAGAN: Are you aware
15 that there are other sites that have been
16 considered and are under consideration that
17 would require no purchase by New York State
18 Department of Transportation which in fact are
19 state-owned lands?

20 SENATOR SABINI: Through you,
21 Mr. President, no, I am not. But I am aware
22 of the fact that State DOT has said this is
23 this the only available property that they
24 believe is feasible for this.

25 And if there are, I'd like to hear

1 about them.

2 SENATOR FLANAGAN: Mr. President,
3 would Senator Sabini continue to yield.

4 ACTING PRESIDENT MORAHAN:
5 Senator Sabini, do you continue to yield?

6 SENATOR SABINI: Yes.

7 ACTING PRESIDENT MORAHAN: The
8 Senator yields.

9 SENATOR FLANAGAN: Are you
10 familiar with Crooked Hill Road in Suffolk
11 County?

12 SENATOR SABINI: Through you,
13 Mr. President, yes, I am.

14 And I wasn't aware it was
15 considered as a site. I can just tell you
16 what I've read from State DOT.

17 SENATOR FLANAGAN: Are you aware
18 of Commack Road in Suffolk County?

19 SENATOR SABINI: Yes.

20 SENATOR FLANAGAN: Are you aware
21 of Long Island Avenue --

22 ACTING PRESIDENT MORAHAN:
23 Senator Flanagan, are you asking the Senator
24 to continue to yield?

25 SENATOR FLANAGAN: I'm sorry,

1 Mr. President. Will Senator Sabini to
2 continue to yield.

3 ACTING PRESIDENT MORAHAN: Give
4 him time to think of the answer.

5 SENATOR SABINI: Yes,
6 Mr. President.

7 ACTING PRESIDENT MORAHAN: The
8 Senator yields.

9 SENATOR SABINI: Yes.

10 SENATOR FLANAGAN: Are you aware
11 of Long Island Avenue in Suffolk County?

12 SENATOR SABINI: Yes,
13 Mr. President. And yes.

14 ACTING PRESIDENT MORAHAN: Are
15 you asking the Senator to yield again?

16 SENATOR FLANAGAN: Yes, I am,
17 Mr. President.

18 SENATOR SABINI: Yes and yes.

19 SENATOR FLANAGAN: Thank you,
20 Mr. President. On the bill.

21 ACTING PRESIDENT MORAHAN:
22 Senator Flanagan, on the bill.

23 SENATOR FLANAGAN: I appreciate
24 listening to the comments, but I'm going to
25 join in with my colleague Senator Johnson, and

1 I know Senator Trunzo has had a deep and
2 abiding interest in this issue. And this is a
3 broad perspective, but frankly it's also a
4 very local perspective.

5 The reason I asked Senator Sabini
6 if he was familiar with these roadways is
7 because this facility and this property and
8 this proposal has been around for a number of
9 years, and frankly it happens to be right at
10 the corner or the end of three Senate
11 districts, Senator Johnson's, Senator
12 Trunzo's, and the district that I happen to
13 represent.

14 So while State DOT has their own
15 blueprint for certain things, we are the ones
16 who are actually in the streets in the
17 communities who are dealing with issues that
18 affect our constituents.

19 Now, I will tell you in many
20 respects I don't even believe we need this
21 legislation, because I think what
22 Senator Johnson did in 1987 was a very strong
23 piece of legislation. And in fact it
24 basically said for whatever property is left,
25 if it's not really being used for mental

1 health purposes, then it should be gone into
2 this preserve.

3 There are those who have
4 interpreted it differently, and frankly that
5 is why we have this legislation here before us
6 today. We didn't want to lack for any clarity
7 in terms of what was being done here. We
8 wanted to take a belt-and-suspenders approach
9 and make sure that the consistency of the 1987
10 statute was followed.

11 The land is vacant, it is in a
12 natural state. The psychiatric center that
13 was there has been removed from the property.
14 And frankly, we believe that this is in the
15 best interests of the people in those
16 surrounding communities.

17 And, Mr. President, one of the
18 primary reasons is because there have been a
19 number of intervening factors over which the
20 State of New York has no control. The
21 surrounding towns --

22 ACTING PRESIDENT MORAHAN:

23 Senator Sabini, why do you rise?

24 SENATOR SABINI: I was going to
25 ask to him to yield for a question. I'll let

1 him finish.

2 ACTING PRESIDENT MORAHAN: Why
3 don't you sit till you're ready to do that.

4 SENATOR SABINI: I just don't
5 want to get rushed here.

6 ACTING PRESIDENT MORAHAN: Thank
7 you. Senator Flanagan to continue.

8 SENATOR FLANAGAN: There have
9 been a number of intervening factors that has
10 been precipitated by actions taken by local
11 governments -- the Town of Huntington, the
12 Town of Smithtown, the Town of Babylon as well
13 as Suffolk County.

14 This proposal, when it first came
15 about, had a lot more merit to it because
16 there wasn't as much going on. We are now
17 suffering from the effects of overdevelopment
18 in those areas. I represent Commack Road; it
19 is a bad road at 2 o'clock in the morning.
20 Those surrounding communities are suffering.

21 There are viable alternatives to
22 this site. This property should have been
23 maintained as a preserve. This will make sure
24 that it's being done. Assemblyman Ramos and
25 Assemblyman Conte and Assemblyman Raia are

1 pushing for this very clearly in the New York
2 State Assembly.

3 And, Senator Sabini, I sit on the
4 Transportation Committee, and I'm acutely
5 sensitive to these types of issues. But in
6 reality, there's a better way to do this, and
7 we need to be responsive in that respect.

8 ACTING PRESIDENT MORAHAN:
9 Senator Sabini.

10 SENATOR SABINI: Mr. President,
11 would Senator Flanagan yield to a question.

12 ACTING PRESIDENT MORAHAN:
13 Senator Flanagan, will you yield to Senator
14 Sabini?

15 SENATOR FLANAGAN: Yes, I will.

16 ACTING PRESIDENT MORAHAN: The
17 Senator yields.

18 SENATOR SABINI: I haven't said
19 how I'm voting on this, because, you know, we
20 have a situation in the Gansevoort Pier that
21 Senator Duane is involved in, and some people
22 wanted to have local concerns over global
23 concerns, and you can come down either way on
24 that.

25 So I appreciate the local concerns

1 that Senator Flanagan and Senator Owen Johnson
2 have raised.

3 I'm just wondering if Senator
4 Flanagan and others had expressed their
5 concern when this project was proposed during
6 the Pataki administration.

7 SENATOR FLANAGAN: Yes.

8 ACTING PRESIDENT MORAHAN: The
9 answer is yes.

10 SENATOR SABINI: Thank you,
11 Mr. President.

12 ACTING PRESIDENT MORAHAN: Thank
13 you, Senator Sabini.

14 Any other Senator wish to be heard?
15 Senator Schneiderman.

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

18 I want to thank Senator Sabini for
19 raising an issue. And I must say that I'm not
20 quite sure I understand how preventing a
21 multimodal facility from being sited in
22 Suffolk County, which in fact is what this
23 bill would do -- I mean, this is the site that
24 DOT and everyone recognizes is the best site.

25 It is indeed the congestion there

1 that we're seeking to relieve. One of the
2 biggest problems we've got in New York State
3 is we have an excess of truck traffic. Every
4 time you site a multimodal facility, it gets
5 trucks off the road. It reduces congestion.

6 So I must say I don't really see
7 this as anything other than an effort to block
8 a facility at the one site that has been
9 approved. If there is another site that has
10 been identified and has been approved by DOT,
11 then bring it forth. But at this late date,
12 after this has been pending for such a long
13 period of time, let's acknowledge that this is
14 simply an effort to block the location of a
15 multimodal facility.

16 Not only has State DOT expressed
17 its concern about this, but I know that our
18 Congressional delegation, the leader on
19 transit funding in the Congressional
20 delegation, Congressman Jerry Nadler, has
21 expressed concern with how difficult it is to
22 put a multimodal facility into Suffolk County.
23 He's also working on behalf of us getting a
24 rail freight tunnel that would require a
25 multimodal facility in the City of New York.

1 So he's not picking one part of the state.

2 But if we do not reduce our
3 reliance on truck traffic, our air will get
4 worse, our congestion will get worse, and our
5 prices will stay higher. So I would commend
6 to all of you who care about the long-term
7 viability of our transportation system and of
8 our environment to oppose this bill.

9 This is not something that really
10 proffers an alternative, as Senator Duane did
11 when the issue of Gansevoort came up. He has
12 a site identified very close to the existing
13 site that has been analyzed and would serve
14 equally well as the site that was proposed by
15 the city.

16 Here we're just seeing an effort to
17 block this by taking an area to make it into a
18 wildlife preserve when the memo in support of
19 the bill says that the problem is this is
20 surrounded by all this traffic and congestion.
21 I'm not sure what kind of a wildlife preserve
22 you want in a traffic-congested area.

23 I vote no. I urge everyone to vote
24 no, Mr. President.

25 ACTING PRESIDENT MORAHAN: Any

1 other Senator wish to be heard?

2 Debate is closed. The Secretary
3 will ring the bell.

4 Read the last section.

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

7 ACTING PRESIDENT MORAHAN: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT MORAHAN:
11 Announce the results when available.

12 Senator Flanagan, to explain his
13 vote.

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

16 I just want to make two points. I
17 want to congratulate and thank Senator Johnson
18 for not only passing this bill but, 20 years
19 ago, long before anybody was really talking
20 about these types of things, he helped create
21 what is a wildlife preserve or a preserve that
22 is maintained by the DEC that is loved by many
23 of the community groups who happen to use it
24 for hiking and biking and many other things.

25 It was an 800-acre preserve at a

1 time when the State of New York just wasn't
2 doing these kinds of things. So he was way
3 out in front then. This is frankly a
4 complement and a continuation of what was
5 started over 20 years ago.

6 And I listened to the comments
7 about Congressman Nadler being in opposition
8 to this. I can tell you very comfortably and
9 confidently that Congressman Israel, who
10 happens to actually represent the area, is in
11 equally strong commitment to what we are
12 trying to do, and we have individually and
13 collectively met with our federal
14 representatives and pushed this very issue.

15 I vote in the affirmative.

16 ACTING PRESIDENT MORAHAN: Thank
17 you, Senator Flanagan. You will be recorded
18 in the affirmative.

19 Senator Craig Johnson.

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

22 I rise also to vote yes and
23 congratulate Senator Owen Johnson on this
24 piece of legislation.

25 I've expressed my opposition as

1 well to the intermodal facility, joining
2 Senator Flanagan, Senator Johnson, and Senator
3 Trunzo on this, because siting it at this
4 location also has a direct impact in Nassau
5 County, as they're going to be required to use
6 the Main Line for freight purposes, and I've
7 been adamantly opposed to that effort.

8 I wish that the Senate Republican
9 Majority had joined our petition to discharge,
10 my petition to discharge for my bill that
11 would have given my communities the ability to
12 say yea or nay on the third track, a very
13 similar piece of legislation.

14 Here we are acceding to the desires
15 of the community, led by Senator Owen Johnson
16 and Senator Flanagan and Senator Trunzo,
17 communities who are concerned about what this
18 intermodal facility will do. I just wish that
19 the Senate Republicans would have joined me
20 and my delegation to allow my bill to prevent
21 the third track from coming into the Seventh
22 Senatorial District the same consideration.

23 But I will vote yes on this piece
24 of legislation. Thank you.

25 ACTING PRESIDENT MORAHAN:

1 Senator Farley, to explain his vote.

2 SENATOR FARLEY: I want to get up
3 and congratulate Senator Johnson on this
4 wonderful piece of legislation. You're an
5 absolute credit to the Marine Corps. I vote
6 aye.

7 (Laughter.)

8 ACTING PRESIDENT MORAHAN: Thank
9 you. You will be recorded in the affirmative.

10 Senator Craig Johnson will also be
11 recorded in the affirmative.

12 Announce the results.

13 THE SECRETARY: Those recorded in
14 the negative on Calendar Number 1692 are
15 Senators Dilan, L. Krueger, Parker, Perkins,
16 Sabini, Sampson and Schneiderman.

17 Absent from voting: Senators
18 Gonzalez, Hassell-Thompson, Huntley, Rath and
19 Serrano.

20 Ayes, 48. Nays, 7.

21 ACTING PRESIDENT MORAHAN: The
22 bill is passed.

23 Senator Fuschillo.

24 SENATOR FUSCHILLO: Mr.
25 President, may we please return to the reports

1 of standing committees. I believe there's
2 another report of the Rules Committee at the
3 desk.

4 ACTING PRESIDENT MORAHAN:

5 Reports of standing committees.

6 The Secretary will read.

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

10 Senate Print 476, by Senator
11 Bonacic, an act to amend the Public Health
12 Law;

13 1130, by Senator Little, an act to
14 amend the General City Law and others;

15 1665, by Senator Padavan, an act to
16 amend the Family Court Act;

17 1851, by Senator LaValle, an act to
18 amend the General Municipal Law;

19 3849, by Senator Flanagan, an act
20 to amend the Economic Development Law;

21 4010, by Senator Diaz, an act to
22 amend the Executive Law;

23 4429, by Senator Leibell, an act to
24 amend the Military Law;

25 5425B, by Senator Padavan, an act

1 to amend the Tax Law;
2 5693, by Senator Flanagan, an act
3 to amend the Tax Law;
4 5892A, by Senator Saland, an act to
5 amend the Education Law;
6 5899A, by Senator Griffo, an act to
7 amend the State Technology Law;
8 6445, by Senator Lanza, an act to
9 amend the Correction Law;
10 6948, by Senator Golden, an act to
11 amend the Public Authorities Law;
12 7168, by Senator Griffo, an act to
13 amend the Agriculture and Markets Law;
14 7921, by Senator Bonacic, an act to
15 authorize;
16 7944, by Senator Flanagan, an act
17 to amend the Public Officers Law;
18 8072, by Senator Morahan, an act to
19 authorize;
20 8117B, by Senator LaValle, an act
21 to amend the Public Health Law;
22 8124, by Senator Lanza, an act to
23 amend the Vehicle and Traffic Law;
24 8259, by Senator Bruno, an act
25 authorizing;

1 8305, by Senator Robach, an act to
2 amend the Public Authorities Law;

3 8312, by Senator Leibell, an act in
4 relation in state aid payments;

5 8316, by Senator Volker, an act in
6 relation to transportation;

7 8364, by the Senate Committee on
8 Rules, an act in relation to adjusting;

9 8370, by the Senate Committee on
10 Rules, an act to amend Chapter 987 of the Laws
11 of 1971;

12 8375, by Senator Robach, an act to
13 amend the Workers' Compensation Law;

14 And Senate Print 8433, by Senator
15 LaValle, an act to amend Chapter 376 of the
16 Laws of 1998.

17 All bills ordered direct to third
18 reading.

19 ACTING PRESIDENT MORAHAN:
20 Senator Fuschillo.

21 SENATOR FUSCHILLO: Move to
22 accept the report of the Rules Committee.

23 ACTING PRESIDENT MORAHAN: All in
24 favor of accepting the report of the Rules
25 Committee signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT MORAHAN:

3 Opposed, nay.

4 (No response.)

5 ACTING PRESIDENT MORAHAN: The
6 report is accepted.

7 Senator Fuschillo.

8 SENATOR FUSCHILLO: Mr.
9 President, can we return to motions and
10 resolutions.

11 There will also be an immediate
12 meeting of the Rules Committee in the Majority
13 Conference Room.

14 ACTING PRESIDENT MORAHAN: There
15 will be an immediate meeting of the Rules
16 Committee in the Majority Conference Room.

17 We will return to the order of
18 motions and resolutions.

19 Senator Duane.

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

22 On behalf of Senator Carl Kruger, I
23 wish to call up his bill, Print Number 8147,
24 recalled from the Assembly, which is now at
25 the desk.

1 ACTING PRESIDENT MORAHAN: The
2 Secretary will read.

3 THE SECRETARY: Calendar Number
4 1115, by Senator C. Kruger, Senate Print 8147,
5 an act to amend the Social Services Law.

6 SENATOR DUANE: And,
7 Mr. President, I now move to reconsider the
8 vote by which this bill was passed.

9 ACTING PRESIDENT MORAHAN: The
10 Secretary will call the roll on
11 reconsideration.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT MORAHAN:
15 Senator Duane.

16 SENATOR DUANE: Mr. President, I
17 now offer the following amendments.

18 ACTING PRESIDENT MORAHAN: The
19 amendments are received, and the bill will
20 retain its place on the Third Reading
21 Calendar.

22 SENATOR DUANE: Thank you,
23 Mr. President.

24 In addition, on behalf of Senator
25 Kruger, I wish to call up his bill, Print

1 Number 4541, recalled from the Assembly, which
2 is now at the desk.

3 ACTING PRESIDENT MORAHAN: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 238, by Senator C. Kruger, Senate Print 4541,
7 an act to amend the Family Court Act and the
8 Domestic Relations Law.

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

12 ACTING PRESIDENT MORAHAN: Call
13 the roll on reconsideration.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60.

16 SENATOR DUANE: Mr. President, I
17 now offer the following amendments.

18 ACTING PRESIDENT MORAHAN: The
19 amendments are received, and the bill will
20 retain its place on the Third Reading
21 Calendar.

22 SENATOR DUANE: Thank you,
23 Mr. President.

24 ACTING PRESIDENT MORAHAN: You're
25 welcome, Senator Duane.

1 Senator Griffo.

2 SENATOR GRIFFO: Thank you,
3 Mr. President.

4 On behalf of Senator Young, I wish
5 to call up Senate Print 5685, recalled from
6 the Assembly, which is now at the desk.

7 ACTING PRESIDENT MORAHAN: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 1601, by Senator Young, Senate Print 5685, an
11 act to amend the Tax Law and others.

12 SENATOR GRIFFO: Mr. President, I
13 now move to reconsider the vote by which this
14 bill was passed.

15 ACTING PRESIDENT MORAHAN: The
16 Secretary will call the roll on
17 reconsideration.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 60.

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

22 ACTING PRESIDENT MORAHAN: The
23 amendments are received, and the bill will
24 retain its position on the Third Reading
25 Calendar.

1 Senator Griffo.

2 SENATOR GRIFFO: Mr. President,
3 on behalf of Senator Golden, I wish to call up
4 Senate Print Number 6966A, recalled from the
5 Assembly, which is now at the desk.

6 ACTING PRESIDENT MORAHAN: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 411, by Senator Golden, Senate Print 6966A, an
10 act to amend the Elder Law.

11 SENATOR GRIFFO: Mr. President, I
12 now move to reconsider the vote by which this
13 bill was passed.

14 ACTING PRESIDENT MORAHAN: The
15 Secretary will call the roll on
16 reconsideration.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60.

19 SENATOR GRIFFO: Mr. President, I
20 now offer the following amendments.

21 ACTING PRESIDENT MORAHAN: The
22 amendments are received, and the bill will
23 retain its position on the Third Reading
24 Calendar.

25 Senator Griffo.

1 SENATOR GRIFFO: Mr. President,
2 on behalf of Senator Bruno, I wish to call up
3 Print Number 6329, recalled from the Assembly,
4 which is now before the desk.

5 ACTING PRESIDENT MORAHAN: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 777, by the Senate Committee on Rules, Senate
9 Print 6329, an act to authorize the Town of
10 Malta.

11 SENATOR GRIFFO: Mr. President, I
12 now move to reconsider the vote by which this
13 bill was passed.

14 ACTING PRESIDENT MORAHAN: The
15 Secretary will call the roll on
16 reconsideration.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60.

19 SENATOR GRIFFO: Mr. President, I
20 now offer the following amendments.

21 ACTING PRESIDENT MORAHAN: The
22 amendments are received, and the bill will
23 retain its position on the Third Reading
24 Calendar.

25 Senator Fuschillo.

1 SENATOR FUSCHILLO: Mr.
2 President, before we do these motions, I also
3 wanted to advise the members that we will be
4 taking up supplemental Calendar Number 58A at
5 the conclusion of these motions.

6 Mr. President, amendments are
7 offered to the following Third Reading
8 Calendar bills:

9 Sponsored by Senator Fuschillo,
10 page number 6, Calendar Number 103, Senate
11 Print Number 6737;

12 By Senator Farley, page number 32,
13 Calendar Number 892, Senate Print Number 7360;

14 By Senator Morahan, page number 38,
15 Calendar Number 1010, Senate Print Number
16 8058;

17 By Senator Volker, page number 62,
18 Calendar Number 1481, Senate Print Number
19 8225;

20 By Senator Hannon, page number 41,
21 Calendar Number 1119, Senate Print Number
22 4601.

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

1 ACTING PRESIDENT MORAHAN: The
2 amendments are received, and the bills will
3 retain their place on the Third Reading
4 Calendar.

5 Senator Fuschillo.

6 SENATOR FUSCHILLO: Mr.
7 President, on behalf of Senator Leibell, on
8 page number 28 I offer the following
9 amendments to Calendar Number 741, Senate
10 Print Number 3811, and ask that said bill
11 retain its place on Third Reading Calendar.

12 ACTING PRESIDENT MORAHAN: The
13 amendments are received, and the bill will
14 retain its place on the Third Reading
15 Calendar.

16 SENATOR FUSCHILLO: Mr.
17 President, on behalf of Senator Padavan, on
18 the supplemental calendar I offer the
19 following amendments to Calendar Number 1710,
20 Senate Print Number 1665, and ask that said
21 bill retain its place on Third Reading
22 Calendar.

23 ACTING PRESIDENT MORAHAN: The
24 amendments are received, and the bill will
25 retain its position on the Third Reading

1 Calendar.

2 SENATOR FUSCHILLO: On behalf of
3 Senator Morahan, on the supplemental calendar
4 I now offer the following amendments to
5 Calendar Number 1724, Senate Print Number
6 8072, and ask that said bill retain its place
7 on Third Reading Calendar.

8 ACTING PRESIDENT MORAHAN: The
9 amendments are received, and the bill will
10 retain its position on the Third Reading
11 Calendar.

12 SENATOR FUSCHILLO: Mr.
13 President, the Senate will stand at ease for a
14 moment.

15 First, Mr. President, please
16 recognize Senator Lanza.

17 ACTING PRESIDENT MORAHAN:
18 Senator Lanza.

19 SENATOR LANZA: Thank you,
20 Mr. President. I wish to call up my bill,
21 Print Number 7602, recalled from the Assembly,
22 which is now at the desk.

23 ACTING PRESIDENT MORAHAN: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 1003, by Senator Lanza, Senate Print 7602, an
2 act to amend the Penal Law.

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

6 ACTING PRESIDENT MORAHAN: The
7 Secretary will call the roll on
8 reconsideration.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 60.

11 SENATOR LANZA: Mr. President, I
12 now offer the following amendments.

13 ACTING PRESIDENT MORAHAN: The
14 amendments are received, and the bill will
15 retain its place on the Third Reading
16 Calendar.

17 Senator Lanza.

18 SENATOR LANZA: Mr. President, on
19 behalf of Senator Morahan, I wish to call up
20 Print Number 6217, recalled from the Assembly,
21 which is now at the desk.

22 ACTING PRESIDENT MORAHAN: The
23 Secretary will read.

24 THE SECRETARY: Calendar Number
25 521, by Senator Morahan, Senate Print 6217, an

1 act to amend the Highway Law.

2 ACTING PRESIDENT MORAHAN: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 60.

6 SENATOR LANZA: Mr. President, I
7 now offer the following amendments.

8 ACTING PRESIDENT MORAHAN: The
9 amendments are received, and the bill will
10 retain its place on the Third Reading
11 Calendar.

12 SENATOR LANZA: Mr. President, on
13 behalf of Senator Skelos, I wish to call up
14 Print Number 962B, recalled from the Assembly,
15 which is now at the desk.

16 ACTING PRESIDENT MORAHAN: The
17 Secretary will read.

18 THE SECRETARY: Calendar Number
19 693, by Senator Skelos, Senate Print 962B, an
20 act to amend the Public Officers Law and the
21 Civil Practice Law and Rules.

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

25 ACTING PRESIDENT MORAHAN: The

1 Secretary will call the roll on
2 reconsideration.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 60.

5 SENATOR LANZA: Mr. President, I
6 now offer the following amendments.

7 ACTING PRESIDENT MORAHAN: The
8 amendments are received, and the bill will
9 retain its place on the Third Reading
10 Calendar.

11 Senator Fuschillo.

12 SENATOR FUSCHILLO: Mr.
13 President, we will be waiting for the report
14 of the Rules Committee and the members to
15 return to the chambers.

16 ACTING PRESIDENT MORAHAN: The
17 Senate will stand at ease until the report of
18 the Rules Committee is forwarded to the
19 chamber.

20 (Whereupon, the Senate stood at
21 ease at 5:13 p.m.)

22 (Whereupon, the Senate reconvened
23 at 5:15 p.m.)

24 ACTING PRESIDENT MORAHAN:
25 Senator Fuschillo.

1 SENATOR FUSCHILLO: Mr.
2 President, can we take up the noncontroversial
3 reading of Supplemental Calendar Number 58A.

4 ACTING PRESIDENT MORAHAN: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number
7 1708, by Senator Bonacic, Senate Print 476, an
8 act to amend the Public Health Law and the Tax
9 Law.

10 ACTING PRESIDENT MORAHAN: Read
11 the last section.

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

14 ACTING PRESIDENT MORAHAN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT MORAHAN:
18 Announce the results.

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT MORAHAN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1709, by Senator Little, Senate Print 1130, an
24 act to amend the General City Law and others.

25 ACTING PRESIDENT MORAHAN: Read

1 the last section.

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

4 ACTING PRESIDENT MORAHAN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MORAHAN:
8 Announce the results.

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT MORAHAN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1711, by Senator LaValle, Senate Print 1851,
14 an act to amend the General Municipal Law.

15 ACTING PRESIDENT MORAHAN: Read
16 the last section.

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

19 ACTING PRESIDENT MORAHAN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT MORAHAN:
23 Announce the results.

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT MORAHAN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1712, by Senator Flanagan, Senate Print 3849,
4 an act to amend the Economic Development Law.

5 ACTING PRESIDENT MORAHAN: Read
6 the last section.

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

9 ACTING PRESIDENT MORAHAN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT MORAHAN:
13 Announce the results.

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT MORAHAN: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 1713, by Senator Diaz, Senate Print 4010, an
19 act to amend the Executive Law.

20 ACTING PRESIDENT MORAHAN: Read
21 the last section.

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

24 ACTING PRESIDENT MORAHAN: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT MORAHAN:

3 Announce the results.

4 THE SECRETARY: Ayes, 60.

5 ACTING PRESIDENT MORAHAN: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 1714, by Senator Leibell, Senate Print 4429,
9 an act to amend the Military Law.

10 ACTING PRESIDENT MORAHAN: Read
11 the last section.

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

14 ACTING PRESIDENT MORAHAN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT MORAHAN:

18 Announce the results.

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT MORAHAN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1715, by Senator Padavan, Senate Print 5425B,
24 an act to amend the Tax Law.

25 ACTING PRESIDENT MORAHAN: Read

1 the last section.

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

4 ACTING PRESIDENT MORAHAN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MORAHAN:
8 Announce the results.

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT MORAHAN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1716, by Senator Flanagan, Senate Print 5693,
14 an act to amend the Tax Law.

15 ACTING PRESIDENT MORAHAN: Read
16 the last section.

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

19 ACTING PRESIDENT MORAHAN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT MORAHAN:
23 Announce the results.

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT MORAHAN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1717, by Senator Saland, Senate Print 5892A,
4 an act to amend the Education Law.

5 ACTING PRESIDENT MORAHAN: Read
6 the last section.

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

9 ACTING PRESIDENT MORAHAN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT MORAHAN:
13 Announce the results.

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT MORAHAN: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 1718, by Senator Griffo, Senate Print 5899A,
19 an act to amend the State Technology Law, in
20 relation to creating.

21 ACTING PRESIDENT MORAHAN: Read
22 the last section.

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

25 ACTING PRESIDENT MORAHAN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MORAHAN:

4 Announce the results.

5 THE SECRETARY: Ayes, 60.

6 ACTING PRESIDENT MORAHAN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 1719, by Senator Lanza, Senate Print 6445, an
10 act to amend the Correction Law.

11 ACTING PRESIDENT MORAHAN: Read
12 the last section.

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

15 ACTING PRESIDENT MORAHAN: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MORAHAN:

19 Announce the results.

20 THE SECRETARY: Ayes, 59. Nays,
21 1. Senator Duane recorded in the negative.

22 ACTING PRESIDENT MORAHAN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 1720, by Senator Golden, Senate Print 6948, an

1 act to amend the Public Authorities Law.

2 ACTING PRESIDENT MORAHAN: Read
3 the last section.

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

6 ACTING PRESIDENT MORAHAN: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT MORAHAN:
10 Announce the results.

11 Senator Saland, to explain his
12 vote.

13 SENATOR SALAND: No, I just
14 wanted to be recorded in the negative. I just
15 came from the Rules Committee meeting; I
16 wanted to be recorded in the negative.

17 ACTING PRESIDENT MORAHAN: You
18 will be recorded in the negative, Senator.

19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar Number 1720: Ayes, 59. Nays, 1.
22 Senator Saland recorded in the negative.

23 ACTING PRESIDENT MORAHAN: The
24 bill is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 1721, Senator Griffo moves to
2 discharge, from the Committee on Consumer
3 Protection, Assembly Bill Number 10132 and
4 substitute it for the identical Senate Bill
5 Number 7168, Third Reading Calendar 1721.

6 ACTING PRESIDENT MORAHAN:
7 Substitution ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1721, by Member of the Assembly Magee,
11 Assembly Print Number 10132, an act to amend
12 the Agriculture and Markets Law.

13 ACTING PRESIDENT MORAHAN: Read
14 the last section.

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

17 ACTING PRESIDENT MORAHAN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT MORAHAN:
21 Announce the results.

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT MORAHAN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1722, by Senator Bonacic, Senate Print 7921,
2 an act to authorize the Commissioner of
3 Environmental Conservation.

4 ACTING PRESIDENT MORAHAN: Read
5 the last section.

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

8 ACTING PRESIDENT MORAHAN: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT MORAHAN: The
13 bill is passed.

14 THE SECRETARY: In relation to
15 Calendar Number 1723, Senator Flanagan moves
16 to discharge, from the Committee on
17 Investigations and Government Operations,
18 Assembly Bill Number 1975 and substitute it
19 for the identical Senate Bill Number 7944,
20 Third Reading Calendar 1723.

21 ACTING PRESIDENT MORAHAN:
22 Substitution is ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 1723, by Member of the Assembly Diaz, Assembly

1 Print Number 1975, an act to amend the Public
2 Officers Law.

3 ACTING PRESIDENT MORAHAN: Read
4 the last section.

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

7 ACTING PRESIDENT MORAHAN: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT MORAHAN:
11 Announce the results.

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT MORAHAN: The
14 bill is passed.

15 THE SECRETARY: In relation to
16 Calendar Number 1725, Senator LaValle moves to
17 discharge, from the Committee on Rules,
18 Assembly Bill Number 10945A and substitute it
19 for the identical Senate Bill Number 8117B,
20 Third Reading Calendar 1725.

21 ACTING PRESIDENT MORAHAN:
22 Substitution ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 1725, by Member of the Assembly Canestrari,

1 Assembly Print Number 10945A, an act to amend
2 the Public Health Law.

3 ACTING PRESIDENT MORAHAN: Read
4 the last section.

5 THE SECRETARY: Section 15. This
6 act shall take effect on the 30th day.

7 ACTING PRESIDENT MORAHAN: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT MORAHAN:
11 Announce the results.

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT MORAHAN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 1726, by Senator Lanza, Senate Print 8124, an
17 act to amend the Vehicle and Traffic Law.

18 SENATOR SAMPSON: Lay that aside.

19 ACTING PRESIDENT MORAHAN: The
20 bill is laid aside.

21 THE SECRETARY: Calendar Number
22 1727, by Senator Bruno, Senate Print 8259, an
23 act authorizing the County of Saratoga.

24 ACTING PRESIDENT MORAHAN: There
25 is a home-rule message at the desk.

1 Read the last section.

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

4 ACTING PRESIDENT MORAHAN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MORAHAN: The
8 Secretary will announce the results.

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT MORAHAN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1728, by Senator Robach, Senate Print 8305, an
14 act to amend the Public Authorities Law.

15 ACTING PRESIDENT MORAHAN: Read
16 the last section.

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

19 ACTING PRESIDENT MORAHAN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT MORAHAN:
23 Announce the results.

24 THE SECRETARY: Ayes, 59. Nays,
25 1. Senator Little recorded in the negative.

1 ACTING PRESIDENT MORAHAN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 1729, by Senator Leibell, Senate Print 8312,
5 an act --

6 SENATOR FUSCHILLO: Lay it aside
7 for the day.

8 ACTING PRESIDENT MORAHAN: The
9 bill is laid aside for the day.

10 THE SECRETARY: Calendar Number
11 1730, by Senator Volker, Senate Print 8316, an
12 act in relation in transportation maintenance.

13 ACTING PRESIDENT MORAHAN: Read
14 the last section.

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

17 ACTING PRESIDENT MORAHAN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT MORAHAN:
21 Announce the results.

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT MORAHAN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1731, by the Senate Committee on Rules, Senate
2 Print 8364, an act in relation to adjusting
3 certain state aid payments.

4 ACTING PRESIDENT MORAHAN: Read
5 the last section.

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

8 ACTING PRESIDENT MORAHAN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT MORAHAN:
12 Announce the results.

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT MORAHAN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 1732, by the Senate Committee on Rules, Senate
18 Print Number 8370, an act to amend Chapter 987
19 of the Laws of 1971 amending the Education
20 Law.

21 ACTING PRESIDENT MORAHAN: Read
22 the last section.

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

25 ACTING PRESIDENT MORAHAN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MORAHAN:

4 Announce the results.

5 THE SECRETARY: Ayes, 59. Nays,

6 1. Senator Saland recorded in the negative.

7 ACTING PRESIDENT MORAHAN: The

8 bill is passed.

9 THE SECRETARY: Calendar Number
10 1733, by Senator Robach, Senate Print 8375, an
11 act to amend the Workers' Compensation Law.

12 ACTING PRESIDENT MORAHAN: Read
13 the last section.

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

16 ACTING PRESIDENT MORAHAN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT MORAHAN:

20 Announce the results.

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT MORAHAN: The

23 bill is passed.

24 Senator Fuschillo, that completes
25 the noncontroversial reading of Supplemental

1 Calendar 58A.

2 SENATOR FUSCHILLO: Mr.
3 President, will you please take up Calendar
4 Number 1726 as a noncontroversial bill.

5 ACTING PRESIDENT MORAHAN: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 1726, by Senator Lanza, Senate Print 8124, an
9 act to amend the Vehicle and Traffic Law.

10 ACTING PRESIDENT MORAHAN: Read
11 the last section.

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

14 ACTING PRESIDENT MORAHAN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT MORAHAN:
18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar Number 1726: Ayes, 59. Nays, 1.
21 Senator Little recorded in the negative.

22 ACTING PRESIDENT MORAHAN: The
23 bill is passed.

24 Senator Fuschillo.

25 SENATOR FUSCHILLO: Mr.

1 President, may we please return to the reports
2 of standing committees. I believe there's
3 another report of the Rules Committee at the
4 desk.

5 ACTING PRESIDENT MORAHAN:
6 Reports of standing committees.

7 The Secretary will read.

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

11 Senate Print 463, by Senator
12 Bonacic, an act to amend the Environmental
13 Conservation Law;

14 713, by Senator Breslin, an act to
15 amend the Penal Law;

16 2450A, by Senator Golden, an act to
17 amend the Public Health Law;

18 3223A, by Senator Skelos, an act to
19 amend the Workers' Compensation Law;

20 3806A, by Senator Leibell, an act
21 to amend the Labor Law;

22 4449, by Senator Morahan, an act to
23 amend the Domestic Relations Law;

24 4499A, by Senator Young, an act to
25 amend the Environmental Conservation Law;

1 4620, by Senator Griffo, an act to
2 amend the General Municipal Law;
3 4817, by Senator Nozzolio, an act
4 to amend the General Municipal Law;
5 5507, by Senator Morahan, an act to
6 amend the General Municipal Law;
7 6024A, by Senator Padavan, an act
8 to amend the Local Finance Law;
9 6852B, by Senator Lanza, an act to
10 amend the Tax Law;
11 6907A, by Senator Lanza, an act to
12 amend the Executive Law;
13 7002A, by Senator Hannon, an act to
14 authorize;
15 7295A, by Senator Golden, an act to
16 amend the Tax Law;
17 7354, by Senator Lanza, an act to
18 amend the Public Officers Law;
19 7461, by Senator Flanagan, an act
20 to amend the Executive Law;
21 7522, by Senator Maltese, an act to
22 amend the Arts and Cultural Affairs Law;
23 7533, by Senator Lanza, an act to
24 amend the Civil Service Law;
25 7994, by Senator Flanagan, an act

1 to amend the Penal Law;

2 8275, by Senator Trunzo, an act to

3 amend the Retirement and Social Security Law;

4 8290, by Senator Flanagan, an act

5 to require;

6 8332, by Senator Golden, an act to

7 amend the Vehicle and Traffic Law;

8 8335, by Senator Nozzolio, an act

9 to amend the Civil Service Law;

10 8336, by Senator Nozzolio, an act

11 to amend the Civil Service Law;

12 8337, by Senator Golden, an act to

13 amend Chapter 841 of the Laws of 1987;

14 8351, by Senator Flanagan, an act

15 to amend Chapter 307 of the Laws of 2005;

16 8377, by Senator Robach, an act to

17 amend the Workers' Compensation Law;

18 8378, by Senator Robach, an act to

19 amend the Workers' Compensation Law;

20 8400, by Senator Robach, an act to

21 amend the Workers' Compensation Law;

22 8402, by Senator Lanza, an act to

23 amend the Criminal Procedure Law;

24 8409, by Senator Young, an act to

25 amend the Agriculture and Markets Law;

1 8424, by Senator Maltese, an act to
2 amend the Penal Law;

3 And Senate Print 8435, by Senator
4 Seward, an act to amend Chapter 549 of the
5 Laws of 2005.

6 All bills ordered direct to third
7 reading.

8 ACTING PRESIDENT MORAHAN:
9 Senator Fuschillo.

10 SENATOR FUSCHILLO: Move to
11 accept the report of the Rules Committee.

12 ACTING PRESIDENT MORAHAN: All in
13 favor of accepting the Rules Committee report
14 say aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT MORAHAN:
17 Opposed, nay.

18 (No response.)

19 ACTING PRESIDENT MORAHAN: The
20 Rules report is accepted.

21 Senator Fuschillo.

22 SENATOR FUSCHILLO: Mr.
23 President, is there any further business at
24 the desk?

25 ACTING PRESIDENT MORAHAN: There

1 is no other business at this desk at this
2 moment.

3 SENATOR FUSCHILLO: There being
4 no further business to come before the Senate,
5 I move we adjourn until Monday, June 16th, at
6 3:00 p.m., intervening days being legislative
7 days.

8 ACTING PRESIDENT MORAHAN: On
9 motion, the Senate stands adjourned until
10 Monday, June 16th, at 3:00 p.m., intervening
11 days being legislative days.

12 (Whereupon, at 5:30 p.m., the
13 Senate adjourned.)

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