

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 June 24, 2008

11 10:12 a.m.

12
13
14 REGULAR SESSION

15
16
17
18 SENATOR JOSEPH A. GRIFFO, Acting President

19 STEVEN M. BOGGESE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT GRIFFO: The
3 Senate will come to order.

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

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

9 ACTING PRESIDENT GRIFFO: In the
10 absence of clergy, I ask that we all bow our
11 heads in a moment of silent prayer.

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

14 ACTING PRESIDENT GRIFFO: The
15 reading of the Journal.

16 THE SECRETARY: In Senate,
17 Monday, June 23, Senate met pursuant to
18 adjournment. The Journal of Sunday, June 22,
19 was read and approved. On motion, Senate
20 adjourned.

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

24 Presentation of petitions.

25 Messages from the Assembly.

1 The chair hands down a message from
2 the Assembly, and the Secretary will read.

3 THE SECRETARY: The Assembly
4 returns Senate Bill Number 5425B, Assembly
5 Reprint Number 30000, with a message that it
6 has concurred in the passage of the same.

7 Senator Padavan moved that the
8 Senate concur in said amendments.

9 ACTING PRESIDENT GRIFFO: Without
10 objection, the amendments are concurred, and
11 the bill is before the house.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 1715, by Senator Padavan, Senate Print 5425B,
15 Assembly Reprint 30000, an act to amend the
16 Tax Law.

17 ACTING PRESIDENT GRIFFO: Read
18 the last section.

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

21 ACTING PRESIDENT GRIFFO: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 46.

25 ACTING PRESIDENT GRIFFO: The

1 bill is passed.

2 Messages from the Governor.

3 Reports of standing committees.

4 Reports of select committees.

5 Communications and reports from
6 state officers.

7 Motions and resolutions.

8 Senator Skelos.

9 SENATOR SKELOS: Mr. President,
10 if we could adopt the Resolution Calendar at
11 this time.

12 ACTING PRESIDENT GRIFFO: All in
13 favor of adopting the Resolution Calendar
14 signify by saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT GRIFFO:
17 Opposed, nay.

18 (No response.)

19 ACTING PRESIDENT GRIFFO: The
20 Resolution Calendar is adopted.

21 Senator Skelos.

22 SENATOR SKELOS: There will be an
23 immediate meeting of the Rules Committee in
24 Room 124 of the Capitol.

25 ACTING PRESIDENT GRIFFO: There

1 will be an immediate meeting of the Rules
2 Committee in Room 124 of the Capitol.

3 SENATOR SKELOS: And if we could
4 stand at ease.

5 ACTING PRESIDENT GRIFFO: The
6 Senate stands at ease.

7 (Whereupon, the Senate stood at
8 ease at 10:16 a.m.)

9 (Whereupon, the Senate reconvened
10 at 10:34 a.m.)

11 ACTING PRESIDENT GRIFFO: The
12 Senate will come to order.

13 Senator Skelos.

14 SENATOR SKELOS: If we could
15 return to reports of standing committees for
16 the report of the Rules Committee.

17 ACTING PRESIDENT GRIFFO: Reports
18 of standing committees.

19 The Secretary will read.

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

23 Senate Print 2007, by Senator
24 Volker, an act to amend the Public Service
25 Law;

1 2277, by Senator Klein, an act to
2 amend the Penal Law;

3 3208A, by Senator LaValle, an act
4 to amend the General Municipal Law;

5 3528A, by Senator Padavan, an act
6 to amend the Public Health Law;

7 4579A, by Senator Maltese, an act
8 to amend the Vehicle and Traffic Law;

9 4813, by Senator Nozzolio, an act
10 to amend the Energy Law;

11 4956A, by Senator Volker, an act to
12 amend the Executive Law;

13 5562B, by Senator Volker, an act to
14 amend the Education Law;

15 6055A, by Senator Marcellino, an
16 act to amend the Environmental Conservation
17 Law;

18 6101B, by Senator Griffo, an act to
19 amend the Alcoholic Beverage Control Law;

20 6172A, by the Senate Committee on
21 Rules, an act in relation to authorizing;

22 6210A, by Senator Hannon, an act to
23 amend the Public Health Law;

24 6260, by Senator Libous, an act to
25 amend the Executive Law;

1 6668A, by Senator DeFrancisco, an
2 act to amend the Environmental Conservation
3 Law;

4 6682A, by Senator Young, an act to
5 amend the Environmental Conservation Law;

6 6754B, by Senator Lanza, an act to
7 amend the Judiciary Law;

8 6780B, by Senator Robach, an act to
9 amend the Civil Service Law;

10 7112A, by Senator Valesky, an act
11 to amend the Environmental Conservation Law;

12 7306, by Senator Morahan, an act to
13 amend the Public Health Law;

14 7454, by Senator Volker, an act to
15 amend the Environmental Conservation Law;

16 7455A, by Senator Flanagan, an act
17 to amend the Public Authorities Law;

18 7460, by Senator Nozzolio, an act
19 to amend the Executive Law;

20 7561A, by Senator Seward, an act to
21 amend the Insurance Law;

22 7600, by Senator Bonacic, an act to
23 amend the Executive Law;

24 7665, by Senator Young, an act to
25 authorize;

1 7760, by Senator Farley, an act to
2 amend the Education Law;

3 7908C, by Senator Young, an act to
4 amend the Agriculture and Markets Law;

5 7936A, by Senator Padavan, an act
6 to amend the Education Law;

7 8014, by Senator Lanza, an act to
8 amend the Administrative Code of the City of
9 New York;

10 8125D, by Senator LaValle, an act
11 to amend Chapter 61 of the Laws of 2006;

12 8199A, by the Senate Committee on
13 Rules, an act to amend the General Municipal
14 Law;

15 8251, by Senator Marcellino, an act
16 to amend the Environmental Conservation Law;

17 8269A, by Senator Hannon, an act to
18 legalize, validate, ratify and confirm;

19 8285A, by Senator O. Johnson, an
20 act to amend the State Finance Law;

21 8383, by Senator Little, an act to
22 amend the General Municipal Law;

23 8429, by Senator Morahan, an act to
24 amend the Retirement and Social Security Law;

25 8502, by Senator LaValle, an act

1 authorizing;

2 8512, by Senator Larkin, an act to
3 authorize;

4 8532, by Senator Bruno, an act to
5 amend the Environmental Conservation Law;

6 8548, by Senator Lanza, an act to
7 amend the Real Property Tax Law;

8 8551A, by the Senate Committee on
9 Rules, an act to amend the Mental Hygiene Law;

10 8591, by Senator LaValle, an act to
11 amend Chapter 112 of the Laws of 2007;

12 8593B, by the Senate Committee on
13 Rules, an act to amend the Insurance Law;

14 8612, by Senator Marcellino, an act
15 to amend the Environmental Conservation Law;

16 8615, by Senator Saland, an act to
17 amend the Penal Law;

18 8634, by Senator Libous, an act to
19 amend the Environmental Conservation Law;

20 8658A, by Senator Little,
21 Concurrent Resolution of the Senate and
22 Assembly;

23 8661, by Senator DeFrancisco, an
24 act to amend the Civil Practice Law and Rules;

25 8665, by Senator Winner, an act to

1 amend the Family Court Act and others.

2 8666, by Senator Winner, an act in
3 relation to capital improvement projects;

4 8669, by Senator Farley, an act to
5 amend the Civil Service Law;

6 8671, by Senator Golden, an act to
7 amend the Education Law.

8 8675, by Senator Saland, an act to
9 create;

10 8678, by Senator Libous, an act to
11 amend the Vehicle and Traffic Law;

12 8689, by the Senate Committee on
13 Rules, an act to amend Chapter 53 of the Laws
14 of 2008;

15 8709, by the Senate Committee on
16 Rules, an act to amend the Racing, Pari-Mutuel
17 Wagering and Breeding Law and others;

18 8710, by Senator Morahan, an act to
19 amend the Mental Hygiene Law;

20 And Senate Print 5254, by Senator
21 Diaz, an act to amend the Elder Law.

22 All bills ordered direct to third
23 reading.

24 ACTING PRESIDENT GRIFFO: Senator
25 Skelos.

1 SENATOR SKELOS: Move to accept
2 the report of the Rules Committee.

3 ACTING PRESIDENT GRIFFO: All in
4 favor of accepting the Rules Committee report
5 signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT GRIFFO:
8 Opposed, nay.

9 (No response.)

10 ACTING PRESIDENT GRIFFO: The
11 Rules Committee report is accepted.

12 Senator Skelos.

13 SENATOR SKELOS: Mr. President,
14 if we could take up Senate Supplemental
15 Calendar 64A, noncontroversial.

16 ACTING PRESIDENT GRIFFO: The
17 Secretary will read Senate Supplemental
18 Calendar 64A.

19 THE SECRETARY: In relation to
20 Calendar Number 2109, Senator Volker moves to
21 discharge, from the Committee on Energy and
22 Telecommunications, Assembly Bill Number 606
23 and substitute it for the identical Senate
24 Bill Number 2007, Third Reading Calendar 2109.

25 ACTING PRESIDENT GRIFFO:

1 Substitution ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 2109, by Member of the Assembly Cahill,
5 Assembly Print Number 606, an act to amend the
6 Public Service Law.

7 ACTING PRESIDENT GRIFFO: Read
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 2110, by Senator Klein, Senate Print 2277, an
19 act to amend the Penal Law.

20 ACTING PRESIDENT GRIFFO: Read
21 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT GRIFFO: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 2111, by Senator LaValle, Senate Print 3208A,
8 an act to amend the Executive Law.

9 ACTING PRESIDENT GRIFFO: Read
10 the last 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 THE SECRETARY: Ayes, 60. Nays,
17 1. Senator Perkins recorded in the negative.

18 ACTING PRESIDENT GRIFFO: The
19 bill is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 2112, Senator Padavan moves to
22 discharge, from the Committee on Rules,
23 Assembly Bill Number 7402B and substitute it
24 for the identical Senate Bill Number 3528A,
25 Third Reading Calendar 2112.

1 ACTING PRESIDENT GRIFFO:

2 Substitution ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 2112, by Member of the Assembly Rosenthal,
6 Assembly Print Number 7402B, an act to amend
7 the Public Health Law.

8 ACTING PRESIDENT GRIFFO: Read
9 the last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect six months after it
12 shall have become a law.

13 ACTING PRESIDENT GRIFFO: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT GRIFFO: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 2113, by Senator Maltese, Senate Print 4579A,
21 an act to amend the Vehicle and Traffic Law.

22 ACTING PRESIDENT GRIFFO: Read
23 the last section.

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

1 ACTING PRESIDENT GRIFFO: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT GRIFFO: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 2114, by Senator Nozzolio, Senate Print 4813,
9 an act to amend the Energy Law.

10 ACTING PRESIDENT GRIFFO: Read
11 the last section.

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

14 ACTING PRESIDENT GRIFFO: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT GRIFFO: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 2115, by Senator Volker, Senate Print 4956A,
22 an act to amend the Executive Law.

23 ACTING PRESIDENT GRIFFO: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 59. Nays,
6 2. Senators DeFrancisco and Saland recorded
7 in the negative.

8 ACTING PRESIDENT GRIFFO: The
9 bill is passed.

10 THE SECRETARY: In relation to
11 Calendar Number 2116, Senator Volker moves to
12 discharge, from the Committee on Rules,
13 Assembly Bill Number 7934B and substitute it
14 for the identical Senate Bill Number 5562B,
15 Third Reading Calendar 2116.

16 ACTING PRESIDENT GRIFFO:
17 Substitution ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 2116, by Member of the Assembly Hoyt, Assembly
21 Print Number 7934B, an act to amend the
22 Education Law.

23 ACTING PRESIDENT GRIFFO: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT GRIFFO: The
7 bill is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 2117, Senator Marcellino moves
10 to discharge, from the Committee on Rules,
11 Assembly Bill Number 9019A and substitute it
12 for the identical Senate Bill Number 6055A,
13 Third Reading Calendar 2117.

14 ACTING PRESIDENT GRIFFO:
15 Substitution ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 2117, by Member of the Assembly Sweeney,
19 Assembly Print Number 9019A, an act to amend
20 the Environmental Conservation Law.

21 ACTING PRESIDENT GRIFFO: Read
22 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 60. Nays,
4 1. Senator Little recorded in the negative.

5 ACTING PRESIDENT GRIFFO: The
6 bill is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 2118, Senator Griffo moves to
9 discharge, from the Committee on Rules,
10 Assembly Bill Number 9055B and substitute it
11 for the identical Senate Bill Number 6101B,
12 Third Reading Calendar 2118.

13 ACTING PRESIDENT GRIFFO:
14 Substitution ordered.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 2118, by Member of the Assembly Destito,
18 Assembly Print Number 9055B, an act to amend
19 the Alcoholic Beverage Control Law.

20 ACTING PRESIDENT GRIFFO: Read
21 the last section.

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

24 ACTING PRESIDENT GRIFFO: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT GRIFFO: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 2119, by the Senate Committee on Rules, Senate
7 Print 6172A, an act in relation to authorizing
8 the City of Elmira, County of Chemung.

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

11 The Secretary will read the last
12 section.

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

15 ACTING PRESIDENT GRIFFO: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT GRIFFO: The
20 bill is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 2120, Senator Hannon moves to
23 discharge, from the Committee on Rules,
24 Assembly Bill Number 8730C and substitute it
25 for the identical Senate Bill Number 6210A,

1 Third Reading Calendar 2120.

2 ACTING PRESIDENT GRIFFO:

3 Substitution ordered.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number

6 2120, by --

7 SENATOR DUANE: Lay it aside,

8 please.

9 ACTING PRESIDENT GRIFFO: Lay it
10 aside.

11 THE SECRETARY: Calendar Number
12 2121, by Senator Libous, Senate Print 6260, an
13 act to amend the Executive Law and the
14 Workers' Compensation Law.

15 SENATOR DUANE: Lay it aside,
16 please.

17 ACTING PRESIDENT GRIFFO: Lay it
18 aside.

19 THE SECRETARY: In relation to
20 Calendar Number 2122, Senator DeFrancisco
21 moves to discharge, from the Committee on
22 Rules, Assembly Bill Number 9667A and
23 substitute it for the identical Senate Bill
24 Number 6668A, Third Reading Calendar 2122.

25 ACTING PRESIDENT GRIFFO:

1 Substitution ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 2122, by Member of the Assembly Magnarelli,
5 Assembly Print Number 9667A, an act to amend
6 the Environmental Conservation Law.

7 ACTING PRESIDENT GRIFFO: Read
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 2123, by Senator Young, Senate Print 6682A, an
19 act to amend the Environmental Conservation
20 Law.

21 ACTING PRESIDENT GRIFFO: The
22 Secretary will 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 THE SECRETARY: Those recorded in
4 the negative on Calendar Number 2123 are
5 Senators Duane, Perkins and Serrano.

6 Ayes, 58. Nays, 3.

7 ACTING PRESIDENT GRIFFO: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 2124, by Senator Lanza, Senate Print 6754B, an
11 act to amend the Judiciary Law.

12 ACTING PRESIDENT GRIFFO: Read
13 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 2125, by Senator Robach, Senate Print 6780B,
24 an act to amend the Civil Service Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The
9 bill is passed.

10 THE SECRETARY: In relation to
11 Calendar Number 2126, Senator Valesky moves to
12 discharge, from the Committee on Rules,
13 Assembly Bill Number 10163A and substitute it
14 for the identical Senate Bill Number 7112A,
15 Third Reading Calendar 2126.

16 ACTING PRESIDENT GRIFFO:
17 Substitution ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 2126, by Member of the Assembly Magee,
21 Assembly Print Number 10163A, an act to amend
22 the Environmental Conservation Law.

23 ACTING PRESIDENT GRIFFO: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Those recorded in
6 the negative on Calendar Number 2126 are
7 Senators Duane, Perkins and Serrano.

8 Ayes, 58. Nays, 3.

9 ACTING PRESIDENT GRIFFO: The
10 bill is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 2127, Senator Morahan moves to
13 discharge, from the Committee on Health,
14 Assembly Bill Number 9915A and substitute it
15 for the identical Senate Bill Number 7306,
16 Third Reading Calendar 2127.

17 ACTING PRESIDENT GRIFFO:
18 Substitution ordered.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 2127, by Member of the Assembly Jaffee,
22 Assembly Print Number 9915A, an act to amend
23 the Public Health Law and the Executive Law.

24 ACTING PRESIDENT GRIFFO: Read
25 the last section.

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

3 ACTING PRESIDENT GRIFFO: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT GRIFFO: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 2128, by Senator Volker, Senate Print 7454, an
11 act to amend the Environmental Conservation
12 Law.

13 ACTING PRESIDENT GRIFFO: Read
14 the last section.

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

17 ACTING PRESIDENT GRIFFO: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT GRIFFO: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 2129, by Senator Flanagan, Senate Print 7455A,
25 an act to amend the Public Authorities Law.

1 ACTING PRESIDENT GRIFFO: Read
2 the last section.

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

5 ACTING PRESIDENT GRIFFO: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT GRIFFO: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 2130, by Senator Alesi, Senate Print 7560A, an
13 act to amend the Environmental Conservation
14 Law.

15 ACTING PRESIDENT GRIFFO: Read
16 the last section.

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

19 ACTING PRESIDENT GRIFFO: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT GRIFFO: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 2131, by Senator Seward, Senate Print 7561A,
2 an act to amend the Insurance Law.

3 ACTING PRESIDENT GRIFFO: Read
4 the last section.

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

7 ACTING PRESIDENT GRIFFO: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT GRIFFO: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 2132, by Senator Bonacic, Senate Print 7600,
15 an act to amend the Executive Law.

16 ACTING PRESIDENT GRIFFO: Read
17 the last section.

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

20 ACTING PRESIDENT GRIFFO: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 61.

24 ACTING PRESIDENT GRIFFO: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 2133, by Senator Young, Senate Print 7665, an
3 act to authorize the Town of Portville.

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

6 The Secretary will read the last
7 section.

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

10 ACTING PRESIDENT GRIFFO: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT GRIFFO: The
15 bill is passed.

16 THE SECRETARY: In relation to
17 Calendar Number 2134, Senator Farley moves to
18 discharge, from the Committee on Rules,
19 Assembly Bill Number 11398 and substitute it
20 for the identical Senate Bill Number 7760,
21 Third Reading Calendar 2134.

22 ACTING PRESIDENT GRIFFO:
23 Substitution ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 2134, by Member of the Assembly McEneny,
2 Assembly Print Number 11398, an act to amend
3 the Education Law.

4 ACTING PRESIDENT GRIFFO: Read
5 the last section.

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

8 ACTING PRESIDENT GRIFFO: Call
9 the roll call.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT GRIFFO: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 2135, by Senator Young, Senate Print 7908C, an
16 act to amend the Agriculture and Markets Law.

17 ACTING PRESIDENT GRIFFO: Read
18 the last section.

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

21 ACTING PRESIDENT GRIFFO: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT GRIFFO: The

1 bill is passed.

2 THE SECRETARY: In relation to
3 Calendar Number 2136, Senator Padavan moves to
4 discharge, from the Committee on Rules,
5 Assembly Bill Number 10985A and substitute it
6 for the identical Senate Bill Number 7936A,
7 Third Reading Calendar 2136.

8 ACTING PRESIDENT GRIFFO:
9 Substitution ordered.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 2136, by Member of the Assembly Canestrari,
13 Assembly Print Number 10985A, an act to amend
14 the Education Law.

15 ACTING PRESIDENT GRIFFO: Read
16 the last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect September 1, 2009.

19 ACTING PRESIDENT GRIFFO: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT GRIFFO: The
24 bill is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 2137, Senator Lanza moves to
2 discharge, from the Committee on Rules,
3 Assembly Bill Number 10107 and substitute it
4 for the identical Senate Bill Number 8014,
5 Third Reading Calendar 2137.

6 ACTING PRESIDENT GRIFFO:
7 Substitution ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 2137, by Member of the Assembly Abbate,
11 Assembly Print Number 10107, an act to amend
12 the Administrative Code of the City of
13 New York.

14 ACTING PRESIDENT GRIFFO: Read
15 the last section.

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

18 ACTING PRESIDENT GRIFFO: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 61.

22 ACTING PRESIDENT GRIFFO: The
23 bill is passed.

24 THE SECRETARY: In relation to
25 Calendar Number 2138, Senator LaValle moves to

1 discharge, from the Committee on Rules,
2 Assembly Bill Number 11665B and substitute it
3 for the identical Senate Bill Number 8125D,
4 Third Reading Calendar 2138.

5 ACTING PRESIDENT GRIFFO:
6 Substitution ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 2138, by the Assembly Committee on Rules,
10 Assembly Print Number 11665B, an act to amend
11 Chapter 61 of the Laws of 2006.

12 ACTING PRESIDENT GRIFFO: Read
13 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 THE SECRETARY: In relation to
23 Calendar Number 2139, Senator Bruno moves to
24 discharge, from the Committee on Rules,
25 Assembly Bill Number 11110A, and substitute it

1 for the identical Senate Bill Number 8199A,
2 Third Reading Calendar 2139.

3 ACTING PRESIDENT GRIFFO:
4 Substitution ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 2139, by Member of the Assembly Abbate,
8 Assembly Print Number 11110A, an act to amend
9 the General Municipal Law.

10 ACTING PRESIDENT GRIFFO: Read
11 the last section.

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

14 ACTING PRESIDENT GRIFFO: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT GRIFFO: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 2140, by Senator Marcellino, Senate Print
22 8251, an act to amend the Environmental
23 Conservation Law.

24 ACTING PRESIDENT GRIFFO: Read
25 the last section.

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

3 ACTING PRESIDENT GRIFFO: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT GRIFFO: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 2141, by Senator Hannon, Senate Print 8269A,
11 an act to legalize, validate, ratify and
12 confirm certain transportation contracts.

13 ACTING PRESIDENT GRIFFO: Read
14 the last section.

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

17 ACTING PRESIDENT GRIFFO: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT GRIFFO: The
22 bill is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 2142, Senator O. Johnson moves
25 to discharge, from the Committee on Rules,

1 Assembly Bill Number 11137A and substitute it
2 for the identical Senate Bill Number 8285A,
3 Third Reading Calendar 2142.

4 ACTING PRESIDENT GRIFFO:
5 Substitution ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 2142, by --

9 SENATOR DUANE: Lay it aside,
10 please.

11 ACTING PRESIDENT GRIFFO: Lay it
12 aside.

13 THE SECRETARY: Calendar Number
14 2143, by Senator Little --

15 SENATOR LITTLE: Lay it aside for
16 the day.

17 SENATOR LIBOUS: Lay it aside for
18 the day.

19 ACTING PRESIDENT GRIFFO: Lay it
20 aside for the day.

21 THE SECRETARY: Calendar Number
22 2144, by Senator Morahan, Senate Print 8429,
23 an act to amend the Retirement and Social
24 Security Law.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 2145, by Senator LaValle, Senate Print 8502,
12 an act authorizing the Town of East Hampton,
13 in the County of Suffolk.

14 ACTING PRESIDENT GRIFFO: 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 immediately.

19 ACTING PRESIDENT GRIFFO: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT GRIFFO: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 2146, by Senator Larkin, Senate Print 8512, an
2 act to authorize Francis Dart, a retired
3 member of the New York State and Local Police
4 and Fire Retirement System.

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

7 The Secretary will read the last
8 section.

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

11 ACTING PRESIDENT GRIFFO: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 2147, by Senator Bruno, Senate Print 8532, an
19 act to amend the Environmental Conservation
20 Law.

21 ACTING PRESIDENT GRIFFO: Read
22 the last section.

23 THE SECRETARY: Section 9. This
24 act shall take effect upon receipt by the
25 Commissioner of Environmental Conservation.

1 ACTING PRESIDENT GRIFFO: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT GRIFFO: The
6 bill is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 2148, Senator Lanza moves to
9 discharge, from the Committee on Rules,
10 Assembly Bill Number 11621 and substitute it
11 for the identical Senate Bill Number 8548,
12 Third Reading Calendar 2148.

13 ACTING PRESIDENT GRIFFO:
14 Substitution ordered.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 2148, by the Assembly Committee on Rules,
18 Assembly Print Number 11621, an act to amend
19 the Real Property Tax Law.

20 ACTING PRESIDENT GRIFFO: Read
21 the last section.

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

24 ACTING PRESIDENT GRIFFO: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT GRIFFO: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 2149, by the Senate Committee on Rules, Senate
7 Print Number 8551A, an act to amend the Mental
8 Hygiene Law.

9 ACTING PRESIDENT GRIFFO: Read
10 the last section.

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

13 ACTING PRESIDENT GRIFFO: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT GRIFFO: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 2150, by Senator LaValle, Senate Print 8591,
21 an act to amend Chapter 112 of the Laws of
22 2007 authorizing the Commissioner of
23 Environmental Conservation.

24 ACTING PRESIDENT GRIFFO: Read
25 the last section.

1 THE SECRETARY: Section 2. This
2 act shall take effect on the same date and in
3 the same manner as Chapter 112 of the Laws of
4 2007.

5 ACTING PRESIDENT GRIFFO: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT GRIFFO: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 2151, by the Senate Committee on Rules, Senate
13 Print Number 8593B, an act to amend the
14 Insurance Law.

15 ACTING PRESIDENT GRIFFO: Read
16 the last section.

17 THE SECRETARY: Section 21. This
18 act shall take effect on the 180th day.

19 ACTING PRESIDENT GRIFFO: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Senator
23 DeFrancisco.

24 SENATOR DeFRANCISCO: Yes, this
25 bill has been a long time in coming. There

1 were various stakeholders that had interest in
2 how this bill was crafted for viatical
3 settlements. And I just -- I had a bill
4 originally. Senator Seward had one as well.
5 There were competing bills, there were new
6 bills, and there were other bills.

7 I just want to thank Damon Stewart,
8 who stuck with it all the way through this
9 process and was able to get the parties
10 together this year and pass a bill that is a
11 good bill, that doesn't completely satisfy
12 everyone, but does what has to be done in the
13 regulation of this industry and allowing this
14 type of vehicle to be used by our citizens.

15 Thank you.

16 ACTING PRESIDENT GRIFFO: Thank
17 you, Senator DeFrancisco.

18 Senator Seward.

19 SENATOR SEWARD: Yes, Mr.
20 President, I'm very pleased to stand in
21 support of this legislation, which at long
22 last, as Senator DeFrancisco mentioned, at
23 long last does bring some regulation to the
24 life settlements industry in New York State.

25 And while life settlements are an

1 important option for consumers who may not
2 need their life insurance policies anymore, it
3 is very important -- particularly for senior
4 citizens, who are often those who settle
5 policies -- very important that we enact these
6 consumer protections.

7 This legislation deals with the
8 licensing of life settlement brokers, privacy
9 protections, specifically prohibits
10 manufactured policies and stranger-owned life
11 insurance. It includes fraud prevention, a
12 whole host of consumer protections, and at the
13 same time is fair to both the life insurance
14 companies, many of whom are domiciled here in
15 New York State, and the life settlement
16 brokers and companies.

17 So I'm very pleased that at long
18 last we've come to a conclusion on this
19 legislation. I appreciate Senator
20 DeFrancisco's interest over the years; I know
21 Senator Breslin has been involved.

22 We went through a process at NCOIL,
23 the National Conference of Insurance
24 Legislators. This bill is basically the NCOIL
25 model tailored to New York law.

1 I want to join Senator DeFrancisco
2 in complimenting Damon Stewart and my staff
3 for working so hard on this legislation.

4 Mr. President, I vote aye.

5 ACTING PRESIDENT GRIFFO: Senator
6 Seward and Senator DeFrancisco to be recorded
7 in the affirmative.

8 Announce the results.

9 THE SECRETARY: Ayes, 61. Nays,
10 0.

11 ACTING PRESIDENT GRIFFO: The
12 bill is passed.

13 THE SECRETARY: In relation to
14 Calendar Number 2152, Senator Marcellino moves
15 to discharge, from the Committee on Rules,
16 Assembly Bill Number 7335A and substitute it
17 for the identical Senate Bill Number 8612,
18 Third Reading Calendar 2152.

19 ACTING PRESIDENT GRIFFO:
20 Substitution ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 2152, by Member of the Assembly Hoyt, Assembly
24 Print Number 7335A, an act to amend the
25 Environmental Conservation Law.

1 ACTING PRESIDENT GRIFFO: Read
2 the last section.

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

5 ACTING PRESIDENT GRIFFO: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT GRIFFO: Senator
9 Montgomery, to explain her vote.

10 SENATOR MONTGOMERY: Yes, Mr.
11 President, I rise to thank Senator Marcellino.

12 I think this is a very good bill.
13 It's certainly applicable to many of our
14 areas, including municipalities of over a
15 million.

16 I think that he is absolutely
17 correct in his directive to really encourage
18 smart growth principles that include
19 accounting for and minimizing direct and
20 indirect public costs of new developments, and
21 also ensuring that in cases where we have
22 development proceeding, that there is
23 involvement by the local communities and
24 municipalities so that we can enforce, in
25 fact, the smart growth principles to which I

1 think we all aspire.

2 So I thank Senator Marcellino.

3 This is a very good bill. And I am voting
4 yes.

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

7 The Secretary will announce the
8 results.

9 THE SECRETARY: Ayes, 61. Nays,
10 0.

11 ACTING PRESIDENT GRIFFO: The
12 bill is passed.

13 THE SECRETARY: In relation to
14 Calendar Number 2153, Senator Saland moves to
15 discharge, from the Committee on Rules,
16 Assembly Bill Number 5188A and substitute it
17 for the identical Senate Bill Number 8615,
18 Third Reading Calendar 2153.

19 ACTING PRESIDENT GRIFFO:
20 Substitution ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 2153, by Member of the Assembly Bradley,
24 Assembly Print Number 5188A, an act to amend
25 the Penal Law.

1 ACTING PRESIDENT GRIFFO: Read
2 the last section.

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

5 ACTING PRESIDENT GRIFFO: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT GRIFFO: Senator
9 Adams.

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

12 I just wanted to rise to just
13 commend Senator Saland on this bill. I think
14 we need to remain vigilant, and any time we
15 investigate reports of child abuse -- and I
16 think all of our agencies throughout this
17 state should play an active role to make sure
18 those cases are investigated to their fullest.

19 And at the same time, our level of
20 vigilance should remain for those who make
21 false reports. When an agency has to come
22 into a family and conduct an investigation, it
23 can tear a family apart when a child has to be
24 removed from the household. This should not
25 be used as a tool of vengeance or a tool of

1 going after a particular spouse or a loved
2 one.

3 And so I believe that we failed in
4 the past to address this issue, and this bill
5 is closing that loophole to send a very loud
6 and clear message that we will not use
7 government to make false accusations.

8 I am voting in the affirmative on
9 this bill.

10 ACTING PRESIDENT GRIFFO: Senator
11 Adams to be recorded in the affirmative.

12 Announce the results.

13 THE SECRETARY: Ayes, 61. Nays,
14 0.

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 THE SECRETARY: In relation to
18 Calendar Number 2154, Senator Libous moves to
19 discharge, from the Committee on Rules,
20 Assembly Bill Number 10952B and substitute it
21 for the identical Senate Bill Number 8634,
22 Third Reading Calendar 2154.

23 ACTING PRESIDENT GRIFFO:
24 Substitution ordered.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 2154, by Member of the Assembly Lupardo,
3 Assembly Print Number 10952B, an act to amend
4 the Environmental Conservation Law.

5 ACTING PRESIDENT GRIFFO: Read
6 the last section.

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

9 ACTING PRESIDENT GRIFFO: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT GRIFFO: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 2155, by Senator Little, Senate Print 8658A,
17 Concurrent Resolution of the Senate and
18 Assembly proposing an amendment to Section 1
19 of Article 14 of the Constitution.

20 ACTING PRESIDENT GRIFFO: The
21 Secretary will call the roll on the
22 resolution.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT GRIFFO: Senator
25 Little.

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

3 This resolution represents the
4 first passage of a constitutional amendment
5 which will resolve a 100-year-old land dispute
6 with contested property in the Adirondack
7 Park. That property is known as Township 40,
8 located in the Town of Long Lake, in Hamilton
9 County, and it is a property where the State
10 of New York and private individuals have
11 claimed ownership to this roughly 1200 acres
12 of land.

13 This resolution is the result of
14 three years of work, and work between the
15 Assembly staff, the Governor's staff, and
16 certainly my staff. And it is being witnessed
17 today by a woman who brought this to our
18 attention three or four years ago, Carolyn
19 Gerdin, who is in the balcony and has
20 spearheaded this proposal.

21 This is very important. The Town
22 of Long Lake will be purchasing a similar
23 tract of land to replace this land in the
24 Forest Preserve, and there are many residents
25 who will finally have a resolution and clear

1 title to their land within the Adirondack
2 Park.

3 So I thank everyone for their
4 support of this resolution, and I thank
5 Carolyn for her efforts in this. Thank you.

6 ACTING PRESIDENT GRIFFO:
7 Announce the results.

8 THE SECRETARY: Ayes, 61. Nays,
9 0.

10 ACTING PRESIDENT GRIFFO: The
11 resolution is adopted.

12 THE SECRETARY: In relation to
13 Calendar Number 2156, Senator DeFrancisco
14 moves to discharge, from the Committee on
15 Rules, Assembly Bill Number 11715 and
16 substitute it for the identical Senate Bill
17 Number 8661, Third Reading Calendar 2156.

18 ACTING PRESIDENT GRIFFO:
19 Substitution ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 2156, by the Assembly Committee on Rules
23 Assembly Print Number 11715, an act to amend
24 the Civil Practice Law and Rules and the
25 Judiciary Law.

1 ACTING PRESIDENT GRIFFO: Read
2 the last section.

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

5 ACTING PRESIDENT GRIFFO: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT GRIFFO: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 2157, by Senator Winner, Senate Print 8665, an
13 act to amend the Family Court Act and others.

14 ACTING PRESIDENT GRIFFO: Read
15 the last section.

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

18 ACTING PRESIDENT GRIFFO: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT GRIFFO: Senator
22 Winner.

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

25 This bill is a significant step

1 forward for the State of New York. It
2 represents an agreement with the Assembly and
3 the Governor's office to expand the
4 opportunities and the availabilities of civil
5 orders of protection in Family Court for
6 persons who had heretofore been unable to
7 afford themselves of that protection.

8 This should go a long way to
9 improving the protection of individuals who
10 are subject to incidents of domestic violence.

11 And I'm pleased that this measure
12 is finally receiving passage here in this
13 house. This has been a lot of work for a long
14 time, and a lot of people deserve a great deal
15 of credit for moving this matter forward.

16 And we're hopeful that this matter
17 will protect a large number of individuals who
18 have otherwise not been able to avail
19 themselves of the services of the Family
20 Court. And so, Mr. President, I
21 enthusiastically vote in the affirmative.

22 ACTING PRESIDENT GRIFFO: Senator
23 Winner to be recorded in the affirmative.

24 Senator Hassell-Thompson, to
25 explain her vote.

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

3 I wish to congratulate Senator
4 Winner on his bringing this bill to the floor.
5 Historically, for the last 20 years, it has
6 been very difficult to get this bill moved.

7 I know that Assemblywoman Weinstein
8 is celebrating today, because she has been
9 very steadfast in her desire to ensure that we
10 bring justice. It's a domestic violence issue
11 for which she has labored long.

12 So you are to be congratulated,
13 Senator Winner, for working out whatever the
14 difficulties were and bringing this bill to
15 the floor today, and I affirmatively will be
16 voting with you and hope that all of my
17 colleagues will see fit to do as well.

18 Thank you.

19 ACTING PRESIDENT GRIFFO: Senator
20 Hassell-Thompson to be recorded in the
21 affirmative.

22 Senator Duane, to explain his vote.

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

25 I too want to congratulate and

1 thank the sponsor of this legislation. It's
2 just a terrific bill and one whose time has
3 definitely and absolutely come. It's a great
4 bill.

5 And thank you very much. I'll be
6 voting in the affirmative.

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

9 Announce the results.

10 THE SECRETARY: Ayes, 61. Nays,
11 0.

12 ACTING PRESIDENT GRIFFO: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 2158, by Senator Winner, Senate Print 8666, an
16 act in relation to capital improvement
17 projects.

18 ACTING PRESIDENT GRIFFO: Read
19 the last section.

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

22 ACTING PRESIDENT GRIFFO: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 61.

1 ACTING PRESIDENT GRIFFO: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 2159, by Senator Farley, Senate Print 8669, an
5 act to amend the Civil Service Law and the
6 Public Authorities Law.

7 ACTING PRESIDENT GRIFFO: Read
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 2160, by Senator Golden, Senate Print 8671, an
19 act to amend the Education Law.

20 ACTING PRESIDENT GRIFFO: Read
21 the last section.

22 THE SECRETARY: Section 3. This
23 act shall --

24 SENATOR DUANE: Lay it aside,
25 please.

1 ACTING PRESIDENT GRIFFO: Lay it
2 aside.

3 THE SECRETARY: Calendar Number
4 2161, by Senator Saland, Senate Print 8675, an
5 act to create a temporary state commission.

6 ACTING PRESIDENT GRIFFO: May we
7 have order, please, in the chamber.

8 Read the last section.

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

11 ACTING PRESIDENT GRIFFO: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 2162, by Senator Libous, Senate Print 8678, an
19 act to amend the Vehicle and Traffic Law.

20 ACTING PRESIDENT GRIFFO: Read
21 the last section.

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

24 ACTING PRESIDENT GRIFFO: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT GRIFFO: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 2163, by the Senate Committee on Rules, Senate
7 Print 8689, an act to amend Chapter 53 of the
8 Laws of 2008, enacting the Education, Labor
9 and Family Assistance Budget.

10 ACTING PRESIDENT GRIFFO: Read
11 the last section.

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

14 ACTING PRESIDENT GRIFFO: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT GRIFFO: The
19 bill is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 2166, Senator Diaz moves to
22 discharge, from the Committee on Rules,
23 Assembly Print Number 1170 and substitute it
24 for the identical Senate Bill Number 5254,
25 Third Reading Calendar 2166.

1 ACTING PRESIDENT GRIFFO:

2 Substitution so ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 2166, by Member of the Assembly Gunther,
6 Assembly Print Number 1170, an act to amend
7 the Elder Law.

8 ACTING PRESIDENT GRIFFO: Read
9 the last section.

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

12 ACTING PRESIDENT GRIFFO: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT GRIFFO: The
17 bill is passed.

18 Senator LaValle, that completes the
19 noncontroversial reading of Senate
20 Supplemental Calendar 64A.

21 SENATOR LaVALLE: Mr. President,
22 with the consent of the Minority, I'd like to
23 go to Calendar Number 2120 and take it up,
24 noncontroversial.

25 ACTING PRESIDENT GRIFFO: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number
3 2120, substituted earlier today by Member of
4 the Assembly Schimel, Assembly Print Number
5 8730C, an act to amend the Public Health Law.

6 ACTING PRESIDENT GRIFFO: Read
7 the last section.

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

10 ACTING PRESIDENT GRIFFO: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT GRIFFO: The
15 bill is passed.

16 Senator Libous.

17 SENATOR LIBOUS: Could we go to
18 the controversial reading of the calendar,
19 please.

20 ACTING PRESIDENT GRIFFO: We will
21 now proceed to the controversial calendar.
22 The Secretary will ring the bell.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 2121, by Senator Libous, Senate Print 6260, an

1 act to amend the Executive Law and the
2 Workers' Compensation Law.

3 SENATOR SCHNEIDERMAN:
4 Explanation.

5 ACTING PRESIDENT GRIFFO:
6 Explanation, Senator Libous.

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

9 This bill is basically a technical
10 amendment dealing with the black car
11 operators. And what it says is while they're
12 not on a job, they cannot file a workers' comp
13 claim. And that's pretty much it.

14 ACTING PRESIDENT GRIFFO: Thank
15 you, Senator Libous.

16 Senator Schneiderman.

17 SENATOR SCHNEIDERMAN: Thank you,
18 Mr. President. If the sponsor would yield for
19 a few brief questions.

20 SENATOR LIBOUS: I will.

21 ACTING PRESIDENT GRIFFO: Senator
22 Libous yields.

23 SENATOR SCHNEIDERMAN: Thank you.

24 Through you, Mr. President, this
25 bill, which you describe as a technical

1 correction, is in fact an effort to clarify
2 the law and overturn the Third Department's
3 decision in Aminov v. New York Black Car
4 Operators Injury Compensation Fund; is that
5 correct?

6 SENATOR LIBOUS: Yes.

7 SENATOR SCHNEIDERMAN: Thank you.
8 Thank the sponsor for his answer.

9 On the bill.

10 ACTING PRESIDENT GRIFFO: On the
11 bill, Senator Schneiderman.

12 SENATOR SCHNEIDERMAN: I think
13 that this is a bill that requires a little
14 more work before we can pass it.

15 The law in New York State currently
16 requires that a black car driver has to be on
17 duty if they are to collect from the Black Car
18 Operators Injury Compensation Fund. We've set
19 up this fund to deal with the fact that there
20 was not a lot of coverage for this very
21 rapidly growing area of employment.

22 The Aminov case, which this bill
23 seeks to reverse, was based on the fact that
24 there was a black car operator who logged in,
25 was on duty, available for assignments, was

1 driving into the city so that he could take an
2 assignment, had not yet received a call for a
3 specific assignment, and his car was slammed
4 into.

5 The owner said: Oh, well, because
6 he wasn't actually picking someone up or
7 discharging them, he shouldn't be eligible for
8 workers' compensation.

9 That was overturned, that assertion
10 was rejected by the courts. And in fact, the
11 Third Department in the Aminov case explicitly
12 stated that the position of the owner and the
13 position that would be established in law if
14 we vote for Senator Libous's bill is that if a
15 claimant has not received a specific
16 assignment from the dispatcher, he is not in
17 fact performing covered services.

18 Now, the problem with this is --
19 and I understand the concern that you want to
20 make sure that black car drivers are not out
21 freelancing or taking their friends to lunch.
22 But if a black car driver is waiting for a
23 call or in between pickups, filling up his car
24 with gas or otherwise engaged in the
25 performance of his duties, you can't deprive

1 that person of the ability to collect from a
2 workers' compensation fund.

3 This bill, which would in fact
4 reverse the Aminov case, which is very clear
5 and well-thought-out law, states that a
6 dispatch, which is the key term, only means
7 that you're in the course of picking up,
8 transporting, or discharging a passenger or
9 package.

10 Now, that means that anything in
11 between, particularly the people who -- you
12 know, we have a lot of black car drivers who
13 live in my district and work in my district --
14 if you're waiting for a call and someone plows
15 into you and cuts your head off, you're not
16 eligible. You know, I mean, this is really, I
17 think, something that has to be reworked.

18 It does provide that the board of
19 directors of the fund can establish other
20 regulations. But I don't think we can pass a
21 law that would immediately deprive thousands
22 of New Yorkers of the ability to seek
23 compensation when they're injured on the job.

24 There is no question that someone
25 who has dropped off a passenger and is

1 awaiting a call, is logged in, is in the
2 performance of their duties. This would take
3 away the rights of those people to
4 compensation.

5 I'd suggest to the sponsor, who I
6 know worked with great care on this, that
7 we -- let's just let this bill go, let's
8 rework it, let's do something that actually
9 narrows the definition to make it clear that
10 someone has to be on duty in the course of
11 accepting assignments or eligible for
12 assignments from the base -- not freelancing,
13 not cover people who are off on a frolic or
14 detour. The law is very well established in
15 this area.

16 But let's not do something that
17 unintentionally harms innocent people
18 performing their work. A lot of hardworking
19 New Yorkers drive in terrible traffic every
20 day to support their families. Let's not hurt
21 those working New Yorkers.

22 I would urge the sponsor to lay the
23 bill aside, but I would also urge anyone who
24 cares about working families in New York, who
25 cares about basic economic and social justice,

1 to vote against this bill.

2 Thank you, Mr. President.

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

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

7 Read the last section.

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

10 ACTING PRESIDENT GRIFFO: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT GRIFFO: Senator
14 Savino, to explain her vote.

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

17 In spite of what I think Senator
18 Libous's attempt was to pass a good bill, I'm
19 going to vote against this bill. I'm going to
20 echo the comments of Senator Schneiderman and,
21 finally, say that while this bill may appear
22 only to apply to a select --

23 ACTING PRESIDENT GRIFFO: May we
24 have order, please.

25 Senator Savino.

1 SENATOR SAVINO: While this bill
2 may appear only to apply to a select group of
3 workers in a select industry, it opens the
4 door for the possibility that we can begin to
5 look at workers' compensation coverage in a
6 very different way, beginning to narrow it
7 down to coverage for workers who only engage
8 in a specific task at a specific time, as
9 opposed to being ready and available to work
10 from the minute they clock in or sign in or
11 call in or whatever the requirement is.

12 So we need to be very careful about
13 this. I'm going to vote against this bill,
14 because I do believe it is a slippery slope as
15 to redefining workers' compensation coverage
16 for employees.

17 ACTING PRESIDENT GRIFFO: Senator
18 Savino will be recorded in the negative.

19 Announce the results.

20 THE SECRETARY: Those recorded in
21 the negative on Calendar Number 2121 are
22 Senators Adams, Connor, Diaz, Dilan, Duane,
23 Gonzalez, Hassell-Thompson, Huntley, Klein,
24 L. Krueger, C. Kruger, Montgomery,
25 Oppenheimer, Padavan, Parker, Perkins, Savino,

1 Schneiderman, Serrano, Stachowski and
2 Stewart-Cousins. Also Senator Breslin.

3 Absent from voting on Calendar
4 Number 2121: Senators Sampson and Thompson.

5 Ayes, 38. Nays, 22.

6 ACTING PRESIDENT GRIFFO: The
7 bill is passed.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 2142, substituted earlier today by Member of
11 the Assembly Farrell, Assembly Print Number
12 11137A, an act to amend the State Finance Law.

13 SENATOR DUANE: Explanation,
14 please.

15 ACTING PRESIDENT GRIFFO: Senator
16 Duane requests an explanation, Senator
17 Johnson.

18 Again, I'm going to ask for order
19 in the house so that the Senators may be
20 heard. Thank you.

21 Senator Johnson.

22 SENATOR OWEN JOHNSON: Well, this
23 is a bill recommended by the State
24 Comptroller, and it brings generally accepted
25 government accounting standards in to apply to

1 most of the regulations we have here. The
2 Government Accounting Standards Board is a
3 more modern way of accounting for your
4 finances.

5 As you know, the few changes in
6 here will not have any consequence to the
7 actual working of the funds, it just changes
8 the names on many of the accounts and things
9 of that nature.

10 So it's pretty simple. And anybody
11 have any questions?

12 ACTING PRESIDENT GRIFFO: Senator
13 Stachowski.

14 SENATOR STACHOWSKI: On the bill.

15 ACTING PRESIDENT GRIFFO: Senator
16 Stachowski, on the bill.

17 SENATOR STACHOWSKI: Thank you
18 for the explanation, Senator.

19 I believe this is a great bill that
20 finally brings the state in line with the new
21 accounting procedures that were developed in
22 Washington to recognize that retirement and
23 benefits have to be accounted for in your
24 every-year budget.

25 So this bill brings New York State

1 into line with those accounting principles and
2 makes some changes that the Comptroller
3 suggests and also eliminates some things that
4 the Comptroller currently does where, because
5 of the other changes, they'll no longer be
6 necessary.

7 So this bill was very important.
8 We have to come in line with this. And it's a
9 good step forward and brings us into the place
10 where we should be as far as general
11 accounting principles go.

12 Thank you. I vote aye.

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

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

17 Read the last section.

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

20 ACTING PRESIDENT GRIFFO: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 61. Nays,
24 0.

25 Absent from voting: Senator

1 Sampson.

2 ACTING PRESIDENT GRIFFO: The
3 bill is passed.

4 Senator Thompson.

5 SENATOR THOMPSON: Yes, Mr.
6 President. If I were here, I would have voted
7 against Senate Bill 2121.

8 And if the record could reflect
9 that, I would greatly appreciate it.

10 ACTING PRESIDENT GRIFFO: The
11 record shall so reflect, Senator Thompson.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 2160, by Senator Golden, Senate Print 8671, an
15 act to amend the Education Law.

16 SENATOR DUANE: Explanation,
17 please.

18 ACTING PRESIDENT GRIFFO: An
19 explanation is requested by Senator Duane,
20 Senator Golden.

21 Can I have order, please.

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

24 This is a pupil safety bill that's
25 been worked out with the Assembly and with the

1 Senate to provide public safety for children
2 between K and sixth grade to allow for
3 transportation after 5 p.m., with the parents
4 being reimbursed for that instead of having
5 buses on the road and bringing buses back and
6 forth for those kids.

7 It was done for two reasons, cost
8 and safety.

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

11 Senator Oppenheimer.

12 SENATOR OPPENHEIMER: It just
13 seems to me that --

14 ACTING PRESIDENT GRIFFO: Senator
15 Oppenheimer, do you wish to ask a question or
16 speak on the bill?

17 SENATOR OPPENHEIMER: I guess
18 speak on the bill.

19 ACTING PRESIDENT GRIFFO: Senator
20 Oppenheimer, on the bill.

21 SENATOR OPPENHEIMER: It just
22 seems at this time, when we are being pressed
23 for money, to be giving money to parents who
24 are picking up their kids from school just
25 seems a little bizarre to me.

1 I don't know where we have, in our
2 country, ever paid for parents to come and
3 pick up their children. Maybe they would pay
4 someone to keep their children, but it just --
5 it just strikes me as being totally
6 unnecessary, particularly when we're trying to
7 push public transportation where four children
8 or 40 children can go on a bus and save us a
9 considerable amount of bad air and save us
10 from additional costs. If you run that bus
11 whether you have four or 40 kids on it, it's
12 the same cost to the transporter.

13 And also, I mean, how could this
14 possibly be monitored? I'm not even going to
15 question how it could be monitored, because it
16 can't be monitored.

17 I mean, you could have four kids
18 and four parents, and they could arrange -- or
19 five parents, and they could arrange to have a
20 different mother pick up on Monday and another
21 one on Tuesday and another one on Wednesday,
22 pick up the five kids, and yet all five of
23 these parents would be eligible to get money
24 from the -- not just from the city, but of
25 course we pay 57 percent of transportation

1 costs, we, the State of New York.

2 So I think this is not a good bill,
3 and -- I mean, for example, here's another
4 thought. If a mother is leaving her job and
5 on the way home passes the school at
6 5 o'clock, then she would be qualified to be
7 paid money.

8 And it doesn't say how the money is
9 paid. In other words, if the parent says, you
10 know, my gasoline costs X and another parent
11 says my gasoline costs Y -- I mean, it's just,
12 to me, a very bizarre bill, and I would hope
13 that everybody would vote against it.

14 I'll be voting no.

15 ACTING PRESIDENT GRIFFO: Senator
16 Stavisky.

17 SENATOR STAVISKY: Yes, Mr.
18 President, I have voted against it in the
19 past.

20 In addition to what Senator
21 Oppenheimer said about increasing the
22 pollution, the gas consumption, et cetera, and
23 whether that bus makes a run and picks up one
24 student, it is no longer cost-effective.

25 What bothers me most about this

1 bill is the fact that you're taking scarce
2 education dollars from the classroom. As the
3 chancellor is cutting aid for the
4 schoolchildren in New York City, as less money
5 is coming into the classroom, you're going to
6 have less available for programs that educate
7 the children. And it seems to me that that's
8 where it all happens, in the classroom.

9 And to divert money from the
10 classroom I think is a very, very dangerous
11 thing to do. And I am very troubled by the
12 cuts in the New York City education budget.
13 This is another one. And I urge that we
14 oppose this bill.

15 Thank you.

16 ACTING PRESIDENT GRIFFO: Senator
17 Huntley.

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

20 When I review this bill, it reminds
21 me somewhat of the Mayor's proposal last year
22 where he was paying parents to take their
23 youngsters for dental care, to the doctor, to
24 the zoo.

25 I think parents have a

1 responsibility, and the responsibility is to
2 take care of their children. And I think as
3 long as the Department of Ed attempts to make
4 life easier for parents, then naturally they
5 don't do their job.

6 I think that if we have money, it
7 should be in the classroom. We always talk
8 about the education, but yet now we want to
9 pay parents to be drivers. It's the most
10 ridiculous bill I've ever seen.

11 Thank you.

12 ACTING PRESIDENT GRIFFO: Senator
13 Sabini.

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

16 In 2006 I voted against this bill,
17 but since then, with the advent of the
18 Contract for Excellence, we now have schools
19 throughout the City of New York that are
20 providing extra hours, dozens of them. So I
21 have no idea how much this would cost now,
22 because I think many of those schools would
23 trip into being eligible for the services
24 rendered under this bill, and I think it has
25 very murky fiscal implications.

1 So I'll be voting in the negative.

2 ACTING PRESIDENT GRIFFO: Senator
3 Krueger.

4 SENATOR LIZ KRUEGER: Will the
5 sponsor please rise -- excuse me, would the
6 sponsor please yield to a question. I guess
7 rising is part of the deal.

8 (Laughter.)

9 ACTING PRESIDENT GRIFFO: I
10 thought you had developed some new powers.

11 (Laughter.)

12 ACTING PRESIDENT GRIFFO: Senator
13 Golden yields, Senator Krueger.

14 SENATOR GOLDEN: I do indeed.
15 Yes, Mr. President.

16 SENATOR LIZ KRUEGER: Thank you.
17 Thank you for yielding and rising, Senator
18 Golden.

19 When I read this bill, it's not
20 clear to me what form of transportation we
21 would be reimbursing. Would you explain what
22 you thought the transportation reimbursement
23 process would be?

24 ACTING PRESIDENT GRIFFO: Senator
25 Golden.

1 SENATOR GOLDEN: Mr. President,
2 whatever the set price is by the city would be
3 designated for each parent that would desire
4 to opt out of the school transportation.
5 There's no additional dollars, no money taken
6 away from the classroom, no cost to the City
7 of New York. The City of New York would
8 already pay for the transportation of that
9 child.

10 That child, the parent of that
11 child has a right to opt out under this bill,
12 and the parents would be given the money to
13 transport their child to and from the schools
14 and the school districts that they attend.

15 ACTING PRESIDENT GRIFFO: Senator
16 Krueger.

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

20 ACTING PRESIDENT GRIFFO: Will
21 you continue to yield, Senator Golden?

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

24 ACTING PRESIDENT GRIFFO: Senator
25 Krueger.

1 SENATOR LIZ KRUEGER: So the
2 assumption is that the City of New York would
3 make a calculation: I have 40 children on a
4 bus, the bus costs me X amount per trip,
5 one-fortieth of that will now be provided to
6 the parents? Is that my understanding of what
7 you just said?

8 SENATOR GOLDEN: I don't know
9 what the model would be, Mr. President. But
10 it would be based on a model, yes.

11 ACTING PRESIDENT GRIFFO: Senator
12 Krueger.

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

16 ACTING PRESIDENT GRIFFO: Senator
17 Golden, will you continue to yield?

18 SENATOR GOLDEN: I do,
19 Mr. President.

20 ACTING PRESIDENT GRIFFO: Senator
21 Krueger.

22 SENATOR LIZ KRUEGER: If one
23 child got off the bus and the bus was now
24 taking 39 children instead of 40, is it your
25 understanding that the city would pay a lower

1 contract cost for that bus trip?

2 ACTING PRESIDENT GRIFFO: Senator
3 Golden.

4 SENATOR GOLDEN: That's when the
5 parent, Mr. President, has the right to opt
6 out.

7 And yes, it doesn't change the
8 state aid, doesn't change dollars, doesn't
9 change cost.

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

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

15 SENATOR GOLDEN: I do indeed.

16 ACTING PRESIDENT GRIFFO: Senator
17 Krueger.

18 SENATOR LIZ KRUEGER: So if I
19 opted out, as a parent, under this bill and I
20 took my child on the subway back and forth, I
21 would get the same reimbursement as if I hired
22 a black car -- one with workers' compensation
23 protections, or not, as the case may be -- to
24 take me to pick up my child and return them?

25 SENATOR GOLDEN: The answer is

1 yes. They would opt to take their child to
2 and from school any way they choose to do
3 that.

4 Many of these Schools for
5 Excellence are in different parts of the city.
6 They are not on given routes, train or bus
7 routes. And this again, no cost to the city
8 or the state, no cost to the transportation.

9 It would allow those parents to opt
10 out and take their children to and from those
11 locations as best they see fit. After 5 p.m.,
12 as a matter of fact.

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

16 ACTING PRESIDENT GRIFFO: Senator
17 Golden, do you continue to yield?

18 SENATOR GOLDEN: Yes,
19 Mr. President.

20 ACTING PRESIDENT GRIFFO: Senator
21 Krueger.

22 SENATOR LIZ KRUEGER: Thank you.

23 So just to clarify, you'd have to
24 opt out for the bringing of your child to
25 school and the taking them back.

1 SENATOR GOLDEN: That's correct,
2 Mr. President.

3 SENATOR LIZ KRUEGER: And there
4 would be one set amount, there would not be a
5 differing payment for me versus Senator Sabini
6 versus Senator Huntley?

7 SENATOR GOLDEN: That is correct,
8 Mr. President.

9 SENATOR LIZ KRUEGER: Thank you.
10 Mr. President, on the bill.

11 ACTING PRESIDENT GRIFFO: Senator
12 Krueger, on the bill.

13 SENATOR LIZ KRUEGER: I
14 appreciate the sponsor's answers. I in fact
15 don't really read them that way in the bill.

16 So I'm concerned about the way the
17 bill was written, because I don't think it is
18 clear from the legislation that that was what
19 the intent of the sponsor was.

20 But I will accept, of course, at
21 face value that's what he intends the
22 legislation to do. But I have to say in this
23 case, I don't think in this case the bill was
24 well-written for him.

25 I have to disagree about the cost

1 issue for the city. The city gets a formula
2 reimbursement for a share of bus
3 transportation of children to and from school.
4 It is a formula from the state. But I do not
5 accept that if there are one or two or three
6 fewer children on the bus because their
7 parents have opted out, that we're actually
8 decreasing our costs for bus transportation to
9 and from school.

10 To be honest, I can be torn about
11 this bill, because representing Manhattan, our
12 constant frustration is that it seems that the
13 Department of Education really wants to get
14 out of the busing-children-to-school business
15 completely, which is an enormous frustration.
16 I have parents with children in pre-K and
17 kindergarten who, even though they appear to
18 live in a bus zone, are being told there are
19 no buses for them.

20 So I empathize and even share,
21 perhaps, the frustration of the sponsor. But
22 because of the way the bill is written and the
23 fact that we don't get to decrease the cost of
24 the contract for the bus service because there
25 are fewer children on that bus, I do believe

1 it would be an increased cost on the city
2 school system.

3 I do think that we are in serious
4 financial trouble this year with our City of
5 New York schools -- at least that's what the
6 chancellor keeps telling us, as they propose
7 cutting funding out of our schools.

8 And so even though I empathize with
9 the frustration for many parents not having an
10 easy scenario even trying to get their
11 children on the existing school buses, I don't
12 think this, as it is written, gets us where we
13 want to go.

14 And I do feel it is a new unfunded
15 mandate on the city, and so I will vote no.

16 Thank you, Mr. President.

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

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

21 Read the last section.

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

24 ACTING PRESIDENT GRIFFO: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Those recorded in
3 the negative on Calendar Number 2160 are
4 Senators Adams, Aubertine, Connor, Diaz,
5 Dilan, Duane, Gonzalez, Hassell-Thompson,
6 Huntley, L. Krueger, C. Kruger, Montgomery,
7 Onorato, Oppenheimer, Perkins, Sabini, Saland,
8 Schneiderman, Stavisky, Stewart-Cousins,
9 Thompson and Valesky. Also Senator Serrano.

10 Absent from voting: Senator
11 Sampson.

12 Ayes, 38. Nays, 23.

13 ACTING PRESIDENT GRIFFO: The
14 bill is passed.

15 Senator Nozzolio, that completes
16 the controversial reading of Senate
17 Supplemental Calendar 64A.

18 SENATOR NOZZOLIO: Mr. President,
19 may we please turn to Calendar Number 2164,
20 noncontroversial.

21 ACTING PRESIDENT GRIFFO: The
22 Secretary will read.

23 THE SECRETARY: Calendar Number
24 2164, by the Committee on Rules, Senate Print
25 Number 8709, an act to amend the Racing,

1 Pari-Mutuel Wagering and Breeding Law, the
2 Real Property Tax Law and the Tax Law.

3 ACTING PRESIDENT GRIFFO: Senator
4 Nozzolio.

5 SENATOR NOZZOLIO: Mr. President,
6 is there a message at the desk?

7 ACTING PRESIDENT GRIFFO: There
8 is a message at the desk.

9 SENATOR KLEIN: Lay it aside.

10 ACTING PRESIDENT GRIFFO: We're
11 going to accept the message first.

12 SENATOR NOZZOLIO: Move to accept
13 the message, Mr. President.

14 ACTING PRESIDENT GRIFFO: All in
15 favor of accepting the message signify by
16 saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT GRIFFO:
19 Opposed, nay.

20 (No response.)

21 ACTING PRESIDENT GRIFFO: The
22 message is accepted, and the bill is laid
23 aside.

24 SENATOR NOZZOLIO: Mr. President,
25 please take up Calendar Number 2165.

1 ACTING PRESIDENT GRIFFO: The
2 Secretary will read.

3 THE SECRETARY: Calendar Number
4 2165, by Senator Morahan, Senate Print 8710,
5 an act to amend the Mental Hygiene Law and the
6 Education Law.

7 ACTING PRESIDENT GRIFFO: Senator
8 Nozzolio.

9 SENATOR NOZZOLIO: Mr. President,
10 I believe there's a message of necessity at
11 the desk.

12 ACTING PRESIDENT GRIFFO: There
13 is a message at the desk.

14 SENATOR NOZZOLIO: Motion to
15 accept the message.

16 ACTING PRESIDENT GRIFFO: All in
17 favor of accepting the message of necessity
18 indicate by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT GRIFFO:
21 Opposed, nay.

22 (No response.)

23 ACTING PRESIDENT GRIFFO: The
24 message is accepted.

25 The Secretary will read the last

1 section.

2 THE SECRETARY: Section 4. This
3 act shall take effect on the 30th day.

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT GRIFFO: The
9 bill is passed.

10 Senator Nozzolio.

11 SENATOR NOZZOLIO: Mr. President,
12 returning to the controversial calendar,
13 please call up Calendar Number 2164.

14 ACTING PRESIDENT GRIFFO: The
15 Secretary will ring the bell.

16 The Secretary will read Calendar
17 Number 2164.

18 THE SECRETARY: Calendar Number
19 2164, by the Senate Committee on Rules, Senate
20 Print 8709, an act to amend the Racing,
21 Pari-Mutuel Wagering and Breeding Law and
22 others.

23 SENATOR CRAIG JOHNSON:
24 Explanation.

25 ACTING PRESIDENT GRIFFO: Who

1 called for the explanation?

2 Senator Larkin, Senator Johnson
3 requests an explanation.

4 SENATOR LARKIN: Senator Johnson,
5 this bill makes some changes to Chapter 18 of
6 this year.

7 A couple of things that it does
8 specifically, and you remember from the
9 hearing that we had down in Belmont. This
10 clarifies the effective date, an issue that
11 you worried about. So it says that they can't
12 go past that 25 year until they come back to
13 the Legislature. They can't just get it from
14 Racing and Wagering, they can't get it an
15 executive approval. They must come back to
16 us.

17 It also clarifies the vendor fee at
18 Aqueduct to make sure that NYRA will receive
19 its racing support payments out of the
20 vendors' fees. This is a constitutional
21 concern, since ours requires that all net
22 proceeds go to support education. Therefore,
23 after the vendor's fee and the costs of
24 administration are paid, then the balance must
25 go to education.

1 The bill as written seems to
2 indicate NYRA's support payments should be
3 paid separately.

4 Now, it also contains an
5 appropriation to allow the state to pay the
6 property taxes. This was something we
7 actually fought for in the legislation. And
8 if you recall, when we were down at Elmont,
9 one of the issues was how will we get paid for
10 it. That's what we've covered in here.

11 And what we're doing now is we want
12 to ensure that the state would pay so that
13 localities would get their money on time as
14 adjusted. In the past, NYRA, as we all know,
15 has not been a good payer of these taxes. As
16 my good friend Senator Hannon said that day,
17 "Why don't we do something to ensure that
18 they'll do it?" Well, we are now.

19 And we must also understand that
20 right now NYRA, in their local area down
21 there, is \$15 million behind. This bill
22 doesn't have a provision for the Belmont
23 advisory board. You talked to me the other
24 day about it, and we took that out, that 15
25 and all of that. We put that for another day.

1 It's still something we think is necessary,
2 but we'll address it at a later date.

3 This is a three-way agreement, and
4 I believe it's time that we move this along so
5 we can start getting going.

6 ACTING PRESIDENT GRIFFO: Senator
7 Johnson.

8 SENATOR CRAIG JOHNSON: Thank you
9 very much, Mr. President.

10 Will Senator Larkin yield for a
11 couple of questions to clarify some things
12 further.

13 ACTING PRESIDENT GRIFFO: Senator
14 Larkin, do you yield for a couple of
15 questions?

16 SENATOR LARKIN: Yes.

17 ACTING PRESIDENT GRIFFO: Senator
18 Johnson.

19 SENATOR CRAIG JOHNSON: Thank
20 you. Thank you, Senator Larkin, for your
21 leadership on this issue as well as the
22 explanation that you gave.

23 I just have a couple of further
24 clarification questions, if you don't mind.

25 SENATOR LARKIN: Sure.

1 SENATOR CRAIG JOHNSON: Senator
2 Larkin, it is my understanding that the bill
3 as drafted now includes \$12 million for the
4 payment of property taxes that are due and
5 owing. Is that correct?

6 SENATOR LARKIN: (Nodding.)

7 SENATOR CRAIG JOHNSON: I take it
8 that's a yes; you were nodding. Okay.

9 Will the sponsor continue to yield?

10 SENATOR LARKIN: Yes.

11 ACTING PRESIDENT GRIFFO: Senator
12 Larkin yields.

13 SENATOR CRAIG JOHNSON: Thank
14 you, Senator.

15 The one question I have, in looking
16 at the bill, is while the bill provides a lump
17 sum, can you provide me, please, with a
18 breakdown as to how the \$12 million will be
19 paid out?

20 As you recall, in Elmont when we
21 had that hearing -- I thank you for hosting
22 that hearing -- there are a number of
23 localities that are due and owing taxes:
24 Nassau County, the Town of Hempstead, the
25 Village of Floral Park, the various school

1 districts. I'm sure a number of the special
2 districts are owing.

3 What I'm trying to get an
4 understanding of is, how is that \$12 million
5 going to be apportioned under this bill?

6 SENATOR LARKIN: I don't have it
7 here with me, but I'll have it delivered to
8 you this afternoon.

9 Like we discussed before, it's very
10 specific. As you remember when Senator
11 Skelos, yourself, and Senator Hannon were
12 there, the discussion was how much will they
13 get. And we all agreed that we would make it
14 specific. And we'll get you that this
15 afternoon.

16 SENATOR CRAIG JOHNSON: Terrific.
17 Thank you very much.

18 Will Senator Larkin continue to
19 yield, please.

20 ACTING PRESIDENT GRIFFO: Senator
21 Larkin, will you continue to yield?

22 SENATOR LARKIN: Yes.

23 ACTING PRESIDENT GRIFFO: Senator
24 Johnson.

25 SENATOR CRAIG JOHNSON: Thank

1 you.

2 And in addition to that
3 information, can I also be provided, please,
4 with not just the amounts but also the years?
5 Because I believe they're owed more than one
6 year.

7 SENATOR LARKIN: There is a show
8 of how much is owed and how much years. That
9 will all be in the same package for this
10 afternoon.

11 SENATOR CRAIG JOHNSON:
12 Excellent. Thank you.

13 Just a couple more questions. Will
14 the sponsor continue to yield?

15 SENATOR LARKIN: Yes.

16 ACTING PRESIDENT GRIFFO: A
17 couple more questions?

18 Senator Johnson.

19 SENATOR CRAIG JOHNSON: One of my
20 concerns, and Senator Larkin and I talked
21 about this, is the lack of a Belmont local
22 advisory board that was contained in the
23 original NYRA legislation. It's one of the
24 reasons why I opposed it, among a host of
25 other reasons.

1 The bill that we voted on
2 yesterday, the Senate bill -- I believe it was
3 8698 -- had some language in there for a
4 Belmont advisory board. Today it's been
5 removed. Can you tell me why it's been taken
6 out of the legislation?

7 SENATOR LARKIN: In order to try
8 to get all of this three-way agreement, we had
9 to make some concessions. And the thought
10 was, let's leave this for a later date.

11 As you remember, what we were
12 talking about then is we all wanted to be off
13 the same sheet of music. Well, the only way
14 to get it off the same sheet of music from the
15 other house was to get Belmont out of there.

16 SENATOR CRAIG JOHNSON: Will the
17 sponsor continue to yield, please.

18 ACTING PRESIDENT GRIFFO: Senator
19 Larkin, will you continue to yield?

20 SENATOR LARKIN: Yes.

21 SENATOR CRAIG JOHNSON: Thank you
22 for your answers, Senator Larkin.

23 Senator Larkin, are you aware of my
24 bill, Senate Number S6977A, which is a bill
25 that specifically provides for the appointment

1 of a local advisory board for Belmont?

2 ACTING PRESIDENT GRIFFO: Senator
3 Larkin.

4 SENATOR LARKIN: I didn't know of
5 the specifics, but I have seen that. We went
6 through that.

7 But two things. And I don't mean
8 to be rude, but I'm just saying to you is that
9 when we talked about it, when we first talked
10 about the hearing down there, everybody said
11 let's come away with something. So what we
12 passed yesterday was what I thought was
13 appropriate.

14 This here gets rid of all of the
15 obvious things that aren't going to happen.
16 The only way we could get the three-way
17 agreement and move this forward -- get the
18 payments out there, show how much was owed,
19 how we will pay it, and what we will do in the
20 future.

21 What we will do on the advisory
22 board, I commit to you that we will do
23 something. But we couldn't get that in here
24 with this.

25 So should we go home with nothing?

1 I thought we should go home with paying the
2 fees and taxes that are owed to the
3 municipalities as a high priority.

4 SENATOR CRAIG JOHNSON: Will the
5 Senator continue to yield.

6 ACTING PRESIDENT GRIFFO: Senator
7 Larkin, will you continue to yield?

8 SENATOR LARKIN: One more
9 question.

10 ACTING PRESIDENT GRIFFO: Senator
11 Johnson.

12 SENATOR CRAIG JOHNSON: One more
13 question. I'll make it a doozy. I'll ask a
14 question on the bill --

15 ACTING PRESIDENT GRIFFO: You did
16 indicate, Senator Craig Johnson, only a couple
17 of questions.

18 SENATOR CRAIG JOHNSON: He's told
19 me -- and I thank you for the answers.

20 Senator Larkin, one of the concerns
21 that the residents of Elmont and Floral Park
22 had is -- and you acknowledged it, and you
23 were in Elmont, in the area -- NYRA has not
24 been a very good neighbor. They don't clean
25 up very well, they don't really take care of

1 their properties, they don't do anything of
2 that nature, and it really brings down the
3 communities surrounding it.

4 Under the bill, there is a
5 provision that provides for 4 percent of the
6 total revenue that's wagered out, after the
7 payout -- I'm sorry, Senator, I'll refer you
8 to it. It's on page 10. If you have a copy
9 of it in front of you, it's page 10 on the
10 bill, paragraph 3, lines 12 through 17.
11 That's the specific reference.

12 I'm trying to get an understanding
13 for legislative history purposes.

14 SENATOR LARKIN: You're talking
15 about the total revenue on that 4 percent?

16 SENATOR CRAIG JOHNSON: That's
17 correct. My question is this, though. And
18 you see it.

19 Four percent of the total revenue
20 wagered after payout for prizes to be
21 deposited into an account of the franchised
22 corporation "to be used for capital
23 expenditures in maintaining and upgrading of
24 Aqueduct racetrack, Belmont Park racetrack and
25 Saratoga race course."

1 My question is, will that upgrading
2 and maintaining not only be the actual
3 racetrack --

4 SENATOR LARKIN: The entire area.

5 SENATOR CRAIG JOHNSON: It would
6 be the entire area?

7 SENATOR LARKIN: That's what we
8 talked about before. This is what you asked
9 about the day you were there.

10 Our intent that day that we toured
11 that place was to do the entire area. Whether
12 NYRA listens to us is a horse of a different
13 color.

14 (Laughter; groans.)

15 SENATOR LARKIN: Oh, that was
16 terrible.

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

19 SENATOR CRAIG JOHNSON: On the
20 bill.

21 Thank you, Senator Larkin, very
22 much for answering those questions. I wish I
23 could ask you a few more, but I understand you
24 wanted to limit it. And I thank you for
25 providing those answers. It does clarify a

1 few things.

2 On the bill. Obviously, I would
3 have loved to see Senate 8698 be the bill that
4 was the agreed bill between the Senate and the
5 Assembly, because it contains language for a
6 local advisory board in Belmont. This is a
7 big issue for the residents of Elmont and
8 Floral Park. There currently is no local
9 advisory board for those residents to address
10 the issues at the Belmont racetrack.

11 Obviously, a great way to address
12 that if we're not going to address it in the
13 omnibus bill is to very easily bring it out of
14 Rules today, my bill, Senate Bill Number
15 S6977, a simple, stand-alone piece of
16 legislation that would create a local advisory
17 board for the Belmont communities.

18 It has an Assembly sponsor,
19 Assemblywoman Michelle Schimel. It has
20 support in the Assembly.

21 We could pass it here today and
22 accomplish what we wanted to set out and what
23 we talked about to the Elmont community at
24 that hearing: payment of the taxes and a
25 local advisory board. It will be two bills,

1 not necessarily one, but this way everything
2 is accomplished.

3 I would hope that as we wind down
4 our Senate session, we take Senate Bill S6977
5 up and get that passed. But right before us
6 is the bill we have before us, 8709.

7 And while I find it difficult and
8 upsetting that it's clear to me that the
9 Assembly has issues with the local advisory
10 board in that piece, I thank Senator Larkin.
11 Because it does show a commitment on paying
12 the property taxes that are due and owing. It
13 will help Nassau County. It will help the
14 Town of Hempstead. It will help the Village
15 of Floral Park. It will help the residents of
16 Elmont. It will help the school districts and
17 the special districts to finally get something
18 back that they are due and owing.

19 So I will be voting in favor of the
20 bill. I urge all my colleagues to vote in
21 favor of it. But hopefully before the end of
22 session we can also take up Senate Bill Number
23 6977, my bill for a local advisory board for
24 Belmont Park, and pass that as well.

25 Thank you very much.

1 ACTING PRESIDENT GRIFFO: Any
2 other Senator wishing to be heard?

3 Senator Hannon.

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

6 It is painfully obvious to anybody
7 who read reports of the Belmont Stakes how
8 ill-prepared, ill-equipped and ill-managed
9 NYRA has been in running Belmont.

10 When we passed the original
11 legislation to, quote, bail them out back
12 earlier this session, I was on my feet saying
13 that this is an area close to the center of
14 the New York City metropolitan area that has
15 been left fallow, that the best use is the
16 ignominious renting of the parking lot to
17 automobile dealers to store their cars,
18 instead of being a premier destination spot
19 which could boost New York State racing and
20 boost our having a great tourist attraction.

21 I would suggest to the people that
22 are running NYRA, I would suggest to the
23 executive branch that they take heed of the
24 gross failures occurred during the Belmont
25 Stakes and work to improve this site, work to

1 develop this site and make it something that
2 New Yorkers could be proud of.

3 This legislation does advance many
4 of the goals, but it does not go as far as we
5 want and it does not change the mind of the
6 people who run NYRA to making this what we
7 need.

8 Thank you.

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

11 Senator Krueger.

12 SENATOR LIZ KRUEGER: Thank you.

13 I appreciate the discussion. I
14 appreciate my colleague Senator Craig
15 Johnson's analysis of what else we should be
16 doing.

17 I'll vote for the bill, based on
18 Senator Johnson's recommendation, but I need
19 to stand up to point out yet again that in
20 New York State we keep bailing out our
21 gambling. We bail out our racetracks over and
22 over again, we bail out gambling activities,
23 we reduce the income coming into our school
24 education funds by increasing the take held by
25 the operators of VLT.

1 You can be agnostic about gambling
2 as a legislator based on your belief that
3 you're actually going to gain revenue for the
4 State of New York.

5 And frankly, for the six years I've
6 been here, the only thing we ever do around
7 gambling in this state is bail them out and
8 give them more of our money that should be
9 going to schools. So I am continuously
10 frustrated, regardless of the subissue within
11 gambling, that we continue to apparently not
12 know how to make money in gambling. And I
13 thought that was the assignment if government
14 was going to be participating in that
15 business.

16 So I suppose I share my frustration
17 with you all that if we're going to be in the
18 business of gambling, then let's at least make
19 some money for the people of New York State
20 instead of continually having to pass bills to
21 move more money out to the gambling entities.

22 Thank you, Mr. President.

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

25 The debate is closed. The

1 Secretary will ring the bell.

2 Read the last section.

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

5 ACTING PRESIDENT GRIFFO: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Those recorded in
9 the negative on Calendar Number 2164 are
10 Senators Diaz, Padavan and Rath.

11 Absent from voting: Senator
12 Sampson.

13 Ayes, 58. Nays, 3.

14 ACTING PRESIDENT GRIFFO: The
15 bill is passed.

16 Senator Libous, that now completes
17 the controversial reading of Senate
18 Supplemental Calendar 64A.

19 SENATOR LIBOUS: Mr. President,
20 may we now take up the noncontroversial active
21 list that is before us, starting with Calendar
22 Number 63, Senate Print Number 6457A, by
23 Senator Farley.

24 ACTING PRESIDENT GRIFFO: The
25 Secretary will read the active list calendar

1 for June 24th, starting with Print Number
2 6457A, by Senator Farley.

3 THE SECRETARY: Calendar Number
4 63, by Senator Farley, Senate Print 6457A, an
5 act establishing a task force.

6 ACTING PRESIDENT GRIFFO: Read
7 the last section.

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

10 ACTING PRESIDENT GRIFFO: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT GRIFFO: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 134, by Senator Alesi, Senate Print 6634C, an
18 act to amend the Labor Law.

19 ACTING PRESIDENT GRIFFO: Read
20 the last section.

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

23 ACTING PRESIDENT GRIFFO: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT GRIFFO: The
3 bill is passed.

4 THE SECRETARY: In relation to
5 Calendar Number 189, Senator DeFrancisco moves
6 to discharge, from the Committee on Judiciary,
7 Assembly Bill Number 8858A and substitute it
8 for the identical Senate Bill Number 5966A,
9 Third Reading Calendar 189.

10 ACTING PRESIDENT GRIFFO:
11 Substitution ordered.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 189, by Member of the Assembly Weinstein,
15 Assembly Print Number 8858A, an act to amend
16 the Estates, Powers and Trusts Law.

17 ACTING PRESIDENT GRIFFO: Read
18 the last section.

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

21 ACTING PRESIDENT GRIFFO: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT GRIFFO: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 267, by Senator Lanza, Senate Print 3443, an
4 act to amend the New York City Health and
5 Hospitals Corporation Act.

6 ACTING PRESIDENT GRIFFO: Read
7 the last section.

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

10 ACTING PRESIDENT GRIFFO: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT GRIFFO: Senator
14 Krueger, to explain her vote.

15 SENATOR LIZ KRUEGER: Thank you.

16 So this bill would require that the
17 Health and Hospitals Corporation of New York
18 City spend at least 10 percent of its
19 operating budget per year and its capital
20 budget per year in each of the five boroughs.

21 The dilemma, of course, is perhaps
22 the population doesn't distribute that way.
23 Perhaps the capital needs in one borough in
24 one particular year are dramatic and the
25 capital needs in another borough that year are

1 nonexistent. It can happen.

2 So while I appreciate Senator
3 Lanza's concern -- I believe that Staten
4 Island has concerns about its healthcare
5 facilities, and I respect that -- I don't
6 think we want to mandate percentage formulas
7 within the HHC system in the City of New York,
8 one city with one planning process for its
9 healthcare needs.

10 So I'll be voting no.

11 Thank you, Mr. President.

12 ACTING PRESIDENT GRIFFO: Senator
13 L. Krueger to be recorded in the negative.

14 Senator Savino, to explain her
15 vote.

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

18 It's rare that I disagree with one
19 of my colleagues, Senator Krueger, but on this
20 one I have to respectfully disagree.

21 First, I want to thank Senator
22 Lanza for bringing this bill, and our
23 colleague in the Assembly, Michael Cusick.
24 You know we live in Staten Island, even though
25 I represent Brooklyn as well.

1 Staten Island has a lot of
2 nicknames. We affectionately refer to it as
3 "Staten Italy," because of its huge number of
4 Italian-Americans. It's sometimes referred to
5 as "Diet Brooklyn," because of its huge number
6 of former Brooklynites who have moved to
7 Staten Island.

8 But the one nickname that stands
9 out more than any other is the "Forgotten
10 Borough." We are forgotten by the City of
11 New York in many issues. We are forgotten by
12 the MTA on just about all of them. But there
13 is no city agency that ignores us more and
14 with greater frequency than the Health and
15 Hospitals Corporation.

16 And they're allowed to do that
17 because they have no brick-and-mortar hospital
18 in the County of Richmond. There is no
19 physical public hospital to serve what is the
20 fastest growing borough right now in the City
21 of New York, with a population of close to a
22 half a million people.

23 Ten years ago we had five
24 not-for-profit and voluntary hospitals; we are
25 now down to two. One of them is on life

1 support itself. And as a result of the fact
2 that we do not have a brick-and-mortar
3 facility on the island, we get no funding from
4 the HHC.

5 We do not have a rape crisis center
6 like the other public hospitals provide in the
7 other boroughs. We do not get to participate
8 in the colonoscopy free screening that's
9 provided by the HHC. We don't get any of the
10 benefits that the HHC provides to the rest of
11 the City of New York, partially funded out of
12 the taxpayers' pockets of Staten Islanders,
13 because we do not have a brick-and-mortar
14 facility.

15 Now, I don't disagree with Senator
16 Krueger's assertion that perhaps this is not
17 the way you allocate capital resources. But
18 this may be the only way we get the attention
19 of the mayor of the City of New York and the
20 Health and Hospitals Corporation and force
21 them to allocate a percentage of their budget
22 for the health and welfare of the citizens of
23 Richmond County.

24 And they have never done it, and
25 we're going to continue to fight for it every

1 step of the way, including possibly suing the
2 City of New York and the HHC to do that.

3 So I'm going to vote for this bill,
4 Senator Lanza, because it is a good bill. And
5 10 percent, in my opinion, may not be enough.

6 Thank you.

7 ACTING PRESIDENT GRIFFO: Senator
8 Savino to be recorded in the affirmative.

9 Senator Diaz, to explain his vote.

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

12 I just would like to say that -- on
13 the bill, I would like to say that I agree
14 with Senator Krueger, even though I'm going to
15 vote for the bill. But I agree with Senator
16 Krueger in what she's saying. And I will vote
17 for the bill because of the intention of the
18 bill. And I'm going to explain myself.

19 You know, when we -- when we
20 compare Staten Island and the Bronx, there's
21 no comparison. When you compare any hospital,
22 any hospital, any facility in Staten Island
23 with Lincoln Hospital in Bronx County, there's
24 no comparison. Lincoln Hospital is the
25 most-used hospital in the nation. In the

1 nation. I mean, that is amazing.

2 And what Senator Krueger is saying,
3 which makes a lot of sense, how do you
4 distribute 10 percent to Staten Island and to
5 the Bronx when the Bronx, with Lincoln
6 Hospital, Bronx-Lebanon Hospital, Jacobi
7 Hospital, all the hospitals have more need?
8 More people living there, more people being
9 attended, more need, more health needs than
10 Staten Island. Three times more.

11 But, Senator Lanza, because of the
12 intention of the bill to force the City of
13 New York to spend money in healthcare
14 directly, we in the Bronx would take -- even
15 though not enough, not enough, 10 percent --
16 we will take whatever we can. Good intention.
17 I'm voting yes for the bill.

18 Senator Krueger, Senator Krueger,
19 Senator Krueger --

20 SENATOR LIZ KRUEGER: Yes, sir.
21 Excuse me.

22 SENATOR DIAZ: -- what you say
23 makes sense. Thank you for what you said,
24 because you are looking out for the
25 population, not by certain boroughs to be

1 preferable than others.

2 So, Mr. President and ladies and
3 gentlemen, I'm voting yes on the bill.
4 However, Senator Lanza, we need a lot more
5 money in Lincoln Hospital, Jacobi Hospital,
6 Bronx-Lebanon Hospital in Bronx County. But
7 we're taking whatever we can get.

8 Thank you.

9 ACTING PRESIDENT GRIFFO: Senator
10 Diaz to be recorded in the affirmative.

11 Announce the results.

12 THE SECRETARY: Ayes, 60. Nays,
13 1. Senator L. Krueger recorded in the
14 negative.

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 277, by Senator LaValle, Senate Print 2426B,
19 an act to amend the Education Law.

20 ACTING PRESIDENT GRIFFO: Read
21 the last section.

22 THE SECRETARY: Section 5. This
23 act shall take effect on the 120th day.

24 ACTING PRESIDENT GRIFFO: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT GRIFFO: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 374, Senator Marcellino moves
7 to discharge, from the Committee on Rules,
8 Assembly Bill Number 2986 and substitute it
9 for the identical Senate Bill Number 1558,
10 Third Reading Calendar 374.

11 ACTING PRESIDENT GRIFFO:
12 Substitution ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 374, by Member of the Assembly Weisenberg,
16 Assembly Print Number 2986, an act to amend
17 the Environmental Conservation Law.

18 ACTING PRESIDENT GRIFFO: Read
19 the last section.

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

22 ACTING PRESIDENT GRIFFO: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 61.

1 ACTING PRESIDENT GRIFFO: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 376, by Senator Lanza, Senate Print 5583, an
5 act to amend the Environmental Conservation
6 Law.

7 ACTING PRESIDENT GRIFFO: Read
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 777, by the Senate Committee on Rules, Senate
19 Print Number 6329A, an act to authorize the
20 Town of Malta to convey to Saratoga Water
21 Services, Inc.

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

24 The Secretary will read last
25 section.

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

3 ACTING PRESIDENT GRIFFO: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT GRIFFO: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 888, by Senator Griffo, Senate Print 7659A, an
11 act to amend the Public Service Law.

12 ACTING PRESIDENT GRIFFO: Read
13 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 THE SECRETARY: In relation to
23 Calendar Number 1147, Senator Young moves to
24 discharge, from the Committee on Consumer
25 Protection, Assembly Bill Number 9559A and

1 substitute it for the identical Senate Bill
2 Number 7853, Third Reading Calendar 1147.

3 ACTING PRESIDENT GRIFFO:
4 Substitution ordered.

5 The Secretary will read.
6 THE SECRETARY: Calendar Number
7 1147, by Member of the Assembly Magee,
8 Assembly Print Number 9559A, an act to amend
9 the Agriculture and Markets Law.

10 ACTING PRESIDENT GRIFFO: Read
11 the last section.

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

14 ACTING PRESIDENT GRIFFO: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT GRIFFO: The
19 bill is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 1246, Senator Padavan moves to
22 discharge, from the Committee on Rules,
23 Assembly Bill Number 10774 and substitute it
24 for the identical Senate Bill Number 7916A,
25 Third Reading Calendar 1246.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ACTING PRESIDENT GRIFFO:

Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

1246, by Member of the Assembly Gianaris,
Assembly Print Number 10774, an act to amend
the Labor Law.

ACTING PRESIDENT GRIFFO: Read

the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The

bill is passed.

THE SECRETARY: In relation to

Calendar Number 1271, Senator C. Kruger moves
to discharge, from the Committee on Rules,
Assembly Bill Number 8358B and substitute it
for the identical Senate Bill Number 4838B,
Third Reading Calendar 1271.

ACTING PRESIDENT GRIFFO:

Substitution ordered.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 1271, by Member of the Assembly Bradley,
4 Assembly Print Number 8358B, an act to amend
5 the Family Court Act and others.

6 ACTING PRESIDENT GRIFFO: Read
7 the last section.

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

10 ACTING PRESIDENT GRIFFO: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT GRIFFO: The
15 bill is passed.

16 THE SECRETARY: In relation to
17 Calendar Number 1276, Senator C. Kruger moves
18 to discharge, from the Committee on Rules,
19 Assembly Bill Number 10808A and substitute it
20 for the identical Senate Bill Number 7447A,
21 Third Reading Calendar 1276.

22 ACTING PRESIDENT GRIFFO:
23 Substitution ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 1276, by Member of the Assembly Scarborough,
2 Assembly Print Number 10808A, an act to amend
3 the Family Court Act.

4 ACTING PRESIDENT GRIFFO: Read
5 the last section.

6 THE SECRETARY: Section 7. This
7 act shall take effect on the 180th day.

8 ACTING PRESIDENT GRIFFO: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT GRIFFO: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 1295, by Senator Golden, Senate Print 154B, an
16 act to amend the State Finance Law.

17 ACTING PRESIDENT GRIFFO: Read
18 the last section.

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

21 ACTING PRESIDENT GRIFFO: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT GRIFFO: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1328, by Senator LaValle, Senate Print 7678,
4 an act to amend the General Business Law.

5 ACTING PRESIDENT GRIFFO: Read
6 the last section.

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

9 ACTING PRESIDENT GRIFFO: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT GRIFFO: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 1342, by Senator Winner, Senate Print 6262B,
17 an act to amend the Alcoholic Beverage Control
18 Law.

19 ACTING PRESIDENT GRIFFO: Read
20 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, 61.

2 ACTING PRESIDENT GRIFFO: The
3 bill is passed.

4 THE SECRETARY: In relation to
5 Calendar Number 1387, Senator Volker moves to
6 discharge, from the Committee on Rules,
7 Assembly Bill Number 8527A and substitute it
8 for the identical Senate Bill Number 6203B,
9 Third Reading Calendar 1387.

10 ACTING PRESIDENT GRIFFO:
11 Substitution ordered.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 1387, by Member of the Assembly Weinstein,
15 Assembly Print Number 8527A, an act to amend
16 the Civil Practice Law and Rules.

17 ACTING PRESIDENT GRIFFO: Read
18 the last section.

19 THE SECRETARY: Section 9. This
20 act shall take effect on the first of January.

21 ACTING PRESIDENT GRIFFO: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT GRIFFO: Senator
25 Krueger, to explain her vote.

1 SENATOR LIZ KRUEGER: Thank you.

2 I just rise to thank Senator Volker
3 for bringing this bill finally to the floor to
4 be voted on today.

5 This is a bill that will prevent
6 debtors from freezing the bank accounts of
7 elderly poor people who may be surviving only
8 on their Social Security check or their
9 disability check and, because of some dispute
10 that may or may not ever be resolvable, banks
11 actually, under current law, freeze their
12 accounts. They can't pay their rent, they
13 can't buy food, they can't pay for their
14 prescriptions.

15 This is a very important bill for
16 many elderly poor New Yorkers. So I want to
17 thank him very much for moving this bill.
18 I'll vote yes.

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

21 Announce the results.

22 THE SECRETARY: Ayes, 61. Nays,
23 0.

24 ACTING PRESIDENT GRIFFO: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 1439, by Senator Marcellino, Senate Print
3 6944B, an act to amend the Tax Law.

4 ACTING PRESIDENT GRIFFO: There
5 is a local fiscal impact note at the desk.

6 The Secretary will read the last
7 section.

8 THE SECRETARY: Section 4. This
9 act shall take effect April 1, 2009.

10 ACTING PRESIDENT GRIFFO: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT GRIFFO: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 1695, by Senator Leibell, Senate Print 6904,
18 an act to amend the State Law.

19 ACTING PRESIDENT GRIFFO: Read
20 the last section.

21 SENATOR MAZIARZ: Lay it aside
22 temporarily, please.

23 ACTING PRESIDENT GRIFFO: The
24 bill is laid aside temporarily.

25 THE SECRETARY: Calendar Number

1 2001, by Senator Skelos, Senate Print 8477A,
2 an act to amend the Education Law.

3 ACTING PRESIDENT GRIFFO: Read
4 the last section.

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

7 ACTING PRESIDENT GRIFFO: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT GRIFFO: The
12 bill is passed.

13 THE SECRETARY: In relation to
14 Calendar Number 2011, Senator Robach moves to
15 discharge, from the Committee on Rules,
16 Assembly Bill Number 11628 and substitute it
17 for the identical Senate Bill Number 8538,
18 Third Reading Calendar 2011.

19 ACTING PRESIDENT GRIFFO:
20 Substitution ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 2011, by the Assembly Committee on Rules,
24 Assembly Print Number 11628, an act validating
25 certain acts done by the Rochester City School

1 District.

2 ACTING PRESIDENT GRIFFO: Read
3 the last section.

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

6 ACTING PRESIDENT GRIFFO: Call
7 the roll.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT GRIFFO: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 2031, by Senator Griffo, Senate Print 8507A,
13 an act to amend the Tax Law.

14 SENATOR DUANE: Lay it aside,
15 please.

16 ACTING PRESIDENT GRIFFO: Lay it
17 aside.

18 THE SECRETARY: Calendar Number
19 2056, by Senator DeFrancisco, Senate Print
20 8509B, an act to amend the Education Law.

21 ACTING PRESIDENT GRIFFO: Read
22 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT GRIFFO: Senator
4 Valesky, to explain his vote.

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

7 I want to thank Senator DeFrancisco
8 for his leadership on this issue. This is a
9 very important piece of legislation that will
10 provide the final piece of a puzzle that may
11 very well revolutionize public education in
12 the City of Syracuse School District.

13 We took some action during the
14 budget, and assuming that the Assembly joins
15 us in approving this bill today, this will
16 provide additional tuition assistance to
17 schoolchildren in the City of Syracuse public
18 school district.

19 It will also have a tremendous
20 economic development impact as well by
21 encouraging young families to move back into
22 the city of Syracuse to raise their families.

23 So, Senator DeFrancisco, thank you
24 for your support of this bill. I encourage
25 all my colleagues to support it as well.

1 I'll be voting in the affirmative.

2 Thank you.

3 ACTING PRESIDENT GRIFFO: Senator
4 Valesky to be recorded in the affirmative.

5 Announce the results.

6 THE SECRETARY: Ayes, 60. Nays,
7 1. Senator LaValle recorded in the negative.

8 ACTING PRESIDENT GRIFFO: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 2084, by the Senate Committee on Rules, Senate
12 Print 8526B, an act to amend the New York
13 State Urban Development Corporation Act.

14 SENATOR DUANE: Lay it aside,
15 please.

16 ACTING PRESIDENT GRIFFO: Lay it
17 aside.

18 THE SECRETARY: Calendar Number
19 2098, by the Senate Committee on Rules, Senate
20 Print --

21 SENATOR DUANE: Lay it aside,
22 please.

23 ACTING PRESIDENT GRIFFO: Lay it
24 aside.

25 THE SECRETARY: Calendar Number

1 2100, by the Senate Committee on Rules --

2 SENATOR MAZIARZ: Just lay it
3 aside.

4 ACTING PRESIDENT GRIFFO: Lay it
5 aside.

6 Is that for the day? Senator
7 Maziarz, can we have a clarification? Is
8 Calendar 2100 to be laid aside for the day?

9 SENATOR MAZIARZ: No,
10 temporarily.

11 ACTING PRESIDENT GRIFFO: Lay it
12 aside temporarily.

13 Senator Maziarz, that now completes
14 the noncontroversial reading of the active
15 list before us.

16 SENATOR MAZIARZ: Mr. President,
17 could we return to Calendar Number 1695, by
18 Senator Leibell, and lay that aside for the
19 day, please.

20 ACTING PRESIDENT GRIFFO: We will
21 return to Calendar Number 1695, by Senator
22 Leibell, and lay that aside for the day.

23 Senator Maziarz.

24 SENATOR MAZIARZ: Mr. President,
25 can we now take up the controversial reading

1 of the calendar, please.

2 ACTING PRESIDENT GRIFFO: The
3 Secretary will ring the bell.

4 ACTING PRESIDENT YOUNG: The
5 Secretary shall read.

6 THE SECRETARY: Calendar Number
7 2031, by Senator Griffo, Senate Print 8507A,
8 an act to amend the Tax Law.

9 ACTING PRESIDENT YOUNG: Senator
10 Klein.

11 SENATOR KLEIN: Madam President,
12 if the sponsor would yield for a couple of
13 questions.

14 ACTING PRESIDENT YOUNG: Senator
15 Griffo, will you yield?

16 SENATOR GRIFFO: I do.

17 ACTING PRESIDENT YOUNG: Senator
18 Klein.

19 SENATOR KLEIN: Thank you, Madam
20 President. Through you, Madam President.

21 Senator Griffo, do you have any
22 statistics from the New York State Department
23 of Taxation and Finance on how much the State
24 of New York loses every year through
25 bootlegging or selling untaxed cigarettes?

1 SENATOR GRIFFO: It is
2 estimated -- Madam President, through you.
3 Senator Klein, it is estimated almost about a
4 billion dollars each year could be not
5 collected as a result of bootlegging or
6 evasion.

7 SENATOR KLEIN: Again, through
8 you, Madam President, would the sponsor yield
9 for a question.

10 ACTING PRESIDENT YOUNG: Senator
11 Griffo, do you continue to yield?

12 SENATOR GRIFFO: I do, Madam
13 President.

14 ACTING PRESIDENT YOUNG: Thank
15 you.

16 Senator Klein.

17 SENATOR KLEIN: Senator Griffo,
18 do you know how much of that lost tax revenue
19 is due to cigarettes sold from Native American
20 reservations, either through the Internet or
21 directly from the reservation?

22 SENATOR GRIFFO: Senator Klein, I
23 do not have a specific -- Madam President,
24 through you. Senator Klein, I do not have a
25 specific amount, but it has been estimated

1 upwards to about a half a billion dollars.

2 SENATOR KLEIN: Thank you.

3 Another question, Madam President.

4 Would the sponsor yield?

5 ACTING PRESIDENT YOUNG: Senator

6 Griffo, do you continue to yield?

7 SENATOR GRIFFO: I do, Madam

8 President.

9 ACTING PRESIDENT YOUNG: Thank

10 you.

11 Senator Klein.

12 SENATOR KLEIN: Senator Griffo,
13 under your legislation you create a tax credit
14 for those retail tobacco dealers located in
15 close proximity to Native American
16 reservations.

17 How much would the tax credit cost
18 the taxpayers of New York State? In other
19 words, what would be the budget amount?

20 SENATOR GRIFFO: Madam President,
21 through you. Senator Klein, that is still
22 being worked out at this point in time.

23 But the concept behind this,
24 Senator Klein, was to serve -- this
25 Legislature, both houses passed, in March of

1 2006, laws instructing the Executive to
2 enforce the laws of the State of New York by
3 collecting sales tax. Three Governors have
4 chosen to ignore those laws that have existed.

5 So this is purposely presented as a
6 penalty, not only to the state for its
7 inaction for failure to fulfill the
8 responsibilities incumbent with the executive
9 office of the Governor in enforcing the law.

10 So while those numbers are being
11 worked out, I thought it was important that we
12 presented this forward, because we want to
13 encourage that the law is obviously abided by
14 and that the Governor in office, whoever it
15 may be -- and at this time the current
16 Governor -- really begin to take appropriate
17 action. And if not, this would be a penalty
18 for the State of New York.

19 So I recognize there would be a
20 cost savings. But we were trying to come up
21 with a new way without trying to face some
22 constitutional crisis between the two
23 branches, recognizing the separation of powers
24 but also trying to emphasize the importance of
25 this legislation and the fact that for three

1 Governors now, we have not seen any action.

2 So yes, there would be a cost, but
3 that is the impetus for this, not only to
4 offset the concerns expressed by the small
5 business community, but I actually think we
6 should even go farther and hold the
7 communities harmless too that are also
8 suffering because of this failure to collect
9 the sales tax.

10 SENATOR KLEIN: Thank you,
11 Senator Griffo.

12 Would the sponsor yield, Madam
13 President, for one last question.

14 ACTING PRESIDENT YOUNG: Senator
15 Griffo, do you yield for one last question?

16 SENATOR GRIFFO: I do yield,
17 Madam President.

18 ACTING PRESIDENT YOUNG: Thank
19 you.

20 Senator Klein.

21 SENATOR KLEIN: Through you,
22 Madam President. I notice also there's a
23 separate section -- one is businesses that are
24 close proximity to Native American
25 reservations. The other section deals with

1 tobacco dealers, retail tobacco dealers who
2 are in close proximity to a border state.

3 If we're trying to deal with the
4 lost revenue that's not collected from Native
5 American reservations through the sale of
6 bootleg cigarettes, why are we now including a
7 section on border states?

8 SENATOR GRIFFO: Madam President,
9 through you.

10 Senator Klein, we do have
11 reservations that are in bordering states that
12 are close enough to our border that have that
13 type of an impact.

14 SENATOR KLEIN: Thank you very
15 much, Senator Griffo.

16 Madam President, on the bill.

17 ACTING PRESIDENT YOUNG: Senator
18 Klein, on the bill.

19 SENATOR KLEIN: I want to thank
20 Senator Griffo for raising this issue.

21 But I think what we're doing in
22 this legislation is making a bad situation, if
23 at all possible, somewhat worse. What we're
24 doing now is we're acknowledging that we can't
25 collect cigarettes on Native American

1 reservations, even though there's many laws
2 written that say we can do that, and now we're
3 losing all that revenue for the State of
4 New York for untaxed cigarettes, and now we're
5 giving a tax credit to these aggrieved
6 businesses.

7 I don't think this is the best way
8 to deal with the problem. Although, again, I
9 do recognize Senator Griffo is looking out for
10 his localities, who are going to wake up one
11 morning without a tax base.

12 This is an issue that I've had a
13 long history with in our State Legislature.
14 As a matter of fact, one of the first bills
15 that I passed in the Assembly was a bill that
16 I did with Senator Libous when the problem was
17 bootlegging of cigarettes that came from
18 low-tax states. We dealt with that situation,
19 but then the Native Americans got into the
20 cigarette business and the issue has come
21 about again.

22 I also wrote a law with Senator
23 Chuck Fuschillo which bans the sale of
24 cigarettes over the Internet and through mail
25 order. Again, a very important issue, because

1 not only are we losing a tremendous amount of
2 tax revenue, but young people time and time
3 again are able to gain access to cheap
4 cigarettes over the Internet without having to
5 give IDs or any proof of age.

6 So this is an issue that has become
7 very, very important for two reasons. First,
8 the State of New York is losing millions and
9 millions of dollars in uncollected revenue.
10 But just as important, the way young people
11 can buy cigarettes is through the Internet,
12 through mail order. And the incentive to buy
13 cigarettes at a cheaper price exists every day
14 for them.

15 There are statistics that show
16 every time we tax cigarettes, we do reduce the
17 number of smokers. But I think when we look
18 at those numbers, I think they're very
19 difficult to calculate. Because what we're
20 seeing is people who are buying cigarettes
21 lawfully, and there maybe a drop-off, but I
22 think indeed they're buying cigarettes over
23 the Internet, they're buying cigarettes off
24 the street from people who aren't collecting
25 the tax.

1 Whether you like cigarette smoking
2 or not, we can't ignore the fact that we
3 generate a tremendous amount of revenue
4 through cigarettes. And one of the ways we
5 fund the HCRA fund in New York State -- which,
6 as everyone knows, goes to healthcare and
7 other important programs, the EPIC program, to
8 just name a few -- is through cigarette taxes.

9 Also, our tobacco settlement money,
10 which is again earmarked in New York State for
11 healthcare causes, is based on legal cigarette
12 sales. So every time a bootleg pack of
13 cigarettes is sold, every time an untaxed
14 carton that emanates from a Native American
15 reservation is sold, that's less money that's
16 calculated towards our tobacco settlement
17 dollars.

18 So I think we really need to deal
19 with this through legislation, if we can. But
20 I'll be honest, I'm getting a little
21 frustrated. I've passed two bills now in my
22 tenure in the Legislature, and they haven't
23 been enforced.

24 I think what we really need to do
25 is work out an agreement with our Native

1 American neighbors where we do some type of
2 50/50 split where they collect the taxes, we
3 take half. It's better than nothing. Or
4 maybe we should actually have a health and
5 education fund that the money is collected by
6 Native Americans and is dedicated to a fund to
7 make sure that the reservation uses it for
8 education and healthcare.

9 But I think we shouldn't be the
10 only state in the United States that has no
11 tax agreement with our Native American
12 neighbors. That's where we are right now.
13 And I don't think, in this time of fiscal
14 constraints, we can continue to ignore
15 \$500 million, \$600 million in uncollected
16 revenue.

17 And as I said earlier, I feel for
18 the constituents that Mr. Griffo represents,
19 as well as my colleague Senator Valesky.
20 Because it's very, very difficult to compete
21 when an item is being sold and they're
22 excluding taxes.

23 And I will say, and I guess I don't
24 want to give some of the tribes some ideas,
25 but there's nothing preventing them from

1 actually selling refrigerators or fur coats or
2 jewelry or anything else that has a very high
3 luxury tax. And what's going to happen one
4 day is we're going to wake up in a lot of
5 these communities, and they're going to lose
6 their tax base. And I think it's incumbent
7 upon us to prevent that from happening.

8 So while I support the effort
9 that's put forward in this bill, and I do vote
10 yes, I think we should be really doing a lot
11 more to finally hammer out an agreement with
12 our Native American agreements.

13 I thank you, Madam President.

14 ACTING PRESIDENT YOUNG: Senator
15 Valesky.

16 SENATOR VALESKY: Thank you,
17 Madam President. On the bill.

18 ACTING PRESIDENT YOUNG: Senator
19 Valesky, on the bill.

20 SENATOR VALESKY: Thank you,
21 Madam President.

22 I appreciate Senator Klein's
23 efforts over the years -- particularly his
24 leadership in the Assembly, before coming
25 here -- on this issue.

1 I can relate and speak firsthand to
2 the frustration that Senator Klein speaks
3 about in regard to this issue. And I want to
4 thank Senator Griffo for bringing this bill
5 before us today.

6 The impact certainly on convenience
7 stores in Central New York as a result of the
8 lack of enforcement of sales tax collection
9 has been significant over the years. It has
10 been even greater since passage of the budget
11 earlier this year with the \$1.25 increase in
12 the state excise tax on cigarettes.

13 This is the third consecutive
14 administration in this state that has not
15 followed through in enforcing the law.
16 Senator Griffo mentioned earlier that we have
17 passed legislation in this house and in the
18 other house on more than one occasion, and in
19 numerous budgets, to direct the Commissioner
20 of Taxation and Finance to collect sales
21 taxes. That has not happened, and I commend
22 Senator Griffo for taking this approach.

23 I would note in the bill, however,
24 that Senator Griffo's bill would expire upon
25 the collection of the sales tax imposed under

1 Article 20 of the Tax Law. So when laws that
2 are on the books are not being enforced, I
3 think it's certainly appropriate for us as a
4 Legislature to do everything we can to
5 encourage the Executive, whomever that might
6 be, to enforce the laws of this state.

7 So, Senator Griffo, thank you for
8 bringing this piece of legislation before us.
9 I encourage all of my colleagues to support
10 the bill.

11 ACTING PRESIDENT YOUNG: Thank
12 you, Senator Valesky.

13 Senator Nozzolio.

14 SENATOR NOZZOLIO: Thank you,
15 Madam President. On the bill.

16 Madam President and my colleagues,
17 Senator Griffo did not want to introduce this
18 legislation. I speak for myself; I did not
19 want to support this legislation.

20 But unfortunately, the New York
21 State Tax Department, being the biggest tax
22 scofflaw of all of New York State, requires us
23 to take this drastic action.

24 Under three Governors, the New York
25 State Tax Department has failed to comply with

1 a law that this house instructed them to
2 comply with. This house voted to establish
3 the level playing field when an Indian
4 business, a Native American business, sells to
5 a non-Native American customer, that is a
6 transaction that this house and the other
7 house, the Assembly, indicated should be the
8 law of New York State.

9 Do you know of any other element of
10 the New York State tax code that is ignored by
11 the New York State Tax Department? I can
12 think of no other.

13 We all know, and I'm sure we've
14 heard from business after business that when
15 non-Native American businesses, when they are
16 in any way in arrears in their payments, what
17 happens to them? Well, the New York State Tax
18 Department is the first to show up, is the
19 first to seize assets, is the first to take
20 them to court, is the first to prosecute and
21 is the first to convict.

22 But what happens when there are, as
23 Senator Klein had indicated, literally
24 thousands of transactions that are occurring
25 each and every week that the New York State

1 Tax Department is required to collect taxation
2 but refuses to do so?

3 The only thing worse than taxation
4 is taxation that's administered unevenly, and
5 that's what we have in this state. We have an
6 uneven implementation of the New York State
7 tax code by the New York State Tax Department.
8 One set of rules for Native Americans who are
9 selling to non-Native Americans. Even though
10 the law requires there to be a set of rules
11 for all business selling to non-Native
12 Americans, the Tax Department continues to
13 support duplicity.

14 Senator Griffo -- and I support his
15 legislation -- has introduced this bill out of
16 tremendous frustration. But his frustration
17 and my frustration pales in comparison to the
18 frustration of the everyday businessperson who
19 is paying their taxes, who is complying with
20 the law, who is trying to make ends meet, who
21 is running a legitimate business but cannot
22 compete toe to toe, head to head because
23 there's a duplicity in the enforcement of our
24 New York State tax code.

25 The frustration of that

1 businessperson -- the loss of revenue, the
2 loss of employment, the loss of their
3 business -- is extreme. That's why Senator
4 Griffo developed this procedure, to try to
5 level the playing field somewhat and somehow
6 make up for the Tax Department's failure to
7 follow the law.

8 Senator Griffo, you've done an
9 excellent job in putting this bill before us.
10 It's a measure that I believe everybody should
11 support that cares about business in New York,
12 that cares about the upstate economy, that
13 cares about those businesses that do follow
14 the law, that do pay taxes, that do obey the
15 rules.

16 It is, at the very least, out of
17 frustration because of the Tax Department's
18 failure to comply with the law that this
19 legislation becomes necessary.

20 And that, Madam President, is why I
21 rise to support it.

22 ACTING PRESIDENT YOUNG: Thank
23 you, Senator Nozzolio.

24 Any other Senator wishing to be
25 heard?

1 Then the debate is closed. The
2 Secretary will ring the bell.

3 Read the last section.

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

6 ACTING PRESIDENT YOUNG: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT YOUNG: Senator
10 Schneiderman, to explain his vote.

11 SENATOR SCHNEIDERMAN: Thank you,
12 Madam President.

13 I will be voting against this bill,
14 although I very much appreciate the
15 frustration of my colleagues who represent
16 areas where this problem is taking place.

17 I don't think the right way to
18 address it is to essentially extend the same
19 problem and create more inequality between
20 businesses that happen to be close to a
21 reservation as opposed to businesses that are
22 a little further way. Obviously, the way to
23 handle this is to collect the taxes.

24 I also have a very serious problem
25 with the extension of this rule to businesses

1 just that are simply close to a border state.
2 That creates tremendous inequality between
3 equal businesses.

4 I think the principles that were
5 stated before by my colleagues who are in
6 support of this measure -- treat equal
7 businesses equally -- are tremendously
8 important. The first principle of tax policy
9 is you treat equal transactions and equal
10 individuals or businesses equally.

11 Unfortunately, the New York State
12 tax code is riddled with exemptions and
13 loopholes like this, which is why our
14 corporate taxes have high marginal rates but
15 generate very little income.

16 I would love to have a way to
17 support the people in these jurisdictions that
18 are suffering; I can't support this particular
19 method. I'm voting no, Madam President.
20 Thank you.

21 ACTING PRESIDENT YOUNG: Thank
22 you, Senator Schneiderman.

23 Senator Savino, to explain her
24 vote.

25 SENATOR SAVINO: Thank you,

1 Madam President.

2 I'm also voting against this bill,
3 although I totally appreciate and understand
4 the frustration of Senator Griffo and the
5 other members of the Senate who represent
6 areas that do have a large number of
7 Native Americans selling cigarettes illegally.
8 I am sympathetic.

9 However, for all of the reasons
10 that Senator Klein laid out, the amount of
11 revenue that is at stake, the amount of
12 revenue that the New York State government
13 loses every day because of these illegal
14 sales, the amount of revenue that comes out of
15 our HCRA fund, the amount of revenue that
16 comes out of the tobacco settlement, the cost
17 to New York State is incredible.

18 And what we have here right now is
19 a situation where we are almost on the verge
20 of aiding and abetting what is almost like an
21 organized crime ring. Nowhere else would we
22 apply this rule than to this particular group
23 of people who are violating the law every day.
24 Imagine if every one of us in this chamber
25 decided that we were not going to pay our

1 taxes anymore, we were just going to stop.

2 Would any one of us be allowed to
3 stop doing that? Would any group of retailers
4 in the City of New York decide to just stop
5 paying the sales tax that they are required to
6 pay, or anywhere else in the State of
7 New York? No.

8 Our failure to enforce the
9 legislation that we passed is somewhat
10 troubling, because we're allowing it to go on.
11 I understand what we're trying to do; we're
12 trying to provide relief directly to the
13 unintended victims of our own failure. But
14 what we should be doing is making sure that
15 when we enact legislation and the Governor
16 signs it into law, that the agency's required
17 for implementing it actually does that.

18 I understand what you're doing,
19 Senator Griffo, but unfortunately I cannot
20 vote for this legislation.

21 ACTING PRESIDENT YOUNG: Senator
22 Savino, how do you vote?

23 SENATOR SAVINO: No.

24 ACTING PRESIDENT YOUNG: Senator
25 Savino votes no.

1 Senator Winner, to explain his
2 vote.

3 SENATOR WINNER: Thank you,
4 Madam President. I briefly want to explain my
5 vote.

6 I want to thank Senator Griffo for
7 bringing this measure before us, ostensibly
8 out of frustration with the failure of the
9 administration -- three administrations -- to
10 enforce the law that we have out there to
11 collect the sales tax that is costing our
12 taxpayers significant revenues that could be
13 used for other purposes.

14 I mean, one of the last excuses
15 that they used, the Tax Department used, was
16 that they were enjoined from enforcing the
17 law. Well, you know why they were enjoined
18 from enforcing the law? The law said that you
19 had to promulgate regulations, and the law
20 said that you had to print revenue stamps in
21 order for the law to be implemented and put in
22 place.

23 And they said, well, we've been
24 enjoined because we did -- because -- and
25 therefore we can't go forward. Well, the

1 reason they couldn't go forward is because
2 they didn't promulgate the regulations and
3 they didn't print the revenue stamps.

4 So what kind of circular nonsense
5 and excuse-hiding-behind is that particular
6 message to all the legitimate businesses that
7 are out there?

8 This measure is born out of
9 frustration. It's hopefully a message that
10 will be sent to the administration and others
11 that are responsible for the enforcement of a
12 legitimate statute that we have on the books
13 to collect these necessary revenues for our
14 legitimate state purposes.

15 And additionally, I want to commend
16 Senator Griffo for recognizing the inequities
17 that we have also on the border businesses
18 that are dealing with states that have lower
19 excise taxes that are causing us significant
20 anti-competitive retail pressures within our
21 state.

22 So this measure is a great measure
23 to send a message out there that we really
24 mean business about making sure that these
25 revenues are collected and that we know that

1 we need to protect the legitimate businesses
2 in this state from unfair competitive
3 pressures.

4 So I vote aye.

5 ACTING PRESIDENT YOUNG: Thank
6 you, Senator Winner.

7 Senator Hassell-Thompson, to
8 explain her vote.

9 SENATOR HASSELL-THOMPSON: Thank
10 you, Madam President.

11 I'm very confused because I thought
12 clearly that the agreements that were made on
13 reservations could not be preempted by the
14 State Legislature. And yet the language that
15 is being used infers and implies that
16 something illegal is happening on the
17 reservations.

18 I will be voting no for this bill
19 primarily because I continue to see it as an
20 encroachment on and changing or attempting to
21 change those agreements that have been made
22 with our reservations.

23 I do not agree that the competition
24 should not in fact be more fair in terms of
25 surrounding communities, but I fail to see how

1 this in fact will make a justification for the
2 balance that you say that you want to create.

3 I will not be voting for this bill.
4 Thank you, Madam President.

5 ACTING PRESIDENT YOUNG: Thank
6 you, Senator Hassell-Thompson. You will be
7 recorded as a no.

8 Senator Parker, to explain your
9 vote.

10 SENATOR PARKER: Madam President,
11 to explain my vote.

12 First, let me congratulate Senator
13 Griffo for bringing this issue to the floor.
14 This is an issue, since I've been here, we've
15 been trying to address in several different
16 ways and we've gone unsuccessful without
17 addressing it. So I stand in unity with
18 Senator Griffo as he tries to address a wrong
19 that needs to be dealt with.

20 However, I'm not clear that this
21 bill is actually the way that we ought to go
22 about it.

23 Frankly, my concern is really
24 simple, is that we are looking at lowering the
25 taxes on cigarettes after we have just raised

1 the taxes on cigarettes.

2 To tell you a quick story, there
3 was a young man who was born in Harlem
4 Hospital, grew up as an orphan, had an
5 opportunity to get a good job and wound
6 working for the Transit Authority. And having
7 that full-time job at a living wage, with
8 benefits, allowed him to marry his high school
9 sweetheart and raise five children. You know,
10 one of them actually became a State Senator.

11 And unfortunately, that man, after
12 having this good life, died last year of a
13 massive heart attack after suffering for six
14 or seven years with emphysema, acute
15 bronchitis, and other kind of ailments. And
16 that man was my father.

17 I do not want to see people have to
18 go through what my family has gone through
19 after losing my father to smoking-related
20 illness. We need to do everything that we can
21 to in fact discourage people from smoking.

22 And if store owners and convenience
23 store owners have to find other ways to
24 produce revenues, then let's have that
25 conversation, and I'm happy to figure out

1 other ways to do it.

2 But we no longer can in fact trade
3 off economic development and jobs with the
4 cost that it's costing us both in human lives
5 and in the healthcare costs for
6 smoking-related illnesses.

7 And so on one hand we're giving
8 money and now we're giving away money, and on
9 the other hand we're going to be spending
10 money as we in fact encourage people to smoke
11 all over the state.

12 Because of that, I have to vote no.
13 And I'm hoping that we can work together,
14 going forward, to figure out another way to
15 address this important issue.

16 ACTING PRESIDENT YOUNG: Thank
17 you, Senator Parker. You will be recorded in
18 the negative.

19 Any other Senator wishing to be
20 heard?

21 Announce the results.

22 THE SECRETARY: Those recorded in
23 the negative on Calendar Number 2031 are
24 Senators Connor, Duane, Gonzalez,
25 Hassell-Thompson, Huntley, Klein, Montgomery,

1 Morahan, Padavan, Parker, Perkins, Sabini,
2 Savino, Schneiderman, Serrano and
3 Stewart-Cousins. Also Senator Stavisky.

4 Absent from voting: Senator
5 Sampson.

6 Ayes, 44. Nays, 17.

7 ACTING PRESIDENT YOUNG: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 2084, by the Senate Committee on Rules, Senate
11 Print 8526B, an act to amend the New York
12 State Urban Development Corporation Act.

13 SENATOR LIZ KRUEGER:
14 Explanation.

15 ACTING PRESIDENT YOUNG: An
16 explanation has been requested, Senator
17 Johnson.

18 SENATOR OWEN JOHNSON: Yes, this
19 bill creates an innovative program at a
20 statewide level to enable financing of
21 large-scale economic development projects over
22 \$20 million. The Empire State Development
23 Corporation will act as the primary vehicle
24 for review and approval of key projects.

25 This benefits the state by reducing

1 and eliminating the need for grant programs to
2 finance large-scale projects. And the way
3 they do that is keep aside the payment in lieu
4 of taxes and use those to pay the bonds on the
5 money which is being provided. So we don't
6 have to use state grants, we can use that
7 money to float bonds and pay them off with the
8 payments in lieu of taxes.

9 And it's a very clever idea. You
10 can raise a lot of money that way and provide
11 incentives for major projects.

12 ACTING PRESIDENT YOUNG: Thank
13 you, Senator Johnson.

14 Senator Krueger.

15 SENATOR LIZ KRUEGER: Thank you,
16 Madam President.

17 If the sponsor would please yield.

18 ACTING PRESIDENT YOUNG: Senator
19 Johnson, do you yield?

20 SENATOR OWEN JOHNSON: Yes.

21 ACTING PRESIDENT YOUNG: The
22 Senator yields.

23 SENATOR LIZ KRUEGER: Thank you.

24 So it's a PILOT program, payments
25 in law of taxes, and it's a self-sufficiency

1 program, and it's got some very specific
2 criteria. Is there a specific project in mind
3 with this bill?

4 SENATOR OWEN JOHNSON: Not at the
5 moment, no. Not at the moment.

6 SENATOR LIZ KRUEGER: Not at the
7 moment. Thank you.

8 SENATOR OWEN JOHNSON: But we are
9 looking to have large projects come along, and
10 we don't have the state funds to provide it,
11 and this is a way to create the money to build
12 the projects.

13 ACTING PRESIDENT YOUNG: Thank
14 you, Senator Johnson.

15 Senator Krueger.

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

19 ACTING PRESIDENT YOUNG: Senator
20 Johnson, do you continue to yield?

21 SENATOR OWEN JOHNSON: Yes, I
22 will.

23 SENATOR LIZ KRUEGER: Thank you.
24 Thank you, Madam President.

25 I have to say, as I reviewed this

1 bill, one of my largest concerns was the
2 absence of a local role in this.

3 As I read the bill, the applicant
4 comes to the UDC for financing of this
5 project, and then they can come to an
6 agreement, the state agency and the project
7 developer, wherein if they make an agreement
8 to pay PILOTs to themselves instead of taxes
9 for 40 years -- again, if I'm the developer in
10 the deal and I make an agreement through this
11 law where I will pay payments in lieu of taxes
12 not to the state or the locality but in fact
13 to myself for the project costs, then for
14 40 years I might not have to pay any actual
15 taxes to the local government or the county or
16 even the state.

17 And the way the bill is written,
18 the locality only gets 45 days' notice to
19 decide whether or not they want to object.
20 And if they haven't objected, this deal can go
21 through. And the school district, which also
22 then is losing the taxes for up to 40 years,
23 also has only 30 days to make a determination.

24 And so this kind of deal could go
25 through in what I would call the blink of an

1 eye, from a local government perspective,
2 where the provider --

3 ACTING PRESIDENT YOUNG: Senator
4 Krueger, excuse me. Is there a question in
5 there?

6 SENATOR LIZ KRUEGER: Yes, there
7 is.

8 ACTING PRESIDENT YOUNG: Okay,
9 thank you.

10 SENATOR LIZ KRUEGER: Again, I'm
11 trying to explain my reading of the bill in my
12 question to the Senator.

13 That the way the bill is written,
14 the PILOT deal would go through, if the school
15 district didn't say wait a second here within
16 30 days, if the local government didn't say
17 wait a second here within 45 days -- and while
18 the developer might have to pay a certain
19 percentage formula, as laid out in the bill,
20 to the host community and the school district
21 and a one-time payment to ESDC, this could be
22 an enormous project in somebody's back yard
23 with very little opportunity for them to
24 object. And before you know it, there's no
25 taxes paid to them for 40 years.

1 So my question is, is that the
2 sponsor's intention in this bill, to basically
3 lock localities and school districts out of
4 taxes for 40 years?

5 ACTING PRESIDENT YOUNG: Senator
6 Johnson.

7 SENATOR OWEN JOHNSON: I
8 understood you made a wonderful presentation.
9 Was that a question or what?

10 SENATOR LIZ KRUEGER: Yes, it was
11 a question, Senator Johnson. I could repeat
12 it -- don't repeat it?

13 (Laughter.)

14 ACTING PRESIDENT YOUNG: Not
15 necessary, Senator Krueger.

16 SENATOR OWEN JOHNSON: What is
17 the question?

18 SENATOR LIZ KRUEGER: Does this
19 bill lock local governments and school
20 districts into 40 years where taxes cannot be
21 collected because the PILOTs go to the
22 sponsor, with the exception of the deal laid
23 out here, of just 3 percent to the host
24 community, 3 percent of the project costs to
25 the school district, and if the locality and

1 the school district haven't acted within a
2 45-day window, the deal is done anyway?

3 SENATOR OWEN JOHNSON: Okay, very
4 good.

5 Now, you know, this has got two
6 purposes. One is to generate tax revenue.
7 One is create jobs. One is create housing,
8 affordable housing. So jobs, housing. I
9 can't think of all the other -- if you read
10 the bill, one or two good reasons to do this,
11 to revive the community, raise the community
12 standards with employment, with new projects,
13 construction work.

14 You're right, 3 percent of the
15 total project cost will go to the school
16 district initially. Now, if the locality
17 doesn't want this project, they can veto the
18 project. They can say "We don't want it."
19 But most people would like the jobs and the
20 construction and the jobs which are generated
21 from the project.

22 And a lot of income is created in
23 that area, sales taxes are created. So don't
24 think there's no benefit to the community;
25 there is. The community will be revived, and

1 the revenue will flow from the other sources
2 which I mentioned to you. So I think it's a
3 very clever idea to finance things without the
4 state going into debt to do it.

5 ACTING PRESIDENT YOUNG: Thank
6 you, Senator Johnson.

7 Senator Krueger.

8 SENATOR LIZ KRUEGER: Thank you.
9 Thank you, Madam President. On the
10 bill.

11 ACTING PRESIDENT YOUNG: Senator
12 Krueger, on the bill.

13 SENATOR LIZ KRUEGER: Well, of
14 course we all love the idea of economic
15 development that creates jobs. And housing,
16 as the Senator said. Although this bill isn't
17 actually related to housing, this bill is
18 related to some kind of manufacturing-category
19 plant, as opposed to housing. And it does
20 talk about creating jobs, although it can be
21 relatively small numbers of jobs. But I
22 appreciate that in certain communities small
23 numbers of jobs are very important.

24 Again, my concern with this bill is
25 imagine you're a local government. The ESDC

1 has gone into a deal with someone. You have a
2 maximum of 45 days to have a community
3 discussion: Do you want this here? What are
4 you giving up in taxes if you accept the
5 project?

6 Because if you accept the project,
7 there are no taxes owed to you for 40 years,
8 4-0, except for what's written into this bill
9 of 3 percent payable at closing of the
10 financing to the host community. That's a
11 one-time 3 percent project cost. Three
12 percent of the project costs to be paid to the
13 school district. And 3 percent to ESDC.
14 Well, you understand why they might like it;
15 they get 3 percent of the project costs.

16 But again, with what I would define
17 in the real world as almost no time for
18 notice, you're walking into potentially having
19 this enormous new project in your community
20 with no time to evaluate what are the pluses
21 and minuses for you. What are the advantages
22 and the disadvantages of this big new project
23 in your community, in your town, in your
24 county? What are the impacts on your
25 transportation system, on your school system,

1 on your environmental costs?

2 What does it mean to have just
3 45 days -- and even in the bill it lays out
4 they're supposed to put letters around telling
5 people about the meeting to have a public
6 hearing -- 45 days, maximum, to make a
7 determination about whether you're accepting
8 this project and, if this project is accepted,
9 you're locked into a 40-year deal where the
10 project gets to keep the tax revenue for
11 themselves through the payments in lieu of
12 taxes? And you might not have even had time
13 to do an evaluation for yourself about the
14 impact in your community.

15 So to be honest, this bill scares
16 me. I represent a part of the City of
17 New York. We're a big city, we're a
18 sophisticated city with a very large local
19 government and zoning experts and
20 environmental experts and community boards.
21 And I would tell you that a 45-day timeline is
22 not nearly adequate for us in New York City to
23 make these kinds of determinations.

24 So imagine if I'm a small town in
25 upstate New York who doesn't have all of these

1 staff resources, and suddenly I get notice
2 that if I don't say "no" within 45 days,
3 that's it, the deal is going through, this is
4 coming in.

5 So I have a real concern about this
6 imposing on local communities, sort of forcing
7 them into economic development projects that
8 again on the surface might sound great, but
9 without the time and resources to evaluate
10 what this impact would be for themselves.

11 And so we love having economic
12 development projects. We support using bonds
13 and notes to support the kinds of projects
14 that are going to create real jobs and be good
15 partners with our communities.

16 I'm not saying that any individual
17 project that might be considered under this
18 bill might not be a good project. Again, I
19 asked the sponsor; there's no specific project
20 in mind. It talks about putting them in
21 brownfields areas. We like that. We want to
22 do more creation of brownfields resolution.

23 But again, I think this is an
24 attempt by the state to run over local
25 governments' and local communities' rights to

1 make their own determinations about whether
2 large-scale projects are right for them or not
3 and what the costs and impacts will be on
4 their communities.

5 And again, having just 45 days
6 maximum -- 30 days for your school district --
7 to determine whether you're giving up your tax
8 base on that area for 40 years doesn't seem
9 like a really great deal to me.

10 So with all due respect, I don't
11 think this is the kind of legislation most
12 communities in New York State really want to
13 see passed, because it locks them out of the
14 process. And we want more transparency and
15 more community participation, not less.

16 So I'm recommending a no vote on
17 this bill.

18 Thank you, Madam President.

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

21 Senator Hassell-Thompson.

22 SENATOR HASSELL-THOMPSON: Thank
23 you, Madam President.

24 Just an additional concern. When
25 the federal dollars used to come to the

1 states, there was something called the A-95
2 review. And what the A-95 review called for
3 was that at least 90 days would be put in
4 place to allow all concerned citizens and
5 organizations and municipalities to be able to
6 review, comment and respond.

7 This also triggered -- if there
8 were complaints, it stopped the clock in terms
9 of the time that was necessary. And also
10 there was a mechanism put in place when
11 complaints were registered that those
12 complaints would be reviewed by the feds.

13 I'd like to make a suggestion that
14 this bill and others like it seem to require,
15 is that we establish for our IDAs, for our
16 ESDCs, for our UDCs -- for any of our
17 acronyms -- that we have something relevant to
18 the A-95 review that requires a timely
19 allowance for municipalities to set forth
20 those complaints and concerns. And it ought
21 to also trigger that the state have a
22 mechanism in place that allows for those
23 complaints and concerns to be appropriately
24 reviewed.

25 A-95s worked well because they

1 allowed community groups to take a look at any
2 monies that were coming into their communities
3 to be reviewed and to make their concerns
4 known. And it also allowed for sufficient
5 time for the proper oversight local committees
6 to register appropriate complaints.

7 So I just have a concern that,
8 number one, 45 days certainly does not seem to
9 be sufficient. But every bill that we pass
10 seems to have their own numbers, and there's
11 no statewide requirement that we really take a
12 look at and review and allow our local
13 communities to have the review process that we
14 need in place.

15 So I will be voting -- you know, I
16 don't want to stop this progress, but I want
17 us to continue to review what it is we do and
18 have some systematic way in which our agencies
19 will function and that there will be an
20 oversight review to follow up on complaints
21 and concerns that are in fact registered by
22 local communities.

23 I hear upstate and downstate
24 communities talking about this, but nobody
25 wants to bite the bullet and say we need to

1 have a review process that is consistent in
2 the State of New York.

3 Thank you, Madam President.

4 ACTING PRESIDENT YOUNG: Thank
5 you, Senator Hassell-Thompson.

6 Senator Perkins.

7 SENATOR PERKINS: Thank you very
8 much, Madam President.

9 Through you, Madam President, may I
10 ask the sponsor a question or two.

11 ACTING PRESIDENT YOUNG: Senator
12 Johnson, will you yield for a question?

13 SENATOR OWEN JOHNSON: Yes, I
14 will.

15 SENATOR PERKINS: Thank you very
16 much.

17 I obviously appreciate the thrust
18 of this legislation in terms of what it is
19 trying to accomplish. But I have a concern
20 about how this is going to be funded.

21 I understand that Empire State
22 Development Corporation will be going into the
23 bond market to raise the money. Am I correct?

24 SENATOR OWEN JOHNSON: That's
25 correct.

1 SENATOR PERKINS: Do you have any
2 idea of what the limits to the amount of money
3 that the corporation will be allowed to raise?

4 SENATOR OWEN JOHNSON: Well, what
5 we're talking about here is a project at least
6 \$20 million.

7 SENATOR PERKINS: At least
8 \$20 million?

9 SENATOR OWEN JOHNSON: Of course,
10 we're depending upon the PILOT payments to
11 make the bond payments. So you understand it
12 has to be something that will be handled with
13 the amount of PILOTs that are available.

14 SENATOR PERKINS: Could you
15 repeat what you -- I didn't hear.

16 ACTING PRESIDENT YOUNG: Thank
17 you, Senator Johnson.

18 Senator Perkins.

19 SENATOR PERKINS: I couldn't hear
20 his explanation, so I just asked him if he
21 could repeat it maybe a little louder.

22 SENATOR OWEN JOHNSON: I have to
23 talk into the machine, not you. Okay?

24 ACTING PRESIDENT YOUNG: Thank
25 you, Senator Johnson.

1 SENATOR OWEN JOHNSON: The answer
2 is whatever amount of bonds we float have to
3 be handled by the PILOT payments which are
4 available.

5 SENATOR PERKINS: So in effect --
6 Madam President, may I continue to ask a
7 question.

8 ACTING PRESIDENT YOUNG: Senator
9 Johnson, do you yield?

10 SENATOR OWEN JOHNSON: Yes.

11 ACTING PRESIDENT YOUNG: Senator
12 Johnson yields, Senator Perkins.

13 SENATOR PERKINS: Thank you so
14 much.

15 I'm concerned about the possibility
16 of an unlimited amount of debt that will be
17 incurred. Presumably not state debt, as the
18 legislation suggests, but nevertheless debt
19 that is not able to be checked.

20 ACTING PRESIDENT YOUNG: Thank
21 you, Senator Perkins.

22 Senator Johnson.

23 SENATOR OWEN JOHNSON: I don't
24 think there will be an unlimited amount of
25 money for anything.

1 But I'll tell you something about
2 this project. This is same procedure which is
3 used to build -- and I don't want to shock
4 anybody from New York City, but the Mets and
5 Yankees stadiums used exactly the same
6 procedure to finance their project. Just as a
7 starter.

8 And, number two, there are a lot of
9 areas in this state which have degraded
10 housing, absent -- empty commercial buildings
11 and so on. And this is designed to help to
12 build up those areas or restore those areas
13 which need restoration desperately.

14 And I might say, someone mentioned
15 about 50 factory jobs. You could have up to
16 200, 300 jobs in finance or insurance and so
17 on.

18 So I think this is a really good
19 idea to create jobs and restore communities,
20 and you don't have to worry about the payment
21 because it's going to be covered by the
22 PILOTS.

23 ACTING PRESIDENT YOUNG: Thank
24 you, Senator Johnson.

25 Senator Perkins.

1 SENATOR PERKINS: Through you,
2 will the sponsor yield again for another
3 question.

4 ACTING PRESIDENT YOUNG: Senator
5 Johnson, will you yield?

6 SENATOR OWEN JOHNSON: Yes.

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

9 Senator Perkins.

10 SENATOR PERKINS: Again, I don't
11 think I have any debate with you with regard
12 to how commendable the objectives are and how
13 much of a need there may be for some way to
14 address those economic development needs,
15 whether they be upstate or any other part of
16 the state.

17 My concern is that this process of
18 going to the bond without necessarily making
19 it accountable to -- as part of the state debt
20 seems to be a gimmick that puts us in debt
21 without necessarily recognizing that we're
22 actually incurring debt, because we're using
23 the mechanism of the Empire State Development
24 Corporation.

25 ACTING PRESIDENT YOUNG: Senator

1 Johnson.

2 SENATOR OWEN JOHNSON: This is
3 not part of a state debt. This is a debt
4 incurred by the developer, really, and he's
5 going to be paying it off through the years.

6 SENATOR PERKINS: Through you,
7 Madam President, will the sponsor yield for
8 one more question.

9 ACTING PRESIDENT YOUNG: Thank
10 you, Senator Perkins.

11 Senator Johnson, will you yield for
12 one more question?

13 SENATOR OWEN JOHNSON: Will you
14 repeat the question, please?

15 SENATOR PERKINS: My question is,
16 the projects, when they are going through
17 PILOTs, pay off the debt.

18 SENATOR OWEN JOHNSON: Right.

19 SENATOR PERKINS: What happens
20 when the projects fail?

21 SENATOR OWEN JOHNSON: When it
22 fails?

23 SENATOR PERKINS: When the
24 projects fail, how does the debt get paid?

25 SENATOR OWEN JOHNSON: Well, it's

1 not state debt, it's UDC debt. And in fact
2 the debt is probably backed up by the
3 contractor, who's got his own financing,
4 ultimately, to finish the job.

5 SENATOR PERKINS: What did he
6 say? I can't hear him.

7 ACTING PRESIDENT YOUNG: Senator
8 Johnson, if you could speak into the
9 microphone.

10 SENATOR OWEN JOHNSON: You
11 know -- yeah, I have to do that -- there was a
12 song, years ago, like this [singing]:
13 "Accentuate the positive, eliminate the
14 negative." And all the other stuff.

15 That's what we have to do. You're
16 concentrating on the negative when you should
17 be looking at the positive, affirmative,
18 beneficial results of this project.

19 And it's not -- the state is not
20 going into debt. It's a very clever way to
21 finance this and get more jobs and more
22 things. And maybe we can get more companies
23 in this state. We desperately need more jobs,
24 especially upstate, and this will do it.

25 Now, did anybody worry about

1 financing for the Mets and the Yankees? Did
2 they say "That's a terrible thing," the city,
3 "don't do that, don't do that?" They didn't
4 say that. They went ahead and did the
5 projects. And we've got to go ahead and make
6 this a success.

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

9 Senator Perkins.

10 SENATOR PERKINS: On the bill.

11 ACTING PRESIDENT YOUNG: Senator
12 Perkins, on the bill.

13 SENATOR PERKINS: I appreciate
14 that you sang to me today, but it doesn't
15 convince me that this is the most accountable,
16 responsible way for us to do that which we all
17 think is very important to do in terms of
18 economic development.

19 It seems to me that we've had a
20 history of gimmickry in financing projects
21 through this process, relying on some moral
22 obligation that this debt will be backed, or
23 relying on PILOTs even though we've had
24 instances in which projects have failed.

25 Now with respect with respect to

1 the stadiums that you spoke of, those are not
2 the best examples for those of us from
3 New York, especially since they have failed
4 and have had to be re -- continually come back
5 for more and more money.

6 So I would hope that the positive
7 that you intend on experiencing with these
8 projects does not repeat what has happened
9 with the Yankees and the Mets. Because if
10 that is going to be the models that you're
11 using, then we're in trouble. And we'll be
12 singing the blues next time that we get
13 together.

14 So I again want to underscore my
15 support of the vision that you have in mind,
16 but I'm not quite sure that this approach is
17 the approach that is as transparent and as
18 accountable as we would need to assure the
19 public.

20 So I'm going to not be able to
21 support this legislation, because I think that
22 we can do better. And I would like to see us
23 move in a way that is more transparent, is
24 more accountable, and that can therefore
25 better service the people of the state in

1 terms of its economic development needs.

2 Thank you.

3 ACTING PRESIDENT YOUNG: Thank
4 you, Senator Perkins.

5 Any other Senator wishing to be
6 heard?

7 Senator Montgomery.

8 SENATOR MONTGOMERY: Yes, Madam
9 President. I would just like to ask the
10 sponsor a question for clarification on this,
11 on this bill.

12 ACTING PRESIDENT YOUNG: Senator
13 Johnson, do you yield?

14 SENATOR OWEN JOHNSON: Yes, Madam
15 President.

16 ACTING PRESIDENT YOUNG: The
17 Senator yields.

18 SENATOR MONTGOMERY: Thank you.
19 Through you, Madam President.

20 I note that this legislation
21 provides for UDC to be the lead agency. And
22 UDC, as lead agency, then controls all of the
23 decision-making as it relates to these
24 megaprojects, I'm assuming. Is that correct?

25 SENATOR OWEN JOHNSON: Yes,

1 that's true.

2 SENATOR MONTGOMERY: Okay. So,
3 Madam President, if the sponsor would continue
4 to yield for another question.

5 ACTING PRESIDENT YOUNG: Senator
6 Johnson, do you yield?

7 SENATOR OWEN JOHNSON: Yes.

8 ACTING PRESIDENT YOUNG: The
9 Senator yields, Senator Montgomery.

10 SENATOR MONTGOMERY: Thank you.
11 Through you, Madam President.

12 Now, we just passed a bill which
13 would put into law for the State of New York a
14 set of smart growth principles. And assuming
15 that the Governor will sign this
16 legislation -- it's Senator Marcellino's bill
17 that we did today -- that would establish that
18 no project under UDC or any of the other
19 agencies that would be similarly providing
20 financing for these megaprojects would be
21 allowed to go forward except under these
22 principles.

23 So my question to you is, how do we
24 reconcile this, which seems to be me to be --
25 just looking at this bill, which provides that

1 UDC takes the lead, and they have very
2 different procedures than localities. Yet
3 Senator Marcellino's bill requires that
4 localities are involved and that there are
5 certain principles that every development must
6 adhere to.

7 How would we reconcile that
8 vis-a-vis your legislation, which does not
9 take into consideration these principles? UDC
10 does not take into consideration any
11 principles of the local involvement.

12 SENATOR OWEN JOHNSON: Is that a
13 question?

14 SENATOR MONTGOMERY: I want to
15 know how would you reconcile this. Because
16 your bill provides that UDC takes the lead.
17 As lead agency, we operate under their
18 guidelines. They have not yet adopted these
19 principles. And how would we reconcile that
20 difference?

21 ACTING PRESIDENT YOUNG: Senator
22 Johnson.

23 SENATOR OWEN JOHNSON: Yes.
24 Senator, "smart growth" is a catchy phrase.
25 I've heard it many times. And what they like

1 to do is jam everybody into small areas so
2 they don't have to use cars, they can ride
3 buses or trains. But some areas of our state
4 don't have buses and trains, but they're areas
5 which need to be redeveloped.

6 And certainly you can't just say
7 "if you can't do by smart growth principles,
8 you can't do it." That's not a law anyhow;
9 that's a proposed law.

10 And so I'd say that the people
11 developing there certainly know that people
12 have to have access to the place and have
13 access for employees to come to work. It's
14 got to be in an area where essentially smart
15 growth exists without anybody telling them it
16 exists.

17 So I think there's no problem with
18 this, really.

19 ACTING PRESIDENT YOUNG: Thank
20 you, Senator Johnson.

21 Senator Montgomery.

22 SENATOR MONTGOMERY: Thank you,
23 Senator.

24 Madam President, on the bill.

25 ACTING PRESIDENT YOUNG: Senator

1 Montgomery, on the bill.

2 SENATOR MONTGOMERY: Yes, I want
3 to correct Senator Johnson on one thing that
4 he said, and that is that smart growth is only
5 a concept, it's a proposal.

6 But what we have in front of us is
7 a bill that we just passed, and I think we
8 voted unanimously to adopt these smart
9 principles. And it is my understanding that
10 the bill has already passed the Assembly.

11 So if that is the case, then we
12 have in place for the State of New York, for
13 these developments, any development -- it
14 doesn't say that some developments in some
15 regions, some areas, not in the urban centers,
16 not in the suburban centers. It says that
17 New York State now has a set of smart growth
18 principles.

19 Which include, include that there
20 are certain principles in every development
21 that must be considered. And some of those
22 are, i.e., whether or not this development
23 meets local criteria for what communities view
24 as important issues to them. It is in the
25 law. It's very specific. And it doesn't

1 exclude anyone.

2 So if we are saying now that UDC
3 will take the lead -- and UDC, my experience
4 has been, on one hand, they can be very
5 positive. On the other hand, if UDC decides
6 that it will not abide by local laws and
7 zoning codes and considerations of local
8 communities, but rather it supports the
9 development as presented by the developer no
10 matter what impact it's going to have on the
11 future of that community, then we clearly have
12 a problem.

13 And so I'm going to vote no on
14 this, because it's not clear to me that
15 Senator Marcellino's legislation, the smart
16 growth principles -- which I certainly
17 support. I think that we should have this
18 bill, this law should be in place for our
19 communities across this state. And I'm not
20 convinced that UDC considers itself under this
21 regulation.

22 I want to see it as part of this
23 bill if it's going to pass at all. And
24 certainly if UDC does not decide to adopt the
25 principles of smart growth as it relates to

1 any development that would come under this
2 law, then we are in trouble.

3 So, Madam President, I'm going to
4 oppose this legislation because I have seen
5 personally, firsthand, the destructive aspect
6 of when ESDC, which operates over UDC, does
7 not adhere to local considerations in
8 megadevelopments. And so we have essentially,
9 in the case that I'm familiar with, where ESDC
10 is clearly siding with the developer against
11 the community that the development is proposed
12 to be in.

13 So, Madam President, I vote no.

14 ACTING PRESIDENT YOUNG: Thank
15 you, Senator Montgomery.

16 Any other Senator wishing to be
17 heard?

18 Senator Johnson, on the bill.

19 SENATOR OWEN JOHNSON: I just
20 want to clarify something.

21 The local government has much to
22 say about what is built where in their
23 community. You know that; right? The local
24 governments have planning boards, zoning
25 boards, they have a lot to say about where and

1 when you can build something. You know that,
2 Senator?

3 SENATOR MONTGOMERY: Madam
4 President, am I asked to yield?

5 ACTING PRESIDENT YOUNG: Senator
6 Johnson, are you asking Senator Montgomery to
7 yield?

8 SENATOR OWEN JOHNSON: Yes, I'd
9 just like to ask her a question.

10 ACTING PRESIDENT YOUNG: Senator
11 Montgomery, do you yield?

12 SENATOR MONTGOMERY: Yes.

13 SENATOR OWEN JOHNSON: I said the
14 local government has a lot of say about what
15 is built where in their community, and that
16 planning boards and zoning boards exist. And
17 I didn't know if you were aware of that.

18 ACTING PRESIDENT YOUNG: Senator
19 Montgomery.

20 SENATOR MONTGOMERY: Yes, Madam
21 President.

22 My answer is very, very simply,
23 clearly, in the case that I referred to for a
24 development in my district where UDC is the
25 lead agency governing all aspects of the

1 development, none of the local zoning laws or
2 the local government has had anything to say
3 about what happens with that development.

4 Unlike when there is a development
5 where local laws govern what happens. There
6 are procedures that that development goes
7 through in terms of public approval that does
8 not happen under the -- when UDC takes the
9 lead. Or it may or may not happen. Sometimes
10 it does, but in this case it doesn't.

11 And that's why I'm objecting to
12 this program.

13 ACTING PRESIDENT YOUNG: Senator
14 Johnson.

15 SENATOR OWEN JOHNSON: I don't
16 want to make any further comments. I think we
17 have to end this discussion. But privately,
18 I'm going to talk with some of the members who
19 don't understand how it's going to work. But
20 let me terminate my discussion right now.

21 ACTING PRESIDENT YOUNG: Thank
22 you, Senator Johnson.

23 Any other Senator wishing to be
24 heard?

25 Then the debate is closed. The

1 Secretary will ring the bell.

2 Read the last section.

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

5 ACTING PRESIDENT YOUNG: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Those recorded in
9 the negative on Calendar Number 2084 are
10 Senators Adams, Connor, Dilan, Gonzalez,
11 Hassell-Thompson, Huntley, L. Krueger,
12 Montgomery, Parker, Perkins, Sabini, Sampson,
13 Schneiderman, DeFrancisco, Saland.

14 Ayes, 47. Nays, 15.

15 ACTING PRESIDENT YOUNG: The bill
16 is passed.

17 Senator Perkins, why do you rise?

18 SENATOR PERKINS: I'd like to
19 explain my vote.

20 ACTING PRESIDENT YOUNG: Senator
21 Perkins, the roll call is withdrawn. Without
22 objection, you may explain your vote.

23 SENATOR PERKINS: Thank you so
24 much for your cooperation.

25 I just want to reiterate my

1 concerns about this type of legislation that
2 seems to perpetuate a practice of increasing
3 state debt without trying to recognize it.

4 You know, we have debt that's on
5 the books and then we have debt that's off the
6 books. And then we hear from the public about
7 the fact that we're not being transparent and
8 that this off-the-books debt is not being
9 accountable.

10 So I'm not suggesting any back-room
11 deals or anything that seedy per se, but I do
12 think that we can do this better.

13 And I do think that when we use
14 these approaches to do very commendable and
15 laudable economic development, especially in
16 the upstate area -- because, you know, we are
17 all for one New York. Be that as it may, we
18 need to do it right.

19 And the way that we're doing it
20 with legislation like this, going into the
21 bond market, using PILOTs without necessarily
22 recognizing any state responsibility, is not
23 right.

24 This is real debt that we as a
25 body, as a Legislature, have to recognize and

1 cannot continually just call it debt that is
2 not accountable in terms of the state. So I
3 just wanted to reemphasize that I'm against
4 this for that reason.

5 ACTING PRESIDENT YOUNG: Thank
6 you, Senator Perkins. You will be recorded in
7 the negative.

8 Announce the results.

9 THE SECRETARY: Ayes, 47. Nays,
10 15.

11 ACTING PRESIDENT YOUNG: The bill
12 is passed.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 2098, by the Senate Committee on Rules, Senate
16 Print 8680, an act to amend the Urban
17 Development Corporation Act.

18 SENATOR LIZ KRUEGER:
19 Explanation.

20 ACTING PRESIDENT YOUNG: Senator
21 Johnson, an explanation has been requested.

22 SENATOR OWEN JOHNSON: This is
23 the Empire Revolving Loan Fund. It provides
24 short-term financing to qualified significant
25 economic development projects in the state.

1 It's a bridge loan. It could be up
2 to six years. This is to get a developer
3 started, extending money on a revolving bridge
4 loan. The bridge loan will have to be paid
5 off eventually with bonds which the developer
6 floats at his own expense, which he makes the
7 payments on.

8 And I think it's just helping a
9 project along to get started. But it's not
10 permanent financing. Again, it will be
11 financed privately by the developer.

12 ACTING PRESIDENT YOUNG: Thank
13 you, Senator Johnson.

14 Senator Krueger.

15 SENATOR LIZ KRUEGER: Thank you,
16 Madam President. If the sponsor would please
17 yield.

18 ACTING PRESIDENT YOUNG: Senator
19 Johnson, will you yield?

20 SENATOR OWEN JOHNSON: Yes,
21 Madam President.

22 ACTING PRESIDENT YOUNG: Senator
23 Krueger, Senator Johnson yields.

24 SENATOR LIZ KRUEGER: Thank you.
25 Senator, this bill seems to relate

1 to the last bill we had, in that the
2 description of the projects who would be
3 eligible seems to be approximately identical.

4 Is this bill intended to be a
5 partner bill with the last bill, that you
6 would get the approval with the PILOTs and
7 then you would come to the state for a
8 revolving bridge loan?

9 SENATOR OWEN JOHNSON: This has
10 nothing to do with PILOTs, though.

11 ACTING PRESIDENT YOUNG: Senator
12 Krueger.

13 SENATOR LIZ KRUEGER: Madam
14 President, if I could clarify my question.

15 Is this intended to be a new UDC
16 program that would be a partnership with your
17 last UDC bill?

18 SENATOR OWEN JOHNSON: Yes, it
19 would. Yes, Senator, you're right.

20 SENATOR LIZ KRUEGER: Thank you.
21 Madam President, if, through you,
22 the sponsor would continue to yield.

23 ACTING PRESIDENT YOUNG: Senator
24 Johnson, will you yield?

25 SENATOR OWEN JOHNSON: Yes.

1 ACTING PRESIDENT YOUNG: The
2 Senator yields.

3 SENATOR LIZ KRUEGER: Thank you.

4 So in this bill it requires the UDC
5 or the ESDC to approve or disapprove an
6 eligible project no later than 30 days from
7 when the sponsor has applied and handed over a
8 thousand dollars.

9 What happens if they can't approve
10 or disapprove within 30 days?

11 SENATOR OWEN JOHNSON: I guess it
12 doesn't go ahead. I don't know; you tell me.

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

16 ACTING PRESIDENT YOUNG: Senator
17 Johnson, do you yield?

18 SENATOR OWEN JOHNSON: Yes.

19 ACTING PRESIDENT YOUNG: The
20 Senator yields.

21 SENATOR LIZ KRUEGER: Thank you.

22 I read the bill carefully, and I
23 can't find any reference to how large these
24 loans might be expected to be. Is there any
25 estimated size, either the smallest-size loan

1 or the largest-size loan?

2 SENATOR OWEN JOHNSON: You know,
3 the Empire State Development Corporation does
4 large loans and smaller loans and so on.
5 Maybe it would be several loans in a district.
6 I can't tell you the exact numbers.

7 But this is not government debt,
8 remember that. This is just a bridge loan,
9 and the eventual bonds will be floated by the
10 developer or the contractor, whatever.

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

14 ACTING PRESIDENT YOUNG: Senator
15 Johnson, do you yield?

16 SENATOR OWEN JOHNSON: Yes.

17 ACTING PRESIDENT YOUNG: The
18 Senator yields.

19 SENATOR LIZ KRUEGER: Thank you.

20 So my previous question was that
21 there's no dollar amount of how large these
22 loans might be and therefore how much bonding
23 we'd be asking UDC to do.

24 I also can't find in the bill a
25 reference to how long this loan would be for.

1 Usually the term "bridge loan" is a short-term
2 loan to bridge a gap in other financing.

3 I can find in the bill you could
4 have three one-year extensions of the loan,
5 but I can't find an original length of the
6 loan requirement in the bill.

7 SENATOR OWEN JOHNSON: The
8 maximum period is three years. But it's
9 annual. It can be renewed annually for a
10 couple of years.

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

14 ACTING PRESIDENT YOUNG: Senator
15 Johnson, do you yield?

16 SENATOR OWEN JOHNSON: Yes,
17 Madam President.

18 ACTING PRESIDENT YOUNG: The
19 Senator yields.

20 SENATOR LIZ KRUEGER: Thank you.

21 I'm not sure I heard the answer,
22 but let me just repeat. In the bill, actually
23 on page 4, line 45, it has a reference --
24 starting on line 45, paragraph B of Section 7,
25 it talks about allowing three one-year

1 sentences. But I don't see anything in the
2 bill showing me the length of the original
3 bridge loan that you could then have three
4 one-year extensions on.

5 So again, my question is, how long
6 can the original loan be for prior to asking
7 for extensions?

8 SENATOR OWEN JOHNSON: On page
9 41, Senator, it says three years. The term of
10 any loan should not exceed three years.

11 SENATOR LIZ KRUEGER: Okay.
12 Thank you.

13 On the bill, Madam President.

14 ACTING PRESIDENT YOUNG: Senator
15 Krueger, on the bill.

16 SENATOR LIZ KRUEGER: Thank you.

17 I want to thank the sponsor for his
18 answers. And I have to think of a new song
19 for us to sing about accentuating the
20 positive.

21 Again, to start where my colleague
22 Senator Perkins left off on the last bill, it
23 is real money. It is the state taking on this
24 debt through additional bonds that if, in
25 fact, the sponsor failed to be able to repay

1 the loan, we would have to, as the State of
2 New York, through ESDC somehow.

3 And I am also concerned, as Senator
4 Perkins was raising before, about the amount
5 of off-the-books debt we continue to build up.

6 I'm also -- again, on the last
7 connected bill, I was concerned about the
8 locality had so little time to make an
9 evaluation for themselves. On this bill I'm
10 concerned the ESDC has so little time to make
11 a determination.

12 Again, as the sponsor answered,
13 these could be enormously large loan requests,
14 for small ones, on simple proposals or on
15 enormously complex proposals. But under this
16 bill, the only fee paid to the ESDC/UDC is a
17 thousand dollars, and they're opposed to make
18 a determination within 30 days. I have not
19 seen the UDC/ESDC make too many decisions
20 about economic development projects within a
21 30-day period.

22 And while we might be frustrated
23 that sometimes everything in government takes
24 too long, I'm very concerned we're limiting
25 them to 30 days to do full evaluation and

1 good-faith investigation to which whether this
2 is a specific project we should be bonding out
3 money and giving loans for.

4 I'm also very concerned that it
5 ties into these hypothetical projects and we
6 don't know what they are. But if you look at
7 the bill we just dealt with -- and I voted
8 against -- S8526B, there's reference in that
9 bill language connecting it to this bill. In
10 the final, actually, section of that bill and
11 the final section of this bill, 8680. These
12 clearly are intended to work together. They
13 are legislated as being part of the same
14 chapter and reference each other.

15 All the reasons I gave before about
16 the prior bill not passing a smell test, I'm
17 sorry, I also don't think we've thought this
18 one through well enough.

19 I certainly understand the need for
20 bridge loans in some circumstances for
21 economic development. My understanding is we
22 have some of these programs in place already,
23 and this might be duplicative of other ESDC
24 options.

25 But again, in theory, no specific

1 project, and yet these two bills play
2 together. And yet there are so many specifics
3 in it, it does seem that somebody must have a
4 specific project in mind, even though I'm not
5 privy to that information.

6 I'm very hesitant for us to
7 continue to walk down the road of making
8 global decisions for localities on, quote,
9 unquote, projects we don't talk about, under
10 shorter and shorter timelines. If you were
11 concerned about the first bill, as so many of
12 my colleagues were, I would recommend being
13 equally concerned about this parallel and
14 interrelated bill.

15 So I'm sorry, I will have to urge
16 my colleagues again, vote no on this
17 legislation.

18 Thank you.

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

21 Any other Senator wishing to be
22 heard?

23 Senator Perkins.

24 SENATOR PERKINS: Thank you,
25 Madam President.

1 Through you, will the sponsor yield
2 for a question.

3 ACTING PRESIDENT YOUNG: Senator
4 Johnson, will you yield?

5 SENATOR OWEN JOHNSON: Yes,
6 Madam President.

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

9 Senator Perkins.

10 SENATOR PERKINS: Thank you so
11 much. I just want to ask a few quick
12 questions.

13 How is this funded? Senator, how
14 is this funded?

15 SENATOR OWEN JOHNSON: This is
16 going to be financed through UDC, but the
17 company, of course, is responsible for the
18 debt.

19 SENATOR PERKINS: So through you,
20 Madam President, would the sponsor yield for a
21 question of clarification.

22 ACTING PRESIDENT YOUNG: Senator
23 Johnson --

24 SENATOR OWEN JOHNSON: Yes,
25 Madam President.

1 ACTING PRESIDENT YOUNG: Okay,
2 thank you.

3 SENATOR PERKINS: So this will be
4 funded through bonds? Is it expressed as
5 that? Because I don't see that in the
6 legislation.

7 SENATOR OWEN JOHNSON: Yes,
8 through bonds. But again, this is temporary
9 financing. You understand that; right?

10 SENATOR PERKINS: Again, through
11 you, Madam President.

12 ACTING PRESIDENT YOUNG: Senator
13 Johnson, do you yield?

14 SENATOR OWEN JOHNSON: Yes, Madam
15 President.

16 ACTING PRESIDENT YOUNG: Senator
17 Johnson yields.

18 SENATOR PERKINS: So how much
19 bond money are we going to be seeking?

20 SENATOR OWEN JOHNSON: Whatever
21 is justifiable will be advanced, and no more
22 than that.

23 SENATOR PERKINS: I'm sorry?

24 SENATOR OWEN JOHNSON: The amount
25 of bonds will be issued depending upon the

1 amount requested as temporary financing.

2 SENATOR PERKINS: Again, through
3 you, Madam President, may I ask another
4 question?

5 ACTING PRESIDENT YOUNG: Senator
6 Johnson, do you yield?

7 SENATOR OWEN JOHNSON: Yes,
8 Madam President.

9 ACTING PRESIDENT YOUNG: The
10 Senator yields.

11 SENATOR PERKINS: So do we have
12 an idea of the projects, the number of
13 projects, the minimum amount per project that
14 will be a part of this bill?

15 SENATOR OWEN JOHNSON: As Senator
16 Krueger said, this is related to the other
17 bill. Each project is supposed to be at least
18 \$20 million. It's supposed to be something
19 good in the community.

20 SENATOR PERKINS: Through you,
21 may I continue to get some clarification?

22 ACTING PRESIDENT YOUNG: Senator,
23 do you yield?

24 SENATOR OWEN JOHNSON: Yes,
25 Madam President.

1 ACTING PRESIDENT YOUNG: The
2 Senator yields.

3 SENATOR PERKINS: Now, you're
4 suggesting that this bill -- the answer to the
5 questions in this bill are in the other bill,
6 not in this bill?

7 SENATOR OWEN JOHNSON: Not
8 exactly. But they are related in terms of --
9 the other one was a permanent loan. This is
10 really temporary financing which ultimately
11 will be paid by the developer.

12 SENATOR PERKINS: Thank you.
13 On the bill.

14 ACTING PRESIDENT YOUNG: Senator
15 Perkins, on the bill.

16 SENATOR PERKINS: I'm going to be
17 brief, because the concerns I have already
18 discussed with regard to the other bill are
19 even more emphasized with respect to this
20 bill. Because this bill seems to reference
21 answers to another bill, and it doesn't quite
22 even make reference to the other bill for the
23 answers to the questions that jump out of this
24 bill.

25 So again, you know, this -- the

1 goal and objective of these bills is so
2 important and is so commendable as it relates
3 to the economic development and well-being of
4 the state that I'm sorry that these bills fall
5 so far short of the wonderful goals and
6 objectives that are trying to be achieved.
7 Because they're just not answering the
8 appropriate questions that we have to take
9 back to our communities and that the state is
10 asking when we get involved in these types of
11 projects.

12 So again, I'm going to have to not
13 vote for this bill.

14 ACTING PRESIDENT YOUNG: Thank
15 you, Senator Perkins.

16 Any other Senator wishing to be
17 heard?

18 Then the debate is closed. The
19 Secretary will ring the bell.

20 Read the last section.

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

23 ACTING PRESIDENT YOUNG: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT YOUNG: Senator
2 Schneiderman, to explain his vote.

3 SENATOR SCHNEIDERMAN: Thank you,
4 Madam President.

5 Sometimes we criticize bills
6 because they're not carefully enough drafted.
7 Sometimes bills appear, if I may, to be too
8 carefully drafted.

9 We talked earlier today about the
10 need to treat like businesses alike and like
11 transactions alike. To the extent that this
12 bill and the bill that we debated before it
13 appear to be tailored to a particular deal or
14 a particular business, we are committing the
15 most serious cardinal form of the sin of
16 treating like transactions unlike.

17 And I would urge my colleagues to
18 think very carefully about the effect of these
19 three bills and whether or not we are sending
20 a message that certain businesses are eligible
21 for benefits from the state government that
22 others are not eligible for.

23 I vote no, Madam President.

24 ACTING PRESIDENT YOUNG: Thank
25 you, Senator Schneiderman.

1 Excuse me. Could we have some
2 order in the chamber, please. Thank you.

3 Senator Schneiderman, you will be
4 recorded in the negative.

5 THE SECRETARY: Those recorded in
6 the negative on Calendar Number 2098 are
7 Senators Connor, DeFrancisco, Dilan, Gonzalez,
8 Hassell-Thompson, Huntley, L. Krueger,
9 Montgomery, Onorato, Parker, Perkins, Robach,
10 Sabini, Saland and Schneiderman.

11 Ayes, 47. Nays, 15.

12 ACTING PRESIDENT YOUNG: The bill
13 is passed.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 2100, by the Senate Committee on Rules, Senate
17 Print --

18 SENATOR ROBACH: Lay it aside for
19 the day, please.

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

22 That concludes the reading of the
23 active list, Senator Robach.

24 SENATOR ROBACH: Yes,
25 Madam President. Could we now take up the

1 supplemental active list, please.

2 ACTING PRESIDENT YOUNG: Thank
3 you, Senator Robach.

4 The Secretary will read.

5 THE SECRETARY: In relation to
6 Calendar Number 739, Senator Leibell moves to
7 discharge, from the Committee on Rules,
8 Assembly Bill Number 10680B and substitute it
9 for the identical Senate Bill Number 3643B,
10 Third Reading Calendar 739.

11 ACTING PRESIDENT YOUNG:
12 Substitution ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 739, by Member of the Assembly Destito,
16 Assembly Print Number 10680B, an act to amend
17 the Executive Law.

18 ACTING PRESIDENT YOUNG: Read the
19 last section.

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

22 ACTING PRESIDENT YOUNG: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT YOUNG: The bill
2 is passed.

3 The Secretary will read.

4 THE SECRETARY: In relation to
5 Calendar Number 1927, Senator Trunzo moves to
6 discharge, from the Committee on Rules,
7 Assembly Bill Number 10386A and substitute it
8 for the identical Senate Bill Number 7217A,
9 Third Reading Calendar 1927.

10 ACTING PRESIDENT YOUNG:
11 Substitution ordered.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 1927, by Member of the Assembly Fitzpatrick,
15 Assembly Print Number 10386A, an act
16 authorizing the Town of Islip.

17 ACTING PRESIDENT YOUNG: There is
18 a home-rule message at the desk.

19 Read the last section.

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

22 ACTING PRESIDENT YOUNG: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT YOUNG: The bill
2 is passed.

3 That completes the reading of the
4 supplemental calendar, Senator Robach.

5 SENATOR ROBACH: Yes,
6 Madam President.

7 There will be an immediate meeting
8 of the Rules Committee in the Majority
9 Conference Room, and the Senate will
10 temporarily stand at ease.

11 ACTING PRESIDENT YOUNG: There is
12 an immediate meeting of the Rules Committee in
13 the Majority Conference Room.

14 The Senate stands at ease.

15 (Whereupon, the Senate stood at
16 ease at 2:15 p.m.)

17 ACTING PRESIDENT SEWARD: Senator
18 Klein.

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

21 I'd like to announce a brief
22 Democratic conference in the Senate Democratic
23 Conference Room, immediately.

24 ACTING PRESIDENT SEWARD: There
25 will be an immediate brief Minority conference

1 in the Minority Conference Room.

2 And the Senate continues to stand
3 at ease.

4 (Whereupon, the Senate reconvened
5 at 3:10 p.m.)

6 ACTING PRESIDENT GRIFFO: The
7 Senate will please come to order.

8 Senator Little.

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

11 May we take up the noncontroversial
12 reading of Supplemental Calendar Number 64B.

13 ACTING PRESIDENT GRIFFO: The
14 Secretary will read Supplemental Calendar 64B,
15 noncontroversial.

16 SENATOR LITTLE: I'm sorry,
17 Mr. President, but we need to return to
18 reports of standing committees first.

19 ACTING PRESIDENT GRIFFO: We will
20 now return to reports of standing committees
21 for a report of the Rules Committee.

22 The Secretary will read.

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

1 Senate Print 2495, by Senator
2 Sampson, an act to amend the Penal Law;

3 3143B, by Senator Golden, an act to
4 amend the Insurance Law;

5 6026C, by Senator Golden, an act to
6 amend the Education Law;

7 7152A, by Senator Golden, an act to
8 amend the Real Property Tax Law;

9 8298A, by Senator Hannon, an act to
10 amend the Public Health Law and others;

11 8354B, by Senator Seward, an act to
12 amend the Insurance Law;

13 8624, by Senator Seward, an act to
14 amend the Insurance Law;

15 8625, by Senator Diaz, an act
16 relating to increasing availability;

17 8630, by Senator LaValle, an act to
18 amend the Real Property Law;

19 8631, by the Senate Committee on
20 Rules, an act to amend the Civil Practice Law
21 and Rules;

22 8641, by Senator Saland, an act to
23 amend the Public Health Law;

24 8673, by Senator Fuschillo, an act
25 to amend the Education Law;

1 8682B, by the Senate Committee on
2 Rules, an act to amend the General Municipal
3 Law;

4 8696, by Senator Skelos, an act to
5 amend the Real Property Tax Law;

6 8706, by Senator Skelos, an act to
7 amend the Mental Hygiene Law;

8 8708, by the Senate Committee on
9 Rules, an act to amend the Workers'
10 Compensation Law;

11 8711, by the Senate Committee on
12 Rules, an act in relation to implementing;

13 8714, by Senator Nozzolio, an act
14 to amend the Criminal Procedure Law;

15 8715, by the Senate Committee on
16 Rules, an act to amend the Executive Law;

17 Assembly Print 10997A, by Member of
18 the Assembly Bing, an act to amend the Private
19 Housing Finance Law;

20 Assembly Print 11451, by the
21 Assembly Committee on Rules, an act to amend
22 the Private Housing Finance Law;

23 Senate Print 2446A, by Senator
24 Diaz, an act in relation to authorizing;

25 Senate Print 2393A, by Senator

1 Leibell, an act to amend the Labor Law;

2 Senate Print 7272, by Senator
3 Lanza, an act to amend Chapter 677 of the Laws
4 of 1977;

5 And Senate Print Number 8713, by
6 Senator O. Johnson, an act to amend the Civil
7 Practice Law and Rules.

8 All bills ordered direct to third
9 reading.

10 ACTING PRESIDENT GRIFFO: Senator
11 Little.

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

14 I move to accept the report of the
15 Rules Committee.

16 ACTING PRESIDENT GRIFFO: All in
17 favor of accepting the report of the Rules
18 Committee signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT GRIFFO:
21 Opposed, nay.

22 (No response.)

23 ACTING PRESIDENT GRIFFO: The
24 report of the Rules Committee is accepted.

25 Senator Little.

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

3 I believe there is another report
4 from the Rules Committee at the desk.

5 ACTING PRESIDENT GRIFFO: There
6 is indeed.

7 The Secretary will read.

8 THE SECRETARY: Senator Bruno,
9 from the Committee on Rules, reports the
10 following bill direct to third reading:

11 Senate Print 8717, by Senator
12 Marcellino, an act to amend the Tax Law.

13 ACTING PRESIDENT GRIFFO: Senator
14 Little.

15 SENATOR LITTLE: Move to accept
16 the report of the Rules Committee.

17 ACTING PRESIDENT GRIFFO: The
18 motion is to accept the report of the Rules
19 Committee. All in favor signify by saying
20 aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT GRIFFO:
23 Opposed, nay.

24 (No response.)

25 ACTING PRESIDENT GRIFFO: The

1 supplemental report is accepted.

2 Senator Little.

3 SENATOR LITTLE: Thank you.

4 Mr. President, may we now go to the
5 noncontroversial reading of Supplemental
6 Calendar Number 64B.

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will conduct the reading of Senate
9 Supplemental Calendar 64B.

10 THE SECRETARY: Calendar Number
11 2167, by Senator Sampson, Senate Print 2495,
12 an act to amend the Penal Law.

13 ACTING PRESIDENT GRIFFO: Read
14 the last section.

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

18 ACTING PRESIDENT GRIFFO: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT GRIFFO: The
23 bill is passed.

24 THE SECRETARY: In relation to
25 Calendar Number 2168, Senator Golden moves to

1 discharge, from the Committee on Rules,
2 Assembly Bill Number 6423B and substitute it
3 for the identical Senate Bill Number 3143B,
4 Third Reading Calendar 2168.

5 ACTING PRESIDENT GRIFFO:
6 Substitution ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 2168, by Member of the Assembly Carrozza,
10 Assembly Print Number 6423B, an act to amend
11 the Insurance Law.

12 ACTING PRESIDENT GRIFFO: Read
13 the last section.

14 THE SECRETARY: Section 3. This
15 act shall take effect on the first of January.

16 ACTING PRESIDENT GRIFFO: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 62.

20 ACTING PRESIDENT GRIFFO: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 2169, by Senator Golden, Senate Print 6026C,
24 an act to amend the Education Law.

25 SENATOR LaVALLE: Lay it aside,

1 please.

2 ACTING PRESIDENT GRIFFO: Lay it
3 aside.

4 THE SECRETARY: In relation to
5 Calendar Number 2170, Senator Golden moves to
6 discharge, from the Committee on Rules,
7 Assembly Bill Number 10273A and substitute it
8 for the identical Senate Bill Number 7152A,
9 Third Reading Calendar 2170.

10 ACTING PRESIDENT GRIFFO:
11 Substitution ordered.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 2170, by Member of the Assembly Lopez,
15 Assembly Print Number 10273A, an act to amend
16 the Real Property Tax Law.

17 ACTING PRESIDENT GRIFFO: Read
18 the last section.

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

21 ACTING PRESIDENT GRIFFO: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62.

25 ACTING PRESIDENT GRIFFO: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 2171, by Senator Hannon, Senate Print 8298A,
4 an act to amend the Public Health Law and
5 others.

6 ACTING PRESIDENT GRIFFO: Senator
7 Little.

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

10 Is there a message of necessity at
11 the desk?

12 ACTING PRESIDENT GRIFFO: There
13 is a message of necessity at the desk.

14 SENATOR LITTLE: Thank you. I
15 move we accept the message of necessity.

16 ACTING PRESIDENT GRIFFO: All in
17 favor of accepting the message of necessity
18 indicate by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT GRIFFO:
21 Opposed, nay.

22 (No response.)

23 ACTING PRESIDENT GRIFFO: The
24 message is accepted.

25 The Secretary will read the last

1 section.

2 THE SECRETARY: Section 27. This
3 act shall take effect on the 90th day.

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT GRIFFO: Senator
8 Hannon.

9 SENATOR HANNON: Mr. President,
10 at the stage of the legislative procedure I
11 just want to note that this is the infection
12 control professional disciplinary bill that we
13 have working on for many months, in reaction
14 to different situations that have arisen over
15 the past few years in this state.

16 I think what this bill will do, it
17 will restore trust to the patient-physician
18 relationship, improve infection control
19 practices, give new duties to the Department
20 of Health to make sure that the people who are
21 practicing medicine in this state are duly
22 qualified and have not been involved in
23 misconduct.

24 Thank you very much, Mr. President.
25 I vote yes.

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

3 Announce the results.

4 THE SECRETARY: Ayes, 62. Nays,
5 0.

6 ACTING PRESIDENT GRIFFO: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 2172, by Senator Seward, Senate Print 8354B,
10 an act to amend the Insurance Law.

11 SENATOR BRESLIN: Lay it aside.

12 ACTING PRESIDENT GRIFFO: Lay it
13 aside.

14 THE SECRETARY: Calendar Number
15 2173, by Senator Seward, Senate Print 8624, an
16 act to amend the Insurance Law.

17 ACTING PRESIDENT GRIFFO: Read
18 the last section.

19 SENATOR STACHOWSKI: Lay it
20 aside.

21 ACTING PRESIDENT GRIFFO: Lay it
22 aside.

23 THE SECRETARY: In relation to
24 Calendar Number 2174, Senator Diaz moves to
25 discharge, from the Committee on Rules,

1 Assembly Bill Number 11578 and substitute it
2 for the identical bill, Senate Print Number
3 8625, Third Reading Calendar 2174.

4 ACTING PRESIDENT GRIFFO:
5 Substitution ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 2174, by the Assembly Committee on Rules,
9 Assembly Print Number 11578, an act relating
10 to increasing availability.

11 ACTING PRESIDENT GRIFFO: Read
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 62.

19 ACTING PRESIDENT GRIFFO: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 2175, by Senator LaValle, Senate Print 8630,
23 an act to amend the Real Property Law.

24 ACTING PRESIDENT GRIFFO: Read
25 the last section.

1 THE SECRETARY: Section 5. This
2 act shall take effect on the 120th day.

3 ACTING PRESIDENT GRIFFO: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT GRIFFO: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 2176 --

11 SENATOR LITTLE: Lay it aside for
12 the day, please.

13 ACTING PRESIDENT GRIFFO: Lay it
14 aside for the day.

15 THE SECRETARY: Calendar Number
16 2177, by Senator Saland, Senate Print 8641, an
17 act to amend the Public Health Law and the
18 Real Property Law.

19 ACTING PRESIDENT GRIFFO: Read
20 the last section.

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

23 ACTING PRESIDENT GRIFFO: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT GRIFFO: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 2178, by Senator Fuschillo, Senate Print 8673,
6 an act to amend the Education Law and the
7 Public Health Law.

8 ACTING PRESIDENT GRIFFO: Read
9 the last section.

10 THE SECRETARY: Section 8. This
11 act shall take effect on the 90th day.

12 ACTING PRESIDENT GRIFFO: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT GRIFFO: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 2180, by Senator Skelos, Senate Print 8696, an
20 act to amend the Real Property Tax Law.

21 ACTING PRESIDENT GRIFFO: Read
22 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT GRIFFO: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 2181, by Senator Skelos, Senate Print 8706, an
8 act to amend the Mental Hygiene Law and the
9 Judiciary Law.

10 ACTING PRESIDENT GRIFFO: Senator
11 Little.

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

14 Is there a message of necessity at
15 the desk?

16 ACTING PRESIDENT GRIFFO: There
17 is a message at the desk.

18 SENATOR LITTLE: Thank you. I
19 move to accept the message of necessity.

20 ACTING PRESIDENT GRIFFO: All in
21 favor of accepting the message of necessity
22 indicate by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT GRIFFO:
25 Opposed, nay.

1 (No response.)

2 ACTING PRESIDENT GRIFFO: The
3 message is accepted.

4 The Secretary will read the last
5 section.

6 THE SECRETARY: Section 8. This
7 act shall take effect November 1, 2008.

8 ACTING PRESIDENT GRIFFO: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT GRIFFO: Senator
12 Schneiderman.

13 SENATOR SCHNEIDERMAN: Thank you,
14 Mr. President. To explain my vote.

15 I'm glad we're passing this bill.
16 This will get New York State in line with
17 other progressive jurisdictions that are
18 providing information on mental health to the
19 FBI for its national instant criminal
20 background check system so that we can prevent
21 people who have mental disabilities from
22 purchasing firearms.

23 This is exactly the issue that came
24 up in the context of the Virginia Tech
25 shooting.

1 I note, while I'm glad Senator
2 Skelos has put this bill in and that we've
3 passed it and it will become law, that this is
4 the only portion of Governor Paterson's
5 program bill on firearm safety that has passed
6 this year. And I hope that in the years to
7 come we are going to take steps to make sure
8 that the people who sell firearms have
9 background checks, that we ensure safe storage
10 of firearms, that we have a better system for
11 tracking firearms used in crimes, and other
12 things that have been discussed.

13 This is one piece, and it's a good
14 step. I look forward to us implementing more
15 of the Governor's agenda in the future.

16 Thank you. I vote yes.

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

20 Announce the results.

21 THE SECRETARY: Ayes, 62. Nays,
22 0.

23 ACTING PRESIDENT GRIFFO: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 2182, by the Senate Committee on Rules, Senate
2 Print 8708, an act to amend the Workers'
3 Compensation Law.

4 ACTING PRESIDENT GRIFFO: Senator
5 Little.

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

8 Is there a message of necessity at
9 the desk?

10 ACTING PRESIDENT GRIFFO: There
11 is a message at the desk.

12 SENATOR LITTLE: Thank you. I
13 move to accept the message of necessity.

14 ACTING PRESIDENT GRIFFO: All in
15 favor of accepting the message of necessity
16 indicate by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT GRIFFO:
19 Opposed, nay.

20 (No response.)

21 ACTING PRESIDENT GRIFFO: The
22 message is accepted.

23 The Secretary will read the last
24 section.

25 THE SECRETARY: Section 16. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 61. Nays,
6 1. Senator Stachowski recorded in the
7 negative.

8 ACTING PRESIDENT GRIFFO: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 2183, by the Senate Committee on Rules, Senate
12 Print 8711, an act in relation to implementing
13 terms.

14 ACTING PRESIDENT GRIFFO: Senator
15 Little.

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

18 Is there a message of necessity at
19 the desk?

20 ACTING PRESIDENT GRIFFO: There
21 is a message at the desk.

22 SENATOR LITTLE: Thank you. I
23 move that we accept the message of necessity.

24 ACTING PRESIDENT GRIFFO: All in
25 favor of accepting the message of necessity

1 indicate by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT GRIFFO:

4 Opposed, nay.

5 (No response.)

6 ACTING PRESIDENT GRIFFO: The
7 message is accepted.

8 The Secretary will read the last
9 section.

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

12 ACTING PRESIDENT GRIFFO: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT GRIFFO:
16 Senator Krueger, to explain her vote.

17 SENATOR LIZ KRUEGER: Mr.
18 President, because I have a pecuniary interest
19 in this calendar, I respectfully request to be
20 excused from voting on this matter.

21 ACTING PRESIDENT GRIFFO: Without
22 objection, Senator L. Krueger will be listed
23 as an abstention.

24 SENATOR LIZ KRUEGER: Thank you.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator.

2 The Secretary will announce the
3 results.

4 THE SECRETARY: Ayes, 61. Nays,
5 0.

6 ACTING PRESIDENT GRIFFO: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 2184, by Senator Nozzolio, Senate Print 8714,
10 an act to amend the Criminal Procedure Law and
11 others.

12 ACTING PRESIDENT GRIFFO: Senator
13 Little.

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

16 Is there a message of necessity at
17 the desk?

18 ACTING PRESIDENT GRIFFO: There
19 is a message at the desk.

20 SENATOR LITTLE: Thank you. I
21 move that we accept the message of necessity.

22 ACTING PRESIDENT GRIFFO: All in
23 favor of accepting the message of necessity
24 indicate by saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT GRIFFO:

2 Opposed, nay.

3 (No response.)

4 ACTING PRESIDENT GRIFFO: The
5 message is accepted.

6 The Secretary will read the last
7 section.

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

10 ACTING PRESIDENT GRIFFO: Call
11 the roll.

12 (The Secretary called the roll.)

13 SENATOR KLEIN: Lay it aside,
14 please.

15 ACTING PRESIDENT GRIFFO: Lay it
16 aside.

17 THE SECRETARY: Calendar Number
18 2185, by the Senate Committee on Rules, Senate
19 Print 8715, an act to amend the Executive Law,
20 the Workers' Compensation Law and the
21 Insurance Law.

22 ACTING PRESIDENT GRIFFO: Senator
23 Little.

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

1 Is there a message of necessity at
2 the desk?

3 ACTING PRESIDENT GRIFFO: There
4 is a message at the desk.

5 SENATOR LITTLE: Thank you. I
6 move that we accept the message of necessity.

7 ACTING PRESIDENT GRIFFO: All in
8 favor of accepting the message of necessity
9 indicate by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT GRIFFO:
12 Opposed, nay.

13 (Response of "Nay.")

14 ACTING PRESIDENT GRIFFO: The
15 message is accepted.

16 The Secretary will read the last
17 section.

18 THE SECRETARY: Section 13. This
19 act shall take effect immediately.

20 ACTING PRESIDENT GRIFFO: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT GRIFFO:
24 Senator Sabini.

25 SENATOR SABINI: Mr. President,

1 briefly on the bill.

2 This is a --

3 ACTING PRESIDENT GRIFFO: It's an
4 explanation of a vote, Senator Sabini.

5 SENATOR SABINI: Explanation, I'm
6 sorry. Explanation of my vote on the bill,
7 Mr. President.

8 This is a bill that will go a long
9 way to allow the protection of both livery car
10 drivers and the owners of those businesses,
11 all of whom have been accumulating fines
12 because of the quirkiness of the Workers'
13 Compensation Law. The drivers are independent
14 contractors, or so often viewed as; the base
15 station employees are regular salaried
16 employees.

17 The Governor's office and my office
18 and others have been working together to try
19 to achieve this solution.

20 The only problem I have with the
21 bill that I do want to get on the record is
22 that in Section 8 of the bill there is a
23 rebuttal of presumption of all the drivers
24 having the same salaries.

25 This is a very transient kind of

1 job where some people working part-time, some
2 people work two jobs. And I guess for the
3 sake of putting the bill together to get
4 passage today, we achieved this sort of
5 inartistic solution.

6 But as was said earlier, the
7 perfect shouldn't be the enemy of the good. I
8 think that on the whole this will help the
9 industry -- the drivers, the owners, and the
10 base station employees.

11 So I'll be voting aye.

12 ACTING PRESIDENT GRIFFO: Senator
13 Sabini to be recorded in the affirmative.

14 Senator Diaz, to explain his vote.

15 SENATOR DIAZ: Thank you,
16 Mr. President. I just would like to express
17 my support to this bill. This is a bill that
18 they've been dealing with in the Assembly for
19 a long time. And Assemblyman Adriano
20 Espaillat in the Assembly has introduced this
21 bill, and here Senator Maltese has introduced
22 this bill.

23 And I would like to commend Senator
24 Maltese for this bill. This is a bill that is
25 long overdue. And this is something that will

1 help livery taxi drivers in the City of
2 New York. And for Hispanic, black, and all
3 kind of people that drive livery taxis in
4 New York, this is something that is helpful.

5 And again, I'm supporting the bill.
6 I'm proud of you, Senator Maltese. And thank
7 you for introducing this bill.

8 ACTING PRESIDENT GRIFFO: Senator
9 Diaz to be recorded in the affirmative.

10 Senator Maltese, to explain his
11 vote.

12 SENATOR MALTESE: Yes,
13 Mr. President. I rise to explain that this
14 creates a fund where a fund was very much
15 needed to give workmen's compensation benefits
16 to independent livery drivers.

17 This is an area that many people
18 have been working on for many, many years. I
19 want to commend, of course, Assemblyman Diaz
20 and Assemblyman Espaillat in the Assembly.

21 This is a bill that was much needed
22 to provide benefits for those drivers who are
23 on the scene, and in a way on the firing line,
24 in many of the areas not adequately served by
25 this type of transportation. It would provide

1 benefits in areas that up until now have been
2 areas of contention. And this now clarifies
3 the situation.

4 And as I say, it is, I believe, a
5 three-way agreement and another piece of
6 legislation where we can commend not only our
7 Majority Leader and of course the Governor,
8 but Speaker Silver and those that have worked
9 so hard to effectuate this legislation.

10 Mr. President, I vote aye.

11 ACTING PRESIDENT GRIFFO: Senator
12 Maltese to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: Ayes, 62. Nays,
15 0.

16 ACTING PRESIDENT GRIFFO: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 2186, by Member of the Assembly Bing, Assembly
20 Print Number 10997A, an act to amend the
21 Private Housing Finance Law.

22 ACTING PRESIDENT GRIFFO: Read
23 the last section.

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

1 ACTING PRESIDENT GRIFFO: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 62.

5 ACTING PRESIDENT GRIFFO: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 2187, by the Assembly Committee on Rules,
9 Assembly Print Number 11451, an act to amend
10 the Private Housing Finance Law.

11 ACTING PRESIDENT GRIFFO: Read
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 62.

19 ACTING PRESIDENT GRIFFO: The
20 bill is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 2188, Senator Diaz moves to
23 discharge, from the Committee on Rules,
24 Assembly Bill Number 31A and substitute it for
25 the identical Senate Bill Number 2446A, Third

1 Reading Calendar 2188.

2 ACTING PRESIDENT GRIFFO:

3 Substitution ordered.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number
6 2188, by Member of the Assembly Clark,
7 Assembly Print Number 31A, an act in relation
8 to authorizing the Department of
9 Transportation.

10 ACTING PRESIDENT GRIFFO: Read
11 the last section.

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

14 ACTING PRESIDENT GRIFFO: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62.

18 ACTING PRESIDENT GRIFFO: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 2189, by Senator Leibell, Senate Print 2393A,
22 an act to amend the Labor Law.

23 ACTING PRESIDENT GRIFFO: Read
24 the last section.

25 THE SECRETARY: Section 4. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT GRIFFO: The
7 bill is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 2190, Senator Lanza moves to
10 discharge, from the Committee on Rules,
11 Assembly Bill Number 10030 and substitute it
12 for the identical Senate Bill Number 7272,
13 Third Reading Calendar 2190.

14 ACTING PRESIDENT GRIFFO:
15 Substitution ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 2190, by Member of the Assembly Abbate,
19 Assembly Print Number 10030, an act to amend
20 Chapter 677 of the Laws of 1977 amending the
21 Civil Service Law.

22 ACTING PRESIDENT GRIFFO: Read
23 the last section.

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

1 ACTING PRESIDENT GRIFFO: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT GRIFFO:
5 Senator Savino, to explain her vote.

6 SENATOR SAVINO: Yes, thank you.

7 I want to rise to thank Senator
8 Lanza for finally accomplishing something that
9 has been long overdue for a very long time,
10 the permanent agency shop.

11 It is something that I lobbied on
12 for about 10 years as a member and a
13 representative of AFSCME. Certainly it's been
14 lobbied on by many, many people for a very
15 long time.

16 It's the end of a 36-year
17 experiment. And in some respects, it's not
18 just a victory for the working people of
19 New York and their employee organizations, but
20 one can almost construe this as campaign
21 finance reform. Because we used to refer to
22 the agency shop bill as "the gift that kept
23 giving." So now my friends, who are of course
24 so happy about the passage of this bill, can
25 concentrate on other, as important, pieces of

1 legislation.

2 So thank you, Senator Lanza, for
3 giving me the opportunity to finally say we
4 got the permanent agency shop bill done.

5 ACTING PRESIDENT GRIFFO: Senator
6 Savino, how do you vote?

7 (Laughter.)

8 SENATOR SAVINO: I vote aye.

9 ACTING PRESIDENT GRIFFO: Senator
10 Savino to be recorded in the affirmative.

11 Announce the results.

12 THE SECRETARY: Ayes, 62. Nays,
13 0.

14 ACTING PRESIDENT GRIFFO: The
15 bill is passed.

16 Senator Little, that completes the
17 noncontroversial reading of Supplemental
18 Calendar 64B.

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

21 May we take up the controversial
22 reading of Calendar 64B.

23 ACTING PRESIDENT GRIFFO: We will
24 take up the controversial reading of Calendar
25 64B. The Secretary will ring the bell.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 2169, by Senator Golden, Senate Print 6026C,
4 an act to amend the Education Law.

5 SENATOR LaVALLE: Mr. President.

6 ACTING PRESIDENT GRIFFO: Senator
7 LaValle.

8 SENATOR LaVALLE: On the bill.

9 ACTING PRESIDENT GRIFFO: Senator
10 LaValle, on the bill.

11 SENATOR LaVALLE: Mr. President,
12 this legislation Senator Golden has
13 introduced -- and I'll talk about the purpose
14 for this bill -- as everyone can see is a C
15 version. And he has more than bent backwards
16 to get my input, input from some of the
17 committee members.

18 This bill was not a bill that
19 appeared on a Higher Education Committee
20 agenda. And had it, I think we would have had
21 a longer dialogue and probably would have
22 gotten the bill correct.

23 The deans of the dental schools in
24 New York State have had an ongoing dialogue
25 that because dental practices have been or are

1 so lucrative, their contention is that they
2 are having a difficult time attracting
3 faculty.

4 And we could make an argument that
5 maybe that is not the case and that they need
6 to do some things to beef up their
7 recruitment, offer the kinds of incentives
8 that we need to have top-quality faculty
9 teaching in our dental schools. And I know
10 Senator Golden has made an effort to try and
11 assure that that is the case.

12 We are at the end of the session,
13 and language has been added to try and
14 ensure -- and I can't honestly say to this
15 body that we have achieved academic
16 equivalency for an individual who is or has
17 been licensed in a foreign jurisdiction and
18 whether they are and have met that
19 equivalency. We have made an attempt to do
20 so, but I cannot say with absolute certainty
21 that that is the case.

22 What is very upsetting -- and I
23 think if we had time, we probably could have
24 worked through an amendment to strengthen
25 pieces of this bill. Because the most

1 important thing to all of us is that a student
2 in our state is receiving the best possible
3 education. And there's language on page 2 of
4 this bill that I don't think goes far enough
5 in achieving that goal.

6 It says "within the last five
7 years, have two years of satisfactory practice
8 as a dentist or have satisfactorily completed
9 an advanced education program in general
10 dentistry or a dental specialty, provided such
11 program is accredited by an organization
12 accepted by the department as a reliable
13 authority for the purposes of accrediting such
14 programs."

15 Have two years, have two years of
16 experience. I'll tell you, unless I'm
17 misreading this or -- I'm a little tired, it's
18 the end of session and I'm grouchy or
19 whatever, but I think two years has really
20 reduced the bar.

21 There's another provision here that
22 Senator Golden put in which I think is great,
23 and I mean that. No current faculty member
24 shall be displaced by the holder of a
25 restricted dental faculty license. And I

1 think that's something in discussions that we
2 had.

3 After looking at the whole issue of
4 people who are double dipping, getting a
5 waiver, a 211 waiver for those administrative
6 positions in education, you know, we found
7 that the commissioner was granting 211 waivers
8 like you give out jelly beans.

9 So the question is, what kind of
10 due diligence does a dean of a school of
11 dental medicine have to go through to say, you
12 know, I've looked high and wide to get someone
13 to teach orthodonture medicine, dental
14 medicine. Can't find one, but I have someone
15 who we would like to recruit. And they come
16 from a foreign jurisdiction, but we believe
17 they're just terrific.

18 So it's like we've gone halfway and
19 not the whole way. Could we do better in
20 providing greater protections for the students
21 of this state? Yes. Is this detrimental to
22 them? No, not necessarily. It depends that
23 our committee has always sought the highest
24 standards, the highest protections for the
25 education programs that are being delivered,

1 whether it be independent colleges, State
2 University, City University or our
3 professional schools.

4 I thank Senator Golden for his
5 diligence in making amendments, making changes
6 to bring this bill before us for
7 consideration, for a vote. And I don't know,
8 quite honestly, how I'm going to vote when the
9 roll is called. But I felt I wanted, as
10 chairman -- because we didn't have an
11 opportunity as a committee to fully discuss
12 this bill.

13 We unfortunately did not hold a
14 hearing, nor do we hold hearings on every
15 single bill. I know I hear the Minority all
16 the time: Ah, we didn't hold a hearing.
17 Well, we don't hold hearings. But certainly
18 in some bills the hearing process or an open
19 process does make the product, in the end, you
20 know, a better piece of legislation.

21 Thank you, Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator
23 Stachowski.

24 SENATOR STACHOWSKI: Yes,
25 Mr. President. I find it troubling that the

1 chairman of the Higher Ed Committee gets up
2 and, though this bill is on the calendar, says
3 that their committee didn't take it up, they
4 had no hearings.

5 We're now going to have people that
6 practiced dentistry possibly for two years
7 teaching future dentists.

8 I just had a tour of the University
9 of Buffalo Dental School, and their only
10 complaint is it's not about faculty members,
11 it's about facilities. And they're trying to
12 fix them up so that they can continue to be
13 one of the better dental schools, and with a
14 very experienced faculty and proud of it.

15 And I can't imagine them trying to
16 reach out for people that have practiced
17 dentistry for two years to make their dental
18 school advance in academic achievement.

19 You know, years ago when
20 Georgetown, one of the top dental schools in
21 the country, didn't think they were getting
22 candidates that were strong enough, they
23 closed their dental school. They weren't
24 concerned about the fact that they had a great
25 faculty and a great program, they were

1 concerned that the quality of their applicants
2 had been deteriorating, for whatever reason,
3 so they closed their dental school rather than
4 let it go down in any way.

5 So for us to be moving a bill
6 that's going to just stick people in to fill
7 faculty positions without much experience to
8 teach people that -- I don't know, I consider
9 dentistry and all the specialties that are
10 combined with it to be very important. I
11 would hate to think that we're going to be
12 putting people out based on the teaching of
13 maybe somebody that isn't very experienced
14 themselves, so how do they competently teach
15 students that are just entering that
16 profession?

17 I am kind of baffled by this whole
18 thing. I probably wouldn't have taken such
19 notice had not Senator LaValle got up and
20 pointed out all the things he pointed out.

21 I think it should be a warning shot
22 to all of us that something of this
23 importance, anytime it's got something to do
24 with your medical health -- and as you know,
25 maybe dentistry isn't life-threatening, but it

1 is very important and can lead to a lot of
2 other problems if it's not done correctly.

3 I don't know why we're doing this
4 bill. I think that we should take the warning
5 that Senator LaValle gave us that maybe we
6 should have hearings on this and go through
7 this thoroughly before we change the way we're
8 hiring dental faculty to the detriment,
9 possibly, of all our students that are paying
10 top dollar even in public schools, the public
11 universities, to be educated, and they don't
12 know that they have somebody that maybe
13 practiced dentistry for two years.

14 I really, really have a problem
15 with this bill, and I'm glad that Senator
16 LaValle brought all these things up to our
17 attention. And I would suggest that everybody
18 takes a real hard look at this bill. And I
19 don't know if that's the way we want to go
20 with any dental schools that would have to
21 hire their faculty based on this limited
22 license.

23 My suggestion is that we don't vote
24 this bill and we either take it off the floor
25 or vote it down.

1 Thank you, Mr. President.

2 ACTING PRESIDENT GRIFFO: Senator
3 Golden.

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

6 I rise to answer some of the
7 questions on the bill. Specifically to the
8 University of Buffalo, they have requested
9 that this be done.

10 New York's academic dental centers
11 are at a competitive disadvantage with other
12 dental schools across the country which
13 currently are able to attract dentists with
14 outstanding credentials because other states
15 allow them to practice clinically while
16 serving as faculty. New York State is driving
17 away the best and the most qualified.

18 We are only two of 48 states that
19 do not do this. There are 32 positions that
20 have been unable to be filled here in the
21 State of New York for the past three years.
22 All of the dental hospitals have come together
23 and have asked for this to happen. We
24 negotiated this with Regents, the State Ed
25 Department, the dental schools, the Assembly,

1 with the leader, with this bill for over a
2 year that we've had this bill.

3 There are 46 people that this bill
4 would allow employment for. They would only
5 be able to practice at the hospital. The two
6 years that has been spoken of, two years
7 within the last five years, that is standard
8 here in the State of New York for dentistry.
9 It's also standard across the country.

10 So I would work with my colleague
11 Senator LaValle on a chapter amendment, if
12 that would be acceptable to him, to be able to
13 enhance this bill so that we could even make
14 it a stronger and a better bill and be able to
15 hold on to those positions in our dentistry
16 schools and to be able to attract the best and
17 the brightest into that industry.

18 Thank you, Mr. President.

19 ACTING PRESIDENT GRIFFO: Senator
20 Stavisky.

21 SENATOR STAVISKY: Thank you.

22 If the sponsor would yield, I have
23 a couple of questions. Some questions.

24 ACTING PRESIDENT GRIFFO: Will
25 the sponsor yield?

1 SENATOR GOLDEN: Yes,
2 Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator
4 Golden yields.

5 SENATOR STAVISKY: I noticed that
6 this bill was introduced on June 4th of 2007.
7 I don't recall it being on the Higher Ed
8 calendar. That question has partially been
9 answered. Perhaps you can give us a more
10 complete explanation of why I never saw it on
11 the calendar.

12 ACTING PRESIDENT GRIFFO: Senator
13 Golden.

14 SENATOR GOLDEN: We were working
15 with State Ed, with the Assembly and the
16 Senate, to come to agreement on a bill that
17 would work for the hospitals and for the State
18 of New York.

19 Working with Senator LaValle, we
20 put a two-year sunset into the bill so that we
21 could sunset this bill if in fact there had to
22 be even stronger recommendations made, we
23 could do that in two years' time.

24 But I'm willing to do a chapter
25 immediately, since we have control of the bill

1 in this house, to be able to make this bill a
2 stronger bill.

3 SENATOR STAVISKY: If the Senator
4 would continue to yield.

5 ACTING PRESIDENT GRIFFO:
6 Senator Golden, do you continue to yield?

7 SENATOR GOLDEN: Yes,
8 Mr. President.

9 ACTING PRESIDENT GRIFFO: Senator
10 Stavisky.

11 SENATOR STAVISKY: Have any
12 professional or consumer organizations offered
13 memoranda in support or in opposition?
14 Because I have not seen any.

15 SENATOR GOLDEN: Mr. President --
16 through you, Mr. President, the five New York
17 State Academic Dental Centers, which include
18 the University of Rochester, Eastman Dental;
19 Columbia; New York University; the State
20 University at Buffalo and at Stony Brook.

21 SENATOR STAVISKY: So,
22 Mr. President, if the Senator would continue
23 to yield.

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

1 SENATOR GOLDEN: These are the
2 deans of the colleges that are asking and
3 promoting these individuals.

4 So we would say here that the
5 deans, SED, the Regents would allow an
6 inferior dentist to work in their schools? I
7 don't think so. I think this is a
8 well-thought-out bill to help our
9 universities.

10 ACTING PRESIDENT GRIFFO: Senator
11 Golden, do you continue to yield?

12 SENATOR GOLDEN: Yes,
13 Mr. President.

14 ACTING PRESIDENT GRIFFO: Senator
15 Stavisky.

16 SENATOR STAVISKY: Yes, I have a
17 couple more questions I would appreciate.

18 I gather the problem is the lack of
19 faculty to teach the students. Where do you
20 expect to find those faculty members?

21 SENATOR GOLDEN: Through our own
22 schools. Mr. President, through our schools
23 here in the State of New York, from people
24 from across our nation coming to this great
25 state and from people across this world coming

1 in and joining into the field of dentistry
2 here in the State of New York.

3 SENATOR STAVISKY: If the Senator
4 would continue to yield --

5 SENATOR GOLDEN: As long as they
6 are qualified, of course, Mr. President.

7 ACTING PRESIDENT GRIFFO: Senator
8 Golden, do you continue to yield?

9 SENATOR GOLDEN: I do indeed,
10 Mr. President.

11 ACTING PRESIDENT GRIFFO: Senator
12 Stavisky.

13 SENATOR STAVISKY: I see the bill
14 also provides not only citizens but also
15 aliens.

16 Do you expect an outreach to
17 graduates of foreign dental institutions?

18 SENATOR GOLDEN: Mr. President, I
19 would imagine that there isn't a dental school
20 in the world that doesn't know about the great
21 facilities here in the great State of New York
22 and would love to be able to have the
23 opportunity to come here, teach, and to be
24 able to practice dentistry at one of our
25 lovely institutions, Mr. President.

1 SENATOR STAVISKY: Thank you.

2 On the bill.

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

5 SENATOR STAVISKY: I thank
6 Senator Golden for his concern for the dental
7 health of our constituents.

8 At the same time, I see great
9 parallels here between the nursing shortage
10 and the dental shortage. It's a shortage not
11 necessarily of practitioners but of people to
12 teach dentistry, people who have experience.

13 And I have misgivings about this
14 bill. I really want to listen to what
15 everyone else has said. Senator Golden has
16 been very helpful. But I can't understand why
17 the last day of session this bill is suddenly
18 emerging. It's like a toothache that just
19 sort of erupted. Perhaps that's a bad
20 example.

21 I am concerned that we may not be
22 attracting the best and the brightest through
23 this method with the two-year requirement that
24 Senator LaValle spoke about. I find that
25 troubling.

1 And my instinct is to vote no on
2 this bill or to listen to what my colleagues
3 have to say. But I understand that the
4 dentists are going to be serving as full-time
5 faculty of one of the five academic
6 institutions, and they're going to have to
7 devote four days a week to teaching, to caring
8 for the patients, et cetera.

9 And I will listen to what the
10 Senator has said. I have not read the
11 memorandum; it was just provided to me. And I
12 find that aspect very troubling, the fact that
13 we haven't seen this bill until 4 o'clock on
14 the day we're due to adjourn.

15 Thank you, Mr. President.

16 ACTING PRESIDENT GRIFFO: Senator
17 Krueger.

18 SENATOR LIZ KRUEGER: Thank you.
19 If the sponsor would yield.

20 SENATOR GOLDEN: Yes, Madam
21 President -- Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator
23 Golden yields.

24 SENATOR LIZ KRUEGER: Thank you.
25 Senator Golden, it talks about

1 their teaching at dental clinics and dental
2 schools but also practicing dentistry in the
3 clinics.

4 Could you clarify for me, who would
5 be the patients that these people who don't
6 have regular dental licenses would be
7 practicing on?

8 SENATOR GOLDEN: That's correct.
9 Mr. President, there are numbers of people
10 that come to the dentistry hospitals that
11 don't have dentists. A lot of them are poor
12 and unable to pay and afford the dentistry,
13 and these dentistry schools work in those
14 communities and bringing those people into
15 those hospitals.

16 SENATOR LIZ KRUEGER: Thank you.
17 Mr. President, on the bill.

18 ACTING PRESIDENT GRIFFO: Senator
19 Krueger on the bill.

20 SENATOR LIZ KRUEGER: My
21 colleague Senator Stavisky just pointed out
22 we're getting this at 4 o'clock on the last
23 day. And that certainly ought to be a red
24 flag for us for any bills.

25 But more importantly I think was

1 listening to Senator LaValle, who's been such
2 an activist chair of the Higher Ed Committee,
3 and I serve on that committee. And he has
4 been, as he said himself, very proud of making
5 sure that here in New York State we hold
6 ourselves to our highest standards for our
7 licensed professions, including our healthcare
8 professionals.

9 And really, when we're talking
10 about healthcare and dentistry as a
11 subuniverse of healthcare, we'd better hold
12 ourselves to the highest standards, as we
13 know.

14 So I have to say if it was just
15 that they would be teaching in some kind of
16 classroom setting, even though they only had
17 two years of dental experience themselves, I
18 might have been a little more comfortable
19 supporting the bill, because I do believe that
20 people can be great teachers even if they
21 aren't expert clinicians.

22 On the other hand, when I hear that
23 they will be actually providing dental care to
24 the people who come to the dental clinics at
25 our dental schools -- and I know for a fact,

1 as I think we all do, that it's the poorest
2 New Yorkers who are more likely not to have
3 private dentists and more likely to show up at
4 the dental clinics at the dental schools -- it
5 troubles me quite a bit that we seem to be
6 willing to set up a double standard: You
7 don't have to be qualified to be a real
8 dentist in New York State to treat people in
9 these clinics.

10 The last thing on earth I want to
11 do is move legislation that creates a two-tier
12 system of who provides healthcare in New York
13 based on your income, and if you are
14 low-income then you can get the people to
15 serve you or to provide care for you that
16 other New Yorkers wouldn't go to or even
17 technically be allowed to go to under the
18 dental licensing.

19 So while I am empathetic to a
20 shortage of clinicians at our dental schools,
21 there's got to be another model for solving
22 that other than allowing people who we
23 wouldn't give a regular dental license to to
24 treat us to be the ones who are treating the
25 people who have no choice but to go to

1 clinics. And so I'll be voting no.

2 Thank you, Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator
4 Sabini.

5 SENATOR SABINI: Mr. President,
6 on the bill.

7 ACTING PRESIDENT GRIFFO: Senator
8 Sabini, on the bill.

9 SENATOR SABINI: Well, this bill,
10 as Senator LaValle points out, has at least
11 one good aspect to it, which is that it allows
12 us to tap into the talent of those who are
13 licensed in other countries who have practiced
14 their craft and gone to university elsewhere
15 to practice here, as long as they meet all the
16 requirements that licensure in New York would
17 require.

18 Senator Morahan and I and Senator
19 Schneiderman have been working on an issue
20 that would tap into our immigrant community in
21 an even bigger way. Our state has thousands
22 of people who are professionals who have come
23 to our shores, and yet we can't tap into their
24 talents or, frankly, tax their higher income
25 because they're restricted from getting the

1 licenses to practice their craft.

2 The bill that Senator Morahan and I
3 and Senator Schneiderman have crafted includes
4 obstetrics, court stenographers -- why you
5 have to be a citizen to be a court
6 stenographer I'll never know -- engineers,
7 pharmacists, veterinarians, midwives,
8 anesthesiologists.

9 We're in need of professionals. We
10 want people to have good incomes. This has
11 been a number-one priority of the New York
12 Immigration Coalition this year. And yet we
13 have failed to pass that bill. So that aspect
14 of this bill is good.

15 But I am troubled by many of the
16 questions that Chairman LaValle has raised and
17 Senator Stavisky, our ranker, has raised about
18 this two-year line. To me, it raises some
19 issues as to whether or not we would want
20 those people training people who we would then
21 certify to be dentists in the future.

22 So that I think there's good and
23 bad here. I think that the idea that we would
24 tap into our new immigrants, who have the bona
25 fides to be a dentist, I think that's great

1 and we should be doing more of it. But I am
2 troubled about the two-year thing.

3 Thank you, Mr. President.

4 ACTING PRESIDENT GRIFFO: Senator
5 Craig Johnson.

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

8 Will the sponsor yield for a couple
9 of questions?

10 ACTING PRESIDENT GRIFFO: Senator
11 Golden, will you yield?

12 SENATOR GOLDEN: Yes.

13 ACTING PRESIDENT GRIFFO: The
14 Senator will yield.

15 SENATOR CRAIG JOHNSON: Thank
16 you. Thank you, Senator Golden. Just a
17 couple of questions.

18 Senator Golden, in your bill can
19 you perhaps explain what "good moral
20 character" would be? The bill provides that
21 to qualify for a restricted dental faculty
22 license, among other things the applicant has
23 to possess good moral character. I'd like to
24 get an understanding of what that would be.

25 SENATOR GOLDEN: Mr. President,

1 that's current practice on every professional
2 test that we have here in the State of
3 New York.

4 SENATOR CRAIG JOHNSON: Mr.
5 President, will the sponsor continue to yield?

6 ACTING PRESIDENT GRIFFO: Senator
7 Golden, will you continue to yield?

8 SENATOR GOLDEN: One more
9 question, Mr. President.

10 ACTING PRESIDENT GRIFFO: Senator
11 Johnson.

12 SENATOR CRAIG JOHNSON: Mr.
13 President, with respect to providing the
14 dental services, does that also include
15 periodontal work or oral surgery? Or would
16 this be simply limited to general dentistry
17 practitioners?

18 SENATOR GOLDEN: Mr. President, I
19 do believe that everybody here knows that
20 these are qualified dentists that have gone
21 through six years of dentistry school before
22 they do their two years of practice. So they
23 would be -- out of the last five years.

24 So the answer is yes, they would be
25 doing that.

1 ACTING PRESIDENT GRIFFO: Thank
2 you, Senator Golden.

3 Senator Johnson, on the bill?

4 SENATOR CRAIG JOHNSON: On the
5 bill, Mr. President.

6 I wish Senator Golden would have --

7 SENATOR GOLDEN: If they were
8 qualified surgeons to do that.

9 SENATOR CRAIG JOHNSON: I'm
10 sorry?

11 SENATOR GOLDEN: If they were
12 qualified surgeons to do that, yes.

13 SENATOR CRAIG JOHNSON: Well,
14 Senator Golden, would you please yield for
15 another question? Because you raised --

16 SENATOR GOLDEN: I gave you the
17 answers.

18 SENATOR CRAIG JOHNSON: So will
19 the Senator yield for another question?

20 SENATOR GOLDEN: One more
21 question, sir.

22 ACTING PRESIDENT GRIFFO: Senator
23 Johnson, he yields.

24 SENATOR CRAIG JOHNSON: So is
25 there a similar requirement -- if the dentist

1 is authorized in his home country or some
2 other state to do surgery and then comes over
3 here to practice dentistry, would this then
4 cover him or her to do actual oral surgery?
5 Or would they be required to get a similar
6 license? You know, because it's surgery, it's
7 medicine practice, not dentistry.

8 SENATOR GOLDEN: This is a
9 restricted license that's issued by SED,
10 worked out with SED and the Regents.

11 So we would say that SED, the
12 Regents, the deans of the faculty and dean
13 presidents would allow an incompetent
14 individual to perform surgery? I don't think
15 so.

16 I think they're very studied on
17 this. They need these positions. The
18 universities have requested these positions.
19 This is a bill that's been agreed upon in the
20 Assembly and in SED and with the deans of all
21 these universities.

22 Thank you, Mr. President.

23 SENATOR CRAIG JOHNSON: Thank
24 you, Senator Golden.

25 On the bill.

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

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

5 Thank you, Senator Golden.

6 I have to admit -- and I first want
7 to thank Senator LaValle for raising a number
8 of issues.

9 And this has been a very
10 informative debate, one, for a bill that I
11 think deserves more debate and questions to be
12 answered. I think the last set of questions
13 raises more questions. Because the bill talks
14 about dentistry, and what we understand going
15 to the dentist is -- you know, maybe a teeth
16 cleaning, maybe checking for cavities.

17 But now, when it comes to surgery
18 and periodontal work, which requires putting a
19 patient possibly under and having them go to
20 sleep under anesthesia, all of a sudden I
21 wonder whether or not this bill covers that or
22 not. I appreciate the answers from Senator
23 Golden; I'm just unclear from the bill itself
24 whether or not this is covered.

25 So I'm going to see if we have any

1 more debate on this issue, maybe some other
2 information, before I can consider my vote.

3 But I thank you, Senator Golden,
4 for your answers.

5 Thank you very much, Mr. President.

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

8 Senator Diaz.

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

11 I just rise to thank Senator
12 Golden. I heard him saying something when he
13 was asked if these restricted dental faculty
14 licenses will be issued to people from other
15 countries, and he responded that, as long as
16 they're qualified, from any part of the world.

17 We all know, Mr. President, that
18 universities, the universities go all over the
19 country, all over the world to find faculty.
20 And they are very -- there are professional,
21 very qualified people -- from China, from
22 India, from Hispanic countries, Spain,
23 Puerto Rico, Santo Domingo, Europe -- people
24 that they have hired to come to the state to
25 teach.

1 What Senator Golden in this bill is
2 asking for is those people that are qualified
3 to be issued a restricted dental faculty
4 license. The department might issue a
5 restricted dental faculty license to a
6 full-time faculty member employed at an
7 approved New York State school of dentistry.

8 I think that this is a wonderful
9 bill. It goes along with what this state and
10 this nation is all about: Open doors, help
11 other people. And I ask my colleagues -- I
12 congratulate Senator Golden for this bill.
13 And it is nothing new.

14 Universities again, I'm going to
15 say, universities and schools, the Department
16 of Education of the State of New York, they go
17 out of the country to hire some people
18 sometimes. So they are qualified immigrants,
19 qualified people that come, that are invited
20 from different institutions to come to the
21 state, to the nation to teach.

22 And this bill not only covers the
23 people, the American citizens, it also covers
24 people that are invited from other
25 universities to come and teach and be a part

1 of the faculty of that university.

2 I approve this bill. I think that
3 this is a good bill. I support this bill.
4 And I congratulate Senator Golden for this
5 magnificent piece of legislation.

6 Thank you.

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

9 Debate is closed. The Secretary
10 will ring the bell.

11 Read the last section.

12 THE SECRETARY: Section 2. This
13 act shall take effect February 1, 2009.

14 ACTING PRESIDENT GRIFFO: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT GRIFFO: Senator
18 Robach, to explain his vote.

19 SENATOR ROBACH: Yes,
20 Mr. President. I just want to rise to not
21 only cast my vote in the affirmative -- this
22 has been a great debate, but I think that
23 clearly -- I'm just going to read a little
24 dictate.

25 My colleague Senator Golden talked

1 about the need for these institutions to have
2 this. The U of R Dental Center is one of the
3 best. It not only treats a lot of people,
4 young and old, that wouldn't have access to
5 dental service; it does the academic piece; it
6 actually has a dentalmobile that goes around
7 to access this.

8 And they have a great director,
9 Cyril Meyerowitz, who in his words -- one of
10 the experts in the state, maybe in the
11 country -- says: "New York State Academic
12 Dental Centers face numerous faculty vacancies
13 due to retiring faculty and difficulties in
14 recruiting new faculty for a number of
15 reasons. These faculty vacancies can have
16 dire impacts on both the clinical capacity and
17 education of future oral healthcare providers.

18 "New York Academic Dental Centers
19 are at a competitive disadvantage with other
20 dental schools across the country because we
21 are unable to attract dentists with
22 outstanding credentials because other states
23 allow them to practice clinically while
24 serving as faculty. New York State is driving
25 away the best, most-qualified candidates."

1 This bill will rectify that. It's
2 very much needed. I'm happy to cast my vote
3 in the affirmative, Mr. President.

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

6 Senator LaValle, to explain his
7 vote.

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

10 I certainly appreciate the
11 discussion that we have had here on the floor.

12 One of the things that I think our
13 committee has prided itself on is that when we
14 hear, I think on a daily basis here, you know,
15 New York is only one of three states or four
16 states or the only state that hasn't adopted
17 this legislation, the committee once again
18 says, That's why we're the Empire State.
19 That's why we believe in standards. That's
20 why we believe that we have provided our
21 citizens with the greatest protection when we
22 do professional licensure or an extension of
23 scope of practice.

24 Senator Golden has indicated that
25 he will make changes based on this debate.

1 Senator, I appreciate that. I know we've had
2 many, many discussions.

3 With that assurance, I vote in the
4 affirmative, Mr. President.

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

7 Senator Stavisky, to explain her
8 vote.

9 SENATOR STAVISKY: Yes, thank
10 you, Mr. President.

11 And I thank Senator Golden for his
12 responsiveness and his willingness to consider
13 a chapter amendment to resolve some of our
14 concerns.

15 I represent a large immigrant
16 population -- people from China, Korea,
17 various parts of the former Soviet Union,
18 South Asia, et cetera. And I am very proud of
19 the large immigrant population not only in my
20 Senate district but in the City of New York.

21 They have come to this country with
22 a vast background in their native land. Many
23 professionals come here seeking a better life.
24 And it seems to me we ought to offer them
25 every opportunity to take advantage of what we

1 have to offer and to give them the opportunity
2 to meet our standards and become part of the
3 fabric of our existence.

4 I think they offer the future of
5 our city. And for that reason, Mr. President,
6 I vote aye.

7 ACTING PRESIDENT GRIFFO: Senator
8 Stavisky to be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: Those recorded in
11 the negative on Calendar Number 2169 are
12 Senators L. Krueger and Stachowski.

13 Ayes, 60. Nays, 2.

14 ACTING PRESIDENT GRIFFO: The
15 bill is passed.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President,
18 can we now take up Calendar Number 2173, by
19 Senator Seward.

20 ACTING PRESIDENT GRIFFO: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 2173, by Senator Seward, Senate Print 8624, an
24 act to amend the Insurance Law.

25 SENATOR KLEIN: Explanation.

1 ACTING PRESIDENT GRIFFO: Senator
2 Klein requests an explanation, Senator Seward.

3 SENATOR SEWARD: Certainly,
4 Mr. President.

5 Senate Bill 8624 extends or makes
6 permanent a number of important property and
7 casualty provisions which are currently due to
8 expire on June 30th of this year. This
9 includes the New York Property Insurance
10 Underwriting Association, so-called NYPIUA.
11 This legislation would make NYPIUA permanent.

12 The bill would also extend for
13 three years certain other property and
14 casualty provisions which have proven to be
15 important to insuring a very stable property
16 and casualty market.

17 This bill also includes provisions
18 to authorize auto insurers to increase or
19 decrease their private passenger auto
20 insurance premiums within a band of 5 percent
21 up or down.

22 The bill, in addition, would make
23 some other changes to NYPIUA. It would direct
24 NYPIUA to develop a program to provide
25 incentives for private-market insurers to

1 write homeowner's insurance in our coastal
2 areas. And the bill would also authorize
3 NYPIUA to write broader coverage in our
4 coastal areas and other areas in the state and
5 provide broader coverage when written in
6 conjunction with a wraparound policy provided
7 by a private carrier.

8 The legislation would also include
9 a coastal market assistance program, the CMAP
10 program, put that in statute. It would re-up
11 the special advisory panel to look at problem
12 areas of our state in terms of the
13 availability and affordability of homeowner's
14 insurance.

15 And finally, the legislation would
16 require the superintendent of insurance to
17 implement a program to attract more
18 competitors to the state's homeowner's
19 insurance market.

20 So this bill is a comprehensive
21 bill which I believe will make a positive
22 contribution to making property and casualty
23 insurance available to more New Yorkers at an
24 affordable rate.

25 ACTING PRESIDENT GRIFFO: Senator

1 Breslin.

2 SENATOR BRESLIN: Thank you,
3 Mr. President.

4 Would the sponsor yield for a
5 question or two.

6 ACTING PRESIDENT GRIFFO: Senator
7 Seward, will you yield?

8 SENATOR SEWARD: Certainly.

9 ACTING PRESIDENT GRIFFO: Senator
10 Breslin.

11 SENATOR BRESLIN: Through you,
12 Mr. President, the part of the bill dealing
13 with flex rating, can you tell us where
14 New York State ranks in auto insurance in
15 terms of cost?

16 SENATOR SEWARD: Mr. President,
17 we rank somewhere between two and three in
18 terms of the cost of auto insurance.

19 But I might mention that if you
20 look at the NAIC information, those states
21 that have these fewer controls on the
22 rate-setting of auto insurance, they're about
23 10 percent lower than the group of -- than
24 other states.

25 SENATOR BRESLIN: Through you

1 again, Mr. President, would the sponsor
2 continue to yield.

3 ACTING PRESIDENT GRIFFO: Senator
4 Seward, will you yield?

5 SENATOR SEWARD: Certainly.

6 ACTING PRESIDENT GRIFFO: Senator
7 Breslin.

8 SENATOR BRESLIN: Senator Seward,
9 do you know of any studies other than the NAIC
10 report, any other studies that have been done
11 on the allowance of increase in rates without
12 some sort of analysis?

13 SENATOR SEWARD: Well,
14 Mr. President, I think we can just look to our
15 own experience right here in New York State.
16 Up until the year 2001, for many years we had
17 flex rating in New York State. In fact, it
18 was at a 7 percent band at that time, so it
19 was actually a larger band. And we did see
20 premiums fall at that time.

21 So I think our own experience here
22 in New York indicates that this is a positive
23 policy. That law expired in 2001 and has not
24 been re-upped. That's what we intend to do in
25 this legislation, in conjunction with a whole

1 host of other changes that I have outlined.

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

5 ACTING PRESIDENT GRIFFO: Senator
6 Seward yields.

7 SENATOR SEWARD: Yes.

8 SENATOR BRESLIN: Through you,
9 Mr. President, since 2001, can you tell us the
10 increase or decrease in automobile premiums in
11 the State of New York?

12 SENATOR SEWARD: Well,
13 Mr. President, after the flex rating that we
14 previously had in law expired, the two years
15 following that we saw auto insurance rise for
16 the two-year period just over 13 percent.

17 Now, in more recent years we have
18 seen a increase in auto insurance in New York
19 State, I think for a number of factors, one of
20 which is the department, administratively, is
21 being much more aggressive in terms of
22 fighting fraud.

23 And one of the problems that we're
24 hoping to correct in this legislation,
25 Mr. President, is the fact that when an

1 insurance company -- in these times when we
2 have seen decreasing auto insurance rates,
3 we've had companies in this state that have
4 had pending applications for decrease of their
5 rates pending at the Insurance Department for
6 months on end. And the consumers of our state
7 have been paying more than they should have
8 during those months.

9 So this is what we're attempting to
10 correct under this legislation.

11 SENATOR BRESLIN: Again through
12 you, Mr. President, if the sponsor would
13 continue to yield.

14 ACTING PRESIDENT GRIFFO: Senator
15 Seward, do you yield?

16 SENATOR SEWARD: Certainly.

17 ACTING PRESIDENT GRIFFO: Senator
18 Breslin.

19 SENATOR BRESLIN: Can you tell
20 us, if you know, of the companies in New York
21 State that are licensed to do business in the
22 automobile insurance, how many of them have
23 applied for a decrease in their rates during
24 the past year?

25 SENATOR SEWARD: I must say, I

1 don't have that information readily available
2 to me.

3 SENATOR BRESLIN: And again
4 through you, Mr. President, if the sponsor
5 would continue to yield.

6 SENATOR SEWARD: Certainly.

7 ACTING PRESIDENT GRIFFO: Senator
8 Seward yields.

9 SENATOR BRESLIN: Is there any
10 concern at all that the placing of flex rating
11 in the law would encourage a particular
12 automobile insurer to arbitrarily raise rates,
13 given the fact that he would need no prior
14 approval?

15 SENATOR SEWARD: Well,
16 Mr. President, I would answer Senator Breslin
17 this way. The auto insurance market is quite
18 competitive, quite competitive in New York
19 State. There are a lot of players, a lot of
20 companies want to write business in this
21 state.

22 And I would say that if a company
23 just said, Well, okay, we're going to raise
24 our rates 4.9 percent because we can, I would
25 find that that company would be at a serious

1 competitive disadvantage and they would lose
2 market share considerably because there are so
3 many other players that would be offering a
4 lower rate and that they would pick up that
5 market share.

6 So I do not have the fears that you
7 have outlined because of the competitive
8 nature of our market. And the passage of this
9 legislation I predict will make our market
10 here in New York even more competitive and
11 entice more companies to write business here;
12 thus, more benefits to the consumer.

13 SENATOR BRESLIN: And again
14 through you, Mr. President, if the sponsor
15 would continue to yield.

16 ACTING PRESIDENT GRIFFO: Senator
17 Seward, do you yield?

18 SENATOR SEWARD: Yes, I do.

19 ACTING PRESIDENT GRIFFO: Senator
20 Breslin.

21 SENATOR BRESLIN: Are there any
22 situations within this bill where there is the
23 possibility of an increase in premiums over
24 and above the 5 percent cap?

25 SENATOR SEWARD: Well,

1 Mr. President, only in the situation -- it's
2 very limited -- but because it's an average,
3 that that would exceed the 5 percent.

4 SENATOR BRESLIN: Then again,
5 through you, Mr. President, if the sponsor
6 would continue to yield.

7 SENATOR SEWARD: Yes.

8 ACTING PRESIDENT GRIFFO: Senator
9 Seward yields.

10 SENATOR BRESLIN: Can you tell us
11 to what would be the greatest level increase
12 that would be possible under the legislation?

13 SENATOR SEWARD: Well,
14 Mr. President, the counsel informs me that
15 since it's not specified in this legislation,
16 I really don't have the answer for you.

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

20 SENATOR SEWARD: Yes.

21 ACTING PRESIDENT GRIFFO: Senator
22 Seward yields, Senator Breslin.

23 SENATOR BRESLIN: Then would
24 there be any concern on your part that that
25 might be a particular loophole in the

1 legislation which would afford companies to
2 increase it to a greater extent?

3 SENATOR SEWARD: Well,
4 Mr. President, I don't have those fears
5 because in fact we are, under this bill,
6 decreasing the band from 7, what had been the
7 law in New York, down to 5. And it did not
8 seem to be a problem previously. And it would
9 be even less of a problem under this
10 legislation.

11 SENATOR BRESLIN: Thank you,
12 Senator Seward.

13 On the bill.

14 ACTING PRESIDENT GRIFFO: Senator
15 Breslin, on the bill.

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

18 The NYPIUA portion of this bill I
19 think is long, long overdue. We have been in
20 this chamber -- I have been here 12 years
21 arguing for permanency of NYPIUA because it
22 does so much to -- particularly on Long Island
23 for coastal flooding, but in areas where it's
24 difficult arriving at coverage and the
25 inability to plan because of our two-year

1 sunsets on NYPIUA. And this bill will take
2 care of that.

3 I am concerned, on the automobile
4 insurance side, of placing the burden with
5 automobile carriers and giving them the
6 ability to really raise rates without prior
7 approval.

8 What does prior approval do? It
9 scares the insurance company into doing their
10 homework, and it allows them to come before
11 the Insurance Department provide their
12 analysis, and have professionals weigh in on
13 that analysis.

14 However, in other states --
15 Illinois is being one good example -- when
16 they have deregulated and left it to market
17 conditions, those market conditions have
18 worked extraordinarily well.

19 So I will, on this bill, vote
20 overwhelmingly for the NYPIUA portion and
21 somewhat grudgingly on the automobile portion.
22 But in all, I will vote aye on this
23 legislation.

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Senator

1 Klein.

2 SENATOR KLEIN: Mr. President,
3 would the sponsor yield for a couple of
4 questions.

5 ACTING PRESIDENT GRIFFO: Senator
6 Seward, do you yield for a couple of
7 questions?

8 SENATOR SEWARD: Certainly,
9 Mr. President.

10 SENATOR KLEIN: Thank you,
11 Mr. President. Through you.

12 I'll, I guess, limit my questioning
13 to the portion on the property loss
14 mitigation, because my colleague already asked
15 the questions about the car insurance.

16 In your bill memo, Senator Seward,
17 the public benefit corporation provides grants
18 that minimize the effects of catastrophic
19 residential property losses. Can you explain
20 that?

21 It's part of establishing the
22 property loss mitigation public benefit
23 corporation.

24 SENATOR SEWARD: Mr. President.

25 ACTING PRESIDENT GRIFFO: Senator

1 Seward.

2 SENATOR SEWARD: I'm sorry for
3 the delay in getting the answer to you.
4 Apparently you are reading from a dated memo.
5 The mitigation portion of the legislation,
6 that has been deleted from the actual bill.

7 SENATOR KLEIN: So there's no
8 grants to assist homeowners who are --

9 SENATOR SEWARD: Mr. President,
10 that is correct.

11 Personally, I think that's a
12 positive thing to do. But that's perhaps
13 something we will get to another year. We'll
14 get to that another time.

15 SENATOR KLEIN: Through you,
16 Mr. President, I have a couple more questions
17 for the sponsor.

18 ACTING PRESIDENT GRIFFO: Senator
19 Seward, do you continue to yield?

20 SENATOR SEWARD: Certainly,
21 Mr. President.

22 SENATOR KLEIN: What we're
23 actually doing here as far as this legislation
24 today, what are we doing to ensure that
25 homeowners who happen to live near coastal

1 areas won't have their insurance just dropped
2 in an arbitrary manner by the carrier?

3 SENATOR SEWARD: Well,
4 Mr. President, this legislation does not,
5 shall we say, specifically address that
6 situation.

7 Although it does, in a way, because
8 it does help to stabilize the market in the
9 coastal areas. Because it expands the role of
10 NYPIUA, and it also requires NYPIUA to develop
11 a program to help provide incentives for the
12 private-market carriers to go into those areas
13 of our state and also, in addition to that,
14 directs the superintendent to develop and
15 implement a program to do the exact same
16 thing.

17 So what we're attempting to do here
18 is to create a more vibrant market in the
19 coastal areas of our state so that homeowners
20 will not, in the situation as you describe,
21 have their coverage dropped. But we're also
22 creating a better safety net for them if that
23 should occur.

24 SENATOR KLEIN: Again through
25 you, Mr. President, will the sponsor continue

1 to yield for another question.

2 ACTING PRESIDENT GRIFFO: Does
3 the sponsor yield?

4 SENATOR SEWARD: Certainly.
5 Certainly.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR KLEIN: Thank you.
9 Through you, Mr. President.

10 Is there anything in this
11 legislation that will study the issue of
12 whether or not certain coastal regions within
13 the State of New York -- in the Bronx, in Long
14 Island -- are truly in hurricane zones?

15 SENATOR SEWARD: Mr. President,
16 that is the responsibility of the special
17 advisory panel on homeowner's insurance and
18 catastrophe coverage. It's their
19 responsibility to study and then make
20 recommendations regarding the problems that
21 are experienced in these sections of the
22 state.

23 SENATOR KLEIN: Again through
24 you, Mr. President, will the sponsor continue
25 to yield.

1 ACTING PRESIDENT GRIFFO: Will
2 the sponsor yield?

3 SENATOR SEWARD: Certainly.

4 ACTING PRESIDENT GRIFFO: Senator
5 Klein.

6 SENATOR KLEIN: Again, I know
7 making this group permanent tends to be, I
8 gues, a benefit for people who have homeowner
9 insurance.

10 Can you just elaborate on how this
11 would make it more effective for the homeowner
12 in being able to obtain reasonable homeowner
13 insurance if they live in a community that
14 happens to be a coastal community?

15 SENATOR SEWARD: Well,
16 Mr. President, I'm a great believer in a
17 healthy insurance market. In other words, if
18 more carriers are willing to write in a
19 region -- and we've seen some withdrawal in
20 the coastal areas. And if we provide for a
21 more vibrant market in those regions, that --
22 if you believe in market conditions affecting
23 the price, then that should impact, in a very
24 positive way, these homeowners.

25 And that's why we, as I've said

1 before, direct NYPIUA to help provide
2 incentives to the private-market insurers to
3 write more homeowner's insurance in these
4 regions and, once again, the superintendent to
5 do the same.

6 So I cannot cite the specifics, but
7 we are doing -- what we are doing under this
8 legislation is we're setting the foundation
9 and framework for going forward in a positive
10 way for those homeowners.

11 SENATOR KLEIN: Thank you,
12 Senator Seward.

13 Mr. President, on the bill.

14 ACTING PRESIDENT GRIFFO: Senator
15 Klein, on the bill.

16 SENATOR KLEIN: I know Senator
17 Seward has the best intentions in making sure
18 that individuals both have reasonable car
19 insurance and coastal insurance policies if
20 their homes happen to be near the water.

21 The first half of the legislation I
22 think is only going to increase our car
23 insurance by actually bringing the flexible
24 rating system to New York on a permanent
25 basis.

1 According to a memo that was
2 jointly prepared by NYPIRG, CFA, and Consumers
3 Union, it found that -- Consumer Federation of
4 America found that rates rose significantly
5 more slowly over the last 20 years in states
6 that require prior approval than in states
7 with weaker regulatory systems.

8 So in other words, we're moving
9 away from the prior approval system to the
10 flexible rate. And I'm just concerned that
11 it's going to cause our automobile policies to
12 go up even further than they are. New York
13 State presently has the dubious distinction of
14 having the second-highest automobile insurance
15 premiums in the country, and I'm afraid we may
16 reach that number-one mark under this system.

17 The second area, dealing with the
18 property casualty insurance, I think is
19 missing a lot of very important components.

20 One of the things that I found last
21 year and continues this year, in the areas
22 that I represent -- and I also hear stories
23 about it happening out on Long Island as
24 well -- is that certain insurers were just
25 arbitrarily not renewing policies to

1 homeowners in certain areas. What we did find
2 out is if they had their automobile policy
3 with the insurer as well their homeowner
4 policy, they were left alone.

5 The Superintendent of Insurance,
6 Eric Dinallo, investigated that, and it
7 stopped happening. The problem is those
8 people who were canceled, those people who
9 weren't renewed, were forced to pay anywhere
10 from \$500 to \$1,000 more every year for their
11 homeowner policy.

12 So we're still in a situation now
13 where some insurance companies are actually
14 cherry-picking. They're going into
15 communities that happen to be near the water
16 and claiming that they're in a hurricane zone,
17 without any real concrete scientific evidence
18 to back that up, and not renewing policies.

19 So I think what we need to address
20 in this legislative session -- and of course
21 we're not going to be able to do it now, but
22 hopefully over the summer -- is truly address
23 the problem of people who are having their
24 policies -- receiving nonrenewal notices from
25 their insurance companies and if they choose

1 to go to another insurance company, they're
2 paying hundreds and even thousands of dollars
3 more for their homeowner policy.

4 I've introduced legislation, as a
5 matter of fact last year, which I think will
6 deal with the problem. First, presently under
7 New York State law any insurance company can
8 only cancel up to 4 percent of their policies
9 in New York State. I want to lower that
10 number to 2 percent. Because clearly what
11 Allstate and a lot of the other insurance
12 companies are doing, time and time again, is
13 they're getting very, very close to that
14 4 percent mark -- again, by cherry-picking the
15 policies they don't want -- and people are
16 losing their insurance, people who had their
17 insurance for 25 or 30 years.

18 The next part of the legislation,
19 which I think is also just as important, I
20 think we need to force the insurance industry,
21 before they cancel or fail to renew a
22 homeowner's policy, to give a reason. They
23 have to give a cost-benefit analysis
24 explaining exactly why they're not renewing a
25 policy that never made a claim in 25 or

1 30 years.

2 And then finally, and this is the
3 question I asked of Senator Seward, I think
4 the Insurance Superintendent of the Department
5 of Insurance in New York State should once and
6 for all do an independent study to find out in
7 coastal regions within the State of New York,
8 if certain communities that I represent, and
9 many of my colleagues, are truly in a
10 hurricane zone.

11 I think what's happening here is
12 the insurance industry is hoping that we can
13 create sort of national panic, have a
14 catastrophic damage fund where taxpayer
15 dollars are paying for loss mitigation which
16 you're paying for as part of your homeowner
17 insurance.

18 So I think we need to do a lot more
19 than we're doing in this legislation.
20 However, I think that in this piece the
21 homeowner piece does make some improvements.
22 I vote no because I think the part which deals
23 with automobile insurance will only raise our
24 rates further than they are now.

25 Thank you, Mr. President.

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

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

5 Read the last section.

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

8 ACTING PRESIDENT GRIFFO: Call
9 the roll.

10 (The Secretary called the roll.)

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

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

15 I want to congratulate Senator
16 Seward for his leadership on this issue. This
17 issue has been very daunting for the people of
18 Long Island who have not, in so many
19 instances, been able to receive insurance.
20 Many cancellations.

21 Senator Klein, I had sponsored the
22 4 percent bill that you've referred to.

23 But Senator Seward held a hearing
24 on Long Island, and Superintendent Dinallo
25 testified. And one of the things that we

1 found through that hearing was that many of
2 the provisions in this bill were recommended
3 by the agents, by some of those testifying,
4 and even the superintendent himself.

5 So I think this bill will give
6 finality for people. As a matter of fact, in
7 our law office one of the conditions that we
8 had to put into our contract in order to
9 protect a seller is a condition that the buyer
10 not only have an approved mortgage but also
11 availability of insurance. It reached that
12 height where we would get to a closing and
13 people didn't have insurance.

14 So with this legislation, we will
15 deal with the availability issue.

16 Mr. President, I vote yes.

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

19 Announce the results.

20 THE SECRETARY: Those recorded in
21 the negative on Calendar Number 2173 are
22 Senators Adams, Connor, DeFrancisco, Dilan,
23 Duane, Gonzalez, Hassell-Thompson, Klein,
24 Libous, Parker, Savino and Stavisky. Also
25 Senators L. Krueger and Sampson.

1 Absent from voting: Senator C.
2 Kruger.

3 Ayes, 47. Nays, 14.

4 ACTING PRESIDENT GRIFFO: The
5 bill is passed.

6 Senator Skelos.

7 SENATOR SKELOS: Mr. President,
8 would you please call up Calendar Number 2172.

9 ACTING PRESIDENT GRIFFO: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 2172, by Senator Seward, Senate Print 8354B,
13 an act to amend the Insurance Law.

14 SENATOR BRESLIN: Explanation.

15 ACTING PRESIDENT GRIFFO:
16 Explanation requested by Senator Breslin,
17 Senator Seward.

18 SENATOR SEWARD: Certainly,
19 Mr. President.

20 This legislation, which is an
21 agreed-upon bill with the Assembly and one
22 that we worked on very closely with the
23 Insurance Department on, takes a number of
24 steps to enhance the integrity of health
25 insurance premiums. And it does so in a

1 number of ways.

2 The bill increases the medical
3 minimum loss ratio from 75 to 80 percent for
4 the small group market. This means that at
5 least 80 cents of every premium dollar must go
6 to pay health care claims for services.

7 The bill also establishes clear
8 definitions and standards for calculating the
9 medical loss ratios. It provides a specific
10 method for calculating direct claims incurred.
11 This is designed to eliminate the gaming
12 that's used by certain health plans whereby
13 they deliberately miscalculate their minimum
14 loss ratios.

15 The current test for meeting the
16 minimum loss ratios is ambiguous and subject
17 to manipulation. This bill will assist the
18 Insurance Department in better monitoring
19 these plans.

20 The bill further strengthens
21 certification requirements by requiring that
22 the insurers affirm, under penalty of perjury,
23 that their rate filing was prepared in
24 accordance with generally accepted actuarial
25 principles.

1 The legislation would reinstate
2 prior approval for insurers who materially
3 misrepresent their medical loss ratios in two
4 consecutive years.

5 And finally -- two more points,
6 Mr. President -- the bill clarifies the
7 in-network, out-of-network charges by
8 prohibiting health insurers from charging a
9 patient out-of-network, more expensive rates
10 for hospital services in an in-network
11 hospital, even when the physician performing
12 the services may be out of network, and vice
13 versa, when the patient cannot be charged
14 under this bill out-of-network rates for
15 services performed by an in-network physician
16 even when it maybe be performed in an
17 out-of-network hospital.

18 And finally, Mr. President, the
19 legislation reduces the required time for an
20 insurer to pay claims for healthcare providers
21 when the claim is submitted electronically.
22 It goes from 45 days to 21 days. And that
23 will not only encourage more claims to be
24 submitted electronically but gets the money in
25 the pocket of our local hospitals and

1 healthcare providers sooner. The claims that
2 are submitted in written form would still be
3 at that 45-day level.

4 ACTING PRESIDENT GRIFFO: Senator
5 Breslin.

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

8 Would the sponsor yield for a few
9 questions.

10 ACTING PRESIDENT GRIFFO: Senator
11 Seward, do you yield?

12 SENATOR SEWARD: Certainly,
13 Mr. President.

14 ACTING PRESIDENT GRIFFO: Senator
15 Breslin.

16 SENATOR BRESLIN: Thank you,
17 Mr. President. Through you.

18 This bill does not, other than for
19 a penalty's sake, establish any sort of prior
20 approval; is that correct?

21 ACTING PRESIDENT GRIFFO: Senator
22 Seward.

23 SENATOR SEWARD: Could Senator
24 Breslin repeat the question? I didn't quite
25 understand it. Or I couldn't hear him.

1 SENATOR BRESLIN: Again through
2 you, Mr. President, does this bill, other than
3 for the penalty for a carrier, allow anything
4 other than prior -- excuse me, prior approval?

5 SENATOR SEWARD: Mr. President,
6 this bill maintains all of the current
7 sanctions that the department can impose. But
8 it imposes the prior approval on, shall we
9 say, the bad actors, to ensure -- what we're
10 attempting to do here is ensure that premium
11 payers in New York State do not pay one nickel
12 more than they should for their health
13 insurance.

14 SENATOR BRESLIN: And again
15 through you, Mr. President, could you explain
16 to us what the alternative to prior approval,
17 file and use, which has been going on for some
18 eight to 10 years, what that is?

19 SENATOR SEWARD: Well,
20 Mr. President, each year the health plans file
21 information, a whole set of data with the
22 Insurance Department, and also indicate the
23 rates that they are going to charge for the
24 ensuing year.

25 And under file and use, which is in

1 place currently, the department has an
2 opportunity, as the year goes by, to monitor
3 very closely the health plans to make sure
4 that they are meeting their medical loss
5 ratios. And then, in the event that they do
6 not meet those loss ratios, under current law,
7 the plans are required to issue a refund.

8 And in fact, just recently there
9 was a \$50 million refund required to be paid
10 by one of the plans.

11 And this legislation, in addition
12 to those types of sanctions it would impose,
13 if this happens twice, then they've got to be
14 to go into the prior approval for three years.

15 SENATOR BRESLIN: Thank you,
16 Senator Seward. On the bill.

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

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

21 This bill cleans up the medical
22 loss ratio --

23 ACTING PRESIDENT GRIFFO: Senator
24 Breslin, excuse me.

25 Can we have some order, please.

1 Senator Breslin, on the bill.

2 SENATOR BRESLIN: It cleans up
3 the medical loss ratio and makes it more
4 consistent and directs that HMOs spend a
5 certain amount of money for the medical
6 services.

7 However, it continues a file and
8 use policy. And HMOs, over the last number of
9 years, have used this file and use policy.
10 Some people call it file and abuse.

11 And what does file and use allow a
12 company to do? It really allows them to file
13 a rate and then use it. And there isn't that
14 strong check and balance where an HMO would
15 say: Gee whiz, I've got to have this
16 approved, and I've got to have this analyzed.
17 So they tend, as most of us would, to file a
18 higher rate than possibly is necessary.

19 And there was a study done which
20 analyzed HMOs in New York State from 2001 to
21 2005 which showed that their profits increased
22 just under 100 percent while, at the same
23 time, the number of people they were serving
24 decreased, the amounts of money they gave to
25 providers, hospitals and doctors also

1 decreased, and at the same time, their
2 expenses went up.

3 File and use is abused. The proper
4 way to -- particularly when people are
5 spending tremendous sums of money for their
6 health policies, where bargaining units for
7 unions, the most important thing is to keep
8 that health component. And if we know that
9 HMOs, as part of that component, are making
10 extraordinary amounts of money, it's unfair.

11 The way to change that is to make
12 sure that there is prior approval. And
13 accordingly, because of the lack of a prior
14 approval in this legislation and the
15 continuation of file and use, I will be voting
16 in the negative.

17 Thank you, Mr. President.

18 ACTING PRESIDENT GRIFFO: Any
19 other 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 15. This
24 act shall take effect immediately.

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Those recorded in
4 the negative on Calendar Number 2172 are
5 Senators Adams, Aubertine, Breslin, Connor,
6 Dilan, Duane, Gonzalez, Hassell-Thompson,
7 Huntley, C. Johnson, Klein, L. Krueger,
8 Montgomery, Onorato, Oppenheimer, Parker,
9 Perkins, Sabini, Sampson, Savino,
10 Schneiderman, Serrano, Smith, Stachowski,
11 Stavisky, Stewart-Cousins, Thompson and
12 Valesky.

13 Absent from voting: Senator C.
14 Kruger.

15 Ayes, 33. Nays, 28.

16 ACTING PRESIDENT GRIFFO: The
17 bill is passed.

18 ACTING PRESIDENT MAZIARZ: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 2184, by Senator Nozzolio, Senate Print 8714,
22 an act to amend the Criminal Procedure Law and
23 others.

24 SENATOR SCHNEIDERMAN:
25 Explanation.

1 ACTING PRESIDENT MAZIARZ: Oh,
2 Senator Schneiderman has asked for an
3 explanation. On the last day of session, an
4 explanation, Senator Nozzolio. Requested by
5 Senator Schneiderman on the last day of
6 session.

7 (Laughter.)

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

10 I wish to thank Senator
11 Schneiderman for the tremendous opportunity to
12 inform my colleagues about this wonderful
13 measure that is now before us for
14 consideration.

15 Unfortunately, it's before us for
16 consideration because of a loophole that
17 judges of this state exhibited that would have
18 resulted in freeing over 500 inmates onto the
19 streets, many of whom are violent inmates,
20 without any parole supervision.

21 This measure requires those courts,
22 which failed to properly impose sentences as
23 we have required by the states we have
24 enacted, to immediately resentence those
25 inmates affected by those judicial errors;

1 establishes a procedure so that the Department
2 of Correctional Services as well as the
3 New York State Department of Parole can
4 identify these cases that caused the courts to
5 initiate resentences; puts a very specific
6 time frame of which these must be acted upon;
7 and also provides opportunities for the
8 district attorneys to cure whether
9 procedurally that's likely and possible to do.

10 That this measure highlights also,
11 in our criminal justice system, the important
12 role of parole supervision. Violent felons do
13 their time, but it's very important once they
14 are released -- and let me parenthetically
15 state, we have aggressively established a zero
16 tolerance for violence in this state.

17 Mr. President, this measure is one
18 that's necessary, and that the parole officers
19 who can ensure that appropriate supervision is
20 placed upon those inmates who are let out of
21 jail upon the conclusion of their sentence
22 play a very, very important role in our entire
23 criminal justice system.

24 Thank you, Mr. President.

25 Thank you, Senator Schneiderman.

1 ACTING PRESIDENT MAZIARZ: Thank
2 you, Senator Nozzolio.

3 Senator Schneiderman.

4 SENATOR SCHNEIDERMAN: Thank you,
5 Mr. President. If the sponsor would yield for
6 a brief question or two.

7 ACTING PRESIDENT MAZIARZ:
8 Senator Nozzolio, would you yield for a brief
9 question from Senator Schneiderman?

10 SENATOR NOZZOLIO: Yes, thank
11 you, Mr. President, I'll be happy to yield.

12 ACTING PRESIDENT MAZIARZ:
13 Senator Schneiderman.

14 SENATOR SCHNEIDERMAN: Yes,
15 through you, Mr. President, I just wanted to
16 clarify that this final version of the bill
17 does not including any grant of immunity that
18 would enable any participant in the system to
19 avoid liability for negligent or willfully
20 wrongful misconduct.

21 ACTING PRESIDENT MAZIARZ:
22 Senator Nozzolio.

23 SENATOR NOZZOLIO: Mr. President,
24 I thank Senator Schneiderman for that
25 question.

1 That an earlier draft of the
2 proposed legislation raised questions in that
3 regard, and those provisions were excluded
4 from the bill that we are voting on this
5 afternoon.

6 SENATOR SCHNEIDERMAN: Thank you.

7 Mr. President, I'd like to thank
8 the sponsor for his answers. I --

9 ACTING PRESIDENT MAZIARZ:
10 Senator Schneiderman, on the bill.

11 SENATOR SCHNEIDERMAN: I am going
12 to speak on the bill, Mr. President, if you
13 will allow me to do so.

14 ACTING PRESIDENT MAZIARZ:
15 Senator Schneiderman.

16 SENATOR SCHNEIDERMAN: Thank you.
17 Thank you.

18 This is actually a success story,
19 because the need for this legislation was
20 created by a Court of Appeals decision in a
21 called People v. Sparber.

22 Unfortunately, even though by
23 statute we require courts to impose sentences
24 if they are to include post-release
25 supervision that state at the time of

1 sentencing that they're including post-release
2 supervision, some judges have gotten sloppy
3 and would only write down on the commitment
4 sheet that there was post-release supervision
5 required.

6 The Court of Appeals ordered on
7 April 29th that they were going to have to
8 release a number of prisoners if we didn't
9 correct these illegal sentences. There's
10 strong public policy in New York State that
11 you have to undo an illegal sentence.

12 So I want to compliment the sponsor
13 and the staff and the Assembly staff who got
14 together and in very, very quick order worked
15 out a compromise bill that does provide an
16 alternative sentence, does provide for a
17 resentencing hearing where it is necessary.

18 And, you know, for whoever was
19 doing this, Senator Nozzolio or the staff or
20 the Codes Committee staff, you somehow got the
21 Assembly Codes Committee to actually agree on,
22 draft and pass a bill that is going to
23 increase certain people's sentences. I have
24 been here nine years. I don't think I've ever
25 seen that, ladies and gentlemen.

1 So it's fine that we were able --
2 it's really wonderful that we were able to do
3 this so quickly at the end of the session. I
4 didn't think we were going to be able to get this
5 done.

6 So kudos to all who worked on it,
7 and to you, Mr. President. Better luck next
8 year on the "Wounded Bear Chasing Children
9 through the Woods Act."

10 ACTING PRESIDENT MAZIARZ:
11 Senator Schneiderman, your compliments to
12 Senator Nozzolio are noted for the record.

13 Any other Senators wish to speak on
14 the bill?

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

17 Read the last section.

18 THE SECRETARY: Section 9. This
19 act shall take effect immediately.

20 ACTING PRESIDENT MAZIARZ: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: In relation to
24 Calendar Number 2184: Ayes, 60. Nays, 1.
25 Senator Duane recorded in the negative.

1 Senator C. Kruger absent from
2 voting.

3 ACTING PRESIDENT MAZIARZ: The
4 bill is passed.

5 Senator Libous.

6 SENATOR LIBOUS: We want to
7 return to motions and resolutions.

8 And I believe you should call on
9 Senator Robach.

10 ACTING PRESIDENT MAZIARZ:
11 Motions and resolutions.

12 The chair recognizes Senator
13 Robach.

14 SENATOR ROBACH: Yes, Mr.
15 President, I wish to call up Senate Print
16 Number 2393A, recalled from the Assembly,
17 which is now at the desk.

18 ACTING PRESIDENT MAZIARZ: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 2189, by Senator Leibell, Senate Print 2393A,
22 an act to amend the Labor Law.

23 SENATOR ROBACH: Mr. President, I
24 now move to reconsider the vote by which the
25 bill was passed and ask that the bill be

1 restored to the order of third reading.

2 ACTING PRESIDENT MAZIARZ: Call
3 the roll on reconsideration.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 SENATOR ROBACH: Mr. President, I
7 now move to discharge, from the Committee on
8 Rules, Assembly Print Number 2124A and
9 substitute it for the identical Senate bill.

10 ACTING PRESIDENT MAZIARZ:
11 Substitution ordered.

12 Senator Robach.

13 SENATOR ROBACH: The Senate bill
14 on first passage was voted unanimously. I now
15 move that the substituted Assembly bill have
16 its third reading at this time, on behalf of
17 Senator Leibell.

18 ACTING PRESIDENT MAZIARZ: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 2189, by Member of the Assembly John, Assembly
22 Print Number 2124A, an act to amend the Labor
23 Law.

24 ACTING PRESIDENT MAZIARZ: Read
25 the last section.

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

3 ACTING PRESIDENT MAZIARZ: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT MAZIARZ: The
8 bill is passed.

9 Senator Libous.

10 SENATOR LIBOUS: Mr. President,
11 on Supplemental Calendar Number 64B may we
12 take up Calendar 2179, noncontroversial.

13 ACTING PRESIDENT MAZIARZ: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number
16 2179, by the Senate Committee on Rules, Senate
17 Print 8682B, an act to amend the General
18 Business Law.

19 SENATOR LIZ KRUEGER: Lay it
20 aside.

21 SENATOR LIBOUS: Is there a
22 message of necessity at the desk?

23 ACTING PRESIDENT MAZIARZ: There
24 is a message of necessity at the desk,
25 Senator.

1 SENATOR LIBOUS: Move to accept
2 the message, please.

3 ACTING PRESIDENT MAZIARZ: All in
4 favor signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT MAZIARZ:
7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT MAZIARZ: The
10 ayes have it; the message is accepted.

11 Read the last section.

12 SENATOR LIZ KRUEGER: Lay it
13 aside.

14 ACTING PRESIDENT MAZIARZ: Oh,
15 I'm sorry, Senator Krueger requests that the
16 bill be laid aside.

17 Senator Libous.

18 SENATOR LIBOUS: Can we take up
19 2191, noncontroversial, on the same calendar.

20 ACTING PRESIDENT MAZIARZ: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 2191, by Senator O. Johnson, Senate Print
24 8713, an act to amend the Civil Practice Law
25 and Rules.

1 ACTING PRESIDENT MAZIARZ:
2 Senator Libous.
3 SENATOR LIBOUS: Mr. President,
4 is there a message of necessity at the desk?
5 ACTING PRESIDENT MAZIARZ: There
6 is a message of necessity at the desk.
7 SENATOR LIBOUS: May we please
8 move to accept the message.
9 ACTING PRESIDENT MAZIARZ: All in
10 favor signify by saying aye.
11 (Response of "Aye.")
12 ACTING PRESIDENT MAZIARZ:
13 Opposed, nay.
14 (No response.)
15 ACTING PRESIDENT MAZIARZ: The
16 ayes have it; the message is accepted.
17 The Secretary will read the last
18 section.
19 THE SECRETARY: Section 2. This
20 act shall take effect immediately.
21 ACTING PRESIDENT MAZIARZ: Call
22 the roll.
23 (The Secretary called the roll.)
24 THE SECRETARY: Ayes, 62.
25 ACTING PRESIDENT MAZIARZ: The

1 bill is passed.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President,
4 can we take up 2192, noncontroversial.

5 ACTING PRESIDENT MAZIARZ: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 2192, by Senator Marcellino, Senate Print
9 8717, an act to amend the Tax Law.

10 ACTING PRESIDENT MAZIARZ: Read
11 the last section.

12 Senator Duane.

13 SENATOR DUANE: Thank you,
14 Mr. President. As I get ready to --

15 ACTING PRESIDENT MAZIARZ: I'm
16 sorry, Senator Duane, could you just bear an
17 interruption? We have to accept a message of
18 necessity.

19 Senator Libous.

20 SENATOR LIBOUS: Is there a
21 message of necessity at the desk?

22 ACTING PRESIDENT MAZIARZ: There
23 is a message of necessity at the desk,
24 Senator.

25 SENATOR LIBOUS: Can we move,

1 please, to accept the message.

2 ACTING PRESIDENT MAZIARZ: A
3 motion has been made to accept the message of
4 necessity. All in favor signify by saying
5 aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT MAZIARZ:
8 Opposed, nay.

9 (No response.)

10 ACTING PRESIDENT MAZIARZ: The
11 ayes have it; the message is accepted.

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

14 Thank you, Senator Duane.

15 ACTING PRESIDENT MAZIARZ:
16 Senator Duane.

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

19 I just wanted to point out that I
20 believe this is the brownfields bill.

21 ACTING PRESIDENT MAZIARZ: Read
22 the last section.

23 THE SECRETARY: Section 17. This
24 act shall take effect immediately.

25 ACTING PRESIDENT MAZIARZ: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MAZIARZ:

4 Senator Thompson, to explain his vote.

5 SENATOR THOMPSON: Yes, to
6 explain my vote.

7 First, I do support the bill. I
8 want to first congratulate my colleague --
9 Senator Marcellino has worked on this for a
10 long time -- in addition to Governor Paterson
11 and Judith Enck and Commissioner Pete Grannis,
12 and all the business and environmental
13 advocates, for coming together and moving this
14 legislation forward.

15 I do believe that there are a lot
16 of good things in this bill. Not everyone is
17 totally happy, but I think we've accomplished
18 a number of positive things in this bill.

19 The first, I think, very important
20 reform measure is that this bill will create
21 an advisory board to deal with brownfields
22 issues. The other thing is I know that this
23 is a very difficult issue for a number of
24 people. But politics is often the art of
25 compromise. And that one of the important

1 compromises here provides some type of cap on
2 some of the businesses and projects coming
3 into this program.

4 I also believe that there are some
5 other things that we can be proud of as well.
6 While we did not reach the 10 percent
7 additional credit for being in a BOA, or a
8 Brownfield Opportunity Area, we do provide
9 2 percent. And I do think that's a start.
10 Rome wasn't built in a day. But I think it
11 moves us forward.

12 The other thing is there are a
13 number of groups that did support this bill.
14 I also believe that in moving forward there
15 are some things that I believe will be helpful
16 for business. And hopefully by the time they
17 move to the regulation process of this bill,
18 that issues like -- not only because it's gone
19 to the Department of State for the BOA
20 program, but I think we need to have better
21 timelines. When businesspeople and residents
22 and stakeholders put in an application, they
23 want to know what the time frame is.

24 And that's something I think that
25 I'd like to work with my colleagues on both

1 sides of the aisle, is making sure that when
2 they put that application in, that whether
3 it's through the BOA program or it's through a
4 Brownfield Cleanup Program, that we have a
5 clear, clean and defined time frame. Because
6 sometimes it's very frustrating dealing with
7 government.

8 So without further ado, I support
9 this bill. I think it's a bold step forward.
10 Many reforms were addressed. And we still
11 have some work to do.

12 Thank you.

13 ACTING PRESIDENT MAZIARZ:

14 Senator Thompson will be recorded in the
15 affirmative.

16 Senator Stachowski.

17 SENATOR STACHOWSKI: Yes,
18 Mr. President. I too would like to explain my
19 vote.

20 I think it's a great compromise.
21 There was some fear that this bill wouldn't be
22 done.

23 Obviously in Western New York, as
24 you very well know, there's a lot of
25 brownfields that are open to possible

1 development. I know that the grandfathering
2 in of some in Western New York is very
3 important to those people involved in those
4 projects, and that the new parameters that
5 will focus a lot more on cleanup will make the
6 development of brownfields in Western New York
7 that are available to be cleaned and
8 developed, many of which are along the
9 waterfront, and it will provide a great
10 opportunity to make the waterfront in Western
11 New York, particularly in some of my area, a
12 much better place.

13 It's a very important bill. I'm
14 glad we got to this compromise. I'm glad
15 we're moving forward, albeit the last day.
16 And I'd just like to congratulate everybody
17 involved in getting this bill to the floor and
18 moving ahead and helping to redevelop areas
19 that we thought would not be developed for
20 quite some time.

21 So I vote yes.

22 ACTING PRESIDENT MAZIARZ:

23 Senator Stachowski will be recorded in the
24 affirmative.

25 Senator Stewart-Cousins.

1 SENATOR STEWART-COUSINS: Yes,
2 thank you, Mr. President.

3 I rise too to also commend Senator
4 Marcellino and the Governor and all who were
5 involved in this. This was extremely
6 important, as both of my colleagues before me
7 have mentioned.

8 Those of us who have important
9 revitalization projects going on in our
10 district, those of us who have had commitments
11 by developers based on the tax credits were
12 very, very concerned that suddenly the game
13 would be changed midstream.

14 This allows for certainly many of
15 the projects in Yonkers and Tarrytown and
16 throughout the state that had already been in
17 process to continue in that process, and also
18 gives the added impetus so that we will
19 continue to reclaim those brownfields that
20 could indeed be revitalized so that we can use
21 them so the economic prosperity continues.

22 So I certainly vote in the
23 affirmative, and I'm very happy for the
24 compromise.

25 ACTING PRESIDENT MAZIARZ:

1 Senator Stewart-Cousins will be recorded in
2 the affirmative.

3 Senator Robach.

4 SENATOR ROBACH: Yes,
5 Mr. President, to explain my vote.

6 I am going to support this bill.
7 And certainly this is a very, very important
8 issue.

9 And we all know, those of us from
10 upstate New York, that the current brownfields
11 bill, while it was very good for cleaning up
12 very, very expensive properties in New York
13 City, was not meeting the mark in upstate
14 urban areas, which also have a tremendous
15 amount of brownfield areas, things that could
16 be redeveloped for economic development as
17 well as cleaned up.

18 So this bill does go with the new
19 parameters to some degree to at least make
20 upstate cities like Rochester, Buffalo,
21 Syracuse a little bit more competitive. This
22 is a step in the right direction.

23 And for that reason, I will support
24 the bill, Mr. President.

25 ACTING PRESIDENT MAZIARZ:

1 Senator Robach will be recorded in the
2 affirmative.

3 Senator Oppenheimer.

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

6 I'll be supporting this bill. And
7 I'm very pleased to see that something that
8 had me very distressed previously on the
9 brownfield law has been corrected -- not as
10 much as I would have liked, but it's been
11 corrected quite a bit -- and that is that we
12 had seen misuse of these funds.

13 I am thinking of one particular
14 developer who remediated a tiny portion of the
15 property and received funds for that and then
16 had same amount percentage given to him for
17 the redevelopment of what turned into a very
18 magnificent structure, very high income, on
19 which he would have made, with or without
20 these credits, multiples of millions. And
21 that was just so fraudulent, and yet it was
22 within our law.

23 But now we have separated out the
24 costs going -- the repayment going to
25 brownfields and the amount of money that will

1 be going to development. And I think that is
2 a move in the right direction.

3 And I see a project on the list
4 that is in my Senate district in a place that
5 is so intensely polluted that, without this
6 kind of assistance, it would never, never be
7 remediated.

8 So I'm very pleased to be
9 supporting this bill.

10 ACTING PRESIDENT MAZIARZ:
11 Senator Oppenheimer will be recorded in the
12 affirmative.

13 Senator Maltese, to explain his
14 vote.

15 SENATOR MALTESE: Mr. President,
16 I must admit I had serious doubts about the
17 bill. And in reading the entire bill, I
18 commend, of course, Senator Marcellino for all
19 his work and working with the Governor and
20 working with the Speaker of the Assembly.

21 I realize that the Governor and all
22 parties had to deal with severe fiscal
23 constraints. Quite frankly, listening to my
24 good colleague Senator Thompson, and realizing
25 his position, and with some doubts in

1 realizing how much more needs to be done, I am
2 disappointed, I admit.

3 Usually brownfields are not
4 connected, perhaps, with Queens County, but
5 the fact is that we have many areas that must
6 be cleaned up, many areas that need, severely
7 need economic development. To name just
8 three, we have Gotham Center, the Atlas Park,
9 and the Silvercup Studios.

10 I was disappointed that these were
11 not included, specifically, in those areas
12 that would receive the most assistance. I am
13 hopeful that in the future something can be
14 done to remedy that.

15 And therefore, Mr. President, I
16 vote aye.

17 ACTING PRESIDENT MAZIARZ:
18 Senator Maltese will be recorded in the
19 affirmative.

20 Senator Marcellino, to explain his
21 vote.

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

24 I do appreciate the comments of my
25 colleagues. I do appreciate the input that I

1 received in the negotiations with this bill.
2 Senator Thompson was cordial and pleasant
3 enough to sit down with my staff and his staff
4 and to discuss some issues relative to this
5 legislation. Commissioner Grannis was very
6 helpful, and his staff. The Governor's staff
7 has been very helpful. Assembly staff has
8 been very helpful.

9 Our Senate staff has been working
10 day and night, day and night on this piece of
11 legislation for a long, long time.

12 It has been a labor of hard work,
13 but frankly a labor of love. Because those of
14 us who have been involved with this
15 brownfields program since 2003 wish it to go
16 and continue on.

17 This program is a two-way street.
18 Not only do we clean up sites that are
19 insulting our communities with their pollution
20 and sickening our people, but they create
21 jobs, they create a future, they open up inner
22 cities. The potential is phenomenal. I've
23 said this all along with the first bill, and
24 I'll say it again: This bill has the
25 potential to be the greatest

1 environmental-cleanup bill in the history of
2 this state as well as the greatest economic
3 development bill in this state's history.

4 This is a good bill. Is it
5 perfect? No. No. Does it go as far as I
6 would like it to go? No. We'd like more.
7 But it's a good first step, and we'll continue
8 the process. With the brownfields board
9 created in this bill, we have a mechanism to
10 monitor the progress and to monitor the
11 procedures and to recommend changes to the
12 departments.

13 Moving the BOA program to the
14 Department of State is a great move. That
15 department is better suited for that kind of a
16 program than DEC. And this was done
17 voluntarily. DEC gave it up and the state
18 accepted it. Nobody had to have their arms
19 twisted; it was a voluntary move.

20 This is a good thing. Brings the
21 communities into the program. Brings public
22 input into the program. Accountability and
23 transparency, this is what it's all about.

24 So again, I thank everybody that
25 was involved. Work was hard, but I think the

1 result is a good one.

2 Mr. President, I proudly vote aye.

3 ACTING PRESIDENT MAZIARZ:

4 Senator Marcellino will be recorded in the
5 affirmative.

6 Senator Stavisky.

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

9 I have a parcel in my Senate
10 district that has been grandfathered in under
11 the provisions of this legislation. It's just
12 to the east of Shea Stadium, along Roosevelt
13 Avenue. It's the old Con Ed site, and it's
14 being developed by Muss Development.

15 It's going to provide jobs, it's
16 going to provide 800,000 square feet of retail
17 space, a thousand housing units, and it's
18 going to generate more than \$20 million in tax
19 revenue during the construction phase alone.
20 So this legislation will obviously benefit
21 this property.

22 I have another brownfields -- this
23 was a brownfield site. I have another
24 brownfields site, a 60-acre parcel in the same
25 general area known as Willets Point. And I

1 hope that we can use some of the brownfields
2 credits to help alleviate the brownfields in
3 the Willets Point section of Queens.

4 I thank Senator Marcellino for his
5 work on this issue. It is appreciated by
6 everybody. Sometimes I think you spend long
7 hours and figure nobody really appreciates it.
8 People do. And the real people who are
9 thanking you are the people who are going to
10 benefit from the entire scope of this
11 legislation.

12 ACTING PRESIDENT MAZIARZ:
13 Senator Stavisky will be recorded in the
14 affirmative.

15 Senator Krueger.

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

18 I also rise to say --

19 ACTING PRESIDENT MAZIARZ:
20 Senator Krueger, to explain her vote.

21 SENATOR LIZ KRUEGER: Thank you.
22 To explain my vote. Thank you, Mr. President.

23 So a few weeks ago a number of us
24 had a press conference saying if we didn't get
25 this done before we went home, shame on us.

1 So we waited till the last few
2 minutes of the last day, but we're getting
3 something done. And that is a good thing.
4 And many of my colleagues have already spoken
5 about how important these changes are.

6 When we passed the first
7 brownfields bill when I was first in the
8 Senate, a number of us thought, Hmm, this
9 isn't going to work, we're going to have to
10 fix it. And it didn't take very long to
11 realize that was right.

12 It did take a while to get to this
13 day. It took about four years to finally get
14 to the point where we're making some fixes and
15 we are moving forward as we should.

16 So the sponsor said this is a great
17 bill, and I hope this time we're closer to
18 getting it right. Thank you very much,
19 Senator Marcellino.

20 Senator Antoine Thompson did a
21 yeoman's job pushing for the BOA issues and
22 importance of recognizing that not only do we
23 need to clean up land, but we need to maximize
24 our ability to ensure that in poor communities
25 and in urban centers, we have really the

1 ability to do brownfields and combine it with
2 economic activity in communities that so
3 desperately need it.

4 Particularly I want to recognize
5 DEC and Commissioner Grannis, who fought very,
6 very hard, before he was the DEC commissioner
7 and since he's been there, to try to get us to
8 this point.

9 So yes, everyone's right, it's not
10 the ultimate bill. We probably will need to
11 come back and revisit pieces of it again. But
12 I am delighted that we are moving this bill
13 this afternoon before we go home. And I think
14 that we all get to say, okay, this time we did
15 it right. A little late, but we did it right.

16 I will be voting yes. Thank you.

17 ACTING PRESIDENT MAZIARZ:

18 Senator Krueger will be recorded in the
19 affirmative.

20 Announce the results.

21 THE SECRETARY: Ayes, 62. Nays,
22 0.

23 ACTING PRESIDENT MAZIARZ: The
24 bill is passed.

25 Senator Libous.

1 SENATOR LIBOUS: Mr. President,
2 can we now go to Calendar 2179, controversial.

3 ACTING PRESIDENT MAZIARZ: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 2179, by the Senate Committee on Rules, Senate
7 Print --

8 SENATOR LIZ KRUEGER:
9 Explanation.

10 ACTING PRESIDENT MAZIARZ:
11 Senator Winner, an explanation has been
12 requested by Senator Krueger.

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

15 This legislation would allow a
16 company that is located in Watervliet and has
17 purchased a silicone manufacturing facility to
18 be able to obtain the Empire Zone benefits of
19 a significant regional project that it thought
20 it was eligible for, but for certain timing
21 mistakes had acquired the facility prior to
22 its final certification by Empire State
23 Development Corporation.

24 This bill as a measure has a
25 message of necessity. It is obviously agreed

1 upon by the Second Floor. And as such, this
2 is not any kind of an unusual hit to the
3 state's treasury, because these are benefits
4 that were intended to be provided to this
5 company. This company has met all of the
6 requirements to be eligible as a significant
7 regional -- regionally significant project,
8 were it not for some technical timing glitches
9 in its application.

10 ACTING PRESIDENT MAZIARZ:

11 Senator Krueger.

12 SENATOR LIZ KRUEGER: Thank you.

13 ACTING PRESIDENT MAZIARZ:

14 Senator Winner, will you yield for a question
15 from Senator Krueger?

16 SENATOR WINNER: Yes, I yield.

17 ACTING PRESIDENT MAZIARZ: The

18 Senator yields.

19 SENATOR LIZ KRUEGER: So you were
20 explaining it's a glitch.

21 My understanding on Empire Zone
22 rules, you are creating new jobs. How many
23 new jobs will they create beyond what's
24 already in existence?

25 SENATOR WINNER: Well, they

1 acquired a company that has over 750 jobs.
2 They now have 1100 jobs there.

3 And in order to be eligible as a
4 regionally significant project, they would
5 have had to acquire a facility that had
6 750 jobs. And as such, they more than
7 adequately meet the eligibility requirements
8 as a regionally significant project.

9 SENATOR LIZ KRUEGER: Mr.
10 President, through you, will the sponsor
11 continue to yield.

12 ACTING PRESIDENT MAZIARZ:
13 Senator Winner, would you yield for a question
14 from Senator Krueger?

15 SENATOR WINNER: Yes, I do.

16 ACTING PRESIDENT MAZIARZ:
17 Senator Krueger.

18 SENATOR LIZ KRUEGER: Thank you.

19 Well, as you just explained, in
20 order to qualify as regionally significant in
21 this bill, they would have 750 jobs or more.
22 How many new jobs are they committed to
23 creating at this site if they are to get the
24 Empire Zone advantages?

25 SENATOR WINNER: Well, they've

1 created enough additional jobs to be eligible
2 were they to be starting anew, Senator
3 Krueger.

4 So under the other provisions of
5 what constitutes a regionally significant
6 project, if you are going to create over
7 50 jobs, in certain circumstances, you're
8 eligible to be so designated. They in fact
9 acquired a company with over 750 jobs, and
10 therefore are eligible under those
11 circumstances as well.

12 And in fact they've employed a
13 significant number of additional people since
14 their acquisition of the property. Which they
15 would, were it not for the filing -- were it
16 not for the final certification by Empire
17 State Development Corporation, in the
18 understanding of everyone involved in this
19 project, they would have been eligible for and
20 be in receipt of these benefits.

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

24 ACTING PRESIDENT MAZIARZ:
25 Senator Winner, would you yield for a question

1 from Senator Krueger?

2 SENATOR WINNER: Certainly.

3 ACTING PRESIDENT MAZIARZ:

4 Senator Krueger.

5 SENATOR LIZ KRUEGER: So as I'm
6 understanding this, Company X existed, had
7 750 jobs or more, sold to a new company. The
8 new company is adding jobs or has added jobs
9 beyond the 750 and is now applying for Empire
10 Zone that was never finished for the previous
11 owner or was never processed for the previous
12 owner?

13 I'm looking for clarification
14 still.

15 SENATOR WINNER: In fact,
16 Senator Krueger, this company is -- they're
17 eligible for the benefits by virtue of the
18 fact that they were acquiring a company of
19 over 750 jobs.

20 Additionally, they have created
21 over 50 jobs as well, which would otherwise
22 make them eligible for a regionally
23 significant project. And in fact, the level
24 of their employment would then be determinable
25 as to the extent of the benefits that they are

1 afforded.

2 In every instance, they would have
3 met the criteria to become eligible for a
4 regionally significant project, but for the
5 final couple of week glitch of not receiving
6 the final certification from Empire State
7 Development Corporation because of some holdup
8 in some local actions involving hearings or
9 the like.

10 They acquired this company in good
11 faith, having every expectation of receiving
12 the designation as this project. In fact,
13 they would have had no problems, again, were
14 it not for this technical filing glitch. And
15 as a result, that is why this legislation is
16 before you.

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

20 ACTING PRESIDENT MAZIARZ:
21 Senator Winner, would you continue to yield to
22 another question from Senator Krueger?

23 SENATOR WINNER: Yes.

24 ACTING PRESIDENT MAZIARZ:
25 Senator Krueger.

1 SENATOR LIZ KRUEGER: Okay. So
2 as I understand it, they would have been
3 eligible as a regionally significant project
4 under the old existing law with 750 jobs.
5 They're adding, according to this bill, the
6 creation of at least 50 more jobs.

7 How much will the tax exemptions
8 and credits from this bill cost the State of
9 New York and over what time period?

10 SENATOR WINNER: Obviously, it
11 depends on the level of the wage tax credits
12 and the other types of benefits you get under
13 the existing program. I don't know exactly
14 what the level of the benefits are.

15 But again, this is not any kind of
16 new money, Senator. Again, I repeat myself
17 for the fourth time, were it not for the
18 technical glitch in the timing of the
19 application's final certification, they would
20 have had these benefits and we wouldn't be
21 talking today.

22 This is not sliding anything under
23 the door. This is not providing any special
24 benefit for a company that is not similarly
25 situated. This is correcting a glitch to

1 benefit a company that was promised and
2 induced by the existence of these benefits to
3 acquire this company and to come into the
4 State of New York, employ a significant number
5 of additional people, and retain a significant
6 number of jobs. In fact, 1100 people are
7 currently employed in this facility.

8 SENATOR LIZ KRUEGER: Thank you,
9 Mr. President. On the bill.

10 ACTING PRESIDENT MAZIARZ:
11 Senator Krueger, on the bill.

12 SENATOR LIZ KRUEGER: Thank you.
13 I appreciate the sponsor's tolerance in my
14 trying to clarify the deal.

15 And he may be right that it's
16 nothing that, all things being equal, the old
17 company might not have been eligible for. I
18 guess my frustration is I don't really like
19 these Empire Zone deals to start with, and
20 I've been consistent on that.

21 I was hoping we'd deal with Empire
22 Zone reform before we left session. At least
23 we got brownfields reform. That's good. But
24 we didn't deal with Empire Zone reform, and we
25 particularly didn't deal with the esoterica of

1 Empire Zones that allow for these regionally
2 specific projects to self-declare themselves,
3 to move the borders, to move from one side of
4 the street to the other, to have a company
5 sold and then claim perhaps it's new jobs when
6 it's under a new corporate name when the jobs
7 were already there.

8 I don't know if my information was
9 correct. I was told that this deal could cost
10 us \$40 million over 10 years, \$4 million a
11 year. I'm not questioning that the sponsor
12 knew something that he didn't answer. But
13 that was someone who gave me that information.

14 And I have to say, a bill that
15 allows, if you have 50 more jobs, to
16 potentially get \$40 million of New York State
17 taxpayers' money is something that concerns
18 me.

19 It also concerns me, as we
20 discussed with previous bills that I debated
21 on the floor today with Senator Johnson that
22 seemed to relate to a particular mall, the
23 Carousel Mall outside of Syracuse, that every
24 time we make one of these deals not only are
25 we giving up state and local tax revenue,

1 we're actually creating an unfair playing
2 field for the businesses who can't fall into
3 those categories.

4 So if you get your taxes reduced or
5 exempted, then you have a business advantage
6 over anyone else who's trying to do the same
7 kind of work who doesn't get the deal.

8 So as I think I am consistent with
9 on the floor of the Senate, I go both ways on
10 Empire Zones. Either don't have them or make
11 the whole state an Empire Zone so that
12 everybody has a fair shot in business.

13 Because I feel that for these
14 special deals that we make, even respecting
15 the sponsor's analysis that under the existing
16 rules they might have been eligible for
17 this -- although obviously they needed some
18 fix, because we're here in the Legislature
19 with a message of necessity in a three-way
20 deal at the last minute to fix it for them --
21 that we are doing something wrong here.

22 That we are not having equal
23 taxation, that we don't have an even playing
24 field for businesses, that we still end up
25 disproportionately giving tax advantages to

1 the largest businesses when in fact all the
2 data and research shows that it is small and
3 medium-sized businesses who create the most
4 jobs in the State of New York.

5 And we all seem to give a lot of
6 lip service to the problems of small business
7 but in fact when we make major tax policy
8 decisions, and in fact government policy
9 decisions, it's always for the larger ones,
10 not the smaller ones.

11 So again, my frustrations are
12 across the board on these policies and in fact
13 on Empire Zones more specifically than perhaps
14 the details of this bill. But again, I feel
15 if it wasn't dated June 20th and it didn't
16 come with a message of necessity and people
17 had more time to look and evaluate and ask
18 questions, maybe I'd have more concerns about
19 this specific bill.

20 Right now I'll just vote no because
21 I just don't like these Empire Zone deals.

22 Thank you, Mr. President.

23 ACTING PRESIDENT MAZIARZ: Any
24 other Senator wishing to be heard on this
25 bill?

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

3 Read the last section.

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

6 ACTING PRESIDENT MAZIARZ: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT MAZIARZ:
10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar Number 2179: Ayes, 60. Nays, 1.
13 Senator L. Krueger recorded in the negative.

14 Absent from voting: Senator C.
15 Kruger.

16 ACTING PRESIDENT MAZIARZ: The
17 bill is passed.

18 Senator LaValle.

19 SENATOR LaVALLE: Mr. President,
20 we have a supplemental calendar that begins
21 with Calendar Number 947, by Senator Bonacic.

22 ACTING PRESIDENT MAZIARZ: The
23 Secretary will read.

24 THE SECRETARY: In relation to
25 Calendar Number 947, Senator Bonacic moves to

1 discharge, from the Committee on Rules,
2 Assembly Bill Number 9319A and substitute it
3 for the identical Senate Bill Number 6222A,
4 Third Reading Calendar 947.

5 ACTING PRESIDENT MAZIARZ:
6 Substitution ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 947, by Member of the Assembly Gunther,
10 Assembly Print Number 9319A, an act relating
11 to increasing availability.

12 ACTING PRESIDENT MAZIARZ: Read
13 the last section.

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

16 ACTING PRESIDENT MAZIARZ: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 62.

20 ACTING PRESIDENT MAZIARZ: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 1254, by Senator Sabini, Senate Print 1725C,
24 an act to amend the Racing, Pari-Mutuel
25 Wagering and Breeding Law.

1 ACTING PRESIDENT MAZIARZ: Read
2 the last section.

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

5 ACTING PRESIDENT MAZIARZ: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 61. Nays,
9 1. Senator Padavan recorded in the negative.

10 ACTING PRESIDENT MAZIARZ: The
11 bill is passed.

12 Senator LaValle.

13 SENATOR LaVALLE: Mr. President,
14 would you take up Calendar Number 1903, by
15 Senator Morahan, noncontroversial, please.

16 ACTING PRESIDENT MAZIARZ: The
17 Secretary will read.

18 THE SECRETARY: Calendar Number
19 1903, by Senator Morahan, Senate Print 8077,
20 an act to amend the Civil Service Law.

21 ACTING PRESIDENT MAZIARZ: Read
22 the last section.

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

25 ACTING PRESIDENT MAZIARZ: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MAZIARZ:

4 Senator Saland, to explain his vote.

5 SENATOR SALAND: Thank you.

6 Mr. President, this is a bill which will
7 expand the prior provisions in Civil Service
8 Law permitting, at that time, municipal and
9 school employees to have time off for prostate
10 and breast cancer testing.

11 This bill greatly exceeds the
12 provisions of that law. It includes any
13 number of additional employees, many of whom
14 have the ability to access this testing
15 without the need to have that type of time
16 off. It's a rather large unfunded mandate on
17 your municipalities, on your schools.

18 In addition to being an unfunded
19 mandate, it also now requires that this time
20 be paid time, as distinguished from time taken
21 under the prior bill.

22 Mr. President, I will be voting in
23 the negative on this bill. Thank you.

24 ACTING PRESIDENT MAZIARZ:

25 Senator Saland will be recorded in the

1 negative.

2 Announce the results.

3 THE SECRETARY: Those recorded in
4 the negative on Calendar Number 1903 are
5 Senators DeFrancisco, Farley, Maltese,
6 Maziarz, O. Johnson, Rath and Saland.

7 Ayes, 55. Nays, 7.

8 ACTING PRESIDENT MAZIARZ: The
9 bill is passed.

10 Senator LaValle.

11 SENATOR LaVALLE: There will be
12 an immediate meeting of the Rules Committee in
13 the Majority Conference Room, Room 332.

14 ACTING PRESIDENT MAZIARZ: There
15 will be an immediate meeting of the Senate
16 Rules Committee in Room 332.

17 Senator LaValle.

18 SENATOR LAVALLE: We'll stand at
19 ease, Mr. President.

20 ACTING PRESIDENT MAZIARZ: The
21 Senate will stand at ease pending the report
22 of the Rules Committee.

23 (Whereupon, the Senate stood at
24 ease at 5:53 p.m.)

25 (Whereupon, the Senate reconvened

1 at 6:12 p.m.)

2 ACTING PRESIDENT MAZIARZ:

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President,
5 can we return to reports of standing
6 committees for the report of the Rules
7 Committee, please.

8 ACTING PRESIDENT MAZIARZ: The
9 Secretary will read.

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

13 Senate Print 4048A, by Senator
14 Griffo, an act to amend the Tax Law;

15 4481A, by Senator Seward, an act to
16 amend the Insurance Law;

17 4714A, by Senator Leibell, an act
18 relating to giving;

19 5657A, by Senator Leibell, an act
20 to amend the Town Law;

21 5987A, by Senator Leibell, an act
22 to authorize;

23 6401A, by Senator Lanza, an act to
24 amend the General Business Law;

25 6934A, by Senator Marcellino, an

1 act to amend the Vehicle and Traffic Law;

2 6998, by Senator Farley, an act to
3 amend the Education Law;

4 7023, by Senator Lanza, an act to
5 amend the Tax Law;

6 7032, by Senator Lanza, an act to
7 amend the Public Authorities Law;

8 7315A, by Senator Seward, an act to
9 amend the Insurance Law;

10 7337, by Senator Griffo, an act to
11 amend the Executive Law;

12 7896, by Senator Griffo, an act
13 authorizing;

14 7911A, by Senator Seward, an act to
15 authorize;

16 7947B, by Senator Little, an act to
17 amend the Tax Law;

18 7965B, by Senator Volker, an act to
19 amend Chapter 605 of the Laws of 2000;

20 8021A, by Senator Winner, an act to
21 amend the Environmental Conservation Law;

22 8122, by Senator Farley, an act to
23 amend the Banking Law;

24 8154A, by Senator Serrano, an act
25 to amend the New York State Urban Development

1 Corporation Act;

2 8161C, by Senator Robach, an act to
3 amend the Public Health Law;

4 8185A, by Senator Hannon, an act to
5 amend the Public Health Law;

6 8228, by Senator Volker, an act to
7 amend the Environmental Conservation Law;

8 8289A, by Senator Smith, an act in
9 relation to authorizing;

10 8299A, by Senator Sampson, an act
11 to amend the Executive Law;

12 8356, by Senator Marcellino, an act
13 to amend the Public Authorities Law;

14 8487, by Senator Little, an act to
15 amend the Public Authorities Law;

16 8511, by Senator Bonacic, an act to
17 amend the Tax Law;

18 8542A, by Senator C. Kruger, an act
19 to amend the Tax Law;

20 8560, by Senator O. Johnson, an act
21 to amend the Economic Development Law;

22 8565, by Senator Marcellino, an act
23 to amend the General Municipal Law;

24 8569A, by Senator DeFrancisco, an
25 act to amend the Domestic Relations Law;

1 8576, by Senator Volker, an act to
2 amend the Criminal Procedure Law;

3 8583, by Senator Little, an act to
4 amend the Insurance Law;

5 8609, by Senator Lanza, an act to
6 amend the Public Buildings Law;

7 8611, by the Senate Committee on
8 Rules, an act to amend the Public Health Law;

9 8628, by Senator Robach, an act to
10 amend the Real Property Tax Law;

11 8629, by Senator Maltese, an act to
12 amend the Penal Law;

13 8632, by Senator Seward, an act
14 authorizing;

15 8638, by the Senate Committee on
16 Rules, an act to repeal;

17 8642, by Senator Maziarz, an act to
18 amend the Tax Law;

19 8643A, by Senator Marcellino, an
20 act to amend the Environmental Conservation
21 Law;

22 8645, by Senator Hannon, an act to
23 amend the Public Health Law;

24 8647A, by Senator Padavan, an act
25 to amend the Education Law;

1 8648, by Senator Perkins, an act
2 authorizing the City of New York;

3 8650, by Senator Maltese, an act to
4 amend the Education Law;

5 8657, by Senator Hannon, an act to
6 amend the Public Health Law;

7 8659, by Senator Little, an act to
8 amend the Navigation Law;

9 8667, by Senator Golden, an act to
10 amend the Public Service Law;

11 And Senate Print 8670, by Senator
12 Saland, an act to amend the Elder Law.

13 All bills ordered direct to third
14 reading.

15 ACTING PRESIDENT MAZIARZ:
16 Senator Libous.

17 SENATOR LIBOUS: Mr. President,
18 move to accept the Rules report.

19 ACTING PRESIDENT MAZIARZ: All in
20 favor of accepting the report of the Rules
21 Committee signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT MAZIARZ:
24 Opposed, nay.

25 (No response.)

1 ACTING PRESIDENT MAZIARZ: The
2 Rules report is accepted.

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President, I
5 believe there is a second Rules report. Could
6 we please have it read.

7 ACTING PRESIDENT MAZIARZ: The
8 Secretary will read.

9 THE SECRETARY: Senator Bruno,
10 from the Committee on Rules, reports the
11 following bills direct to third reading:

12 Senate Print 6527B, by Senator
13 Hannon, an act to amend the Public Health Law;
14 7369A, by Senator Seward, an act to
15 amend the Insurance Law;

16 And Senate Print 8580, by the
17 Senate Committee on Rules, an act to amend the
18 Public Health Law.

19 ACTING PRESIDENT MAZIARZ:
20 Senator Libous.

21 SENATOR LIBOUS: Could we move to
22 accept the Rules report, please.

23 ACTING PRESIDENT MAZIARZ: The
24 motion has been made to accept the report of
25 the Rules Committee. All those in favor

1 signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT MAZIARZ:

4 Opposed, nay.

5 (No response.)

6 ACTING PRESIDENT MAZIARZ: The
7 Rules Committee report is accepted.

8 Senator Libous.

9 SENATOR LIBOUS: Mr. President,
10 could we do the noncontroversial reading of
11 Supplemental Calendar 64C, please.

12 ACTING PRESIDENT MAZIARZ: The
13 Secretary will read Supplemental Calendar 64C,
14 noncontroversial.

15 SENATOR LIBOUS: Thank you.

16 THE SECRETARY: Calendar Number
17 2193, by Senator Griffo, Senate Print 4048A,
18 an act to amend the Tax Law.

19 ACTING PRESIDENT MAZIARZ: There
20 is a local fiscal impact notice at the desk.

21 Read the last section.

22 THE SECRETARY: Section 3. This
23 act shall take effect on the first day of a
24 sales tax quarterly period.

25 ACTING PRESIDENT MAZIARZ: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT MAZIARZ: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 2194, by Senator Seward, Senate Print 4481A,
8 an act to amend the Insurance Law and the
9 Public Health Law.

10 ACTING PRESIDENT MAZIARZ: Read
11 the last section.

12 THE SECRETARY: Section 20. This
13 act shall take effect January 1, 2009.

14 ACTING PRESIDENT MAZIARZ: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62.

18 ACTING PRESIDENT MAZIARZ: The
19 bill is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 2195, Senator Leibell moves to
22 discharge, from the Committee on Rules,
23 Assembly Bill Number 3100A and substitute it
24 for the identical Senate Bill Number 4714A,
25 Third Reading Calendar 2195.

1 ACTING PRESIDENT MAZIARZ:

2 Substitution ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 2195, by Member of the Assembly Bradley,
6 Assembly Print Number 3100A, an act relating
7 to giving certain Westchester County town
8 boards.

9 ACTING PRESIDENT MAZIARZ: There
10 is a home-rule message at the desk.

11 Read the last section.

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

14 ACTING PRESIDENT MAZIARZ: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62.

18 ACTING PRESIDENT MAZIARZ: The
19 bill is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 2196, Senator Leibell moves to
22 discharge, from the Committee on Rules,
23 Assembly Bill Number 8831A and substitute it
24 for the identical Senate Bill Number 5657A,
25 Third Reading Calendar 2196.

1 ACTING PRESIDENT MAZIARZ:

2 Substitution ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 2196, by Member of the Assembly Molinaro,
6 Assembly Print Number 8831A, an act to amend
7 the Town Law.

8 ACTING PRESIDENT MAZIARZ: Read
9 the last section.

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

12 ACTING PRESIDENT MAZIARZ: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 61. Nays,
16 1. Senator Bonacic recorded in the negative.

17 ACTING PRESIDENT MAZIARZ: The
18 bill is passed.

19 THE SECRETARY: In relation to
20 Calendar Number 2197, Senator Leibell moves to
21 discharge, from the Committee on Rules,
22 Assembly Bill Number 8535A and substitute it
23 for the identical Senate Bill Number 5987A,
24 Third Reading Calendar 2197.

25 ACTING PRESIDENT MAZIARZ:

1 Substitution ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 2197, by Member of the Assembly Bradley,
5 Assembly Print Number 8535A, an act to
6 authorize the lease of lands.

7 ACTING PRESIDENT MAZIARZ: Read
8 the last section.

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

11 ACTING PRESIDENT MAZIARZ: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT MAZIARZ: The
16 bill is passed.

17 THE SECRETARY: In relation to
18 Calendar Number 2198, Senator Lanza moves to
19 discharge, from the Committee on Rules,
20 Assembly Bill Number 11717 and substitute it
21 for the identical Senate Bill Number 6401A,
22 Third Reading Calendar 2198.

23 ACTING PRESIDENT MAZIARZ:
24 Substitution ordered.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 2198, by the Assembly Committee on Rules,
3 Assembly Print Number 11717, an act to amend
4 the General Business Law and the Executive
5 Law.

6 ACTING PRESIDENT MAZIARZ: Read
7 the last section.

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

10 ACTING PRESIDENT MAZIARZ: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT MAZIARZ:
14 Senator Duane.

15 SENATOR DUANE: Thank you,
16 Mr. President. To explain my vote.

17 ACTING PRESIDENT MAZIARZ:
18 Senator Duane, to explain his vote.

19 SENATOR DUANE: I believe that
20 video games are -- and this is really the most
21 important reason for my vote, which will be in
22 the negative on this bill. I believe that
23 video games are a form of protected speech and
24 that mandatory prohibitions are
25 unconstitutional and frankly wrong and that

1 voluntary ratings and compliance are a much
2 more, if you will, American way to go.

3 And of course the marketplace would
4 probably make the best decisions about this
5 anyway, at least at this point.

6 But, you know, just some of the
7 other things that I think are important and
8 again, the reason -- though not my primary
9 reason for voting no, which is on the First
10 Amendment issue -- but which are also
11 important is that the newer consoles either do
12 or will have parental blocking. And we see
13 that with cable television and DVRs, that sort
14 of thing, and even filtering that are on
15 computers. And parents actually provide
16 guidance to their children on this.

17 There are some, I think, problems
18 with some of the sections of the bill also in
19 the way they're written, even if the intention
20 is not such. You know, things like mandatory
21 labeling of all games. I'm not sure how
22 that's going to work.

23 Also -- I mean, just already
24 there's voluntary ratings, you know, software
25 ratings. I'm not big for playing these games,

1 but there's already a voluntary ratings system
2 in effect by the companies that create these.

3 And I just also think that when you
4 wholesale block content because of how they're
5 being rated, it really is a slippery slope.

6 And I just think that over time -- and I hope
7 that our state is a leader in video games
8 generally, nothing to do with violent video
9 games, but just video games in general. I
10 think this could be an impediment with our
11 competitive edge.

12 And all those are very good reasons
13 to vote no for this legislation. And, just to
14 go back, the overarching issue of the
15 constitutionality of this and the erosion of
16 free expression.

17 So, you know, it's the last day of
18 session. I think we could go back and look
19 and see what we need to do. Cooler heads
20 could prevail then. I think that we should
21 vote no on this, give ourselves more of a
22 chance to -- and I know we've had hearings and
23 I know we've had conference committees, but I
24 think the job is not done.

25 And I think that we need to buy

1 ourselves more time and have a more informed
2 and a less constitutionally threatening people
3 piece of legislation. So I'll be voting no
4 and encouraging my colleagues to vote in the
5 negative as well.

6 ACTING PRESIDENT MAZIARZ:

7 Senator Duane will be recorded in the
8 negative.

9 Senator Hassell-Thompson, to
10 explain her vote.

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

13 I feel somewhat sorry that this is
14 one of the few times that Senator Duane and I
15 are in total disagreement on a bill. But
16 that's what life is about.

17 One of the reasons that I am
18 pleased about this bill is because I'm one of
19 the cosponsors, along with Senator Lanza.

20 If many of you may remember, last
21 year we had quite a bit of confrontation on
22 this bill because we were very concerned, I
23 particularly, about how do we ensure that we
24 create the opportunity for parents to have the
25 proper level of notification about the kind of

1 games that their children are purchasing and
2 try to be sure that we disallow children from
3 having access to games, many of which are
4 extremely violent.

5 The more violent the games are and
6 the more you win, the levels get deeper and
7 deeper. So that as you win each level, the
8 level of violence increases. And it's a major
9 problem for our young people, who really are
10 not able to make the discernment necessary to
11 differentiate between that which is real and
12 that which is not real.

13 What we've asked for in this
14 bill -- and I'm sorry that Senator Lanza is
15 not here to assist me in defending this bill.
16 But one of the things that we worked very hard
17 with all of the toy companies and video game
18 people on was that they would agree to come
19 into communities and assist us in having
20 meetings where we had the opportunity to
21 explain to parents what the games are really
22 about and how do we ensure that at least
23 parents have some knowledge and some say in
24 what is going into the hands of their
25 children.

1 So what we've asked for, in the
2 final analysis of this bill, is merely to have
3 the ability to ensure that games will be
4 labeled. We have taken out penalties, we have
5 taken out a lot of other things that we felt
6 strongly should have been in the bill
7 initially. And we have modified the bill, not
8 to satisfy the toy companies but to at least
9 try to meet the thresholds of
10 constitutionality.

11 I think this is an excellent bill.
12 Certainly it was very clear that at some point
13 last year it was thought that Senator Lanza
14 and I were going to actually come to
15 fisticuffs, actually going to come to
16 fisticuffs about this bill. But we are both
17 parents and grandparents who really care about
18 that which our children are exposed to. And
19 therefore, it is in the best interest of
20 parents, at least, to have the ability to know
21 what their children are viewing.

22 Thank you, Mr. President.

23 ACTING PRESIDENT MAZIARZ:

24 Senator Hassell-Thompson will be recorded in
25 the affirmative.

1 Senator Bruno.

2 SENATOR BRUNO: Mr. President,
3 can we ask the Senate to suffer an
4 interruption for a very worthy cause.

5 We have a very distinguished former
6 Senator here, who is now the Governor and the
7 great Governor of this great state, and we
8 would like to request unanimous consent for
9 this great Governor to address this body.

10 Mr. President, the Governor of
11 New York State.

12 ACTING PRESIDENT MAZIARZ:

13 Without objection --

14 (Standing ovation.)

15 ACTING PRESIDENT MAZIARZ:

16 Without objection, Governor David Paterson.

17 Governor.

18 (Applause.)

19 GOVERNOR PATERSON: Thank you.

20 I opened the session standing here,
21 so I didn't think it would be really
22 inappropriate if I closed the session standing
23 here.

24 But I wanted to thank all of you
25 during what was a very difficult transition in

1 our state, in the midst of a national sliding
2 recession, for all of the cooperation that you
3 gave to me, to these two fine leaders who are
4 standing here, and really to the residents of
5 the State of New York.

6 This body, along with the Assembly,
7 in the last week passed 21 substantive pieces
8 of legislation in the last week. And no one
9 can find a time when anyone passed a third of
10 it, in anyone's recent memory. So
11 congratulations to all of you.

12 (Applause.)

13 GOVERNOR PATERSON: And before
14 wishing all of you a pleasant and peaceful
15 summer and a very successful year, meaning
16 that we'll see you back here next year, I
17 wanted to thank --

18 (Scattered applause; laughter.)

19 GOVERNOR PATERSON: So someone's
20 having a real problem.

21 (Laughter.)

22 GOVERNOR PATERSON: I wanted to
23 thank Senator Malcolm Smith for his
24 leadership, for his assistance to me, for the
25 great work of his conference, and for his

1 friendship over these years.

2 And I wanted to lend my voice to
3 all those who are wishing the best for our
4 great, great leader who served in the Senate
5 for 32 years, most recently in the last
6 14 years as Majority Leader of the Senate --
7 someone who I always called a leader but was
8 blessed enough to call him a friend in the
9 last few years, and someone whose imprint on
10 legislation and process will be remembered for
11 years to come.

12 Let's just go back to those days
13 when session started an hour and a half to two
14 hours before we scheduled it, when no one
15 could ever be sure to be at a meeting on time.
16 And he changed all that in 1995 when he came
17 in as Majority Leader. But he changed a lot
18 of things -- programs, stadiums named after
19 him --

20 (Laughter.)

21 GOVERNOR PATERSON: A man of
22 international acclaim, someone whose picture
23 will probably be on future currency --

24 (Laughter.)

25 GOVERNOR PATERSON: -- our friend

1 and our great leader, Joseph L. Bruno.

2 (Extended standing ovation.)

3 SENATOR BRUNO: Thank you.

4 Thank you. Thank you. Thank you.

5 Listen. As the acting Lieutenant
6 Governor, I need order in the house.

7 (Laughter.)

8 SENATOR BRUNO: And I want to
9 thank the Governor for his words, for his
10 leadership, for partnering with all of us.

11 He has to be somewhere else, and
12 our time is running a little longer, for some
13 reason or other -- and it must be the
14 Minority, Governor.

15 (Laughter.)

16 SENATOR BRUNO: But we are not
17 adjourning. In case anybody has an interest,
18 we're taking a small break. And thank you for
19 allowing this in this great chamber.

20 And, Governor, I want to thank you,
21 really, for your friendship, for your words,
22 for taking the time, for doing all the good
23 things that you do for everybody that's here,
24 and everybody in this state.

25 And this Governor, I want to say it

1 while he's here, he stepped in, in the
2 greatest turmoil that this state has probably
3 experienced since the Constitution, and with
4 class, he stepped up, stepped in, and got a
5 budget done on time -- I'm calling it on time,
6 and nobody's going to argue with that.

7 (Laughter.)

8 SENATOR BRUNO: -- and well done.

9 And, as you just heard, a record
10 number of important legislation that could
11 only happen with leadership and with partners.
12 And that's everybody that's here, and
13 partnering with the Assembly. And Governor,
14 that is very, very special.

15 And I am going to look forward to
16 the rest of this evening. And my one concern
17 is I think the Governor's up in Saratoga, in
18 my district, and he's there without me.

19 (Laughter.)

20 SENATOR BRUNO: But we're going
21 to be here, we're going to be doing some good
22 work.

23 And really, thank you for your
24 leadership. Thanks for being a partner.
25 Thanks mostly for being our friend, and for

1 all the good things that you are doing and
2 will do.

3 So thank you, and God bless you.
4 Thank you.

5 (Applause.)

6 GOVERNOR PATERSON: Before I
7 leave -- I'm going to the broadcasters'
8 convention in Lake George, at the Sagamore, so
9 I may not be exactly in Senator Bruno's
10 district.

11 But I wanted to point out that in
12 1995, I was very fortunate enough to have been
13 appointed the Deputy Minority Leader by
14 Senator Connor. And I was the floor leader,
15 and I sat across from an individual who was
16 appointed the Deputy Minority Leader -- Deputy
17 Majority Leader. And we, for eight years,
18 debated, worked the floor together, and
19 generally, we thought, followed the direction
20 of the leader and made the process in this
21 place work a little better.

22 And so I am very much looking
23 forward -- of course, I can't predict the
24 future. But next year I am going to rewrite
25 the Constitution.

1 (Laughter.)

2 GOVERNOR PATERSON: But before
3 that time comes, I just wanted to extend well
4 wishes to my friend, Senator Dean Skelos.

5 (Extended applause.)

6 GOVERNOR PATERSON: And finally,
7 to all of the staff that works here, to those
8 who have kept this chamber in the beautiful
9 condition and made it the great landmark that
10 it is, to our sergeant-at-arms, to the
11 analysts that work here, to the members of the
12 Senate and to the leaders of the Senate,
13 should you ever be thrown into a situation as
14 suddenly and as, in some ways, tragically as I
15 was, and you're looking for some direction and
16 you're trying to figure out what is the right
17 thing to do, there's one old adage that serves
18 true.

19 And it has to do with all the work
20 that we conducted together, with my
21 understanding that even though we differ
22 sometimes on approach, that if we all drew a
23 picture of the New York that we imagine, it
24 would look very much the same. It's the
25 respect for not only those of you who are

1 Senators, but the Assembly members as well who
2 make the Legislature and work with the
3 Executive branch to make law.

4 So when I was trying to figure out
5 how to govern this state, when I started to
6 sit down and have lunch and realized I might
7 be Governor in a few hours, I remembered that
8 adage: Don't forget where you came from.

9 Thank you very much.

10 (Standing ovation.)

11 ACTING PRESIDENT MAZIARZ: The
12 Senate will come to order.

13 Senator Skelos.

14 SENATOR SKELOS: Yes,
15 Mr. President, I believe we were on a roll
16 call.

17 ACTING PRESIDENT MAZIARZ:
18 Announce the results of Calendar Number 2198,
19 please.

20 Oh, I'm sorry. Senator Lanza, to
21 explain his vote. Senator Lanza.

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

24 I rise in support of this
25 legislation, which I think will go very far in

1 providing information to parents who make
2 tough choices every day with respect to what's
3 appropriate for their children.

4 I listened to Senator Duane's
5 comments on the bill, and he raised concerns
6 about the First Amendment and speech, talked
7 about the marketplace and competitive edge,
8 and the industry here and their right to
9 participate in the marketplace here in
10 New York.

11 And I agree with all those
12 concerns, Senator Duane. I think, however, if
13 you look closely at this bill, they're not
14 valid.

15 And let's start with speech.
16 There's all kinds of speech. If you take an
17 old-fashioned pinball machine and we plunked
18 it down in the chamber, we'd look at it and no
19 one would call it speech. But when we put
20 that up on a video screen, it does become
21 speech, and I acknowledge that. And it
22 deserves protection under the Constitution.

23 I think, though, there's some
24 confusion with respect to what this bill
25 actually accomplishes. I think the word

1 "prohibition" was talked about. I want to be
2 clear. This bill does not prohibit the sale
3 of any video to anyone.

4 There has been legislation
5 proposed, both in this state and in other
6 states, that would do just that, that
7 attempted to say you must have a rating on a
8 video game and then, based on that rating, you
9 can only sell the video games to certain age
10 groups. Or, in the alternative, you couldn't
11 sell a video game to someone based on a
12 rating.

13 This doesn't do that. This simply
14 says that every video game sold in the State
15 of New York should simply have a rating
16 consistent with what the ESRB does presently
17 in a voluntary way.

18 I know Senator Duane talked about
19 the fact that we do have a voluntary system.
20 It does work. But the problem with voluntary
21 is that tomorrow someone can change their
22 mind. Someone could decide tomorrow to no
23 longer place ratings on these games.

24 And so this is not prohibiting the
25 sale, this is simply about providing

1 information to parents.

2 You know, I know when I'm in a
3 store and I'm with my wife and the kids and
4 they want a video game, and there's a lot
5 going on in life and things are hectic, and
6 you have that thing shoved in front of your
7 face, and your son or your daughter asks once
8 or twice or three times or four times, five
9 times -- I have two minutes, correct? Getting
10 near the end -- you know, if you're able to
11 look at that video game and very quickly
12 determine what kind of game it is, the
13 decision that you have to make is a lot
14 easier.

15 And that's what this does. It
16 provides information. Information is good.

17 I want to commend Senator
18 Hassell-Thompson for her work. We worked over
19 the last two years on this legislation. Her
20 insights and her work on this bill I think got
21 us to the point where we have a very workable,
22 comprehensive approach.

23 Last year's version, where there
24 was a three-way agreement, included a
25 provision that would have made it an E felony

1 to sell these games. We all thought it was
2 wrong. We took that out. We worked with the
3 industry, we worked with the Assembly.

4 And we do have an agreement here on
5 a piece of legislation that I think will go a
6 long way in allowing parents to make good
7 decisions with respect to what is and what is
8 not appropriate for their children.

9 I vote aye on the bill. Thank you.

10 ACTING PRESIDENT MAZIARZ:

11 Senator Lanza will be recorded in the
12 affirmative.

13 Is there any other Senator who
14 would wish to explain their vote?

15 Announce the results.

16 THE SECRETARY: Ayes, 61. Nays,
17 1. Senator Duane recorded in the negative.

18 ACTING PRESIDENT MAZIARZ: The
19 bill is passed.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 2199, by Senator Marcellino, Senate Print
23 6934A, an act to amend the Vehicle and Traffic
24 Law.

25 ACTING PRESIDENT MAZIARZ: Read

1 the last section.

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

4 ACTING PRESIDENT MAZIARZ: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT MAZIARZ: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 2200, by Senator Farley, Senate Print 6998, an
12 act to amend the Education Law.

13 ACTING PRESIDENT MAZIARZ: Read
14 the last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect on the same date as
17 Chapter 654 of the Laws of 2007.

18 ACTING PRESIDENT MAZIARZ: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT MAZIARZ: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 2201, by Senator Lanza, Senate Print 7023, an

1 act to amend the Tax Law.

2 ACTING PRESIDENT MAZIARZ: There
3 is a local fiscal impact notice at the desk.

4 Read the last section.

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

8 ACTING PRESIDENT MAZIARZ: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT MAZIARZ:
12 Senator Krueger, to explain her vote.

13 SENATOR LIZ KRUEGER: Thank you.

14 You know, I have a dilemma, because
15 of course I'm actually pretty excited about a
16 bill that encourages the use of
17 environmentally sound vehicles in the City of
18 New York. But I'm disturbed that I'm learning
19 that we don't need a home rule from the City
20 of New York for this bill, because we're
21 giving away their sales tax.

22 And my understanding is that the
23 City of New York has a revenue problem itself.
24 And so right now we're standing here, not even
25 sending an unfunded mandate to the City of

1 New York, we're saying we're going to pass a
2 bill that does away with their tax revenue,
3 and we didn't even ask them about it. Because
4 we're arguing, apparently, since I was asking
5 behind the scenes, that we don't need a home
6 rule because we view tax policy as a statewide
7 issue.

8 And I have to say I'm a little
9 confused about that, because when we pass
10 sales tax increases on the counties, we always
11 get asked is there a home rule, and we have to
12 have one. But when we're going to actually
13 reduce the taxes on five counties, the City of
14 New York, we don't have to ask them.

15 So I'm going to -- I don't know
16 what to do. Because again, I think if the
17 city was asked, they might support -- I know
18 the City of New York not only wants fewer
19 cars, they want better-emission cars. But
20 we're not saying we're giving up our revenue,
21 we're saying to them they have to give up
22 their revenue, and we're not even asking them.

23 You know, so I'm -- I have to vote
24 no. Because I don't think we should do this
25 to a locality. I think I'm a strong believer

1 in home rule and when we take away their tax
2 revenue, we ought to ask them and they ought
3 to want us to. Because again, we argue here
4 consistently about unfunded mandates, we argue
5 about wanting to make sure we respect our
6 local governments.

7 But right now we're passing a bill
8 that will say: City of New York, you've lost
9 your local sales and compensating use taxes,
10 and we didn't ask you your opinion about it.

11 So I'll vote no. Thank you,
12 Mr. President.

13 ACTING PRESIDENT MAZIARZ:
14 Senator Krueger will be recorded in the
15 negative.

16 Any other Senator wish to be
17 explain their vote?

18 Announce the results.

19 THE SECRETARY: Ayes, 60. Nays,
20 2. Senators L. Krueger and Onorato recorded
21 in the negative.

22 ACTING PRESIDENT MAZIARZ: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 2202, by Senator Lanza, Senate Print 7032, an

1 act to amend the Public Authorities Law.

2 ACTING PRESIDENT MAZIARZ: Read
3 the last section.

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

6 ACTING PRESIDENT MAZIARZ: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT MAZIARZ: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 2203, by Senator Seward, Senate Print 7315A,
14 an act to amend the Insurance Law.

15 ACTING PRESIDENT MAZIARZ: Read
16 the last section.

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

19 ACTING PRESIDENT MAZIARZ: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT MAZIARZ: The
24 bill is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 2204, Senator Griffo moves to
2 discharge, from the Committee on Rules,
3 Assembly Bill Number 7277 and substitute it
4 for the identical Senate Bill Number 7337,
5 Third Reading Calendar 2204.

6 ACTING PRESIDENT MAZIARZ:
7 Substitution ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 2204, by Member of the Assembly Destito,
11 Assembly Print Number 7277, an act to amend
12 the Executive Law.

13 ACTING PRESIDENT MAZIARZ: Read
14 the last section.

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

17 ACTING PRESIDENT MAZIARZ: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT MAZIARZ: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 2205, by Senator Griffo, Senate Print 7896, an
25 act authorizing the establishment of solar or

1 wind or farm waste energy system.

2 ACTING PRESIDENT MAZIARZ: Read
3 the last section.

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

6 ACTING PRESIDENT MAZIARZ: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT MAZIARZ: The
11 bill is passed.

12 THE SECRETARY: In relation to
13 Calendar Number 2206, Senator Seward moves to
14 discharge, from the Committee on Rules,
15 Assembly Bill Number 11591 and substitute it
16 for the identical Senate Bill Number 7911A,
17 Third Reading Calendar 2206.

18 ACTING PRESIDENT MAZIARZ:
19 Substitution ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 2206, by the Assembly Committee on Rules,
23 Assembly Print Number 11591, an act to
24 authorize the conveyance.

25 ACTING PRESIDENT MAZIARZ: Read

1 the last section.

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

4 ACTING PRESIDENT MAZIARZ: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT MAZIARZ: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 2207, by Senator Little, Senate Print 7947B,
12 an act to amend the Tax Law.

13 ACTING PRESIDENT MAZIARZ: There
14 is a local fiscal impact note at the desk.

15 Read the last section.

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

18 ACTING PRESIDENT MAZIARZ: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT MAZIARZ: The
23 bill is passed.

24 THE SECRETARY: In relation to
25 Calendar Number 2208, Senator Volker moves to

1 discharge, from the Committee on Rules,
2 Assembly Bill Number 11293B and substitute it
3 for the identical Senate Bill Number 7965B,
4 Third Reading Calendar 2208.

5 ACTING PRESIDENT MAZIARZ:
6 Substitution ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 2208, by Member of the Assembly Hoyt, Assembly
10 Print Number 11293B, an act to amend
11 Chapter 605 of the Laws of 2000.

12 ACTING PRESIDENT MAZIARZ: Read
13 the last section.

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

16 ACTING PRESIDENT MAZIARZ: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 62.

20 ACTING PRESIDENT MAZIARZ: The
21 bill is passed.

22 THE SECRETARY: In relation to
23 Calendar Number 2209, Senator Winner moves to
24 discharge, from the Committee on Rules,
25 Assembly Bill Number 10837C and substitute it

1 for the identical Senate Bill Number 8021A,
2 Third Reading Calendar 2209.

3 ACTING PRESIDENT MAZIARZ:
4 Substitution ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 2209, by Member of the Assembly Farrell,
8 Assembly Print Number 10837C, an act to amend
9 the Environmental Conservation Law.

10 ACTING PRESIDENT MAZIARZ: Read
11 the last section.

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

14 ACTING PRESIDENT MAZIARZ: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62.

18 ACTING PRESIDENT MAZIARZ: The
19 bill is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 2210, Senator Farley moves to
22 discharge, from the Committee on Rules,
23 Assembly Bill Number 10979 and substitute it
24 for the identical Senate Bill Number 8122,
25 Third Reading Calendar 2210.

1 ACTING PRESIDENT MAZIARZ:

2 Substitution ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 2210, by Member of the Assembly Greene,
6 Assembly Print Number 10979, an act to amend
7 the Banking Law and the Tax Law.

8 ACTING PRESIDENT MAZIARZ: Read
9 the last section.

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

12 ACTING PRESIDENT MAZIARZ: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT MAZIARZ: The
17 bill is passed.

18 THE SECRETARY: In relation to
19 Calendar Number 2211, Senator Serrano moves to
20 discharge, from the Committee on Rules,
21 Assembly Bill Number 10594A and substitute it
22 for the identical Senate Bill Number 8154A,
23 Third Reading Calendar 2211.

24 ACTING PRESIDENT MAZIARZ:
25 Substitution ordered.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 2211, by Member of the Assembly Bing, Assembly
4 Print Number 10594A, an act to amend the
5 New York State Urban Development Corporation
6 Act.

7 ACTING PRESIDENT MAZIARZ: Read
8 the last section.

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

11 ACTING PRESIDENT MAZIARZ: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT MAZIARZ:
15 Senator Serrano, to explain his vote.

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

18 I want to thank all my colleagues
19 in the Senate chamber for supporting this very
20 important piece of legislation.

21 As we all know, we're very happy to
22 know that we are building a new subway line on
23 Second Avenue in Manhattan. And this will
24 bring much-needed improvement to mass transit
25 infrastructure as well as remove cars from the

1 road.

2 But there is a problem with
3 disruption on Second Avenue, and it has really
4 had a very negative impact on businesses in
5 that area. One in five businesses have closed
6 their doors. Many are losing money every
7 single day.

8 And this bill will recognize the
9 plight of the businesses on Second Avenue by
10 providing a grants program for those
11 businesses that have lost revenue and are in
12 danger of going out of business.

13 So I want to thank, once again, my
14 colleagues here in the Senate, as well as
15 Assemblymember Bing and all of the
16 Assemblymembers, for passing this legislation.

17 I vote yes.

18 ACTING PRESIDENT MAZIARZ:
19 Senator Serrano will be recorded in the
20 affirmative.

21 Announce the results.

22 THE SECRETARY: Ayes, 62. Nays,
23 0.

24 ACTING PRESIDENT MAZIARZ: The
25 bill is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 2212, Senator Robach moves to
3 discharge, from the Committee on Rules,
4 Assembly Bill Number 10883B and substitute it
5 for the identical Senate Bill Number 8161C,
6 Third Reading Calendar 2212.

7 ACTING PRESIDENT MAZIARZ:
8 Substitution ordered.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number
11 2212, by Member of the Assembly Morelle,
12 Assembly Print Number 10883B, an act to amend
13 the Public Health Law.

14 ACTING PRESIDENT MAZIARZ: Read
15 the last section.

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

18 ACTING PRESIDENT MAZIARZ: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT MAZIARZ: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 2213, by Senator Hannon, Senate Print 8185A,

1 an act to amend the Public Health Law.

2 ACTING PRESIDENT MAZIARZ: Read
3 the last section.

4 THE SECRETARY: Section 22. This
5 act shall take effect immediately.

6 ACTING PRESIDENT MAZIARZ: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT MAZIARZ: The
11 bill is passed.

12 THE SECRETARY: In relation to
13 Calendar Number 2214, Senator Volker moves to
14 discharge, from the Committee on Rules,
15 Assembly Bill Number 11033 and substitute it
16 for the identical Senate Bill Number 8228,
17 Third Reading Calendar 2214.

18 ACTING PRESIDENT MAZIARZ:
19 Substitution ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 2214, by Member of the Assembly DelMonte,
23 Assembly Print Number 11033, an act to amend
24 the Environmental Conservation Law.

25 ACTING PRESIDENT MAZIARZ: Read

1 the last section.

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

4 ACTING PRESIDENT MAZIARZ: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61. Nays,
8 1. Senator Duane recorded in the negative.

9 ACTING PRESIDENT MAZIARZ: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 2215 --

13 ACTING PRESIDENT MAZIARZ:
14 Senator Skelos.

15 SENATOR SKELOS: Mr. President, I
16 believe there's a substitution. So if we
17 could lay that aside temporarily.

18 ACTING PRESIDENT MAZIARZ: The
19 bill is laid aside temporarily.

20 THE SECRETARY: Calendar Number
21 2216, by Senator Sampson, Senate Print 8299A,
22 an act to amend the Executive Law.

23 ACTING PRESIDENT MAZIARZ: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 60th day.

2 ACTING PRESIDENT MAZIARZ: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT MAZIARZ: The
7 bill is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 2217, Senator Marcellino moves
10 to discharge, from the Committee on
11 Corporations, Authorities and Commissions,
12 Assembly Bill Number 3414A and substitute it
13 for the identical Senate Bill Number 8356,
14 Third Reading Calendar 2217.

15 ACTING PRESIDENT MAZIARZ:
16 Substitution ordered.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 2217, by Member of the Assembly Magnarelli,
20 Assembly Print Number 3414A, an act to amend
21 the Public Authorities Law.

22 ACTING PRESIDENT MAZIARZ: Read
23 the last section.

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

1 ACTING PRESIDENT MAZIARZ: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT MAZIARZ:
5 Senator Krueger, to explain her vote.

6 SENATOR LIZ KRUEGER: Thank you,
7 Mr. President.

8 Well, it's not that I'm opposed to
9 this bill; it's just after the momentum we
10 seemed to have going here today with the
11 brownfields bill, I was hoping we might be
12 passing another one of the environmental
13 global warming bills.

14 Maybe Senator Morahan's 8390.
15 Maybe Senator Thompson's almost identical
16 bill, 1800. If you add up the sponsors of
17 those two bills, we have almost 30 sponsors
18 alone. We have a bill by Senator Schneiderman
19 that would actually deal with global warming.
20 We have, actually, quite a few Senator
21 Marcellino global warming good bills.

22 We don't need that much time to
23 study global warming anymore. We actually
24 know what the problem is.

25 And so I am sorry in 2008, on the

1 last day of the Senate session, rather than
2 passing a bill that would address global
3 warming, we're passing a bill that you can't
4 really find a lot to complain about but would
5 just say let's study it some more. And I
6 think we're way past that. Even President
7 Bush now knows we have a global warming
8 problem.

9 So I vote yes, but I wish there
10 were any number of other bills we were passing
11 here tonight.

12 Thank you, Mr. President.

13 ACTING PRESIDENT MAZIARZ:

14 Senator Krueger will be recorded in the
15 affirmative.

16 Senator Schneiderman, to explain
17 his vote.

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

20 I really can't strongly enough echo
21 what Senator Krueger has just said.

22 And we've accomplished a great deal
23 this session. We've been moving bills on
24 which agreement has alluded us for years. But
25 we are really very far behind the curve in

1 addressing the issue of global warming.

2 We have to do more to stop using so
3 much energy. It's an economic matter as well
4 as an environmental matter. And it's really
5 becoming a moral matter. It is not something
6 that we will be able to explain to our
7 children or our grandchildren if the Senate of
8 the State of New York does not take action.

9 I know Senator Marcellino sponsors
10 a bill similar to mine on climate change.
11 Senator Morahan, Senator Thompson, as Senator
12 Krueger, has just said, sponsor a bill on
13 global warming.

14 We have a bipartisan agreement, I
15 would say close to an unparalleled bipartisan
16 agreement, that this is an issue we must
17 address. We need the political will to get
18 these bills on the floor.

19 I'm going to support Senator
20 Marcellino's bill to study greenhouse gas
21 management, but I have to say I don't know
22 that we need more study to give us
23 information. We do need more study to help us
24 organize and help us promote action.

25 The people of the State of New York

1 overwhelmingly support much more aggressive
2 action. It is something that we're going to
3 have to take up, I hope in a special session
4 this year, but certainly at the beginning of
5 the next year.

6 I vote yes, Mr. President, with the
7 expectation -- not the hope, the
8 expectation -- that we will do more in the
9 very near future.

10 ACTING PRESIDENT MAZIARZ:
11 Senator Schneiderman will be recorded in the
12 affirmative.

13 Announce the results.

14 THE SECRETARY: Ayes, 62. Nays,
15 0.

16 ACTING PRESIDENT MAZIARZ: The
17 bill is passed.

18 Senator Skelos.

19 SENATOR SKELOS: Mr. President,
20 if we can call up now Calendar Number 2215.

21 ACTING PRESIDENT MAZIARZ: The
22 Secretary will read.

23 THE SECRETARY: In relation to
24 Calendar Number 2215, Senator Smith moves to
25 discharge, from the Committee on Rules,

1 Assembly Bill Number 11222A and substitute it
2 for the identical Senate Bill Number 8289A,
3 Third Reading Calendar 2215.

4 ACTING PRESIDENT MAZIARZ:
5 Substitution ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 2215, by Member of the Assembly Pheffer,
9 Assembly Print Number 11222A, an act in
10 relation to authorizing.

11 ACTING PRESIDENT MAZIARZ: There
12 is a home-rule message at the desk.

13 Read the last section.

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

16 ACTING PRESIDENT MAZIARZ: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 62.

20 ACTING PRESIDENT MAZIARZ: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 2218, by Senator Little, Senate Print 8487, an
24 act to amend the Public Authorities Law.

25 ACTING PRESIDENT MAZIARZ: Read

1 the last section.

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

4 ACTING PRESIDENT MAZIARZ: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT MAZIARZ: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 2219, by Senator Bonacic, Senate Print 8511,
12 an act to amend the Tax Law.

13 ACTING PRESIDENT MAZIARZ: Read
14 the last section.

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

17 ACTING PRESIDENT MAZIARZ: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT MAZIARZ: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 2220, by Senator C. Kruger, Senate Print
25 8542A, an act to amend the Tax Law and the

1 Social Services Law.

2 SENATOR LIZ KRUEGER: Lay it
3 aside, please.

4 ACTING PRESIDENT MAZIARZ: Lay
5 the bill aside.

6 THE SECRETARY: In relation to
7 Calendar Number 2221, Senator O. Johnson moves
8 to discharge, from the Committee on Rules,
9 Assembly Bill Number 11288 and substitute it
10 for the identical Senate Bill Number 8560,
11 Third Reading Calendar 2221.

12 ACTING PRESIDENT MAZIARZ:
13 Substitution ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 2221, by Member of the Assembly Millman,
17 Assembly Print Number 11288, an act to amend
18 the Economic Development Law.

19 ACTING PRESIDENT MAZIARZ: Read
20 the last section.

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

23 ACTING PRESIDENT MAZIARZ: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT MAZIARZ: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 2222, by Senator Marcellino, Senate Print
6 8565, an act to amend the General Municipal
7 Law.

8 ACTING PRESIDENT MAZIARZ: Read
9 the last section.

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

12 ACTING PRESIDENT MAZIARZ: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT MAZIARZ: The
17 bill is passed.

18 THE SECRETARY: In relation to
19 Calendar Number 2223, Senator DeFrancisco
20 moves to discharge, from the Committee on
21 Rules, Assembly Bill Number 11657A and
22 substitute it for the identical Senate Bill
23 Number 8569A, Third Reading Calendar 2223.

24 ACTING PRESIDENT MAZIARZ:
25 Substitution ordered.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 2223, by the Assembly Committee on Rules,
4 Assembly Print Number 11657A, an act to amend
5 the Domestic Relations Law and others.

6 ACTING PRESIDENT MAZIARZ: Read
7 the last section.

8 THE SECRETARY: Section 5. This
9 act shall take effect on the 120th day.

10 ACTING PRESIDENT MAZIARZ: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT MAZIARZ: The
15 bill is passed.

16 THE SECRETARY: In relation to
17 Calendar Number 2224, Senator Volker moves to
18 discharge, from the Committee on Rules,
19 Assembly Bill Number 7197 and substitute it
20 for the identical Senate Bill Number 8576,
21 Third Reading Calendar 2224.

22 ACTING PRESIDENT MAZIARZ:
23 Substitution ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 2224, by Member of the Assembly Lavine,
2 Assembly Print Number 7197, an act to amend
3 the Criminal Procedure Law.

4 ACTING PRESIDENT MAZIARZ: Read
5 the last section.

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

9 ACTING PRESIDENT MAZIARZ: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT MAZIARZ:
13 Announce the results.

14 THE SECRETARY: Ayes, 61. Nays,
15 1. Senator Duane recorded in the negative.

16 ACTING PRESIDENT MAZIARZ: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 2225, by Senator Little, Senate Print 8583, an
20 act to amend the Insurance Law.

21 ACTING PRESIDENT MAZIARZ: Read
22 the last section.

23 THE SECRETARY: Section 15. This
24 act shall take effect immediately.

25 ACTING PRESIDENT MAZIARZ: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT MAZIARZ: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 2226, by Senator Lanza, Senate Print 8609, an
8 act to amend the Public Buildings Law.

9 ACTING PRESIDENT MAZIARZ: Read
10 the last section.

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

13 ACTING PRESIDENT MAZIARZ: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT MAZIARZ:
17 Announce the results.

18 THE SECRETARY: Ayes, 62.

19 ACTING PRESIDENT MAZIARZ: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 2227, by the Senate Committee on Rules, Senate
23 Print Number 8611, an act to amend the Public
24 Health Law.

25 ACTING PRESIDENT MAZIARZ: Read

1 the last section.

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

4 ACTING PRESIDENT MAZIARZ: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MAZIARZ:
8 Announce the results.

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT MAZIARZ: The
11 bill is passed.

12 THE SECRETARY: In relation to
13 Calendar Number 2228, Senator Robach moves to
14 discharge, from the Committee on Rules,
15 Assembly Bill Number 9500A and substitute it
16 for the identical Senate Bill Number 8628,
17 Third Reading Calendar 2228.

18 ACTING PRESIDENT MAZIARZ:
19 Substitution ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 2228, by Member of the Assembly Schroeder,
23 Assembly Print Number 9500A, an act to amend
24 the Real Property Tax Law.

25 ACTING PRESIDENT MAZIARZ: Read

1 the last section.

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

4 ACTING PRESIDENT MAZIARZ: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61. Nays,
8 1. Senator Hassell-Thompson recorded in the
9 negative.

10 ACTING PRESIDENT MAZIARZ: The
11 bill is passed.

12 THE SECRETARY: In relation to
13 Calendar Number 2229, Senator Maltese moves to
14 discharge, from the Committee on Rules,
15 Assembly Bill Number 11636 and substitute it
16 for the identical Senate Bill Number 8629,
17 Third Reading Calendar 2229.

18 ACTING PRESIDENT MAZIARZ:
19 Substitution ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 2229, by the Assembly Committee on Rules,
23 Assembly Print Number 11636, an act to amend
24 the Penal Law.

25 ACTING PRESIDENT MAZIARZ: Read

1 the last section.

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

5 ACTING PRESIDENT MAZIARZ: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT MAZIARZ:
9 Announce the results.

10 THE SECRETARY: Those recorded in
11 the negative on Calendar Number 2229 are
12 Senators Duane, Montgomery and Perkins.

13 Ayes, 59. Nays, 3.

14 ACTING PRESIDENT MAZIARZ: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 2230, by Senator Seward, Senate Print 8632, an
18 act authorizing a study to ascertain.

19 ACTING PRESIDENT MAZIARZ: Read
20 the last section.

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

23 ACTING PRESIDENT MAZIARZ: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT MAZIARZ: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 2231, by the Senate Committee on Rules, Senate
6 Print Number 8638, an act to repeal
7 subparagraph (vi) of paragraph 8 of
8 subdivision (b) of Section 1101 of the Tax
9 Law.

10 ACTING PRESIDENT MAZIARZ: Read
11 the last section.

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

14 ACTING PRESIDENT MAZIARZ: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT MAZIARZ:
18 Senator Schneiderman, to explain your vote.

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

21 I'm going to encourage everyone to
22 vote against this bill. I don't think it's
23 likely to accomplish much, since it doesn't
24 have a sponsor in the Assembly. But this is a
25 bill that really takes us in the wrong

1 direction when it comes to the taxation of
2 sales through the Internet.

3 For many, many years we have been
4 discriminating against companies that actually
5 have places of business in New York by
6 allowing companies that sell through the
7 Internet to avoid taxes. We've taken steps in
8 the last few years to correct that.

9 This bill would take a particular
10 type of Internet sales that's called an
11 affiliates program and exempt it again from
12 taxes, costing the State of New York
13 \$50 million a year.

14 As far as I'm concerned, if you're
15 selling in New York, you should be subject to
16 New York sales tax. The only evidence
17 proffered is that one company decided not to
18 use its affiliates program because of our
19 existing law that requires all Internet sales
20 companies to be taxed.

21 We don't need to be creating a
22 \$50 million hole. We don't need to be giving
23 Internet companies in other states an
24 advantage over the actual businesses in our
25 state that employ our citizens.

1 I encourage everyone to vote no,
2 including the sponsor, Senator Rules.

3 ACTING PRESIDENT MAZIARZ:
4 Senator Schneiderman will be recorded in the
5 negative.

6 Senator Krueger, to explain her
7 vote.

8 SENATOR LIZ KRUEGER: Thank you
9 so much, Mr. President.

10 Well, I have to agree completely
11 with my colleague Senator Schneiderman.

12 I really think Senator Rules needs
13 to understand, one, we just put this law into
14 effect three months ago in the budget.

15 Two, we've planned for \$50 million
16 in revenue from Internet sales, where we would
17 have to go and cut \$50 million somewhere now
18 if this law went into effect.

19 But third, and I think most
20 important, again, my theme for the day: What
21 about being fair in tax policy to all the
22 businesses in New York State? What about the
23 small businesses that are employing people?

24 Because if you don't have to pay
25 your tax by ordering online, why are you going

1 to go to your local community store and buy it
2 there? They already find themselves in an
3 economic unfair situation as far as having
4 limited ability to purchase at a lower cost
5 compared to the large national and even
6 international guys.

7 And now we're saying, if we change
8 this law, Oh, yeah, and if you go to your
9 neighborhood store in your downtown on your
10 main street in your small community or in your
11 large city, if you go to the store to buy the
12 product, then you're going to have to pay tax.
13 But if you do it over the Internet, then you
14 save that money and you lose us jobs right
15 here at home.

16 Again, Senator Rules needs to
17 understand, this is bad for small business and
18 it's uneven and unfair tax treatment of
19 business in New York State. I urge everyone,
20 don't go down this road. We finally fixed
21 this. Vote no here tonight.

22 Thank you, Mr. President.

23 ACTING PRESIDENT MAZIARZ:

24 Senator Krueger will be recorded in the
25 negative.

1 Announce the results.

2 THE SECRETARY: Those recorded in
3 the negative on Calendar Number 2231 are
4 Senators Connor, Duane, Gonzalez,
5 Hassell-Thompson, Huntley, L. Krueger,
6 Onorato, Parker, Perkins, Sabini, Sampson,
7 Savino and Schneiderman. Also Senator
8 Stavisky. Also Senator Oppenheimer. Also
9 Senator Serrano. Also Senator Montgomery.
10 Also Senator Diaz.

11 ACTING PRESIDENT MAZIARZ:
12 Announce the results.

13 THE SECRETARY: Ayes, 44. Nays,
14 18.

15 ACTING PRESIDENT MAZIARZ: The
16 bill is passed.

17 THE SECRETARY: In relation to
18 Calendar Number 2232, Senator Maziarz moves to
19 discharge, from the Committee on Rules,
20 Assembly Bill Number 11504 and substitute it
21 for the identical Senate Bill Number 8642,
22 Third Reading Calendar 2232.

23 ACTING PRESIDENT MAZIARZ:
24 Substitution ordered.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 2232, by the Assembly Committee on Rules,
3 Assembly Print Number 11504, an act to amend
4 the Tax Law.

5 ACTING PRESIDENT MAZIARZ: Read
6 the last section.

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

9 ACTING PRESIDENT MAZIARZ: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 62.

13 ACTING PRESIDENT MAZIARZ: The
14 bill is passed.

15 THE SECRETARY: In relation to
16 Calendar Number 2233, Senator Marcellino moves
17 to discharge, from the Committee on Rules,
18 Assembly Bill Number 11725 and substitute it
19 for the identical Senate Bill Number 8643A,
20 Third Reading Calendar 2233.

21 ACTING PRESIDENT MAZIARZ:
22 Substitution ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 2233, by the Assembly Committee on Rules,

1 Assembly Print Number 11725, an act to amend
2 the Environmental Conservation Law.

3 ACTING PRESIDENT MAZIARZ: Read
4 the last section.

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

7 ACTING PRESIDENT MAZIARZ: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT MAZIARZ: The
12 bill is passed.

13 I'm sorry, Senator Schneiderman, to
14 explain his vote.

15 SENATOR SCHNEIDERMAN: Thank you,
16 Mr. President. To explain my vote.

17 This is a first step but a very
18 modest first step towards dealing with another
19 emerging environmental crisis in our state,
20 which is the proliferation of plastic bags and
21 our inability to dispose of them.

22 According to scientists, there's
23 now an area out in the Pacific Ocean twice the
24 size of Texas largely composed of plastic
25 refuse from the United States.

1 I support this bill. I commend
2 Senator Marcellino. But I don't believe a
3 voluntary recycling program goes nearly far
4 enough. I think the people of the State of
5 New York are ready to go to a more sane system
6 of using reusable bags and carrying them. A
7 lot of stores are making them available now.

8 This is again an issue which I hope
9 that in the months ahead we will take much
10 more aggressive action. We should get back to
11 the sack and dump plastic bags.

12 Thank you, Mr. President.

13 (Laughter.)

14 ACTING PRESIDENT MAZIARZ: Thank
15 you, Senator Schneiderman.

16 Senator Schneiderman will be
17 recorded in the affirmative.

18 Announce the results.

19 THE SECRETARY: Ayes, 62. Nays,
20 0.

21 ACTING PRESIDENT MAZIARZ: The
22 bill is passed, again.

23 THE SECRETARY: Calendar Number
24 2234, by Senator Hannon, Senate Print 8645, an
25 act to amend the Public Health Law.

1 ACTING PRESIDENT MAZIARZ: Read
2 the last section.

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

5 ACTING PRESIDENT MAZIARZ: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 62.

9 ACTING PRESIDENT MAZIARZ: The
10 bill is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 2235, Senator Padavan moves to
13 discharge, from the Committee on Rules,
14 Assembly Bill Number 11714A and substitute it
15 for the identical Senate Bill Number 8647A,
16 Third Reading Calendar 2235.

17 ACTING PRESIDENT MAZIARZ:
18 Substitution ordered.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 2235, by the Assembly Committee on Rules,
22 Assembly Print Number 11714A, an act to amend
23 the Education Law.

24 ACTING PRESIDENT MAZIARZ: Read
25 the last section.

1 THE SECRETARY: Section 5. This
2 act shall take effect on the same date and in
3 the same manner as a chapter of the Laws of
4 2008.

5 ACTING PRESIDENT MAZIARZ: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 62.

9 ACTING PRESIDENT MAZIARZ: The
10 bill is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 2236, Senator Perkins moves to
13 discharge, from the Committee on Rules,
14 Assembly Bill Number 10772 and substitute it
15 for the identical Senate Bill Number 8648,
16 Third Reading Calendar 2236.

17 ACTING PRESIDENT MAZIARZ:
18 Substitution ordered.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 2236, by Member of the Assembly Wright,
22 Assembly Print Number 10772, an act
23 authorizing the City of New York to reconvey
24 its interest.

25 ACTING PRESIDENT MAZIARZ: There

1 is a home-rule message at the desk.

2 Read the last section.

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

5 ACTING PRESIDENT MAZIARZ: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 62.

9 ACTING PRESIDENT MAZIARZ: The
10 bill is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 2237, Senator Maltese moves to
13 discharge, from the Committee on Rules,
14 Assembly Bill Number 11719 and substitute it
15 for the identical Senate Bill Number 8650,
16 Third Reading Calendar 2237.

17 ACTING PRESIDENT MAZIARZ:
18 Substitution ordered.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number
21 2237, by the Assembly Committee on Rules,
22 Assembly Print Number 11719, an act to amend
23 the Education Law.

24 ACTING PRESIDENT MAZIARZ: Read
25 the last section.

1 THE SECRETARY: Section 2. This
2 act shall take effect on the same date and in
3 the same manner as a chapter of the Laws of
4 2008.

5 ACTING PRESIDENT MAZIARZ: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 62.

9 ACTING PRESIDENT MAZIARZ: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 2238, by Senator Hannon, Senate Print 8657, an
13 act to amend the Public Health Law and the
14 Education Law.

15 ACTING PRESIDENT MAZIARZ: Read
16 the last section.

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

19 ACTING PRESIDENT MAZIARZ: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT MAZIARZ:
23 Senator Oppenheimer.

24 SENATOR OPPENHEIMER: I would
25 like to speak on the bill.

1 ACTING PRESIDENT MAZIARZ:

2 Senator Oppenheimer, to explain your vote.

3 SENATOR OPPENHEIMER: That's what
4 I meant.

5 I have a word here from the
6 Physical Therapy Association, and they are
7 opposing this bill. And they are opposing it
8 because "New York State has had a very long
9 tradition of insulating our healthcare
10 professionals from profit pressures, which are
11 created by the ownership of professional
12 organizations by unlicensed individuals or
13 corporations.

14 "Free of professional obligations,
15 unlicensed individuals or corporations will
16 pressure licensed healthcare professionals to
17 put profits before care."

18 I think that's something we all
19 worry about, profits before care. This bill
20 erodes the public protection provided by the
21 ban on corporate practice, and it subjects
22 children served under the Early Intervention
23 Program -- which this bill does, it's for the
24 youngest children -- to the profit motives of
25 unlicensed individuals.

1 It further grants them two
2 representatives on the Corporate Practice
3 Advisory Panel, and yet licensed healthcare
4 professionals have no representation on the
5 panel.

6 I think this is something that we
7 worry about a lot. We worry about profits
8 taking the place of good healthcare. And this
9 is an instance where our youngest, our
10 children who are in the Early Intervention
11 Program, will be subjected to those pressures
12 where profits may take precedence over care.

13 So I'm voting no, and I would like
14 everyone to be voting no. Thank you.

15 ACTING PRESIDENT MAZIARZ:
16 Senator Oppenheimer will be recorded in the
17 negative.

18 Senator Hannon.

19 SENATOR HANNON: There's
20 something on the bill I'd like to explain.

21 This bill is prompted by a program
22 bill that was put in by the Department of
23 Health which exposed some fissures, some rifts
24 among the providers of early intervention.
25 Early intervention for 20 years has functioned

1 in an exemplary way, treating young children,
2 infants so that later on in their life they do
3 not have medical problems.

4 What this bill does is simply take
5 those rifts and hold them still. It does not
6 create any new rights. All of the people who
7 now practice can continue to practice while
8 the Department of Health and the Department of
9 Education have some ongoing talks to figure
10 out how they can harmonize their regulation,
11 how we can continue this program to move
12 forward.

13 In essence, this is a standstill
14 bill. It's not something that changes, I
15 reiterate. I hadn't seen the memo that
16 Senator Oppenheimer read. I wish she had
17 brought it to my attention. Because as far as
18 I know, it contains some serious factual
19 errors, from her reading of it out loud.

20 I would recommend this bill. It
21 will solve problems. It will continue early
22 intervention, delivering services to kids in
23 this state. And it means that we will revisit
24 these very issues in the near future when we
25 can get our regulatory agencies to act in a

1 rational manner.

2 Thank you.

3 ACTING PRESIDENT MAZIARZ:

4 Senator Hannon will be recorded in the
5 affirmative.

6 Senator Stavisky, to explain her
7 vote.

8 SENATOR STAVISKY: To explain my
9 vote, please.

10 There are some very good people on
11 this panel. However, by adding two
12 representatives of the for-profit entities,
13 it's like having the fox guarding the chicken
14 house. Self-regulation I think is a danger,
15 and I vote no.

16 ACTING PRESIDENT MAZIARZ:

17 Senator Stavisky will be recorded in the
18 negative.

19 Announce the results.

20 THE SECRETARY: Those recorded in
21 the negative on Calendar Number 2238 are
22 Senators Adams, Connor, Gonzalez,
23 Hassell-Thompson, Huntley, L. Krueger,
24 Montgomery, Onorato, Oppenheimer, Parker,
25 Perkins, Sabini, Savino, Schneiderman and

1 Stavisky. Also Senator Serrano. Also
2 Senator Duane.

3 Ayes, 45. Nays, 17.

4 ACTING PRESIDENT MAZIARZ: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 2239, by Senator Little, Senate Print 8659, an
8 act to amend the Navigation Law and the
9 Insurance Law.

10 ACTING PRESIDENT MAZIARZ: Read
11 the last section.

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

14 ACTING PRESIDENT MAZIARZ: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62.

18 ACTING PRESIDENT MAZIARZ: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 2240, by Senator Golden, Senate Print 8667, an
22 act to amend the Public Service Law.

23 ACTING PRESIDENT MAZIARZ: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT MAZIARZ: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT MAZIARZ: The
7 bill is passed.

8 THE SECRETARY: In relation to
9 Calendar Number 2241, Senator Saland moves to
10 discharge, from the Committee on Rules,
11 Assembly Bill Number 10474 and substitute it
12 for the identical Senate Bill Number 8670,
13 Third Reading Calendar 2241.

14 ACTING PRESIDENT MAZIARZ:
15 Substitution ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 2241, by Member of the Assembly Dinowitz,
19 Assembly Print Number 10474, an act to amend
20 the Elder Law.

21 ACTING PRESIDENT MAZIARZ: Read
22 the last section.

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

25 ACTING PRESIDENT MAZIARZ: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT MAZIARZ: The
5 bill is passed.

6 THE SECRETARY: In relation to
7 Calendar Number 2242, Senator Hannon moves to
8 discharge, from the Committee on Rules,
9 Assembly Bill Number 9512A and substitute it
10 for the identical Senate Bill Number 6527B,
11 Third Reading Calendar 2242.

12 ACTING PRESIDENT MAZIARZ:
13 Substitution ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 2242, by Member of the Assembly Weisenberg,
17 Assembly Print Number 9512A, an act to amend
18 the Public Health Law.

19 ACTING PRESIDENT MAZIARZ:
20 Senator Skelos.

21 SENATOR SKELOS: Mr. President,
22 is there a message of necessity at the desk?

23 ACTING PRESIDENT MAZIARZ: There
24 is no message of necessity at the desk for
25 this bill. It's the next bill.

1 Read the last section.

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

4 ACTING PRESIDENT MAZIARZ: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MAZIARZ:
8 Senator LaValle.

9 SENATOR LaVALLE: Mr. President,
10 I rise to compliment Senator Hannon for this
11 bill that will provide early screening and
12 establish best-practice protocols in screening
13 for children who might have autism. And he is
14 to be congratulated.

15 Early screening, early detection is
16 the best defense that we have. I vote in the
17 affirmative.

18 ACTING PRESIDENT MAZIARZ:
19 Senator LaValle will be recorded in the
20 affirmative.

21 Announce the results.

22 THE SECRETARY: Ayes, 62. Nays,
23 0.

24 ACTING PRESIDENT MAZIARZ: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 2243, by Senator Seward, Senate Print 7369A,
3 an act to amend the Insurance Law.

4 ACTING PRESIDENT MAZIARZ:
5 Senator Skelos.

6 SENATOR SKELOS: Now,
7 Mr. President, is there a message of necessity
8 at the desk?

9 ACTING PRESIDENT MAZIARZ: There
10 is a message of necessity at the desk.

11 SENATOR SKELOS: I move to
12 accept.

13 ACTING PRESIDENT MAZIARZ: All in
14 favor signify by saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT MAZIARZ:
17 Opposed, nay.

18 (No response.)

19 ACTING PRESIDENT MAZIARZ: The
20 message is accepted.

21 Read the last section.

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

24 ACTING PRESIDENT MAZIARZ: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT MAZIARZ: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 2244, by the Senate Committee on Rules, Senate
7 Print 8580, an act to amend the Public Health
8 Law.

9 SENATOR HANNON: Lay it aside.

10 ACTING PRESIDENT MAZIARZ: Lay
11 the bill aside.

12 Senator Skelos, that completes the
13 noncontroversial reading of Calendar Number
14 64C.

15 SENATOR SKELOS: Mr. President,
16 would you please call up Calendar Number 1275.

17 ACTING PRESIDENT MAZIARZ: The
18 Secretary will read.

19 THE SECRETARY: In relation to
20 Calendar Number 1275, Senator Saland moves to
21 discharge, from the Committee on Social
22 Services, Children and Families, Assembly Bill
23 Number 10228 and substitute it for the
24 identical Senate Bill Number 7185, Third
25 Reading Calendar 1275.

1 ACTING PRESIDENT MAZIARZ:

2 Substitution ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 1275, by Member of the Assembly Paulin,
6 Assembly Print Number 10228, an act to amend
7 the Social Services Law.

8 ACTING PRESIDENT MAZIARZ: Read
9 the last section.

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

12 ACTING PRESIDENT MAZIARZ: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT MAZIARZ: The
17 bill is passed.

18 Senator Skelos.

19 SENATOR SKELOS: Mr. President,
20 would you please call up Calendar Number 1635.

21 ACTING PRESIDENT MAZIARZ: The
22 Secretary will read.

23 THE SECRETARY: Calendar Number
24 1635, by Senator Nozzolio, Senate Print 7844B,
25 an act in relation to authorizing the Town of

1 Webster in the County of Monroe.

2 ACTING PRESIDENT MAZIARZ:

3 Senator Skelos.

4 SENATOR SKELOS: Is there a
5 message at the desk?

6 ACTING PRESIDENT MAZIARZ: There
7 is a message, Senator.

8 SENATOR SKELOS: Move to accept.

9 ACTING PRESIDENT MAZIARZ: There
10 is a message of necessity at the desk. All
11 those in favor of accepting the message
12 signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT MAZIARZ:
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT MAZIARZ: The
18 message is accepted.

19 There is a home-rule message at the
20 desk.

21 Read the last section.

22 THE SECRETARY: Section 7. This
23 act shall take effect immediately.

24 ACTING PRESIDENT MAZIARZ: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT MAZIARZ: The
4 bill is passed.

5 Senator Serrano.

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

8 I just would like the record to
9 reflect that had I had the opportunity, I
10 would have voted no on Calendar Number 2214.
11 Thank you.

12 ACTING PRESIDENT MAZIARZ: The
13 record will so reflect, Senator Serrano.

14 Senator Bruno.

15 SENATOR BRUNO: Mr. President,
16 can we at this time call up Calendar Number
17 570.

18 ACTING PRESIDENT MAZIARZ: The
19 Secretary will read.

20 THE SECRETARY: In relation to
21 Calendar Number 570, Senator Padavan moves to
22 discharge, from the Committee on Rules,
23 Assembly Bill Number 246B and substitute it
24 for the identical Senate Bill Number 5920,
25 Third Reading Calendar 570.

1 ACTING PRESIDENT MAZIARZ: The
2 substitution is ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 570, by Member of the Assembly Clark, Assembly
6 Print Number 246B, an act to amend the
7 Agriculture and Markets Law.

8 ACTING PRESIDENT MAZIARZ: Read
9 the last section.

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

12 ACTING PRESIDENT MAZIARZ: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 61. Nays,
16 1. Senator Parker recorded in the negative.

17 ACTING PRESIDENT MAZIARZ: The
18 bill is passed.

19 SENATOR BRUNO: Mr. President,
20 can we at this time lay aside permanently
21 Calendar Number 2220. It was laid aside
22 temporarily before.

23 ACTING PRESIDENT MAZIARZ:
24 Calendar Number 2220 is laid aside for the
25 day.

1 Senator Bruno.

2 SENATOR BRUNO: Can we return to
3 motions and resolutions.

4 ACTING PRESIDENT MAZIARZ:
5 Returning to the order of motions and
6 resolutions.

7 Senator Fuschillo.

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

10 On behalf of Senator Hannon, I wish
11 to call up Calendar Number 1974, Assembly
12 Print Number 6811B.

13 ACTING PRESIDENT MAZIARZ: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number
16 1974, by Member of the Assembly Gottfried,
17 Assembly Print Number 6811B, an act to amend
18 the Public Health Law.

19 SENATOR FUSCHILLO: I now move to
20 reconsider the vote by which the Assembly bill
21 was substituted for this bill, Senate Print
22 Number 7749A, on June 18th.

23 ACTING PRESIDENT MAZIARZ: Call
24 the roll on reconsideration.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 SENATOR FUSCHILLO: I now move
3 that Assembly Bill 6811B be recommitted to the
4 Committee on Rules and the Senate bill be
5 recommitted to the Committee on Rules.

6 ACTING PRESIDENT MAZIARZ: So
7 ordered.

8 SENATOR FUSCHILLO: Thank you.

9 ACTING PRESIDENT MAZIARZ:
10 Senator Nozzolio.

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

13 On behalf of Senator Libous, I wish
14 to call up Calendar Number 894, Assembly Print
15 Number 536A.

16 ACTING PRESIDENT MAZIARZ: The
17 Secretary will read.

18 THE SECRETARY: Calendar Number
19 894, by Member of the Assembly Paulin,
20 Assembly Print Number 536A, an act to amend
21 the Agriculture and Markets Law.

22 ACTING PRESIDENT MAZIARZ:
23 Senator Nozzolio.

24 SENATOR NOZZOLIO: I now move to
25 reconsider the vote by which this Assembly

1 bill was substituted for Senate Print Number
2 3082A on June 10th.

3 ACTING PRESIDENT MAZIARZ: Call
4 the roll on reconsideration.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 62.

7 SENATOR NOZZOLIO: Mr. President,
8 I now move that Assembly Bill Number 536A be
9 recommitted to the Rules Committee and that
10 the Senate bill be recommitted to the
11 Committee on Rules.

12 ACTING PRESIDENT MAZIARZ: So
13 ordered.

14 Senator Bruno.

15 SENATOR BRUNO: Mr. President,
16 can we at this time take up Calendar Number
17 2244.

18 ACTING PRESIDENT MAZIARZ: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 2244, by the Senate Committee on Rules, Senate
22 Print 8580, an act to amend the Public Health
23 Law.

24 ACTING PRESIDENT MAZIARZ:
25 Senator Hannon.

1 SENATOR HANNON: On the bill.

2 ACTING PRESIDENT MAZIARZ:

3 Senator Hannon, on the bill.

4 SENATOR HANNON: This bill
5 apparently would amend the Public Health Law
6 in regard to office-space surgery. It was
7 introduced and got into Rules.

8 I would oppose the bill because I
9 have not had -- I never saw this before. We
10 had it in Rules about half an hour ago. And I
11 said that the office-space surgery statute,
12 which took us at least two general statutes,
13 one Court of Appeals decision, two reports by
14 a special committee, many of whom were
15 surgeons from the Medical Society of the State
16 of New York, came up with a system of
17 office-space surgery that I think is
18 comprehensive and gives protection to the
19 public of this state.

20 It went into effect on January 1 of
21 this year. It talks about whenever there is
22 surgery in an office that is of a moderate or
23 heavy sedation, or a certain amount of
24 liposuction, that there shall be regulations
25 set up using not the state regulations but any

1 of the national recognized associations.

2 This would purport to give an
3 exception to that. Seven years of discussion
4 of that, I never heard of this. I don't know
5 if this is well-based. And I would ask that
6 that bill be laid aside at this time until we
7 can consider it.

8 If people have objections to this,
9 if people think there are legitimate reasons
10 to have exceptions, well, fine, let's discuss
11 them. Now is not the time.

12 ACTING PRESIDENT MAZIARZ: Read
13 the last section.

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

16 ACTING PRESIDENT MAZIARZ: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT MAZIARZ:
20 Senator Krueger.

21 SENATOR HANNON: Slow roll call.

22 SENATOR LIZ KRUEGER: I yield to
23 Senator Hannon first.

24 ACTING PRESIDENT MAZIARZ:
25 Senator Hannon, why do you rise?

1 SENATOR HANNON: I'm requesting
2 that people stand and we'll have a slow roll
3 call.

4 I was told we weren't going to do
5 this bill.

6 ACTING PRESIDENT MAZIARZ:
7 Senator Hannon, there needs to be five members
8 standing for a slow roll call. The chair does
9 not see five members standing.

10 The Secretary will call the roll
11 slowly.

12 Can we have some order in the house
13 while the roll is called.

14 SENATOR ONORATO: Mr. President.
15 Mr. President, point of information.

16 ACTING PRESIDENT MAZIARZ:
17 Senator Onorato.

18 SENATOR ONORATO: Point of
19 information.

20 ACTING PRESIDENT MAZIARZ: Excuse
21 me, Senator Onorato, we're on a roll call.
22 You can explain your vote when your name is
23 called, Senator.

24 The Secretary will call the roll.

25 THE SECRETARY: Senator Adams.

1 SENATOR ADAMS: No.
2 THE SECRETARY: Senator Alesi.
3 SENATOR ALESI: Yes.
4 THE SECRETARY: Senator
5 Aubertine.
6 ACTING PRESIDENT MAZIARZ:
7 Senator Aubertine, how do you vote?
8 SENATOR AUBERTINE: No.
9 THE SECRETARY: Senator Bonacic.
10 SENATOR BONACIC: Yes.
11 THE SECRETARY: Senator Breslin.
12 SENATOR BRESLIN: No.
13 THE SECRETARY: Senator Bruno.
14 SENATOR BRUNO: Yes.
15 THE SECRETARY: Senator Connor.
16 SENATOR CONNOR: No.
17 THE SECRETARY: Senator
18 DeFrancisco.
19 SENATOR DeFRANCISCO: Yes.
20 THE SECRETARY: Senator Diaz.
21 SENATOR DIAZ: No.
22 THE SECRETARY: Senator Dilan.
23 SENATOR DILAN: No.
24 THE SECRETARY: Senator Duane.
25 SENATOR DUANE: Mr. President,

1 before I vote, I'm confused. Oddly.

2 ACTING PRESIDENT MAZIARZ:

3 Senator Duane, are you explaining your vote?

4 SENATOR DUANE: I want

5 clarification on what I'm voting on. Am I

6 voting on the procedure or on the underlying

7 bill?

8 ACTING PRESIDENT MAZIARZ: We're

9 voting on the bill, Senator Duane.

10 SENATOR DUANE: Voting on the

11 bill.

12 ACTING PRESIDENT MAZIARZ: On the

13 bill.

14 SENATOR DUANE: No.

15 ACTING PRESIDENT MAZIARZ:

16 Senator Duane will be recorded in the

17 negative.

18 THE SECRETARY: Senator Farley.

19 SENATOR FARLEY: Aye.

20 ACTING PRESIDENT MAZIARZ:

21 Senator Flanagan.

22 SENATOR FLANAGAN: Yes.

23 THE SECRETARY: Senator

24 Fuschillo.

25 SENATOR FUSCHILLO: Yes.

1 THE SECRETARY: Senator Golden.

2 SENATOR GOLDEN: Yes.

3 THE SECRETARY: Senator Gonzalez.

4 SENATOR GONZALEZ: No.

5 THE SECRETARY: Senator Griffo.

6 SENATOR GRIFFO: Yes.

7 SENATOR BRUNO: Mr. President,
8 would you lay the bill aside, please.

9 ACTING PRESIDENT MAZIARZ: The
10 bill is laid aside.

11 Senator Bruno.

12 SENATOR BRUNO: Mr. President,
13 I'd like to recommit the balance of the
14 calendar to the Committee on Rules.

15 ACTING PRESIDENT MAZIARZ: The
16 calendar is recommitted to the Committee on
17 Rules.

18 SENATOR BRUNO: Mr. President,
19 can you recognize Senator Smith at this time.

20 ACTING PRESIDENT MAZIARZ:
21 Senator Smith.

22 SENATOR SMITH: Thank you very
23 much, Mr. President.

24 To my members, my colleagues,
25 friends, staff, I would hope that you would

1 indulge me. To my hardworking members and my
2 hardworking staff, I would like to yield my
3 time to my good friend. I think the floor of
4 the Senate belongs to him.

5 And at this time I would like to
6 yield my time, Mr. President, to my good
7 friend, someone who has been tremendous for
8 this state, Senator Joe Bruno.

9 ACTING PRESIDENT MAZIARZ:
10 Senator Bruno.

11 SENATOR BRUNO: Thank you,
12 Senator Smith.

13 Mr. President and colleagues, you
14 know, I'm learning the real meaning of
15 bittersweet. And yesterday and today are
16 exactly that.

17 I was reflecting, early this
18 morning, I walked into this chamber about
19 40 years ago. Senator Stafford was here as my
20 Senator. I was president, believe it or not,
21 of the Young Republicans. Over 40 years ago.

22 (Laughter.)

23 SENATOR BRUNO: Before most of
24 you were born.

25 And I remember -- and I'm asking

1 you to always remember -- when I walked into
2 this chamber, I can tell you I can't
3 adequately describe the feeling I had in my
4 heart, in my gut. It felt like it was in a
5 sanctuary. Hallowed ground. Something very,
6 very special. A cathedral. I mean, you look
7 around at this place. Think about the people
8 that have walked through here.

9 I remember leaving, and that was
10 over eight years before I went through a
11 rather difficult primary to get to the Senate.

12 And I walked into this chamber
13 32 years ago and, like many of you, was
14 pretty, still, awestruck.

15 And, you know, all of us here
16 should just never, ever, ever forget what
17 takes place here. What you do in your daily
18 lives, how you step up, how you are
19 representative of a constituency, how you are
20 representative of the people of this state,
21 how you partner with the other house, how you
22 partner with the Executive.

23 There is no work like this work.
24 None. It is challenging, it is difficult, it
25 is troublesome. You have best friends,

1 members, who give you a hard time.

2 (Laughter.)

3 SENATOR BRUNO: And you end up
4 having to lay a bill aside. But you still
5 love them.

6 (Laughter.)

7 SENATOR BRUNO: And that's the
8 love-hate part of what goes on here on a daily
9 basis. Love-hate. Love-hate.

10 But just recognize honestly that
11 this is our lives, and you are doing so many
12 good things.

13 And I just am here tonight saying
14 thank you. I have been blessed, honest and
15 truly, beyond my wildest dreams as I grew up.
16 And just being elected to the Senate was a
17 dream come true. Being elected Majority
18 Leader was more than a dream. I can't even
19 describe.

20 And I thank my colleagues for that
21 privilege of being of service. I thank all of
22 you. Because without everybody here, you
23 don't have a Senate. And we need a Minority,
24 we need a Majority, we need the debate. And I
25 just say thank you.

1 And I want to thank the people who
2 support us. Many of them are in this room.
3 Now, if I start mentioning names -- and I can
4 remember when I thought, you know, with some
5 previous officeholders, when I had done such
6 outstanding things and they start rattling off
7 names, and I'm standing there -- never
8 mentioned my name. I thought it's unfair,
9 it's not right. I did more than they did.

10 (Laughter.)

11 SENATOR BRUNO: And it's true.
12 So I'm not going to mention any names.

13 (Laughter.)

14 SENATOR BRUNO: But I have to
15 mention Amy Leitch, my executive assistant.

16 (Applause.)

17 SENATOR BRUNO: And Amy is the
18 best.

19 (Applause.)

20 SENATOR BRUNO: And Amy Smith.
21 Amy Smith.

22 (Applause.)

23 SENATOR BRUNO: Amy is probably
24 not here, she's working. Is she?

25 Well, why aren't you working?

1 (Laughter.)

2 SENATOR BRUNO: Frank Mahar, who
3 has been my shadow. People can't thank
4 Frank --

5 (Applause.)

6 SENATOR BRUNO: Steve Boggess,
7 who started out with me some, I don't know,
8 32, 34 years ago, really.

9 And all of the senior staff. You
10 know who you are. And all of the people who
11 just make this place work. You made me work.
12 You -- honestly, you make me look so good.

13 And I've had calls from the people
14 that I didn't know knew I existed, honestly,
15 today and yesterday, and just saying things
16 that really are troublesome in that they make
17 me pretty emotional.

18 And I'm trying, you know, but I
19 want to just say to them, those that are
20 behind us all, that, you know, they go through
21 the nights. They have been going through
22 nights to close us out here. Never hear
23 anything from them. They just do it. Why?
24 Because they're committed. And they know that
25 what they're doing is of service to the people

1 out there.

2 I see Jimmy Tedisco, the leader
3 over in the Assembly, who has been a colleague
4 and a friend for an awful lot of years.

5 Malcolm Smith, who is a very
6 special person and a special leader.

7 Dean Skelos, who has been on this
8 floor doing all the kinds of things that he
9 does so well, and assisted by all the leaders
10 here and there.

11 If you think about saying goodbye,
12 think about your career, think about what you
13 would say. And remember that every day that
14 you are in public service. Because it's hard
15 for me to believe that 32 years have gone by.

16 And my family -- I think my son Ken
17 was here earlier -- and my family, they have
18 stood up, like your families do. They're
19 without you now. And they stand there with
20 you when they prefer to be doing other things.
21 And we thank the good Lord for them.

22 And thank the good Lord for the
23 system that allows the transition from
24 January 9th and what happened in this state
25 that nobody, on January 9th, could ever have

1 foreseen or imagined. And a transition that
2 took place, Governor Paterson stepped up,
3 everybody closed ranks around him -- Speaker
4 Silver, colleagues here, in the Assembly --
5 and made things happen here for the people of
6 this state. That's what public service is all
7 about.

8 And the Governor was here earlier
9 and said some very, very nice things.

10 And I can tell you this, that we go
11 out and we're going to campaign. And, you
12 know, everybody does the best that they can
13 do. But just remember always that we're
14 colleagues and that we're here to govern. And
15 you have to go out and do what we have to do
16 between now and November.

17 And I'm going to take it a day at a
18 time in my life, because I have learned that
19 you only live a day at a time.

20 And we're going to recess here, and
21 we're going to go in and have a conference --
22 and I'm going to ask you to just, if you will,
23 stay with us -- and come in and offer up a
24 resolution.

25 We all do our thing, we all have to

1 do what we feel we should be doing. But you
2 go forward, you know, from here, and do what
3 you do so well.

4 (Extended standing ovation.)

5 SENATOR BRUNO: Thank you. I am
6 the proudest person in this whole state just
7 for having you as colleagues and friends.
8 Thank you.

9 And, Mr. President, can I ask that
10 we recess while the Majority conferences, and
11 I believe the Minority will conference. And I
12 don't expect that we will be more than 10 or
13 15 minutes.

14 ACTING PRESIDENT MAZIARZ: There
15 will be a Majority conference in Room 332, and
16 a Minority Conference by Senator Dilan in the
17 Minority Conference Room, Room 315.

18 The Senate stands at ease.

19 (Whereupon, the Senate stood at
20 ease at 7:53 p.m.)

21 (Whereupon, the Senate reconvened
22 at 8:30 p.m.)

23 (Standing ovation as Senator Bruno
24 enters.)

25 SENATOR BRUNO: Thank you. Thank

1 you.

2 ACTING PRESIDENT MAZIARZ: The
3 Senate will come to order.

4 Senator Bruno.

5 SENATOR BRUNO: Mr. President, I
6 am proud to hand up a resolution, ask that the
7 title be read, and move for its immediate
8 adoption.

9 ACTING PRESIDENT MAZIARZ: The
10 Secretary will read.

11 THE SECRETARY: By Senator Bruno,
12 Senate Resolution Number 6834, providing for
13 the election of Dean G. Skelos as Temporary
14 President of the Senate for the remainder of
15 2008.

16 ACTING PRESIDENT MAZIARZ:
17 Senator Klein.

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

20 It is my distinct honor to nominate
21 someone who has the leadership skills, the
22 intelligence, and the ability to espouse the
23 hopes and aspirations for one New York, the
24 election of Malcolm Anthony Smith as president
25 of the Senate for the remainder of 2008.

1 ACTING PRESIDENT MAZIARZ: The
2 Secretary will read the resolution.

3 THE SECRETARY: By Senator Klein,
4 Senate Resolution Number 6838, providing for
5 the election of Malcolm A. Smith as Temporary
6 President of the Senate for the remainder of
7 2008.

8 ACTING PRESIDENT MAZIARZ:
9 Senator Klein.

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

12 It's truly an honor to nominate my
13 friend, my leader, Malcolm Smith.

14 When you ask the question what is
15 leadership, I think leadership is many things.
16 But I think certainly what Malcolm does each
17 and every day is gets the most out of people.
18 He understands his members. He understands
19 how to push us, understands us, understands
20 how we can really achieve greatness. And
21 that's why I'm not only proud to call him my
22 friend but also our leader.

23 He's also someone who's not afraid
24 to take on a fight. When we went ahead and
25 took on the subprime lending industry this

1 year, it was Malcolm who really pushed us
2 forward. It was Malcolm who really put
3 together a plan for upstate development and
4 jobs. It was Malcolm who's been talking about
5 doing something about property tax relief all
6 over our state.

7 He's someone who really understands
8 what it means to govern one New York. And
9 that's why I'm so proud to call him -- maybe
10 not today, but in the future my Majority
11 Leader -- but for today, our Democratic
12 leader.

13 Malcolm Smith, everyone.

14 ACTING PRESIDENT MAZIARZ: Thank
15 you, Senator Klein.

16 On the substitute resolution, 6838,
17 offered by Senator Klein, all those in favor
18 signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT MAZIARZ:
21 Opposed, nay.

22 (Response of "Nay.")

23 ACTING PRESIDENT MAZIARZ: The
24 nays have it. The resolution is defeated.

25 (Laughter.)

1 SENATOR BRUNO: Mr. President.

2 ACTING PRESIDENT MAZIARZ:

3 Senator Bruno.

4 SENATOR BRUNO: On the resolution
5 before the house.

6 ACTING PRESIDENT MAZIARZ:

7 Senator Bruno, on Resolution 6834.

8 SENATOR BRUNO: I was very, very
9 happy to hear Senator Klein. And I am very
10 happy to participate in keeping a nice guy --
11 and, you're right, a good leader -- as the
12 Minority leader in the Senate.

13 (Laughter.)

14 SENATOR BRUNO: Now and forever.

15 (Laughter.)

16 SENATOR BRUNO: And,
17 Mr. President, on Senator Skelos.

18 He truly is no stranger in this
19 chamber. He has been here more hours than
20 many of us put together. And his qualities
21 speak for themselves.

22 Dean has been running the floor, he
23 has been assisting me in every way to make
24 this the greatest deliberative body in the
25 United States.

1 I am not going to enumerate,
2 because we have time constraints, all of the
3 good deeds, the good works, the legislation
4 that he sponsored, was responsible for
5 carrying. And some really tough issues,
6 difficult issues.

7 So he has the experience, he has
8 the background, he has been here, he's
9 diligent. He has a wife, Gail, that is a
10 partner and supportive; a son, Adam, who is
11 here proudly, looking proud and sharp. And
12 looks senatorial to me.

13 (Laughter.)

14 SENATOR BRUNO: We are in
15 difficult times, and we need the experienced
16 leadership here in this house to move forward,
17 to partner with this good Governor, partner
18 with the Speaker. And that is Senator Skelos.

19 So I am proud to, on this
20 resolution, raise my voice in support of the
21 next Majority Leader of the New York State
22 Senate, and Temporary President of the Senate,
23 my friend, my colleague -- and by the way,
24 when I ran 14 years ago, the first vote that I
25 had, Senator Skelos. And why did he do it?

1 It was, he thought, in the best interests of
2 this Senate, both sides of the aisle.

3 So he knows what to do and how to
4 do it. I'm proud to recommend to this great
5 body Senator Skelos.

6 Thank you, Mr. President.

7 ACTING PRESIDENT MAZIARZ: Thank
8 you, Senator Bruno.

9 Senator Libous.

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

12 I join Senator Bruno in seconding
13 the nomination of Senator Skelos.

14 I can remember 20 years ago, when I
15 was running for the Senate the first time, I
16 got a phone call from Senator Skelos. And he
17 said: "I chair the Aging Committee, and I'd
18 like to come out and help you in your
19 campaign," because I had a very tough
20 campaign.

21 So he came out to Broome County --
22 actually, he came out to Chenango County. I
23 took him up some back roads, and he
24 wondered -- he saw the cows; he wondered where
25 the people were.

1 (Laughter.)

2 SENATOR LIBOUS: And Senator
3 Skelos and I went into a number of senior
4 citizen centers, and he helped me as we talked
5 about issues for the aging. And he told
6 everybody there that if they elected me to the
7 Senate that I would be helpful and do the
8 right thing for the elderly.

9 I know that he's done that for many
10 people here, because Senator Skelos has, as
11 Senator Bruno said, been very, very committed
12 to the Majority. He cares about it. He's
13 worked very hard.

14 And as I said to him earlier
15 tonight, because I know he has the passion and
16 the commitment to be a great leader, I said
17 that I know that he, in my eyes and in my
18 heart, has earned this awesome responsibility.

19 I second this nomination.

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

22 (Applause.)

23 ACTING PRESIDENT MAZIARZ: The
24 question is on Resolution 6834, electing
25 Dean Skelos as the Temporary President of the

1 New York State Senate for the year 2008. All
2 those in favor signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT MAZIARZ:

5 Opposed, nay.

6 (Response of "Nay.")

7 ACTING PRESIDENT MAZIARZ: The
8 ayes have it. The resolution is adopted.

9 And the chair states for the record
10 that Senator Dean Skelos has been elected
11 Temporary President of the Senate for the
12 remainder of 2008.

13 (Extended standing ovation.)

14 ACTING PRESIDENT MAZIARZ: We
15 will now have the administration of the oath
16 of office of Majority Leader, Temporary
17 President of the Senate Senator Skelos, by
18 Senator Bruno.

19 SENATOR BRUNO: Please raise your
20 hand and repeat after me:

21 I, Dean Skelos --

22 SENATOR SKELOS: I, Dean
23 Skelos --

24 SENATOR BRUNO: -- do solemnly
25 swear --

1 SENATOR SKELOS: -- do solemnly
2 swear --

3 SENATOR BRUNO: -- that I will
4 support the Constitution of the United
5 States --

6 SENATOR SKELOS: -- that I will
7 support the Constitution of the United
8 States --

9 SENATOR BRUNO: -- and the
10 Constitution of the State of New York --

11 SENATOR SKELOS: -- and the
12 Constitution of the State of New York --

13 SENATOR BRUNO: -- and that I
14 will faithfully discharge the duties of the
15 office --

16 SENATOR SKELOS: -- and that I
17 will faithfully discharge the duties of the
18 office --

19 SENATOR BRUNO: -- of the
20 Temporary President of the Senate --

21 SENATOR SKELOS: -- of the
22 Temporary President of the Senate --

23 SENATOR BRUNO: -- according to
24 the best of my abilities --

25 SENATOR SKELOS: -- according to

1 the best of my abilities --

2 SENATOR BRUNO: -- so help me

3 God.

4 SENATOR SKELOS: -- so help me

5 God.

6 SENATOR BRUNO: Congratulations.

7 (Standing ovation.)

8 ACTING PRESIDENT MAZIARZ:

9 Senator Skelos.

10 SENATOR SKELOS: Mr. President,
11 as my first responsibility of being the
12 Majority Leader, I would like to ask Senator
13 Bruno to preside. And if you would give him
14 that honor at this time.

15 SENATOR BRUNO: Thank you. Wow.

16 Thank you.

17 (Standing ovation.)

18 ACTING PRESIDENT BRUNO: Thank
19 you very much.

20 The Senate will come to order.

21 (Laughter.)

22 ACTING PRESIDENT BRUNO: Senator
23 Skelos.

24 SENATOR SKELOS: Thank you,
25 Senator Bruno.

1 I know you would ask me to, when I
2 would sit here and be ready to make certain
3 statements, to keep it short.

4 (Laughter.)

5 SENATOR SKELOS: And I certainly
6 will.

7 But I'm just so happy this evening.
8 And I'm really going to speak from the heart
9 to everybody here. My wife, Gail; my son,
10 Adam. My sister-in-law Carla and my nephew
11 Carly. All the people that have worked with
12 me for so many years. My Republican
13 colleagues, my Democrat colleagues.

14 This is a very special evening for
15 me. And I remember when I was first sworn in,
16 Adam was a little kid, and I was holding him
17 up there. And I was speaking a little too
18 long, and he kept putting his hand over my
19 mouth.

20 (Laughter.)

21 SENATOR SKELOS: And my mom was
22 there, holding the Bible.

23 And she gave me the love of
24 politics. Five kids; my birth mother died
25 when I was three. She brought me up as her

1 child, which I was. And she gave me the --
2 and my father, the work ethic. My
3 grandparents, my father. Growing up, five of
4 us worked three jobs at a time to provide for
5 the family.

6 My grandparents came from Greece to
7 this country, worked hard, struggled and
8 provided for the family. And I know, Joe,
9 you've had that similar history and story, as
10 so many of us in this room have.

11 I want to thank, first, my good
12 friend Joe Bruno. This is a very bittersweet
13 evening for me.

14 And in fact, Joe, when I heard all
15 the applause when the Governor was speaking
16 about you, I was worried you were going to
17 change your mind.

18 (Laughter.)

19 SENATOR SKELOS: And you know
20 what, Joe? If you did, I'd be the first one
21 to move to reconsider the vote by which that
22 resolution passed.

23 (Applause.)

24 SENATOR SKELOS: I can say
25 without doubt that Joe has been the best

1 leader -- and I heard Dale say that before --
2 that we've ever had in this chamber. His
3 strength became the strength of this Majority
4 and really the strength of this chamber.

5 He recognized the wonderful
6 diversity of New York State, the diversity of
7 our membership, and how each region of the
8 state has its own needs and opportunities.

9 Moving forward, this Majority and
10 indeed the entire Senate will continue to
11 build upon Joe's vision and legacy. At this
12 time it's important to take stock, stock of
13 the many accomplishments that we've had. In
14 these difficult economic times, we made record
15 investments in our schools, we protected our
16 hospitals and nursing homes, and we delivered
17 large property tax rebate checks for our
18 seniors.

19 But more has to be done. We are
20 suffering from a property tax crisis in this
21 state. And despite the investments we've made
22 in our school district and the assistance
23 we've provided to local governments, property
24 taxes have stretched household budgets beyond
25 their ability to pay.

1 In too many upstate communities the
2 lack of good-paying jobs has torn families
3 apart as their children seek prosperity in
4 other parts of the country. And in this time
5 of soaring energy prices, the rising cost of
6 living has threatened our quality of life.

7 As a collective body -- and I say
8 that as a collective body -- this Senate will
9 address the needs for property tax relief and
10 the other prevailing challenges of our time.

11 In order to face that challenge, we
12 must be bold, we must think outside the box,
13 and we must do what's necessary to protect our
14 constituents from those rising property taxes.

15 We're going to make New York State
16 more competitive and help our businesses,
17 large and small, to thrive. We will build
18 upon each region's inherent advantages to
19 expand our economic base and create quality
20 jobs that enable people to support their
21 families. And we're going to do this
22 together.

23 I want to thank Governor Paterson
24 for the class and the dignity he showed today
25 by coming into this chamber and wishing our

1 leader the best and showing him the due
2 respect that he earned over 32 years of public
3 service in this state.

4 And I want to say to the Governor,
5 our Majority will work with him in a
6 cooperative way, and with the Speaker, and
7 with the support of all my good friends on the
8 other side of the aisle, to make sure that we
9 do what's right for the people of this great
10 state.

11 Together we can make a meaningful
12 difference in people's lives. And I think we
13 have to remember that's why we're elected:
14 We're elected to serve the people.

15 You know, I look forward to being
16 your leader for years to come.

17 And, Joe, so often when we're at
18 various events together or just with members
19 of the Majority, or if you're walking by and
20 somebody says hello or somebody hands you a
21 bottle of water, no matter who -- Ray, in the
22 lounge -- the one thing you always say is
23 "thank you." No matter who it is, no matter
24 what the opportunity, you always say "thank
25 you."

1 And at times we'll be at different
2 events, and our colleagues will take side bets
3 on how many times you're going to say "thank
4 you."

5 (Laughter.)

6 SENATOR SKELOS: So I think the
7 best thing I can do at this time is just say,
8 Joe Bruno, thank you.

9 (Extended standing ovation.)

10 ACTING PRESIDENT BRUNO: Thank
11 you.

12 And, Senator Skelos, are you
13 handing up some orders of business?

14 (Laughter.)

15 SENATOR SKELOS: You know what, I
16 hope you always direct me this way.

17 And it is my pleasure, Tommy
18 Libous, to hand up the following Majority
19 leadership changes and ask that they be filed
20 in the Journal.

21 ACTING PRESIDENT BRUNO: The
22 changes will be made according to the leader's
23 wishes.

24 And, Tommy, you will file them
25 accordingly. Thank you, very, very much.

1 (Laughter.)

2 ACTING PRESIDENT BRUNO: And

3 thank you.

4 John, that's two thank yous.

5 SENATOR SKELOS: Mr. President.

6 ACTING PRESIDENT BRUNO: Senator

7 Skelos.

8 SENATOR SKELOS: And I know how

9 often you like to say this: There being no

10 further business, I move we adjourn to the

11 call of the Majority Leader, intervening days

12 being legislative days.

13 ACTING PRESIDENT BRUNO: And on

14 that motion, may I wish you and the new leader

15 health and prosperity. And, truly, God bless

16 each and every one of you.

17 I am honored to move this Senate to

18 adjournment.

19 (Standing ovation.)

20 (Whereupon, at 8:52 p.m., the

21 Senate adjourned.)

22

23

24

25