

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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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                   ACTING PRESIDENT GRIFFO:

2       Substitution ordered.

3                   The Secretary will read.

4                   THE SECRETARY:     Calendar Number  
5       1246, by Member of the Assembly Gianaris,  
6       Assembly Print Number 10774, an act to amend  
7       the Labor Law.

8                   ACTING PRESIDENT GRIFFO:     Read  
9       the last section.

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

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                  THE SECRETARY:     In relation to  
19       Calendar Number 1271, Senator C. Kruger moves  
20       to discharge, from the Committee on Rules,  
21       Assembly Bill Number 8358B and substitute it  
22       for the identical Senate Bill Number 4838B,  
23       Third Reading Calendar 1271.

24                  ACTING PRESIDENT GRIFFO:  
25       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 side 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