NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT VALESKY: The Senate will please come to order.

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

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

ACTING PRESIDENT VALESKY: The invocation today will be delivered by the Reverend Randy Milleville, pastor of the Zion Lutheran Church in Clarence Center, New York.

REVEREND MILLEVILLE: Let me share with you a reading from the book of 1st Timothy: "The first thing I want you to do is pray. Pray every way you know how for everyone you know. Pray especially for rulers and their governments to rule well, so we can be quietly about our business of living simply in humble contemplation. This is the way our Savior God wants us to live."

I invite you to take a moment of silence in memory of the victims of Flight 3407.

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

REVEREND MILLEVILLE: Let us pray.

Living God, gracious Father, we give You thanks this day for the blessings You give, for home and family, food and clothing, and all that we need from day to day.

We remember especially today the families and friends of those who died in the crash of Flight 3407. Give them comfort in their grief and support in their distress.

For the firefighters and the first responders who were among the first on the scene, and for those who stayed the course in the days that followed, we give You thanks for equipping them with the courage and the strength to finish the tasks of rescue and recovery.

Be with those who were displaced and with those whose lives were touched and forever changed by this horror. Grant them Your peace and remind them that You are with them always.

We also ask You to remember today, Lord God, and ask Your blessings upon our elected leaders -- for President Obama, for Governor Paterson, and for all who serve this great state in these legislative bodies.

Let Your light shine upon them. Give them wisdom and strength, courage and understanding, especially when the going gets tough. For the task that is ahead of them is great, and the challenges are many in this time of economic stress and hardship.

So keep watch over our elected leaders. Watch over them and their families. Remind all citizens of this state to put their trust in You, to continue to pray for them and this thing to which You have called them. Use us to support their work and service to their communities and to the State of New York.

And to all who govern, in whatever capacity and in whatever setting, grant a spirit of cooperation, of listening, of congeniality and respect, that the work to which You have called them might be accomplished.

And may none but honest and wise men and women ever rule on behalf of the people. In Your great name we pray.

Amen.

ACTING PRESIDENT VALESKY: Thank you, Reverend.

Reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Friday, February 20, the Senate met pursuant to adjournment. The Journal of Thursday, February 19, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe Senator Nozzolio has a privileged resolution at the desk. I ask that the resolution be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Nozzolio, Legislative Resolution Number 393, congratulating the Red Creek Boys Soccer Team and Coach Donald Hartley upon the occasion of capturing the 2008 Class C State Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success, and

developing a sense of fair play and competition; and

"WHEREAS, The Red Creek Boys Soccer Team are the 2008 Class C State Champions. The Mules defeated North Salem and won their third state championship in four years; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Donald Hartley and Assistant Coach Kent Knox, skilled and inspirational tutors, respected for their ability to develop potential into excellence; and

"WHEREAS, The team's overall record is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, The hallmarks of the Red Creek Boys Soccer Team, from the opening game of the season to participation in the championship, were a brotherhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team

players are second to none; and

"WHEREAS, Coach Donald Hartley and Assistant Coach Kent Knox have done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coach Donald Hartley and Assistant Coach Kent Knox and their outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative Body pause its deliberations to congratulate the Red Creek Boys Soccer Team, its members -- Reis Cunningham, Ryan Fisher, Alex Keeling, Anthony Losurdo, Keyan Scutt, Ryan Adam, Kevin Dates, Nathaniel Gregg, Don Stevenson, Brandin Vanderbush, Steven Deferio, Colton Ginther, Drew Knox, Ryan Pudlowski, Cody Sherman, Shane Bradley, Ryan Gould, Trevor Knox, Matthew Treby, and Eli Vatale -- Coach Donald Hartley and Assistant Coach Kent Knox on their

outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the members of the Red Creek Boys Soccer Team, Coach Donald Hartley, and Assistant Coach Kent Knox."

ACTING PRESIDENT VALESKY: Senator Nozzolio, on the resolution.

SENATOR NOZZOLIO: Thank you, Mr. President.

As you well know, Mr. President, as a representative of a portion of the Red Creek Central School District, that we often recognize championship teams here in the State Capitol and in this body of the New York State Senate.

But never, to my recollection, have we honored a team and school whose accomplishments have been so extraordinary: Three state championships in the last four years. That is, by all stretch of the imagination, an accomplishment that I daresay is not repeated very frequently in this state

or in any state.

And those championships did not come by accident. They came by hard work and great coaching. And that's another reason why we're here today, Mr. President, to acknowledge the great contributions of Don Hartley to this wonderful school district and part of the state in northeastern Wayne County and northwestern Cayuga County.

This incredible accomplishment of three out of four championships I believe was only surpassed, possibly, by Coach Hartley himself, who has been the winning coach now of six state championship teams.

Coach Hartley and his staff have done great work in molding these fine young men, not just as soccer players but, more importantly, as good citizens, as ambassadors of their community, as role models to younger children growing up in Red Creek and Fair Haven, and being part of a program that has a great deal of pride along with its tremendous accomplishment.

It starts at the top. And I'm very

pleased that David Sholes, who's the superintendent of schools of Red Creek, is here today, along with Noel Patterson, principal of Red Creek High School, and Matt VanOrman, who is the athletic director of Red Creek Central School. And Coach Hartley, along with Assistant Coach Kent Knox.

And that we're very pleased that they have come, together with a number of supporters and chaperones as well, to honor these fine young men. Fine young men who are not just state champions, although they certainly are state champions. A few have actually been on all three of the last three state championship teams Red Creek has entered into. But more importantly, they're fine young men who are wonderful role models for future generations from that community.

It's an honor to have them here today. It's an honor to recognize their wonderful accomplishment. We take pride in that accomplishment. And I daresay, Mr. President, it's a fine day for the State of New York and particularly Red Creek.

Which, by the way, it was decided today that Red Creek is not at the end of Section 5, which has its population center in a city a little further west, but it is actually the beginning of Section 5. And that's where all Section 5 emanates now, thanks to the great accomplishments of the Red Creek Central School.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Nozzolio.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

On behalf of Senator Nozzolio and all of the members, congratulations to each and every member of the Red Creek Boys Soccer Team, State Class C champions for the third time in four years.

Congratulations.

(Applause.)

ACTING PRESIDENT VALESKY: At the request of Senator Nozzolio, the resolution is open for multisponsorship by the entire house. Any member wishing not to multisponsor this resolution should so inform the desk.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we go to noncontroversial reading of Senate Calendar Number 8.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: Calendar Number 4, by Senator Sampson, Senate Print 134A, an act to amend the Real Property Law, in relation to --

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 8, by Senator C. Johnson, Senate Print 958A, an act to amend the Executive Law, in relation

to prohibiting employers.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Craig Johnson, to explain his vote.

SENATOR CRAIG JOHNSON: Thank you, Mr. President. I wish to explain my vote.

Mr. President, the purpose of this legislation is to protect victims of domestic violence and stalking from being terminated from their job due to the fact that their status as a victim of domestic violence or stalking may impede upon their job.

As all of us here know in the State Senate, we've worked very hard in a bipartisan manner to combat domestic violence. It still remains a blight on the American family and society. Victims of domestic violence come

from all walks of life. The diversity, though, of this victimhood, they all share the same experience of living in fear for themselves and for their children.

One of the most important and valuable weapons that these victims have is the ability to secure and hold a job. Many of the victims who leave these abusive relationships are oftentimes put in the position of needing time away from work in order to consult with attorneys, counselors, childcare providers, others who help them through the trauma and stress. And it's the ability to have such a job that gives them the independence to be away from their batterers.

At the same time, at the same time, it's important for the employers to have these protections. Domestic violence often leads to absenteeism, increased healthcare costs, higher turnover, lower productivity, and even a greater risk that the violence comes into the workplace. Therefore, there is a mutual advantage for both the employer and the employee to work together to end this threat

of violence.

I'm proud that this Senate body today will pass a piece of legislation that will protect the employee from being discriminated against because of his or her status as a victim of domestic violence. I thank the members of this body for your support. I thank both the Minority and the Majority for supporting this important initiative for the victims of domestic violence.

Thank you very much, Mr. President. I'll be voting in the affirmative.

ACTING PRESIDENT VALESKY: Senator C. Johnson to be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 58. Nays, 0.

ACTING PRESIDENT VALESKY: The bill is passed.

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

SENATOR KLEIN: Mr. President, at this time will you please move to the controversial reading of the calendar.

ACTING PRESIDENT VALESKY: The Secretary will ring the bells to call all members to the chamber so that we can proceed with the controversial reading of the calendar.

The Secretary will proceed with the controversial reading of the calendar.

THE SECRETARY: Calendar Number 4, by Senator Sampson, Senate Print 134A, an act to amend the Real Property Law, in relation to requiring.

SENATOR LIBOUS: Explanation.

ACTING PRESIDENT VALESKY: Senator Sampson, an explanation of the bill has been requested.

SENATOR SAMPSON: Thank you, Mr. President.

This Senate Bill Number 4 basically requires those buyers who are engaging to purchase property to be given a loan disclosure form which provides them

information as to a financial counselor they can access if they need to when they're seeking to purchase a --

SENATOR MARCELLINO: Mr. President.

ACTING PRESIDENT VALESKY: Senator Marcellino, why do you rise?

SENATOR MARCELLINO: With all due respect to my colleague, I cannot hear what the gentleman is saying. Could we have some order in the house, please.

ACTING PRESIDENT VALESKY: Point well taken.

Order in the Senate chamber, please, so that we can hear Senator Sampson explain his bill. Thank you.

SENATOR SAMPSON: Thank you very much, Mr. President. Thank you very much, Senator Marcellino.

Basically, this bill allows a buyer who's interested in purchasing a piece of property, that to those contracts there has to be a loan disclosure form providing them the information of certain financial counselors

they can use or they can solicit or get information from to find out about the loans that they're seeking to purchase or engage in when they're purchasing a piece of property.

Because of the serious financial crisis we're into because of these foreclosures and the lack of information that has been provided to these buyers, it's just another form of just giving them access to information to allow them to make reasoned decisions when they are purchasing homes or getting into any sort of commercial transaction which requires a purchase.

ACTING PRESIDENT VALESKY: Senator Bonacic.

SENATOR BONACIC: Yes, thank you, Senator Sampson. There's a couple of questions I'd like to ask you concerning the wording of the bill.

And I know during the Judiciary Committee meeting you did make certain changes that made the bill better. And I agree with the intent of what we're trying to do, but I just want to talk about some of the wording so

you can express your legislative intent. Okay?

ACTING PRESIDENT VALESKY: Senator Bonacic, are you speaking on the bill or asking Senator Sampson to yield to a question?

SENATOR BONACIC: I'm going asking if he would yield to two or three questions.

ACTING PRESIDENT VALESKY: Senator Sampson, do you yield?

SENATOR SAMPSON: Yes, I have no problem yielding.

ACTING PRESIDENT VALESKY: Okay. Go ahead, Senator Bonacic.

SENATOR BONACIC: I guess my first question is if the broker or the attorney do not comply, is there consequences? Because the bill is silent on that subject. I would ask what your thoughts are.

SENATOR SAMPSON: Through you, Mr. President. Basically, this is not a piece of punitive legislation. The intent here is to basically provide the information to those

buyers.

But at the same time, you have those buyers who may engage in getting a mortgage and then come later on and say, "You know what, I don't feel like consummating this deal or going through." At least the broker and or the attorney can say: We provided them the information, they had all the information to go through and find out whatever information they needed to complete this deal and all of a sudden they say, 'I don't have the information, I don't know what I'm doing, so therefore I want to get out of the deal.'

So it also gives them an opportunity, a backup, just in case you have those individuals -- sometimes you have buyers who just enter into contracts who don't intend on consummating the deals. But at least it gives them that protection if possible.

SENATOR BONACIC: Will Senator Sampson continue to yield.

ACTING PRESIDENT VALESKY: Senator Sampson, do you continue to yield?

SENATOR SAMPSON: Yes, I continue

to yield.

ACTING PRESIDENT VALESKY: The Senator yields.

SENATOR BONACIC: If the attorney and/or the mortgage broker do not comply with this disclosure, in your mind, does the purchaser have a cause of action? And against whom? And can he void the transaction because of attorney malpractice, broker malpractice? What was your thinking in that area?

SENATOR SAMPSON: Well, my thinking -- through you, Mr. President -- was just a means of information to the prospective buyer. If the attorney or broker -- they're not engaging in any fraud, so the only thing they're providing them is a disclosure document saying that these are the list of HUD-approved or HPD-approved counselors that you may seek when you're looking for a mortgage.

SENATOR BONACIC: Will you continue to yield?

ACTING PRESIDENT VALESKY: Senator Sampson, do you continue to yield?

SENATOR SAMPSON: Yes, I continue to yield.

SENATOR BONACIC: So there would not be a cause of action against the broker or the attorney, this is more for information and enlightenment to the purchaser? Is that your intent?

SENATOR SAMPSON: Through you, Mr. President, correct, that's my intent. Basically a form of information. Nothing punitive.

SENATOR BONACIC: Would you continue to yield for another question?

ACTING PRESIDENT VALESKY: Senator Sampson.

SENATOR SAMPSON: Yes, I continue to yield.

SENATOR BONACIC: In the wording of the bill you put the obligation on the attorney to furnish a list of counselors within a hundred miles of I guess where that transaction is taking place.

SENATOR SAMPSON: Correct.

SENATOR BONACIC: But for me, in

Orange County, I touch three states within a hundred miles.

So do I have an obligation to furnish that purchaser or that mortgagor with a list of mortgage counselors outside the State of New York? Or is your intent only in the State of New York?

SENATOR SAMPSON: Well, if we're talking about -- if they're HUD-approved -- through you, Mr. President. If they're HUD-approved counselors, those counselors basically would be on a federal list that would be applicable to all the states in this country.

But what this bill intends to do is give those small towns access to maybe larger areas in which these counselors are. And that's what the intent of the bill was, just purely just give them access.

SENATOR BONACIC: Could I get another question, Senator Sampson, on this point?

ACTING PRESIDENT VALESKY: Senator Sampson, do you continue to yield?

SENATOR SAMPSON: Yes, I do.

SENATOR BONACIC: So I would have the obligation of having to furnish the counselors in Jersey, in Pennsylvania, and in Connecticut?

SENATOR SAMPSON: Through you, Mr. President. Basically, if this transaction is a New York-based transaction, as long as -- if you give those buyers the list of counselors in New York State, you are covered.

SENATOR BONACIC: Okay. Can I continue with another question for Mr. Sampson?

ACTING PRESIDENT VALESKY: Senator Sampson?

SENATOR SAMPSON: Yes.

SENATOR BONACIC: And I thank you, by the way, Senator Sampson, for sticking with this.

Your bill requires attorneys and brokers to update their approved counselors via HUD or the Department of Housing Preservation and Development every 108 days. That's on lines 12 and 13.

Is that New York City Department of Housing Preservation and Development? Because the bill is silent on who you're referring to.

SENATOR SAMPSON: Well, who I'm referring to is in any jurisdiction. New York City has Housing Preservation and Development. But any other county may have a different real estate or housing preservation division that deals with that.

SENATOR BONACIC: Thank you. Senator Sampson, thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Bonacic.

Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President.

I had expressed some concerns concerning this bill in committee. And the primary concern that I have, to start off, is I do not believe that this has really been vetted by the people that are actually going to be participating in the business.

When I went back to my community and I had asked members of the bar association

and the real estate community if they had had any input on this particular issue -- because normally, when you're making changes involving buyers and sellers and real estate agents, the real estate community and the legal community likes to have some input -- and they've had no input on this particular issue -- because this is going to be something which is going to affect them because it's a state law.

So I'm concerned about that, that we really haven't reached out to them to get their feelings about this particular issue.

The second thing, just from a very practical standpoint at least in our community, is that every time you add another addendum to a contract, you're going to increase the cost between the buyer and the seller. And normally when somebody comes in to buy a house, they're counting their pennies and they have figured down to the penny, based on what the price or the cost of the house is going to be and what their mortgage is going to be, whether or not they can afford it.

And, you know, just knowing the way

that the business world works with lawyers and real estate brokers, this is going to increase the cost of the transaction.

But the greatest concern that I have -- and I expressed this in committee -- is that while the idea has some merit to give somebody who is getting financing an opportunity to get a second opinion, in reality what happens is very often when somebody buys a piece of property, primarily residential property, is that they've already been preapproved for a mortgage. They've already gone in, they've met with the finance company, they've met with the bank, and they have their mortgage all set and then they go around and they shop for a house.

And what you have here is once their financing is in place, you're then saying that you then have to provide this particular list.

Quite frankly, this particular type of legislation, as I expressed in committee, really should be something that happens at the financing level.

When somebody goes in to get a loan -- again, whether it be for commercial property or residential property -- if you truly want to protect that person and give them an opportunity to have a second opinion or just get some additional advice, the obligation should really be with the bank or with the finance company that's providing the financing, because that's when the person is going to be focused on the issue.

And, secondly, that's when the person is actually dealing with the financing. The actual signing of the real estate contract could be days, weeks later. And it really is not something that affects the buyer and the seller, it really affects the purchaser and the bank.

So for that reason, again, you know, I had hoped that we would have an amendment to this bill to put the actual obligation in the spot where it belongs. This is kind of like putting a square peg in a round hole. It just doesn't fit. It's just not the right spot for this particular piece

of legislation.

So that's the objection that I have to it. Again, I expressed that during the committee. And I just wanted to express my opinion for the record.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Ranzenhofer.

Senator Saland.

SENATOR SALAND: Thank you, Mr. President. Mr. President, would Senator Sampson yield for a question?

ACTING PRESIDENT VALESKY: Senator Sampson, do you yield?

SENATOR SAMPSON: Yes, I have no problem yielding.

ACTING PRESIDENT VALESKY: The Senator yields.

SENATOR SALAND: Thank you, Senator Sampson.

Senator Sampson, I see in the first paragraph of your bill that you propose to make this requirement applicable to both commercial and residential real estate. Is

there a particular reason why you've included commercial and not limited this type of disclosure to residential?

SENATOR SAMPSON: Through you, Mr. President. Senator Saland, basically it applies to both residential and commercial because, you know, I'm looking at holistically the problems that we have faced with respect to the foreclosure. It did not discriminate against residential or commercial.

Basically, we are being hit, our financial markets are being hit about loans that were given to both residential and commercial. That's why I chose to cover this with this piece of legislation.

SENATOR SALAND: Mr. President, would Senator Sampson continue to yield?

ACTING PRESIDENT VALESKY: Senator Sampson, do you continue to yield?

SENATOR SAMPSON: Yes, I do.

SENATOR SALAND: Senator Sampson, is it not true that generally commercial applicants are a bit more sophisticated than residential applicants? And in this

particular case, you could be talking multi-million-dollar deals where somebody who is a businessperson or a corporate entity is being told that they should go through this step of getting mortgage counseling.

SENATOR SAMPSON: Through you, Mr. President. Well, Senator Saland, I don't want to assume that they know this information. I just want to give them an opportunity to have this information readily available to them.

Because later on, if they choose to try to get out of this transaction and say, for whatever reason -- it may not be legitimate reasons -- at least we can say all the financial information was provided to them to go forth with this information.

SENATOR SALAND: Again, through you, Mr. President. Is this similar to the redundancy that you had spoken about before with respect to requiring that both attorneys and real estate brokers provide this disclosure?

SENATOR SAMPSON: Through you,

Mr. President. The reason I included it -- why did I include real estate brokers?

SENATOR SALAND: No, I'm saying is this an effort at redundancy. Which is really one of your responses a bit earlier to Senator Bonacic.

SENATOR SAMPSON: What do you mean by "redundancy"?

SENATOR SALAND: An effort to provide yet an additional layer of notice, whether it's really needed or not.

SENATOR SAMPSON: Through you, Mr. President. I don't really call it redundancy. It's reinforcement.

Because at every single level, as long as they're given this information at the time they entered into the contract, at least they know what information is available to them. When they go to a mortgage broker or they go to a financial institution, at least they're going there with some knowledge in their mind of what's available for them so they can ask the pertinent questions that need to be asked, so when we're at the table and

we're ready to sign or execute these documents there is not a question that "I don't know what I'm doing." Or after you have already signed these loan documents and you're ready to close the deal, all of a sudden they say "I don't want to go forth with this deal."

So it basically is not redundancy, it's a form of reinforcing the information so we don't run into a problem later on that has basically caused this whole financial crisis that we have with respect to mortgage foreclosures.

SENATOR SALAND: Just an observation before I ask you to yield to yet an additional question.

While I have not handled any commercial loans in the past several years, at one time I did a volume of real estate work. And I never came across a commercial lender who really was not business-savvy, was not sophisticated enough to understand what their mortgage was about and what the mortgage meant and what the consequences of the default would be.

And so I laud you for your intent, certainly, but I'm not quite sure that the focus of this bill shouldn't be restrained to residential lenders.

On the second page in your notice form, you make reference, at lines 7 and 8, to the right to consult with a home counselor -- excuse me, starting at line 6, at the time of entering into the contract until the execution of financing documents.

When would that execution of financing documents occur?

SENATOR SAMPSON: Through you, Mr. President. The execution of financial documents could occur at the time of the closing or prior to the closing.

SENATOR SALAND: If I may -- thank you, Senator Sampson.

First let me thank Senator Sampson for yielding to my questions and then also let me thank Senator Sampson for responding to a number of the issues that were raised in the Judiciary Committee regarding this bill.

If I may, however, draw on some of

the comments by Senator Ranzenhofer. The fact of the matter is is that you are imposing an obligation on attorneys and brokers. It's an and/or situation. There is a redundancy there.

The question is, you know, who is responsible. Are they both responsible? Why should they both be responsible? Should there not be one port of entry? And should that port of entry not be as part of the mortgage application process, particularly since it's going to be weeks before you close the mortgage. If in fact, as Senator Sampson indicated, the occurrence is the execution of financing documents -- i.e., the closing -- weeks will pass between the time of the initial contact with the bank and that closing.

So I would respectfully submit that as laudatory as the intent of this bill is, that the responsibility and/or burden for requiring this disclosure and providing this disclosure has been unfortunately placed on two groups of professionals who will not be

the most appropriate recipients of that burden. In fact, the bank or the lending institution that's going to initiate the process and ultimately go to closing should be where that burden lies.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Saland.

Senator Klein.

SENATOR KLEIN: Thank you, Mr. President. On the bill.

ACTING PRESIDENT VALESKY: Senator Klein, on the bill.

SENATOR KLEIN: I want to commend my colleague Senator Sampson for introducing this very important piece of legislation. We all know the horrible impact the subprime lending crisis has caused not only to the value of our homes but to our national and even international economy.

And through hearings that I held on behalf of the Democratic conference over the last year, we saw firsthand how important education really is. Senator Sampson's bill

just gives someone the ability to seek education before they actually enter into a mortgage. It doesn't make it mandatory.

As a matter of fact, I think it should be mandatory that if someone is going take out a mortgage -- many you of know, who sat through closings, the mortgage process is a very, very complicated one. Needless to say, if we're dealing with a subprime product, which is even more complicated, certainly the individual should know what they're getting into.

Unfortunately, we hear time and time again of people who enter into mortgages, most of them subprime products, who probably shouldn't have had a home in the first place -- they couldn't afford it, but they were really sold a bill of goods.

Unfortunately, I've had many more people, though, who probably were able to get their piece of the American dream the right way -- meaning putting down 10 percent, getting a 30-year fixed-rate mortgage -- but they were told time and time again to take

advantage of the subprime product, the very low introductory rate of sometimes 2 or 4 percent.

And when these individuals were sophisticated enough to ask, well, what do I do when this mortgage resets to 10, 11, 12 percent, they were told, time and time again: Don't worry about it. We're in a housing boom. The price of your home is going to continue to go up. When that high rate kicks in, you'll be able to refinance based on your newfound equity.

Well, we all know now that never happened.

So I think the ability for a homebuyer to sit down with a counselor, find out what the mortgage process is all about, find what they're actually doing -- you want to know something? If more people took advantage of those counselors out there, learned to be educated about this entire process, you know something, we probably wouldn't have the number of foreclosures that we have now.

I just want to share a very disturbing statistic with you. Last year 58 percent of the people in New York State whose homes ended in foreclosure had absolutely no contact with their lending institution, no contact with any counselor. They just walked in, got a mortgage in many cases without being educated about the process. That's wrong.

And I know all of us should be proud of the fact that last year we passed a very important piece of legislation which I think will go a long way towards making sure this crisis doesn't happen again in New York State. But there are a couple of things that we left out of the equation, and one of them was education.

So Senator Sampson's bill I think is something that's so important right now. To give someone the ability or just notify them that they have a right to seek guidance, to seek education, I think is a very, very important thing. Certainly I don't think any of my colleagues would want someone to walk in

and take part in a closing without being educated about the process and not knowing what they're getting into.

Again, I support Senator Sampson's bill, and I urge a yes vote.

ACTING PRESIDENT VALESKY: Thank you, Senator Klein.

Senator Winner.

SENATOR WINNER: Thank you, Mr. President. Will Senator Sampson yield to a few questions.

ACTING PRESIDENT VALESKY: Senator Sampson, do you yield?

SENATOR SAMPSON: Yes.

SENATOR WINNER: Senator, you're a very sophisticated and distinguished lawyer. And I know that, as lawyers who have to deal with this type of legislation who are practitioners in the real estate field, they're going to have a little problem. They need to know and understand exactly how this would operate so that they're not running afoul of the rules.

I'm just having trouble

understanding how this would particularly work. Because, you know, these statutes are supposed to mean something and supposed to have some logical flow so that you can determine how to operate in your real estate practice. And I would just direct your attention to just the wording in your bill.

You start out on line 3, which is the operative sections of the bill, and it just basically says "A loan counseling document disclosure notice shall be attached to all contracts of commercial or residential sale of real property identifying basic homeowner information." Now, that's the sentence, the phrase that drives the rest of the bill.

Now, what is basic homeowner information?

SENATOR SAMPSON: Through you, Mr. President. Senator Winner, basic homeowner information is providing the prospective homeowner the opportunity, if you're seeking a loan, what are you purchasing, whether the rate is adjustable,

whether it's a fixed rate.

If you're looking to refinance, if you're looking to get an equity position out of your property, it's just basically a form that is attached to provide them the information that is necessary for them to ask the next question when they're going to a financial institution and looking for a loan.

SENATOR WINNER: Well, why didn't you just say "basic financing information"? "Homeowner information" could be how the plumbing works, the electric works or the heating system works. Because you say, and it's "homeowner information including but not limited to." Why don't you say specifically what you're getting at, which is financing information, rather than saying "basic homeowner information."

I mean, we have to deal with boilerplate law here in trying to deal with this. This doesn't make any sense. Why doesn't it relate specifically to financing?

SENATOR SAMPSON: Through you, Mr. President. Senator Winner, basically, if

we were only concerned about homeowner information, whether there was plumbing, whether there was piping in the unit, we wouldn't be in this foreclosure crisis that we're in.

Basically, you provide them all the information that is possible to them so they can make a rational decision. And to me, all information is relevant, especially when you're engaging in these contracts.

SENATOR WINNER: Well, Senator, you agreed with me before, that you said that the phrase "homeowner information" drove the meaning of --

ACTING PRESIDENT VALESKY: Excuse me, Senator Winner.

Senator Johnson, why do you rise?

SENATOR CRAIG JOHNSON: Point of order, Mr. President.

Again, I just wish to remind that I think all questions go through you. I think that's how the debate should happen within the body of the Senate.

ACTING PRESIDENT VALESKY:

Senator Winner, are you asking Senator Sampson to yield to another question?

SENATOR WINNER: No, I'll speak on the bill. I'll speak on the bill.

ACTING PRESIDENT VALESKY: Senator Winner, on the bill.

SENATOR WINNER: Mr. President, you know, this is not a press release, this proposal here. This is not a bill designed to make a statement about the fact that we all know that the financing crisis in this state and in this country has contributed to the financial collapse of our economy and that the fact of the matter is that we should have proper disclosures as it relates to financing arrangements.

But, you know, you just don't get up and say that that's you're going to do and then put a bill in front of us that is so completely ridiculously drafted that it makes no sense as to how it's operating.

First of all, you make reference to the fact that you're going to be providing basic homeowner information. Then you

include -- that drives or modifies the whole statute. And then you say that it's going to be applicable to commercial mortgages. Well, "homeowner information" does not modify commercial obligations or commercial mortgages.

You also say that you're supposed to attach a form relating to commercial transactions. The form doesn't even mention "commercial." It says that you're going to be referring these people to home loan counselors doing business and that they're all involved with home loans, not with commercial loans.

So why are you including commercial in -- why are you putting a form that talks about seeing a home loan counselor when you're getting a commercial loan to go build a shopping center? Now, I talk about dumb, and that is beyond dumb. That is just plain onerous to comply with. You don't have that type of burden placed upon a borrower --

SENATOR SAMPSON: Mr. President.

ACTING PRESIDENT VALESKY: Senator Sampson, why do you rise?

SENATOR SAMPSON: I rise to indicate to Senator Winner there's no problem, but when you start indicating individuals are dumb in a piece of legislation --

SENATOR WINNER: I didn't say that.

SENATOR SAMPSON: No, no, no. I think you're going too far. There's a sense of order, decorum and respect here that I have for all our members. But if you want to go down that road, I will go down that road with you.

SENATOR WINNER: Is there a point of order to --

ACTING PRESIDENT VALESKY: Senator Winner, Senator Sampson's point is well-taken.

Do you wish to continue to speak on the bill?

SENATOR WINNER: Yes, I do.

ACTING PRESIDENT VALESKY: Senator Winner, on the bill.

SENATOR WINNER: First of all, I only made reference to the fact of what was

dumb was the fact that this language does not make sense to drive the intent that you wish to drive, and that is to provide protections against homeowners who might get into bad loans.

If you want protection against homeowners to get into bad loans, talk about home loans. Don't talk about commercial loans. Don't talk about forms attached to commercial contracts that relate to home loans when it doesn't make any sense.

You also state in the bill, on page 2, that you understand that -- now you're advising a borrower who has signed this contract, who has signed this notice that says that he -- that "I understand that I have the right to consult with a home loan counselor at the time of entering into the contract until the execution of the financing documents." Where in anybody's imagination does it give you that right to do that in this bill? It doesn't make any reference to that whatsoever.

You're not giving anybody the right to impair the contract that they signed. What

if the contract had no contingencies with regard to financing? What if the contract was involving a commercial property? There's no right that you've given to a borrower to be able to say "Stop the closing, we're not going forward, I'm going to consult with my home loan counselor." That's ridiculous. That is not what the bill says.

So why don't you take this thing back, redraft it, make it a disclosure information bill that relates to homeownership requiring that there be better information provided to borrowers as it relates to real estate financing contracts for home ownership. Leave commercial people out of it. Don't have the -- don't mislead people that you're giving them rights that they don't have. And give the real estate industry -- lawyers, title companies and all that are impacted by this type of legislation -- better direction as to what they're supposed to do.

ACTING PRESIDENT VALESKY: Thank you, Senator Winner.

Senator Thompson, why do you rise?

SENATOR THOMPSON: I just wanted to ask, through you, Mr. President, if Senator Winner would yield for just one question.

ACTING PRESIDENT VALESKY: Senator Winner, do you yield for a question?

SENATOR WINNER: Yes.

ACTING PRESIDENT VALESKY: The Senator yields.

SENATOR THOMPSON: Through you, Mr. President, if Senator Winner could say whether or not any businesspeople or people who own property in the state who live in that property actually have their property in their business name, their residential property is owned in the name of their business.

SENATOR WINNER: Well, I would presume they do.

SENATOR THOMPSON: Okay. One last question.

ACTING PRESIDENT VALESKY: Senator Winner, do you continue to yield?

SENATOR WINNER: Certainly.

SENATOR THOMPSON: So, you know, I do have a number of friends who are

contractors and developers, who are also insurance agents, and a couple that are physicians that actually do have their name -- their residential property is in the name of their business.

So I don't think there's a one-size-fits-all, as my colleague is suggesting.

And while I understand his passionate concern, I think we must also remember that there are indeed many New Yorkers who run small businesses, and some with big businesses, who actually have their residential property in a commercial name that they sleep in each and every day. Some people actually finance their residential property with their business, for a variety of reasons that many of us know.

So I just wanted to say I know he was really passionate. I respect his passion. But I think that my colleague Senator Sampson has introduced a good bill, and we should respect that and also at all times remain collegial to our colleagues, whether we agree

or disagree.

ACTING PRESIDENT VALESKY: Senator Thompson, did you have an additional question for Senator Winner?

SENATOR THOMPSON: No, I'm fine. Thank you.

ACTING PRESIDENT VALESKY: Senator Savino, on the bill.

SENATOR SAVINO: Thank you, Mr. President.

First, I want to commend Senator Sampson for bringing this bill forward.

And as it was stated by some of my colleagues, we did discuss this at great length in the Judiciary Committee, and many of the points that were raised were well-taken and I believe that the legislation as it is before us now has been changed to reflect some of the very valid points that were brought up, particularly by Senator Bonacic and Senator Ranzenhofer at that meeting.

But I think we're getting carried away. Essentially, all this bill does is require that information be provided to

people.

Now, I've shared with some of my colleagues before that the most terrifying thing I have ever done in my life was to buy a house the first time. It is the biggest commitment a person will make. Most mortgages last longer than most marriages in this state. And when you go to a closing, it is incredibly scary, because it's like walking into the middle of a movie where everybody knows what's happening but you. And you are the person who is responsible for every paper that you sign there that day.

And I tell people all the time if I had not had the benefit of, one, some money to put down on a house, two, my own attorney that was provided to me through my legal benefit fund, and a SONYMA mortgage, I could have very easily fallen victim to a subprime loan like millions of Americans have. It is a very complicated process.

And all this bill says is that at the point of the signing of the contract that you attach a single piece of paper that tells

people that these are the questions that you might want to ask. You don't have to, but these are the things that you should ask questions about.

And it's not uncommon for us to attach pieces of paper to residential contracts of sale. We do it with the lead-paint disclosure law. Every lawyer that practices real estate law in New York State knows when you hand a contract to the person, attached to it is the lead-paint disclosure form. This is just another piece of paper with instruction and information -- excuse me, with instruction and information --

ACTING PRESIDENT VALESKY: Senator Winner, why do you rise?

SENATOR SAVINO: -- that people can avail themselves to if they so choose.

ACTING PRESIDENT VALESKY: Excuse me, Senator.

Senator Winner, why do you rise?

SENATOR WINNER: Will Senator Savino yield to a question?

ACTING PRESIDENT VALESKY:

Senator Savino, do you yield?

SENATOR SAVINO: Sure.

ACTING PRESIDENT VALESKY: The Senator yields.

SENATOR WINNER: Senator, you indicated that this is a simple form to attach to a residential real estate contract. Can you tell me why you should attach this form for the sale of the Empire State Building?

SENATOR SAVINO: That is -- because you know, Senator -- through you, Mr. President. Let's assume that the person who has the money to buy the Empire State Building may not be the most sophisticated buyer. He may just have a lot of money. So all we're providing to him, Senator Winner, is a list of people that he might want to consult in case he's not that bright.

SENATOR WINNER: Would Senator Savino yield?

ACTING PRESIDENT VALESKY: Senator, do you continue to yield?

SENATOR SAVINO: Yes, I do.

SENATOR WINNER: Senator Savino,

the Empire State Building buyer I understand is not going to be very sophisticated, only a billion dollars or so or maybe a few.

But notwithstanding that, how about Wal-Mart? Do you think that Wal-Mart buying a piece of property, you know, Wal-Mart Corporation ought to have that homeowner disclosure form attached to that contract?

SENATOR SAVINO: Through you, Mr. President. I can't believe I'm going to say that, but I think even Wal-Mart is entitled to a little financial literacy. Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Savino.

Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I also want to rise and commend our Judiciary chair, Senator Sampson, for bringing this bill forward.

And I must admit I find that a lot of the protests about this are really picking out -- missing the forest for the trees.

This is a very straightforward requirement that -- it's not something that overly burdens brokers or lawyers. And I really hope that everyone gets the message with this bill that we've had a long period of time where people of modest means in New York have been taken advantage of. There are people who have benefited from the housing bubble and from the expansion of the use of complex, misleading, and often very destructive forms of mortgage loans.

This is a bill that in a very -- this is not overregulation. It simply provides notification to a purchaser. It's like the red flag to say: Here are things that might be coming your way. And it has a very modest list of some of the kinds of mortgages that people should watch out for -- interest-only mortgages, negative amortization loans, this sort of thing -- so that people will at least have that signal to say wait a minute.

You know, it doesn't -- does it solve the mortgage crisis? No. But is it an

absolutely prudent, simple step that we can take to ensure that New Yorkers have every opportunity to think twice before entering into a loan that they shouldn't enter into? Yes.

And I'd suggest that, since the way this is structured it requires that the disclosure form be provided as a part of a contract of sale, it doesn't double-burden lawyers and brokers, as has been suggested.

The point is that someone, one of the people who's trying to bring this transaction to fruition is going to have to make sure that the would-be purchaser gets this document, because otherwise the person could conceivably get out of the deal. So the broker or the lawyer, they'll make sure that somebody has provided this document. It provides a little bit of a warning.

But I would suggest that, you know, we have had too many years, I'm afraid, of concern for those who profit from the financial misfortunes of others. The mortgage market was out of control. Senator Klein has

mentioned that he held hearings. The overwhelming majority of people in New York State who were victimized by these questionable mortgages were in fact eligible for regular fixed-rate mortgages. They were told and they were sold on other products.

So I think Senator Sampson's bill is an excellent step towards, you know, sanity in this area. And again, this is the most modest type of step. This is not where you get people coming in and saying we need massive government regulation and, you know, we're going to have a very intrusive system. This is a very modest provision. It simply provides people with a red flag, with the warning. It's got language that, you know, is easily understood.

And I really -- frankly, you know, if Tishman Speyer is selling the Empire State Building to Harry Helmsley, I'm not really that worried about whether or not they get this counseling. This is broadly drafted to make sure that anyone who is a person of modest means who might be entering into a

document which could be for a residence, it could be for a modest commercial property, has notice that they should take another look and that there is counseling available.

So I commend Senator Sampson for this. I think that we've had too much time in this country and this state worrying about the bankers and not about the people who were abused by the mortgages. And as we move forward into a new era, I think this is a good step in the right direction to make sure that we err on the side of protecting consumers.

Thank you, Senator Sampson, for bringing this bill forward.

ACTING PRESIDENT VALESKY: Thank you, Senator Schneiderman.

Senator Klein.

SENATOR KLEIN: Mr. President, on behalf of the sponsor, can we lay this bill aside for the day.

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

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

SENATOR KLEIN: Mr. President, can we please return to the order of motions and resolutions.

I believe Senator Thompson has a resolution at the desk. I ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT VALESKY: Motions and resolutions.

The Secretary will read.

THE SECRETARY: By Senator Thompson, Legislative Resolution Number 385, memorializing the deaths of the passengers and crew members of Continental Airlines Flight 3407, as well as one resident of Clarence Center, New York.

Whereas --

ACTING PRESIDENT VALESKY: Excuse me. The Secretary will read a resolution that memorializes the passing of those who have lost their lives in the airline disaster. We would appreciate silence for that process. Thank you.

The Secretary will continue to

read.

THE SECRETARY: "WHEREAS, This Legislative Body recognizes the tragedy of the crash of Continental Airlines Flight 3407 on Thursday, February 12, 2009, in Clarence Center, New York, and the devastation and unfortunate loss of life sustained by the victims and their loved ones; and

"WHEREAS, Continental Airlines Flight 3407 crashed into a home near Buffalo, New York, taking the lives of all 44 passengers, five crew members, and one person in the home; and

"WHEREAS, The passengers on board Continental Airlines Flight 3407 from the Buffalo region were: David Borner, Linda Davidson, Ron Davidson, Alison Des Forges, John Fiore, Brad Green, Zhaofang Guo, Steve Johnson, Kevin Johnston, Ellyce Kausner, Nicole Korczykowski, Jerome Krauski, Brian Kuklewicz, Bethany Kushner, Donald McDonald, Dawn Monachino, Jennifer Neill, Mary Pettys, Darren Tolsma, Susan Wehele and Ernest West; and

"WHEREAS, The other passengers on board Continental Airlines Flight 3407 were: Mary Abraham, George Abu-Karem, Larry Beutel, Beverly Eckert, Ron Gonzalez, Ruth Harel-Katz, Georges Karm, Sean Lang, Madeline Loftus, Lorin Maurer, Coleman Mellet, Dawn Mossop, Donald Mossop, Shawn Mossop, Gerry Niewood, Jonathan Perry, Ferris Reid, Julie Ries, John Roberts, Kristen Safran, Jean Smecz, Shibin Yao and Clay Yarbor; and

"WHEREAS, The crew members of Continental Airlines Flight 3407 were: Flight Attendants Donna Prisco and Matilda Quintero; First Officer Rebecca Shaw; Captain Marvin Renslow; and Captain (off duty) Joseph Zuffoletto; and Douglas Wielinski was in his home when the plane went down; and

"WHEREAS, One of the passengers, Beverly Eckert, was the widow of Sean Rooney, a Buffalo native who lost his life in the September 11, 2001, terrorist attack on the World Trade Center; and

"WHEREAS, Four people were injured at the crash site, including a mother and

daughter inside the house that was hit. In addition, two firefighters received medical attention for smoke inhalation and minor injuries; and

"WHEREAS, Continental Connection Flight 3407, a 74-seat turboprop, was en route from Newark, New Jersey, to Buffalo, New York, when it went down around 10:20 p.m., approximately seven miles from Buffalo Niagara International Airport. All possible causes of the crash of Flight 3407 are being investigated; and

"WHEREAS, On behalf of the people of the State of New York, the members of this Legislative Body offer their most sincere, heartfelt condolences to the families and friends of the passengers and crew members, and the family of the one person on the ground, who lost their lives in the crash of Continental Airlines Flight 3407; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize the deaths of the passengers and crew members

of Continental Airlines Flight 3407, as well as one resident of the house destroyed in Clarence Center, New York; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the families of the victims of Continental Airlines Flight 3407."

ACTING PRESIDENT VALESKY: Senator Thompson, on the resolution.

SENATOR THOMPSON: First, Mr. President, I want to start by thanking my colleague Senator Mike Ranzenhofer, who invited Pastor Randy Milleville from Clarence Center Zion Lutheran Church to do today's prayer. So I want to thank Senator Ranzenhofer for inviting him here.

But let me also just emphasize as well that, you know, when I was home watching the news that night, it was a really tragic, tragic feeling just to see it come up on the news. But this traumatic and unexpected event has once again shown Western New Yorkers that they have deep compassion, sympathy, and many people have come out in various ways to show

their support for the families who lost so many individuals.

With the loss of 50 lives, many of which had ties to Western New York -- a number of them who actually did reside in our district -- experts have advised that this is the deadliest crash in aviation in the continental United States in the last two or three years.

Over this weekend, as recent as yesterday, I attended a number of funerals. And there were many heavy hearts and overwhelming support for the grief-stricken families. And many of the family members really were -- it was very difficult for them.

In fact, whether it was yesterday at Alison Des Forges' funeral, who was an activist in the peace movement in Western New York and also internationally, with the human rights campaign -- it was very, very difficult to be there. And to see so many dynamic people who were on that plane to really have to lose their lives so suddenly was very, very tragic. Very tragic.

One last thing I would say. On Saturday -- I do a lot with the military organizations in the district, and so I had the opportunity to go to the funeral for a gentleman from Grand Island, his name was John Fiore, who actually grew up in Niagara Falls but he moved to Grand Island. But he still maintained a lot of those roots. And he was a retired Air Force sergeant.

And many people's hearts were heavy that day. I'll never forget the sight of his son, who was a very muscular gentleman with a short haircut as well, very, very distraught that day, unprepared for that reality.

And so I just say that our hearts are heavy for them. You never know when things like this will happen. But I think it's the right thing for us to say a prayer for all of the families.

And, in addition, to the people who live in all of Western New York and in the state, I'm sure that all of my colleagues had folks calling and asking them about the situation whether you live in Western New York

or any other part of the state. But people were very concerned. And any time something of that nature happens, it doesn't just happen to one person in New York, it happens to all New Yorkers.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Thompson.

Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you.

This is probably -- not probably, is the most tragic day in my memory that happened in Western New York, in the heart of my community that I've lived in for over 30 years, just a few miles from my home.

I did not learn about this terrible tragedy until the following morning, when I saw it on TV. And we immediately went over to a neighboring community, with Senator Stachowski and some of the other representatives. The Governor flew in to meet with some of the families of the victims of Flight 3407.

There's nothing that prepares you

for meeting with victims of -- who have just lost their loved ones in such a tragic way. And on that morning it was the families that had lost loved ones, you know, were very sad, but they were happy to see that there were people there that cared about them that and that they were being treated very well.

The Governor flew in immediately that morning. I had an opportunity to talk with a couple who had lost their daughter who was expecting their first child. It was just a very, very sad event.

It's even sadder when you know some of the people that were on that plane. There was a young girl in law school down in Florida, in her second year, who had worked me a couple of years ago as an intern. My daughter's soccer coach, who I had known when he grew up and lived about 10, 12 houses from me for many, many years, was on that plane. And it really does tear a community apart.

The response to the tragedy really does bring out the best in people and brought out the best of those in Western New York.

The fire company is probably less than a hundred yards away from where the plane went down. And when you go to the site, you just can't understand and believe how the plane just hit one house and didn't take out other houses or the rest of the neighborhood. It could have been even more tragic to the neighborhood than it was.

But the Clarence Center Volunteer Fire Company was tremendous in their response. And there were many fire companies that responded to put out the fire, which lasted almost a full day. It lasted till -- the next day, it was still smoldering.

The Red Cross was tremendous in providing the help that they did. The New York State Police, the Erie County Sheriff's Department, National Traffic Safety Board. There were just so many, so many people that were participating. The Erie County Health Department. Many counselors. There were many church services for the community to come together in their grieving.

And as we speak today, the scars

are still there. They're readying the area for people to return to their homes. The people that live in the neighborhood, you know, are still reluctant to want to go back to that site. The memories are still there even though everything has been plowed over and smoothed out to make it look nice.

It's a day which our community will never forget, both the tragedy and how the community came together. I think the Reverend in his prayer spoke of what this community is grieving about right now. And it will take a long time. It will take a very long time to put the community back together again. But we are a resilient community, we are a very strong community, and we'll be able to do that.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Ranzenhofer.

Are there any other Senators who wish to be heard on the resolution?

Seeing none, the question is on the resolution. All in favor signify by saying

aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

At the request of the sponsor, the resolution is open for multisponsorship. Any member wishing not to multisponsor this resolution should so inform the desk.

At this time would all those present in the chamber and in the gallery please rise and bow your heads with me for a moment of silence in honor of the lives lost in the crash of Continental Express Flight 3407 on February 12, 2009.

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

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, would you please recognize Senator Ruth Hassell-Thompson for an announcement at this

time.

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Senator.

Mr. President, there will be a meeting of the Majority Conference in the Majority Conference, Room 332, immediately following today's session.

ACTING PRESIDENT VALESKY: There will be a meeting of the Majority Conference in the Majority Conference Room, 332, immediately following session.

Senator Klein.

SENATOR KLEIN: Mr. President, I move to adjourn until Tuesday, February 24th, at 3:00 p.m.

ACTING PRESIDENT VALESKY: Senator Klein, seeing no further business at the desk, on motion, the Senate stands adjourned until Tuesday, February 24th, at 3:00 p.m.

(Whereupon, at 4:25 p.m., the Senate adjourned.)