NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 8, 2010

3:29 p.m.

REGULAR SESSION

SENATOR NEIL D. BRESLIN, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

I ask all to rise and repeat the Pledge of Allegiance.

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

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

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

ACTING PRESIDENT BRESLIN: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Sunday, February 7, the Senate met pursuant to adjournment. The Journal of Saturday, February 6, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT BRESLIN: 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 you have a resolution at the desk. I ask that the resolution be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT BRESLIN: Senator Klein, has this resolution been deemed privileged and submitted by the office of the Temporary President?

SENATOR KLEIN: Yes, it has, Mr. President.

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: By Senator Breslin, Legislative Resolution honoring the Twin Rivers Council upon the occasion of celebrating the 100th Anniversary of the Boy Scouts of America.

"WHEREAS, It is the sense of this

Legislative Body to honor the youth of today, and leaders of tomorrow, whose character and achievements best exemplify the ideals and values cherished by this great state and nation; and

"WHEREAS, The Boy Scouts of America and its members are dedicated to the development of character and leadership in the youth of this nation; and

"WHEREAS, attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to honor the Twin Rivers Council upon the occasion of celebrating the 100th Anniversary of the Boy Scouts of America; and

"WHEREAS, to observe this auspicious anniversary, the Twin Rivers Council has planned numerous events, some of which have already taken place and some to occur. On February 8, 2010, the official birthday of BSA will be celebrated with Centennial Scouting Day. A scouting display at the New York State Museum will showcase scouting memorabilia and historic scouting

artifacts. In March of 2010, the Scout Mall Show will exhibit the great things benefitted through scouting to all shoppers at numerous venues. In June of 2010, the Centennial Eagle Recognition Dinner will be held to both recognize current Eagle Scouts and identify and energize Eagle alumni of all ages. In September of 2010, the pilgrimage to Silver Bay on Lake George, the site of scouting's first camp and training site, will include a dinner, historical reenactment, silent auction, and limited-issue memorabilia. And the year-long celebration will culminate with the 100th Anniversary Camporee, to be held October 1-3, 2010, at Saratoga State Park; and

"WHEREAS, The purpose of the Boy Scouts of America, incorporated on February 8, 1910, and chartered by Congress in 1916, is to provide an educational program for boys and young adults to build character, to train in the responsibilities of participating citizenship, and to develop personal fitness; and

"WHEREAS, The Twin Rivers Council provides scouting within the following 13

counties: Albany, Clinton, Columbia, Essex, Franklin, Fulton, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady, Warren, and Washington; and

"WHEREAS, Community-based organizations receive national charters to use the scouting program as a part of their own youth work. These groups, which have goals compatible with those of the Boy Scouts of America, include religious, educational, civic, fraternal, business, labor organizations, governmental bodies, corporations, professional associations, and citizens' groups; and

"WHEREAS, In 2009, over 500,000 hours of community service were completed by Scouts and volunteers throughout the State of New York; and

"WHEREAS, Furthermore, over 350,000 youth were served by more than 60,000 adult volunteers who coached, guided and led them through scouting programs; and

"WHEREAS, There are more than 6,000 Boy Scouts of America units -- packs, troops, crews, posts, and groups -- which are

chartered by schools, churches, service clubs, fraternal orders, and other community groups across the State of New York; and

"WHEREAS, This year, over 60,000 Cub Scouts, Boy Scouts, and leaders participated in approved camping programs in New York State, and over 700 Scouts earned the prestigious rank of Eagle Scout; and

"WHEREAS, The Boy Scouts of America have so manifestly contributed to the preservation of those treasured ideals of compassion, honor, preparedness and concern for others which are so paradigmatic of our American heritage; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor the Twin Rivers Council upon the occasion of celebrating the 100th Anniversary of the Boy Scouts of America; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Twin Rivers Council, Boy Scouts of America."

ACTING PRESIDENT BRESLIN: I'll take liberties of the chair for a moment and

welcome Steve Silverman, the director of the Twin Rivers Council, Bob Bullock, the chair of the 100th Anniversary events, and an old and dear friend of not only myself but the entire Legislature, former Assemblyman Fred Field.

In addition, New York State is the home and the Boy Scouts of America were founded here. There are over 350,000 Boy Scouts and alumni, either existing Boy Scouts or alumni. The first headquarters was in New York City, at the YMCA. And their first summer camp in the United States was at Silver Bay on Lake George, in the district of Senator Betty Little.

So let's all welcome the Scouts for being here, and in recognition of the 100th Anniversary of the Boy Scouts of America.

(Applause.)

ACTING PRESIDENT BRESLIN: Senator Smith.

SENATOR SMITH: Thank you very much, Senator Breslin.

I do want to make a comment about the Boy Scouts. Prior to, I do just want to acknowledge the fact that I have a University

of Albany ambassador that is shadowing me today by the name of Debby Brown. And Debby just wanted to say hello to everybody. She is learning the ways of the Senate. I told her this is a very quiet time for us as a body.

(Laughter.)

SENATOR SMITH: There are the moments.

But with regard to the resolution, I do want to congratulate Senator Breslin for this resolution honoring the Boy Scouts on their hundredth year. I myself was a Boy Scouts, spent some time at Ten Mile River, got thrown in the lake, and that's where I learned how to swim.

But I do want you to understand that being a Boy Scout is a very honorable thing. It's something that you should enjoy. It teaches you a lot to deal with discipline and respect. And especially during these times when peer pressure is very high from your friends who might want you to think that being a Boy Scout isn't cool -- well, being a Boy Scout is being cool. It's being cool because you know what you stand for, you have

the strength within yourself to stand up to anyone who wants to say something that is not positive about you, and you know how to handle that.

I myself have indicated to many people that if it wasn't for the Boy Scouts, I probably wouldn't be standing on this floor today, notwithstanding other influences in my life.

So, Senator Breslin, I want to thank you for honoring them. In a way, I feel like I'm being honored myself, because I am a true Boy Scout myself. And it is so good to see so many of you here.

Thank you, and God bless.

ACTING PRESIDENT BRESLIN: Thank you, Senator Smith.

Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President. Thank you so much for taking the time to ensure that we haven't forgotten a quarter of Americans, the Boy Scouts.

Now, 2 percent of the Scouts, as you all know, become Eagle Scouts. I'm a veteran of 23 years of active duty, with my

good friend on the end, Roy McDonald, active. A lot of others here served associated with Scouts.

I guess the first time I got involved with Scouts was in Germany when a two-star general said, "We're going to build a camp for Scouts." And I said, "That's a good recon unit." He said, "No, idiot, that's the Boy Scouts of America."

So after that I learned a lot. I participated and was a director of Boy Scouts of America's National Jamboree in 1960 in Denver, Colorado.

You know, the military been a great fostering place. I know a Congressional Medal of Honor in Vince Leibell's district, Paul Bucha. When you talk to Paul, he'll say "I was appointed because they read the bottom of my resume asking to go to West Point because it said, very clearly, I am an Eagle Scout." And his Congressman said, "The only reason I appointed you was you were an Eagle Scout." He is a Congressional Medal of Honor winner and still alive today.

Scouting is very important to us.

Too often people don't think of it. I tell Scouts when I meet them, "Don't sit down in the back of the car so somebody won't see you, sit up tight and straight. Let your mothers and fathers and grandparents and aunts and uncles see you and know that you're doing something that is right for you, for your family and America."

One hundred years. We want to make sure that that generation starting today will stand tall, because numbers and numbers and numbers of our armed forces -- for our men it's the Eagle, and for our females it's the Gold Award. So don't forget your sisters in service for scouting.

ACTING PRESIDENT BRESLIN: Thank you, Senator Larkin.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

I would like to join my colleagues in recognizing the Twin Rivers Scout Council, in that they represent -- all six of my counties are members of Twin Rivers. And Silver Bay, yes, is on beautiful Lake George

within my district.

But in doing so, I'd also like to thank all of the people, the leaders who have volunteered so many hours in the past 100 years and who are currently doing so.

And I'd also like to thank all the parents who take the time to see that their youngsters become members of scouting. And whether it's from Cub Scouts or to Eagle Scout, every young man learns something and benefits by being a member of scouting.

So congratulations upon 100 years of Boy Scouts in our country, and thank you for coming down. Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Little.

Senator Farley.

SENATOR FARLEY: Thank you, Senator Breslin.

I rise also in support of your resolution. And I thank you for bringing this forward on the hundredth anniversary of the Boy Scouts.

Now, the Twin Rivers Council, which your resolution speaks to, represents

13 counties, four of which are in my district. And I'm sure that there's some constituents in the gallery of mine and of yours and so many.

But scouting is one of the most valuable things in our society. These Eagle Scouts go on to become the cream of our society and rise to the highest levels in our society because of what they learned in scouting. The Twin Rivers has been one of the most successful Boy Scout councils in the United States. It also has one of the most beautiful facilities, Lake George.

And not only do we welcome them here, I wish them well. And I know that they're a very, very large part of our state and of our nation, and we're very, very pleased to rise in support of this resolution.

ACTING PRESIDENT BRESLIN: Thank you, Senator Farley.

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

I too rise in support of the resolution. Scouting has been a great tradition for over a hundred years. And the

unfortunate reality is they keep diminishing. Their numbers are coming down because they've been forced out of some of our public schools and public sectors because of their Scout oath and for other reasons.

They no longer have the meeting halls they used to be able to have, and being able to congregate. Which is unfortunate, because they are really a great organization.

I have a Scout Troop 20 that's meeting in the same hall for 100 years, the New Utrecht Reformed Church, when they started back a hundred years ago. Troop 20 is still meeting at that location. That is something that we are all very, very proud of.

And you know what, you may not grow up to be an Eagle Scout, but there is scouting in many of our corporate leaders, and many of our battlefield generals and battlefield commanders today have scouting tradition within them.

Even Senator Schneiderman, I understand, has some scouting in him -- I don't know how, but he does. And I don't know if he went to Eagle Scout -- did he? No, he's

a good man. He's a good man. I congratulate him for being in scouting.

But I will tell you that in our area down in Brooklyn, New York, and Staten Island, the kids from around the City of New York, they get an opportunity to go to a place called Camp Pouch. Now, this is in the middle of Staten Island. It's beautiful. And the scouting world and the scouting, I guess, corporate is getting ready or contemplating closing that location.

And I need the support, and I know we have the support of Senator Savino and Senator Lanza here in this body to make sure that that doesn't happen, that this tradition of Pouch remains in our community in Staten Island and that the kids from the inner city get an opportunity to see what scouting is all about. It's like Ten Mile River, it's really gorgeous. I mean, when you see this, it's really something to be proud of.

And I appreciate this resolution today, because it sends a signal to all of these young men and women that we support their efforts and that there should be more

scouting going on here in this great state and across this nation.

I commend their efforts, and I commend the efforts of all of the volunteers that go out there each and every week and each and every month to make a difference.

So we need your support to make sure that Camp Pouch stays as part of scouting tradition in the future and that they do not get a chance to take that away from our kids across the tristate area and across the City of New York.

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Golden.

Senator Foley.

SENATOR FOLEY: Thank you, Mr. President.

I stand also in strong support of this resolution and wish to commend the Boy Scouts of America for a hundred outstanding years. It's one of the greatest movements here in our country and in fact across the world.

Having been the former chair of the

Sunrise District on Long Island, which at one time was one of the largest districts anywhere in our country, I can tell you that the families that have been involved in scouting -- in some cases for over four generations -- have made a huge difference in the communities that we find scouting.

Attending, as we all do, a number of Eagle Courts of Honor, I think it's one of the joyful procedures that we have as elected officials to take part in those particular undertakings. And I can tell you I was at one two weekends ago, well over 200 community members were at that particular event.

And it is one of the organizations, one of the wholesome organizations that communities, families, a whole host of groups can rally around, because we know that scouting so well prepares our young people for adult lives and whatever they may do accordingly. So as one State Senator, I wish to say congratulations to this particular council.

We have out in Suffolk County Camp Baiting Hollow, which similar to what Senator

Golden mentioned earlier, at times the scouts thought of selling the property, but thankfully they haven't. We have undertaken a number of capital campaigns in order to improve those particular facilities at that camp. And luckily they've saved the camp and it's made all the difference in the world in how they've been able to use the camp for the Scouts in Suffolk County.

So again, I want to say congratulations. And to you, Mr. President, this certainly is a very worthwhile resolution; I stand foursquare behind it.

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Foley.

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

The question is then on the resolution. Will all those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The resolution is adopted.

The resolution is open to all members of the body. Anyone not wishing to be on the resolution please indicate by coming to the desk.

And we applaud all Scouts, their fathers, mothers, leaders, and all in the gallery who support Boy Scouts.

(Applause.)

ACTING PRESIDENT BRESLIN: Senator Klein.

SENATOR KLEIN: Mr. President, I believe Senator Montgomery has a resolution at the desk. I ask that the title of the resolution be read and move for its immediate adoption.

ACTING PRESIDENT BRESLIN: Senator Klein, has this resolution been deemed privileged and submitted by the office of the Temporary President?

SENATOR KLEIN: Yes, Mr. President.

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: By Senator Montgomery, legislative resolution honoring Amy Sumner for her community service and advocacy on behalf of school-based health Centers in Brooklyn, New York.

ACTING PRESIDENT BRESLIN: The question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we please move to a reading of the calendar.

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: Calendar Number 38, by Senator Aubertine, Senate Print 1677A, an act to amend the Agriculture and Markets Law, in relation to notification.

ACTING PRESIDENT BRESLIN: Read

the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 41, by Senator Serrano, Senate Print 3351A, an act to amend the Parks, Recreation and Historic Preservation Law, in relation to membership.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BRESLIN: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 45, by Senator Dilan, Senate Print 3514, an act to amend the General Municipal Law, in relation to authorizing.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 57. Nays, 2. Senators Ranzenhofer and Marcellino recorded in the negative.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 46, by Senator Breslin, Senate Print 5111, an act to amend the General Municipal Law and the

Civil Service Law, in relation to providing health services.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BRESLIN: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 47, by Senator Stewart-Cousins, Senate Print 5601, an act to amend the General Municipal Law, in relation to allowing not-for-profits.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN:

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: I'm going to vote no.

I think the problem with this bill is that it authorizes counties to allow non-for-profits to take advantage of their purchasing in bulk, apparently. And it says any non-for-profit corporations that provide a service to a county. That's pretty darn broad and it's got to be an absolute administrative nightmare for any county.

Granted, they say the county can impose whatever restrictions they want. But if they can impose whatever restrictions they want, can they say no, we just don't want to do this? So I just think it's too loosely worded, and I'm going to vote no for that reason.

ACTING PRESIDENT BRESLIN:

Senator DeFrancisco will be recorded in the negative.

Senator Bonacic, to explain his

vote.

SENATOR BONACIC: Thank you, Mr. President.

I look at this a little differently. A lot of small businesses actually sell products to the not-for-profits. And what you're going to do is you're going to allow the not-for-profits to go to a county arrangement that might be cheaper and not do business with the small businesses who are out there paying taxes and creating jobs.

For that reason, I'm going to vote no. Thank you, Mr. Chairman.

ACTING PRESIDENT BRESLIN: Senator Bonacic will be recorded in the negative.

Are there any other Senators wishing to be heard?

Senator LaValle, to explain his vote.

SENATOR LaVALLE: Thank you, Mr. President. Just very briefly.

I think this bill comes up at the wrong time with small businesses being so fragile. And I think Senator Bonacic made a

good point, and I'm going to vote at this time in the negative.

ACTING PRESIDENT BRESLIN: Senator LaValle to be recorded in the negative.

Senator Little, to explain her vote.

SENATOR LITTLE: Thank you, Mr. President.

I'm also going to vote in the negative on this bill, because I believe that it expands -- it certainly creates more work for the county for not-for-profits to be able to purchase through the county offices. But there are many, many not-for-profits.

And I imagine the next step would be for any not-for-profit to be able to purchase through and on the county contracts. And I think that small business in every area where these not-for-profits were operating would be affected by that. So I am a negative vote.

Thank you.

ACTING PRESIDENT BRESLIN: Senator Little will be recorded in the

negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 47 are Senators Bonacic, DeFrancisco, Flanagan, Golden, Griffo, O. Johnson, LaValle, Little, Marcellino, Skelos. Also Senators Ranzenhofer and Larkin. Also Senator Saland. Also Senator Winner.

Ayes 45. Nays, 14.

ACTING PRESIDENT BRESLIN: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 49, by Senator Sampson, Senate Print 2852, an act to amend the Public Officers Law, in relation to expanding the definition.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN:

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 54, by Senator Sampson, Senate Print 2971, an act to amend the Estates, Powers and Trusts Law, in relation to waiver.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 55, by Senator Sampson, Senate Print 5588A, an act to amend the Domestic Relations Law, in relation to the use of proceeds.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 60, by Senator Oppenheimer, Senate Print 6154B, an act to amend the Education Law, in relation to teachers' rights.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect September 1.

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BRESLIN: the bill is passed.

THE SECRETARY: Calendar Number 62, by Senator Adams, Senate Print 3284, an act to amend the Civil Service Law, in relation to providing.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 64, by Senator C. Johnson --

SENATOR KLEIN: Lay the bill aside for the day.

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

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

SENATOR KLEIN: Mr. President, can we please stand at ease while we await a message from the Assembly.

ACTING PRESIDENT BRESLIN: The Senate will stand at ease pending a message from the Assembly.

(Whereupon, the Senate stood at ease at 3:56 p.m.)

ACTING PRESIDENT BRESLIN: Senator Klein.

SENATOR KLEIN: Mr. President, I believe Senator Skelos has an announcement about the conference.

ACTING PRESIDENT BRESLIN: That would be Senator Libous.

Senator Libous.

SENATOR LIBOUS: Mr. President, there will be an immediate Republican conference now.

ACTING PRESIDENT BRESLIN: There will be an immediate Republican conference now.

(Whereupon, the Senate reconvened

at 5:12 p.m.)

ACTING PRESIDENT BRESLIN: Senator Klein.

SENATOR KLEIN: Mr. President, can we return to the order of messages from the Assembly.

ACTING PRESIDENT BRESLIN: Returning to the order of messages from the Assembly.

Senator Klein.

SENATOR KLEIN: Mr. President, is there a message regarding Assembly Bill Number 9544, which was previously passed by both houses, vetoed by the Governor, and overridden by the Assembly?

ACTING PRESIDENT BRESLIN: Senator Klein, the chair hands down a message from the Assembly.

The Secretary will read.

THE SECRETARY: Assembly Print 9544, by Member of the Assembly Silver, an act to amend the Executive Law.

ACTING PRESIDENT BRESLIN: Senator Klein.

SENATOR KLEIN: Mr. President, I

now move to override the Governor's veto of Assembly Bill Number 9544.

ACTING PRESIDENT BRESLIN: The Secretary will read the title of the bill.

THE SECRETARY: Calendar Number 18, by Member of the Assembly Silver, Assembly Print Number 9544, Veto Number 1, an act to amend the Executive Law.

ACTING PRESIDENT BRESLIN: The bill is before the house.

Senators, I put the question before you: Ought the same become a law notwithstanding the veto of the Governor?

The Secretary will read the last section.

SENATOR LIBOUS: Excuse me, Mr. President, point of order.

ACTING PRESIDENT BRESLIN: Senator Libous.

SENATOR LIBOUS: Could you clarify the way the resolution is written? A no vote means what, and a yes vote means what?

ACTING PRESIDENT BRESLIN: A yes vote will override the Governor's vote, if successful, thus making the bill a law.

If you vote nay, you uphold the Governor's veto.

SENATOR LIBOUS: Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: The Secretary will read the last section.

Would you like that repeated?

SENATOR FUSCHILLO: Yes.

ACTING PRESIDENT BRESLIN: To repeat, a vote to override the Governor's veto, an aye vote, if it is successful, it will become law.

If you vote no or nay, you uphold the Governor's veto, if successful.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Point of order.

Can you read the actual resolution? Because I heard it differently.

ACTING PRESIDENT BRESLIN: I put the question before you: Ought the same become a law notwithstanding the veto of the Governor?

SENATOR DeFRANCISCO: Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 37. This act shall take effect July 31 --

SENATOR LIBOUS: Excuse me.

ACTING PRESIDENT BRESLIN: Senator Libous.

SENATOR LIBOUS: Is it not customary to ring the bell?

ACTING PRESIDENT BRESLIN: We will be more than happy to ring the bell.

SENATOR LIBOUS: Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: The Secretary will ring the bell.

Call the roll.

Senator Johnson, why do you rise?

SENATOR CRAIG JOHNSON: I request a slow roll call for this vote, Mr. President.

(A majority of Senators rise.)

(Laughter.)

ACTING PRESIDENT BRESLIN: The chair recognizes that more than five members have risen, and a slow roll call will now take place.

THE SECRETARY: Senator Adams.
SENATOR ADAMS: I'm going to be open about it. Aye.
THE SECRETARY: Senator Addabbo.
SENATOR ADDABBO: Yes.
THE SECRETARY: Senator Alesi.
SENATOR ALESI: No.
THE SECRETARY: Senator Aubertine.
SENATOR AUBERTINE: Aye.
THE SECRETARY: Senator Bonacic.
SENATOR BONACIC: No.
THE SECRETARY: Senator Breslin.
ACTING PRESIDENT BRESLIN: Aye.
THE SECRETARY: Senator DeFrancisco.
SENATOR DeFRANCISCO: No. But can I explain my vote?
ACTING PRESIDENT BRESLIN: Senator DeFrancisco, to explain his vote.
SENATOR DeFRANCISCO: We had made several attempts to amend the prior legislation that were not accepted. I think for that reason alone, the bill should not become law.

For that reason, I vote no.

ACTING PRESIDENT BRESLIN: Senator DeFrancisco will be recorded in the negative.

The Secretary will continue to read.

THE SECRETARY: Senator Diaz.

ACTING PRESIDENT BRESLIN: Senator Diaz, to explain his vote.

SENATOR DIAZ: Thank you.

I believe that not until we get a bill that forces lawyers and everyone to declare everything, we will not have ethics. So the Governor is right in vetoing this bill, forcing to us come up with a bill where everybody, everyone -- to exclude lawyers ministers, and doctors from declaring all their clients is wrong. So I'm voting no.

ACTING PRESIDENT BRESLIN: Senator Diaz will be recorded in the negative.

The Secretary will continue to read.

THE SECRETARY: Senator Dilan.

SENATOR DILAN: Yes.

THE SECRETARY: Senator Duane.

SENATOR DUANE: Yes.
THE SECRETARY: Senator Espada.
SENATOR ESPADA: Yes.
THE SECRETARY: Senator Farley.
SENATOR FARLEY: Yes.
THE SECRETARY: Senator Flanagan.
SENATOR FLANAGAN: No.
THE SECRETARY: Senator Foley.
SENATOR FOLEY: Aye.
THE SECRETARY: Senator Fuschillo.
SENATOR FUSCHILLO: No.
THE SECRETARY: Senator Golden.
SENATOR GOLDEN: No.
THE SECRETARY: Senator Griffo.
SENATOR GRIFFO: No.
THE SECRETARY: Senator Hannon.
SENATOR HANNON: No.
THE SECRETARY: Senator Hassell-Thompson.
SENATOR HASSELL-THOMPSON: Yes.
THE SECRETARY: Senator Huntley.
SENATOR HUNTLEY: Yes.
THE SECRETARY: Senator C. Johnson.

SENATOR CRAIG JOHNSON: Yes.

THE SECRETARY: Senator O. Johnson.

SENATOR OWEN JOHNSON: No.

THE SECRETARY: Senator Klein.

SENATOR KLEIN: Yes.

THE SECRETARY: Senator L. Krueger.

ACTING PRESIDENT BRESLIN: Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you.

I agree with Senator Diaz; I want us to go further. I think we will go further. And I know that passing this bill by overriding the Governor's veto is the right step to get us there.

I vote aye.

ACTING PRESIDENT BRESLIN: Senator Krueger will be recorded in the affirmative.

The Secretary will continue to read.

THE SECRETARY: Senator C. Kruger.

SENATOR CARL KRUGER: Yes.

THE SECRETARY: Senator Lanza.
SENATOR LANZA: No.
THE SECRETARY: Senator Larkin.
SENATOR LARKIN: No.
THE SECRETARY: Senator LaValle.
SENATOR LaVALLE: No.
THE SECRETARY: Senator Leibell.
SENATOR LEIBELL: No.
THE SECRETARY: Senator Libous.
SENATOR LIBOUS: To explain my vote, Mr. President.
ACTING PRESIDENT BRESLIN: Senator Libous, to explain his vote.
SENATOR LIBOUS: Thank you, Mr. President.
I'm very disturbed today because the Governor vetoed this last week. He offered to set up five-way discussions with all the parties involved to make an ethics bill that was voted on by this house -- I believe unanimously -- an even better and tougher bill, one that goes further when it comes to financial disclosure, something that has been in the press every day, an issue that has riddled the Capitol and has many, many

people concerned.

I know my constituents, where they want a tougher ethics bill, they want a tougher one than this. They want income disclosed. They want to know who we're doing business with. They want to know who's coming into the offices to meet.

I think this is very disrespectful to the Governor, who has given us a week. And immediately the Assembly, to show their political muscle, they put it on the floor with no discussion. And yes, they passed an amendment. Well, that amendment doesn't go far enough either, because there's no financial disclosure in that amendment.

Mr. President, I'm very upset with the way this procedure is taking place. This is something that should be discussed more openly and more publicly, and it must go much, much further before the public ever accepts the accountability that's not in this bill.

I vote no.

ACTING PRESIDENT BRESLIN: Senator Libous will be recorded in the negative.

The Secretary will continue to read.

THE SECRETARY: Senator Little.

SENATOR LITTLE: No.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: No.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: No.

THE SECRETARY: Senator McDonald.

SENATOR McDONALD: Yes.

THE SECRETARY: Senator Monserrate.

SENATOR MONSERRATE: Yes.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: To explain my vote, Mr. President.

ACTING PRESIDENT BRESLIN: Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President, we all did vote last week for the bill that is before us. The Governor vetoed it. But we all came together, for once, I thought, which was very good, to come

to an agreement on the beginning of the process of improving ethics in our State Legislature.

And I'm very happy that Senator Libous is now so adamantly in support of the Governor's proposal. And certainly we all wool like to see some of the Governor's proposal come to fruition, but that's not what we're voting for now.

And notwithstanding Senator Libous's outstanding support of Governor David Paterson, I vote to override this veto.

ACTING PRESIDENT BRESLIN: Senator Montgomery will be recorded in the affirmative.

The Secretary will continue to read.

THE SECRETARY: Senator Morahan, excused.

Senator Nozzolio.

SENATOR NOZZOLIO: No.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: Aye.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: To explain my vote, please.

ACTING PRESIDENT BRESLIN: Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: I'm voting to override the veto, because I don't think anybody in this chamber believes that this is the best piece of legislation we've ever written. We all see that it is a limited piece of legislation. It is a beginning. It does not touch on things that are of great importance to me, and I know to many others, concerning campaign finance reform, concerning redistricting reform.

But this is the best question we could do right now. And it's a first step. And I applaud those of you who are going to support this first step.

Thanks.

ACTING PRESIDENT BRESLIN: Senator Oppenheimer will be recorded in the affirmative.

The Secretary will continue to read.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.

THE SECRETARY: Senator Parker.

SENATOR PARKER: Aye.

THE SECRETARY: Senator Perkins.

ACTING PRESIDENT BRESLIN:

Senator Perkins, to explain his vote.

SENATOR PERKINS:

Yeah, I'm going to once again vote yes. However, I just want to make sure that, you know, that doesn't mean that I'm fully happy with what we have before us. You know, the concerns about lawyer disclosure are significant to me because I think we need to move forward to make sure that everybody is treated equally in order to convince the public that we're really trying to do the right thing.

So I'm going to support the override, but with an emphasis on the need for us to make sure that there's one standard for all. And lawyer disclosure is a very, very significant concern of mine.

ACTING PRESIDENT BRESLIN:

Senator Perkins will be recorded in the affirmative.

The Secretary will continue to read.

THE SECRETARY: Senator Ranzenhofer.

SENATOR RANZENHOFER: No.

THE SECRETARY: Senator Robach.

SENATOR ROBACH: Yes.

THE SECRETARY: Senator Saland.

SENATOR SALAND: To explain my vote.

ACTING PRESIDENT BRESLIN: Senator Saland, to explain his vote.

SENATOR SALAND: Mr. President, during the course of the debate on this bill when the bill itself was before us, there were any number of comments to the effect that this bill was at best baby steps, that there were a host of shortcomings. There were amendments that were offered by this side of the aisle, amendments that were offered by way of equity. We all acknowledged that we could do better.

And in fact the Governor's veto has afforded us the opportunity to do that, to do it in a fashion that's bipartisan, do it in a fashion includes people from both sides of the

aisle, both houses, as well as the executive, and to come up with a product that vastly exceeds the product that we are now in the process of sustaining a gubernatorial override on.

And I would certainly hope that when the dust settles, the same zeal that presented itself when we dealt with the original bill -- notwithstanding the reluctance based on some of its shortcomings -- will address itself to dealing with the issue in the form of a five-way -- both sides of the aisle, both houses, and the Governor -- coming up with something that the people of the State of New York can be proud of.

We shouldn't accept the minimalist position that was the only game in town when we were asked to vote on it. We can do better, we will do better, and we can do it in a bipartisan fashion.

Thank you, Mr. President. I vote in the negative.

ACTING PRESIDENT BRESLIN: Senator Saland will be recorded in the

negative.

The Secretary will continue to read.

THE SECRETARY: Senator Sampson.

SENATOR SAMPSON: Yes.

THE SECRETARY: Senator Savino.

SENATOR SAVINO: Yes.

THE SECRETARY: Senator Schneiderman.

ACTING PRESIDENT BRESLIN: Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I will be voting yes in support of the override. This is my bill, after all. And I have to say that I'm disappointed that we can't lock into law, that we can't in fact pass and have enacted into law the changes that this bill would make. Because everyone concedes -- including the Governor, who I've spoken to about this quite a few times -- that everything in this bill is a positive step.

If you vote against this bill, if you're voting against this override, you're voting against a bill that would require for

the first time the reporting of independent expenditures. You're voting against a bill that would stop them from redacting our income categories, so the public can see how much we make. You're voting against a bill that for the first time would require that any lobbyist or client of a lobbyist that pays money to one of us has to disclose that.

You're voting against a lot of good stuff. And everyone concedes these are all positive steps.

And you're voting against it, even though on January 20th every one of you voted for it, because you say it doesn't far enough and we should have negotiations. Well, I'm for negotiations. I'm ready to negotiate.

Senator Libous said we should have five-ways and that there's been an effort to get five-ways. If there's been an effort to get five-ways, no one ever told anyone over here. So let's clarify that right now. I'm the sponsor of the bill. There's no five-way been called.

We can go into negotiations now. But we are going in, if you refuse to help us

override, without locking in this first positive step, without showing everyone we can get this done, without making a statement that the days of gridlock are over.

Ladies and gentlemen, I have a lot of affection and regard for many of my colleagues on the other side of the aisle. But you were in charge for decades and you never took any of these steps towards improving ethics or the campaign finance laws in this state. You never made any of these efforts.

I'm glad you're now willing to go further. I would like to go further. Every time we moved any of these provisions to the floor or attempted to bring them to the floor by a motion, you bloc-voted against them. We're now in the majority, and instead of just bloc-voting down every reform, we are actually moving things.

I think it's a shame not to lock in these changes and then go forward. If you want to deal with lawyer disclosure, I sponsor a bill, Senate 6794 -- please sign on -- that requires lawyer disclosure.

ACTING PRESIDENT BRESLIN:

Senator -- Senator, how do you vote?

SENATOR SCHNEIDERMAN: I was just leading up to that, Mr. President.

We can do better. We will do better. But the right way to approach this is not to make the perfect the enemy of the possible. We should override and then we should go into five-ways.

And whenever a five-way is called, Senator Libous, I am there. Still waiting for the Governor's call.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN:

Senator Schneiderman will be recorded in the affirmative.

The Secretary will continue to read.

THE SECRETARY: Senator Serrano.

SENATOR SERRANO: Yes.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: To explain my vote.

ACTING PRESIDENT BRESLIN:

Senator Seward, to explain his vote.

SENATOR SEWARD: Yes, Mr. President, I will be voting no to override the Governor's veto. But I feel in doing so I'm voting yes for a better and stronger ethics law in the State of New York.

And I would disagree with those who would say that, well, this is the best that we can do at this particular time. Because the Governor has in fact indicated his willingness to reopen discussions in a bipartisan way so that we can get to a better and stronger ethics bill soon.

And I would further disagree with Senator Schneiderman and say that nothing has been done in the past. Many of us were here and voted for the original financial disclosure law a number of years ago, and there have been improvements along the way.

So I'm voting no, Mr. President, to override the Governor's veto. But I feel in doing so I am voting yes for a better and stronger ethics bill in the very near future.

ACTING PRESIDENT BRESLIN: Senator Seward will be voting yes and no.

(Laughter.)

ACTING PRESIDENT BRESLIN: Or no, excuse me, Senator Seward will be recorded in the negative.

SENATOR SEWARD: Correct.

ACTING PRESIDENT BRESLIN: The Secretary will continue to read.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT BRESLIN: Senator Skelos, to explain his vote.

SENATOR SKELOS: Mr. President, in these days of high ethics and morality, I have to comment on this legislation and why I'm going to vote to sustain the Governor's veto.

When this bill first came to the floor for a vote, a number of amendments were put up by the Senate Republicans which we believe would have greatly improved the legislation. Those amendments were defeated by the Democrats as they went lockstep with each other.

The people of this state are looking for openness, transparency, and greater accountability, more bipartisanship

and disclosure. Last year's budget, which was negotiated behind closed doors, which increased taxes by $11 billion -- payroll taxes, license plate taxes, et cetera -- and spending increases by about $13 billion, we were told and the public was told that you didn't need Republicans in the room because ethic is controlled by Democrats in New York State. And we saw the disaster, economic disaster of that approach.

What's happening today with the attempt to override the Governor's veto, now -- one of the individuals that was in the room -- it's been decided by the two legislative branches that they're not happy with him, that he's hurting politically, so they're going to just give it to him a little bit more. Rather than sitting down with him and showing him the respect as Governor -- it could have been this afternoon, could have been tomorrow -- showing him the respect as Governor to sit down and at least afford him the opportunity to present his point of view in legislation and sit down with the four leaders, staff, and really discuss the

legislation to see if a compromise could be achieved.

Now, just about every newspaper in the state has weighed in against overriding the Governor's veto. The Daily News said legislators should come up with something better. The New York Times, which I know many of my good Democrat friends from Manhattan just do whatever it says -- they wake up with it, they go to sleep with it, they walk with it, they just follow that blindly --

ACTING PRESIDENT BRESLIN: Senator Skelos, how do you vote?

SENATOR SKELOS: Excuse me?

ACTING PRESIDENT BRESLIN: How do you vote?

SENATOR SKELOS: Yeah, I'm just finishing my statement. I think, Mr. President, a number of people went over the two minutes. And this is an important piece of legislation, if I could comment.

ACTING PRESIDENT BRESLIN: There's been one who person who we identified going over, and you're the second. So we'll let you finish.

SENATOR SKELOS: Thank you for the courtesy.

I'll go through them. Syracuse Post-Standard, Rochester Democrat & Chronicle, Albany Times Union, New York Post, Buffalo News all said that it should not overridden and that we should sit down in a bipartisan way and make it a stronger bill.

Many of them have called for specific improvements. For example, allowing the attorney general to be the chief enforcement officer. Good government groups such as Common Cause have said it could be improved. And the New York City Bar Association has also called for more disclosure by attorneys, basically saying that attorneys shouldn't be treated as a privileged class when it comes to disclosure.

So if the veto is sustained, I would hope that we can start negotiating five ways, in a bipartisan way, and really improve this legislation, because so many -- so many questions have been raised. Enforcement --

ACTING PRESIDENT BRESLIN: Senator Skelos.

SENATOR SKELOS: -- in the Board of Elections, left to the Democrats. Not the way to go. That's not bipartisanship.

ACTING PRESIDENT BRESLIN: Senator Skelos, how do you vote?

SENATOR SKELOS: So I thank you, Mr. President, again for the courtesy of allowing me to extend my comments a little longer than they should be, and I will be voting to sustain the Governor's veto.

ACTING PRESIDENT BRESLIN: Senator Skelos will be recorded in the negative.

The Secretary will continue to read.

THE SECRETARY: Senator Smith.

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

ACTING PRESIDENT BRESLIN: Senator Smith, to explain his vote.

SENATOR SMITH: Yes, Mr. President, just very briefly.

While I understand the consternation that the minority has on this day, it is obvious from reading many

editorials that the people of the State of New York want us to do something. When they talk about dysfunction, dysfunction is relative to not completing a task or not showing the effort to complete a task or not having the will to do so.

Senator Schneiderman, Senator Sampson and our colleagues here have worked hard -- Senator Squadron. And while more needs to be done, at the end of the day the fact that we have a number of initiatives within this ethics bill that will tell the public that we are clear about their feelings about how this chamber is run, this is a day that I believe the override is in order.

Can we talk later with the Governor and the other side of the aisle? Absolutely. It has been done for years where you will make one step to make two steps.

So I'm going to be voting aye, Mr. President. And I would hope that there is at least one or two members on the other side of the aisle, our friends, who understand that this is not about show, this is about getting something done.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Senator Smith will be recorded in the affirmative.

The Secretary will continue to read.

THE SECRETARY: Senator Squadron.

ACTING PRESIDENT BRESLIN: Senator Squadron, to explain his vote.

SENATOR SQUADRON: Thank you, Mr. President.

I rise today in support of the override of the Governor's veto. As has been pointed out, this bill is far from perfect. But it is also the farthest that Albany has ever gone. And that's why I hope -- almost every member in this room voted for it just a couple of weeks ago. Hopefully that wasn't just to talk about it, hopefully it wasn't just to get one good headline. Hopefully it was because you believe as I do that this is actually about fundamentally how we function, which leads to our ability to make a difference in a state that desperately needs us right now.

And let's be very clear, there's a lot more to do. We need to be negotiating and working to do more immediately, without a doubt. But a vote against the override is a vote for the status quo. It is a vote for the weakest ethics oversight, campaign finance oversight in the nation.

And I don't think that's good enough. It's certainly not the way that we're going to rise out of the old Albany tradition of failing to do important things, and it's not the way that we're going to recreate people's faith in our state government.

So I'll be disappointed if it doesn't pass today. Hopefully we'll get a chance again in this term. And I will vote yes.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Senator Squadron will be recorded in the affirmative.

The Secretary will continue to read.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: Yes.

THE SECRETARY: Senator Stavisky.

ACTING PRESIDENT BRESLIN:

Senator Stavisky, to explain her vote.

SENATOR STAVISKY: Yes, thank you, Mr. President.

I notice that the other side that brought up the issue of the amendments. What I find amazing is that these amendments were not brought up last year or the year before or even the year before that.

In fact, as people have noticed, progress is often incremental. A long journey begins with a single step. And we have, I believe, had more progress in the last 12 months than has existed in the last 12 years.

I am not totally satisfied with this bill, but I don't think anybody is. But that's not a reason not to enact it. That is not a reason not to override the Governor's veto.

I vote aye.

ACTING PRESIDENT BRESLIN:

Senator Stavisky will be recorded in the

affirmative.

The Secretary will continue to read.

THE SECRETARY: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Yes.

THE SECRETARY: Senator Thompson.

SENATOR THOMPSON: To explain my vote.

ACTING PRESIDENT BRESLIN: Senator Thompson, to explain his vote.

SENATOR THOMPSON: Yes, I think that it's unfortunate today that we are not going to have the votes to override the Governor. I think it's unfortunate.

But I do want to just state for the record that since last year, this side of the aisle, with the help of votes on the other side of the aisle -- in some respects they have, and in some respects they have not -- helped pass a number of other reforms. And hopefully before this session is over this year, we will pass ethics reforms.

One of the things that was very important that this side of the aisle has been

concerned about was mortgage foreclosure reform. The reform for the birth delivery rights for incarcerated women, I think it was the Unshackled bill that Senator Montgomery sponsored last year. I didn't necessarily agree with this bill, I thought we could have done with it more transparency, but there was pension reform that was passed last year as well.

Something that many people wanted to see for a number of years was Rockefeller Drug Law reform. I thought it could have been a little stronger, but I think it was a good bill and it helped many people.

So in the area of trying to help fix Albany, I think we made some progress. We still have a long way to go. And I hope that by the time this year is done that we will also enact more reform that we can do in a bipartisan way. Thank you.

And I vote to support overriding the Governor.

ACTING PRESIDENT BRESLIN: Senator Thompson will be recorded in the affirmative.

The Secretary will continue to read.

THE SECRETARY: Senator Valesky.

SENATOR VALESKY: Yes, Mr. President, to explain my vote.

ACTING PRESIDENT BRESLIN: Senator Valesky, to explain his vote.

SENATOR VALESKY: I'll be supporting the override of the Governor's veto of this bill.

And just to correct what I believe may have been a misstatement earlier in regard to the position of some editorial boards around the state, the Syracuse Post-Standard, February 4th, title of the editorial: "Don't let veto stand. Ethics law not perfect, but it's better than the status quo."

I couldn't agree more. I vote yes.

ACTING PRESIDENT BRESLIN: Senator Valesky will be recorded in the affirmative.

The Secretary will continue to read.

THE SECRETARY: Senator Volker.

ACTING PRESIDENT BRESLIN:

Senator Volker, to explain his vote.

SENATOR VOLKER: Mr. President, I'd just like to make a comment on some of the nonsense that has been spoken of in this state.

There are some Western states have no ethics and reporting statutes at all. And New York has been way ahead of many of the states in the union in reporting and in ethics statutes. The statute that we passed here some years ago, which has been in force for many years where there's been reporting -- the problem, by the way, is we're trying to compare it, for instance, with the federal legislation that is all one-sided reporting. And interestingly enough, the Supreme Court just threw it out.

I think if we're going to do a real ethics and responsible piece of legislation, we should all get together. Let's get together and let's do it. And let's what I call stop fooling around.

So I vote no.

ACTING PRESIDENT BRESLIN: Senator Volker will be recorded in the

negative.

The Secretary will continue to read.

THE SECRETARY: Senator Winner.

ACTING PRESIDENT BRESLIN: Senator Winner, to explain his vote.

SENATOR WINNER: Thank you, Mr. President.

You know, a number of years ago, contrary to Senator Schneiderman had indicated, the Legislature did get together on a bipartisan basis and pass what was then heralded by Common Cause as being the strongest and the most effective and the most vigorous ethics legislation in the country.

And while things have changed over the years to a certain degree, do any of you really believe that in the event that this veto is overridden and this becomes law that Sheldon Silver will sit down and negotiate a stronger ethics bill? I mean, that's preposterous.

So if the only way you're going to get him to the table and get the Assembly -- which, by the way, for those of who you don't

know, is controlled by the Democrat Party in the state, notwithstanding some people that would like to forget that -- that the person who is blocking any further reform in the ethics arena is clearly the Speaker of the Assembly.

And as such, you know, if you sustain this veto, as we hope will happen today, that will encourage negotiations on a five-way basis to go forward, and you'll really get something done that you are purporting to say that you're really for.

I vote no.

ACTING PRESIDENT BRESLIN: Senator Winner will be recorded in the negative.

The Secretary will continue to read.

THE SECRETARY: Senator Young.

SENATOR YOUNG: No.

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 35. Nays, 26.

ACTING PRESIDENT BRESLIN: The

motion to override the veto fails.

Senator Addabbo.

SENATOR ADDABBO: Mr. President, I move to reconsider the vote by which the override was lost.

ACTING PRESIDENT BRESLIN: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 35. Nays, 26.

ACTING PRESIDENT BRESLIN: The motion to reconsider the vote was successful.

Senator Klein.

SENATOR KLEIN: Mr. President, I now move to table the motion.

ACTING PRESIDENT BRESLIN: The motion is tabled.

Senator Klein.

SENATOR KLEIN: Mr. President, on behalf of Senator Sampson, I hand up the following leadership notice and ask that it be filed in the Journal.

ACTING PRESIDENT BRESLIN: The Secretary will file it in the Journal.

SENATOR KLEIN: Mr. President, can you please recognize Senator Libous for their leadership notice.

ACTING PRESIDENT BRESLIN: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. On behalf of Senator Skelos, I hand up the following committee and leadership changes.

ACTING PRESIDENT BRESLIN: To be filed in the Journal.

Senator Klein.

SENATOR KLEIN: Mr. President, may we go back to the order of motions and resolutions.

ACTING PRESIDENT BRESLIN: Returning to the order of motions and resolutions.

Senator Klein.

SENATOR KLEIN: Mr. President, on behalf of Senator Savino, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Bill 6661.

ACTING PRESIDENT BRESLIN: So ordered.

SENATOR KLEIN: Mr. President, can you please recognize Senator Libous.

ACTING PRESIDENT BRESLIN: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Larkin, on page 8 I offer the following amendments to Calendar Number 2, Senate Print 1036, and ask that said bill retain its place, please, on the Third Reading Calendar.

ACTING PRESIDENT BRESLIN: Amendments received.

Senator Klein.

SENATOR KLEIN: Mr. President, I just want to make an announcement on behalf of Senator Thompson.

We're going to postpone the planned conference, Democratic conference that we're planning after session today.

ACTING PRESIDENT BRESLIN: The post-session Majority conference will be postponed today.

Senator Klein.

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

ACTING PRESIDENT BRESLIN: There is no further business at the desk.

SENATOR KLEIN: There being none, I move that we adjourn until Tuesday, February 9th, at 3:00 p.m.

ACTING PRESIDENT BRESLIN: There being no further business to come before the Senate, on motion, the Senate stands adjourned until Tuesday, February 9th, at 3:00 p.m.

(Whereupon, at 5:49 p.m., the Senate adjourned.)