

1 NEW YORK STATE SENATE

2  
3  
4 THE STENOGRAPHIC RECORD

5  
6  
7  
8  
9 ALBANY, NEW YORK

10 February 8, 2010

11 3:29 p.m.

12  
13  
14 REGULAR SESSION

15  
16  
17  
18 SENATOR NEIL D. BRESLIN, Acting President

19 ANGELO J. APONTE, Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT BRESLIN: The  
14 reading of the Journal.

15 The Secretary will read.

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

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

24 Presentation of petitions.

25 Messages from the Assembly.

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

6 Motions and resolutions.

7 Senator Klein.

8 SENATOR KLEIN: Mr. President, I  
9 believe you have a resolution at the desk. I  
10 ask that the resolution be read in its  
11 entirety and move for its immediate adoption.

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

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

18 ACTING PRESIDENT BRESLIN: The  
19 Secretary will read.

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

25 "WHEREAS, It is the sense of this

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

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

10 "WHEREAS, attendant to such  
11 concern, and in full accord with its  
12 long-standing traditions, this Legislative  
13 Body is justly proud to honor the Twin Rivers  
14 Council upon the occasion of celebrating the  
15 100th Anniversary of the Boy Scouts of  
16 America; and

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

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

16 "WHEREAS, The purpose of the Boy  
17 Scouts of America, incorporated on February 8,  
18 1910, and chartered by Congress in 1916, is to  
19 provide an educational program for boys and  
20 young adults to build character, to train in  
21 the responsibilities of participating  
22 citizenship, and to develop personal fitness;  
23 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (Applause.)

19 ACTING PRESIDENT BRESLIN:  
20 Senator Smith.

21 SENATOR SMITH: Thank you very  
22 much, Senator Breslin.

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



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

6 (Laughter.)

7 SENATOR SMITH: There are the  
8 moments.

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

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

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

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

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

15 Thank you, and God bless.

16 ACTING PRESIDENT BRESLIN: Thank  
17 you, Senator Smith.

18 Senator Larkin.

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

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

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

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

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

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

25 Scouting is very important to us.

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

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

16 ACTING PRESIDENT BRESLIN: Thank  
17 you, Senator Larkin.

18 Senator Little.

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

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

1       within my district.

2               But in doing so, I'd also like to  
3       thank all of the people, the leaders who have  
4       volunteered so many hours in the past  
5       100 years and who are currently doing so.

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

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

15               ACTING PRESIDENT BRESLIN:       Thank  
16       you, Senator Little.

17               Senator Farley.

18               SENATOR FARLEY:       Thank you,  
19       Senator Breslin.

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

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

1       13 counties, four of which are in my district.  
2       And I'm sure that there's some constituents in  
3       the gallery of mine and of yours and so many.

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

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

18             ACTING PRESIDENT BRESLIN:     Thank  
19      you, Senator Farley.

20             Senator Golden.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

13              Thank you.

14              ACTING PRESIDENT BRESLIN:     Thank  
15      you, Senator Golden.

16              Senator Foley.

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

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

25              Having been the former chair of the

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

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

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

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

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

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

14 Thank you.

15 ACTING PRESIDENT BRESLIN: Thank  
16 you, Senator Foley.

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

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

22 (Response of "Aye.")

23 ACTING PRESIDENT BRESLIN:  
24 Opposed, nay.

25 (No response.)

1                   ACTING PRESIDENT BRESLIN:     The  
2     resolution is adopted.

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

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

10                  (Applause.)

11                  ACTING PRESIDENT BRESLIN:  
12     Senator Klein.

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

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

22                  SENATOR KLEIN:     Yes,  
23     Mr. President.

24                  ACTING PRESIDENT BRESLIN:     The  
25     Secretary will read.

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

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

9                   (Response of "Aye.")

10                  ACTING PRESIDENT BRESLIN:  
11     Opposed, nay.

12                  (No response.)

13                  ACTING PRESIDENT BRESLIN:     The  
14     resolution is adopted.  
15     Senator Klein.

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

19                  ACTING PRESIDENT BRESLIN:     The  
20     Secretary will read.

21                  THE SECRETARY:     Calendar Number  
22     38, by Senator Aubertine, Senate Print 1677A,  
23     an act to amend the Agriculture and Markets  
24     Law, in relation to notification.

25                  ACTING PRESIDENT BRESLIN:     Read

1 the last section.

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

4 ACTING PRESIDENT BRESLIN: Call  
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BRESLIN:  
8 Announce the results.

9 THE SECRETARY: Ayes, 59.

10 ACTING PRESIDENT BRESLIN: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 41, by Senator Serrano, Senate Print 3351A, an  
14 act to amend the Parks, Recreation and  
15 Historic Preservation Law, in relation to  
16 membership.

17 ACTING PRESIDENT BRESLIN: Read  
18 the last section.

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

21 ACTING PRESIDENT BRESLIN: Call  
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BRESLIN:  
25 Announce the results.

1 THE SECRETARY: Ayes, 59.

2 ACTING PRESIDENT BRESLIN: The  
3 bill is passed.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number  
6 45, by Senator Dilan, Senate Print 3514, an  
7 act to amend the General Municipal Law, in  
8 relation to authorizing.

9 ACTING PRESIDENT BRESLIN: Read  
10 the last section.

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

13 ACTING PRESIDENT BRESLIN: Call  
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BRESLIN:  
17 Announce the results.

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

21 ACTING PRESIDENT BRESLIN: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 46, by Senator Breslin, Senate Print 5111, an  
25 act to amend the General Municipal Law and the

1 Civil Service Law, in relation to providing  
2 health services.

3 ACTING PRESIDENT BRESLIN: Read  
4 the last section.

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

7 ACTING PRESIDENT BRESLIN: Call  
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BRESLIN:  
11 Announce the results.

12 THE SECRETARY: Ayes, 59.

13 ACTING PRESIDENT BRESLIN: The  
14 bill is passed.

15 The Secretary will continue to  
16 read.

17 THE SECRETARY: Calendar Number  
18 47, by Senator Stewart-Cousins, Senate Print  
19 5601, an act to amend the General Municipal  
20 Law, in relation to allowing not-for-profits.

21 ACTING PRESIDENT BRESLIN: Read  
22 the last section.

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

25 ACTING PRESIDENT BRESLIN: Call



1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BRESLIN:

4 Senator DeFrancisco, to explain his vote.

5 SENATOR DeFRANCISCO: I'm going  
6 to vote no.

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

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

22 ACTING PRESIDENT BRESLIN:

23 Senator DeFrancisco will be recorded in the  
24 negative.

25 Senator Bonacic, to explain his

1 vote.

2 SENATOR BONACIC: Thank you,  
3 Mr. President.

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

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

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

17 Are there any other Senators  
18 wishing to be heard?

19 Senator LaValle, to explain his  
20 vote.

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

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

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

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

6                   Senator Little, to explain her  
7       vote.

8                   SENATOR LITTLE:       Thank you,  
9       Mr. President.

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

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

23                  Thank you.

24                  ACTING PRESIDENT BRESLIN:  
25       Senator Little will be recorded in the

1 negative.

2 Announce the results.

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

10 Ayes 45. Nays, 14.

11 ACTING PRESIDENT BRESLIN: The  
12 bill is passed.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number  
15 49, by Senator Sampson, Senate Print 2852, an  
16 act to amend the Public Officers Law, in  
17 relation to expanding the definition.

18 ACTING PRESIDENT BRESLIN: Read  
19 the last section.

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

22 ACTING PRESIDENT BRESLIN: Call  
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BRESLIN:

1       Announce the results.

2               THE SECRETARY:     Ayes, 59.

3               ACTING PRESIDENT BRESLIN:     The  
4       bill is passed.

5               THE SECRETARY:     Calendar Number  
6       54, by Senator Sampson, Senate Print 2971, an  
7       act to amend the Estates, Powers and Trusts  
8       Law, in relation to waiver.

9               ACTING PRESIDENT BRESLIN:     Read  
10      the last section.

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

14              ACTING PRESIDENT BRESLIN:     Call  
15      the roll.

16              (The Secretary called the roll.)

17              ACTING PRESIDENT BRESLIN:  
18      Announce the results.

19              THE SECRETARY:     Ayes, 59.

20              ACTING PRESIDENT BRESLIN:     The  
21      bill is passed.

22              THE SECRETARY:     Calendar Number  
23      55, by Senator Sampson, Senate Print 5588A, an  
24      act to amend the Domestic Relations Law, in  
25      relation to the use of proceeds.

1                   ACTING PRESIDENT BRESLIN:     Read  
2     the last section.

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

5                   ACTING PRESIDENT BRESLIN:     Call  
6     the roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT BRESLIN:  
9     Announce the results.

10                  THE SECRETARY:     Ayes, 59.

11                  ACTING PRESIDENT BRESLIN:     The  
12     bill is passed.

13                  THE SECRETARY:     Calendar Number  
14     60, by Senator Oppenheimer, Senate Print  
15     6154B, an act to amend the Education Law, in  
16     relation to teachers' rights.

17                  ACTING PRESIDENT BRESLIN:     Read  
18     the last section.

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

21                  ACTING PRESIDENT BRESLIN:     Call  
22     the roll.

23                  (The Secretary called the roll.)

24                  ACTING PRESIDENT BRESLIN:  
25     Announce the results.

1 THE SECRETARY: Ayes, 59.

2 ACTING PRESIDENT BRESLIN: the  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 62, by Senator Adams, Senate Print 3284, an  
6 act to amend the Civil Service Law, in  
7 relation to providing.

8 ACTING PRESIDENT BRESLIN: Read  
9 the last section.

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

12 ACTING PRESIDENT BRESLIN: Call  
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BRESLIN:  
16 Announce the results.

17 THE SECRETARY: Ayes, 59.

18 ACTING PRESIDENT BRESLIN: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 64, by Senator C. Johnson --

22 SENATOR KLEIN: Lay the bill  
23 aside for the day.

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

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

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

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

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

11                  ACTING PRESIDENT BRESLIN:  
12                  Senator Klein.

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

16                  ACTING PRESIDENT BRESLIN:     That  
17                  would be Senator Libous.

18                  Senator Libous.

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

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

25                  (Whereupon, the Senate reconvened



1 at 5:12 p.m.)

2 ACTING PRESIDENT BRESLIN:

3 Senator Klein.

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

7 ACTING PRESIDENT BRESLIN:

8 Returning to the order of messages from the  
9 Assembly.

10 Senator Klein.

11 SENATOR KLEIN: Mr. President, is  
12 there a message regarding Assembly Bill Number  
13 9544, which was previously passed by both  
14 houses, vetoed by the Governor, and overridden  
15 by the Assembly?

16 ACTING PRESIDENT BRESLIN:

17 Senator Klein, the chair hands down a message  
18 from the Assembly.

19 The Secretary will read.

20 THE SECRETARY: Assembly Print  
21 9544, by Member of the Assembly Silver, an act  
22 to amend the Executive Law.

23 ACTING PRESIDENT BRESLIN:

24 Senator Klein.

25 SENATOR KLEIN: Mr. President, I

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

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

5                THE SECRETARY:       Calendar Number  
6       18, by Member of the Assembly Silver, Assembly  
7       Print Number 9544, Veto Number 1, an act to  
8       amend the Executive Law.

9                ACTING PRESIDENT BRESLIN:     The  
10      bill is before the house.

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

14               The Secretary will read the last  
15      section.

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

18               ACTING PRESIDENT BRESLIN:  
19      Senator Libous.

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

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

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

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

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

7                   Would you like that repeated?

8                   SENATOR FUSCHILLO:       Yes.

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

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

15                   Senator DeFrancisco.

16                   SENATOR DeFRANCISCO:       Point of  
17 order.

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

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

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

1                   ACTING PRESIDENT BRESLIN:     Read  
2     the last section.

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

5                   SENATOR LIBOUS:     Excuse me.

6                   ACTING PRESIDENT BRESLIN:  
7     Senator Libous.

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

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

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

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

16                         Call the roll.

17                         Senator Johnson, why do you rise?

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

20                         (A majority of Senators rise.)

21                         (Laughter.)

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

1                   THE SECRETARY:     Senator Adams.  
2                   SENATOR ADAMS:     I'm going to be  
3     open about it.   Aye.  
4                   THE SECRETARY:     Senator Addabbo.  
5                   SENATOR ADDABBO:    Yes.  
6                   THE SECRETARY:     Senator Alesi.  
7                   SENATOR ALESI:     No.  
8                   THE SECRETARY:     Senator  
9     Aubertine.  
10                  SENATOR AUBERTINE:    Aye.  
11                  THE SECRETARY:     Senator Bonacic.  
12                  SENATOR BONACIC:    No.  
13                  THE SECRETARY:     Senator Breslin.  
14                  ACTING PRESIDENT BRESLIN:    Aye.  
15                  THE SECRETARY:     Senator  
16     DeFrancisco.  
17                  SENATOR DeFRANCISCO:    No.   But  
18     can I explain my vote?  
19                  ACTING PRESIDENT BRESLIN:  
20     Senator DeFrancisco, to explain his vote.  
21                  SENATOR DeFRANCISCO:    We had made  
22     several attempts to amend the prior  
23     legislation that were not accepted.   I think  
24     for that reason alone, the bill should not  
25     become law.

1                   For that reason, I vote no.

2                   ACTING PRESIDENT BRESLIN:

3           Senator DeFrancisco will be recorded in the  
4           negative.

5                   The Secretary will continue to  
6           read.

7                   THE SECRETARY:     Senator Diaz.

8                   ACTING PRESIDENT BRESLIN:

9           Senator Diaz, to explain his vote.

10                  SENATOR DIAZ:     Thank you.

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

19                  ACTING PRESIDENT BRESLIN:

20           Senator Diaz will be recorded in the negative.

21                   The Secretary will continue to  
22           read.

23                  THE SECRETARY:     Senator Dilan.

24                  SENATOR DILAN:     Yes.

25                  THE SECRETARY:     Senator Duane.

1                   SENATOR DUANE:       Yes.  
2                   THE SECRETARY:       Senator Espada.  
3                   SENATOR ESPADA:       Yes.  
4                   THE SECRETARY:       Senator Farley.  
5                   SENATOR FARLEY:       Yes.  
6                   THE SECRETARY:       Senator Flanagan.  
7                   SENATOR FLANAGAN:       No.  
8                   THE SECRETARY:       Senator Foley.  
9                   SENATOR FOLEY:       Aye.  
10                  THE SECRETARY:       Senator  
11                  Fuschillo.  
12                  SENATOR FUSCHILLO:       No.  
13                  THE SECRETARY:       Senator Golden.  
14                  SENATOR GOLDEN:       No.  
15                  THE SECRETARY:       Senator Griffo.  
16                  SENATOR GRIFFO:       No.  
17                  THE SECRETARY:       Senator Hannon.  
18                  SENATOR HANNON:       No.  
19                  THE SECRETARY:       Senator  
20                  Hassell-Thompson.  
21                  SENATOR HASSELL-THOMPSON:       Yes.  
22                  THE SECRETARY:       Senator Huntley.  
23                  SENATOR HUNTLEY:       Yes.  
24                  THE SECRETARY:       Senator C.  
25                  Johnson.

1 SENATOR CRAIG JOHNSON: Yes.

2 THE SECRETARY: Senator O.

3 Johnson.

4 SENATOR OWEN JOHNSON: No.

5 THE SECRETARY: Senator Klein.

6 SENATOR KLEIN: Yes.

7 THE SECRETARY: Senator

8 L. Krueger.

9 ACTING PRESIDENT BRESLIN:

10 Senator Krueger, to explain her vote.

11 SENATOR LIZ KRUEGER: Thank you.

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

17 I vote aye.

18 ACTING PRESIDENT BRESLIN:

19 Senator Krueger will be recorded in the  
20 affirmative.

21 The Secretary will continue to  
22 read.

23 THE SECRETARY: Senator C.

24 Kruger.

25 SENATOR CARL KRUGER: Yes.



1 THE SECRETARY: Senator Lanza.

2 SENATOR LANZA: No.

3 THE SECRETARY: Senator Larkin.

4 SENATOR LARKIN: No.

5 THE SECRETARY: Senator LaValle.

6 SENATOR LaVALLE: No.

7 THE SECRETARY: Senator Leibell.

8 SENATOR LEIBELL: No.

9 THE SECRETARY: Senator Libous.

10 SENATOR LIBOUS: To explain my  
11 vote, Mr. President.

12 ACTING PRESIDENT BRESLIN:

13 Senator Libous, to explain his vote.

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

16 I'm very disturbed today because  
17 the Governor vetoed this last week. He  
18 offered to set up five-way discussions with  
19 all the parties involved to make an ethics  
20 bill that was voted on by this house -- I  
21 believe unanimously -- an even better and  
22 tougher bill, one that goes further when it  
23 comes to financial disclosure, something that  
24 has been in the press every day, an issue that  
25 has riddled the Capitol and has many, many

1 people concerned.

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

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

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

22 I vote no.

23 ACTING PRESIDENT BRESLIN:

24 Senator Libous will be recorded in the  
25 negative.

1                   The Secretary will continue to  
2       read.  
3                   THE SECRETARY:       Senator Little.  
4                   SENATOR LITTLE:       No.  
5                   THE SECRETARY:       Senator  
6       Marcellino.  
7                   SENATOR MARCELLINO:       No.  
8                   THE SECRETARY:       Senator Maziarz.  
9                   SENATOR MAZIARZ:       No.  
10                  THE SECRETARY:       Senator McDonald.  
11                  SENATOR McDONALD:       Yes.  
12                  THE SECRETARY:       Senator  
13       Monserrate.  
14                  SENATOR MONSERRATE:       Yes.  
15                  THE SECRETARY:       Senator  
16       Montgomery.  
17                  SENATOR MONTGOMERY:       To explain  
18       my vote, Mr. President.  
19                  ACTING PRESIDENT BRESLIN:  
20       Senator Montgomery, to explain her vote.  
21                  SENATOR MONTGOMERY:       Yes,  
22       Mr. President, we all did vote last week for  
23       the bill that is before us. The Governor  
24       vetoed it. But we all came together, for  
25       once, I thought, which was very good, to come

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

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

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

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

16 The Secretary will continue to  
17 read.

18 THE SECRETARY: Senator Morahan,  
19 excused.

20 Senator Nozzolio.

21 SENATOR NOZZOLIO: No.

22 THE SECRETARY: Senator Onorato.

23 SENATOR ONORATO: Aye.

24 THE SECRETARY: Senator  
25 Oppenheimer.

1                   SENATOR OPPENHEIMER:     To explain  
2     my vote, please.

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

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

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

19                   Thanks.

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

23                   The Secretary will continue to  
24    read.

25                   THE SECRETARY:        Senator Padavan.

1                   SENATOR PADAVAN:     Yes.

2                   THE SECRETARY:     Senator Parker.

3                   SENATOR PARKER:     Aye.

4                   THE SECRETARY:     Senator Perkins.

5                   ACTING PRESIDENT BRESLIN:

6       Senator Perkins, to explain his vote.

7                   SENATOR PERKINS:

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

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

23                  ACTING PRESIDENT BRESLIN:

24      Senator Perkins will be recorded in the  
25      affirmative.

1                   The Secretary will continue to  
2       read.

3                   THE SECRETARY:       Senator  
4       Ranzenhofer.

5                   SENATOR RANZENHOFER:       No.

6                   THE SECRETARY:       Senator Robach.

7                   SENATOR ROBACH:       Yes.

8                   THE SECRETARY:       Senator Saland.

9                   SENATOR SALAND:       To explain my  
10      vote.

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

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

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

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

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

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

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

24              ACTING PRESIDENT BRESLIN:  
25      Senator Saland will be recorded in the



1 negative.

2 The Secretary will continue to  
3 read.

4 THE SECRETARY: Senator Sampson.

5 SENATOR SAMPSON: Yes.

6 THE SECRETARY: Senator Savino.

7 SENATOR SAVINO: Yes.

8 THE SECRETARY: Senator  
9 Schneiderman.

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

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

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

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

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

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

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

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

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

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

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

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

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

1                   ACTING PRESIDENT BRESLIN:

2           Senator -- Senator, how do you vote?

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

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

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

13                   Thank you, Mr. President.

14                   ACTING PRESIDENT BRESLIN:

15           Senator Schneiderman will be recorded in the  
16           affirmative.

17                   The Secretary will continue to  
18           read.

19                   THE SECRETARY:     Senator Serrano.

20                   SENATOR SERRANO:     Yes.

21                   THE SECRETARY:     Senator Seward.

22                   SENATOR SEWARD:     To explain my  
23           vote.

24                   ACTING PRESIDENT BRESLIN:

25           Senator Seward, to explain his vote.

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

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

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

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

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

25                         (Laughter.)

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

4                   SENATOR SEWARD:     Correct.

5                   ACTING PRESIDENT BRESLIN:     The  
6       Secretary will continue to read.

7                   THE SECRETARY:     Senator Skelos.

8                   SENATOR SKELOS:     Mr. President.

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

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

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

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

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

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

1       legislation to see if a compromise could be  
2       achieved.

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

12             ACTING PRESIDENT BRESLIN:

13      Senator Skelos, how do you vote?

14             SENATOR SKELOS:       Excuse me?

15             ACTING PRESIDENT BRESLIN:     How do  
16      you vote?

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

22             ACTING PRESIDENT BRESLIN:

23      There's been one who person who we identified  
24      going over, and you're the second. So we'll  
25      let you finish.



1                   SENATOR SKELOS:     Thank you for  
2     the courtesy.

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

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

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

24                  ACTING PRESIDENT BRESLIN:  
25    Senator Skelos.

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

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

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

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

14                  The Secretary will continue to  
15    read.

16                  THE SECRETARY:     Senator Smith.

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

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

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

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

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

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

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

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

1                   Thank you, Mr. President.

2                   ACTING PRESIDENT BRESLIN:

3           Senator Smith will be recorded in the  
4           affirmative.

5                   The Secretary will continue to  
6           read.

7                   THE SECRETARY:     Senator Squadron.

8                   ACTING PRESIDENT BRESLIN:

9           Senator Squadron, to explain his vote.

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

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

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

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

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

18                  Thank you, Mr. President.

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

22                  The Secretary will continue to  
23                  read.

24                  THE SECRETARY:       Senator  
25                  Stachowski.

1                   SENATOR STACHOWSKI:     Yes.

2                   THE SECRETARY:     Senator Stavisky.

3                   ACTING PRESIDENT BRESLIN:

4     Senator Stavisky, to explain her vote.

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

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

12                  In fact, as people have noticed,  
13    progress is often incremental. A long journey  
14    begins with a single step. And we have, I  
15    believe, had more progress in the last  
16    12 months than has existed in the last  
17    12 years.

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

23                  I vote aye.

24                  ACTING PRESIDENT BRESLIN:

25    Senator Stavisky will be recorded in the

1 affirmative.

2 The Secretary will continue to  
3 read.

4 THE SECRETARY: Senator  
5 Stewart-Cousins.

6 SENATOR STEWART-COUSINS: Yes.

7 THE SECRETARY: Senator Thompson.

8 SENATOR THOMPSON: To explain my  
9 vote.

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

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

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

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

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

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

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

21               And I vote to support overriding  
22       the Governor.

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



1                   The Secretary will continue to  
2       read.

3                   THE SECRETARY:     Senator Valesky.

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

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

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

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

18                   I couldn't agree more.  I vote yes.

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

22                   The Secretary will continue to  
23      read.

24                   THE SECRETARY:     Senator Volker.

25                   ACTING PRESIDENT BRESLIN:

1 Senator Volker, to explain his vote.

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

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

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

23 So I vote no.

24 ACTING PRESIDENT BRESLIN:

25 Senator Volker will be recorded in the

1 negative.

2 The Secretary will continue to  
3 read.

4 THE SECRETARY: Senator Winner.

5 ACTING PRESIDENT BRESLIN:

6 Senator Winner, to explain his vote.

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

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

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

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

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

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

13 I vote no.

14 ACTING PRESIDENT BRESLIN:

15 Senator Winner will be recorded in the  
16 negative.

17 The Secretary will continue to  
18 read.

19 THE SECRETARY: Senator Young.

20 SENATOR YOUNG: No.

21 ACTING PRESIDENT BRESLIN:

22 Announce the results.

23 THE SECRETARY: Ayes, 35. Nays,  
24 26.

25 ACTING PRESIDENT BRESLIN: The

1 motion to override the veto fails.

2 Senator Addabbo.

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

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

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 35. Nays,  
11 26.

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

14 Senator Klein.

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

17 ACTING PRESIDENT BRESLIN: The  
18 motion is tabled.

19 Senator Klein.

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

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

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

4                   ACTING PRESIDENT BRESLIN:  
5                   Senator Libous.

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

10                  ACTING PRESIDENT BRESLIN:     To be  
11                  filed in the Journal.

12                  Senator Klein.

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

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

19                  Senator Klein.

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

1                   ACTING PRESIDENT BRESLIN:     So  
2     ordered.

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

5                   ACTING PRESIDENT BRESLIN:  
6     Senator Libous.

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

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

14                  ACTING PRESIDENT BRESLIN:  
15    Amendments received.

16                  Senator Klein.

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

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

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

1                   Senator Klein.

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

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

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

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

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

15

16

17

18

19

20

21

22

23

24

25