NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:51 p.m.

REGULAR SESSION

SENATOR ANDREA STEWART-COUSINS, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT STEWART-COUSINS: The Senate will please come to order.

I ask everyone present to rise and recite with me the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT STEWART-COUSINS: During today's moment of silence, let us remember Meg Stevens, a long-time Senate administrative assistant who recently passed away after battling cancer.

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

ACTING PRESIDENT STEWART-COUSINS: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Monday, May 10, the Senate met pursuant to adjournment. The Journal of Sunday, May 9, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT STEWART-COUSINS: Without objection, the Journal stands approved

as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Senator Klein.

SENATOR KLEIN: Madam President, I believe there's a report of the Finance Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT STEWART-COUSINS: There is a report of the Finance Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator C. Kruger, from the Committee on Finance, reports the following nominations.

As President and CEO of the Empire State Development Corporation, Commissioner of the New York State Department of Economic Development, and Director of the Urban Development Corporation, Dennis M. Mullen, of Pittsford.

ACTING PRESIDENT STEWART-COUSINS: Senator Kruger.

SENATOR CARL KRUGER: Thank you, Madam President. Will you please move the nomination.

ACTING PRESIDENT STEWART-COUSINS: Are there any Senators that wish to be heard on the nomination?

Senator Little.

SENATOR LITTLE: Thank you, Madam President.

I would just like to congratulate the Governor for appointing Dennis Mullen to this position. He is certainly someone who is dedicated to finding companies and businesses and helping grow jobs in New York State. And I've had the pleasure of working with him and really have witnessed his dedication and true commitment to this role.

So congratulations. And I thank the Governor for appointing Mr. Mullen to this position.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Griffo.

SENATOR GRIFFO: Thank you, Madam

President. I would like to echo what Senator Little said. I think we are very fortunate.

Dennis is someone who I've gotten to know, and he has really traversed this state tirelessly during his tenure. And quite honestly, it's about time that we're getting to such an important position, because his role is so significant as we talk about the many challenges that this state is facing.

When you think about economic development and the importance of trying to grow this economy, it is very important that you get the right type of individual. And he possesses those credentials, he has made himself available and accessible. And I think he is doing a very difficult job very well.

And I want to congratulate Dennis and look forward to continuing to work with him as we try to grow this state.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Breslin.

SENATOR BRESLIN: Thank you, Madam President. I echo the remarks of Senator Griffo and Senator Little.

Dennis Mullen, in three words, he gets it. And he's crisscrossed this state, and he's interested not in whether someone's a Democrat or a Republican, he's interested in job development, job development, job development.

I applaud the Governor. It's good to see, finally, Dennis upstairs getting ready to do what he's been doing in an official capacity.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Stachowski.

SENATOR STACHOWSKI: Yes, Madam President, I too would like to rise and congratulate the Governor on the appointment of Dennis Mullen.

In the Economic Development Committee, Senator Alesi and I took turns saying what a great job he does. And of course Senator Alesi goes back farther with him, because he's a Rochester-area representative.

But the fact is that Dennis Mullen is -- the most important thing that a

commissioner can be to any of the members is someone that gives you an answer. Whether it's yes or no, you get an answer and you get it as fast as possible. And fortunately for a lot of us, he's been there with a positive answer. And in my area, since he's been there, we've had, from things as small as the Robinson Knife project to things as big as a major expansion at a General Motors plant.

So the job that he's done moving all across the state, as mentioned by previous speakers, has been terrific. The responsiveness has been excellent. And I look forward to working with him in the future.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Alesi.

SENATOR ALESI: Thank you, Madam President.

I have the distinct pleasure of not only representing Dennis Mullen as his Senator, but more importantly as a personal friend. And so as I listen to all of the accolades bestowed upon him by my

colleagues -- and every one of them is true -- I know Dennis personally and couldn't be happier for not only him but for the people of the State of New York.

Because in Dennis Mullen, we truly have someone who has no political agenda when to comes to developing the economy of this state. I say that from personal experience, back in the greater Rochester region, where he worked with the Greater Rochester Enterprise, also in the private sector.

And a little-known secret, Dennis Mullen -- you might know Darth Fagan, the choreographer of the Lion King, which is down on Broadway still playing -- has danced on stage under the tutelage of Garth Fagan, the director of that dance troupe, along with myself. So anybody that can keep up with me on the dance floor I think can be a great representative and serve the state well. I say that lightheartedly. We don't often get the chance to know somebody this well.

But I can tell you this. When we're on the floor of the Senate and we talk about this side of the aisle and that side of

the aisle, I guarantee you as we move forward here, all of us here who will look to Dennis Mullen for his assistance with economic development will never hear the word "this side of the aisle," "that side of the aisle," "Democrat" or "Republican." We'll only hear the word how can we improve the economy of this state. And that's what we can look forward to with Dennis Mullen.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Farley.

SENATOR FARLEY: Yes, thank you, Madam President.

I rise to support Dennis Mullen. What an outstanding appointment. Anybody that was at the Finance Committee, it was totally a love fest by every Senator saying things about him, how he got back to them, how he responded. Personally, he called me back while he was on vacation.

And this is a man that is interested in retaining the jobs that we have here, not just creating new jobs. Because it is so important that we retain the jobs.

And he's been very, very responsive to everyone. And you know, it is interesting to see somebody that's been so successful in his own life to donate so much to our state. And I think we all have to be grateful for those people that give back. And he's certainly giving back. And I just want to be one to say that Dennis, we appreciate your service.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President.

I never knew Dennis Mullen till he came to our district about a year ago in an effort to try to save a manufacturing company from leaving the State of New York. And I thought he handled himself in a very professional way.

And to me, it was refreshing, because many times I see elected officials in the Assembly and/or Senate that never worked in the private sector. And hence sometimes

there's a disconnect on the talent that you need in a job like that, hiring someone from the private sector with CEO experience.

This is a talented individual that talks the talk, understands all the problems that businesses face, and he does it in a professional way and in a way that defends state government -- which at times is difficult, with our taxing and regulatory policies -- and at the same time, he projects that he's there to help and save jobs.

So I think we have a good one, I know we have a good one in this individual, in making him permanent to this position. We wish him well, and we hope that he survives as we go next year and continuing.

And I say to Dennis, congratulations, you're very deserving.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you. I'm not going to repeat what everyone else said, but I will just say, with respect to

those remarks, ditto.

I also want to pick up on a theme that Senator Bonacic just mentioned. Unfortunately, it's taken 10 months for this position to be made permanent. And I'm calling on all the gubernatorial hopefuls all throughout the State of New York to get to know this man, get to watch his work, because he is clearly exactly what we need to head up the economic development efforts of the State of New York.

Secondly, I asked him a few questions at the committee meeting concerning whether it's a good idea to increase taxes or continue increasing borrowing, and he was extremely skillful in answering those questions. Extremely skillful.

But there's another reason I'm voting for him, because I know deep down, in his heart of hearts, as an economic development man he would love to see the State of New York reduce taxes, reduce spending, and reduce some of this borrowing so we can compete more favorably with the other states. Now, he didn't say that. I don't want to get

him in trouble. But I know, deep down, he really feels that way. And that's another reason I'm voting for this nominee.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

I rise to congratulate the Governor on this appointment and to congratulate Mr. Mullen. I had the opportunity to meet with him as we began to discuss the new MWBE bill that we're putting forward before this Legislature. And I have to say to you that in the working groups I've met very few government people who really have a cooperative spirit in the manner that he does.

When we discuss -- and I'm a debater, and we debated the issues. But he's not the kind of person that says what you want to hear. But somehow he manages to make sure that what you want and what he needs are the same thing. And working for the State of New York and creating the economic development

engine that's going to get this state back on its footing is going to take that kind of individual.

So I am very pleased to add my vote to that of this body in appointing him to this position that already he's hit the ground running.

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

The question is on the motion to confirm the nomination of Dennis M. Mullen, of Pittsford, as President and CEO of the Empire State Development Corporation, Commissioner of Economic Development, and Director of the Urban Development Corporation. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The motion carries. The nomination is

confirmed.

Congratulations, Mr. Mullen.

(Applause.)

ACTING PRESIDENT STEWART-COUSINS: The Secretary will continue to read.

THE SECRETARY: As a member of the Battery Park City Authority, Fernando Mateo, of Irvington.

As a member of the Industrial Board of Appeals, Jeffrey R. Cassidy, of Cohoes.

As a member of the Port of Oswego Authority, Walter David Schemerhorn, of Oswego.

And as director of the New York State Convention Center Operating Corporation, Michael J. McGuire, of New York City.

ACTING PRESIDENT STEWART-COUSINS: Senator Kruger.

SENATOR CARL KRUGER: Thank you, Madam President. Can we please move these nominations.

ACTING PRESIDENT STEWART-COUSINS: Are there any Senators wishing to be heard on this motion to confirm the nominations?

The question is on the motion to

confirm the nominations. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The motion carries. The nominations are confirmed.

Returning to the order of business, reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Craig Johnson.

SENATOR CRAIG JOHNSON: Madam President, I believe there are substitutions at the desk. I ask that we make the substitutions at this time.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: On page 13, Senator Addabbo moves to discharge, from the Committee on Elections, Assembly Bill Number 8693 and substitute it for the identical

Senate Bill Number 6910A, Third Reading Calendar 236.

On page 28, Senator Valesky moves to discharge, from the Committee on Finance, Assembly Bill Number 5220B and substitute it for the identical Senate Bill Number 2056B, Third Reading Calendar 487.

On page 28, Senator Morahan moves to discharge, from the Committee on Finance, Assembly Bill Number 9825A and substitute it for the identical Senate Bill Number 6772A, Third Reading Calendar 489.

On page 29, Senator Morahan moves to discharge, from the Committee on Codes, Assembly Bill Number 3762 and substitute it for the identical Senate Bill Number 3475, Third Reading Calendar 496.

On page 29, Senator Adams moves to discharge, from the Committee on Codes, Assembly Bill Number 9737 and substitute it for the identical Senate Bill Number 7021, Third Reading Calendar 499.

On page 29, Senator Schneiderman moves to discharge, from the Committee on Codes, Assembly Bill Number 9220A and

substitute it for the identical Senate Bill Number 7575, Third Reading Calendar 501.

And on page 29, Senator Stachowski moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 9810 and substitute it for the identical Senate Bill Number 6854, Third Reading Calendar 503.

ACTING PRESIDENT STEWART-COUSINS: Substitutions so ordered.

Senator Johnson.

SENATOR CRAIG JOHNSON: Madam President, on behalf of Senator Sampson, please place a sponsor's star on Calendar Number 154.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

SENATOR CRAIG JOHNSON: Madam President, on behalf of Senator Sampson, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Numbers 102, 106, 141, 189, and 193.

ACTING PRESIDENT STEWART-COUSINS:

So ordered.

SENATOR CRAIG JOHNSON: Madam President, on behalf of Senator Klein, on page number 8 I offer the following amendments to Calendar Number 106, Senate Number 6343, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

SENATOR CRAIG JOHNSON: Madam President, at this time I move to recall Senate Resolution Number 4728, by Senator Little, which was unanimously adopted by this house on April 20th. I ask that the title of the resolution be read and allow Senator Little the opportunity to speak on the resolution.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: By Senator Little, Legislative Resolution Number 4728, memorializing Governor David A. Paterson to proclaim May 10 through 16, 2010, as Fibromyalgia Awareness Week in the State of New York.

ACTING PRESIDENT STEWART-COUSINS: Senator Little.

SENATOR LITTLE: Thank you, Madam President.

The Governor has proclaimed this week, May 10 to 16, as Fibromyalgia Awareness Week by virtue of this resolution. And the purpose of proclaiming this week is to develop a better awareness of actually what fibromyalgia is. It is a disease where there is no known cause and there is no known cure, and over 10 million people in this country are affected by that.

What this disease is is a chronic disorder that causes fatigue and debilitating pain, and it affects women, men and children.

I have a close friend who has been diagnosed with fibromyalgia. And in the recent years, through some different types of treatment, she has been able to learn to live with this and to be able to still function and do many, many things with her family.

It frequently takes up to five years to get a good diagnosis and to know that you have fibromyalgia, and then what you hear

from the doctor is that you need to learn to live with it.

Our hope in this resolution is that we will increase awareness and expand knowledge about this disease. We are joined today by Sue Shipe, who is the executive director of the International Institute for Human Empowerment. They are the publisher of Fibromyalgia Aware, which is a magazine that helps people to learn to live with this, makes them more aware of things that they can do to help them be more comfortable, and also shows family members how can you support people with fibromyalgia.

So therefore I hope that all of us as we go forward today will listen to people who come into our office, those who are affected by fibromyalgia, that we will have a better awareness of it, that we will support those people, and that we will support the search for a cure for those who are afflicted with it. I thank you all for considering this resolution.

Thank you.

ACTING PRESIDENT STEWART-COUSINS:

Thank you, Senator Little.

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

This resolution was previously adopted on April 20th.

Senator Johnson.

SENATOR CRAIG JOHNSON: Madam President, at this time can we go to a reading of the calendar.

ACTING PRESIDENT STEWART-COUSINS: Senator Johnson.

SENATOR CRAIG JOHNSON: Madam President, will you first please recognize Senator Flanagan for a motion.

ACTING PRESIDENT STEWART-COUSINS: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Madam President.

On behalf of Senator Volker, on page number 17 I offer the following amendments to Calendar Number 344, Senate Print 7170, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

SENATOR FLANAGAN: Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you.

Senator Johnson.

SENATOR CRAIG JOHNSON: Madam President, can we now at this time go to a reading of the calendar.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 215, by Senator C. Johnson, Senate Print --

SENATOR CRAIG JOHNSON: Lay it aside for the day, please.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 406, by Member of the Assembly Magee, Assembly Print Number 6687, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 419, by Member of the Assembly Peoples-Stokes, Assembly Print Number 8489A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 419 are Senators Bonacic, DeFrancisco, Farley, Flanagan, Golden, Griffo, O. Johnson, Larkin, Libous, Little, Ranzenhofer, Robach, Seward, Skelos, Volker, Winner and Young. Also

Senator Saland. Also Senator Nozzolio.

Ayes, 39. Nays, 19.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 423, by Member of the Assembly Abbate, Assembly Print Number 9174A, an act to amend the Public Authorities Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 57. Nays, 1. Senator Ranzenhofer recorded in the negative.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number

429 --

SENATOR KLEIN: Lay the bill aside for the day, please.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 432 --

SENATOR KLEIN: Lay the bill aside for the day, please.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 434, by Senator Valesky --

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside.

THE SECRETARY: Calendar Number 436, by Member of the Assembly Dendekker, Assembly Print Number 10750, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of

2010.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 437, by Member of the Assembly Gottfried, Assembly Print Number 8498A, an act to amend the Public Health Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

SENATOR HANNON: Lay it aside.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 438, by Member of the Assembly Gottfried, Assembly Print Number 10664, an act to amend the Public Health Law and the State Technology Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 445, by Senator Oppenheimer, Senate Print 6152B, an act to authorize the Village of Mamaroneck, in the County of Westchester.

ACTING PRESIDENT STEWART-COUSINS: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 448, by Senator --

SENATOR KLEIN: Lay the bill aside for the day, please.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 449, by Member of the Assembly Pheffer, Assembly Print Number 10260, an act to amend the Public Authorities Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number

459, by --

SENATOR KLEIN: Lay the bill aside for the day, please.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 460, by Senator Dilan, Senate Print 7191, an act to amend the Transportation Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 469, by Senator Huntley, Senate Print 5833, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: I just lost track. What bill are we on now?

ACTING PRESIDENT STEWART-COUSINS: Calendar Number 469.

SENATOR DeFRANCISCO: Okay, thank you. All set.

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: In relation to Calendar Number 469: Ayes, 60. Nays, 0.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

SENATOR KLEIN: Madam President, at this time can we please go to a reading of the controversial calendar.

ACTING PRESIDENT STEWART-COUSINS:

The Secretary will ring the bell.

Members are all asked to come to the chamber for the controversial reading of the calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 434, by Senator Valesky, Senate Print 4302, an act to amend the Criminal Procedure Law and the Education Law.

SENATOR DeFRANCISCO: Explanation.

ACTING PRESIDENT STEWART-COUSINS: Senator Valesky, an explanation has been requested by Senator DeFrancisco.

SENATOR VALESKY: Thank you, Madam President.

This bill was introduced at this request of the University police officers, and it would repeal -- or actually would expand the geographical area of employment for SUNY police officers by repealing provisions in the Criminal Procedure and Education Law that limit jurisdiction for enforcement of violations and infractions to SUNY property only.

It is supported by the police officers union, New York State Troopers PBA, SUNY Police Chiefs Association, and many other law enforcement agencies.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Valesky.

Senator Saland.

SENATOR SALAND: Thank you, Madam President. Madam President, would Senator Valesky yield to a question.

ACTING PRESIDENT STEWART-COUSINS: Senator Valesky, will you yield?

SENATOR VALESKY: Certainly.

SENATOR SALAND: Senator Valesky, you amend a couple of sections of law -- you repeal a couple of sections of law. You repeal CPL Section 34A, subsection D, which makes specific reference to the geographical area of employment.

SENATOR VALESKY: Correct.

SENATOR SALAND: Before I ask you to yield, I actually chaptered the legislation which gave the University police police authority. And I'm quite troubled by the memos that I have seen and, quite candidly,

find them to be seriously misleading.

This was an effort that took probably at least two and perhaps three sessions before we achieved a result. And when I read in here, in the memo from the University Police Officers and Supervisors Union -- and perhaps they will want to take back the honor they gave me when I passed the legislation -- it talks about "this legislation will correct the legislative oversight over ten years ago."

There was no oversight. This was intended to be limited. This was specifically intended not to give them broad police powers. They knew it at the time, and they know it now, unless those who were there then have simply forgotten about it.

Now, they have more than jurisdiction over infractions and violations, they have jurisdiction over felonies. Your memo says they only have jurisdiction over infractions and violations. In fact, they have jurisdiction over felonies.

And I'd like to know, why would we want to treat University police differently

than police in the City of Albany, police in the Town of Poughkeepsie, police in the City of Syracuse, and police in any other city or village or any county sheriff in any jurisdiction in this state? Why would we want to elevate the University police to a status higher than theirs by giving them statewide authority?

SENATOR VALESKY: Madam President, through you, I'm not sure that we are elevating them to a status higher than other law enforcement. My understanding is we are raising them to a status and giving them the ability to enforce violations and infractions off university property, similar to what they have under your original bill, as it relates to felonies and misdemeanors.

SENATOR SALAND: Madam Chair, would -- Madam President, would Senator Valesky continue to yield.

ACTING PRESIDENT STEWART-COUSINS: Senator Valesky, do you continue to yield?

SENATOR VALESKY: Yes.

SENATOR SALAND: Senator, if that is the sole purpose of the bill, that could be

accomplished with very narrow language without giving them the authority. And I call your attention to the section that you're amending, CPL Section 34A, subsection D.

If you look at 34A, you have several different types of jurisdiction or venue. The first one listed in (A) talks about geographical area of employment of any police officer employed by the state or a statewide authority. The second one talks about geographical area of employment of a county, city, town or village police officer. And the third one talks about geographical area of employment where an authority functions in more than one county.

By omitting the language that you're omitting, you are now giving University police statewide police authority. Not merely the ability to enforce an infraction while traveling from one campus to another, you are basically giving them statewide authority. That's an authority that the Syracuse police don't have, that any of the police forces or sheriff's offices that I named previously don't have.

Why would you want to do that? Why would you want to restrict local law enforcement and give this status to University police, when they knew full well from the get-go that their jurisdiction was going to be limited?

SENATOR VALESKY: Madam President, through you, I'm not sure I agree that this bill restricts local law enforcement.

This bill enhances the ability of SUNY police officers off-campus, in arrangements that have been agreed to by the president of that university and the local law enforcement in that geographic area, to cooperate and enter into cooperative agreements as it relates to the enforcement of infractions and violations.

SENATOR SALAND: Through you, Madam President, permit me to agree and disagree with you at the same time.

Your bill does not restrict local law enforcement. The current law restricts local law enforcement as it restricts University police. You're removing the

restriction from the University police, continuing the restrictions on local law enforcement.

Right now a University policeman, much like the Syracuse city policeman, can leave his or her jurisdiction in hot pursuit where they've observed a felony. They can do that. To that extent, they're equals.

You're now saying that you want University police to have a greater, many greater jurisdiction than does any municipal police force, than does any sheriff's department. You are basically giving them statewide authority, which flies in the face of what happened and what they understood was happening when they were given police officer status.

I mean, do you want all police officers to have that ability or just SUNY police officers to have that ability?

SENATOR VALESKY: Madam President, again, the intent of this legislation is to allow SUNY -- the University police force to be able to enforce infractions and violations of the law off-campus in

accordance with a previously agreed-to written arrangement with the local law enforcement agency.

SENATOR SALAND: They currently have the ability to do that. Where they have a satellite campus, they can go to the satellite campus, have the same jurisdiction they have in the existing campus.

Your issue which I think you're trying to describe is the one that says if they're traveling from Campus A to Campus B, a distance of a mile and a half, they cannot enforce an infraction that might occur between A and B.

And I'm saying to you that that can be accomplished in a much tighter fashion than to give them statewide jurisdiction. You can simply put in a bill that says that, that in the course of traveling from campus to campus, they will have the authority to enforce infractions or violations. But that's not what your bill does.

ACTING PRESIDENT STEWART-COUSINS: Senator Saland, did you want to speak on the bill or do you want Senator Valesky to

continue to yield?

SENATOR SALAND: I'd like him to continue to yield.

Would that not be -- for purposes of what you would hope to do, would that not be a sounder means by which to do it instead of giving them statewide police authority from the tip of Montauk to Buffalo up to the Canadian border?

SENATOR VALESKY: Madam President, would Senator Saland repeat his question once again, please?

ACTING PRESIDENT STEWART-COUSINS: Senator Saland, would you repeat your question?

SENATOR VALESKY: I'm not sure how I can answer the question any differently than I previously answered it, it is my challenge.

SENATOR SALAND: My question to you was if in fact your desire -- if you're motivated by the desire to provide them with the authority to be able to enforce a violation or an infraction that they might observe traveling between campuses, is there

not a better way to do that than to give them the authority to have police authority in every corner of this state? Because by deleting the language that you're deleting, you are effectively doing that.

I don't disagree with what it is that you're trying to do, if in fact that is the limits of what you're trying to do. But there's a way to do that without opening up the entire state to enforcement authority by University police.

SENATOR VALESKY: Madam President, I think Senator Saland has raised some important issues here in regard to the intent of this legislation. And if, as the sponsor of the original law, if he believes that the drafting of this bill exceeds certainly my intent of this bill, I'd be more than happy to work with Senator Saland to constrain the language of this bill to what my intent of this bill is.

So as a result, I'd like to lay the bill aside for the day.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

SENATOR SALAND: Thank you, Senator.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 437, by Member of the Assembly Gottfried --

SENATOR KLEIN: Lay the bill aside for the day, please.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

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

SENATOR KLEIN: Madam President, at this time can we please go to a reading of the supplemental active list.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 381, by Senator Perkins, Senate Print 6066A --

SENATOR KLEIN: Lay the bill aside for the day.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 262, by Senator Morahan, Senate Print 1823B --

SENATOR KLEIN: Lay the bill aside for the day.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 313, by Senator LaValle, Senate Print 6730, an act to amend Chapter 282 of the Laws of 2008, relating to authorizing.

ACTING PRESIDENT STEWART-COUSINS: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 361, by Senator Seward, Senate Print 6826, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT STEWART-COUSINS:

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

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

ACTING PRESIDENT STEWART-COUSINS: Senator Klein, the desk is clear.

SENATOR KLEIN: There being no further business, Madam President, I move that we adjourn until Wednesday, May 12th, at 11:00 a.m.

ACTING PRESIDENT STEWART-COUSINS: There being no further business to come before the Senate, on motion, the Senate stands

adjourned until Wednesday, May 12th, at 11:00 a.m.

(Whereupon, at 4:36 p.m., the Senate adjourned.)