

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 June 23, 2010

11 1:21 p.m.

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13
14 REGULAR SESSION

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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 with
5 me the 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 Tuesday, June 22, the Senate met pursuant to
18 adjournment. The Journal of Monday, June 21,
19 was read and approved. On motion, Senate
20 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, on
9 behalf of Senator Addabbo, on page number 38 I
10 offer the following amendments to Calendar
11 Number 1104, Senate Print Number 7591, and ask
12 that said bill retain its place on Third
13 Reading Calendar.

14 ACTING PRESIDENT BRESLIN: So
15 ordered.

16 SENATOR KLEIN: On behalf of
17 Senator Onorato, on page number 26 I offer the
18 following amendments to Calendar Number 782,
19 Senate Print Number 5847D, and ask that said
20 bill retain its place on Third Reading
21 Calendar.

22 ACTING PRESIDENT BRESLIN: So
23 ordered.

24 SENATOR KLEIN: On behalf of
25 Senator Addabbo, on page number 38 I offer the

1 following amendments to Calendar Number 1097,
2 Senate Print Number 7153, and ask that said
3 bill retain its place on Third Reading
4 Calendar.

5 ACTING PRESIDENT BRESLIN: So
6 ordered.

7 SENATOR KLEIN: Mr. President, I
8 believe there are substitutions at the desk.
9 I ask that we make the substitutions at this
10 time.

11 ACTING PRESIDENT BRESLIN: The
12 Secretary will read.

13 THE SECRETARY: On page 20,
14 Senator Klein moves to discharge, from the
15 Committee on Rules, Assembly Bill Number 9934
16 and substitute it for the identical Senate
17 Bill Number 7011, Third Reading Calendar 568.

18 On page 28, Senator Peralta moves
19 to discharge, from the Committee on Rules,
20 Assembly Bill Number 4501A and substitute it
21 for the identical Senate Bill Number 8014,
22 Third Reading Calendar 812.

23 On page 31, Senator Oppenheimer
24 moves to discharge, from the Committee on
25 Rules, Assembly Bill Number 3467B and

1 substitute it for the identical Senate Bill
2 Number 7820A, Third Reading Calendar 871.

3 And on page 34, Senator LaValle
4 moves to discharge, from the Committee on
5 Rules, Assembly Bill Number 10718 and
6 substitute it for the identical Senate Bill
7 Number 7503, Third Reading Calendar 917.

8 ACTING PRESIDENT BRESLIN:
9 Substitutions ordered.

10 Senator Klein.

11 SENATOR KLEIN: Mr. President, at
12 this time I wish to recall Senate Resolution
13 Number 6159, by Senator McDonald, which was
14 unanimously adopted on June 22nd.

15 I ask that the title of the
16 resolution be read and give Senator McDonald
17 an opportunity to speak on his resolution.

18 ACTING PRESIDENT BRESLIN: The
19 Secretary will read.

20 THE SECRETARY: By Senator
21 McDonald, Legislative Resolution Number 6159,
22 commending Deputy Sergeant-at-Arms Ted Smetana
23 upon the occasion of his retirement after
24 36 years of distinguished service to the
25 New York State Senate.

1 ACTING PRESIDENT BRESLIN:

2 Senator McDonald.

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

5 It's quite an honor today to
6 recognize somebody who's given so much service
7 to their community, their state, and their
8 country. And that gentleman is Ted Smetana,
9 who for 36 years was a member of our corps of
10 sergeant-at-arms.

11 Thirty-six years he worked for us.
12 Amazingly, prior to that he had an outstanding
13 career as a New York State trooper for
14 22 years. Before that, he served for us in
15 World War II, in the U.S. Navy.

16 Think of that -- time in World War
17 II with the U.S. Navy, over 20 years as part
18 of our wonderful New York State Troopers,
19 where he led the first scuba diving unit right
20 of Lake George, locally, where they started
21 the first deep sea -- or I guess what it is,
22 scuba diving, and in charge of the modern
23 scuba diving program that the State Police
24 inaugurated.

25 He'd done so many things for us.

1 Then he stayed with us, after the Troopers,
2 and he's worked for us right here in the
3 New York State Capitol. Dedicated and a
4 family man.

5 Please recognize this wonderful
6 gentleman. He is with his wife and his son
7 Mark. Please stand up.

8 Thank you for your service, Ted.

9 (Applause.)

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

12 ACTING PRESIDENT BRESLIN: Thank
13 you, Senator McDonald.

14 Are there any other Senators
15 wishing to be heard?

16 Senator Padavan.

17 SENATOR PADAVAN: He's also a
18 great fisherman. You want to know where all
19 the great fishing spots are up here in the
20 Northeast, you ask Ted.

21 ACTING PRESIDENT BRESLIN:
22 Senator Volker.

23 SENATOR VOLKER: I just want to
24 say obviously I've known Ted for a long time.

25 And as somebody who at one time was

1 assigned the duty of kind of overseeing the
2 sergeant-at-arms, he's been here through all
3 the majority leaders that I've been here with,
4 and only 36 years. I'm 38 years, so there
5 isn't much difference.

6 But I've got to tell you something.
7 He's one of the most dedicated, one of the
8 best sergeant-at-arms we ever had. He's
9 also -- not only do we talk about the scuba
10 diving, he was also in charge of -- let's see,
11 how can I explain this. I don't want to mean
12 covert operations. But he was in charge of
13 making sure that the Senate didn't have any
14 invasion by outside people from people, as
15 happened here years ago, by the way, when a
16 governor did it.

17 He was in charge of the group that
18 would go into the various offices and make
19 sure that there was no wiretapping going on.
20 And that meant that sometimes he'd be in all
21 night long, because he'd do it mostly when the
22 Senate was out of the session. Interestingly
23 enough, most of the people in the Senate
24 didn't even know it was going on.

25 But since we were a house here that

1 at one time had our phones tapped years ago,
2 which has never been talked about very much --
3 in fact, I personally did -- we made sure that
4 the Senate operation was not attacked either
5 from outside or inside.

6 In fact, we offered the Assembly --
7 because we had an enormous amount of
8 equipment -- we offered the Assembly, and Mel
9 Miller, who was my good friend, said, "Well, I
10 don't think it's really right for Senate
11 people to be checking into the Assembly." And
12 they hired people at an enormous rate of
13 money, I don't want to get into it, to do
14 their job.

15 But the people that did our job did
16 a super job, and we now have a system here
17 that we spent quite a bit of money on to make
18 sure that our members don't have to worry
19 about being attacked either from inside or
20 outside.

21 And I want to say to Ted, I'll miss
22 you, because you've been a great guy and
23 you've been part of the Senate family for so
24 long, it's hard to believe you're going to be
25 gone. Of course, I've been part of the Senate

1 family; it's going to be hard for me to leave
2 too. But it's time, I know, for me; you're
3 quite a bit younger. Well, whatever.

4 But good luck, Ted.

5 ACTING PRESIDENT BRESLIN: Thank
6 you, Senator Volker.

7 Senator Farley.

8 SENATOR FARLEY: Yes, I rise to
9 wish Ted a very happy retirement and say that,
10 you know, of course he's been here even longer
11 than my 34 years.

12 But what a sergeant-at-arms he was
13 and continued to be. You could write a
14 history of things that have happened here,
15 because there's so many things that did happen
16 during your tenure here in the Senate, with
17 people breaking in and all kinds of
18 disruptions and things where you had to step
19 up.

20 The job that you did was
21 magnificent, as a State Police officer for so
22 many years, and you even had a longer time
23 serving the people of the State of New York as
24 a sergeant-at-arms.

25 Ted, you were a fixture here

1 throughout my career and always treated
2 everybody on both sides of the aisle with
3 dignity and respect. And you've been a great
4 asset to our Senate family, and we all wish
5 you the very best.

6 ACTING PRESIDENT BRESLIN: Thank
7 you, Senator Farley.

8 Are there any other Senators
9 wishing to be heard?

10 Senator LaValle.

11 SENATOR LaVALLE: I just want to
12 add my congratulations for all of the work
13 that you've done. You've been here the entire
14 tenure of my career.

15 And many times I know the
16 sergeant-at-arms think that the members are
17 kind of blase about what you do. But, Ted,
18 you have always been a real professional,
19 always a real gentleman in performing your
20 duties, and we really -- I'm speaking for
21 myself -- appreciated the quality that you
22 added to the Senate family. And good luck to
23 you in your retirement.

24 ACTING PRESIDENT BRESLIN: This
25 resolution was adopted unanimously on

1 June 22nd.

2 Congratulations, Ted.

3 (Applause.)

4 ACTING PRESIDENT BRESLIN:

5 Senator Klein.

6 SENATOR KLEIN: Mr. President, at
7 this time I wish to recall Senate Resolution
8 6178, by Senator Farley, which was unanimously
9 adopted on June 22nd. I ask that the title of
10 the resolution be read and give Senator Farley
11 the opportunity to speak on his resolution.

12 ACTING PRESIDENT BRESLIN: The
13 Secretary will read.

14 THE SECRETARY: By Senator
15 Farley, Legislative Resolution Number 6178,
16 commending Chief Sergeant-at-Arms William C.
17 Martin upon the occasion of his retirement
18 after 13 years of distinguished service to the
19 New York State Senate.

20 ACTING PRESIDENT BRESLIN:
21 Senator Farley.

22 SENATOR FARLEY: Thank you.
23 Thank you, Mr. President.

24 I rise to pay tribute to our
25 sergeant-at-arms for 13 years. Every member

1 of this house remembers the outstanding
2 service of Billy Martin, who is not here
3 today.

4 But let me just tell you something
5 else. He was a Schenectady police officer for
6 22 years, he was the administrative training
7 sergeant, and came here into the Senate to
8 become our chief sergeant-at-arms and served
9 with great dignity and honor. And again,
10 treated everybody fairly and ran a tremendous
11 ship. And somebody that we're very, very
12 proud of his service.

13 Billy Martin not only was a great
14 sergeant-at-arms, he's a wonderful family man
15 and the father of four children and a terrific
16 person and human being. It's not easy what
17 the sergeant-at-arms has to do to take care of
18 all the minutiae that happens here in the
19 Senate. And I know that we all appreciate his
20 service. And this record will be sent on to
21 him.

22 And I wish Billy Martin a very
23 happy retirement and thank him for his service
24 to this house.

25 ACTING PRESIDENT BRESLIN: Thank

1 you, Senator Farley.

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

4 Hearing none, this resolution was
5 adopted unanimously on June 22nd.

6 Senator Klein.

7 SENATOR KLEIN: Mr. President, at
8 this time I wish to recall Senate Resolution
9 Number 6226, by Senator Little, which was
10 unanimously adopted on June 22nd. I ask that
11 the title of the resolution be read and that
12 Senator Little be given the opportunity to
13 speak on her resolution.

14 ACTING PRESIDENT BRESLIN: The
15 Secretary will read.

16 THE SECRETARY: By Senator
17 Little, Legislative Resolution Number 6226,
18 mourning the untimely death of Benjamin D.
19 Osborn and paying tribute to his courageous
20 actions as a member of the United States Army.

21 ACTING PRESIDENT BRESLIN:
22 Senator Little.

23 SENATOR LITTLE: Thank you,
24 Mr. President.

25 Army Specialist Benjamin D. Osborn

1 was killed in combat on Tuesday, June 15,
2 2010, while serving in Konar Province,
3 Afghanistan.

4 It's fitting that we talk about
5 this legislative resolution today because
6 Governor Paterson has directed that all flags
7 in the State of New York be flown at half-mast
8 today in honor of Benjamin Osborn.

9 Born in Glens Falls on January 21,
10 1983, Ben was the son of William and Beverly
11 Osborn. In February he married Nicole LaPier.

12 He had joined the Army in April of
13 2007 and had served in both Iraq and
14 Afghanistan. Among the medals that he's
15 received has been the Iraq Freedom Medal, the
16 Purple Heart, and the Bronze Star.

17 Ben was a competitive athlete for
18 many years at Lake George High School. He was
19 a loved and compassionate person who fully
20 subscribed to the following Vince Lombardi
21 creed, and I quote: "I firmly believe that
22 man's finest hour is that moment when he has
23 worked his heart out in a good cause and he's
24 exhausted on the field of battle, victorious."

25 Ben gave his all for the mission at

1 hand. He will be laid to rest tomorrow at the
2 Gerald B.H. Solomon Saratoga National
3 Cemetery.

4 I ask you all to remember his
5 family in your prayers and in your thoughts.
6 Thank you.

7 ACTING PRESIDENT BRESLIN: Thank
8 you, Senator Little.

9 This resolution was unanimously
10 adopted on June 22nd.

11 Senator Klein.

12 SENATOR KLEIN: Mr. President, at
13 this time can we please go to a reading of the
14 calendar.

15 ACTING PRESIDENT BRESLIN: The
16 Secretary will read.

17 THE SECRETARY: Calendar Number
18 172, by Senator Foley, Senate Print 4322B, an
19 act to amend the Social Services Law.

20 ACTING PRESIDENT BRESLIN: Read
21 the last section.

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

24 ACTING PRESIDENT BRESLIN: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BRESLIN:

3 Announce the results.

4 THE SECRETARY: Those recorded in
5 the negative on Calendar Number 172 are
6 Senators DeFrancisco, Golden, Griffo,
7 L. Krueger, Lanza, Ranzenhofer, Volker and
8 Young. Also Senator Nozzolio. Also Senator
9 Libous.

10 Ayes, 47. Nays, 10.

11 ACTING PRESIDENT BRESLIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 312, by Senator Foley, Senate Print 6139A, an
15 act to authorize Lighthouse Mission, Inc.

16 ACTING PRESIDENT BRESLIN: Read
17 the last section.

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

20 ACTING PRESIDENT BRESLIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BRESLIN:

24 Announce the results.

25 THE SECRETARY: Ayes, 56. Nays,

1 1. Senator Bonacic recorded in the negative.

2 ACTING PRESIDENT BRESLIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 380, by Senator Schneiderman, Senate Print
6 7034A, an act to amend the Civil Practice Law
7 and Rules.

8 ACTING PRESIDENT BRESLIN: Read
9 the last section.

10 THE SECRETARY: Section 7. This
11 act shall take effect on the 30th day.

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: Those recorded in
18 the negative on Calendar Number 380 are
19 Senators Bonacic, DeFrancisco, Farley, Golden,
20 Griffo, O. Johnson, Lanza, Larkin, Marcellino,
21 Skelos, Volker, Winner and Young. Also
22 Senator LaValle.

23 Ayes, 43. Nays, 14.

24 ACTING PRESIDENT BRESLIN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 383, by Senator Aubertine, Senate Print 7145,
3 an act to amend the Public Service Law.

4 ACTING PRESIDENT BRESLIN: Read
5 the last section.

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

8 ACTING PRESIDENT BRESLIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BRESLIN:
12 Announce the results.

13 THE SECRETARY: Ayes, 57.

14 ACTING PRESIDENT BRESLIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 393, by Senator L. Krueger, Senate Print
18 5571A, an act to amend the Education Law.

19 ACTING PRESIDENT BRESLIN: Read
20 the last section.

21 THE SECRETARY: Section 3. This
22 act shall take effect one year after it shall
23 have become a law.

24 ACTING PRESIDENT BRESLIN: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BRESLIN:

3 Announce the results.

4 Senator DeFrancisco, to explain
5 his vote.

6 SENATOR DeFRANCISCO: Yes, I
7 thought I'd explain the vote rather than
8 debate it.

9 I've heard of bills where an
10 individual, no matter what the profession or
11 occupation might be, after a period of
12 experience doesn't have to take continuing
13 education courses to maintain a license. But
14 this is the first I've heard of that if you've
15 worked a certain amount of time you don't have
16 to have a license at all.

17 Now, something doesn't click right
18 here. I don't quite understand the logic
19 behind here, unless there's somebody or a
20 group of people who the sponsor is trying to
21 help. Because you either should have licenses
22 or not have licenses. And if you want to
23 eliminate some of the requirements to get a
24 license, that's one thing. But to eliminate
25 the requirement even to have a license is --

1 I'm greatly curious about that type of theory
2 here.

3 So for that reason, I'm going to
4 vote no.

5 ACTING PRESIDENT BRESLIN:
6 Senator DeFrancisco to be recorded in the
7 negative.

8 Senator Padavan, to explain his
9 vote.

10 SENATOR PADAVAN: I'd like
11 explain my vote, Mr. President.

12 Interior designers are not interior
13 decorators. These are individuals who can do
14 major renovations in a commercial facility, or
15 a residential, including knocking down walls,
16 putting up new walls, partitions. Some of
17 them can be bearing partitions.

18 They are doing, in a sense, by
19 design, engineering work. Which under the
20 building code in the City of New York requires
21 review by a plan examiner of plans either
22 submitted by a professional engineer or a
23 licensed architect.

24 We're exempting them entirely. I
25 don't think this is, in terms of public

1 safety, the right thing to do. So I'll be
2 voting no.

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

6 Senator Liz Krueger, to explain her
7 vote.

8 SENATOR LIZ KRUEGER: Thank you
9 very much.

10 I appreciate the colleagues who are
11 voting no. I just want to clarify, it
12 doesn't -- this grandfathers in people with at
13 least 15 years of experience if -- again, only
14 if, based on information and portfolio they
15 have provided to the State Education
16 Department, the State Education Department
17 decides to allow them to be licensed based on
18 a history of experience.

19 So it's not an automatic
20 grandfathering in of everyone who has worked
21 in the field for at least 15 years. They
22 still have to meet criteria established by the
23 State Education Department, who can say no
24 based on any and all of these concerns that
25 are being raised. And this bill has been

1 negotiated out with SED to clarify that.

2 I'll be voting yes. Thank you.

3 ACTING PRESIDENT BRESLIN:

4 Senator Liz Krueger will be recorded in the
5 affirmative.

6 Senator LaValle, to explain his
7 vote.

8 SENATOR LaVALLE: Thank you very
9 much, Mr. President.

10 I was the sponsor of the
11 legislation that created the interior design
12 profession. At that time we had a two-year
13 window to bring people in.

14 To the best of my knowledge, I
15 don't believe we have for any profession gone
16 back and opened it up for individuals to come
17 back in after -- I think the chapter was in
18 1990. So, you know, we're talking 20 years
19 ago.

20 So I don't think it's a good
21 precedent. I think Senator Padavan brought up
22 some cogent points. I'm going to be recorded
23 in the negative, please.

24 ACTING PRESIDENT BRESLIN:

25 Senator LaValle will be recorded in the

1 negative.

2 Announce the results.

3 THE SECRETARY: Those recorded in
4 the negative on Calendar Number 393 are
5 Senators Bonacic, DeFrancisco, Farley,
6 Flanagan, Golden, Griffo, Hannon, O. Johnson,
7 Lanza, Larkin, LaValle, Libous, Marcellino,
8 McDonald, Nozzolio, Padavan, Robach, Saland,
9 Skelos, Volker, Winner, and Young.

10 SENATOR KLEIN: Can we lay the
11 bill aside for the day, please.

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

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 569, by Senator C. Johnson, Senate Print 7534,
17 an act to amend the State Finance Law and
18 others.

19 ACTING PRESIDENT BRESLIN: Read
20 the last section.

21 THE SECRETARY: Section 6. This
22 act shall take effect immediately.

23 ACTING PRESIDENT BRESLIN: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BRESLIN:
2 Announce the results.
3 THE SECRETARY: Ayes, 57.
4 ACTING PRESIDENT BRESLIN: The
5 bill is passed.
6 THE SECRETARY: Calendar Number
7 636, by Senator Savino, Senate Print 6784, an
8 act to amend the General Municipal Law.
9 ACTING PRESIDENT BRESLIN: Read
10 the last section.
11 THE SECRETARY: Section 2. This
12 act shall take effect immediately.
13 ACTING PRESIDENT BRESLIN: There
14 is a home-rule message at the desk.
15 Call the roll.
16 (The Secretary called the roll.)
17 THE SECRETARY: In relation to
18 Calendar Number 636, those Senators recorded
19 in the negative are Senators Diaz,
20 Hassell-Thompson, L. Krueger, Ranzenhofer and
21 Squadron.
22 Ayes, 52. Nays, 5.
23 ACTING PRESIDENT BRESLIN: The
24 bill is passed.
25 THE SECRETARY: Calendar Number

1 650, by Senator Duane, Senate Print 7156, an
2 act to amend the Public Health Law.

3 SENATOR LANZA: Lay it aside.

4 ACTING PRESIDENT BRESLIN: The
5 bill is laid aside.

6 THE SECRETARY: Calendar Number
7 776, by Member of the Assembly Jeffries,
8 Assembly Print Number 8012, an act to amend
9 the Correction Law.

10 ACTING PRESIDENT BRESLIN: Read
11 the last section.

12 THE SECRETARY: Section 2. This
13 act shall --

14 SENATOR LIBOUS: Lay it aside.

15 ACTING PRESIDENT BRESLIN: The
16 bill is laid aside.

17 THE SECRETARY: Calendar Number
18 808, by Member of the Assembly Millman,
19 Assembly Print Number 11226, an act to amend
20 the Election Law.

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 Farley, to explain his vote.

5 SENATOR FARLEY: I'm voting no.

6 But I just want to point out that
7 this says it's within the City of New York.
8 This is statewide. So that's misleading in
9 and of itself.

10 ACTING PRESIDENT BRESLIN: Thank
11 you, Senator Farley. Senator Farley to be
12 recorded in the negative.

13 Senator Padavan, to explain his
14 vote.

15 SENATOR PADAVAN: No,
16 Mr. President, I'm asking for a point of
17 information.

18 If a calendar item -- calendared
19 item, the bill before us -- blatantly,
20 blatantly misrepresents the bill, should it
21 not be laid aside and at least the title
22 corrected? This title says, in effect, very
23 directly, within the City of New York.

24 And that's not the case. It's
25 misleading. I think everyone should know

1 that. But moreover, I think the bill ought to
2 be laid aside and the title corrected.

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

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

7 Thank you, Senator Padavan.

8 THE SECRETARY: Calendar Number
9 815, by Member of the Assembly Weinstein,
10 Assembly Print Number 8969, an act to amend
11 the Estates, Powers and Trusts Law.

12 ACTING PRESIDENT BRESLIN: Read
13 the last section.

14 THE SECRETARY: Section 2. This
15 act shall take effect on the first of January.

16 ACTING PRESIDENT BRESLIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BRESLIN:
20 Announce the results.

21 THE SECRETARY: Ayes, 57.

22 ACTING PRESIDENT BRESLIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 861, by Senator Adams, Senate Print 7945A, an

1 act to amend the Criminal Procedure Law.

2 ACTING PRESIDENT BRESLIN: Read
3 the last section.

4 SENATOR LIBOUS: Lay it aside.

5 ACTING PRESIDENT BRESLIN: The
6 bill is laid aside.

7 THE SECRETARY: Calendar Number
8 871, substituted earlier today by Member of
9 the Assembly Rosenthal, Assembly Print Number
10 3467B, an act to amend the Education Law.

11 ACTING PRESIDENT BRESLIN: Read
12 the last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the first of July.

15 ACTING PRESIDENT BRESLIN: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BRESLIN:
19 Senator DeFrancisco, to explain his vote.

20 SENATOR DeFRANCISCO: I'm voting
21 no.

22 I understand it is already the
23 practice of school districts to have parents
24 consent at the beginning of the year to a
25 child being involved with the dissection of

1 animals, for a biology class or otherwise. My
2 understanding of this bill is that the parents
3 have to receive a notice of that right.

4 We've gotten to the point where
5 we're notifying everybody of what their rights
6 are or notifying everybody about everything
7 and requiring more paperwork to be distributed
8 by schools and other areas as well, which it
9 seems to me we should use the money for
10 education.

11 So for that reason, since it's an
12 absolutely needless thing, that we should not
13 require a needless thing to be done at great
14 expense to the school districts.

15 So I vote no.

16 ACTING PRESIDENT BRESLIN:

17 Senator DeFrancisco to be recorded in the
18 negative.

19 Senator Farley, to explain his
20 vote.

21 SENATOR FARLEY: You know, as
22 we're cutting school aid and not passing
23 budgets and all kinds of things, this is
24 another mandate on schools. It's a pain in
25 the neck for them to notify every parent of

1 when they're going to dissect an animal or
2 whatever it might be. It's just a mandate
3 that is a bad piece of legislation.

4 ACTING PRESIDENT BRESLIN:

5 Senator Farley will be recorded in the
6 negative.

7 Senator Oppenheimer, to explain her
8 vote.

9 SENATOR OPPENHEIMER: Well,
10 explain the bill. And my vote, which is yes.

11 ACTING PRESIDENT BRESLIN:

12 Senator Oppenheimer, on the bill.

13 SENATOR OPPENHEIMER: This is not
14 much of a mandate, if you want to call it
15 that. It's to post in the places where this
16 dissection is going on, in the class, that the
17 parents will have, in consultation with their
18 student child, the opportunity to not do it
19 hands-on but rather to do it in another
20 method.

21 So that some children get very
22 upset with this dissection, and it's done just
23 to alert the parent that they can ask to have
24 it done through video. So it's really not
25 much of anything. Maybe it's posting a single

1 piece of paper. But I can't really call a
2 single piece of paper a mandate.

3 So I'm doing it for those children
4 that I guess are very, very squeamish and
5 cannot withstand the sight of dissection. So
6 that is the principle behind it, and I will be
7 voting yes.

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

11 Announce the results.

12 THE SECRETARY: Those recorded in
13 the negative on Calendar Number 871 are
14 Senators Bonacic, DeFrancisco, Farley,
15 Flanagan, Golden, Griffo, O. Johnson, Lanza,
16 Little, Maziarz, Ranzenhofer, Robach, Saland,
17 Winner and Young. Also Senator Fuschillo.
18 Also Senator Larkin. Also Senator Nozzolio.
19 Also Senator Hannon. Also Senator Leibell.
20 Also Senator McDonald.

21 ACTING PRESIDENT BRESLIN:
22 Announce the results.

23 THE SECRETARY: Ayes, 36. Nays,
24 21.

25 ACTING PRESIDENT BRESLIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 903, by Member of the Assembly Pheffer,
4 Assembly Print Number 10266, an act to amend
5 Chapter 176 of the Laws of 2007, amending the
6 Education Law.

7 ACTING PRESIDENT BRESLIN: Read
8 the last section.

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

11 ACTING PRESIDENT BRESLIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BRESLIN:
15 Announce the results.

16 THE SECRETARY: Ayes, 57.

17 ACTING PRESIDENT BRESLIN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 921, by Member of the Assembly Latimer,
21 Assembly Print Number 10939, an act to repeal
22 Title 37 of Article 15-B of the General
23 Municipal Law.

24 ACTING PRESIDENT BRESLIN: There
25 is a home-rule message at the desk.

1 Read the last section.

2 THE SECRETARY: Section 2. This

3 act shall take effect immediately.

4 ACTING PRESIDENT BRESLIN: Call

5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 57.

8 ACTING PRESIDENT BRESLIN: The

9 bill is passed.

10 THE SECRETARY: Calendar Number

11 954, by Senator L. Krueger, Senate Print

12 7812B, an act to amend the Penal Law.

13 ACTING PRESIDENT BRESLIN: Read

14 the last section.

15 THE SECRETARY: Section 2. This

16 act shall take effect on the first of

17 November.

18 ACTING PRESIDENT BRESLIN: Call

19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BRESLIN:

22 Announce the results.

23 THE SECRETARY: Ayes, 57.

24 ACTING PRESIDENT BRESLIN: The

25 bill is passed.

1 THE SECRETARY: Calendar Number
2 964, by Senator Dilan, Senate Print 4478B, an
3 act to amend the Railroad Law.

4 ACTING PRESIDENT BRESLIN: Read
5 the last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect on the first of
8 November.

9 ACTING PRESIDENT BRESLIN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BRESLIN:
13 Announce the results.

14 THE SECRETARY: Ayes, 57.

15 ACTING PRESIDENT BRESLIN: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 1017, by Member of the Assembly John, Assembly
19 Print Number 6964, an act to amend the Labor
20 Law.

21 ACTING PRESIDENT BRESLIN: Read
22 the last section.

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

25 SENATOR SALAND: Lay it aside.

1 ACTING PRESIDENT BRESLIN: The
2 bill is laid aside.

3 THE SECRETARY: Calendar Number
4 1048, by Senator Foley, Senate Print 7427, an
5 act to authorize Peter J. Smith, a retiree
6 receiving benefits.

7 ACTING PRESIDENT BRESLIN: Read
8 the last section.

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

11 ACTING PRESIDENT BRESLIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BRESLIN:
15 Senator DeFrancisco, to explain his vote.

16 SENATOR DeFRANCISCO: Yes, I'm
17 going to vote no on this.

18 And I don't know Peter J. Smith or
19 anything about him, other than what's in the
20 bill memo -- that in order to allow this
21 filing, late filing or this exemption to
22 following the rules, it's going to cost the
23 State of New York, according to the bill memo,
24 \$143,000. And it's my understanding that the
25 \$87,000 pension this person is getting will

1 thereupon rise to over \$100,000.

2 There are so many people out in our
3 community that have lost their jobs, lost
4 their pensions, lost everything. And in
5 addition, there's so many people who follow
6 the rules in the pension system and get what
7 they're entitled to under the pension system.

8 So it just seems wrong, very wrong,
9 to make a special case for someone who didn't
10 follow the rules, which will cost \$143,000 so
11 that this individual can make about \$13,000
12 more a year on that person's pension.

13 For those reasons, I vote no.

14 ACTING PRESIDENT BRESLIN:

15 Senator DeFrancisco will be recorded in the
16 negative.

17 Senator Foley, to explain his vote.

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

20 The record should clearly
21 reflect -- and this has been a common practice
22 in both houses -- that this is correcting an
23 error that had occurred through no fault of
24 this public employee.

25 We can have a great debate about

1 the fact of what pension costs are in this
2 state, and that is a very worthy and just
3 discussion and debate. But that's not the
4 issue here.

5 The issue here is that through no
6 fault of this particular public employee,
7 errors had taken place that need to be
8 corrected. So what the amount of the money is
9 is one thing. But the error did occur. And
10 we can go back over a period of decades that
11 when there is an error of paperwork through no
12 fault of the employee, we have seen scores of
13 resolutions to correct that error, whether
14 it's a dollar or whether it's a far higher
15 figure.

16 So many of us would love to join in
17 the other debate about pension costs, and we
18 should have that kind of debate. But that is
19 not at issue here. What is at issue here is
20 that an error had taken place, just as
21 virtually every member of this house has put
22 forward bills to correct errors.

23 So this is to correct that error
24 made through no fault of the public employee,
25 and corrects it. At some other point we can

1 certainly speak about pension costs, but
2 that's a different issue. That's why this
3 bill was put forward.

4 Thank you, Mr. Chairman.

5 ACTING PRESIDENT BRESLIN: Thank
6 you, Senator Foley.

7 Senator Foley to be recorded in the
8 affirmative.

9 Announce the results.

10 THE SECRETARY: Those recorded in
11 the negative on Calendar Number 1048 are
12 Senators Bonacic, DeFrancisco, Griffo, Hannon,
13 Larkin, Little, Maziarz, Ranzenhofer, Robach,
14 Saland, Winner and Young.

15 Ayes, 45. Nays, 12.

16 ACTING PRESIDENT BRESLIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 1078, by Member of the Assembly Cahill,
20 Assembly Print Number 7593B, an act to amend
21 the Public Service Law.

22 ACTING PRESIDENT BRESLIN: Read
23 the last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect on the 60th day.

1 SENATOR FUSCHILLO: Lay it aside.

2 ACTING PRESIDENT BRESLIN: The
3 bill is laid aside.

4 THE SECRETARY: Calendar Number
5 1091, by Member of the Assembly Kellner,
6 Assembly Print Number 9465A, an act --

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

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

11 THE SECRETARY: Calendar Number
12 1099, by Member of the Assembly Schimminger,
13 Assembly Print Number 10857A, an act to amend
14 the Alcoholic Beverage Control Law.

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

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

19 THE SECRETARY: Calendar Number
20 1103, by Senator Parker, Senate Print 7565A,
21 an act to amend the Public Service Law.

22 ACTING PRESIDENT BRESLIN: Read
23 the last section.

24 THE SECRETARY: Section 12. This
25 act shall take effect --

1 SENATOR LIBOUS: Lay it aside.

2 ACTING PRESIDENT BRESLIN: The
3 bill is laid aside.

4 THE SECRETARY: Calendar Number
5 1115, by Member of the Assembly Silver,
6 Assembly Print Number --

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

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

11 THE SECRETARY: Calendar Number
12 1117, by Senator Stachowski, Senate Print
13 8092, an act to amend the Insurance Law.

14 ACTING PRESIDENT BRESLIN: Read
15 the last section.

16 SENATOR STACHOWSKI: Lay it
17 aside, please. For the day.

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

20 THE SECRETARY: Calendar Number
21 1120, by Senator Klein --

22 SENATOR KLEIN: Lay the bill
23 aside, please.

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

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

3 Senator Klein.

4 SENATOR KLEIN: Mr. President, on
5 Calendar Number 393, I would like the bill
6 laid aside, not laid aside for the day.

7 ACTING PRESIDENT BRESLIN:
8 Calendar Number 393 is laid aside.

9 Senator Klein.

10 SENATOR KLEIN: Mr. President,
11 upon unanimous consent I ask that the roll be
12 opened for the seven bills on the
13 controversial calendar so that Senator Diaz
14 can vote on each bill.

15 ACTING PRESIDENT BRESLIN: The
16 Secretary will place Calendar Number 393
17 before the house.

18 THE SECRETARY: Calendar Number
19 393, by Senator L. Krueger, Senate Print
20 5571A, an act to amend the Education Law.

21 ACTING PRESIDENT BRESLIN: Read
22 the last section.

23 THE SECRETARY: Section 3. This
24 act shall take effect one year after it shall
25 have become a law.

1 ACTING PRESIDENT BRESLIN: Call
2 the roll.
3 (The Secretary called the roll.)
4 ACTING PRESIDENT BRESLIN:
5 Senator Diaz.
6 SENATOR DIAZ: Yes.
7 ACTING PRESIDENT BRESLIN:
8 Senator Diaz will be recorded in the
9 affirmative.
10 The roll is withdrawn, and the bill
11 is laid aside.
12 The Secretary will call Calendar
13 Number 650.
14 THE SECRETARY: Calendar Number
15 650, by Senator Duane, Senate Print 7156, an
16 act to amend the Public Health Law.
17 ACTING PRESIDENT BRESLIN: Read
18 the last section.
19 THE SECRETARY: Section 6. This
20 act shall take effect August 1, 2011.
21 ACTING PRESIDENT BRESLIN: Call
22 the roll.
23 (The Secretary called the roll.)
24 ACTING PRESIDENT BRESLIN:
25 Senator Diaz.

1 SENATOR DIAZ: Yes.

2 ACTING PRESIDENT BRESLIN:

3 Senator Diaz will be recorded in the
4 affirmative.

5 The roll is withdrawn, and the bill
6 is laid aside.

7 The Secretary will continue to
8 read.

9 THE SECRETARY: Calendar Number
10 776, by Member of the Assembly Jeffries,
11 Assembly Print Number 8012, an act to amend
12 the Correction Law.

13 ACTING PRESIDENT BRESLIN: Read
14 the last section.

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

17 ACTING PRESIDENT BRESLIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BRESLIN:
21 Senator Diaz.

22 SENATOR DIAZ: Yes.

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

1 The roll is withdrawn, and the bill
2 is laid aside.

3 THE SECRETARY: Calendar Number
4 861, by Senator Adams, Senate Print 7945A, an
5 act to amend the Criminal Procedure Law.

6 ACTING PRESIDENT BRESLIN: Read
7 the last section.

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

10 ACTING PRESIDENT BRESLIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BRESLIN:
14 Senator Diaz.

15 SENATOR DIAZ: Yes.

16 ACTING PRESIDENT BRESLIN:
17 Senator Diaz will be recorded in the
18 affirmative.

19 The roll is withdrawn, and the bill
20 is laid aside.

21 THE SECRETARY: Calendar Number
22 1017, by Member of the Assembly John, Assembly
23 Print Number 6964, an act to amend the Labor
24 Law.

25 ACTING PRESIDENT BRESLIN: Read

1 the last section.

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

4 ACTING PRESIDENT BRESLIN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BRESLIN:
8 Senator Diaz.

9 SENATOR DIAZ: Yes.

10 ACTING PRESIDENT BRESLIN:
11 Senator Diaz will be recorded in the
12 affirmative.

13 The roll is withdrawn, and the bill
14 is laid aside.

15 THE SECRETARY: Calendar Number
16 1078, by Member of the Assembly Cahill,
17 Assembly Print Number 7593B, an act to amend
18 the Public Service Law.

19 ACTING PRESIDENT BRESLIN: Read
20 the last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect on the 60th day.

23 ACTING PRESIDENT BRESLIN: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BRESLIN:
2 Senator Diaz.
3 SENATOR DIAZ: Yes.
4 ACTING PRESIDENT BRESLIN:
5 Senator Diaz will be recorded in the
6 affirmative.
7 The roll is withdrawn, and the bill
8 is laid aside.
9 THE SECRETARY: Calendar Number
10 1103, by Senator Parker, Senate Print 7565A,
11 an act to amend the Public Service Law.
12 ACTING PRESIDENT BRESLIN: Read
13 the last section.
14 THE SECRETARY: Section 12. This
15 act shall take effect immediately.
16 ACTING PRESIDENT BRESLIN: Call
17 the roll.
18 (The Secretary called the roll.)
19 ACTING PRESIDENT BRESLIN:
20 Senator Diaz.
21 SENATOR DIAZ: To explain my
22 vote.
23 ACTING PRESIDENT BRESLIN:
24 Senator Diaz, to explain his vote.
25 SENATOR DIAZ: Even though

1 Senator Parker last night told me that none of
2 my bills will be passed as long as he'll be
3 here, I'm voting yes on this bill.

4 ACTING PRESIDENT BRESLIN:
5 Senator Diaz will be recorded in the
6 affirmative.

7 The roll is withdrawn, and the bill
8 is laid aside.

9 THE SECRETARY: Calendar Number
10 1120, by Senator Klein, Senate Print 8171, an
11 act to amend the Public Health Law.

12 ACTING PRESIDENT BRESLIN: Read
13 the last section.

14 THE SECRETARY: Section 2. This
15 act shall take effect one year after it shall
16 have become a law.

17 ACTING PRESIDENT BRESLIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BRESLIN:
21 Senator Diaz.

22 SENATOR DIAZ: Yes.

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

1 The roll is withdrawn, and the bill
2 is laid aside.

3 Senator Klein.

4 SENATOR KLEIN: Mr. President,
5 can we please stand at ease. The Minority
6 Senators are going to conference. I estimate
7 we'll return back at about 3:30.

8 ACTING PRESIDENT BRESLIN: The
9 Senate will stand at ease pending the return
10 of the Minority Conference at approximately
11 3:30.

12 (Whereupon, the Senate stood at
13 ease at 2:11 p.m.)

14 (Whereupon, the Senate reconvened
15 at 4:24 p.m.)

16 ACTING PRESIDENT BRESLIN:
17 Senator Klein.

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

21 ACTING PRESIDENT BRESLIN: The
22 Secretary will read.

23 THE SECRETARY: Calendar Number
24 393, by Senator L. Krueger, Senate Print
25 5571A, an act to amend the Education Law.

1 ACTING PRESIDENT BRESLIN: The
2 Secretary will ring the bell. Members are
3 asked to come to the chamber for the reading
4 of the controversial calendar.

5 Are there any Senators who wish to
6 be heard?

7 Senator Padavan.

8 SENATOR PADAVAN: Is this
9 Calendar Number 393?

10 ACTING PRESIDENT BRESLIN: Yes,
11 it is, Senator Padavan.

12 SENATOR LIBOUS: S5571A.

13 SENATOR PADAVAN: I would like to
14 speak on the bill. I think I did earlier.

15 ACTING PRESIDENT BRESLIN:
16 Senator Padavan, on the bill.

17 SENATOR PADAVAN: Thank you very
18 much.

19 I hate to be redundant, but earlier
20 I pointed out that these individuals are not
21 interior decorators. An interior designer, by
22 definition, can do extensive work in any
23 building --

24 ACTING PRESIDENT BRESLIN: May we
25 please have some order.

1 SENATOR PADAVAN: They can do
2 extensive work in any building, commercial or
3 residential -- knock down walls, put up
4 partitions, some of them load-bearing
5 partitions -- work involving electrical work
6 to rewire the walls or the outlets.
7 Ventilating, heating, if ventilating ducts
8 have to be moved. There's a great deal
9 involved.

10 Now, normally, because a permit
11 would be required for that kind of extensive
12 work, in the City of New York plans have to be
13 submitted, reviewed by a plan examiner, to
14 determine whether or not that construction
15 meets the building code, which is basically a
16 fire safety code, the electrical code, and any
17 applicable ordinances.

18 Now, without licensure, I'm not
19 sure how this can be legally done. Who's
20 going to get the permit in the City of
21 New York, if it isn't an architect or an
22 engineer -- which by law it must be, to file
23 plans to get a permit. So, I mean, these are
24 questions that come to mind with regard to
25 this bill.

1 As was said earlier by Senator
2 LaValle, he was involved many years ago --
3 20 years ago, I think he said -- in the
4 establishment of a category of licensure for
5 the interior decorators so that would give
6 them the status they needed to do the work
7 they needed. And there was a grandfathered
8 period of time, a window, for those to get in
9 on it. Now, 20 years later, as Senator
10 LaValle put it, you've now opened not only a
11 window but a barn door.

12 Now, I think basically here we're
13 dealing with public safety, public health, and
14 there has to be some level of licensure for
15 the people doing it. And we cannot be --
16 again, I repeat what I said before, because I
17 think it's so important. I don't know how
18 you're getting around the requirements of the
19 building code in the City of New York by
20 allowing decorators who do this type of work
21 to be doing so without any level of licensure.

22 Unless, of course, they go out and
23 hire an architect or an engineer to work for
24 them to do what they're about to do. But
25 there's nothing in your bill that says that.

1 ACTING PRESIDENT BRESLIN:

2 Senator Krueger, on the bill.

3 SENATOR LIZ KRUEGER: Thank you
4 very much. I appreciate my colleague's
5 concerns. And I wanted to just clarify a few
6 things.

7 One, this does not permit the
8 practice of engineering or architecture by
9 persons who would be certified as interior
10 designers unless they were otherwise so
11 authorized. So there are some architects and
12 engineers who are also interior designers.

13 But becoming a certified interior
14 designer and licensed interior designer under
15 this law would not give them any authority
16 that they might not have otherwise in law. It
17 would not allow them to be a new universe of
18 people to file paperwork, as my colleague was
19 pointing out, with the City of New York as far
20 as the Department of Buildings or work
21 permits. This does not change any of that.

22 What this bill does is clarify
23 certification requirements and update
24 certification requirements to become a
25 certified interior designer requiring an

1 application with SED, at least seven years
2 professional training, academic study, work
3 experience of, with at least two but not more
4 than five of these seven years as
5 postsecondary education, have to meet
6 satisfactory definitions by the SED
7 commissioner providing regulations as such and
8 pass two examinations satisfactory to the
9 state board, with an exemption made if you
10 have at least 15 years of experience, submit
11 your documentation and your portfolio to SED.

12 Then they could decide, they could
13 decide whether they believe you had the
14 qualifications to exempt you from some of the
15 otherwise requirements, to allow the
16 grandfathering in of some people who meet the
17 criteria set by SED.

18 You have to get a license through
19 them. They can reject you for a license on a
20 grandfathering-in basis. You have to pay for
21 the license.

22 And again, just to clarify
23 something that I believe a Senator got wrong
24 earlier, this bill actually was passed by the
25 Senate, a variation of this bill, when it was

1 carried by Senator Ken LaValle in 2008, but it
2 was vetoed because of concerns by SED.

3 This bill I'm hoping we will pass
4 today is an updated version of the bill that
5 addresses the concerns of SED but in fact is a
6 bill that this house passed with almost
7 unanimous support when carried by my colleague
8 Senator LaValle back in 2008.

9 So I am hoping that now that we
10 have fixed the problems that were identified
11 by the Governor when he vetoed the bill, that
12 we might be able to pass this today. I would
13 urge a yes vote.

14 Thank you very much, Mr. President.

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

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

19 Hearing none, the debate is closed.
20 The Secretary will ring the bell.

21 Read the last section.

22 THE SECRETARY: Section 3. This
23 act shall take effect one year after it shall
24 have become a law.

25 ACTING PRESIDENT BRESLIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BRESLIN: If
4 everyone could keep their hands up till a
5 tally is achieved.

6 Announce the results.

7 THE SECRETARY: Those recorded in
8 the negative on Calendar Number 393 are
9 Senators Alesi, Bonacic, DeFrancisco, Farley,
10 Flanagan, Fuschillo, Golden, Griffio, Hannon,
11 O. Johnson, Lanza, Larkin, LaValle, Leibell,
12 Libous, Little, Marcellino, Maziarz, McDonald,
13 Nozzolio, Padavan, Ranzenhofer, Robach,
14 Saland, Seward, Skelos, Winner and Young.

15 Absent from voting: Senator
16 Volker. Ayes, 32. Nays, 28.

17 ACTING PRESIDENT BRESLIN: The
18 bill is passed.

19 The Secretary will continue to
20 read.

21 THE SECRETARY: Calendar Number
22 650, by Senator Duane --

23 ACTING PRESIDENT BRESLIN:
24 Senator Libous, why do you rise?

25 SENATOR LIBOUS: Was the roll

1 open on that issue for Senator Diaz? I don't
2 believe it was. I believe it was opened
3 after.

4 ACTING PRESIDENT BRESLIN:
5 Senator Libous, we opened the roll for seven
6 votes for Senator Diaz. The remaining bills
7 were laid aside, I believe. Eight, I'm sorry,
8 eight bills.

9 The Secretary will continue to
10 read.

11 THE SECRETARY: Calendar Number
12 650, by Senator Duane, Senate Print 7156, an
13 act to amend the Public Health Law.

14 ACTING PRESIDENT BRESLIN: Read
15 the last section.

16 THE SECRETARY: Section 6. This
17 act shall take effect August 1, 2011.

18 ACTING PRESIDENT BRESLIN: Are
19 there any Senators wishing to be heard?

20 Hearing none, the debate is closed.
21 The Secretary will ring the bell.

22 Read 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 Duane, to explain his vote.

5 SENATOR DUANE: Thank you,
6 Mr. President. I just want to thank my
7 colleagues for proceeding with the vote on
8 this issue.

9 I want to point out that the
10 Advisory Committee on Immunization Practices
11 recommended that all persons 11 to 18 be
12 vaccinated against meningococcal disease. And
13 this legislation will take a big step towards
14 protecting children and young people,
15 particularly those who are in college, from
16 either becoming fatally ill or having a
17 permanent disability as a result of
18 contracting meningococcal.

19 Thank you, Mr. President. I'll be
20 voting in the affirmative.

21 ACTING PRESIDENT BRESLIN: Thank
22 you, Senator Duane.

23 Senator Nozzolio, to explain his
24 vote.

25 SENATOR NOZZOLIO: Thank you,

1 Mr. President.

2 Mr. President and my colleagues,
3 it's hard to believe that it's been 16 years
4 ago this month that I lost my godson and
5 nephew, who finished his junior year at
6 Cornell University, was aboard ship as a
7 midshipman, a naval officer training in his
8 commitment, and about to enter his senior year
9 at Cornell. He was stricken with the
10 meningococcal virus, and he did not survive.

11 Since that time I've found many
12 young people similarly afflicted in the prime
13 of their lives with this dreaded disease.

14 I urge all parents to understand
15 that vaccines are available. A number of
16 years ago we provided the colleges of this
17 state with a notice provision that the
18 bacteria is a deadly bacteria and that in
19 effect there are steps and precautions that
20 can be taken.

21 I rise because I certainly
22 understand the sponsor's desire to see a
23 mandatory vaccination process. I believe,
24 though, the steps currently should be for the
25 parents to understand the risks and make that

1 decision for them. That is why I reluctantly
2 vote against this provision, because of the
3 mandatory nature.

4 But hopefully the legislation will
5 send an appropriate signal that there is a
6 step, a precaution, that parents should be
7 aware of and that they could take. And if I
8 could take that to prevent the death of
9 Matthew Nozzolio, I certainly would have taken
10 that step.

11 Thank you, Mr. President. I
12 reluctantly vote in the negative.

13 ACTING PRESIDENT BRESLIN: Thank
14 you, Senator Nozzolio. You will be recorded
15 in the negative.

16 Senator Oppenheimer, to explain her
17 vote.

18 SENATOR OPPENHEIMER: Well, this
19 may sound like funny statement coming from me,
20 but I really don't care what the parents think
21 on this. This is so important and so vital.
22 To think that you could lose the life of a
23 child because you didn't get them inoculated.

24 And I'm speaking as one who has had
25 meningoencephalitis. Believe me, you don't

1 want it. It's a cousin to this, and one-third
2 do survive. And knock wood, I survived.

3 But this is so horrible. It took
4 me many months, lost sight, lost hearing, lost
5 walking. I mean, you just -- if it can be
6 avoided by a simple injection, why would you
7 not do it? And I would do it irrespective of
8 what parents wanted, with the simple
9 exception, of course, of those religious
10 entities that do not accept any medical
11 treatment.

12 I'll be voting yes.

13 ACTING PRESIDENT BRESLIN: Thank
14 you, Senator Oppenheimer. You will be
15 recorded in the affirmative.

16 Senator Hannon, to explain his
17 vote.

18 SENATOR HANNON: Thank you,
19 Mr. President. I rise in support of this
20 legislation.

21 Vaccination is part of public
22 health. And, one, while the family
23 decision-making process is very important,
24 when we deal with public health we're dealing
25 with the individual and their health and we're

1 dealing with societies. Because you're going
2 to get infected by other people, and you need
3 to be able to rely on the fact that other
4 people don't have a disease, don't have
5 something that can be communicated.

6 That's why we have vaccination, we
7 have mandatory vaccination. It's not because
8 we want to override some freedom. But we want
9 to make sure that all of society is protected.
10 And so I rise in support of this legislation.

11 Thank you.

12 ACTING PRESIDENT BRESLIN: Thank
13 you, Senator Hannon. You will be recorded in
14 the affirmative.

15 Announce the results.

16 THE SECRETARY: Those recorded in
17 the negative on Calendar Number 650 are
18 Senators DeFrancisco, Farley, Griffo, Lanza,
19 Nozzolio and Robach.

20 Ayes, 56. Nays, 6.

21 ACTING PRESIDENT BRESLIN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 776, by Member of the Assembly Jeffries,
25 Assembly Print Number 8012, an act to amend

1 the Correction Law.

2 ACTING PRESIDENT BRESLIN: Are
3 there any Senators wishing to be heard?

4 Hearing none, debate is closed.
5 The Secretary will ring the bell.

6 Read the last section.

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

9 ACTING PRESIDENT BRESLIN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BRESLIN:
13 Announce the results.

14 THE SECRETARY: Those recorded in
15 the negative on Calendar Number 776 are
16 Senators Alesi, Bonacic, DeFrancisco, Farley,
17 Flanagan, Fuschillo, Golden, Griffio, Hannon,
18 O. Johnson, Lanza, Larkin, LaValle, Leibell,
19 Libous, Little, Marcellino, Maziarz, McDonald,
20 Nozzolio, Padavan, Ranzenhofer, Robach,
21 Saland, Seward, Skelos, Volker, Winner and
22 Young.

23 Ayes, 32. Nays, 29.

24 ACTING PRESIDENT BRESLIN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 861, by Senator Adams, Senate Print 7945A, an
3 act to amend the Criminal Procedure Law.

4 ACTING PRESIDENT BRESLIN: Are
5 there any Senators wishing to be heard?

6 Hearing none, the debate is closed.
7 The Secretary will ring the bell.

8 Read the last section.

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

11 ACTING PRESIDENT BRESLIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BRESLIN:
15 Announce the results.

16 THE SECRETARY: Those recorded in
17 the negative on Calendar Number 861 are
18 Senators Alesi, Bonacic, DeFrancisco, Farley,
19 Golden, Griffio, Hannon, O. Johnson, Lanza,
20 Larkin, LaValle, Leibell, Libous, Little,
21 Marcellino, Maziarz, McDonald, Nozzolio,
22 Padavan, Ranzenhofer, Robach, Saland, Seward,
23 Skelos, Volker, Winner and Young. Also
24 Senator Fuschillo.

25 Ayes, 33. Nays, 28.

1 ACTING PRESIDENT BRESLIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 1017, by Member of the Assembly John, Assembly
5 Print Number 6964, an act to amend the Labor
6 Law.

7 ACTING PRESIDENT BRESLIN: Are
8 there any Senators wishing to be heard?

9 Hearing none, debate is closed.
10 The Secretary will ring the bell.

11 Senator Saland.

12 SENATOR SALAND: Mr. President, I
13 respectfully request that the roll call be
14 withdrawn. I just have a question for Senator
15 Onorato.

16 ACTING PRESIDENT BRESLIN: The
17 roll call is withdrawn.

18 SENATOR SALAND: Thank you very
19 much, Mr. President.

20 ACTING PRESIDENT BRESLIN:
21 Senator Onorato, would you yield to a question
22 from Senator Saland?

23 SENATOR ONORATO: Yes, I will.

24 SENATOR SALAND: Senator Onorato,
25 I've read the title of the bill, which

1 provides for -- relates to unemployment
2 benefits for innocent bystanders during
3 industry controversy. And in looking at the
4 bill, I see reference to innocent bystanders.
5 Is "innocent bystander" defined somewhere in
6 statute?

7 SENATOR ONORATO: The
8 Commissioner of Labor determines that the
9 claimant (A) is not employed by an employer
10 that is involved in an industrial
11 controversy --

12 SENATOR SALAND: I'm sorry,
13 Senator.

14 Mr. President, may I ask for a
15 little quiet?

16 ACTING PRESIDENT BRESLIN: Can we
17 have a little quiet, please.

18 Senator Onorato.

19 SENATOR ONORATO: Okay. The
20 Commissioner determines that the claimant is
21 not employed by an employer that is involved
22 in the industrial controversy that caused his
23 or her unemployment and is not participating
24 in the industrial controversy or is not in a
25 bargaining unit involved in the industrial

1 controversy that caused his or her
2 unemployment and is not a participant in the
3 industrial controversy.

4 ACTING PRESIDENT BRESLIN:
5 Senator Saland.

6 SENATOR SALAND: Thank you,
7 Mr. President.

8 Senator Onorato, if you would just
9 continue to yield.

10 ACTING PRESIDENT BRESLIN:
11 Senator Onorato, will you continue to yield
12 for another question?

13 SENATOR ONORATO: Yes, I will.

14 ACTING PRESIDENT BRESLIN: You
15 may proceed, Senator Saland.

16 SENATOR SALAND: And I know we
17 had the opportunity to discuss this briefly.
18 This is an effort to distinguish between what
19 occurs between a group of employees who may be
20 on strike and a group of employees who may be
21 affected by the strike but not necessarily
22 participating in the strike.

23 SENATOR ONORATO: Correct.

24 ACTING PRESIDENT BRESLIN:
25 Senator Saland, do you wish Senator Onorato to

1 continue to yield?

2 SENATOR SALAND: Yes, if he'll
3 continue to yield, Mr. President.

4 ACTING PRESIDENT BRESLIN:
5 Senator Onorato?

6 SENATOR ONORATO: Yes, I will.

7 SENATOR SALAND: In the one
8 instance, how would the employee who is
9 participating in the strike be affected
10 vis-a-vis eligibility for benefits and how
11 would the innocent bystander be affected?

12 SENATOR ONORATO: The employee
13 that's involved in the strike will be denied
14 unemployment insurance for seven weeks. The
15 innocent bystander who was not involved in the
16 strike would be eligible to collect it without
17 waiting the seven weeks. After two weeks, the
18 normal procedure.

19 ACTING PRESIDENT BRESLIN:
20 Senator Saland.

21 SENATOR SALAND: Thank you,
22 Mr. President. Thank you, Senator Onorato. I
23 appreciate your -- and again, the
24 determination is left to the Labor
25 Commissioner, and I won't find that in

1 definition anywhere or in case law.

2 SENATOR ONORATO: Thank you.

3 SENATOR SALAND: Thank you,
4 Mr. President. Thank you, Senator Onorato.

5 ACTING PRESIDENT BRESLIN: Are
6 there any other Senators wishing to be heard?

7 Hearing none, the debate is closed.
8 The Secretary will ring the bell.

9 SENATOR LIBOUS: Mr. President.

10 ACTING PRESIDENT BRESLIN:
11 Senator Libous.

12 SENATOR LIBOUS: While we're
13 waiting for members to come, I just want to
14 make a notation that for those members on
15 bills who want to vote no, that they need to
16 raise their hands high so that the clerk can
17 see them. I know that sometimes members, for
18 whatever reason, get tired arms and they only
19 go like this [gesturing].

20 So if members want to be registered
21 so that the clerk can count, they need to
22 raise their hands high.

23 Thank you, Mr. President.

24 ACTING PRESIDENT BRESLIN: Thank
25 you, Senator Libous.

1 Read the last section.

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

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, 60. Nays,
10 0. Senator Duane absent from voting.

11 ACTING PRESIDENT BRESLIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 1078, by Member of the Assembly Cahill,
15 Assembly Print Number 7593B, an act to amend
16 the Public Service Law.

17 ACTING PRESIDENT BRESLIN:
18 Senator Ranzenhofer, on the bill.

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

21 This is an important piece of
22 legislation for people that work in my
23 district. This is about the call center and
24 about jobs at call centers. And the concern
25 that I have is for the 115 employees that work

1 in my hometown.

2 One of the things when you're
3 balancing whether or not you impose new rules
4 and regulations and whether you're going to
5 regulate business or whether you're dealing
6 with --

7 SENATOR LIBOUS: Excuse me,
8 Senator.

9 Mr. President, there is an awful
10 lot of noise -- papers, meetings going on in
11 the back of the chamber. And I think that
12 Senator Ranzenhofer has something very
13 important to say, and I can't hear him.

14 ACTING PRESIDENT BRESLIN: Thank
15 you very much, Senator Libous.

16 Can we please have some quiet and
17 please take meetings out into the hall.

18 Thank you, Senator Ranzenhofer.
19 You may continue.

20 SENATOR RANZENHOFER: Thank you,
21 Mr. President. Thank you, Senator Libous.

22 One of the things when you're
23 balancing regulating business and whether or
24 not you're affecting the health, the safety
25 and the welfare of the general public is where

1 do you strike that balance. And in this
2 particular situation, one of the few
3 industries that's actually hiring people and
4 employing people across the state, not only in
5 my district but throughout the state, are
6 utilities. And specifically here, we're
7 dealing with the call centers.

8 Now, in looking at some of the
9 memos both in opposition and in support, one
10 of the things that they both talk about are
11 jobs and preservation of jobs. And both are
12 actually saying the same thing.

13 And the concern that I have is that
14 if we impose this regulation, you have an
15 effective date of 60 days after it passes.
16 And at some point business is going to say
17 we've got to make a decision, are we going to
18 continue doing what we're doing or are we
19 going to what a lot of companies do -- banks,
20 hospitals, medical facilities -- to voicemail,
21 the voice response units.

22 And my concern is that if this bill
23 is passed, there are going to be companies,
24 not only in my district but in districts
25 throughout the state, that are going to decide

1 this regulation, this rule is just not worth
2 it, and they're going to fire the employees
3 and going to the automatic system, which means
4 everybody's going to lose their job. So this
5 will not be a job-preservation bill, but at
6 least in my district it's going to cost 115
7 jobs. And because of that, I would urge my
8 colleagues to vote against this bill.

9 Thank you, Mr. President.

10 ACTING PRESIDENT BRESLIN: Thank
11 you, Senator Ranzenhofer.

12 Are there any other Senators
13 wishing to be heard?

14 Hearing none, the debate is closed.
15 The Secretary will ring the bell.

16 Read the last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect on the 60th day.

19 ACTING PRESIDENT BRESLIN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BRESLIN:
23 Senator Volker, to explain his vote.

24 SENATOR VOLKER: Mr. President, I
25 must explain my vote.

1 At one time some time ago, I
2 sponsored a bill very similar to this. But I
3 have to be honest with you, what's happened
4 is -- and of course this session of the
5 Legislature has been one of the worst sessions
6 the utilities have ever seen. We've passed
7 all kinds of bills here that will raise the
8 cost of utilities and then hurt the utilities
9 in general.

10 The problem here is that I have
11 information and very good information that one
12 particular utility in my region has made it
13 clear that if this bill passes and becomes
14 law, they will move out of Western New York
15 and will move into Pennsylvania, where the
16 government there is much more favorable.
17 Which is a huge problem.

18 And I'm talking not about -- when I
19 say move the utilities, I'm talking about
20 moving all their administrative jobs and all
21 the people that are directly involved. The
22 loss of jobs could be enormous.

23 So the reason that I'm voting
24 against this is that very reason, because one
25 thing we cannot afford in Western New York is

1 losing any more jobs. So I vote no.

2 ACTING PRESIDENT BRESLIN: Thank
3 you, Senator Volker. You will be recorded in
4 the negative.

5 Senator Savino, to explain her
6 vote.

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

9 You know, Senator Volker, I agree
10 with you. And I also agree with Senator
11 Ranzenhofer. We can't afford to lose any more
12 jobs.

13 And the fact is the utility
14 companies, every time we try and issue a new
15 regulation that affects them, their response
16 is always that rates will rise and jobs will
17 fall. When they make a decision about moving
18 jobs out of state, it's because it's in their
19 best interest -- their best interest, not the
20 best interest of upstate New York, where the
21 majority of the call centers are.

22 What this bill will do will not
23 only require them to go before the Public
24 Service Commission prior to moving jobs out of
25 upstate New York or anywhere else, and to get

1 approval to do so, but it's going to require
2 them also to provide service to customers that
3 must be done in the state, which should not be
4 done and can't be done by an automated
5 answering system.

6 This bill is about protecting jobs.
7 The utility companies have been shifting jobs
8 out of New York State, not only to other
9 states but to other countries, all in an
10 effort to save money at the expense of
11 New York State residents. We need to keep
12 jobs here. We need to make sure the utility
13 companies are able to justify why they feel
14 the need to move jobs out of New York State.

15 I vote in favor of this bill and I
16 hope that everybody will recognize that what
17 we're doing here is protecting the jobs of
18 average New Yorkers, not the utility
19 companies.

20 Thank you.

21 ACTING PRESIDENT BRESLIN: Thank
22 you, Senator Savino. You will be recorded in
23 the affirmative.

24 Senator Maziarz, to explain his
25 vote.

1 SENATOR MAZIARZ: Thank you very
2 much, Mr. President. To explain my vote.

3 You know, many of the things that
4 Senator Savino says is correct. And the
5 things that Senator Volker said are also
6 correct. I have voted for this bill I think
7 on two different occasions. I believe that
8 two different governors have vetoed this
9 legislation. I almost suspect that this
10 version may suffer the same fate.

11 But the reality is, the reality is
12 that Senator Ranzenhofer and Senator Volker
13 are correct. National Fuel has informed us
14 that given that 60-day window that they have,
15 they are going to close this call center in --
16 I think it's in Amherst or just outside of
17 Buffalo. And it's going to be another
18 hundred-plus people or in Western New York
19 that will lose good-paying jobs. And Western
20 New York can't suffer that kind of a hit
21 anymore.

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

24 ACTING PRESIDENT BRESLIN: Thank
25 you, Senator Maziarz. You will be recorded in

1 the negative.

2 Senator Ranzenhofer, to explain his
3 vote.

4 SENATOR RANZENHOFER: Thank you.

5 One of the comments that was made
6 is that companies always make threats. Well,
7 let me just give you a little history about
8 this particular situation. And I saw Senator
9 Thompson in the chamber earlier, and he knows
10 that this will not be an idle threat.

11 About eight years ago, this company
12 was located in the city of Buffalo, right
13 downtown, right at the corner of Main and
14 Court Streets. Great jobs in the city. The
15 city wanted to dictate where they were going
16 to be within the city. The company said,
17 Well, you can't, and they took well over 500
18 jobs out of the city of Buffalo, which needed
19 them, into my district. I'm happy that they
20 did that.

21 But you can't -- you know, you
22 can't regulate things like this. When they
23 were deciding where to go, they were deciding
24 between Amherst, Orchard Park, and Erie,
25 Pennsylvania, all of which they have pretty

1 substantial areas.

2 So this is not a situation where
3 this is an idle situation, this is something
4 that may happen. If they say that this is
5 going to happen, the history shows that
6 they've done it before. And again, you know,
7 this is one of the things that's just killing
8 us all across the state, but especially in
9 Western New York.

10 These are good-paying jobs. If you
11 want to replace them with machines -- this is
12 not the way to go. If you want to keep these
13 jobs in Western New York, I would ask you to
14 vote against this bill. Thank you.

15 ACTING PRESIDENT BRESLIN: Thank
16 you, Senator Ranzenhofer. You will be
17 recorded in the negative.

18 Senator Schneiderman, to explain
19 his vote.

20 SENATOR SCHNEIDERMAN: Yes, thank
21 you, Mr. President, I rise in support of this
22 bill. And I've got to say, in the case of
23 this particular litigation, I understand all
24 of these sort of ideological arguments about
25 imposing burdens on businesses, and sometimes

1 they're true. We're talking about gas and
2 electric utility corporations. Someone is
3 going to take advantage of the market for gas
4 and electricity in New York State and provide
5 services.

6 All this bill says -- this is not
7 like a company that can flee. Someone is
8 going to provide the services. And this just
9 says that when you call up because you have an
10 emergency or you need information, the call
11 center should stay in New York. If they're
12 going to move it out, they've got to have a
13 hearing.

14 This is an entirely reasonable
15 piece of legislation. There's really no way
16 this can drive jobs away just because of the
17 way the bill is drafted and the circumstances
18 of a gas and electric utility. There are some
19 businesses that have to stay put. This is
20 one.

21 And, you know, if some company
22 decides they're going to leave, somebody else
23 is going to move in to provide these services
24 because there's a good market, there's money
25 to be made, and that's why capitalism is

1 wonderful. This just ensures that New Yorkers
2 keep some of the jobs that these businesses
3 provide.

4 Thank you, Mr. President. I vote
5 yes.

6 ACTING PRESIDENT BRESLIN: Thank
7 you, Senator Schneiderman. You will be
8 recorded in the affirmative.

9 Senator Libous, to explain his
10 vote.

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

13 I'm going to support this bill. I
14 had a bill similar to this a couple of years
15 ago. And I understand where my colleagues are
16 coming from, and I understand where the
17 utility companies are coming from. But I
18 still think that what I've seen in my district
19 is a company that continues to shrink and
20 shrink and shrink and continues to move their
21 call center operation to other places other
22 than New York.

23 The issue in this state,
24 Mr. President, is not that this bill is going
25 to put anybody out of business. The reason

1 why the utilities are having problems are
2 because of a prevailing rate bill we passed
3 the other day. That's why they're having
4 problems. Because taxes keep going up in this
5 state, that's why they're having problems.
6 Because government regulation on business
7 continues to grow.

8 I mean, let's be honest with
9 ourselves. Certainly we can sit here and
10 guess and pontificate both ways -- yes,
11 they're going to leave -- but they're leaving
12 because they're being taxed out of the state
13 and overregulated.

14 This bill will at least hopefully
15 stabilize what few jobs that are left in my
16 district. So I have to vote yes on behalf of
17 the people who work in my call center, who are
18 left in my call center, because I want to
19 preserve every job I can in my district.

20 I vote aye.

21 ACTING PRESIDENT BRESLIN: Thank
22 you, Senator Libous. You will be recorded in
23 the affirmative.

24 Senator DeFrancisco, to explain his
25 vote.

1 SENATOR DeFRANCISCO: I don't
2 quite understand why, when we have the
3 representatives from that area warning that
4 this is an absolute clear event that's going
5 to happen, the loss of 115 jobs in Western
6 New York, that people from other areas of the
7 state that aren't going to be directly
8 affected know better. I just don't get it.

9 I don't know why we're playing
10 chicken with the utility company when the only
11 remedy is, if this bill passes, that people,
12 before they close a call center, they have to
13 have notice and the commission has to have a
14 hearing. On what? To justify why they don't
15 want the call center anymore? So what does
16 that do? You mean the utility can't come up
17 with reasons like it costs too much? So we go
18 through a process, a needless process to come
19 to the same result?

20 Weighed against that is the loss of
21 115 jobs by the people who represent that
22 district. We pass so many bills for the
23 New York City area, or New York City,
24 willy-nilly because, well, the legislators
25 probably know better about what's going on in

1 their district.

2 So for that reason, I'm relying on
3 the people from that district to understand
4 their district and know whether this threat is
5 real or not. And I hope we don't have to come
6 back here and say, Look, they said they were
7 going to do it, they did it, we lost another
8 115 jobs, and therefore we're in worse shape
9 than we were before this bill passed.

10 So I'm going to vote no for that
11 reason. Thank you.

12 ACTING PRESIDENT BRESLIN: Thank
13 you, Senator DeFrancisco. You will be
14 recorded in the negative.

15 Announce the results.

16 THE SECRETARY: Those recorded in
17 the negative on Calendar Number 1078 are
18 Senators Alesi, DeFrancisco, Golden, Little,
19 Maziarz, Ranzenhofer, Volker, Winner and
20 Senator Young. Also Senator Nozzolio. Also
21 Senator Saland.

22 Ayes, 50. Nays, 11.

23 ACTING PRESIDENT BRESLIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1103, by Senator Parker, Senate Print 7565A,
2 an act to amend the Public Service Law.

3 SENATOR LIBOUS: Explanation.

4 ACTING PRESIDENT BRESLIN:

5 Senator Parker, an explanation has been
6 requested by Senator Libous.

7 SENATOR PARKER: Senator Libous,
8 the Green Jobs, Green New York on-bill finance
9 bill is the second part of a bill that was
10 passed last year as a major jobs bill. It was
11 important because this bill is going to create
12 60,000 new jobs across the State of New York
13 and will raise about \$5 billion in capital
14 improvements for New York homes without ever
15 touching the state budget.

16 And so the first piece, again, we
17 did last year was securitizing some of the
18 RGGI money to develop a program. The second
19 piece, the on-bill finance piece, is an
20 ability for us to make the program more
21 accessible to New Yorkers throughout the state
22 who need this.

23 As many of us know, we have some of
24 the leakiest and most energy-inefficient homes
25 in the entire country. And so it is important

1 that we fully implement the Green Power Jobs
2 program because what it does, it does three
3 things. One, it produces jobs throughout the
4 state. Second, it retrofits buildings and
5 makes those buildings more energy-efficient.
6 And third, by doing so, we all as New Yorkers
7 lower our carbon footprint and become better
8 stewards of our state's natural resources and
9 particularly our environment and ecology.

10 You know, we're wasting, again, a
11 lot of money on energy that's being
12 essentially literally going out the doors and
13 the windows of people's homes. This bill in
14 particular will allow consumers to take their
15 improvement, add it to the cost of their
16 energy bill, and pay it off incrementally over
17 time without having to find sources of funding
18 outside of the program.

19 So that's what the program does.

20 SENATOR LIBOUS: Mr. President.

21 ACTING PRESIDENT BRESLIN:

22 Senator Libous.

23 SENATOR LIBOUS: Would Senator
24 Parker yield to a few questions?

25 ACTING PRESIDENT BRESLIN:

1 Senator Parker, will you yield for a few
2 questions from Senator Libous?

3 SENATOR PARKER: I'll yield for
4 Senator Libous.

5 ACTING PRESIDENT BRESLIN: You
6 may proceed, Senator.

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

9 Senator, you referenced an earlier
10 version. Was that the jobs bill that was
11 passed about a year ago in this chamber?

12 SENATOR PARKER: Yes, sir.

13 SENATOR LIBOUS: And at that time
14 I heard that it was going to create 60,000
15 jobs. Is it now going to create 120,000 jobs,
16 or is this the same 60,000 jobs that I heard a
17 year ago?

18 SENATOR PARKER: Senator Libous,
19 we're still talking about the same 60,000
20 jobs. And the 60,000 jobs weren't immediate
21 from the time that the bill was passed.
22 Actually, NYSERDA is still working on the
23 regs. This is the second part that in fact
24 actually makes that possible by making access
25 to financing easier for your constituents and

1 mine.

2 ACTING PRESIDENT BRESLIN:

3 Senator Libous.

4 SENATOR LIBOUS: Will he continue
5 to yield?

6 SENATOR PARKER: I do continue to
7 yield for Senator Libous.

8 SENATOR LIBOUS: Thank you,
9 Senator. Mr. President, so I guess what the
10 Senator is telling me is that no jobs have
11 been created yet in a year, that this is the
12 second part that needs to be put forward for
13 NYSERDA before any jobs can be created? Or
14 have there -- I guess it's a two-part
15 question, Senator. Let me just ask, have
16 there been any jobs created since the last
17 bill was passed?

18 ACTING PRESIDENT BRESLIN:

19 Senator Parker.

20 SENATOR PARKER: Since the last
21 bill was passed, I'm not actually quite sure
22 about that. I know that that program is
23 beginning to be implemented. We are still
24 waiting for NYSERDA to promulgate regulations
25 for the program for it to be fully

1 implemented. So if there are any jobs, I
2 would expect that there's not been many
3 created to this point.

4 But certainly the passage of this
5 legislation will help ramp that up. Because
6 once the program is actually promulgated and
7 regulated, we can then have an on-bill finance
8 program that allows consumers to get financing
9 through the utility companies and be able to
10 pay that finance back easily through the
11 utilities.

12 SENATOR LIBOUS: Mr. President,
13 would Senator Parker continue to yield?

14 ACTING PRESIDENT BRESLIN:
15 Senator Parker, do you continue to yield?

16 SENATOR PARKER: I do continue to
17 yield.

18 ACTING PRESIDENT BRESLIN:
19 Senator Libous.

20 SENATOR LIBOUS: Senator Parker,
21 do you know is there a timetable for these
22 60,000 jobs? In other words, let's assume
23 that as you stated, Senator Parker -- and I
24 appreciate that, that you don't believe, at
25 least right now, any jobs have been created.

1 But let's assume from this point forward if
2 the bill is to pass today and go to the
3 Governor, how long before these 60,000 jobs
4 will be created? Will they be created in
5 increments of 5,000, 10,000? I'm just kind of
6 curious. Is there a timetable?

7 SENATOR PARKER: Senator
8 Libous -- through you, Mr. President -- there
9 is a timetable. And that timetable is over
10 the course of three to five years. And you're
11 looking somewhere about 10,000 jobs per year.

12 ACTING PRESIDENT BRESLIN:
13 Senator Libous.

14 SENATOR LIBOUS: Thank you,
15 Mr. President. Would the Senator continue to
16 yield?

17 ACTING PRESIDENT BRESLIN: Do you
18 continue to yield, Senator Parker?

19 SENATOR PARKER: I do continue to
20 yield.

21 ACTING PRESIDENT BRESLIN: You
22 may proceed, Senator Libous.

23 SENATOR LIBOUS: I appreciate
24 that, Senator. Thank you.

25 These jobs that would be created

1 over three to five years, is there a
2 geographic breakdown as to where these jobs
3 might be created?

4 ACTING PRESIDENT BRESLIN:
5 Senator Parker.

6 SENATOR PARKER: There is a
7 geographic breakdown. In the State of
8 New York, from Brookhaven from Brooklyn, from
9 Brooklyn to Albany, from Albany to Buffalo, we
10 expect to see jobs created.

11 SENATOR LIBOUS: Senator Libous.

12 SENATOR PARKER: Oh, and
13 Binghamton too.

14 SENATOR LIBOUS: Would the
15 Senator Parker continue to yield.

16 ACTING PRESIDENT BRESLIN:
17 Senator Parker, do you continue to yield?

18 SENATOR PARKER: Yes, I do
19 continue to yield.

20 ACTING PRESIDENT BRESLIN:
21 Senator Libous.

22 SENATOR LIBOUS: Senator, I
23 appreciate your enthusiasm. But as you
24 mentioned in the end the "B" word, Binghamton,
25 I am certainly, as a representative of the

1 Southern Tier -- three counties, to be exact;
2 Broome, Tioga and Chenango -- I'm a little
3 selfish in wondering what is the forecast in
4 the number of jobs over the three to five
5 years for my three counties. Would you know
6 that?

7 SENATOR PARKER: Through you,
8 Mr. President, I don't have that specific
9 information, but I will get it to you
10 posthaste. I expect that it will be
11 proportional to the amount of people who
12 actually need retrofits in those parts of the
13 world.

14 When you look at, you know, where
15 communities are going to be actually producing
16 jobs, it's going to be a function of really
17 two factors, one of which is where homes
18 actually need retrofits. So in parts of the
19 state -- and I don't necessarily know where
20 these specific places are -- but in parts of
21 the state where you have older homes, you're
22 going to have more retrofits in those areas
23 and thus, you know, produce more jobs, you
24 know, in proportion to the number of retrofits
25 that you're doing.

1 In places that have newer
2 communities, you're going to have less
3 retrofits because these newer communities have
4 more energy-efficient homes and they'll need
5 less retrofitting, if any at all, and you'll
6 produce less jobs in those areas.

7 And so in an area like yours --
8 well, I know you live in a brand-new house so
9 your house probably is not going to need a lot
10 of retrofitting. But for some of us who live
11 in older, more historic buildings, we might
12 need more retrofitting. But I know that you
13 probably have neighbors that run the gamut,
14 you know, from new communities -- in those
15 three counties that you mentioned, they
16 probably run the gamut from some newly
17 communities that are probably already fairly
18 energy-efficient to some older communities
19 that are probably going to need more work.

20 And again, it will be dependent on
21 people's interest and accessibility to the
22 program. If we pass this bill today, that
23 will be a first step to people getting on-bill
24 finance. And so those folks who have more
25 historic homes, who need more retrofitting,

1 they will be easily able to get that vis-a-vis
2 their utility companies.

3 ACTING PRESIDENT BRESLIN:
4 Senator Libous.

5 SENATOR LIBOUS: Senator, would
6 you yield for one more question?

7 ACTING PRESIDENT BRESLIN: Will
8 you yield to one more question, Senator
9 Parker?

10 SENATOR PARKER: Through you,
11 Mr. President, absolutely.

12 SENATOR LIBOUS: And again, just
13 for the record, Senator, I live in a condo
14 that was built in 1960.

15 Having said that, when you say
16 retrofitting, I guess I'm a little -- what
17 kind of jobs would we be creating? I don't --
18 I know what the word "retrofitting" means, but
19 what are we retrofitting?

20 SENATOR PARKER: Through you,
21 Mr. President. So the process that this bill
22 actually helps in terms of creating
23 green-collar jobs actually runs the gamut
24 from, you know, carpentry through, you know,
25 actually science and technology.

1 And specifically what you'll need
2 people to do, and I'll walk you through the
3 process -- and I didn't realize that your
4 home -- it's in great shape for a condo built
5 in 1960, by the way. But, you know, if we go
6 into your home, the first thing that happens
7 when you call the program, they bring somebody
8 in to do an assessment. We're going to need
9 more people to do assessments because there's,
10 you know, a lot of homes that need
11 assessments. And we don't have nearly enough
12 people doing energy-efficiency assessments
13 right now, and so that will be one type of job
14 that will be created.

15 Once an assessment is done, you
16 will be given options on the kinds of
17 retrofits that are available to you and the
18 kinds of things -- you may need a new boiler.
19 You might need a new hot water heater. You
20 may need insulation. You might need your
21 byways and throughways sealed. You might need
22 energy-efficient lighting. You might need a
23 new roof. You might decide, in the context of
24 that retrofitting, to add solar or solar
25 voltaic panels or a wind turbine.

1 And so each type of those kinds of
2 work will require jobs to be created vis-a-vis
3 contractors who will be independently
4 contracted to come in, certified through
5 NYSERDA to do that work on your home. You may
6 need your windows changed, right. And so,
7 again, they'll have contractors that come in,
8 and those contractors will hire people in your
9 community, because more likely there will be
10 contractors in Binghamton who are licensed and
11 certified vis-a-vis NYSERDA to in fact do that
12 work, and that will create another type of
13 job.

14 The more that we do this, the
15 materials that we're using is going to create
16 a secondary source of jobs. Because, again,
17 if we're putting in a lot of windows, we're
18 going to need to manufacture windows. So
19 window manufacturers in New York State will
20 see an increase in their business, and they
21 will hire people. We'll have more solar
22 voltaic panels being created. We'll have more
23 wind turbines. And that will in fact spur the
24 green-collar jobs that we need, everything
25 from science to look at how we make silicone

1 more efficient down to the evaluation of homes
2 to see the proper work that needs to be done
3 in those homes. So when we talk about the
4 jobs, they will run the gamut.

5 ACTING PRESIDENT BRESLIN:
6 Senator Libous.

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

9 ACTING PRESIDENT BRESLIN:
10 Senator Bonacic.

11 SENATOR BONACIC: Thank you.
12 Would Senator Parker yield for a couple of
13 questions?

14 ACTING PRESIDENT BRESLIN: Senat
15 or Parker, would you yield to a couple of
16 questions from Senator Bonacic?

17 SENATOR PARKER: Yes. For
18 Senator Bonacic, absolutely.

19 SENATOR BONACIC: Senator Parker,
20 I just want to get familiar with how the
21 process works if I'm a homeowner. The energy
22 assessment individual comes in, he makes
23 recommendations. For the sake of discussion,
24 let's say there's \$20,000 of suggested energy
25 improvements. Okay?

1 Now, I don't have -- I'm a
2 homeowner. I don't have the \$20,000 in the
3 bank. So do I then make an application to the
4 utility company to get the 20,000? That would
5 be my first question.

6 ACTING PRESIDENT BRESLIN:
7 Senator Parker.

8 SENATOR PARKER: Senator Bonacic,
9 you can actually access the program vis-a-vis
10 your utility company. And the application is
11 actually not to the utility company, you're
12 actually applying to NYSERDA, but through the
13 utility company.

14 Or, if you're a homeowner -- you
15 could do this even now, at this moment.
16 Right? When we leave this chamber, you can
17 actually get on the phone -- well, it's
18 probably after-hours now. I don't know how
19 late NYSERDA is staying. But Frank Murray
20 works hard. So, you know, you could actually
21 call NYSERDA, get Frank Murray on the phone,
22 and he would actually -- no, he wouldn't do
23 it, he'll send you to somebody. But you would
24 actually get somebody to do an evaluation for
25 you first. They'll say it's \$25,000, and you

1 could apply directly to them for financing or
2 through a local lender.

3 So in the mid-Hudson Valley, there
4 might be some community lenders. I know in
5 Brooklyn, for instance, NHS, Neighborhood
6 Housing Service, which is very active in the
7 full-cycle lending model around home ownership
8 and development, they provide financing. We
9 have a couple of small banks that provide
10 financing for these kind of NYSERDA projects.

11 And so you would either apply
12 vis-a-vis the utility company or you could do
13 it directly to NYSERDA.

14 SENATOR BONACIC: Okay. Would
15 you continue to yield for another question?

16 SENATOR PARKER: I will,
17 Mr. President.

18 ACTING PRESIDENT BRESLIN:
19 Senator Parker will continue to yield.
20 Proceed.

21 SENATOR BONACIC: Assume that I
22 can't get bank loans, for whatever reason.
23 Could I then get the loan from the utility
24 company? Would they have to give it to me if
25 I wanted to make these energy improvements?

1 SENATOR PARKER: No. And
2 actually a utility company is actually not --
3 in many cases the utility companies are not
4 providing the actual direct financing. The
5 financing is actually being provided by
6 NYSERDA through a third-party lender, and it
7 is being billed through the utility. So the
8 money that you're paying is actually not going
9 to the utility company, it's actually going to
10 the lender.

11 SENATOR BONACIC: Okay. Would
12 you continue to yield for another question?

13 SENATOR PARKER: I will continue
14 to yield.

15 ACTING PRESIDENT BRESLIN: You
16 may proceed.

17 SENATOR BONACIC: Okay. I get
18 the 20,000 from NYSERDA. The utility company
19 is the conduit through which I pay. Okay?

20 SENATOR PARKER: Yes.

21 SENATOR BONACIC: I assume it's a
22 monthly fee that's amortized over a period,
23 just like any other loan.

24 SENATOR PARKER: Correct.

25 SENATOR BONACIC: Now, if I can't

1 pay that monthly expense -- I run into
2 trouble, I become unemployed, I get disabled,
3 whatever -- would my meter be shut off because
4 it's tied into my gas and electric meter?

5 SENATOR PARKER: What would
6 happen is that you would actually have an
7 opportunity to negotiate your bill through the
8 utility company. And the utility company
9 would be actually authorized to negotiate both
10 your energy bill and the loan amount, to make
11 sure that you were able to be accommodated.

12 SENATOR BONACIC: Okay. Would
13 you continue to yield for another question?

14 SENATOR PARKER: Yes.

15 SENATOR BONACIC: What's throwing
16 me off is a little bit is you said NYSERDA was
17 the grantor of the loan, the utility company
18 was the conduit to collect the monthly
19 payments, but now the utility company is like
20 a co-lender that they can negotiate the rate.
21 So with, you know, a reduced rate to help that
22 homeowner.

23 So is that true, in your
24 understanding of the legislation?

25 SENATOR PARKER: Through you,

1 Mr. President. Senator Bonacic, let me give
2 you a little bit of clarity, because this is
3 rather complicated. You're actually not
4 getting the loan from NYSERDA. The loan is
5 actually coming -- you're getting the
6 subsidies from NYSERDA, but you're getting the
7 loan through a third-party lender. It could
8 be a bank, it could be through a
9 micro-revolving loan program for this kind of
10 service.

11 Again, in New York City, I know
12 Neighborhood Housing Service of New York City
13 does it under some other organizations that
14 provide it. So you would actually be getting
15 the loan through them. The loan would
16 actually be -- would originate from them. And
17 then again, if you had a problem, you know,
18 the utility company would not lose its ability
19 to create an accommodation for you in the same
20 way -- and not necessarily around the rate,
21 but an accommodation around the payments.

22 ACTING PRESIDENT BRESLIN:

23 Senator Bonacic.

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

1 SENATOR PARKER: I will continue
2 to yield.

3 ACTING PRESIDENT BRESLIN:
4 Proceed.

5 SENATOR BONACIC: Okay. But the
6 utility company would have the power -- not
7 literally -- to terminate your service if you
8 didn't keep up the monthly payment that was
9 owed for the energy improvements.

10 SENATOR PARKER: Correct.

11 SENATOR BONACIC: Okay. Is there
12 a -- I'm thinking of the subprime mortgages
13 where we were giving money out to people we
14 didn't do real credit checks for. Is there
15 any standards for which a homeowner could be
16 refused a loan to make energy improvements?
17 Or is there something in this legislation that
18 says they can access capital for energy
19 improvements regardless of their credit
20 standing?

21 ACTING PRESIDENT BRESLIN:
22 Senator Parker.

23 SENATOR PARKER: Through you,
24 Mr. President, yes, there is. You have to
25 actually meet the standards for both the

1 utility and the organization.

2 So again, whoever is giving you,
3 whether it was a bank or whether it was
4 another kind of third-party lender -- it might
5 be, again, a micro-revolving loan fund -- they
6 have standards, and you would actually have to
7 be approved for the loan just like you're
8 approved for a loan in any other
9 circumstances.

10 SENATOR BONACIC: Okay, that's
11 helpful. I have one other question.

12 ACTING PRESIDENT BRESLIN: One
13 more question, Senator Parker. Do you yield?

14 SENATOR PARKER: I would actually
15 yield for Senator Bonacic.

16 SENATOR BONACIC: Okay. So I'm
17 back to the \$20,000 loan, I'm making my
18 payments, and I get in trouble after three
19 years and I can't do it. I guess where I want
20 to go with this is if I cannot continue to
21 make the payments, I have to choose between
22 paying my mortgage or paying my utility
23 company, because I don't want the utility to
24 be shut off, so I let the bank -- I let that
25 slide, I pay the utility company.

1 At any time if the bank had to
2 foreclose or someone else would come and buy
3 the property, is this a lien on the house, the
4 rest of the money that's owed for the energy
5 improvements? So under my example, if I pay
6 three grand off, I still owe 17. What is the
7 status of the 17 grand, if you know?

8 ACTING PRESIDENT BRESLIN:
9 Senator Parker.

10 SENATOR PARKER: It actually
11 depends on the type of lean that you get. You
12 actually, Senator Bonacic, knowing your
13 credit, 900, you could probably get an
14 unsecured loan for the 20 grand. And so in
15 that case it would be up to, again, between
16 you and the lender. So you might wind up with
17 somebody. My credit, which is like 430, I
18 would probably have a lien. Mine would
19 probably be set up as a second mortgage.
20 Right?

21 So in some cases you actually have
22 the loan as a second mortgage or sometimes a
23 third mortgage on the home. And so it
24 actually depends on the individual
25 circumstance and how that loan is set up.

1 But let me just address what I
2 think that you're trying to get at, if I may,
3 which is the idea of what can happen. And I
4 just want to assure you and the members of
5 this chamber that this is a very real and very
6 substantive concern.

7 But that in the bill we have
8 provided a great deal of flexibility for
9 utility companies to negotiate with homeowners
10 regarding both the utility portion of the bill
11 and the energy improvement portion of the
12 bill. They're able to give rebates, they're
13 able to do some recalculations, they're able
14 to create level billing plans to be
15 recalculated. They have to have deferred
16 payment plans.

17 But also, remember that this
18 actually winds up being a benefit to people's
19 homes, not just an expense. Most people
20 actually pay off -- they've actually saved in
21 energy costs the amount of money that they put
22 in somewhere between three and four years. So
23 in three years, you know, you would probably
24 have saved in energy savings that \$20,000.

25 So in many cases -- let's say you

1 have a \$50 bill. This doesn't necessarily
2 mean that your bill is going to go up to \$100.
3 This may mean that your bill goes up to maybe
4 \$60 or \$55. Because even though you're adding
5 a significant amount more money from the loan,
6 you're actually saving almost a proportionate
7 amount vis-a-vis the energy savings.

8 SENATOR BONACIC: Senator Parker
9 is doing such a good job, I'd like to ask him
10 another question.

11 SENATOR PARKER: Absolutely.

12 ACTING PRESIDENT BRESLIN: You
13 may proceed, Senator Bonacic.

14 SENATOR BONACIC: Back to my
15 example, I owe \$17,000 left on this energy
16 improvement. If I sell the home, does the new
17 buyer have to assume that indebtedness? Is it
18 treated like an assessment?

19 SENATOR PARKER: Through you,
20 Mr. President. Yes, the loan stays with the
21 house, not with the person.

22 SENATOR BONACIC: Okay. Another
23 question, if I may.

24 SENATOR PARKER: It's very
25 similar to what happens now when you have a

1 new line added to your home.

2 SENATOR BONACIC: Okay. I'm
3 going to ask you two questions now. In terms
4 of bankruptcy, is that indebtedness of \$17,000
5 dischargeable? That's question one.

6 In case of a foreclosure, if it's
7 an unsecured creditor, because I didn't get a
8 second mortgage, does that get wiped out?
9 There are really two questions there. If you
10 know. The bankruptcy, foreclosure, unsecured
11 loan.

12 SENATOR PARKER: The first
13 question, the answer is yes. The second
14 question is I'm not sure but I will find out
15 for you.

16 SENATOR BONACIC: Thank you very
17 much, Senator Parker.

18 SENATOR PARKER: Thank you.

19 ACTING PRESIDENT BRESLIN:
20 Senator DeFrancisco.

21 SENATOR DeFRANCISCO: Yes, would
22 Senator Parker yield to a couple of questions?

23 ACTING PRESIDENT BRESLIN: Do you
24 yield for a couple of questions, Senator
25 Parker, to Senator DeFrancisco?

1 SENATOR PARKER: Yes, I will.

2 SENATOR DeFRANCISCO: Senator
3 Parker, the bill provides in Section 66(M)
4 that "The commission shall require electric
5 and gas corporations to file tariffs to
6 provide for billing and collection of Green
7 Jobs, Green New York on-bill charges." What
8 is a tariff? What does that mean?

9 SENATOR PARKER: Senator
10 DeFrancisco, in this particular case "tariff"
11 just refers to charges.

12 SENATOR DeFRANCISCO: So the
13 commission shall require electric and gas
14 corporations to file tariffs. So that means
15 the commission shall require electric and gas
16 companies to file charges?

17 SENATOR PARKER: Essentially, my
18 understanding is that this section allows the
19 utility companies to actually give them
20 actually express permission to charge
21 homeowners for the Green Jobs program.

22 SENATOR DeFRANCISCO: Would
23 Senator Parker yield to another question.

24 ACTING PRESIDENT BRESLIN: Do you
25 yield to another question, Senator Parker?

1 SENATOR PARKER: Through you,
2 Mr. President, yes.

3 SENATOR DeFRANCISCO: Now, so the
4 utility companies are not required to loan the
5 money, they're just required to provide a
6 vehicle for the collection of the monthly
7 payments through the utility bill of a loan
8 that's being gotten from some other source;
9 correct?

10 SENATOR PARKER: Through you,
11 Mr. President, correct.

12 ACTING PRESIDENT BRESLIN:
13 Senator DeFrancisco.

14 SENATOR DeFRANCISCO: Would you
15 yield to another question?

16 ACTING PRESIDENT BRESLIN: Will
17 you yield?

18 SENATOR PARKER: Yes, I will.

19 ACTING PRESIDENT BRESLIN: You
20 may proceed, Senator DeFrancisco.

21 SENATOR DeFRANCISCO: All right.
22 And the way this bill reads -- that same
23 section, I'm going on -- "to collect payment
24 of obligations to NYSERDA Retrofit Investment
25 Fund," do I take that to mean that the lender

1 in these types of cases that the utilities are
2 required to collect the monthly charges on are
3 only those loans that come from NYSERDA?

4 SENATOR PARKER: Through you,
5 Mr. President, yes.

6 SENATOR DeFRANCISCO: Okay so if
7 I can ask you another question along the lines
8 of --

9 ACTING PRESIDENT BRESLIN: Senat
10 or Parker?

11 SENATOR PARKER: I do yield.

12 ACTING PRESIDENT BRESLIN: You
13 may proceed.

14 SENATOR DeFRANCISCO: -- of
15 Senator Bonacic, does NYSERDA -- I didn't find
16 it in the bill -- does NYSERDA have certain
17 requirements that they must loan money to
18 various people?

19 SENATOR PARKER: Through you,
20 Mr. President, no. They're not required, they
21 actually do have some -- they're actually
22 promulgating those regulations now, so I can't
23 tell you what the standards are because they
24 have not been released yet. But there is in
25 fact a standard being developed by NYSERDA to

1 guide the loan process.

2 SENATOR DeFRANCISCO: And would
3 Senator Parker continue to yield.

4 ACTING PRESIDENT BRESLIN: Do you
5 continue to yield to Senator DeFrancisco?

6 SENATOR PARKER: Yes, I do.

7 ACTING PRESIDENT BRESLIN: You
8 may proceed.

9 SENATOR DeFRANCISCO: So that I
10 can read it, is that somewhere in this bill,
11 what NYSERDA's obligations are with respect to
12 the loans?

13 SENATOR PARKER: Through you,
14 Mr. President, it's actually going to be part
15 of the regulations that they're promulgating
16 now.

17 ACTING PRESIDENT BRESLIN:
18 Senator DeFrancisco.

19 SENATOR DeFRANCISCO: Would
20 Senator Parker yield to another question.

21 SENATOR PARKER: Yes, I will.

22 ACTING PRESIDENT BRESLIN: Yes,
23 he will. You may proceed.

24 SENATOR DeFRANCISCO: So by
25 voting for this bill we don't have any idea of

1 what NYSERDA is going to be required to do,
2 it's totally up to NYSERDA as far as how they
3 will loan money. Is that true?

4 SENATOR PARKER: Through you,
5 Mr. President, yes.

6 SENATOR DeFRANCISCO: Okay, thank
7 you. And one last area. Would you yield to
8 another question?

9 SENATOR PARKER: I will yield.

10 ACTING PRESIDENT BRESLIN:

11 Senator Parker will yield.

12 SENATOR DeFRANCISCO: According
13 to one section of this bill, and I can give
14 you the section if I can figure it out -- I
15 think it's Section 66(M)2(b) -- it says that
16 "The Green Jobs, Green New York on-bill
17 charges for any services provided at the
18 customer's premises shall survive changes in
19 ownership or utility account responsibility,
20 with arrears at the time of the meter
21 closure."

22 So if I can't pay my bill -- I'm a
23 customer -- for whatever reason, and I can't
24 negotiate anything because I have no job, I
25 have no money, so they don't want to negotiate

1 with somebody who doesn't have anything, under
2 those circumstances if the person had to leave
3 the home, it would be the responsibility of
4 the next owner to pay the balance of that
5 loan; correct?

6 SENATOR PARKER: Through you,
7 Mr. President. One, I somewhat don't accept
8 the notion that even if you don't have a job
9 that they won't negotiate with you. I think
10 there's lots of options they have, including
11 deferments. And so I think there's always a
12 way to negotiate.

13 And so we're not tying the
14 utilities' hands, I want to be clear about
15 that. We're not tying the utilities' hands
16 vis-a-vis negotiation. So there's a lots of
17 negotiations and other things they can do to
18 help you.

19 Now, if that all doesn't work and
20 down the line you wind up with a foreclosure,
21 no. No, the next owner is not responsible.

22 ACTING PRESIDENT BRESLIN:
23 Senator DeFrancisco.

24 SENATOR DeFRANCISCO: Okay.
25 According to the bill, and I'm going back to

1 the -- would you yield to another question?

2 SENATOR PARKER: Yes, I will
3 yield to another question.

4 SENATOR DeFRANCISCO: I'm going
5 back to this idea of who's required to loan to
6 whom. According to 66(M)2, it says that part
7 of this program requires that full access to
8 the benefits of the program be available to
9 all customers "that meet standards for
10 reliable utility bill payment and current good
11 standing on any mortgage obligations on the
12 premises as determined by NYSERDA."

13 So it looks like there are some
14 guidelines that NYSERDA has to follow by this
15 bill, that the customer is in good standing on
16 his bill and he's paying his mortgage
17 payments. Fair enough?

18 SENATOR PARKER: Through you,
19 yes.

20 SENATOR DeFRANCISCO: Okay. But
21 there doesn't seem to be -- would Senator
22 Parker yield to another question?

23 SENATOR PARKER: I will yield.

24 ACTING PRESIDENT BRESLIN: Yes,
25 he will.

1 SENATOR DeFRANCISCO: There seems
2 to be no requirement that not only will the
3 customer be in good standing on the electric
4 bill and the mortgage, but that they have the
5 wherewithal to pay for the additional costs
6 that they'll have to pay on a monthly basis.
7 That isn't in the bill.

8 SENATOR PARKER: Through you, Mr.
9 President, that is not in the bill. But that
10 will be in the regulations that are being
11 promulgated as we speak through NYSERDA.

12 ACTING PRESIDENT BRESLIN:
13 Senator DeFrancisco.

14 SENATOR DeFRANCISCO: On the
15 bill. Thank you.

16 ACTING PRESIDENT BRESLIN:
17 Senator DeFrancisco, on the bill.

18 SENATOR DeFRANCISCO: We just
19 went through probably one of the worst times
20 in our country's history with the subprime
21 mortgage fiasco. And how that happened was
22 that individuals who could not afford loans
23 were getting loans.

24 And we could talk about all the
25 reasons why and all the misrepresentations and

1 whatever there may have been by lenders and
2 the like. But that has become a very serious
3 problem that almost resulted in -- well, it
4 did result in a financial disaster for the
5 United States that we're still to trying to
6 recover from.

7 In this case it's obvious that the
8 motive is a good one, to try to retrofit
9 buildings. But if people are running around
10 to various neighborhoods encouraging people to
11 retrofit their building and there's no
12 requirement in the bill itself that the loans
13 can only go to people that are paying their
14 utility bills, paying their mortgage, and can
15 afford the additional amount of money, we may
16 end up in a substantial number of cases where
17 this money is spent, the loans are given, they
18 can't be repaid, and we end up into another
19 problem with respect to the dollars that are
20 being loaned and the economic problems that
21 the state might end up with.

22 In addition, there's a provision in
23 here that requires the utility companies to
24 protect NYSERDA -- which I think is a good
25 idea -- requires utility companies to turn off

1 the electricity if they're not making their
2 payments on the loan.

3 Even if they're paying the balance
4 of their utility bill, if they're not making
5 payments on the loan. It protects NYSERDA,
6 but I would think that if someone gets in
7 financial trouble and doesn't have
8 electricity, they could do all the
9 negotiations they want -- the fact of the
10 matter is there's an obligation in this bill
11 that they've got to turn off the utilities.

12 To me, that is an extremely drastic
13 remedy that's going to result in more hardship
14 than maybe the program that's being zealously
15 advocated for by those who want to do the
16 business. It's an adverse result because the
17 people who are advocating to do the business
18 to make all of these improvements obviously
19 want to make the improvements, just like the
20 lenders wanted to make the loans. They're not
21 too concerned about the ability of the
22 customer to pay or run into this problem that
23 they might not have utility service.

24 So I think that the bill is a very
25 dangerous one. And for the reasons I just

1 mentioned, I fully intend to vote no unless I
2 hear something that changes my mind based upon
3 the balance of the debate.

4 Thank you.

5 ACTING PRESIDENT BRESLIN: Thank
6 you, Senator DeFrancisco.

7 Senator Parker, on the bill.

8 SENATOR PARKER: Thank you,
9 Mr. President. On the bill.

10 First, I want to thank my
11 colleagues for the number of questions,
12 because they really actually got some
13 information out there that frankly I probably
14 would not have talked about in such detail.
15 And I thought some of those questions were not
16 only appropriate but were important for people
17 in this room and the people voting on it to
18 understand.

19 The reality is that when we passed
20 the Green-Collar Jobs bill last year, I think
21 it was an important first step in putting
22 people back to work. We are right now in the
23 middle of the largest contraction of the
24 economy that this country has literally ever
25 seen. Even, frankly, worse than the economy,

1 say, 75 years ago with the Great Depression.
2 In particular, we have again a jobs crisis
3 where we're talking about jobless recoveries
4 on Wall Street, where people are looking in
5 all of our districts for something to be done
6 for them.

7 Well, here's the answer, ladies and
8 gentlemen. Last year this body intrepidly put
9 forward a model green-collar jobs program, the
10 first in the nation, and one that is going to
11 have a significant amount of impact, again,
12 from Brookhaven to Brooklyn, from Binghamton
13 to Buffalo. We're going to see, you know,
14 jobs created, you know, over the next coming
15 years if in fact we put in this next piece.

16 Right now NYSERDA has the ability
17 to do the program, but they don't necessarily
18 have the entree into homes. What we're doing
19 is partnering and creating a mechanism to
20 partner with local utilities who do have the
21 entree into people's homes so they know that
22 this work can be done.

23 And again, we're going to do three
24 things with this bill, ladies and gentlemen.
25 We're going to put people to work. Everything

1 from people doing assessments to carpenters to
2 window installers to roofers and boiler
3 installers and hot water heater installers to
4 more science and technology as we increase the
5 number of solar voltaic units and wind
6 turbines and water turbines and other kinds of
7 alternative energy that we're going to be
8 looking at in the context of this bill.

9 Third, we're going to be decreasing
10 the energy bills of our constituents. How
11 many people in here want to pay higher utility
12 bills? How many of our constituents are
13 talking about the fact that their utility
14 bills need to be lower? This bill allows us
15 to help lower their utility bills.

16 And third, and probably the most
17 important thing, which is that we are going to
18 decrease our carbon footprint. We're going to
19 take the steps that we need to to become good
20 shepherds of our ecology and our environment
21 so that we can pass it on to our children.
22 What greater gift could we give to our
23 children than clean water and clean air and
24 pristine lands? And this helps us get to that
25 place by in fact lowering our carbon

1 footprint.

2 And so I'm asking for my colleagues
3 to vote for this bill exactly because it does
4 those three things. It creates jobs, it
5 lowers people's energy bills, and it reduces
6 our carbon footprint.

7 And yes, we have gone through a
8 very, very horrible time with the mortgage
9 foreclosure. In fact, nobody has done more in
10 this state, frankly, around mortgage
11 foreclosure than Jeff Klein and the Democratic
12 members of the Senate, who have been at the
13 forefront of the mortgage foreclosure crisis
14 for well over four years.

15 But this bill doesn't add to that
16 danger. This bill says that the utility
17 companies have an arsenal of techniques in
18 which to help people resolve their bills.
19 They in fact can help -- they can do reviews
20 of their bills, they can recalculate the
21 bills, they can take existing level billing
22 plans and recalculate them so they continue to
23 be level. Utilities can actually -- in fact,
24 must offer deferred payment plans to all
25 customers when offering this program.

1 Utilities must offer rebates and
2 energy-efficiency measures regardless of when
3 the work was performed.

4 So we're not even just going
5 forward, we're actually retrospectively saying
6 if you've gotten any energy efficiency work
7 done, we can in fact help you pay for those
8 things.

9 And also because of the fact that
10 this bill actually allows people to lower
11 their energy bills, we're not talking about
12 significantly increasing bills. Some people's
13 bills will be increased, but they'll be saving
14 money. And most people will in fact have a
15 payment in savings of their energy bills over
16 the course of three to five short years.

17 And so, you know, this is a good
18 bill because it has all the things that both
19 protect consumers as well as provide new jobs
20 in our struggling economy. And so I ask
21 people to vote for this bill because it not
22 only provides for the things that the people
23 in this state need, but it also protects them
24 while they're providing them.

25 Thank you very much, and I look

1 forward to all my colleagues voting yes on
2 this bill.

3 ACTING PRESIDENT BRESLIN: Thank
4 you, Senator Parker.

5 Are there any other Senators
6 wishing to be heard?

7 Hearing none, the debate is closed.
8 The Secretary will ring the bell.

9 Read the last section.

10 THE SECRETARY: Section 12. 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 Senator Bonacic, to explain his vote.

17 SENATOR BONACIC: First of all,
18 I'd like to thank Senator Parker for his
19 explanations.

20 Let me just tell you my concerns
21 with the bill: The fact that NYSERDA has not
22 issued regulations of the kind of homeowners
23 that qualify creditwise.

24 I think the concept is good. Green
25 energy; you know, over the life of the

1 improvements, you're going to get payment of
2 your loan. My concern is what homeowner can
3 access the monies short term. If it's the
4 same kind of mentality for the subprimes, for
5 people that should get these loans, we're
6 going to create bigger problems than what the
7 program is trying to accomplish.

8 Now, short term we have substantial
9 concerns. If that customer cannot pay on the
10 energy improvements, the bank forecloses. The
11 utility company gets stuck, the lien goes
12 away. In bankruptcy, if the applicant who
13 took out the loan goes bankrupt, the utility
14 gets stuck. That could lead to higher rates.

15 Now, the unemployment in our area
16 is still about 10 percent. And there's
17 cash-flow problems right now for a lot of our
18 middle-class families. The critical success
19 of this program short term is to make sure
20 that the person who gets the loan has the
21 ability to pay with the increased debt. That
22 is missing in this bill now.

23 This bill needs more work. For
24 that reason, I'm going to sadly vote no. And
25 I had supported last year I think Senator

1 Morahan's bill of the Green Jobs, but I don't
2 think this bill is ready yet. For that
3 reason, I vote no.

4 Thank you, Mr. President.

5 ACTING PRESIDENT BRESLIN: Thank
6 you, Senator Bonacic. You will be recorded in
7 the negative.

8 Senator LaValle, to explain his
9 vote.

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

12 I think Senator Bonacic was
13 absolutely right that this legislation needs
14 some marinating.

15 I think, Senator Parker, that we
16 need to bring people together and work out
17 some of the pieces. And the thing that is
18 troubling to me is something that my mother,
19 in admonition, said: There's no free lunch.
20 Which means someone's going to have to pay for
21 this.

22 Those of us who represent the LIPA
23 area, we have some of the highest utility
24 rates. And putting more cost on the ratepayer
25 at this juncture is not the right time. You

1 yourself indicated the economy and the
2 difficulty with the economy.

3 And so I think we need to put some
4 pieces together. It's a great title. If you
5 were voting for titles, this would be a yes
6 vote. But when you look at what's inside,
7 we're not there yet. And I vote in the
8 negative, Mr. President.

9 ACTING PRESIDENT BRESLIN: Thank
10 you, Senator LaValle. You will be recorded in
11 the negative.

12 Senator DeFrancisco, to explain his
13 vote.

14 SENATOR DeFRANCISCO: Thank you.

15 The problem with the bill is
16 there's a disconnect here. There's a whole
17 group of people that are going to be going
18 through the neighborhoods that are going to be
19 trying to convince people to retrofit their
20 home because they're going to save energy.
21 They have an interest in it. They want the
22 jobs, they want the work, they want to make
23 some money. Sort of like mortgage bankers
24 during the subprime situation.

25 Number two, the people that are

1 making the loan don't have any kind of
2 regulation other than as long as, according to
3 the bill, the individual has been paying their
4 utility bills in the past, and also the
5 individual can pay their mortgage payments
6 that they have in the past, then NYSERDA will
7 be granting this loan. Those are the only two
8 requirements. Not that they can afford the
9 next loan that they're going to get.

10 Then you have the utility companies
11 that have to collect the bills. And if the
12 bills aren't paid in time, the monthly payment
13 is not paid in time, they have to, by this
14 law, cut off the service. So the world's
15 going to be upset at the collector who is
16 forced to collect. And I could see where you
17 might try to negotiate some changes in the
18 payments. But if the person doesn't have the
19 money, they don't have the money.

20 And Senator Parker mentioned about
21 the partnership, it's a partnership. Well,
22 you've got to have a willing partnership. You
23 don't say you're my partner and I'm putting a
24 noose around your neck to pull you along,
25 you're going to be my partner. And that's the

1 partnership that's being required here.

2 Lastly, if you can't pay your loan,
3 you can't make these payments, you lose the
4 house, it goes with the house. The loan is a
5 lien against the house. Which is another
6 impediment to reselling the house.

7 So there's too many disconnects and
8 too many analogies to the subprime mortgage
9 crisis. And whether or not the Democratic
10 mortgage here helped all the people who had
11 mortgage problems after the subprime mortgage,
12 we don't want to light the match to start the
13 fire so that we can later claim that we helped
14 give relief to the fire that we created.

15 So I'm going to vote no on this
16 bill. Thank you.

17 ACTING PRESIDENT BRESLIN: Thank
18 you, Senator DeFrancisco. You will be
19 recorded in the negative.

20 Senator Parker, to explain his
21 vote.

22 SENATOR PARKER: Thank you,
23 Mr. President. To explain my vote.

24 Again, let me thank my colleagues
25 for their questions. I think that we

1 illuminated a lot of things that are
2 important. I'm not clear that my
3 colleagues -- and probably is my failure to
4 communicate all the good things about this
5 bill and how it actually works.

6 Senator LaValle indicated that
7 somebody has to pay for it. We actually
8 already paid for it last year. Because when
9 we did the first part that was actually done
10 by Senator Aubertine -- I want to thank him
11 for his leadership and his intrepid vision as
12 chair of the Energy Committee last year --
13 when we passed the original Green-Collar Jobs
14 bill, we actually allocated money that came
15 from the Regional Greenhouse Gas Initiative to
16 in fact supplement this program.

17 And so when we in fact are doing
18 these retrofits, actually much of that money
19 is actually coming from polluters in this
20 state. It's actually a brilliant program. So
21 we're taking people who are polluting, we're
22 taking their money, we're going to now
23 subsidize it to create jobs in Senator
24 LaValle's district and Senator DeFrancisco's
25 district, a few in Senator Libous's

1 district -- a few; I don't know how you
2 voted -- but a few in Senator Libous's
3 district, and then we're going to create those
4 jobs.

5 And then at the same time, those
6 people who are working in those areas will
7 also have their homes retrofitted and they
8 will save energy. And so we're not talking
9 about tripling people's bills, we're actually
10 lowering people's bills over the lifetime of
11 those homes. And trust me, there will be
12 enough safeguards vis-a-vis the kind of
13 language and the kind of people who are
14 allowed to get loans.

15 But then, lastly, these people who
16 are having hard times, our partners in the
17 utilities have the ability to work out
18 arrangements in the same way that every day
19 they do now, work out arrangements around
20 people's utility bills.

21 This is a good bill, and I thank
22 you very much for your support of it.

23 ACTING PRESIDENT BRESLIN:

24 Senator Volker, to explain his vote.

25 SENATOR VOLKER: Mr. President, I

1 will be brief.

2 Senator Saland and I talked about a
3 number of pieces of this bill, but I just want
4 to comment -- and I know, Senator Parker, that
5 you mean well. But this bill could turn out
6 to be one of the bombshells for the utilities,
7 because it could be a tremendous money-loser
8 over the long haul.

9 But one thing I think I know for
10 sure, having been once chairman of Utilities
11 and Energy, we passed enough legislation in
12 the last week probably to raise utility rates
13 for every utility company in the State of
14 New York by at least 20 percent. I have to
15 tell you something. We've got to realize
16 something, that this state has got more taxes
17 on utilities than any state in the union. And
18 the problem when you're dealing with issues
19 such as this, you have to take that into
20 consideration.

21 And the issues that we've dealt
22 with over the last week, as I've looked at
23 them I said to myself, boy, thank God that for
24 the last 20 or 25 years we Republicans had
25 enough restraint not to do that sort of thing.

1 We realize very much that it's a tempting
2 thing to grab at the utilities and make the
3 people believe that it's the utilities that
4 are at fault and not the government that
5 churns the rates.

6 But this bill will not help the
7 ratepayers and I'm afraid, as has already been
8 pointed out, in the long haul will not help
9 homeowners and will not help energy
10 development either. So I've got to vote no.

11 ACTING PRESIDENT BRESLIN: Thank
12 you, Senator Volker. You will be recorded in
13 the negative.

14 Are there any other Senators
15 wishing to be heard?

16 Announce the results.

17 THE SECRETARY: Those recorded in
18 the negative on Calendar Number 1103 are
19 Senators Alesi, Bonacic, DeFrancisco, Farley,
20 Flanagan, Golden, Griffo, O. Johnson, Lanza,
21 Larkin, LaValle, Leibell, Libous, Little,
22 McDonald, Nozzolio, Ranzenhofer, Saland,
23 Seward, Skelos, Volker, Winner and Young.

24 Ayes, 38. Nays, 23.

25 ACTING PRESIDENT BRESLIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1120, by Senator Klein, Senate Print 8171 --

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

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

8 That completes the reading of the
9 controversial calendar, Senator Klein.

10 SENATOR KLEIN: Mr. President,
11 can we briefly return to motions and
12 resolutions.

13 ACTING PRESIDENT BRESLIN:
14 Returning to motion and resolutions.

15 SENATOR KLEIN: Mr. President, on
16 behalf of Senator Onorato, on page 26 I offer
17 the following amendments to Calendar Number
18 782, Senate Print Number 5847E, and ask that
19 said bill retain its place on Third Reading
20 Calendar.

21 ACTING PRESIDENT BRESLIN: So
22 ordered.

23 SENATOR KLEIN: Mr. President, on
24 behalf of Senator Adams, I wish to call up
25 Print Number 7578, recalled from the Assembly,

1 which is now at the desk.

2 ACTING PRESIDENT BRESLIN: The
3 Secretary will read.

4 THE SECRETARY: Calendar Number
5 764, by Senator Adams, Senate Print 7578, an
6 act to amend the Racing, Pari-Mutuel Wagering
7 and Breeding Law.

8 ACTING PRESIDENT BRESLIN:
9 Senator Klein.

10 SENATOR KLEIN: Mr. President, I
11 now move to reconsider the vote by which this
12 bill was passed.

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

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT BRESLIN:
19 Senator Klein.

20 SENATOR KLEIN: Mr. President, I
21 now offer the following amendments.

22 ACTING PRESIDENT BRESLIN: The
23 amendments are received.

24 SENATOR KLEIN: Mr. President, on
25 behalf of Senator Stavisky, on page number 7 I

1 offer the following amendments to Calendar
2 Number 139, Senate Print Number 1538D, and ask
3 that said bill retain its place on Third
4 Reading Calendar.

5 ACTING PRESIDENT BRESLIN: So
6 ordered.

7 SENATOR KLEIN: On behalf of
8 Senator Savino, on page 19 I offer the
9 following amendments to Calendar Number 547,
10 Senate Print Number 2978, and ask that said
11 bill retain its place on Third Reading
12 Calendar.

13 ACTING PRESIDENT BRESLIN: So
14 ordered.

15 SENATOR KLEIN: Mr. President,
16 there will be an immediate meeting of the
17 Rules Committee in the Majority Conference
18 Room.

19 Pending the return of the Rules
20 Committee, may we please stand at ease.

21 ACTING PRESIDENT BRESLIN: There
22 will be an immediate meeting of the Rules
23 Committee in Room 332.

24 Pending the return of the Rules
25 Committee, the Senate will stand at ease.

1 (Whereupon, the Senate stood at
2 ease at 6:22 p.m.)

3 (Whereupon, the Senate reconvened
4 at 7:24 p.m.)

5 ACTING PRESIDENT VALESKY:
6 Senator Klein.

7 SENATOR KLEIN: Mr. President, I
8 believe there's a report of the Rules
9 Committee at the desk. I move that we adopt
10 the Rules report at this time.

11 ACTING PRESIDENT VALESKY: There
12 is a report of the Rules Committee at the
13 desk.

14 The Secretary will read.

15 THE SECRETARY: Senator Smith,
16 from the Committee on Rules, reports the
17 following bills:

18 Senate Print 1103, by Senator
19 Dilan, an act to amend the Social Services
20 Law;

21 1237, by Senator Thompson, an act
22 to amend the General Business Law;

23 1861D, by Senator Klein, an act to
24 amend the Administrative Code of the City of
25 New York;

1 2832A, by Senator L. Krueger, an
2 act to amend the Environmental Conservation
3 Law;

4 2950D, by Senator Klein, an act to
5 amend the Penal Law;

6 5748A, by Senator Savino, an act to
7 amend the Retirement and Social Security Law;

8 5793, by Senator L. Krueger, an act
9 to amend the Business Corporation Law;

10 5913A, by Senator Oppenheimer, an
11 act to amend the Criminal Procedure Law;

12 6150A, by Senator Espada, an act to
13 amend the Public Authorities Law;

14 6781A, by Senator Stachowski, an
15 act to amend the Racing, Parimutuel Wagering
16 and Breeding Law;

17 6964, by Senator Valesky, an act to
18 amend the Public Authorities Law;

19 7051, by Senator Savino, an act to
20 amend the Retirement and Social Security Law;

21 7089, by Senator C. Johnson, an act
22 to amend the Education Law;

23 7137A, by Senator Foley, an act to
24 amend the Education Law;

25 7257, by Senator Valesky, an act to

1 amend the Tax Law;

2 7308, by Senator Peralta, an act to
3 amend the General Business Law;

4 7449, by Senator C. Johnson, an act
5 to legalize, validate, ratify and confirm;

6 7463, by Senator Oppenheimer, an
7 act to amend Chapter 425 of the Laws of 2002;

8 7483A, by Senator Huntley, an act
9 to amend the Public Health Law;

10 7500, by Senator Addabbo, an act to
11 amend the Civil Service Law;

12 7614, by Senator C. Kruger, an act
13 to amend the Public Health Law;

14 7672A, by Senator Klein, an act to
15 amend the Real Property Law;

16 7676, by Senator Stachowski, an act
17 to amend the Public Authorities Law;

18 7712, by Senator Thompson, an act
19 to amend the Public Service Law;

20 7753, by Senator Oppenheimer, an
21 act to amend the Environmental Conservation
22 Law;

23 7915, by Senator Stachowski, an act
24 to legalize, validate, ratify and confirm;

25 7946, by Senator Peralta, an act to

1 amend the Banking Law;

2 7968, by Senator Stewart-Cousins,
3 an act to amend the Economic Development Law;

4 8056, by Senator C. Kruger, an act
5 to amend the Estates, Powers and Trusts Law;

6 8058, by Senator Hassell-Thompson,
7 an act to amend the Family Court Act;

8 8104, by Senator Stachowski, an act
9 to amend the Public Health Law;

10 8126, by Senator C. Johnson, an act
11 to amend the Real Property Tax Law;

12 8130, by Senator Peralta, an act to
13 amend the Administrative Code of the City of
14 New York;

15 8140A, by Senator Aubertine, an act
16 in relation to authorizing;

17 8151, by Senator Addabbo, an act to
18 amend the Election Law;

19 8152, by Senator Addabbo, an act to
20 amend the Election Law;

21 8153, by Senator Addabbo, an act to
22 amend the Election Law;

23 8164, by Senator Espada, an act to
24 amend the Private Housing Finance Law;

25 8175, by Senator Klein, an act to

1 amend the Penal Law;

2 8183, by Senator C. Johnson, an act
3 to amend the Alcoholic Beverage Control Law;

4 8202, by Senator Parker, an act
5 authorizing and directing;

6 8225, by Senator Onorato, an act to
7 amend the Retirement and Social Security Law;

8 8239, by Senator Foley, an act to
9 amend the Public Authorities Law;

10 8261, by Senator Klein, an act to
11 amend the Education Law;

12 8266, by Senator Smith, an act to
13 amend the Vehicle and Traffic Law;

14 8267, by Senator Klein, an act to
15 amend the General Business Law;

16 8280, by Senator Thompson, an act
17 to amend the Environmental Conservation Law;

18 8281, by Senator Foley, an act to
19 amend the Energy Law;

20 44, by Senator Fuschillo, an act to
21 amend the Education Law;

22 And Senate Print 8052, by Senator
23 McDonald, an act to amend the Highway Law.

24 All bills ordered direct to third
25 reading.

1 ACTING PRESIDENT VALESKY: All
2 those in favor of adopting the report of the
3 Rules Committee signify by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT VALESKY:
6 Opposed, nay.

7 (No response.)

8 ACTING PRESIDENT VALESKY: The
9 report of the Rules Committee is adopted.
10 Senator Klein.

11 SENATOR KLEIN: Mr. President,
12 can we please go to a reading of the
13 supplemental calendar.

14 ACTING PRESIDENT VALESKY: The
15 Secretary will proceed with the reading of
16 Senate Supplemental Calendar 69A.

17 THE SECRETARY: Calendar Number
18 1098, by Senator Dilan, Senate Print --

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

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

23 THE SECRETARY: Calendar Number
24 1105, by Senator Thompson --

25 SENATOR KLEIN: Lay the bill

1 aside for the day, please.

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

4 THE SECRETARY: Calendar Number
5 1125, by Senator Klein, Senate Print 1861D, an
6 act to amend the Administrative --

7 SENATOR LIBOUS: Lay it aside.

8 ACTING PRESIDENT VALESKY: The
9 bill is laid aside.

10 THE SECRETARY: In relation to
11 Calendar Number --

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

14 ACTING PRESIDENT VALESKY:
15 Senator Klein, if we could substitute the
16 Assembly Bill for Calendar 1125 and then lay
17 it aside for the day.

18 THE SECRETARY: In relation to
19 Calendar Number 1126, Senator L. Krueger moves
20 to discharge, from the Committee on Codes,
21 Assembly Bill Number 428A and substitute it
22 for the identical Senate Bill Number 2832A,
23 Third Reading Calendar 1126.

24 ACTING PRESIDENT VALESKY:
25 Substitution ordered.

1 Calendar Numbers 1125 and 1126 are
2 laid aside for the day.

3 THE SECRETARY: In relation to
4 Calendar Number 1127, Senator Klein moves to
5 discharge, from the Committee on Rules,
6 Assembly Bill Number 11111 and substitute it
7 for the identical Senate Bill Number 2950D,
8 Third Reading Calendar 1127.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 1127, by Member of the Assembly Paulin,
13 Assembly Print Number 11111, an act to amend
14 the Penal Law.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

17 SENATOR LIBOUS: Lay it aside.

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

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

22 THE SECRETARY: Calendar Number
23 1129, by Senator Savino, Senate Print 5748A,
24 an act to amend the Retirement and Social
25 Security Law.

1 SENATOR LIBOUS: Lay the bill
2 aside.

3 ACTING PRESIDENT VALESKY: The
4 bill is laid aside.

5 THE SECRETARY: In relation to
6 Calendar Number 1130 --

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

9 ACTING PRESIDENT VALESKY:
10 Senator Klein, Calendar Number 1129?

11 SENATOR KLEIN: No, 1130, I
12 apologize.

13 ACTING PRESIDENT VALESKY: The
14 Secretary will read the substitution.

15 THE SECRETARY: In relation to
16 Calendar Number 1130, Senator L. Krueger moves
17 to discharge, from the Committee on
18 Corporations, Authorities and Commissions,
19 Assembly Bill Number 1567 and substitute it
20 for the identical Senate Bill Number 5793,
21 Third Reading Calendar 1130.

22 ACTING PRESIDENT VALESKY:
23 Substitution ordered.

24 THE SECRETARY: Calendar Number
25 1130, by Member of the Assembly Brodsky,

1 Assembly Print 1567, an act to amend the
2 Business Corporation Law.

3 ACTING PRESIDENT VALESKY: Read
4 the last section.

5 THE SECRETARY: Section --

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

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

10 THE SECRETARY: In relation to
11 Calendar Number 1131, Senator Oppenheimer
12 moves to discharge, from the Committee on
13 Rules, Assembly Bill Number 10761A and
14 substitute it for the identical Senate Bill
15 Number 5913A, Third Reading Calendar 1131.

16 ACTING PRESIDENT VALESKY:
17 Substitution ordered.

18 THE SECRETARY: Calendar Number
19 1131, by Member of the Assembly Castelli,
20 Assembly Print Number 10761A, an act to amend
21 the Criminal Procedure Law.

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

24 THE SECRETARY: Section --

25 SENATOR LIBOUS: Lay it aside.

1 ACTING PRESIDENT VALESKY: The
2 bill is laid aside.

3 THE SECRETARY: Calendar Number
4 1132, by Senator Espada, Senate Print 6150A,
5 an act to amend the Public Authorities Law.

6 ACTING PRESIDENT VALESKY: Read
7 the last section.

8 THE SECRETARY: Section --

9 SENATOR LIBOUS: Lay the bill
10 aside.

11 ACTING PRESIDENT VALESKY: The
12 bill is laid aside.

13 THE SECRETARY: In relation to
14 Calendar Number 1133, Senator Stachowski moves
15 to discharge, from the Committee on Rules,
16 Assembly Bill Number 10222A and substitute it
17 for the identical Senate Bill Number 6781A,
18 Third Reading Calendar 1133.

19 ACTING PRESIDENT VALESKY:
20 Substitution ordered.

21 THE SECRETARY: Calendar Number
22 1133, by Member of the Assembly Pretlow,
23 Assembly Print Number 10222A, an act to amend
24 the Racing, Pari-Mutuel Wagering and Breeding
25 Law.

1 ACTING PRESIDENT VALESKY: Read
2 the last section.

3 SENATOR LIBOUS: Lay the bill
4 aside.

5 ACTING PRESIDENT VALESKY: The
6 bill is laid aside.

7 Senator Klein.

8 SENATOR KLEIN: Mr. President,
9 can we please lay the reminder of the calendar
10 aside for the day.

11 ACTING PRESIDENT VALESKY: The
12 remainder of Senate Supplemental Calendar 69A
13 is laid aside for the day.

14 Senator Klein.

15 SENATOR KLEIN: Mr. President,
16 can we also lay aside for the day Senate
17 Supplemental Calendar 69B.

18 ACTING PRESIDENT VALESKY: Senate
19 Supplemental Calendar 69B is laid aside for
20 the day as well.

21 Senator Klein.

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

24 ACTING PRESIDENT VALESKY: There
25 is no further business.

1 SENATOR KLEIN: There being no
2 further business, Mr. President, I move that
3 we adjourn till Thursday, June 24th, at
4 12:00 p.m.

5 ACTING PRESIDENT VALESKY: On
6 motion, the Senate stands adjourned until
7 Thursday, June 24th, at 12:00 p.m.

8 (Whereupon, at 7:34 p.m., the
9 Senate adjourned.)

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