

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 May 2, 2012

11 11:19 a.m.

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13  
14 REGULAR SESSION

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18 SENATOR JOSEPH A. GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask all present to please rise  
5 and join with us as we recite the Pledge of  
6 Allegiance to our Flag.

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

9 ACTING PRESIDENT GRIFFO:  
10 Today's invocation will be offered by the  
11 Reverend Damone Paul Johnson. He's the senior  
12 pastor at Metropolitan New Testament Mission  
13 Baptist Church here in Albany.

14 Dr. Johnson.

15 REVEREND JOHNSON: To You,  
16 O God, be the glory for the things Thou hast  
17 done.

18 O Gracious and Almighty God, Thou  
19 who has created and called us into existence,  
20 Thou who in Thy infinite wisdom has placed in  
21 us a soul that cannot rest until it rests in  
22 Thee, to You, O Creator, we come just now to  
23 acknowledge Your presence and humbly bow  
24 before Thee and seek Thy divine guidance for  
25 this august body of leaders.

1                   We are reminded in Thy word that  
2 if we ask, it shall be given; if we seek, we  
3 shall find; if we knock, doors shall be opened  
4 unto us.

5                   So, Lord, we ask that a new  
6 spirit of unity, not sameness, permeate this  
7 group. Let them know that we all are one in  
8 Your spirit and yet this oneness cannot be  
9 made manifest until we each attune ourselves  
10 to Thee.

11                  We further ask that each will be  
12 granted the undeniable courage and creative  
13 intellect that will cause them to boldly go  
14 forth to do the things which will transform  
15 hope into achievement and will challenge them  
16 to move beyond mere perfunctory acts of  
17 lawmaking to serious legislation that will  
18 have justice truly roll down like a mighty  
19 stream.

20                  We now ask that the words of each  
21 person's mouth and the meditations of each  
22 person's heart be acceptable in Thy sight, and  
23 we ask this in Your son's name.

24                  Amen.

25                  ACTING PRESIDENT GRIFFO:    Thank

1 you, Reverend Johnson.

2 The reading of the Journal.

3 THE SECRETARY: In Senate,  
4 Tuesday, May 1st, the Senate met pursuant to  
5 adjournment. The Journal of Monday, April 30th,  
6 was read and approved. On motion, Senate  
7 adjourned.

8 ACTING PRESIDENT GRIFFO: Without  
9 objection, the Journal stands approved as read.

10 Presentation of petitions.

11 Messages from the Assembly.

12 The Secretary will read.

13 THE SECRETARY: On page 32,  
14 Senator Hannon moves to discharge, from the  
15 Committee on Insurance, Assembly Bill Number 9225  
16 and substitute it for the identical Senate Bill  
17 Number 6841, Third Reading Calendar 570.

18 ACTING PRESIDENT GRIFFO: The  
19 substitution is so ordered.

20 Messages from the Governor.

21 Reports of standing committees.

22 Reports of select committees.

23 Communications and reports from  
24 state officers.

25 Motions and resolutions.

1 Senator Libous.

2 SENATOR LIBOUS: Mr. President, I  
3 wish to call up Senate Print 4124, recalled from  
4 the Assembly, which is now at the desk.

5 ACTING PRESIDENT GRIFFO: The  
6 Secretary will read.

7 THE SECRETARY: Calendar Number  
8 163, by Senator Ranzenhofer, Senate Print 4124,  
9 an act to amend the Public Health Law.

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

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

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 54.

17 ACTING PRESIDENT GRIFFO: Senator  
18 Libous.

19 SENATOR LIBOUS: Mr. President, I  
20 now offer up the following amendments.

21 ACTING PRESIDENT GRIFFO: The  
22 amendments are received.

23 Senator Libous.

24 SENATOR LIBOUS: Mr. President, at  
25 this time we do have some resolutions that were

1 previously passed that there are folks here  
2 today. And as soon as everything gets situated,  
3 we'll come back to that.

4 But let's have the noncontroversial  
5 reading of the calendar at this time.

6 ACTING PRESIDENT GRIFFO: The  
7 Secretary will read.

8 THE SECRETARY: Calendar Number  
9 93, by Senator Grisanti, Senate Print 6120, an  
10 act relating to authorizing the City of  
11 Niagara Falls.

12 ACTING PRESIDENT GRIFFO: There is  
13 a home-rule message at the desk.

14 Read the last section.

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

17 ACTING PRESIDENT GRIFFO: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 54.

21 ACTING PRESIDENT GRIFFO: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 125, by Senator Flanagan, Senate Print 5650C, an  
25 act to amend the Education Law.

1           ACTING PRESIDENT GRIFFO:    Read the  
2 last section.

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

5           ACTING PRESIDENT GRIFFO:    Call the  
6 roll.

7           (The Secretary called the roll.)

8           THE SECRETARY:    Ayes, 54.

9           ACTING PRESIDENT GRIFFO:    The bill  
10 is passed.

11          THE SECRETARY:    Calendar Number  
12 239, by Senator Ball, Senate Print 6305A, an act  
13 to amend the Public Health Law.

14          ACTING PRESIDENT GRIFFO:    Read the  
15 last section.

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

18          ACTING PRESIDENT GRIFFO:    Call the  
19 roll.

20          (The Secretary called the roll.)

21          THE SECRETARY:    Ayes, 54.

22          ACTING PRESIDENT GRIFFO:    The bill  
23 is passed.

24          THE SECRETARY:    Calendar Number  
25 515, by Senator Young, Senate Print 748, an act

1 to amend the Labor Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

4 THE SECRETARY: Section 2. This  
5 act shall --

6 SENATOR BRESLIN: Lay it aside.

7 ACTING PRESIDENT GRIFFO: Lay it  
8 aside.

9 THE SECRETARY: Calendar Number  
10 544, by Senator Young, Senate Print 854A, an act  
11 to amend the Highway Law.

12 ACTING PRESIDENT GRIFFO: Read the  
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the  
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 54.

20 ACTING PRESIDENT GRIFFO: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 566, by Senator Seward, Senate Print 2874A, an  
24 act to amend the Insurance Law.

25 ACTING PRESIDENT GRIFFO: Read the



1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 53. Nays,  
8 1. Senator Duane recorded in the negative.

9 ACTING PRESIDENT GRIFFO: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 570, substituted earlier by Member of the  
13 Assembly Silver, Assembly Print Number 9225, an  
14 act to amend Chapter 447 of the Laws of 2009.

15 ACTING PRESIDENT GRIFFO: Read the  
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 54.

23 ACTING PRESIDENT GRIFFO: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 578, by Senator McDonald, Senate --

2 SENATOR BRESLIN: Lay it aside.

3 ACTING PRESIDENT GRIFFO: Lay it  
4 aside.

5 THE SECRETARY: Calendar Number  
6 583, by Senator Johnson, Senate Print 4740C --

7 SENATOR BRESLIN: Lay it aside.

8 ACTING PRESIDENT GRIFFO: Lay it  
9 aside.

10 THE SECRETARY: Calendar Number  
11 585, by Senator Larkin, Senate Print 5513, an act  
12 to authorize the Commissioner of Education.

13 ACTING PRESIDENT GRIFFO: Read the  
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 54.

21 ACTING PRESIDENT GRIFFO: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 587, by Senator DeFrancisco, Senate Print 6469,  
25 an act to amend the State Finance Law.

1           ACTING PRESIDENT GRIFFO:   Read the  
2 last section.

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

5           SENATOR BRESLIN:   Lay it aside.

6           ACTING PRESIDENT GRIFFO:   Lay it  
7 aside.

8           THE SECRETARY:   Calendar Number  
9 588, by Senator McDonald, Senate Print 6584, an  
10 act to amend the Public Officers Law.

11          ACTING PRESIDENT GRIFFO:   Read the  
12 last section.

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

15          ACTING PRESIDENT GRIFFO:   Call the  
16 roll.

17               (The Secretary called the roll.)

18          THE SECRETARY:   Ayes, 51. Nays,  
19 3. Senators Krueger, Perkins and Squadron  
20 recorded in the negative.

21          ACTING PRESIDENT GRIFFO:   The bill  
22 is passed.

23               Senator Libous, that completes the  
24 noncontroversial reading of the calendar.

25          SENATOR LIBOUS:   Mr. President,

1 could we return to motions and resolutions.

2 And I'm not handing up anything.

3 ACTING PRESIDENT GRIFFO: We will  
4 return to motions and resolutions.

5 Senator Libous.

6 SENATOR LIBOUS: At this time,  
7 Mr. President, could you please call on  
8 Senator Ritchie for the purposes of a statement.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Ritchie.

11 SENATOR RITCHIE: I would just  
12 like to say it's a pleasure for me to have today  
13 some of the best and brightest young athletes in  
14 New York State. I have the honor to represent  
15 two of the teams who were in the Section III,  
16 Class D Basketball Championship.

17 And it was kind of interesting,  
18 because I really wanted to go to the game but I  
19 wasn't sure how I was going to do that,  
20 considering I represented both of the teams. So  
21 I decided that I would clap each time a basket  
22 was made. But when it got the point to figure  
23 out which side of the gym I was supposed to sit  
24 on, I decided as a politician it was probably  
25 safer for me to stay home and wish both teams the

1 best.

2 But the Sackets Harbor Patriots  
3 beat Madrid-Waddington. It was a great game,  
4 35 -- Sackets Harbor scoring 49 points during  
5 that game. It was the high point for their  
6 season. They ended the season with a stellar  
7 record, 25 and 0, which shows all their hard work  
8 and dedication they put in not just this year but  
9 over a number of years.

10 Along with them today is Coach  
11 Robbins. I've heard over and over again what an  
12 excellent job that you do, that you're not just a  
13 coach but a leader and a mentor to the athletes,  
14 and you have instilled in them character and hard  
15 work and excellence in what they do.

16 Also with the team today is  
17 Superintendent Fred Hall, very passionate about  
18 the school and the job that he does, working hard  
19 to make sure we have some of the future leaders  
20 coming from Sackets Harbor.

21 And last but not least, I'd like to  
22 acknowledge the community and the parents. They  
23 were there for the students from the beginning of  
24 the season to the very end.

25 And as someone who represents the

1 community of Sackets Harbor, I'm very proud of  
2 the team. And I ask that my colleagues join in  
3 congratulating them on the state championship for  
4 the Class D, Section III Basketball Finals.

5 So thank you, and I'm so glad you  
6 could be here with us today. So if you want to  
7 stand up so we know where you are up there.  
8 Thank you for coming.

9 (Applause.)

10 ACTING PRESIDENT GRIFFO: On  
11 behalf of Senator Ritchie, we welcome you and  
12 congratulate you on the state championship.

13 Senator Libous.

14 SENATOR LIBOUS: And,  
15 Mr. President, I failed to mention that  
16 Senator Ritchie did pass a resolution that's at  
17 the desk back on March 30th honoring this great  
18 team.

19 ACTING PRESIDENT GRIFFO: So  
20 noted.

21 SENATOR LIBOUS: At this time,  
22 Mr. President, there are two resolutions at the  
23 desk by Senator McDonald, 4331 and 4332. They  
24 were previously adopted on May 1st. May we  
25 please have the titles read and then call on

1 Senator McDonald.

2                   ACTING PRESIDENT GRIFFO:    The  
3 Secretary will read.

4                   THE SECRETARY:    Legislative  
5 Resolution Number 4331, by Senator McDonald,  
6 honoring Hoosick Falls High School Girls Soccer  
7 Coach Tom Husser upon the occasion of his  
8 designation as the New York State 2011 Class C  
9 Coach of the Year.

10                   And Legislative Resolution Number  
11 4332, by Senator McDonald, congratulating the  
12 Hoosick Falls High School Girls Soccer Team and  
13 Coach Tom Husser upon the occasion of capturing  
14 the 2011-2012 New York State Class C  
15 Championship.

16                   ACTING PRESIDENT GRIFFO:    Senator  
17 McDonald.

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

20                   I'd like to take this opportunity  
21 to introduce you to the New York State Class C  
22 Girls Varsity Soccer Team State Champions.  
23 Please stand up.

24                   The Hoosick Falls Girls Varsity  
25 Team right there in my district, they displayed a

1 tremendous amount of athletic talent under their  
2 coach, Tom Husser, who was named New York State  
3 Class C Coach of the Year. Their final record  
4 was 21 and 2. And they were also a New York  
5 State Scholar Athletic Team, showing that they  
6 are athletic and smart both.

7 I am so proud that the  
8 Lady Panthers, who scored 108 goals while giving  
9 up only 15 goals, became state champions. And  
10 they're here today, and let's all give them a  
11 round of applause.

12 (Applause.)

13 SENATOR McDONALD: Thank you.

14 ACTING PRESIDENT GRIFFO: We  
15 welcome you and congratulate you on your  
16 championship.

17 Senator Libous.

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

20 At this time could you please call  
21 on Senator Hassell-Thompson for the purposes of a  
22 statement.

23 ACTING PRESIDENT GRIFFO: Senator  
24 Hassell-Thompson.

25 SENATOR HASSELL-THOMPSON: Thank



1 you, Mr. President.

2           It gives me great pleasure today to  
3 welcome to our chambers third-graders from the  
4 Grimes Elementary School. Their principal,  
5 Ms. Lightsy, because she's proctoring exams, was  
6 not able to join them today, but several of their  
7 teachers are with them.

8           Each year, as part of my Social  
9 Studies Project with many schools in my district,  
10 I invite young people to come to Albany, not just  
11 to see how their government works but to get an  
12 idea of a possible future for them in leadership.

13           The third-graders this morning  
14 spent time with Bill Drafting staff and talked  
15 about how bills and how laws are made.

16           And they're going to be sending all  
17 of you copies of ideas that they have for  
18 possible bills. And I have promised them that if  
19 any one of their bills ever becomes law, that we  
20 will send them a copy and give them the credit  
21 for doing so.

22           I think that it's very important,  
23 not only do we have our athletic teams come to  
24 Albany, but also our academic students who are  
25 doing extremely well. These youngsters have

1 already taken their exams for the year. And when  
2 we talked this morning about how bills are made,  
3 we wanted to be sure that they were comprehending  
4 what was going on.

5                   And I have to tell you, we could  
6 take a lesson from them, because they really were  
7 paying attention, they really understood. And  
8 when we asked some pertinent questions, it was  
9 clear they understood that process.

10                   And so one of the things that I  
11 hope that we will do today as they observe us as  
12 we go through the process of how we argue and  
13 debate -- we talked about what debate was and  
14 what a good argument really is about. And it's  
15 substantive, it's passionate, but it always  
16 should be pointed and germane.

17                   So I thank you, Mr. President, for  
18 giving me the opportunity to introduce my  
19 third-graders, their parents and teachers from  
20 Grimes Elementary School.

21                   ACTING PRESIDENT GRIFFO:    Senator  
22 Hassell-Thompson, thank you. And I know that we  
23 will all be on our best behavior today.

24                   We welcome the students from  
25 Grimes.

1 I'm going to call upon Senator  
2 DeFrancisco, who would like to add some comments.

3 SENATOR DeFRANCISCO: Yes.  
4 Senator Hassell-Thompson just mentioned to you  
5 that if you pass a law, you'll be recognized for  
6 it. I want to tell you that it can happen. I'm  
7 going to give you one example.

8 When I first got into the Senate,  
9 there was a group, a third-grade class -- that  
10 probably is married by now -- a third-grade class  
11 that suggested there's a Mother's Day, a Father's  
12 Day, there ought to be a Children's Day.

13 Well, we put a bill in, a bill was  
14 put in the Assembly, and it passed. And now it's  
15 law, there's a Children's Day.

16 Now, the good news is there's a  
17 Children's Day; the bad news, it's on a Sunday in  
18 June. So you still have to go to school.

19 (Laughter.)

20 SENATOR DeFRANCISCO: So it can be  
21 done. So if you have any good ideas, get them to  
22 Senator Hassell-Thompson and maybe you will be  
23 instrumental in having a law passed in the State  
24 of New York.

25 Thank you.

1                   ACTING PRESIDENT GRIFFO:    Let's  
2 give a round of applause to the students who are  
3 visiting us today from Grimes.

4                   (Applause.)

5                   ACTING PRESIDENT GRIFFO:    We  
6 welcome you and thank you for your presence.

7                   Senator Libous.

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

10                  At this time let's go to the  
11 reading of the controversial calendar and take up  
12 the first bill. I believe it's 515, by Senator  
13 Young.

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

16                  The Secretary will read.

17                  THE SECRETARY:    Calendar Number  
18 515, by Senator Young, Senate Print 748, an act  
19 to amend the Labor Law.

20                  SENATOR BRESLIN:    Explanation.

21                  ACTING PRESIDENT GRIFFO:    An  
22 explanation has been requested by Senator  
23 Breslin.

24                  Senator Young.

25                  SENATOR YOUNG:    Thank you,

1 Mr. President. I'd be glad to explain the bill.

2           This bill amends Section 904 of the  
3 Labor Law to allow a cap on asbestos project  
4 notification fees of no more than \$500 for  
5 asbestos projects dealing with the handling and  
6 the removal of asbestos in owner-occupied  
7 one-or-two-unit residential structures.

8           This bill actually originated from  
9 a request from the Jamestown City Council, and  
10 they wanted to have relief from the onerous  
11 regulations dealing with asbestos handling and  
12 the removal and demolition of one-and-two-family  
13 residential structures.

14           This bill addresses the fact that  
15 limited resources of funding exist or are  
16 available to municipalities in New York State in  
17 order to meet the federal asbestos standards and,  
18 as a result, neighborhood improvement and  
19 demolition activities are slowed down due to the  
20 high cost of meeting standards such as those  
21 related to asbestos removal.

22           In 2005 this bill was actually a  
23 departmental bill, but it did not pass the  
24 Assembly.

25           Current asbestos regulations in

1 New York State are found in Article 30,  
2 Section 904 of the Labor Law, and the section  
3 lists project notification fees of \$500 for  
4 projects that are the size of 500 to 999 square  
5 feet or \$1000 for project sizes of 1,000 or more  
6 square feet. So this would actually cap it at  
7 \$500 to make it more affordable to do these  
8 neighborhood revitalization projects.

9 It's supported by the New York  
10 State AFL-CIO, and last year it passed  
11 unanimously in the Senate.

12 ACTING PRESIDENT GRIFFO: Senator  
13 Sampson.

14 SENATOR SAMPSON: Thank you,  
15 Mr. President. Would the sponsor just yield for  
16 just a question or two.

17 SENATOR YOUNG: Certainly.

18 ACTING PRESIDENT GRIFFO: Senator  
19 Young yields.

20 SENATOR SAMPSON: Through you,  
21 Mr. President. What this bill is capping is  
22 reducing the limit from \$2000 to \$500?

23 SENATOR YOUNG: It's capping it at  
24 a \$500 fee.

25 And the reason is that the City of

1 Jamestown has run into a lot of issues. In my  
2 district we have the oldest housing stock not  
3 only in New York State, but actually in the  
4 entire country. So we have a lot of the older  
5 wood-frame homes that are very much  
6 deteriorated. And the city would like to do more  
7 neighborhood renewal, and they can't afford to  
8 tear these down.

9                   Also, a lot of the homeowners who  
10 have to do remediation work are bypassing the  
11 system. So they're illegally doing it because  
12 they find it cost-prohibitive in order to pay the  
13 \$1,000 fee.

14                   So as a result, you have people  
15 doing this work illegally and actually violating  
16 a lot of the safety rules that are in place.  
17 So this is a way to correct those issues.

18                   SENATOR SAMPSON: Through you,  
19 Mr. President, would the sponsor continue to  
20 yield?

21                   ACTING PRESIDENT GRIFFO: The  
22 sponsor yields, Senator Sampson.

23                   SENATOR SAMPSON: Through you,  
24 Mr. President. So basically the reduction or  
25 leveling out to \$500 would still continue the

1 homeowner's responsibility to continue the  
2 abatement of asbestos if it exists?

3 SENATOR YOUNG: Yes.

4 SENATOR SAMPSON: Okay.

5 Thank you, Mr. President.

6 ACTING PRESIDENT GRIFFO: Thank  
7 you, Senator Sampson.

8 SENATOR YOUNG: Thank you.

9 ACTING PRESIDENT GRIFFO: Is there  
10 any other Senator wishing to be heard?

11 Seeing none, hearing none, the  
12 debate is closed. The Secretary will ring the  
13 bell.

14 Read the last section.

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

17 ACTING PRESIDENT GRIFFO: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: Announce  
21 the results.

22 THE SECRETARY: In relation to  
23 Calendar 515, absent from voting: Senators  
24 Adams, Diaz, Espaillat, Oppenheimer and Serrano.  
25 Ayes, 50.



1           ACTING PRESIDENT GRIFFO:    The bill  
2 is passed.

3           The Secretary will read.

4           THE SECRETARY:    Calendar Number  
5 578, by Senator McDonald, Senate Print 2502, an  
6 act to amend the State Finance Law.

7           SENATOR BRESLIN:   Explanation.

8           ACTING PRESIDENT GRIFFO:    An  
9 explanation has been requested by Senator  
10 Breslin, Senator McDonald.

11           If I could have just some quiet in  
12 the house so that we can hear the Senators,  
13 please.

14           Senator McDonald.

15           SENATOR McDONALD:   Thank you,  
16 Mr. President.

17           This is a Dewey Loeffel Toxic Waste  
18 Site bill, an act to amend the Finance Law in  
19 relation to providing state reimbursement for  
20 lost tax revenue due to toxic contamination.

21           The purpose of the legislation was  
22 to provide reimbursement to municipalities who  
23 have lost tax revenue due to court-ordered and  
24 marketplace impacts of contamination from the  
25 state hazardous waste site known as Dewey Loeffel

1 Landfill.

2           The site has recently been named a  
3 Superfund site, but responsibility for the site  
4 also rests with the State of New York through  
5 settlement agreements and shared responsibility  
6 with the federal government.

7           The State Finance Law is amended by  
8 adding a new section of 54-m, which defines  
9 municipality. This section also defines lost tax  
10 revenue and provides the terms under which the  
11 reimbursement is provided.

12           The Dewey Loeffel State Hazardous  
13 Waste Site is located in Southern Rensselaer  
14 County in the Town of Nassau. It contains more  
15 than twice the contamination, more than twice the  
16 contamination of the infamous Love Canal waste  
17 site. It is estimated that more than 46,000 tons  
18 of toxic waste are buried in a failed-cap  
19 landfill.

20           Remediation of this site has been  
21 ongoing for decades, with no progress made in  
22 preventing the contamination from seeping from  
23 the site and contaminating additional  
24 properties. This contamination has significantly  
25 impacted property values as well as assessed

1 values of properties in the area.

2 Courts have continuously lowered  
3 tax assessments due to the contamination on  
4 adjacent and area properties. The result is  
5 significant financial hardship for the  
6 communities impacted by the ongoing toxic  
7 contamination.

8 The financial impact of the state  
9 hazardous waste site will continue for some time,  
10 as the Department of Environmental Conservation  
11 has indicated that decades of remediation are in  
12 store for the site.

13 The financial impact is  
14 approximately \$80,000 annually for municipal  
15 reimbursement. However, under a settlement  
16 agreement with the polluters, the government pays  
17 nothing. The ultimate cost of this legislation  
18 will be borne by the responsible parties, the  
19 polluters.

20 ACTING PRESIDENT GRIFFO: Excuse  
21 me, Senator McDonald. Can we have some quiet,  
22 please, in the house.

23 Senator McDonald, you may continue.

24 SENATOR McDONALD: The financial  
25 impact, and I'll repeat that, of approximately

1 \$80,000 annually will be paid for entirely by the  
2 polluters. This will continue forever or to the  
3 fact that the polluting party -- in this case,  
4 GE -- has fulfilled the remediation clause that  
5 the State of New York and the federal government  
6 have imposed. And it is upon their acceptance of  
7 full remediation that they would take away that  
8 number.

9               This community has suffered. It's  
10 small in population. It has a weak tax base.  
11 And it has a very dangerous location that's near  
12 there. It's not a matter of this happened  
13 recently; it's been going on for decades. And  
14 while many communities have had the opportunity  
15 to grow and expand their tax base, they have  
16 not.

17               And for all practical purposes, if  
18 we don't deal with this issue with these  
19 communities, that school system, that town, and  
20 parts of that county are going to be hurt  
21 substantially and may even go out of business.  
22 People can't sell their houses.

23               This gives them an opportunity to  
24 have some kind of financial support throughout  
25 the year. And additionally, it gives them the

1 opportunity to make sure that the remediation is  
2 going on in accordance with the federal agreement  
3 and the New York State Environmental Conservation  
4 agreement.

5                   ACTING PRESIDENT GRIFFO:     Senator  
6 Krueger.

7                   SENATOR KRUEGER:     Thank you.   If  
8 the sponsor would please yield.

9                   SENATOR McDONALD:     Yes.

10                  ACTING PRESIDENT GRIFFO:     The  
11 sponsor yields.

12                  SENATOR KRUEGER:     Thank you.

13                  Through you, Mr. President.   I  
14 understand the dilemma for the Town of Nassau in  
15 Rensselaer County, and I actually empathize that  
16 contamination of land has an impact on local  
17 communities.   It's one of the reasons I feel so  
18 strongly that we should not move forward with  
19 hydrofracking in this state.

20                  But what is the rationale for the  
21 State of New York being liable to reimburse the  
22 town or towns for their perceived loss of  
23 property value?   Why is that being handed to the  
24 state as a responsibility, to pay the town for  
25 some determination of lost property value?

1                   SENATOR McDONALD:    As I mentioned,  
2   the cost is being picked up by the polluter, in  
3   this case the General Electric Company.   The  
4   state is not paying anything.

5                   This situation has been going on  
6   for several decades, the Environmental  
7   Conservation Department and the federal  
8   government involved in it.   In my own personal  
9   opinion, they have not been doing their job for  
10  these several decades.   And it finally reached  
11  the point, the legal point where the town was  
12  being represented, that they were able to work  
13  out this agreement.

14                  And I stress, again, the State of  
15  New York is not paying anything.   The money is  
16  coming from the polluting parties.

17                  SENATOR KRUEGER:    Through you,  
18  Mr. President, if the sponsor would continue to  
19  yield.

20                  ACTING PRESIDENT GRIFFO:    The  
21  sponsor yields.

22                  SENATOR KRUEGER:    I'm confused.   I  
23  don't see where in the language of the bill it  
24  says the polluting party will pay the town the,  
25  quote, unquote, lost property value.   It seems to

1    imply the State of New York's General Fund has to  
2    reimburse the municipality. So could you show me  
3    where in the bill --

4                SENATOR McDONALD:    It's my  
5    understanding that the agreements between the  
6    polluting parties and the State of New York, they  
7    pay the state, the state turns around and pays  
8    the local communities.

9                SENATOR KRUEGER:    Through you,  
10   Mr. President, if the sponsor would continue to  
11   yield.

12               SENATOR McDONALD:    Yes.

13               ACTING PRESIDENT GRIFFO:    The  
14   sponsor yields.

15               SENATOR KRUEGER:    So there is some  
16   settlement agreement that specifically says the  
17   polluting party shall pay X amount per year to  
18   the State of New York and the State of New York  
19   shall pay X amount per year to fill-in-the-blank  
20   municipality?

21               SENATOR McDONALD:    That's correct.

22               SENATOR KRUEGER:    Could you tell  
23   me where I could find that?

24               SENATOR McDONALD:    I can't do that  
25   right now, but I can.

1                   SENATOR KRUEGER:    Through you,  
2 Mr. President, if the sponsor would continue to  
3 yield.

4                   SENATOR McDONALD:    Yes.

5                   ACTING PRESIDENT GRIFFO:    The  
6 sponsor yields.

7                   SENATOR KRUEGER:    The bill memo  
8 estimates the cost to the state of \$80,000 per  
9 year. That's the sponsor's memo. And that would  
10 be for all municipalities in the County of  
11 Rensselaer that lay claim to a loss in property  
12 value in the surrounding area of the landfill.

13                   How is the \$80,000 calculated? How  
14 do we know that it's going to be \$80,000 per  
15 year?

16                   SENATOR McDONALD:    It was  
17 calculated by the local communities reporting to  
18 the state.

19                   SENATOR KRUEGER:    Through you,  
20 Mr. President, if the sponsor will continue to  
21 yield.

22                   SENATOR McDONALD:    Yes.

23                   ACTING PRESIDENT GRIFFO:    The  
24 sponsor yields.

25                   SENATOR KRUEGER:    Thank you.



1                   So the way I read this bill, any  
2 town in the County of Rensselaer who believes  
3 that their property value has been devalued  
4 because of the existence of this toxic land site  
5 can send the bill to the state to pay them. Who  
6 is determining how much the property value has  
7 been devalued? And what evaluation method is  
8 being used by that entity?

9                   SENATOR McDONALD: First off,  
10 these communities are communities that have  
11 already communicated with EnCon that they are  
12 affected negatively by the waste. So it's not  
13 any town or municipality in a large county like  
14 Rensselaer County, a large -- being  
15 geographically large.

16                   They have already had a  
17 preagreement with EnCon. They have been talking  
18 for decades. And they have stated the impacted  
19 areas. So it's not any county saying, Hey, we're  
20 impacted and we're 25 miles away.

21                   They went through the process with  
22 the Environmental Conservation Department, they  
23 agreed upon the impact, they agreed with General  
24 Electric, the polluting party, and the federal  
25 government, and this is the agreement that came

1 to bear.

2                   SENATOR KRUEGER: Through you,  
3 Mr. President, if the sponsor would continue to  
4 yield.

5                   ACTING PRESIDENT GRIFFO: The  
6 sponsor yields.

7                   SENATOR KRUEGER: So there is a  
8 Town of Nassau that has this landfill in it. But  
9 I'm assuming there are towns north, east, south,  
10 west of Nassau, all that might also be in  
11 Rensselaer County. Are they entitled to make the  
12 argument that their property value went down  
13 because of the contaminated landfill in Nassau  
14 County? And can their chief financial officers  
15 make an argument saying they're entitled to money  
16 also?

17                   SENATOR McDONALD: Yeah, but they  
18 wouldn't be part of this agreement. You could  
19 say that you're impacted by these pollutions even  
20 in New England or in New York City or Buffalo,  
21 but they're not part of the agreement.

22                   SENATOR KRUEGER: Through you,  
23 Mr. President, if the sponsor would continue to  
24 yield.

25                   SENATOR McDONALD: Yes.

1                   ACTING PRESIDENT GRIFFO:    The  
2 sponsor yields.

3                   SENATOR KRUEGER:    So there's  
4 actually an agreement in writing that lays all of  
5 this out, and it may or may not be the same  
6 document earlier referred to as the settlement;  
7 is that correct?

8                   SENATOR McDONALD:   That's correct.

9                   SENATOR KRUEGER:    Through you,  
10 Mr. President, if the sponsor would continue to  
11 yield.

12                  SENATOR McDONALD:    Yes.

13                  ACTING PRESIDENT GRIFFO:   The  
14 sponsor yields.

15                  SENATOR KRUEGER:    Thank you.

16                  If there is said agreement and  
17 settlement, why is the state being asked to do  
18 anything through statute? Why isn't the polluter  
19 simply making the payment to the municipality?

20                  SENATOR McDONALD:    Because the  
21 attorneys in Environmental Conservation and the  
22 appropriate government agencies wanted to do it  
23 this way.

24                  SENATOR KRUEGER:    Through you,  
25 Mr. President, if the sponsor will continue to

1 yield.

2 SENATOR McDONALD: Yes.

3 ACTING PRESIDENT GRIFFO: The  
4 sponsor yields.

5 SENATOR KRUEGER: So this is a  
6 bill being supported by the Governor?

7 SENATOR McDONALD: The  
8 Environmental Conservation Department, correct.  
9 The executive branch of the state, the Governor,  
10 and the appropriate people.

11 SENATOR KRUEGER: Through you,  
12 Mr. President, if the sponsor would continue to  
13 yield.

14 SENATOR McDONALD: Yes.

15 ACTING PRESIDENT GRIFFO: The  
16 sponsor yields.

17 SENATOR KRUEGER: Thank you.

18 Then why isn't DEC, the Department  
19 of Environmental Conservation, submitting this as  
20 a program bill if it's actually what they would  
21 like?

22 SENATOR McDONALD: You would have  
23 to ask them.

24 I'm submitting it as the Senator  
25 who's responsible for 46,000 tons of toxic waste

1 buried into the ground, twice the amount of  
2 contamination of Love Canal -- which got a great  
3 deal of attention, justifiably so -- and the  
4 concern that it has for the health and the  
5 goodwill of the people of my community and their  
6 environmental survival. And I'm not going to  
7 wait around after several decades of nothing  
8 happening.

9                   So the issue to you, okay, is,  
10 quite bluntly, are we going to back up our  
11 environmental concerns with some action for small  
12 communities, or are they left out because they  
13 haven't had the availability of administration  
14 and legal support in such small communities and  
15 they don't have the funds to pay for it?

16                   This has been around for a long  
17 time, and it shouldn't go any farther.

18                   SENATOR KRUEGER: Through you,  
19 Mr. President, if the sponsor would continue to  
20 yield.

21                   SENATOR McDONALD: Yes.

22                   ACTING PRESIDENT GRIFFO: The  
23 sponsor yields.

24                   SENATOR KRUEGER: Thank you. I  
25 appreciate the sponsor's answers.

1           I think he makes a valid point  
2 about he is the Senator for this area and feels  
3 responsibility for the I think he said 46,000  
4 people in the immediate community. I don't know  
5 if that's the Town of Nassau or the --

6           SENATOR McDONALD: I didn't say  
7 46,000 people in the area, I said 46,000 tons of  
8 toxic waste buried in somebody's back yard.

9           SENATOR KRUEGER: Thank you. I  
10 stand corrected. I heard the number.

11           So there's 1276 Superfund sites  
12 throughout the state. This is one of them. How  
13 does this legislation not set a precedent for the  
14 State of New York to make the same agreement with  
15 all 1276 Superfund site local municipalities?

16           SENATOR McDONALD: Well, I think  
17 you take each and every site individually.

18           And I think you can't get away from  
19 confusing 46,000 people with 46,000 tons of solid  
20 waste.

21           We have a responsibility. This in  
22 essence is one of the larger Superfund sites and  
23 one of the most unfair Superfund sites because  
24 they don't have the population or the tax base,  
25 the volume of people, if you will, to be able to

1 present their case. And this has been going on  
2 for decades, and all things have been doing is  
3 getting worse.

4                   So the best answer to that is we  
5 take the most significant issues of the 1200  
6 Superfund sites, address them piece by piece.  
7 They're not all the same. They're not all equal.

8                   SENATOR KRUEGER: Through you,  
9 Mr. President, if the sponsor would continue to  
10 yield.

11                   SENATOR McDONALD: Yes.

12                   ACTING PRESIDENT GRIFFO: The  
13 sponsor yields.

14                   SENATOR KRUEGER: So again, I want  
15 to keep it clear, I am very empathetic with the  
16 dilemma for communities that have been polluted.  
17 And again, there are 1,276 separate Superfund  
18 sites throughout the state.

19                   I agree with the sponsor that I am  
20 also frustrated that it takes decades to get any  
21 cleanup of these sites and that there is very  
22 great confusion about whether polluters will be  
23 held liable, whether the federal government plays  
24 some role, whether the state government, whether  
25 the local government. And this is one example of

1 these 1276 Superfund sites. And the sponsor  
2 continues to validly point out that there's been  
3 decades without resolution.

4 My dilemma is I don't think this  
5 type of legislation is the way or the precedent  
6 that this government should be setting for  
7 allowing localities to declare their land has  
8 been devalued and the state that should replace  
9 the property tax value.

10 And I'm willing to accept that  
11 there is some settlement that says all of this is  
12 already an agreement in place, although I really  
13 wish the sponsor had a copy of the settlement so  
14 that we could all see that this is the formal  
15 agreement. But I'm still stuck with why this one  
16 location now.

17 Now, the EPA took control of this  
18 site in March 2011. Was the settlement and  
19 agreement pre-2011 when the EPA took over this  
20 site?

21 SENATOR McDONALD: Okay, you've  
22 mentioned several questions. Okay?

23 One question, you mentioned the  
24 settlement. It was closed, the site was closed  
25 in 1968. EnCon didn't actually start acting till



1 1980.

2           The other thing that I thought was  
3 misleading was you said that the state -- you  
4 seemed to refer to it -- and let nobody be  
5 unclear on this issue. The state is not paying,  
6 and to say anything otherwise is misleading  
7 intentionally.

8           The polluter -- and that's been a  
9 long-standing process that we've had in New York  
10 State, is when you're able to get the polluter to  
11 fix something, you won the court case or you won  
12 the public relations case or the administrative  
13 case, you're foolish if you don't take advantage  
14 of it.

15           So to imply that the state is  
16 paying is not listening. It's coming through the  
17 state from the polluter. This is one of those  
18 rare occasions where we won something on this  
19 issue. Not to act quickly on that is foolish,  
20 and it's endangering the health and the financial  
21 strength of that community.

22           We're dealing with EnCon and the  
23 federal government. That is why we're so slow in  
24 responding.

25           Another reason we're slow in

1 responding is these small rural communities get  
2 glossed over.

3                   Now, I'm happy to work with anybody  
4 on any pollution problem in New York State. And  
5 I would recommend, if this is indeed a successful  
6 agreement, this could be a prototype for the  
7 communities that you referenced, for them to call  
8 us and find out how do we get a polluter of this  
9 magnitude finally to the table that we've been  
10 trying since 1968.

11                   They started dumping this toxic  
12 waste in this community in 1952. Can you imagine  
13 that? There was probably very little  
14 environmental regulations at the time.

15                   So the question is you will allow  
16 this community, this rural community, to  
17 evaporate off the face of the earth till we get  
18 all 1200 of these other entities concluded, yet  
19 we have been pursuing a solution with the  
20 polluter, with the federal government finally  
21 paying attention, with the state government  
22 finally paying attention.

23                   And now my community is going to be  
24 punished because we say, Well, if you're doing it  
25 for them, we'll do it for everybody.

1                   Well, the community and the people  
2 who have those sites in their community, this is  
3 one of the times where they can learn from that  
4 small rural community. But geographic isolation  
5 is not the answer to our problems. The people in  
6 the Town of Nassau, a small rural community, are  
7 no different than the people in a large city or a  
8 large suburban area. This is critical to their  
9 survival.

10                   SENATOR KRUEGER: Through you,  
11 Mr. President, if the sponsor would continue to  
12 yield.

13                   SENATOR McDONALD: Yes.

14                   ACTING PRESIDENT GRIFFO: The  
15 sponsor yields.

16                   SENATOR KRUEGER: Thank you. I  
17 appreciate the sponsor's responses.

18                   And again, the 1276 Superfund sites  
19 are throughout the state. They are no doubt in  
20 small communities as well as large cities as well  
21 as suburbs.

22                   So I'm really trying to understand  
23 how this, as a precedent for the State of  
24 New York, could have pluses and minuses. And the  
25 reason I keep pointing out that it would cost an

1 estimated \$80,000 annually to the state is  
2 because that's what the sponsor's memo says it  
3 will cost.

4                   So again, trying to get sort of  
5 further into the issue, I'm -- just so I can  
6 double-check, I'm assuming that the settlement  
7 we're discussing is an April 12, 2012, settlement  
8 with General Electric; is that correct?

9                   SENATOR McDONALD: That's correct.

10                  SENATOR KRUEGER: And through you,  
11 Mr. President, if the sponsor would continue to  
12 yield.

13                  ACTING PRESIDENT GRIFFO: The  
14 sponsor yields.

15                  SENATOR KRUEGER: That requires  
16 General Electric to pay \$10 million to the State  
17 of New York?

18                  SENATOR McDONALD: That's correct.

19                  SENATOR KRUEGER: Thank you.

20                  And through you, Mr. President, if  
21 the sponsor would yield.

22                  ACTING PRESIDENT GRIFFO: The  
23 sponsor yields.

24                  SENATOR KRUEGER: Who is then  
25 responsible for the actual cleanup work?

1                   SENATOR McDONALD:    I mentioned  
2   that earlier, that the responsibility is with the  
3   polluter, the General Electric Company.

4                   And the judgment, I mentioned that  
5   earlier on, is the mediation will be reviewed by  
6   the federal government and the State EnCon  
7   Department. They will determine when mediation  
8   is concluded and satisfactory.

9                   And once again, I'll reiterate,  
10   anybody telling you that the state is paying  
11   \$80,000 to this project, okay, annually is  
12   misleading. It's \$80,000 coming from a  
13   private-sector company that took decades of legal  
14   hassling between the federal government and the  
15   state government even to pay attention to this  
16   little tiny town to get that agreement.

17                  Now, that's significant. If I were  
18   another community or a legislator concerned about  
19   this, I would be paying attention. And the  
20   questions I would be asking is, How did you do  
21   that? We didn't do that in my community. How  
22   did you achieve getting them to pick up that  
23   cost?

24                  ACTING PRESIDENT GRIFFO:   Senator  
25   Krueger.

1                   SENATOR KRUEGER:    Through you,  
2 Mr. President, if the sponsor would continue to  
3 yield.

4                   SENATOR McDONALD:    Yes.

5                   ACTING PRESIDENT GRIFFO:    The  
6 sponsor yields.

7                   SENATOR KRUEGER:    So repeating,  
8 this is a settlement, April 12, 2012, by  
9 General Electric to pay \$10 million for the  
10 cleanup of this site. The \$10 million, I believe  
11 the last time I asked the question I asked did it  
12 come to the state. But I've just been informed  
13 that perhaps because the EPA took over control of  
14 the site in 2011, that actually the \$10 million  
15 goes from GE to the EPA. Does the sponsor know  
16 which is correct?

17                   SENATOR McDONALD:    I don't have a  
18 clear answer for you, whether it's the state or  
19 the federal government, because it's a  
20 partnership between the state and the federal  
21 government reviewing this.

22                   My speculation is that some of the  
23 money, if not all the money, goes from the  
24 federal government to the Environmental  
25 Conservation Department of New York State and

1 eventually to the local communities who are  
2 impacted by it. So originating with the  
3 General Electric Company.

4                   SENATOR KRUEGER: Through you,  
5 Mr. President, again --

6                   ACTING PRESIDENT GRIFFO: On the  
7 bill?

8                   SENATOR KRUEGER: I may have  
9 additional questions, but first I'll be on the  
10 bill. Thank you very much, Mr. President.

11                  ACTING PRESIDENT GRIFFO: Senator  
12 Krueger on the bill.

13                  SENATOR KRUEGER: So my dilemma is  
14 several.

15                   One, we don't have the settlement  
16 in front of us. And we don't know, I think the  
17 sponsor just answered he's not sure whether the  
18 \$10 million from General Electric goes to the  
19 state or goes to the federal government for the  
20 cleanup of the site.

21                   If the money goes to the federal  
22 government, it's not clear how the state is  
23 getting \$80,000 a year from General Electric to  
24 pay itself back for the \$80,000 it will now be  
25 picking up of property tax costs.

1                   If the \$10 million is going to the  
2 Department of Environmental Conservation, which I  
3 don't think it is -- again, for cleanup -- it's  
4 also not clear that the money is intended or even  
5 available to be provided as transferable  
6 tax-hole-filling reimbursement to the town or  
7 towns that could apply for it, because it may be  
8 structured specifically within the settlement  
9 that all monies must be used for direct cleanup  
10 of the contamination.

11                   I can agree with the sponsor that  
12 the state has shared responsibility for failing  
13 to get this taken care of for decades, as he  
14 pointed out. If the original case was started in  
15 1968 and EnCon only got involved or DEC only got  
16 involved in 1988, there was 20 years where I  
17 don't know today who was doing what or why, but  
18 clearly there wasn't anything going on.

19                   From '88 to 2011, there was  
20 apparently a failure to communicate by someones  
21 between GE and Environmental Conservation  
22 agencies, perhaps state and federal. Clearly  
23 this led to some significant change in 2011,  
24 because the EPA came and took over the site.

25                   So my dilemma when looking at this



1 bill is I can agree completely with the sponsor  
2 that the town has paid a completely un -- no,  
3 it's not a strong enough word. It is outrageous  
4 what happened to the community. It is outrageous  
5 that if some private corporation was dumping into  
6 their ground, polluting, creating toxic waste,  
7 potentially, I'm assuming, risking the health of  
8 the people of the town, not just the land values,  
9 it is completely outrageous that from 1968 to  
10 2011 nobody really seemed to be getting anything  
11 done.

12                   So I just want it on the record  
13 that I 100 percent agree and understand with the  
14 sponsor and the people of this town how  
15 outrageous the situation is.

16                   It doesn't change the fact that my  
17 dilemma is I just don't see how this bill,  
18 written this way, is the right solution.

19                   Because rather than it being a bill  
20 that says there is money coming from the  
21 polluter -- in this case, General Electric -- and  
22 there is a settlement and the settlement should  
23 require X amount of money annually to go to the  
24 town to make up for a loss in the value of the  
25 properties until the contamination is cleaned

1 up -- if that was the bill in front of me, I  
2 would say yes, excellent, if we need it in  
3 statute to make sure it gets paid, let's put it  
4 in statute that the polluter is obligated to make  
5 the payments to the town for the lost valuation.  
6 I would argue that's the least they could do,  
7 including the cost of cleanup.

8                   But that isn't the bill I have in  
9 front of me. I have a bill that again says, in  
10 its fiscal impact note, that it will cost the  
11 state \$80,000 annually. I have a bill that says  
12 the local chief financial officer will determine  
13 what the lost valuation of the land shall be that  
14 should be paid to them. I have a bill that says  
15 any locality in the County of Rensselaer could  
16 make application for this money.

17                   And I have the dilemma of 1276  
18 Superfund sites throughout the state where  
19 perhaps they would have a very strong argument  
20 for asking for the exact same law to be passed  
21 for them.

22                   And maybe there were no settlements  
23 or money flowing anywhere between polluter and  
24 somebody in government in those other sites  
25 because the law as written doesn't say anything

1 about this would only apply if there's a  
2 settlement in place, and if the polluter is  
3 providing at least that amount of money, and then  
4 and only then the state as a pass-through would  
5 be obligated to pay this money.

6                   So, Mr. President, I can't vote for  
7 this bill. I want to help the people of Nassau.  
8 I think the sponsor has made a totally legitimate  
9 case for why somebody is responsible for helping  
10 the town out when they have gone through so much,  
11 and clearly the value of the land surrounding the  
12 area --

13                   ACTING PRESIDENT GRIFFO:    Senator  
14 McDonald, why do you rise?

15                   SENATOR McDONALD:    I'd like to  
16 respond.

17                   ACTING PRESIDENT GRIFFO:    Senator  
18 Krueger, do you yield to Senator McDonald's  
19 question?

20                   SENATOR KRUEGER:    Would the  
21 Senator mind if I finish my last sentence?

22                   ACTING PRESIDENT GRIFFO:    Senator  
23 McDonald, I could do one of two things. We can  
24 let Senator Krueger conclude -- would you like to  
25 just speak on the bill, or do you want to ask a

1 question?

2                   SENATOR McDONALD:    I'll speak on  
3 the bill.

4                   ACTING PRESIDENT GRIFFO:  
5 Conclude, please.

6                   SENATOR KRUEGER:    Thank you.

7                   So again, simply in closing, I want  
8 to help this town. I don't think this bill is  
9 the right way to get from Point A to Point B. I  
10 think there could be a right way to get from  
11 Point A to Point B, perhaps through amendments to  
12 this bill or perhaps through a different bill  
13 that was laid out in such a way that it was clear  
14 that the settlement obligations must go, among  
15 other things, for these purposes.

16                   So I wish I could vote yes on this  
17 bill, but I have to vote no.

18                   Thank you, Mr. President. Now I'm  
19 happy to answer any questions.

20                   ACTING PRESIDENT GRIFFO:    Thank  
21 you, Senator Krueger.

22                   Senator McDonald.

23                   SENATOR McDONALD:    I'd like to  
24 call the vote.

25                   ACTING PRESIDENT GRIFFO:    Okay.

1 Are there any other Senators wishing to be  
2 heard?

3                   Seeing none, hearing none, debate  
4 is closed and the Secretary will ring the bell.

5                   Read the last section.

6                   THE SECRETARY:   Section 2.  This  
7 act shall take effect on the first of April.

8                   ACTING PRESIDENT GRIFFO:   Call the  
9 roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT GRIFFO:   Announce  
12 the results.

13                   THE SECRETARY:   In relation to  
14 Calendar Number 578, those recorded in the  
15 negative are Senators Addabbo, Avella, Krueger,  
16 Montgomery, Perkins, Rivera, Serrano, and  
17 Squadron.

18                   Absent from voting:  Senators  
19 Adams, Diaz, Espaillat, Peralta, and  
20 Stewart-Cousins.

21                   Ayes, 42.  Nays, 8.

22                   ACTING PRESIDENT GRIFFO:   The bill  
23 is passed.

24                   The Secretary will read.

25                   THE SECRETARY:   Calendar Number

1 583, by Senator Johnson, Senate Print 4740C, an  
2 act to amend the Vehicle and Traffic Law.

3 SENATOR BRESLIN: Explanation.

4 ACTING PRESIDENT GRIFFO: Senator  
5 Johnson, an explanation has been requested by  
6 Senator Breslin.

7 SENATOR JOHNSON: Yes, this is a  
8 bill dealing with drunk drivers and -- well,  
9 drunk and drivers under the influence of drugs.

10 There's presently a penalty for  
11 this conviction of \$250 a year for three years.  
12 But that's not enough to really prevent these  
13 people from doing it again. So I've introduced a  
14 bill which says you have to take an accident  
15 prevention course. It's a six-hour course,  
16 actually not a big thing. And, further, you've  
17 demonstrated that you took that course before --  
18 as an additional penalty to taking that course.

19 This course has been used in the  
20 past. It demonstrates that people learn  
21 something from this course and they don't repeat  
22 the same things again, in most cases.

23 SENATOR SAMPSON: Through you,  
24 Mr. President.

25 ACTING PRESIDENT GRIFFO: Senator

1 Sampson.

2                   SENATOR SAMPSON:    Would the  
3 sponsor yield for just one question.

4                   ACTING PRESIDENT GRIFFO:   Does the  
5 sponsor yield?

6                   SENATOR JOHNSON:    Yes.

7                   SENATOR SAMPSON:    Through you,  
8 Mr. President.  Senator Johnson, I just want to  
9 know the difference between the mandatory  
10 participation in the Motor Vehicle Accident  
11 Prevention Program and when dealing with the  
12 Driver Responsibility Assessment Program.  Is  
13 there a difference between the two?

14                   SENATOR JOHNSON:    I'm sorry, I  
15 didn't get the question.  Would you repeat it for  
16 me?

17                   SENATOR SAMPSON:    Senator, I  
18 just want to know if there's a difference between  
19 the Motor Vehicle Accident Prevention Program and  
20 the Driver Responsibility Assessment Program.  Is  
21 there a difference?

22                   SENATOR JOHNSON:    It would have  
23 made a difference in their conduct, because these  
24 courses are demonstrated to be effective in  
25 reducing collisions and violations and having a

1 positive affect on recidivism.

2 Would you like me to say it again?

3 SENATOR SAMPSON: No, I didn't  
4 hear, Senator Johnson. I'm sorry, I didn't hear  
5 you, I apologize.

6 ACTING PRESIDENT GRIFFO: Senator  
7 Sampson, would you like that repeated?

8 SENATOR SAMPSON: Yes, thank you.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Johnson, would you just repeat the answer,  
11 please?

12 SENATOR JOHNSON: Yeah, there is  
13 what they call a Driver Responsibility  
14 Assessment, and that requires them to pay \$250  
15 each year for three years. That's the penalty.  
16 But that doesn't seem to do much about  
17 recidivism.

18 But taking the course like this has  
19 been demonstrated to be effective in eliminating  
20 collisions and violations by the -- in other  
21 words, to eliminate recidivism. They won't do it  
22 again. The money doesn't scare them, but taking  
23 the course educates them. And that's what makes  
24 a difference.

25 SENATOR SAMPSON: Through you,



1 Mr. President, would the sponsor yield for a last  
2 question?

3 ACTING PRESIDENT GRIFFO: Senator  
4 Johnson, will you yield to an additional  
5 question?

6 SENATOR JOHNSON: Yes.

7 ACTING PRESIDENT GRIFFO: The  
8 sponsor yields.

9 SENATOR SAMPSON: Through you,  
10 Mr. President, is there a surcharge for this  
11 driver prevention course?

12 SENATOR JOHNSON: There's not a  
13 surcharge. But I think there is a certain small  
14 fee for taking that course.

15 SENATOR SAMPSON: Thank you very  
16 much.

17 On the bill.

18 ACTING PRESIDENT GRIFFO: Senator  
19 Sampson on the bill.

20 SENATOR SAMPSON: Thank you very  
21 much. Thank you very much, Senator Johnson.

22 This bill is definitely much  
23 needed. As a person who practices criminal  
24 defense and does a quite a number of DWI cases, I  
25 think this additional course to alleviate some of

1 the recidivism is important.

2 So I want to thank you very much  
3 for that bill, Senator Johnson.

4 SENATOR JOHNSON: Glad to.

5 ACTING PRESIDENT GRIFFO: Thank  
6 you, Senator Sampson.

7 Seeing and hearing no other Senator  
8 wishing to speak, debate is closed. The  
9 Secretary will ring the bell.

10 Read the last section.

11 THE SECRETARY: Section 5. This  
12 act shall take effect on the 180th day.

13 ACTING PRESIDENT GRIFFO: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Absent from  
17 voting: Senators Adams, Diaz, Espaillat,  
18 Huntley, Martins, Peralta and Stewart-Cousins.

19 ACTING PRESIDENT GRIFFO: We still  
20 have one bill remaining. I'd ask the members to  
21 please remain close to the chamber.

22 Announce the results.

23 THE SECRETARY: Ayes, 48.

24 ACTING PRESIDENT GRIFFO: The bill  
25 is passed.

1           The Secretary will read.

2           THE SECRETARY:   Calendar Number  
3   587, by Senator DeFrancisco, Senate Print 6469,  
4   an act to amend the State Finance Law.

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

7           Seeing none, hearing none, debate  
8   is closed, and the Secretary will ring the bell.

9           Read the last section.

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

12          ACTING PRESIDENT GRIFFO:   Call the  
13   roll.

14          (The Secretary called the roll.)

15          THE SECRETARY:   Absent from  
16   voting:  Senators Adams, Diaz, Espaillat,  
17   Huntley, Peralta and Stewart-Cousins.

18          Ayes, 49.

19          ACTING PRESIDENT GRIFFO:   The bill  
20   is passed.

21          Senator Libous, that completes the  
22   reading of the controversial calendar.

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

25          ACTING PRESIDENT GRIFFO:   There is

1 no further business.

2                   SENATOR LIBOUS:    There being no  
3 further business, I move that we adjourn until  
4 Monday, May 7th, at 3:00 p.m., intervening days  
5 being legislative days.

6                   ACTING PRESIDENT GRIFFO:    On  
7 motion, the Senate stands adjourned until Monday,  
8 May 7th, at 3:00 p.m., intervening days being  
9 legislative days.

10                   Senate adjourned.

11                   (Whereupon, at 12:27 p.m., the  
12 Senate adjourned.)

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