

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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7  
8 ALBANY, NEW YORK

9  
10 March 3, 2014

11 3:44 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR JOSEPH 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 and  
5 join with me as we recite the Pledge of  
6 Allegiance to our Flag.

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

9 ACTING PRESIDENT GRIFFO: In the  
10 absence of clergy today, I ask everyone present  
11 to please bow their heads in a moment of silent  
12 reflection and prayer.

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

15 ACTING PRESIDENT GRIFFO: The  
16 reading of the Journal.

17 THE SECRETARY: In Senate, Sunday,  
18 March 2nd, the Senate met pursuant to  
19 adjournment. The Journal of Friday,  
20 February 28th, was read and approved. On motion,  
21 Senate adjourned.

22 ACTING PRESIDENT GRIFFO: Without  
23 objection, the Journal stands approved 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 Libous.  
8                   SENATOR LIBOUS:    Oh, Mr. President.  
9 Did you call on me, sir?  
10                  ACTING PRESIDENT GRIFFO:    Motions  
11 and resolutions.  
12                  Senator Libous.  
13                  SENATOR LIBOUS:    Allow me to ask  
14 you to call on Senator David Valesky, please.  
15                  ACTING PRESIDENT GRIFFO:    Senator  
16 David Valesky.  
17                  SENATOR VALESKY:    Thank you,  
18 Mr. President.  
19                  On page 12 I offer the following  
20 amendments to Calendar Number 57, Senate Bill  
21 5792A, and ask that said bill retain its place on  
22 the Third Reading Calendar. And that's on behalf  
23 of Senator Savino.  
24                  ACTING PRESIDENT GRIFFO:    The  
25 amendments are received, and the bill shall

1 retain its place on third reading.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President, on  
4 behalf of Senator Ritchie, on page 11 I offer the  
5 following amendments to Calendar Number 39,  
6 Senate Print Number 2114, and ask that said bill  
7 retain its place on the Third Reading Calendar.

8 ACTING PRESIDENT GRIFFO: The  
9 amendments are received, and the bill shall  
10 retain its place on third reading.

11 SENATOR LIBOUS: On behalf of  
12 Senator Boyle, Mr. President, I wish to call up  
13 his bill, Senate Print 6250, recalled from the  
14 Assembly, which is now at the desk.

15 ACTING PRESIDENT GRIFFO: The  
16 Secretary will read.

17 THE SECRETARY: Calendar Number 13,  
18 by Senator Boyle, Senate Print 6250, an act to  
19 amend the General Business Law.

20 SENATOR LIBOUS: Mr. President, I  
21 now move to reconsider the vote by which this  
22 bill was passed.

23 ACTING PRESIDENT GRIFFO: The  
24 Secretary will call the roll on reconsideration.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 56.

2 SENATOR LIBOUS: Mr. President, I  
3 now offer up the following amendments.

4 ACTING PRESIDENT GRIFFO: The  
5 amendments are received, and the bill shall  
6 retain its place on third reading.

7 SENATOR LIBOUS: Mr. President, are  
8 you ready, sir, for the reading of the  
9 noncontroversial calendar?

10 ACTING PRESIDENT GRIFFO: I am most  
11 certainly, Senator Libous.

12 SENATOR LIBOUS: Then we should  
13 proceed at this time.

14 ACTING PRESIDENT GRIFFO: The  
15 Secretary will read.

16 THE SECRETARY: Calendar Number 55,  
17 by Senator LaValle, Senate Print 347, an act to  
18 amend the Real Property Actions and Proceedings  
19 Law.

20 ACTING PRESIDENT GRIFFO: Read the  
21 last section.

22 SENATOR GIANARIS: Lay it aside.

23 ACTING PRESIDENT GRIFFO: Lay it  
24 aside.

25 THE SECRETARY: Calendar Number

1 129, by Senator Larkin, Senate Print 283, an act  
2 to amend the Penal Law.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

5 THE SECRETARY: Section 7. This  
6 act shall take effect on the 180th day.

7 ACTING PRESIDENT GRIFFO: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 56.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 164, by Senator Young, Senate Print 2677, an act  
15 to amend the Agriculture and Markets Law.

16 ACTING PRESIDENT GRIFFO: Read the  
17 last section.

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

20 ACTING PRESIDENT GRIFFO: Call the  
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT GRIFFO: Senator  
24 Espaillat to explain his vote.

25 SENATOR ESPAILLAT: Thank you,

1 Mr. President.

2 This bill, Senate Bill 2677, on  
3 surface seems to be a very good bill. It calls  
4 for a change in the current law that requires  
5 that architects, professional engineers or land  
6 surveyors licensed in the state stamp all plates  
7 and reports relating to the construction or  
8 alteration of buildings or structures prepared by  
9 such professional engineers as it pertains to  
10 farms across the State of New York.

11 So it seems reasonable that this  
12 is -- on the surface, this bill looks very good.  
13 However, it's yet another bill in a series of  
14 bills which propose to help the farm industry in  
15 the state while they continue to not allow  
16 farmworkers to get paid overtime, to be able to  
17 collectively bargain, to get a day's rest.

18 And today, when the Farm Bureau is  
19 here this evening treating us to some of the  
20 goods that are produced in New York State, I am  
21 sure we will be able to get a New York State  
22 apple or honey or other goods that are produced  
23 here in the Empire State. And all of those  
24 products, or most of them, are picked and  
25 selected by farmworkers in this state that are

1 sometimes working under very adverse conditions  
2 and are not entitled to the rights and privileges  
3 extended to other New Yorkers.

4 So again, as I did last year, I will  
5 be voting no on all of the farm bills until  
6 changes are made in the treatment of the  
7 farmworkers.

8 I will be voting in the negative,  
9 Mr. President.

10 ACTING PRESIDENT GRIFFO: Senator  
11 Espaillat to be recorded in the negative.

12 Announce the results.

13 THE SECRETARY: Ayes, 57. Nays, 1.  
14 Senator Espaillat recorded in the negative.

15 ACTING PRESIDENT GRIFFO: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 166, by Senator Libous, Senate Print 3580A, an  
19 act to amend the Environmental Conservation Law.

20 ACTING PRESIDENT GRIFFO: Read the  
21 last section.

22 THE SECRETARY: Section 5. This  
23 act shall take effect immediately.

24 ACTING PRESIDENT GRIFFO: Call the  
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT GRIFFO: Announce  
3 the results.

4 THE SECRETARY: In relation to  
5 Calendar Number 166, those recorded in the  
6 negative are Senators Espaillat, Hoylman, Perkins  
7 and Serrano.

8 Ayes, 54. Nays, 4.

9 ACTING PRESIDENT GRIFFO: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 167, by Senator Zeldin, Senate Print 3823B, an  
13 act to amend the Environmental Conservation Law.

14 ACTING PRESIDENT GRIFFO: Read the  
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT GRIFFO: Senator  
22 Krueger to explain her vote.

23 SENATOR KRUEGER: Thank you,  
24 Mr. President. I rise to explain my vote.

25 I will be voting yes on this bill.

1 And I appreciate the fact that Senator Zeldin,  
2 after discussions with me, had amended the bill  
3 to address some of the concerns I had about  
4 safety by ensuring that the spearfishing could  
5 only take place underwater, not from boat to  
6 water, and at a distance from where people might  
7 be swimming, to hopefully prevent any dangerous  
8 accidents from taking place.

9 But while I vote yes today, it was  
10 also brought to my attention that there might be  
11 some concern that in recreational spearfishing,  
12 fish that are legally too small to be taken might  
13 actually be speared and killed.

14 And just to highlight to  
15 Senator Zeldin that we might need to think about  
16 that issue as well, that we don't want  
17 recreational fishermen to be unintentionally  
18 killing the small fish that are not legal under  
19 their licenses. And we don't want them to have  
20 to cheat and throw the fish back in the water  
21 rather than come back to shore with too small a  
22 catch -- or a catch that is too small under their  
23 license.

24 So it's amazing how complicated  
25 fishing can be. Thank you, Mr. President.

1                   ACTING PRESIDENT GRIFFO:    Senator  
2   Krueger to be recorded in the affirmative.

3                   Announce the results.

4                   THE SECRETARY:    In relation to  
5   Calendar Number 167, those recorded in the  
6   negative are Senators Espaillat, Perkins and  
7   Serrano.

8                   Ayes, 55.   Nays, 3.

9                   ACTING PRESIDENT GRIFFO:    The bill  
10   is passed.

11                  THE SECRETARY:    Calendar Number  
12   168, by Senator Young, Senate Print 4396, an act  
13   to amend the Soil and Water Conservation  
14   Districts Law.

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, 58.

23                  ACTING PRESIDENT GRIFFO:    The bill  
24   is passed.

25                  THE SECRETARY:    Calendar Number

1 170, by Senator LaValle, Senate Print 2405, an  
2 act to amend the Education Law.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 Senator Libous, that completes the  
14 noncontroversial reading of today's calendar.

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

17 Are you ready for the controversial  
18 reading of the calendar?

19 ACTING PRESIDENT GRIFFO: We are.

20 The Secretary will ring the bell.

21 SENATOR LIBOUS: We will then  
22 proceed when you are ready, sir, with the  
23 controversial reading.

24 ACTING PRESIDENT GRIFFO: The  
25 Secretary will read.

1                   THE SECRETARY:    Calendar Number 55,  
2   by Senator LaValle, Senate Print 347, an act to  
3   amend the Real Property actions and Proceedings  
4   Law.

5                   SENATOR KRUEGER:   Explanation.

6                   ACTING PRESIDENT GRIFFO:   An  
7   explanation has been requested by Senator  
8   Krueger, Senator LaValle.

9                   SENATOR LaVALLE:   Yes.   This  
10   legislation, Senator, is very simple.  It says  
11   that the judgment direct that in the event such  
12   premises is purchased collectively by more than  
13   one individual, the names of each individual  
14   purchaser shall be disclosed in writing to such  
15   sheriff or referee.

16                   So at a foreclosure sale, in most  
17   cases it's the referee that is appointed by a  
18   justice of the Supreme Court.  In the order the  
19   justice lays out what steps you are to take, what  
20   the deposit is to be.

21                   So what happens at the beginning of  
22   a sale is the referee says to those that are  
23   bidding:  Please come and sign the sheet with  
24   your telephone number so that I as the referee  
25   know who's bidding on the property.

1                   So, Senator Krueger, you bid, I bid,  
2     we have signed our names separately. But you and  
3     I kind of wink at one another because we see --  
4     because you actually have to have the exact money  
5     that you need for your deposit. So if the sale  
6     goes up higher than either you or I know, then I  
7     don't have the deposit money. So when the sale  
8     is closed, I may have bid more.

9                   But now when I go to the referee to  
10    sign the paperwork, I now notice, as the referee,  
11    that there are two people that are standing there  
12    and they now have made deal to both buy the  
13    property jointly. When we started the sale,  
14    everyone believed that you and I were separate  
15    bidders and we were not in the sale together.

16                  So this basically says you have to  
17    declare, you have to declare that you're not  
18    bidding individually, that you are bidding  
19    collectively. And that's the sum total of the  
20    bill.

21                  SENATOR KRUEGER: Through you,  
22    Mr. President, if the sponsor would please yield.

23                  ACTING PRESIDENT GRIFFO: Senator  
24    LaValle, do you yield?

25                  SENATOR LaVALLE: I guess.

1                   SENATOR KRUEGER:    Thank you.

2                   ACTING PRESIDENT GRIFFO:    The  
3   Senator yields, Senator Krueger.

4                   SENATOR KRUEGER:    Why should we  
5   care that somebody has made a deal in the process  
6   of the purchase to jointly purchase when they  
7   originally signed it separately?  How does that  
8   impact either the community when the home or  
9   homes is purchased or the process of bidding?

10                  SENATOR LaVALLE:    Senator, you of  
11   all people in this chamber should care, because  
12   you are a person who believes, one, in  
13   transparency and, two, in procedure.

14                  So I would like -- you know, I'm in  
15   the bidding and I really want this but I don't  
16   have the money in my pocket for the deposit.  Now  
17   I might, I might, if I had a referee who had a  
18   good heart only, not by any other event, say:  
19   Would you let me go to the bank, Referee, so that  
20   I could get that extra money that I need for the  
21   deposit?

22                  So you're changing the rules.  If  
23   you and I are bidding, then we've got to play by  
24   the rules to have enough money in our pockets to  
25   be able to put down the requisite deposit that we

1 need, not change the rules.

2 And that's all we're doing with this  
3 bill.

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

7 SENATOR LaVALLE: Yes.

8 ACTING PRESIDENT GRIFFO: The  
9 sponsor yields.

10 SENATOR KRUEGER: So under the  
11 sponsor's analysis, three of us might be bidding  
12 on one property, none of us might have adequate  
13 money to meet the bidding price. But if two of  
14 us decide to get together because we made a  
15 private either wink discussion or a conversation  
16 discussion, the two of us bidding together might  
17 win over the third party.

18 Is there something illegal about  
19 that under current law? And/or would having to  
20 record this down to give to a sheriff change the  
21 legal status of the question?

22 SENATOR LaVALLE: I don't know  
23 whether it's illegal. But it smells a little  
24 like two people are going around the procedure.

25 They are consorting to have a result

1 by the rules that no one else was playing by  
2 those rules. Everyone believed that they  
3 themselves were bidding on the property and had  
4 the requisite amount of deposit.

5 And that's always the key. A lot of  
6 the people who bid on these items, these sales,  
7 bring with them certified checks, all sorts of  
8 checks. And they also -- because the only other  
9 way you can put together that money is by cash.

10 So sometimes a referee will leave a  
11 sale with some checks and cash. And in some  
12 communities referees get a little antsy about  
13 walking away from a sale with a bunch of cash.  
14 And some of that cash, Senator, they could have  
15 gotten from another party.

16 This bill simply is we all play by  
17 the same rules and there is transparency, and you  
18 sign in at the sale either as a collective group  
19 or as a single group.

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

23 ACTING PRESIDENT GRIFFO: Senator  
24 LaValle, do you yield?

25 SENATOR LaVALLE: I will yield, but

1 I don't know how many ways I can say the same  
2 thing.

3 ACTING PRESIDENT GRIFFO: Senator  
4 LaValle yields, Senator Krueger.

5 SENATOR KRUEGER: I'll try to ask  
6 questions that allow the sponsor to answer  
7 different things.

8 So right now three of us can go to a  
9 foreclosure sale and two of us can, after the  
10 bidding starts, come together and say let's go in  
11 together on this property. And under the law  
12 that Senator LaValle has proposed, will it stop  
13 us from doing that because we signed in  
14 separately, therefore we can't be a joint bidder?  
15 Or will it just allow that information to be  
16 known?

17 So does our signing in separately on  
18 a document that goes to the referee and/or  
19 sheriff actually prevent us from becoming  
20 partners in the bidding at that specific auction?

21 SENATOR LaVALLE: Everyone signs  
22 in. And if we sign in together, we don't become  
23 business partners in the middle of the  
24 transaction. And that's what this is trying to  
25 avoid. It's very simple.

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

4                   ACTING PRESIDENT GRIFFO:    Senator  
5   LaValle, do you yield?

6                   SENATOR LaVALLE:    This is the last  
7   time I'm yielding.

8                   ACTING PRESIDENT GRIFFO:    Senator  
9   Krueger.

10                  SENATOR KRUEGER:    Well, I had more  
11   questions, but let me try to do this.  So again,  
12   where I'm confused is multiple-part.  And since I  
13   only get one more question, I have to make it a  
14   long complex question.

15                  So question one, if this were to  
16   become law, does it then become illegal for us to  
17   decide to become partners in the auction after we  
18   have signed into a document?

19                  Two, if that does make it illegal  
20   for us to do it, does that stop me from just  
21   selling it to the other party right after the  
22   auction?

23                  And three -- because I think most  
24   people who go to auctions probably do have more  
25   money with them than they actually intended to

1 spend. You never know how high you're going to  
2 go up.

3 And then, three, so this would make  
4 it illegal to come together at the auction, but I  
5 think it wouldn't stop you from making the deal  
6 two seconds afterwards outside the auction. But,  
7 three, accepting that it's good to know this  
8 information and have everybody not be able to  
9 make deals during auctions, why would we exempt  
10 LLCs and corporations? They have deeper pockets  
11 to make these deals than anyone else.

12 So that's really three questions, I  
13 admit it. But I was told I only had one more, so  
14 I was tying all three together.

15 ACTING PRESIDENT GRIFFO: Senator  
16 LaValle on the multi-question.

17 SENATOR LaVALLE: I think you did a  
18 very good job.

19 I'm going to answer, but what I  
20 would hope, that now I'm interested, as the  
21 sponsor -- because this is such a very  
22 straightforward bill and one that I think people  
23 would appreciate who bid on properties so that  
24 they know that they're playing by the same rule.

25 The one good question that you asked

1 is could not the individual at some point in time  
2 after either sell, bring in, change the title on  
3 the property. And the answer is yes to that.

4 This bill, Senator, is one that I  
5 thought someone like yourself who's interested in  
6 fair play, is that everyone plays by the same  
7 rule. That's all this bill does.

8 ACTING PRESIDENT GRIFFO: Senator  
9 Krueger, would you like to speak on the bill?

10 SENATOR KRUEGER: Thank you so  
11 much.

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

14 SENATOR KRUEGER: Well, I agree  
15 with Senator LaValle, I am one of those people  
16 who likes fair play.

17 So in fact I have voted for this  
18 bill in the past, but sometimes you're busy and  
19 you're not thinking as carefully as you ought to.

20 So what really drove my concern  
21 today was the fact that this wouldn't be an even  
22 playing field because we're exempting LLCs. Who  
23 can, by the way, be an individual or multiple  
24 individuals in multiple LLCs. So you sort of can  
25 be an individual while you're a LLC. Or you can

1 be a corporation. I was concerned that we were  
2 not including them in this effort for fair play.

3 Second, I was concerned that the  
4 bill is simple and says you sign in. It doesn't  
5 say anywhere explicitly "and you're not allowed  
6 to change the rules of the game by becoming a  
7 partnership without formal process during the  
8 auction."

9 So it's just: Here, we'll let you  
10 know that we've signed in, Liz Krueger has signed  
11 in separately than Senator LaValle. But I don't  
12 see where it would stop us from making a deal  
13 either during the auction, even though we signed  
14 in, because it's not explicit that if you signed  
15 in separately you can't make a deal.

16 And it wouldn't stop us from  
17 deciding to make a deal for one to pay off the  
18 rest of it to the other the minute you walked out  
19 of the door.

20 And it wouldn't stop us if we called  
21 ourselves LLCs when we signed in, which a lot of  
22 people in real estate are LLCs. It wouldn't stop  
23 us from doing it if we were corporations or LLCs.

24 So I actually think this bill has  
25 been floating around for quite a while and not

1 moving anywhere in the Assembly because they also  
2 couldn't quite figure out how it got us to the  
3 stated goal.

4 After my discussion with  
5 Senator LaValle on the floor -- and I appreciate  
6 his answers -- I don't think it does get us to  
7 the stated goal. I could actually vote yes or  
8 no, because I'm not clear that this resolves any  
9 of the concerns he has.

10 So I'm going to vote yes in the hope  
11 that this bill could be amended to answer the  
12 concerns and perhaps move through the Assembly,  
13 which it hasn't for many years. I've learned  
14 there were three separate Assembly sponsors that  
15 have come and gone on that bill.

16 So I will vote yes, Senator LaValle.  
17 And yet I want to highlight to you I think this  
18 bill could be significantly improved if it  
19 covered corporations, LLCs, and it clarified that  
20 if you change the rules of the game during the  
21 auction, as described, that there's actually  
22 something that prevents you then from being able  
23 to purchase at that auction.

24 So thank you very much.

25 ACTING PRESIDENT GRIFFO: Thank

1     you, Senator Krueger.

2                     Senator Sanders.

3                     SENATOR SANDERS:     Through you,  
4     Mr. President, if the sponsor will yield for a  
5     question.

6                     ACTING PRESIDENT GRIFFO:     Senator  
7     LaValle, do you yield to a question from  
8     Senator Sanders?

9                     SENATOR LaVALLE:     Yes.

10                    SENATOR SANDERS:     Arguably, my  
11     district has been the hardest-hit district in  
12     New York City on foreclosures, so I look at this  
13     bill with great interest. I like most of what  
14     it's doing. I can certainly see myself  
15     supporting it.

16                    My question, of course, is why have  
17     we removed from the LLCs from here? They are  
18     some of the -- I'll be kind. Arguably, one can  
19     say that they may be the ones who are most adept  
20     at -- at -- well, the words "taking advantage"  
21     does come to mind quickly.

22                    Why did we remove those  
23     corporations?

24                    ACTING PRESIDENT GRIFFO:     Senator  
25     LaValle.

1                   SENATOR LaVALLE:    Mr. President,  
2    through you.  As I had said to -- and I think  
3    Senator Krueger has drilled down to say that the  
4    individual -- that's what we're talking about,  
5    whoever signs in.

6                   And that, by the way, happens now,  
7    would happen later.  Because the person who is  
8    the referee needs to know who the people are that  
9    are bidding and that, at the end of the day,  
10   they're real, that they have a telephone number.  
11   Now, right now, those individuals sometimes put  
12   their corporate name after.  You know, LLC, LLP,  
13   whatever.

14                  But I think what we're trying to  
15   do -- and we can't, as you well know, Senator,  
16   get into each person's larcenous intent.  We try  
17   the best here.  And I put this bill in based,  
18   obviously, on some experience in this area.  And  
19   there are some other bills that I have.

20                  But I do believe that this takes  
21   care of, for the referee, the playing of games  
22   that go on in the bidding process when some of  
23   those people they think -- a lot of these people  
24   go to, within the course of a week, many, many,  
25   many sales, foreclosure sales.  Many.  They are

1 professionals. So sometimes they do.

2 As I had said and Senator Krueger  
3 said, they come with lots of checks, cash and  
4 whatever. But they should know going in that I  
5 who am a first-timer -- and I've seen this with  
6 first-time people, with good intentions, are up  
7 against people who are professionals and they  
8 know how they're going to put together their  
9 money for the deposit to get through the sale and  
10 beyond.

11 So -- but I think this does it.  
12 We're only trying to cure one problem in the  
13 total sale. There are lots of things that we  
14 might have included in this bill that take place  
15 after the sale. But we didn't. We tried to make  
16 it very simple to deal with the problem of people  
17 not playing fairly.

18 SENATOR SANDERS: Mr. President.

19 ACTING PRESIDENT GRIFFO: Senator  
20 Sanders.

21 SENATOR SANDERS: I applaud the  
22 sponsor, and I will support the bill. But I urge  
23 him to amend it to include the corporations that  
24 he has left out.

25 Thank you very much.

1                   ACTING PRESIDENT GRIFFO:    Senator  
2   O'Brien.

3                   SENATOR O'BRIEN:    Thank you,  
4   Mr. President.  If the sponsor will yield to one  
5   just very brief question.

6                   ACTING PRESIDENT GRIFFO:    Senator  
7   LaValle, do you yield for a brief question?

8                   SENATOR LaVALLE:    Just one second.

9                   ACTING PRESIDENT GRIFFO:    Senator  
10   O'Brien.

11                  SENATOR O'BRIEN:    Thank you.  Just  
12   one quick question.

13                  As I understand it, the intent here  
14   is that when people arrive to bid at public  
15   auction or mortgage foreclosure, that this would  
16   limit the ability of individual bidders to kind  
17   of get together and pool their resources in a way  
18   that wasn't anticipated before they arrived at  
19   the time for the auction.

20                  And I guess my question would be  
21   whether or not in the sponsor's view that would  
22   limit potentially the sale proceeds that might  
23   otherwise be realized if bidders could act  
24   collectively at the time of the mortgage  
25   foreclosure.  And then perhaps that would happen

1 at the disadvantage of lienors or other people  
2 expecting to be paid from the proceeds of the  
3 sale, where oftentimes the attempt is to try to  
4 maximize the bid price.

5 ACTING PRESIDENT GRIFFO: Senator  
6 LaValle.

7 SENATOR LaVALLE: Through you,  
8 Mr. President. I do not believe that this limits  
9 where people are going in terms of their bids.

10 It is obvious that people want to  
11 come in with a sale, a purchase at the lowest  
12 possible price. But as I had indicated, these  
13 potential purchasers are, for the most part,  
14 professionals. They know where the property is.  
15 They've seen the property. They have an idea of  
16 how much needs to go in to make that property  
17 whole.

18 And so if it's a really good  
19 property, that will get bid up and the offers  
20 will become fast and furious. And that's where  
21 the potential of an individual to come short in  
22 terms of the money, the requisite money they need  
23 for their deposit.

24 SENATOR O'BRIEN: Thank you. I'm  
25 not sure I would agree with the conclusion that

1 it doesn't necessarily limit the ultimate price  
2 that could be obtained at auction, but I think I  
3 will support the legislation in any event.

4 Thank you.

5 ACTING PRESIDENT GRIFFO: Thank  
6 you, Senator O'Brien.

7 Any other member wishing to be  
8 heard?

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

11 The Secretary will read the last  
12 section.

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

15 ACTING PRESIDENT GRIFFO: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

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

23 SENATOR LIBOUS: Well, thank you,  
24 Mr. President. I appreciate you notifying us.

25 Is there any further business at the

1 desk?

2 ACTING PRESIDENT GRIFFO: There is  
3 no further business before the desk.

4 SENATOR LIBOUS: All right. Well,  
5 we're not going to adjourn yet because I have  
6 some hand-ups.

7 ACTING PRESIDENT GRIFFO: Can I  
8 have some order in the house.

9 SENATOR LIBOUS: Mr. President, on  
10 behalf of Senator Klein, Senator Skelos, I'd like  
11 to hand up the following committee assignments  
12 and ask that such assignments be filed in the  
13 Journal.

14 ACTING PRESIDENT GRIFFO: The  
15 assignments are received and will be filed in the  
16 Journal.

17 SENATOR LIBOUS: And on behalf of  
18 Senator Skelos, Senator Klein, I'd like to hand  
19 up the following leadership assignments and ask  
20 that such assignments be filed in the Journal.

21 ACTING PRESIDENT GRIFFO: The  
22 leadership assignments are also received and  
23 shall be filed accordingly.

24 SENATOR LIBOUS: And,  
25 Mr. President, there being no further business, I

1 move that we adjourn until Tuesday, March 4th, at  
2 3:00 p.m.

3 ACTING PRESIDENT GRIFFO: On  
4 motion, the Senate stands adjourned until  
5 Tuesday, March 4th, at 3:00 p.m.

6 Senate adjourned.

7 (Whereupon, the Senate adjourned at  
8 4:23 p.m.)

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