

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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