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NEW YORK STATE SENATE  
THE STENOGRAPHIC RECORD  
ALBANY, NEW YORK  
August 3, 2010  
REGULAR SESSION

**SENATOR DIANE SAVINO**, Acting President **ANGELO J. APONTE**, Secretary  
P R O C E E D I N G S

**THE SECRETARY:** Calendar Number 1429, by Senator Thompson, Senate Print 8129B, an act to suspend hydraulic fracturing.

**SENATOR LIBOUS:** Explanation.

**ACTING PRESIDENT VALESKY:** Senator Thompson, an explanation has been requested.

**SENATOR THOMPSON:** First let me thank you for recognizing me on this very important piece of legislation.

This bill provides for a temporary suspension of issuance of new permits for horizontal drilling, often known as hydrofracking. It utilizes the practices of hydraulic fracturing in the state, it halts it until May 15th of 2011.

By delaying DEC's ability to issue permits until May 15, 2011, this bill provides the Legislature with the opportunity to consider a number of safeguards to make sure that, if we have drilling in New York, that we take the necessary precautions.

As many of you may or may not know, I did have the opportunity as the chair of the En Con Committee to go to Pennsylvania twice to see both the positives and some of the shortcomings of hydraulic fracturing in Pennsylvania. We also had hearings and roundtables across the state to hear both sides of the issue.

I think that this proposal to make sure that we do not surrender our legislative authority to DEC, as some would suggest, gives us the opportunity to look at some of the things that have happened in the positive and some of the shortcomings in Pennsylvania and figure out, between now and next spring, what are the various pieces of legislation that we believe need to take place if we're going to have this type of function take place in the State of New York.

There are those who wanted us to wait three years or some may say four or five years, until the EPA study, which has been requested at the national level, takes place before we have it in New York.

I think this is a fairer way to go. It protects the leaseholders who are working with land companies, but also it protects the environment.

We know that there's a number of positive things that happened in Pennsylvania, but we also know in Pennsylvania there have been shortcomings. We also know that there have been more than 1,000 cases of contamination documented in various states where this type of drilling has taken place.

It's an emerging technology. In fact, when we were in Pennsylvania it used to take them a couple of months to dig a well; now it takes them about 28 days. So as they learn from their mistakes, we have to make sure that we put all the safeguards in place.

One of the things that I think that is important, we all know about what happened down in the Gulf. And people say, well, you know -- as I said to some of the drilling companies, people never ask the question about when things go right. It's about that 1 or 2 or 3 percent of the times when things go wrong that they say, well, where was government? Where was the oversight? How did this happen?

And the same is true to the individuals, not just people in the more popular place of Dimock, Pennsylvania, but there are people out in various parts of Pennsylvania that have experienced shortcomings as a result of the drilling.

And we have to make sure that if this is done in the State of New York that we've done our due diligence as a legislature and not say that we're going to wait and hope that DEC does it right.

We can't have it both ways. We can't say in one instance, you know, that DEC has too much control but on something of this magnitude that we say that we're going to surrender our legislative responsibility to DEC.

And so I think that this is a fair way to go. It gives the new governor a chance to come in, figure out what they want to do. And at the same time we can look at the more than 20-plus bills that are in the Assembly that have not been picked up in the Senate. We can look at a two-year review of the different things that have happened in Pennsylvania. And so that by the time that January comes along, we can really work through the details and figure out where the state is going to go.

So any other questions, I'll take them. Thank you.

**ACTING PRESIDENT VALESKY:** Senator Libous.

**SENATOR LIBOUS:** Thank you, Mr. President.

Senator Thompson, would you yield for a series of questions.

**ACTING PRESIDENT VALESKY:** Senator Thompson, do you yield?

**SENATOR THOMPSON:** Yes.

**ACTING PRESIDENT VALESKY:** Senator Thompson yields.

**SENATOR LIBOUS:** Do you know how long hydrofracking has been around?

**SENATOR THOMPSON:** For many decades. This form of drilling is different, but hydrofracking has been around for a while.

**SENATOR LIBOUS:** And would the Senator continue to yield.

**ACTING PRESIDENT VALESKY:** Senator Thompson?

**SENATOR THOMPSON:** Yes.

**ACTING PRESIDENT VALESKY:** He yields.

**SENATOR LIBOUS:** On your tours of Pennsylvania, did -- you said you went to Dimock, Pennsylvania, and you said there was some contamination of wells. What did you learn there, Senator? Why were those wells contaminated?

**SENATOR THOMPSON:** There were a number of defects that happened. We went to Towanda, Pennsylvania, where that was kind of like the showplace place, but we also went to Dimock.

Part of the challenge is that over there, just like over here, they would drill 24 hours a day. Most state workers at some of our facilities, our inspectors, unless we change -- they drill seven days a week. So if we have it in New York, we need to make sure that inspections are taking place seven days a week, which that was not happening in parts of Pennsylvania.

And so once they dug more than a mile underground and you don't have inspections taking place, you have defective wells. And once they're defective, it's hard to fix something that's already been cast a mile underground. So they had some defective wells.

**SENATOR LIBOUS:** Mr. President, would the Senator continue to yield.

**ACTING PRESIDENT VALESKY:** Senator Thompson?

**SENATOR THOMPSON:** Yes.

**ACTING PRESIDENT VALESKY:** The sponsor yields.

**SENATOR LIBOUS:** Senator Thompson, based on your visit to Dimock, who would you say was responsible for those defective wells?

**SENATOR THOMPSON:** I think that there's a combination of negligence. I'm not a lawyer, but just from my analysis -- and we put a 40-page report on our website -- I think it's a combination. Many of the industry people believe that Cabot Gas and Oil Company did an inferior job. But they're not the only ones that made mistakes.

Also I believe that because the State of Pennsylvania was so thirsty to get this development opportunity that they did not have enough infrastructure in place making sure that they were inspecting the wells properly, making sure that landowners were protected.

We have certain protections on the books right now for our landowners, but we need additional ones, which I think I mentioned both publicly and privately.

So I think it's not just on the fault of the gas and oil companies, but also I believe that the state government did not do enough to protect the landowners and the folks who have to wait for gas and oil companies to bring them water each and every day.

**SENATOR LIBOUS:** Would the Senator continue to yield.

**ACTING PRESIDENT VALESKY:** Senator Thompson?

**SENATOR THOMPSON:** Yes.

**ACTING PRESIDENT VALESKY:** The sponsor yields.

**SENATOR LIBOUS:** So, Senator Thompson, I believe you're saying that -- who in the State of Pennsylvania was responsible for this negligence?

**SENATOR THOMPSON:** I believe it's -- I think there are two entities that people are holding I think most accountable. One is their Department of Environmental Protection. And also I think that the state attorney general might be in a little hot water over this as well. But I think mainly the state Department of Environmental Protection is the most in hot water for not doing enough on this issue.

**SENATOR LIBOUS:** Would the Senator continue to yield.

**ACTING PRESIDENT VALESKY:** Senator Thompson?

**SENATOR THOMPSON:** Yes.

**ACTING PRESIDENT VALESKY:** The sponsor yields.

**SENATOR LIBOUS:** Senator, the exact number of wells that you saw contaminated in the entire state of Pennsylvania was how many?

**SENATOR THOMPSON:** I think maybe about three or four. But I didn't visit every well, but I can tell you that we did see a number of them.

We also did see a lot of the erosion on some of the local roads. In fact, we went up in December or late November and we came back in the spring. In fact, the day we were out there they were actually fixing some of the roads that were, I would say, severely damaged as a result of the

drilling.

We have to make sure that all of those issues, not just the water, the ponds, and some of the adjacent properties -- but also the infrastructure was severely damaged. I know that there are a number of people in the chamber that went there. We have to make sure that those things are adequately addressed, not just through the GEIS process but through legislative authority, through this body. We need to make sure that it's in the law, not just through the regulatory process.

**SENATOR LIBOUS:** So, Mr. President, through you again to Senator Thompson, your answer to that question was a couple of wells in the entire state of Pennsylvania were contaminated?

**SENATOR THOMPSON:** My answer was that those that I witnessed. And I'm not an engineer, I'm not a geologist. But I had the opportunity to see about three or four that had been impacted. And that was only over a two-day period of time.

And I think there's a lot of documentation out there on different websites, both governmental and nongovernmental, documenting some of the shortcomings.

As I said earlier, that there were successes. I mean, we had an opportunity to see a lot of the workers coming through the state in the region, traveling, lots of cars, lots of vehicles, lots of vendors, lots of suppliers. So there's some good.

But there's also some protections. For example, we witnessed wells being drilled right next to ponds, right next to farms. In fact, one of the houses that we went to, you can literally walk out the front door and walk about 50 or 60 steps and you will be at the front of the drill pad.

We must make sure that not only through the regulatory process but through the legislative process that those issues are addressed in the State of New York.

So there were some positives, and I think I've been very clear about that. But I believe we've got to make sure we take all the precautions as well for our folks. Because again, people don't remember, when they go buy aspirin, when it's good. And when you buy that one bottle of aspirin and it's bad, they say where was the federal regulators or where was the EPA or FDA or whomever else when it goes bad.

**SENATOR LIBOUS:** Would the Senator continue to yield.

**ACTING PRESIDENT VALESKY:** Senator Thompson, do you continue to yield?

**SENATOR THOMPSON:** Yes.

**ACTING PRESIDENT VALESKY:** The sponsor yields.

**SENATOR LIBOUS:** Senator, could you share some of the positives that the folks in Pennsylvania shared with you, like the number of jobs that were created, the number of economic opportunities, the number of maybe millions of dollars in financial investment? Did they share any of that with you in Pennsylvania?

**SENATOR THOMPSON:** Yeah, definitely. As I stated earlier, we witnessed firsthand some of the positives of the individuals who have leased land. There were some that, you know, have been able to make a lot of money.

But then there's also the individuals who put up their land and actually had to basically sign their land over, and then they didn't find the gas that they had envisioned.

So you have the pros and the cons. But in terms of individuals working, we had a chance to -- I went on the rigs. It was a very interesting experience. And I believe that it will create some jobs. However, it's at what cost?

So we have to make sure, again, that, you know, the same way those young men and women went into the Gulf and they were making good money, we have to make sure that those folks who live, you know, who live a couple of miles down the road, downstream, that the water that they drink is going to be safe.

We have to make sure as well what I witnessed, when they -- you know, when you live out in some of these rural areas, when your well gets contaminated, you have to -- in Pennsylvania right now you have to wait until the oil or gas company brings you water to take a shower, to cook, to wash your clothes, et cetera, once your well is contaminated. And if they can prove that their well is outside of the buffer zone, then you're up you-know-what's creek.

So we have to make sure that we do everything. And there are a lot of vendors and suppliers from across the state of this state right now that do business in Pennsylvania that look forward to it coming here. And so that's why I said I think it can be positive.

We have to make sure that if it happens in New York that we have a tax, a severance tax. In Pennsylvania they didn't do it right, so they let them drill, and now the governor is leaving and they're trying to get the money that many of us I think on both sides of the aisle would like to see to go for economic development and education and environmental protection. Well, they didn't do that first. And you know how that goes; once you let the cat out of the bag, it's hard to reel him back in.

And the governor of that state, who happens to be a Democrat, who was very supportive, is now trying to put the genie back in the bottle. So they messed up on the environmental aspect.

And then on the governmental side, in terms of trying to make sure they can hire more staff and they can do all those other good things, it's hard to get that -- get it back through the senate now in Pennsylvania.

**SENATOR LIBOUS:** Would the Senator continue to yield.

**ACTING PRESIDENT VALESKY:** Senator Thompson?

**SENATOR THOMPSON:** Gladly.

**ACTING PRESIDENT VALESKY:** The sponsor yields.

**SENATOR LIBOUS:** Senator, your bill is an extended moratorium, which tells me you have a lack of faith or confidence in the work that the Department of Environmental Conservation is now doing in the State of New York.

Why would the Legislature need to tell them how much time to take? I would think that the scientists and the experts there know more than anybody in this room. And I find it somewhat amusing that we have to get into politics to tell them how much time to take.

Wouldn't you think that Commissioner Grannis and his people will make that determination based on the safety of the people of the State of New York, like they always have in the very strict way that they protect our environment?

**SENATOR THOMPSON:** Well, let me say this, sir. I believe that in terms of the DEC, I have a lot of respect for the DEC. And I believe that I have made it clear that we still have a legislative responsibility to provide direction and also legislative intent.

That has not taken place at this point. We have not passed any bills related to the implementation process of hydraulic fracking in this state. So while the DEC is doing its part of examining the pros, the cons -- right? -- we also have a number of things that are happening outside of New York, both good and bad, as relates to this form of drilling.

So we're simply suggesting that as the DEC looks to finish its report later this year, and as many people submit various bills, and when at the same time we have a transition from one governor to another governor taking place, and as our neighbor next door in Pennsylvania will complete I believe their second year of drilling, we can assess two years of the pros and cons of Pennsylvania, we can look at some of these other states that had explosions and hiccups with drilling. And in addition to that, we can allow for the transition from one governor to another governor.

In addition to that, we can also examine the more than 25 bills that have been submitted on both sides of the aisle as relates to this issue and figure out what's the best way to proceed. So that we're not moving in a hasty type of way, in a rushed kind of way, and that we do something that's fair and that's responsible, that's good for business and that's also very good for the environment and for the people who live here now and that will come after us.

That's why this way is a fairer, more responsible way. Unless, you know, unless we decide that we should wait for the EPA, which would be a three-to-five-year proposal.

**SENATOR LIBOUS:** Well, if you would continue to yield.

So then you're saying that the DEC is not going to come up with a fair and responsible way to determine the safety of hydraulic fracking, that it has to be done by a political body? And you even include the fact that a new governor is coming in. Why should that make any difference on a scientific determination on safety of hydraulic fracking and whether or not it should proceed on any timetable?

Maybe the DEC feels that it might need to take two or three years to do it in a safe manner. Why does the Legislature once again have to get involved, politics has to get involved? You referenced the fact there will be a different governor. I don't see what that has to do with the health and safety of hydraulic fracturing. And I happen to have complete faith and confidence in the Department of Environmental Conservation and the scientists and the professionals that work there, and I just don't understand why you don't.

**SENATOR THOMPSON:** Is there a question, sir?

**SENATOR LIBOUS:** Yeah, that's a question. I don't understand why you don't.  
(Laughter.)

**SENATOR THOMPSON:** Through you, Mr. President. Senator Libous, there are a couple of things I can think of just off the top of my head that are important.

**SENATOR LIBOUS:** Senator, I want very much to listen to you, but there seems to be, Mr. President, a lot of chitter chatter in the back. I know the hour is late, but this is very serious for Senator Thompson, very serious for me and some of the members in the chamber, and I would like to hear the Senator's answers.

**SENATOR THOMPSON:** Just a couple of quick things. There are a couple of things that the department is supporting that some of the local governments across the state are very concerned about.

For example, the commissioner and his department right now are positioning their final report to take away local control. Meaning that if you get a permit, right, you get a state permit, and say a local town, right now, through zoning -- which many of us understand, particularly those who have come from local government -- once that permit is approved in Albany, they give up all their rights for permitting and zoning at the local level.

That is something that I think that has not been resolved through their proposal. And if they figure at the end of the day on their way out that they still support it, are we saying that we're going to give that right up and the 62 members of this body then have to go back and say, well, the former commissioner of DEC, we gave him the authority to allow drilling in your town or village even though you have local zoning laws for everything else except for some of these A, B, C, D and E? I don't think we can do that.

And there are a number of things in that proposal that would be a surrendering of authority from the State Legislature. So I think that we have to look at a number of these bills.

Some of the bills that have been submitted are good bills to make sure that we provide certain protections for local governments, for local taxpayers. There are landowner rights issues. We need to tweak some of those bills, discuss them, have some roundtables and figure out what are the best ways to move in the event that the DEC's final report doesn't meet our satisfaction.

So that's all I'm merely suggesting, that there are going to be things that you may say, "Antoine, I don't like that. What are we going to do to fix it?" Or "They didn't go far enough."

For example, the Farm Bureau, I thought our report was strong, but their recommendations were a lot tougher than the recommendations that I put forward. And some of the things the DEC has moved on as recommendations from the Farm Bureau, some of them they have not. And they are going to look to us to say that, Well, they gave us the first round, now what is the Legislature going to do to fix it.

And that's why I believe we have a responsibility to make sure that if the DEC falls short, or if they go too far in certain areas, that we need to make those necessary adjustments.

**SENATOR LIBOUS:** Will the Senator continue to yield.

**ACTING PRESIDENT VALESKY:** Senator Thompson?

**SENATOR THOMPSON:** Yes.

**ACTING PRESIDENT VALESKY:** The sponsor yields.

**SENATOR LIBOUS:** Senator Thompson, when the DEC put out requests and comments, do you know how many comments they got back from

the general public of the State of New York?

**SENATOR THOMPSON:** I think they had approximately 10,000-plus comments. I know that we gave comments of almost 50 pages or so ourselves.

So I know they received a lot of comments. And whether -- and I believe they tried to make recommendations to some of those. But they have staff, they figure out what they like, what they don't like. And there are some things that they will ultimately agree with, some things they don't.

And you can be certain that if there's a constituent in one of these 62 districts that feel that their comments weren't adequately addressed, they're going to call their member of the Legislature or the Senate and say, "This issue is very important. I want you to submit a bill to address this issue." And we can't say then, "Well, the commissioner and his department made their decision, I'm not submitting a bill on that particular issue."

I just don't think that that's, one, fair to the constituent, and I also don't believe that one agency should have total control over the future of our state.

**SENATOR LIBOUS:** Thank you, Senator.

If I could speak on the bill.

**ACTING PRESIDENT VALESKY:** Senator Libous, on the bill.

**SENATOR LIBOUS:** Senator, actually they got about 14,000 comments, and the commissioner and his agency not only are going to answer every one of those in the process, but they're actually going out in some cases and hiring health and scientific experts beyond the expertise of the department to answer those.

Senator Thompson, we probably are in more agreement than disagreement on the issue of hydraulic fracking, but where we disagree is when the political environment has to get involved, where we have to put this bill on the floor of the Senate and decide how much time an agency that specializes in environmental protection in every aspect of the State of New York -- whether it comes to our brooks and streams and rivers or underground wells or any type of pollution or air pollution or ground pollution that could take place, they are the experts. This is what they do for a living. They're not legislators that get involved in a little bit of everything, but they are scientists and experts who are dealing with this.

Senator, I agree that they screwed up badly in Pennsylvania. I'm glad that you went to Pennsylvania. And I know that the DEC in New York is looking very carefully -- and I've said this time and time again, and I'll say it again tonight: Shame on the State of Pennsylvania, shame on their Department of Environmental Protection, as they call it, because they screwed up badly. They didn't keep an eye on those who are drilling. They didn't keep an eye on environmental factors on behalf of the citizens of that state.

And I know that the people at the Department of Environmental Conservation in the State of New York not only are learning from that but are going to make sure that when we regulate and we begin the process of hydrofracking that it's going to be done in a safe, safe, safe manner and it's going to be done in a manner that protects the environment.

And, Senator, I always get concerned when I hear people say they worry about the water table and that's important. And as the commissioners told me, the water table goes down -- and again, I'm not a scientist or an expert -- about 800 feet, and in hydrofracking goes down about 2 miles, well below the water table.

So, you know, when I hear those arguments from time to time, I just wonder if the people who -- and I'm not saying you, sir, the people who bring those arguments up about contaminating the water table really understand what they're talking about. See, I believe that the DEC is the best agency in this state to move forward with safe drilling and in this case hydrofracking.

Now, let me take the other side of the issue that talks about the economics. I too, like everybody in this chamber, care very deeply about the air quality, the drinking water.

And, Senator Thompson, you're right, I don't want to contaminate one well. And when someone does take that bad aspirin, you're right, you hear about how bad the company is and what takes place. And certainly the disaster, the shameful disaster in the Gulf does not help this whole process as we look to move forward.

But let me ask all of you in this chamber this. Please keep an open mind. Don't let the political process get involved here. Let the experts, let the people that we talk about day in and day out in the various conversations that take place on this floor about protecting our environment at the DEC, let them make the determination.

They're the people who understand. Let them make the scientific determination as to whether or not hydrofracking is going to be safe, and when it is going to be safe and we're going to move forward, how we do it in that process so that we don't contaminate any wells.

Now let's talk about the economy. I live in upstate New York. I live in Broome County, and my district is Chenango, Broome and Tioga County. Some of you have to come to that part of the state. It's a beautiful part of the state. There's probably about 10, 12 counties in upstate New York, maybe a few more, that are involved in the drilling process and where Marcellus Shale for hydrofracking is actually one of the richest in the country, one of the richest in the country. They claim there's enough gas in the Marcellus Shale under upstate New York that can provide natural gas for this country for decades, many decades to come.

From an economic standpoint, the community I live in has been devastated. We used to be the central community for defense contracting. And as a matter of fact, a couple of years ago we got the presidential helicopter at Lockheed Martin. They hired almost 2500 people, average salary at about \$90,000 a year, and then President Obama decided he was going to eliminate that project. They laid those 2500 people off and another thousand on top of that.

Not only did that hurt us, but it also hurt the effect with local businesses. And it was unfortunate, because billions were spent across the country on stimulus money, and all they had to do was keep that project going.

Where am I going with this? We need jobs. The people that I represent, the farmers -- let's talk about them. The farmers have signed lease opportunities in some cases bringing hundreds of thousands, in some cases millions of dollars to them. Opportunities to pay off the back taxes on their farm. We talked about farmworkers rights a few minutes ago. We talked about the struggle that farmers have.

Well, many of the farmers in upstate New York now have an opportunity to pay the taxes off, to pay the high cost of agriculture, the equipment that they have to go -- those of you, Senator Aubertine and others, Senator Young, who have been involved in the process know the capital expenditure that our farmers have to make. They now have an opportunity because there's an economic opportunity that has come to them, because their land is precious. Underneath their land is a very, very valuable mineral, and someone wants to pay them for that.

Now, I understand to extract that mineral it has to be done in a safe manner. And I think we're all on the same page there. It's just a matter of who controls that, whether the legislative body should control that or the DEC, the experts, should control it.

Let me just share some numbers with you in the community that I live in, Broome County, New York, a study that the county had done. Over the course of the next several years hydrofracking could spend, on 4,000 wells, \$14 billion, \$14 billion in the community. And that \$14 billion, already our local governments have already decided that they've got to plan so that those roads, Senator, get fixed. Unlike in central Pennsylvania

where they did destroy the roads. Because again, we want to be smarter than them.

And the roads get fixed and companies start up, trucking companies, welders -- you know, I talked to the people at BOCES the other day and I said if we begin the process of hydrofracking in upstate New York, we'll have to start a new division of Broome-Tioga BOCES just to train welders. We could use maybe 2000, 3000, 4000 of them in the course of the next several years.

So this is a huge economic development opportunity. That's why I stand here extremely passionate at 11:30 at night. Over 65 percent of the people in my district support hydrofracking. Now, they support safe hydrofracking. They support it in a manner that it's not going to contaminate wells like they did in Pennsylvania, in a manner that it's not going to hurt the environment.

Because as I said to somebody the other day, who knows more about our environment than our farmers? Our farmers have been protectors of our environment for generations. So why now would they want to ruin the environment and the beautiful landscape of the rolling hills of upstate New York and surrounding areas that have Marcellus Shale?

So, Madam President, I stand here very passionate on behalf of the people that I represent, all 300,000, those who are for drilling and those who are against drilling. Because like those who are against drilling for the environment, I too care about the environment. And those who are for drilling for the economic benefit and the future of our communities, I support them too.

I want to do this in the right way. But unlike some of my colleagues here, I have faith and confidence in the Department of Environmental Conservation of the State of New York. I believe they will be tougher. I believe they will be safer. And I believe they will overregulate. And I don't think that's a bad thing when it comes to hydraulic fracking, because others in the state of Pennsylvania and other places have made mistakes.

So, Madam President, on behalf of the people I represent, I stand here and say that I am disappointed that the Legislature or politics needs to get involved in this process. I wish we would let those who are the experts, those who we hire in the department, those who are the scientists, those who are the geologists, those who understand -- not those of us who are generalists, who think that we understand what hydrofracking means and what hydrofracking does.

So, Madam President, I am going to have to oppose this bill vigorously tonight and into the future. I hope that it doesn't pass. Because I believe for the economic future of upstate New York, and quite frankly for the environmental safety, I want the DEC to make those decisions and not a legislative body.

**ACTING PRESIDENT STEWART-COUSINS:** Thank you, Senator.  
Senator Winner.

**SENATOR WINNER:** Thank you, Madam President.

Four years ago Eliot Spitzer was running around upstate New York and referring to areas such as mine and Senator Libous's as Appalachia, and even took some video of closed-down storefronts and the like and indicated that, you know, without the vision of him, I guess, that, you know, the economic prosperity would not recur in upstate New York.

And, you know, a lot of people bought into that message. And a lot of people have also indicated that there are problems in our region as far as jobs and economic development and opportunity.

And then comes along one of the biggest opportunities that we've ever seen probably in our lifetimes for our area, and there's oh, no, let's not go there, the environment's going to be ruined and you're going to experience these adverse economic impacts. And when asked to explain what are these adverse economic impacts that you don't want, we hear things like, well, you're going to have too much money and too many jobs and too much economic activity and therefore that's going to be an environmental problem for you.

And after all, as one environmental group said, after all, upstate is New York City's backyard, and we need to protect you from yourselves because you don't obviously have any idea what you're doing and therefore we need to protect you from having that pesky economic growth with all those jobs and other benefits.

And so, you know, I really -- while I recognize that Pennsylvania has made some mistakes, I also recognize that the history of what has gone on in New York has been very positive. And one thing I do know that Pennsylvania has experienced, and that is thousands and thousands of jobs, hundreds of millions of dollars if not billions of dollars in economic activity as a result of exploration for natural gas. And that is only supposed to be the tip of the iceberg as far as what can be experienced in our particular area.

And with the confidence that I have in the Department of Environmental Conservation, as Senator Libous so eloquently pointed out, this unfortunately is politics rather than science. And I know that we have an opportunity to do this right, as we have done it right as far as the exploration that we have already undertaken in New York.

My district will not experience, probably, the Marcellus experience because it's just -- apparently the geology is not there. But we have certainly experienced the traditional Trenton-Black River exploration. And according to the recent statistics, two counties in my district are the largest gas producers right now in the State of New York, although it's declining.

And Marcellus will be an opportunity that of course will occur in other areas of the state, but predominantly in the east of my district. And it is extraordinary as far as its potential for economic growth and fundamental economic health for a state. I mean, what we just went through -- what was the bill we just went through? We just went through having to cut contingently a billion dollars out of our budget because we don't have any money, and money that we were counting on.

And here we have this tremendous resource opportunity to achieve great revenues for the State of New York on a safe basis with the confidence that we have bestowed on the Department of Environmental Conservation in the past, which has been successful.

Because I don't know -- and people, if they have, they can point them out; I don't think they have -- but we haven't had or experienced any of these horror stories that you hear anecdotally from other areas, other states, including Pennsylvania. We have been doing this exploration very safely and environmentally sound, and we will continue to do so. I am tremendously confident in the ability of the Department of Environmental Conservation to do that.

So, you know, it really is unfortunate that we're going to continue the onslaught on upstate New York in the spirit of Eliot Spitzer. Eliot's not back to help us get out of this Appalachia category, but hopefully cooler heads will prevail and that the science will trump politics as we go forward in this debate.

With that, if I could ask Senator Thompson if he would be willing to yield to just a couple or two or three questions to clarify some of the impact that you would see and the legislative intent here of this bill. I would be appreciative, because I don't know how this is supposed to work, and perhaps you can help us. Will the Senator yield.

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

**SENATOR THOMPSON:** Yes.

**SENATOR WINNER:** Senator, as you are obviously aware, a couple of years ago there was a debate over changing the spacing and whatever over in anticipation of, I think, perhaps some of this type of drilling. And in that there was a requirement that there be, I guess for leases, that certain leases be drilled out or there be production or exploration within a certain time period.

Now, this bill imposing a moratorium on permitting, how will that impact on several thousand leases that will otherwise expire between now and the expiration date or the sunset of the moratorium bill that you're promoting? What will be the impact on those thousands of leases?

**SENATOR THOMPSON:** Through you, Madam President. In terms of the folks that have leases related to Marcellus Shale and hydrofracking, those folks will continue, I would imagine will continue to have leases if the companies choose to continue to lease with them. I'm certain many of them will. That's part of the reason why we felt that the one-year aspect would be a more fair ground.

But there's also recommendations by local governments and by the Farm Bureau which is in support of natural gas drilling. For example, there are a number of protections in the draft statement that was released by the DEC that did not give the landowners all the protections that they would like.

So, for example, in the 2010 list of legislative priorities by the New York State Farm Bureau it says "We support DEC requiring gas drilling companies to disclose their proprietary recipe for hydraulic fracturing fluid to the agency and to disclose to the public the list of chemicals in there." It also talks about some of the licensing and regulation of gas and oil leasing agents.

It also talks about a number of things from Social Security numbers from leasing companies. When they do a lease right now, they can actually have your Social Security number in the county clerk's office.

So there are a number of things that need to be reformed that is from the 2010 list of the Farm Bureau. They put out a number of recommendations, everything from minerals, making sure that those landowners' mineral rights are protected, as well -- and I'm sure, as someone who is learned as you are on this issue, that there are a number of remedies that need to be protected.

But the short answer is they can keep their leases, they just will not have a permit until May 15th, which they probably are not going to get anyway because the DEC at the earliest won't finish until sometime in November or early December when we're out of session.

**SENATOR WINNER:** Well, will the Senator yield.

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

**SENATOR THOMPSON:** Yes.

**SENATOR WINNER:** Well, Senator, I share your concern and your support for and I personally support most of those Farm Bureau recommendations, particularly the disclosure of the fracking fluids and the other types of things that we would expect and anticipate will be contained in the department's regulations.

But I think my question was -- again, I'd like to clarify -- in the event that a lease is to expire by its terms for its primary term between now and May of 2011, is it your statement that that lease will not on its face expire and will be tolled for the period of the moratorium?

**SENATOR THOMPSON:** I believe that the state is -- at least some of the folks have suggested that they want to stay in New York. That's between the landowners and the companies. This is a commodity that's not going away any time soon.

Clearly I understand that people want the jobs. I've heard from landowners. And some landowners understand that even in Pennsylvania that landowners who thought that the big day was coming, the big payday didn't come. Some people were lucky. In Pennsylvania, for example, people had leases. Some of those leases were not that detailed, they were two-page leases, which I'm sure you probably heard about. And some of those expectations were not realized.

So we -- yes, they have leases. I believe that the issue of whether or not those companies will continue to lease from them, I think one company may not continue to lease and another company will step forward. I think going to the five-year proposal or waiting for EPA is a risk for New York for a couple of reasons, and that's why I wanted to go with the one-year bill. Because the EPA -- we may not agree with everything that the EPA sets forward. They may not give us the amount of protections that New York may need. You know, they have to do a national bill. Right? And as we all know, some of our laws are a lot more stringent than in other states.

And so that's why I have said that I would prefer for us to hammer out some of the details so that we can have a good standard and that if there are concerns on the part of the industry, homeowners, and rank and file residents, that we work through that.

We tried to work through the DEC's comment period. Over 10,000 comments have been submitted. Some person may say they agree, some person may say they disagree. Then we bring those recommendations, then it comes into our lap and we decide whether or not we have the votes to address any unresolved issues.

And so on the charge of the leasing, I think that people will continue to lease. It's a very precious commodity. I think Senator Libous is absolutely correct that it's a precious commodity, but we can't rush into it and then have to fix it and clean it up later.

And I can tell you this, Senator, that I've heard the concerns of landowners that do support it. They say we want to see drilling happen now, but we want it done the right way. And I said to them that if we do it in New York, you can be certain, as long as I am involved, that I will make sure that we look at the total picture and that we take all the corrective steps.

And that's why I talked about the leasing issue, because there are a lot of problems with the leases in Pennsylvania. For example, in terms of one of the things that people should know is that in Pennsylvania right now they -- people sign a lease, they get a signing bonus and they don't know when they're going to get their first royalty check. There's no provisions in place to tell the landowner how much they're going to get every year and every month. All right? They always give them a generic number, and there's not like an annual reporting mechanism.

DEC is looking at some of those issues, but we have a responsibility to make sure that if DEC doesn't go far enough, that we don't have in a county a lot of folks having leases and they think that big payday is going to come and they don't even know how much gas is coming out of the well each and every day.

And right now, in Pennsylvania, the person who has the well there, they don't know that information in an easily accessible way.

**SENATOR WINNER:** Will the Senator yield.

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

**SENATOR THOMPSON:** Yes.

**SENATOR WINNER:** Senator, back in 2008 I believe that there were some 670 permits to drill gas wells issued in New York State. And I think there was something like 580 wells permitted for drilling in 2009.

Of those permits, do you know how many of them involved hydro fracturing?

**SENATOR THOMPSON:** I don't have the numbers in front of me, but I know that a significant number of well permits have been submitted. And they're basically on hold until we get through this process.

And I believe that people are anticipating this process coming to -- moving forward, but they understand that there are protections that need to be addressed.

**SENATOR WINNER:** Will the Senator yield.

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

**SENATOR THOMPSON:** Yes.

**SENATOR WINNER:** Senator, you said that they were permitted but held. Those were permitted and drilled wells, were they not?

**SENATOR THOMPSON:** I don't have the information in front of me. I do know, as relates to this subject matter, that people have submitted permits. I don't have the exact number.

Oh, there are 58 hydrofracking permits before the DEC right now.

**SENATOR WINNER:** Before the DEC. However, of the wells that were drilled in 2008 and 2009, a large percentage of which were done by hydrofracking, do you have any statistics or indication as to whether or not there were any incidents, adverse environmental incidents with respect to any of those wells that were drilled in New York State in 2008-2009?

**SENATOR THOMPSON:** I'm not -- I'm not -- give me one second. Were you talking about vertical wells or -- vertical wells?

**SENATOR WINNER:** Yes.

**SENATOR THOMPSON:** Yeah, I don't have -- I don't have that information in front of me, but I can look into it.

**SENATOR WINNER:** But to your knowledge, you --

**ACTING PRESIDENT STEWART-COUSINS:** Are you asking Senator Thompson to continue to yield?

**SENATOR WINNER:** Yes.

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

**SENATOR THOMPSON:** I do continue to yield.

But before I yield, I just want Senator Winner to understand that there's a fundamental difference between vertical drilling and horizontal drilling. And I'm certain you're aware that vertical drilling has been going on for many, many years.

There's a fundamental difference from going two miles down and a mile over. So if we're going two miles down and then we're going to go over a mile, you know there's a fundamental difference. The big issue is the fact that we have to push down two miles and then push over a mile. And that's where you get a lot of complications.

And that's not to suggest there have been not been complications with vertical drilling. It's just in America, and not just in this state, we have been doing vertical drilling in various forms for many, many years.

**SENATOR WINNER:** Thank you. Thank you, Senator.

**SENATOR THOMPSON:** Thank you.

**SENATOR WINNER:** Again, I just would hope that as we go forward with this debate that, again, science prevails and that we allow the DEC, who is extraordinarily capable and has been up-to-date, to be able to do their job and to be able to allow us, particularly in that so-called Appalachia area of upstate New York, to be able to receive the economic benefits that we so sorely need and that we so sorely deserve, and that we can do so with fair, responsible, and environmentally safe natural gas exploration.

Thank you, Madam President.

**ACTING PRESIDENT STEWART-COUSINS:** Thank you, Senator.  
Senator Parker.

**SENATOR PARKER:** Thank you, Madam President. On the bill.

**ACTING PRESIDENT STEWART-COUSINS:** Senator Parker, on the bill.

**SENATOR PARKER:** I'll try to be brief because I know that the hour is late. But this is a critical issue, and my activity on the Energy Committee and some of the comments I've heard today compel me to just address some of these issues.

You know, first in the context of energy and trying to talk about natural gas, the question is do we really need this kind of natural gas even if it's going to be, you know, creating all of this supposed economic activity.

And then the question next is what are we willing to give up for this level of economic activity. And I know that we all want to see economic development, you know, upstate and around the country, but is it really worth it? That's the question tonight that we need to ask ourselves: Is it really

worth it?

In the shadows of BP, where we are still cleaning up oil and still trying to figure out how you cap the well, is Marcellus Shale really worth it? The question is in the ruined rivers of Michigan, where, you know, they wiped out entire industries around fishing and tourism and people's drinking water, is Marcellus Shale really worth it?

We a couple of weeks ago in Pennsylvania -- and let me congratulate Senator Thompson both on his legislation but, more importantly, on his preparation for this debate. He really has been kind on the issue because he has not talked about the catastrophes and the loss of human life and spills and all kinds of things they've had in Pennsylvania doing this kind of hydrofracking work. And the question is, is it really worth it to do this? That we will be penny-wise and pound-foolish to take up this course of action of allowing hydrofracking in the Marcellus Shale without proper study and preparation for both the energy use, the economic development, and more importantly the cleanup.

You are talking about endangering the watershed of New York City -- not just the single largest economic engine for the State of New York, but for the country. You are talking about also, in Syracuse, dealing with their watershed. Is it worth it to endanger our watersheds without proper preparation?

This bill does not say never do hydrofracking. In fact, just the opposite. It's saying, look, let's slow down, let's have a cooling-off period. Let's decide whether in fact it is really worth it, Madam President, to endanger the watersheds of New York City and Syracuse. It is in fact saying let's slow down and look at the opportunities that are here, and let's prepare for those economic opportunities.

Let's in fact slow down and give DEC a chance to properly look at this. Because, let's be clear, over the last two or three budget cycles we have decimated the staffing of DEC and they are really not, frankly, quiet as it's kept, and maybe still quiet after, you know, a debate at 12:00 a.m., they're really not prepared to start dealing with this stuff in the manner in which it needs to be dealt with in terms of the scope and breadth and magnitude of the studies that need to be done in order to properly evaluate whether hydrofracking in the Marcellus Shale is in fact going to cause an ecological disaster that endangers the watersheds of New York City and Syracuse.

Now, as we start talking about watersheds, people should go back a couple of years to the state of Georgia and what it went through when it had a water shortage. People in New York City, are you prepared not to be able to have water run through your tap that you can drink? We right now currently both some of the best water in the entire nation. And although a lot of us, like Tom Duane, drink bottled water, everybody doesn't really need to in New York City. Up here in Albany, I can't really vouch for it, but down in Brooklyn, the water is fresh. Right? Oh, Saratoga, all right. Economic development, right, for upstate. Right?

But the reality is that, you know, this high-pressure drilling using undisclosed chemicals, many of which we know are radioactive, many of which we know are carcinogens, many of which we know are toxic, many of which we know are poisonous, it is unsafe and really irresponsible for this Legislature to in fact go forward and allow DEC to go forward without a proper evaluation of what the circumstances are going to be behind doing hydrofracking in Marcellus Shale.

I think, frankly, it's something that we ought to seriously look at. I think this might be a great opportunity for the entire state. But it will not be worth it if we have another BP situation like they're dealing with in the Gulf Coast, Madam President. It will not be worth it if we just create another ecological disaster as they have created with oil spills in Michigan. It will not be worth it if we have a loss of life and explosions like they had in Pennsylvania.

And so this bill is a good bill. I hope that my colleagues will do the right thing and slow down the process and make sure that we look before we leap on this important legislation.

**ACTING PRESIDENT STEWART-COUSINS:** Thank you, Senator.  
Senator L. Krueger.

**SENATOR LIZ KRUEGER:** Thank you, Madam President.

I know the time is late, and I want to thank Senator Antoine Thompson for sponsoring this bill and the excellent presentation he made tonight about why we need to do this.

And I've heard my colleagues talk about all the potential good that can come economically from hydrofracking.

But the reason for this bill and the importance of a moratorium is we need to learn more before we continue down a road that can have devastating impacts on all our communities and all the people of New York State.

The one thing you need to remember when you're talking about environmental risks and the impact of environmental harm is it doesn't have boundaries. For the good and the bad, there will be no boundary of a specific community or a specific county or a specific Senate district. If something goes wrong, the community will pay for it, the people who's land it is will pay for it, an extremely broad area of the state will pay for it, the health and safety of all New Yorkers will pay for it. The future of security, of whether we have clean water or have contamination that can last decades, will be paid for by all of us.

And Senator Thompson and Senator Parker just highlighted and reminded us again about some of the experiences that have gone on in other states, our neighboring states who, okay, we say we're going to do better, we're not going to make the mistakes of Pennsylvania, we're not going to have the disasters that we have seen there. But the thing is, government and the science of government isn't always fast enough to keep up with the changes in technology.

So for the record, I have a great deal of faith in our DEC. I actually voted to confirm the commissioner of DEC, Pete Grannis, when many of my colleagues did not, because I have so much faith in him.

And yet I still don't think we should be satisfied with the DEC regulations that came out. I still believe it is a perfectly reasonable argument that we should have this moratorium, get more facts, do more research, recognize that the EPA under the Bush administration wasn't doing real science, the kind of science we need to do to ensure the protection of the people of New York State.

So for me, this is simple. Do the homework, give ourselves some more time to make sure we are not doing anything to do harm to the people of New York State or the future of the environmental stewardship of our state. That's all we're asking with this bill. Make sure we do it right, because the price to be paid if we get it wrong is beyond what any of us want to have to explain to our constituents.

I vote yes.

**ACTING PRESIDENT STEWART-COUSINS:** Thank you, Senator.  
Senator Thompson.

**SENATOR THOMPSON:** Yes, just on the bill.

**ACTING PRESIDENT STEWART-COUSINS:** Senator Thompson, on the bill.

**SENATOR THOMPSON:** Just a couple of quick things.

First, the Farm Bureau, why waiting for the DEC report is not enough. The Farm Bureau says: "We support an amendment to state law requiring that oil and gas leases on state lands should be subject to competitive bidding for royalties and bonus payments and be subject to audit and controlled by the New York State Comptroller."

They also support tracking and monitoring of all gas pipelines by the Public Service Commission. They also say that the New York State Department of Environmental Conservation Draft Supplemental Generic Environmental Impact Statement does not go far enough:

"We recommend that the DEC at the very least include the following" -- meaning these issues were not addressed in their original proposal -- "a comprehensive assessment of impacts on the environment and human health by numerous gas wells."

In the town of Dimock, the town of Towanda they have a large concentration of wells in some of these very small towns, which is something that needs to be addressed.

A practical plan for the disposal of all wastewater that will be generated by hydraulic fracturing of numerous horizontal gas wells. That all expenses to county and local governments to implement these various studies be covered by the oil and gas companies. To develop and publish a statewide strategy to train and hire the many additional staff needed to enforce the final environmental impact statement by the DEC, because they recognize that the DEC does not have the amount of staff necessary to enforce this.

The last thing I want to talk about is when things go wrong. I understand that this is very important, and that's why I thought it worthy enough to go to Pennsylvania not once but twice. I found it worthy enough to not only write comments but to actually make sure that we put together a 40-plus page report on this very important subject matter.

In Pennsylvania, in the month of July, two people were killed as a result of an explosion. We also know about in other states where people -- where there have been explosions, there has been contamination, and where people have asked the question where was government.

So without further ado, I just ask that we do the right thing, we give the new commissioner coming in in January the opportunity to examine this issue, give the Governor a chance to examine it. Let's look at the 20-plus bills and make sure that if it happens in New York, that it's done in a responsible way that none of us will have to go to Pennsylvania or go to your district or someone else's district and look at families and say that we could have done a better job.

So thank you, and I encourage my colleagues to support this piece of legislation.

**ACTING PRESIDENT STEWART-COUSINS:** Senator Schneiderman.

**SENATOR SCHNEIDERMAN:** Very briefly, Madam President.

I think this bill is as reasonable a way to deal with the difficult problem as you could possibly propose. Senator Thompson has simply introduced a bill that I strongly support that says let's hit pause. We're not hitting stop, let's hit pause.

This is a dangerous process. The stakes are tremendously high. The drinking water that sustains our cities, that sustains our industry, that sustains our agriculture -- and we heard a lot about the problems and the benefits of New York's agriculture earlier tonight -- is at risk. We have to take every step necessary to ensure that this is done right.

All this does is provide a delay. We're in a transition period where people are leaving the DEC. A new administration is coming in. Senator Thompson is suggesting the most prudent possible alternative. We know this is a dangerous technology. Madam President, let's do it right.

I vote yes. I urge everyone here to vote yes. There is no one who is at risk more than our children. Let's do something for them. Let's take care of the earth, which is only entrusted to us, which we do not own. Let's take care of our water supply. Vote yes for Senator Thompson's bill.

Thank you, Madam President.

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

Senator Oppenheimer.

**SENATOR OPPENHEIMER:** Just very briefly also.

As Senator Schneiderman said, I think this is a moderate approach. The one that I had favored for quite a while was waiting for the EPA to come out with their determination. And that is further down the line. That is probably over two years away.

So considering what is at stake here, I think this is a moderate approach and I think one that we all should be following because there are so many potential mishaps along the way.

I vote yes.

**ACTING PRESIDENT STEWART-COUSINS:** Are there any other Senators wishing to be heard on the bill?

Hearing none, the debate is closed. The Secretary will please ring the bells.

Read the last section.

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

**ACTING PRESIDENT STEWART-COUSINS:** Call the roll.

(The Secretary called the roll.)

**ACTING PRESIDENT STEWART-COUSINS:** Senator Seward, to explain his vote.

**SENATOR SEWARD:** Yes, thank you, Madam President.

Approximately one-half of my seven-county district lies in an area of the state where Marcellus Shale is located below our surface, and the debate has raged the last two or so years, as has interest in that area on the part of gas companies looking to sign leases to drill. There's been a great debate locally, pros and cons of this entire process, and I have listened very intently to my --

**ACTING PRESIDENT STEWART-COUSINS:** May we have order, please.

**SENATOR SEWARD:** I have listened very intently to my constituents and done a lot of research on the issue.

And I certainly recognize that there are tremendous economic benefits to gas drilling for my region. There are obvious energy benefits. This is a clean-burning domestic source of energy, very important.

But there are also risks that need to be recognized and mitigated. And the DEC has been updating their rules and regulations governing the hydrofracking, the horizontal drilling, these new processes that will be associated with the Marcellus Shale. I want them to take all the time they need

to study the science and develop a good rules and regulations to properly protect our area.

I'm going to vote yes on this piece of legislation because I believe that the May 15th date is a reasonable date that will accomplish a number of things. It says, to the DEC, take all the time that you need to fully explore the issues, review those 14,000 comments, to develop the right rules and regulations.

And once they release their final report, this May 15th date will give the public an opportunity to react to the product that DEC comes up with. It will give this Legislature also an opportunity to review and to fill any gaps or deal with any omissions. And, finally, it will give local governments an opportunity to get ready for gas drilling that may occur in their municipalities.

So I think this May 15th date is a reasonable compromise to the issue that, if gas drilling does come to our area, that it can be done right if we give it the proper time to do so.

So, Madam President, I vote aye.

**ACTING PRESIDENT STEWART-COUSINS:** Senator Seward to be recorded in the affirmative.

Are there any other Senators wishing to explain his or her vote?

(Multiple "no's" from the floor.)

**ACTING PRESIDENT STEWART-COUSINS:** Senator Alesi, to explain his vote.

(Groaning; laughter.)

**SENATOR ALESI:** Thank you, Madam President.

After listening for what seems like an eternity to some of my colleagues' comments, I appreciate the two minutes that I will take to explain my vote.

(Groaning.)

**SENATOR ALESI:** Make that a minute and a half now.

**ACTING PRESIDENT STEWART-COUSINS:** 1:41.

(Laughter.)

**SENATOR ALESI:** But who's counting, really.

**ACTING PRESIDENT STEWART-COUSINS:** I am.

**SENATOR ALESI:** Madam President and my colleagues, this bill really doesn't ask for any kind of a report, it simply provides a moratorium until May 15th of next year before any applications can be processed.

Some people think that that's unreasonable. I think it's consistent with my feelings where, when it comes to the siting of windmills in this state, we have no real regulatory pattern, everything is done on a very local basis. And I can see from our experience with the siting of windmills that we might have moved too fast in some areas at great expense to local business and to our environment.

With that in mind, not because I'm opposed to fracking, and not because I'm opposed to the possible benefits that can be derived by exploiting the natural-gas shale that's available here, but because I think that it would provide us an opportunity -- even though no report is required, unfortunately, in this bill -- an opportunity to gain more knowledge on the subject.

So I'll vote yes on this.

**ACTING PRESIDENT STEWART-COUSINS:** Senator Alesi to be recorded in the affirmative.

Announce the results.

**THE SECRETARY:** Those recorded in the negative on Calendar Number 1429 are Senators Aubertine, Griffo, Lanza, Libous, Little, Maziarz, Volker, Winner and Young.

Absent from voting: Senators Diaz and C. Kruger.

Excused from voting: Senators Golden and Savino.

Ayes, 48. Nays, 9.

**ACTING PRESIDENT STEWART-COUSINS:** The bill is passed.

(Applause from gallery.)

**ACTING PRESIDENT STEWART-COUSINS:** Senator Klein, that completes the reading of the controversial calendar.

**SENATOR KLEIN:** Madam President, just briefly, can we return to motions.

**ACTING PRESIDENT STEWART-COUSINS:** Returning to motions and resolutions.

**SENATOR KLEIN:** Madam President, on behalf of Senator Espada, I wish to call up Print Number 6291, recalled from the Assembly, which is now at the desk.

**ACTING PRESIDENT STEWART-COUSINS:** The Secretary will read.

**THE SECRETARY:** Calendar Number 1264, by Senator Espada, Senate Print 6291, an act to amend the Social Services Law.

**ACTING PRESIDENT STEWART-COUSINS:** Senator Klein.

**SENATOR KLEIN:** Madam President, I now move to reconsider the vote by which this bill was passed.

**ACTING PRESIDENT STEWART-COUSINS:** The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

**THE SECRETARY:** Ayes, 59.

**ACTING PRESIDENT STEWART-COUSINS:** Senator Klein.

**SENATOR KLEIN:** Madam President, I now offer the following amendments.

**ACTING PRESIDENT STEWART-COUSINS:** The amendments are received.

**SENATOR KLEIN:** Madam President, on behalf of Senator Parker, on page number 27 I offer the following amendments to Calendar Number 1204, [Senate Print Number 8296B](#), and ask that said bill retain its place on Third Reading Calendar.

**ACTING PRESIDENT STEWART-COUSINS:** Please allow us to just complete the housekeeping.  
So ordered.

**SENATOR KLEIN:** Madam President, on behalf of Senator Klein -- myself -- I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Number 8232.

**ACTING PRESIDENT STEWART-COUSINS:** So ordered.

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

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

**SENATOR KLEIN:** There being no further business, Madam President, I move that we adjourn at the call of the Temporary President, intervening days to be legislative days.

**ACTING PRESIDENT STEWART-COUSINS:** The Senate is adjourned to the call of the Temporary President, intervening days being legislative days.

(Whereupon, at 12:20 a.m., the Senate adjourned.)

Source: <http://open.nysenate.gov/legislation/api/1.0/html/transcript/1386?term=8129b&#result>