NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:08 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

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

THE PRESIDENT: In the absence of clergy, may we bow our heads in a moment of silence, please.

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 10, the Senate met pursuant to adjournment. The Journal of Monday, May 9, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR FUSCHILLO: On page number 32 I offer the following amendments to Calendar Number 543, Senate Print Number 2602, and ask that said bill retain its place on Third Reading Calendar.

THE PRESIDENT: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR FUSCHILLO: On page Number 43, I offer the following amendments to Calendar Number 699, Senate Print Number 4888, and ask that said bill retain its place on Third Reading Calendar.

THE PRESIDENT: Those amendments are also received, and the bill will retain

its place on the Third Reading Calendar.

SENATOR FUSCHILLO: Thank you.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, I believe there's a resolution at the desk, 1807, by Senator Padavan. Could we have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Padavan, Legislative Resolution Number 1807, mourning the untimely death of Lance Corporal Michael Postal of Glen Oaks, Queens, and paying tribute to his courageous actions as a member of the United States Marines.

THE PRESIDENT: All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President,

I believe there are substitutions to be made at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 33, Senator Marcellino moves to discharge, from the Committee on Local Government, Assembly Bill Number 5745 and substitute it for the identical Senate Bill Number 2367, Third Reading Calendar 568.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: And on page 5, Senator Spano moves to discharge, from the Committee on Health, Assembly Bill Number 5488 and substitute it for the identical Senate Bill Number 3007, First Report Calendar 874.

THE PRESIDENT: Substitution also ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, there's a Resolution 1808 at the desk by Senator Paterson. Could we have it read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Paterson, Legislative Resolution Number 1808, paying tribute to the life and accomplishments of Kenneth Clark, psychologist, educator and civil rights activist.

"WHEREAS, It is the sense of this Legislative Body to honor the lives of those esteemed individuals of great prestige who distinguished themselves through their life's work; and

"WHEREAS, Kenneth B. Clark, an educator and psychologist who spent his life working for racial integration and improvement in the education of black children, died on Sunday, May 1, 2005. He was 90 years old; and

"WHEREAS, Kenneth Bancroft Clark was born July 24, 1914, in the Panama Canal Zone where his father was a passenger agent for the United Fruit Company. When Kenneth was five, his mother insisted on moving him and his younger sister to New York City; and

"WHEREAS, Kenneth Clark attended Howard University, where one of his

instructors, Ralph J. Bunche, became a major influence. He earned his master's degree from Howard University, married fellow student Marnie Phipps, and both earned doctorates in psychology at Columbia University; and

"WHEREAS, Kenneth Clark took part in research that contributed to Swedish economist Gunnar Myrdal's classic study of race relations, An American Dilemma, and then became an instructor in the psychology department at City College in 1942. In 1946, he and his wife formed what became the Northside Center for Child Development to treat children with personality disturbances. He served as a consultant to the personnel department of the U.S. State Department during the 1960s; and

"WHEREAS, Kenneth Clark's pioneering study on the effects of the racial discrimination was cited by the U.S. Supreme Court in its historic 1954 ruling in Brown v. Board of Education, which declared segregation in public schools unconstitutional; and

"WHEREAS, Kenneth Clark was the first black professor to gain tenure at the

City University of New York and was a distinguished professor emeritus at City College. He also taught at Harvard, Columbia, and the University of California; and

"WHEREAS, at one point, Kenneth Clark fought for decentralization of New York City schools. He never abandoned his belief in the importance of education in overcoming racism; and

"WHEREAS, For twenty years, Kenneth Clark served on the New York State Board of Regents, which oversees public education in the state. He was sometimes described as the conscience of the board. In 1950, Clark prepared a study which showed that school segregation marred the development of white as well as black students. The Supreme Court cited those findings in its unanimous 1954 decision; and

"WHEREAS, Thirty years after that landmark ruling, Kenneth Clark described himself as 'bewildered' at the persistence of de facto segregation and the inferior education for many blacks. After retiring from the Board of Regents, he set up a

consulting company in Westchester County; and

"WHEREAS, Kenneth Clark's books included Prejudice and Your Child and Dark Ghetto. He was a past president of the American Psychological Association. Among his honors were the NAACP's prestigious Spingarn Medal in 1961 and the Four Freedoms award in 1985; and

"WHEREAS, Predeceased by his wife in 1983, Kenneth Clark is survived by his daughter, Kate, and his son, Hilton; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to pay tribute to the life and accomplishments of Kenneth Clark, psychologist, educator and civil rights activist; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Kenneth Clark."

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Good morning, Madam President.

THE PRESIDENT: Good morning, Senator.

SENATOR PATERSON: This is a very exciting moment for me to talk about the life of Kenneth Clark, who died at the age of 90 on May 2nd.

Mr. Clark was a noted psychologist and educator. He was the first African-American to be tenured at City College. He was the first African-American to receive a doctorate in psychology from Columbia University. Columbia University's psychology department had once said that African-Americans were incapable of being educated, in a paper in 1857. So Kenneth Clark certainly answered that with his great distinction: First African-American member of the New York Board of Regents.

The New York Times, writing about Kenneth Clark, said that he fought white supremacy and black separatists equally because he felt that a racist society dehumanizes people and can only destroy the modern concept of democracy.

Dr. Kenneth Clark's greatest distinction was probably that he conducted the famous study that was used in the Brown vs.

Board of Education decision in 1954. This decision held that separate was inherently unequal and reversed the case of Plessy vs. Ferguson, 1896, that not only held that separate --

THE PRESIDENT: I'm going to ask the members to please take their conversations out of the chambers.

Senator Paterson, go ahead.

SENATOR PATERSON: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR PATERSON: -- that separate could be equal but mandated it as law, Plessy vs. Ferguson of 1896.

Dr. Clark's psychological experiment was something he was asked to do by the lawyer Thurgood Marshall and those who fought the Brown vs. Board of Education case in 1954.

THE PRESIDENT: Excuse me, Senator.

Could we please have order in the chamber.

SENATOR PATERSON: Thank you,

Madam President.

THE PRESIDENT: Thank you. Go ahead, Senator.

SENATOR PATERSON: By the way, was it me that you wanted to stop talking or someone else?

THE PRESIDENT: Certainly not you. So that you could be heard.

Go ahead, Senator.

SENATOR PATERSON: But it is a sad moment whenever someone who is this distinguished loses their life.

But really, it was a life lived very well in Hastings-on-Hudson where he lived, now capably represented by Senator Nick Spano, and one in which he ran a consulting company for the last 18 years of his life in the area of education.

One of the poignant moments of my service here in the State Senate was in my first year, in 1986, when Dr. Clark resigned from the New York State Board of Regents and, citing the bill of particulars of what he thought was still wrong in the educational system, engaged in some self-examination like

that I have never seen.

He considered it to be his fault that we had not equalized the education funding in districts around the state. He saw it as his fault that students graduating from high school in New York City were graduating at a rate of 42 percent at that time. He thought it was his fault that over 200,000 children were in special education, that we were spending more on special education than we were in our high school budget around the state and were not getting equivalent results.

For someone that learned, that able, that distinguished and that successful to take that kind of position about himself showed really what his true concern was, what his true feeling was, and the type of man that he was.

I knew him personally. I was elected in the same week as his son, Hilton Clark, who was the New York City Council member from Harlem, where I represent, from 1985 to 1989.

Dr. Clark had a consulting firm, Clark-Phipps. I got to talk with him on a

number of occasions. This was an outstanding individual who some of the members here who were here from some years ago would remember him and his service on the Board of Regents. We will miss him, but we will miss his service even more.

He also was the professor of a former colleague, also deceased, Leonard Stavisky.

This is someone whose distinction is probably not fully appreciated by our society, but every day we benefit from the work that Dr. Kenneth Clark provided.

Thank you, Madam President, and thank all of you for listening.

THE PRESIDENT: Senator Stavisky.

SENATOR STAVISKY: Very briefly, Madam President.

Back in the early 1940s, my husband was a student of Professor Clark at City College, when at the age of 16 my husband started City College. And in his freshman year, he took psychology. And Kenneth Clark was a young instructor in the psychology department at City College.

And there's very little that I can add to what Senator Paterson has said about this remarkable man. But I must tell you that one of Leonard's proudest moments was Dr. Clark's appointment to the New York State Board of Regents. He served with distinction and with honor, not only on the Regents but also on the CUNY faculty.

His academic pedigree is a lengthy one, an impressive one. The only thing I can add is that his work with race relations became a very important part of Gunnar Myrdal's study in The American Dilemma, which also was part of the Brown vs. Board of Education lawsuit in 1954.

And so I'm delighted to join Senator Paterson in commemorating the achievements of Professor Clark.

THE PRESIDENT: Senator Parker.

SENATOR PARKER: Madam Chairman -- Madam President, I'm sorry, on the resolution.

This is a truly important resolution for many of us here.

You know, we walk through the halls

of the Capitol and through Albany and we, you know, go into the restaurants in Albany and we just sit down with our colleagues and we have dinner and, you know, use the same restrooms. And, you know, as we talk about funding for our schools, you know, we understand that, you know, there's white children and black children sitting in the same schools with Asian children and children from all over the world, and we take it for granted.

We look around this chamber and we see, you know, people from all walks of life here. And that was something that really was not always the case.

And so I stand here really honoring a man whose shoulders I stand on. That's literally, that I would not have an opportunity to stand here before you having an opportunity to speak in this chamber as a member of this body if it wasn't for the work of Kenneth Clark.

And so we stand, all of us who were beneficiaries of the Brown vs. Board ruling, we stand as living monuments of and testaments to the work that Dr. Clark did. That before

Dr. Clark, no one -- people had talked about racism, people had talked about the impact of economic and political exclusion for African-Americans in this country. But people really did not have any significant grasp on what it meant to people psychologically.

The fact that he created this white doll/black doll test, and this really had become the basis for which Thurgood Marshall used to fight Brown vs. Board was really monumental and really groundbreaking at the time.

And we must not forget that this was something that really in a lot of ways has not changed. There are a number of psychologists who are doing this kind of work now and finding that the vestiges of racism still apply psychologically to African-Americans all over this country.

And so as we honor Dr. Clark's achievements and we thank him for all the work that he has done -- not for himself, but for this society. And not just for African-Americans. Because the work he did in Brown v. Board was not just important for

African-Americans, it was important for the progress of this country, that you would not have all of the things that we have now, as even we look at some of the people -- whether we like them or not, the Condoleezza Rices and the Colin Powells, we would not be able to point to these folks -- the Randy Danielses -- if it was not for the work of Kenneth Clark.

And, Dr. Clark, we remember you and we thank you on this day and hope that we continue to live his work and live his legacy as we go forward and do the work in this chamber.

Thank you.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: Madam President, there's no question that he was a giant, a giant. Not just one of many, but the real initiator, the one who gave it a spark and significance at a time when that sponsorship was so important.

So I remember him fondly and join with my colleagues in hailing his unique contributions at that time, which then proved to be very acceptable and easy for people to

identify with. But he did it when it was not quite that popular.

And I remember him fondly, and I do hope that he gets the enthusiastic backing of this body.

THE PRESIDENT: Senator LaValle.

SENATOR LaVALLE: Thank you, Madam President.

I got to know Ken Clark as a member of the Board of Regents, and I just wanted to focus on that for a bit.

During the early 1970s, the Legislature viewed the Board of Regents as a body that was somewhat elite. And so it began a process -- and as a matter of fact, Senator Leonard Stavisky, who was chairman of the Education Committee, I was at the time the director of the Education Committee in the early 1970s, we actually developed the beginning of the first process of screening people for the Board of Regents.

Because prior to that, members were almost like the pope -- a puff of white smoke appeared and leaders kind of got together and we had a member of the Board of Regents.

But for whatever reason, at the end of the 1970s and the early 1980s, people thought that maybe we went too extreme. We went from an elite board to not such an elite board.

But everyone always said the template for a member of the Board of Regents was Ken Clark. That was always said: "That's what we want on the Board of Regents, people like Ken Clark."

When you met Ken Clark, you would not know from his demeanor that he was literally an education giant and someone who was keenly involved in education policy. And it's always great to meet someone like that who truly is elite, is a leader, because they don't have to have a sign on their chest, "I'm the greatest, I'm the best." He just did it by his action.

And to this day, yes, we want people like Ken Clark on the Board of Regents.

Thank you, Madam President.

THE PRESIDENT: Senator Ada Smith.

SENATOR ADA SMITH: Thank you,

Madam President.

As a young woman I had the distinct pleasure of serving as a legislative aide to the late, great Congresswoman Shirley Chisholm.

And Shirley Chisholm had a profound interest in education. And she considered Dr. Kenneth Clark one of her mentors and advisors. And oftentimes in our office on Fulton Street in Brooklyn, Dr. Clark would come in or I would be sent to meet with him to discuss some matter that she was interested in in the halls of Congress.

He was never too busy to explain to this young aide the intricacies of what it was that they were attempting to do. He always had the time, the patience, and he did it in such a manner that made all of us feel that we were quite important.

I will never forget Dr. Clark and his brilliant wife, because both of them have added to the African-American culture of this great state.

Thank you.

THE PRESIDENT: Senator Spano.

SENATOR SPANO: Thank you, Madam President.

There's a lot been said, but one perspective that I'd like to highlight about Ken Clark is the work that he did for children's services and for kids who had some severe emotional or behavioral problems.

We have many facilities across the state who continue to be plagued with kids who have no place else to go, where they have gone through a system that has been an inattentive system, that has allowed them to fall through the cracks.

And it's people like Ken Clark who, before it was fashionable, a couple of decades ago, started to look at, as a psychologist, the issues of children's services. And I know that in Westchester, a new building at St. Christopher's School, which is a special ed school in Dobbs Ferry, will be named after him, and rightfully so.

So we should look at the history of a man who was an inspiration, who took a look at issues impacting all of our communities, but particularly impacting the children, as

they represent our future. And we should take a look at that legacy, which is one that we could all be very proud of.

Thank you.

THE PRESIDENT: The question is on the resolution. All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Thank you, Madam President.

If we could go to the noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 462, by Senator Skelos, Senate Print 3507, an act to amend Chapter 549 of the Laws of 2000 amending the Civil Rights Law and others.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 465, by Senator Saland, Senate Print 3510, an act to amend the Penal Law, in relation to obstructing telephonic or electronic communication.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 502, by Senator Wright, Senate Print 2536, an act to amend the Tax Law, in relation to the

imposition of sales and compensating use taxes.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 503, by Senator Volker, Senate Print 2544, an act to amend the Tax Law, relation to extending the authorization.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

505, by Senator Farley, Senate Print 2624, an act to amend the Tax Law, in relation to the mortgage recording tax.

THE PRESIDENT: There is a local fiscal impact note at the desk.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Valesky recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 517, by Senator Libous, Senate Print 3458, an act to amend the Tax Law, in relation to extending.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 562, by Senator Saland, Senate Print 318, an act to amend the Criminal Procedure Law, in relation to the duration.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 566, by Senator Meier, Senate Print 4031, an act to amend the Criminal Procedure Law, in relation to final orders of protection.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 617, by Senator Leibell, Senate Print 3627, an act to amend the Criminal Procedure Law, in relation to recognizance or bail.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Montgomery, to explain your vote.

SENATOR MONTGOMERY: Yes, Madam President, to explain my vote.

I have in my notes that the bill passed 62 to 0 in the past. I'm going to certainly change my vote on this bill, in the event that I did vote for it.

I think it is quite a dramatic change in the law, and essentially it is going

capture teenagers below the age of 18. And I find that it has the danger of really being used primarily because the law now covers anyone 18 or older, so we're shifting now to capture younger and younger people.

So I'm going to vote no on this legislation. And I would invite my colleagues to join me, because I think this is not what we want to do for teenagers in our state.

Thank you.

THE PRESIDENT: You will be recorded in the negative on this vote, Senator Montgomery.

The Secretary will announce the results.

THE SECRETARY: Ayes, 57. Nays, 2. Senators Hassell-Thompson and Montgomery recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 624, by Senator Volker, Senate Print 3911, an act to amend the Penal Law, in relation to trespassing.

THE PRESIDENT: Read the last

section.

THE SECRETARY: Section 2. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 624 are Senators Duane and Montgomery. Also Senator Hassell-Thompson.

Ayes, 56. Nays, 3.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 667, by Senator Trunzo, Senate Print 3573, an act in relation to authorizing the assessor of the Town of Islip.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Bonacic recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 668, by Senator Trunzo, Senate Print 3648, an act in relation to authorizing the assessor of the Town of Islip.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Bonacic recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 688, by Senator Maziarz, Senate Print 4949, an act to amend the Labor Law, in relation to requiring employers.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 696, by Senator Skelos, Senate Print 2526, an act to amend the General Business Law, in relation to reducing.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 696 are Senators Duane, Hassell-Thompson, and Montgomery.

Ayes, 56. Nays, 3.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 697, by Senator Skelos, Senate Print 2527, an act to amend the General Business Law, in relation to the rate of interest.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 697 are Senators Duane, Hassell-Thompson, L. Krueger, and A. Smith.

Ayes, 55. Nays, 4.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 698, by Senator Skelos, Senate Print 3371, an act to amend the General Business Law, in relation to sales of unclaimed pledges.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 698 are

Senators Diaz, Duane, Hassell-Thompson, L. Krueger, Montgomery, Sabini, Savino and A. Smith.

Ayes, 51. Nays, 8.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 703, by Senator Marcellino, Senate Print 2822A, an act to amend the Environmental Conservation Law, in relation to prohibiting online shoots.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Little, to explain your vote.

SENATOR LITTLE: Thank you, Madam President.

I would just like to stand in regard to this bill on behalf of the sportsmen of New York State. This bill is an insult to any sportsman. What it does is it allows

online hunting, where a person sits like a video machine in front of their computer and, with the mouse, can actually make a gun go off and kill an animal at another location.

This bill would prohibit any of those --

SENATOR MARCELLINO: I believe you misspoke, Senator.

THE PRESIDENT: Senator, she has the right to explain her vote at this time. We're on the noncontroversial calendar.

SENATOR MARCELLINO: Senator, I think you misunderstood the bill.

THE PRESIDENT: You may proceed, Senator Little.

SENATOR LITTLE: I just want to say that all of the sportsmen are against this bill, and I support this bill very much. This is a thing that we should be doing in New York State.

Thank you.

THE PRESIDENT: Senator Marcellino, do you wish to explain your vote?

SENATOR MARCELLINO: This bill bans the act of online hunting. And the

sportsmen support this bill, my bill, and are opposed to online hunting.

I think that's what you meant to say, Senator. They're opposed to online hunting, the sportsmen.

SENATOR LITTLE: I'm sorry. Right. And they support this bill. They consider this online hunting an insult.

SENATOR MARCELLINO: I agree with you.

THE PRESIDENT: Senators, you will both be recorded as voting in the affirmative on this bill.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, to also explain my vote.

I also support this bill. But I want to highlight for my colleagues that many of us also supported a bill to end canned hunting in the State of New York, the model that I think also the sportsmen generally opposed, where we place wild animals, who have been usually retired from zoos and other activities, in small enclosures and then in fact allow shooting at them on-site.

So while this bill would not allow the truly despicable practice of somebody sitting at their Internet site aiming machinery to kill animals in a penned-up setting, that this house has passed before, as has the other house, a bill that would actually outlaw this kind of canned hunting throughout New York State on-premises, and that the Governor had vetoed this bill.

And I would urge us to bring that bill back to the floor and to expand our commitment to ensuring that cruelty is not allowed under the pretend auspices of an activity that some call hunting which is not hunting.

So I will be voting in the affirmative. Thank you, Madam President.

THE PRESIDENT: You will be so recorded as voting in the affirmative.

Senator Volker.

SENATOR VOLKER: Madam President, to explain my note.

I think just about every sportsman's group supports this bill, including the NRA. But this has nothing to do

with canned hunting. And what you described as canned hunting, there's about two places in the state that do that.

Canned hunting that the bill would have banned is huge enclosures and all sorts of other places, where the so-called canned hunting is supported by every sportsman's group I know. And the only people that really oppose the so-called broad canned hunting are people that really don't understand what it is to be involved in hunting.

This bill is what they call indirect and exiled hunting, where somebody pushes a button. Canned hunting, by the way, is entirely different.

And if you want to put in a bill, I suppose, that says that you can't have exotic animals in some enclosure or something specifically, which is about two places, I think, in the state, I suppose you could do that.

But all sportsmen, I think, support canned hunting, but all sportsmen also oppose this bill -- or support this bill, I'm sorry.

I vote aye.

THE PRESIDENT: Senator, I assume you're voting in the affirmative.

SENATOR VOLKER: Yes.

THE PRESIDENT: You will be so recorded as voting in the affirmative.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you.

Not to belabor the point, but I do want to call to the attention of my esteemed colleague behind me -- not in terms of progress, but in terms of seating -- that in fact there is a direct connection between canned hunting and this.

The ranch, so-called ranches that advertise for this Internet hunting are in fact canned hunting sites where they have these exotic wild animals trapped inside a perimeter.

The difference is you get to shoot them through the Internet here, and in so-called canned hunting that some of us are trying to ban in New York, you get to actually walk around in this enclosed perimeter where these exotic animals are trapped.

So this is essentially outsourced

canned hunting, but it is very much related. And I do hope that as we go forward, we will revisit the issue of canned hunting again in this house.

Thank you, Madam President.

THE PRESIDENT: Senator, you're voting in the affirmative?

SENATOR SCHNEIDERMAN: You bet. I'm voting with the NRA today, Madam President.

(Laughter.)

THE PRESIDENT: And you will be so recorded. I didn't hear that.

Senator Padavan.

SENATOR PADAVAN: Thank you, Madam President.

I don't often disagree with my colleague to my left here, but I do know a little bit about hunting. And I'm the sponsor of the bill that outlaws canned hunting in this state.

And there is a correlation. And it's unfortunate, while we're supporting unanimously, I imagine, this wonderful piece of legislation, that we have drifted into

another issue. But they're directly related.

Whether there are two or 20 facilities in this state where you can walk in in an area, 10 acres or 20 acres, whatever it may be, that's fenced in, where all kinds of animals are fed by the owners of this property, and go in there with a bow and arrow or a weapon and shoot an animal -- that's no more hunting than this is. And it's just the taking of an animal's life without any sportsmanship, without any chance, without any reason.

And as a hunter, I find that abominable. And hopefully we will get that bill back here again. As you may recall, we did pass it a couple of years ago. The Governor did veto it. And we'll do it again as soon as we're able.

I vote aye.

THE PRESIDENT: You will be so recorded as voting in the affirmative, Senator.

The Secretary will announce the results.

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 776, by the Senate Committee on Rules, Senate Print Number 3936, an act to amend the Tax Law, in relation to continuing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 777, by Senator Rath, Senate Print 4005, an act to amend the Tax Law, in relation to extending the expiration.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 811, by Member of the Assembly Brodsky, Assembly Print Number 7099, an act to amend the State Medical Care Facilities Finance Agency Act.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

THE PRESIDENT: The bill is passed.

Senator Skelos, that completes the reading of the calendar.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

Senator Paterson has requested that, in accordance with the custom and practice of the house, Senate Resolution 1808,

previously passed today, be opened up for anyone who wants to be a sponsor. Anyone who does not want to be should advise the desk.

Thank you.

THE PRESIDENT: Anyone who does not wish to cosponsor the latter resolution mentioned by Senator Schneiderman, please notify the desk.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

I have a very important announcement to make. One of our most vigorous and handsome members of the Senate, today is his birthday: Senator Caesar Trunzo.

(Extended applause.)

THE PRESIDENT: Happy birthday, Senator Trunzo, and best wishes.

SENATOR TRUNZO: You know, you said "Hail Caesar," I heard the "Hail Caesar."

When people have something against me, they go "The hell with Caesar."

(Laughter.)

SENATOR TRUNZO: So it goes both ways.

But I appreciate it. Thank you very much. And I'm going to be leaving now to go home, because it's important.

THE PRESIDENT: Senator, on your birthday, you're not out of order.

SENATOR TRUNZO: And so thank you so much. I didn't expect this to happen.

In fact, I was told -- I was in with Senator Bruno, and I was told the session was over, so I just come in to get my paperwork and go.

But that's it. Thank you again. God bless all of you. Thank you. It's been a great pleasure. Thirty-three years in the Senate, and I'm still going. Thank you.

(Applause.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Thank you very much, Madam President. Is there any further business?

THE PRESIDENT: No, there isn't, Senator.

SENATOR SKELOS: There being no further business to come before the Senate, I move we stand adjourned until Monday,

May 16th, at 3:00 p.m., intervening days being legislative days.

THE PRESIDENT: On motion, the Senate now stands adjourned until Monday, May 16th, 3:00 p.m., intervening days being legislative days.

(Whereupon, at 11:49 a.m., the Senate adjourned.)