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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 22, 2006

3:06 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

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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: With us this afternoon is the Reverend Peter G. Young, who obviously needs no introduction. For those of you who might not know him, as we do well, he is the pastor of Blessed Sacrament Church in Bolton Landing, New York.

REVEREND YOUNG: Dear God, as we are blessed today, we see the bright sunshine. It's a beautiful and delightful feeling that we share with Noah as he saw the return of the bird to the ark, indicating the end of the flood.

Sometimes we need the reminder of Your greatness, O God, with the gift of Your heartbeat and Your life-giving nourishment to the earth, that we will bring us then a rewarding bounty of needed foods to feed all

1 of our New York State citizens.

2 It's with pride that we are here
3 today as leaders in New York State as an
4 agricultural state. And we turn our products
5 then to our great country, to help and feed
6 them in their daily need.

7 As we turn to technology for the
8 many essentials of life, we need to again be
9 reminded of the gift that You, O God, only can
10 give.

11 Amen.

12 THE PRESIDENT: Reading of the
13 Journal.

14 THE SECRETARY: In Senate,
15 Sunday, May 21, the Senate met pursuant to
16 adjournment. The Journal of Saturday, May 20,
17 was read and approved. On motion, Senate
18 adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Farley.

6 SENATOR FARLEY: Thank you, Madam
7 President.

8 On behalf of Senator Maziarz, I
9 wish to call up his bill, 6225, which was
10 recalled from the Assembly and it's now at the
11 desk.

12 THE PRESIDENT: The Secretary
13 will read.

14 THE SECRETARY: Calendar Number
15 389, by Senator Maziarz, Senate Print 6225, an
16 act to amend the Highway Law.

17 SENATOR FARLEY: Madam President,
18 I now move to reconsider the vote by which
19 this bill was passed.

20 THE PRESIDENT: The Secretary
21 will call the roll upon reconsideration.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 42.

24 SENATOR FARLEY: Madam President,
25 I now offer the following amendments.

1 THE PRESIDENT: The amendments
2 are received.

3 SENATOR FARLEY: Also on behalf
4 of Senator Maziarz, I wish to call up his
5 bill, 7321A, which was recalled from the
6 Assembly and it's now at the desk.

7 THE PRESIDENT: The Secretary
8 will read.

9 THE SECRETARY: Calendar Number
10 753, by Senator Maziarz, Senate Print 7321A,
11 an act to amend the Labor Law.

12 SENATOR FARLEY: Madam President,
13 I now move to reconsider the vote by which
14 this bill was passed.

15 THE PRESIDENT: The Secretary
16 will call the roll upon reconsideration.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 43.

19 SENATOR FARLEY: Madam President,
20 I now offer the following amendments.

21 THE PRESIDENT: The amendments
22 are received.

23 SENATOR FARLEY: On behalf of
24 Senator Marcellino, Madam President, I wish to
25 call up his bill, Senate Print 6932, recalled

1 from the Assembly, and it's now at the desk.

2 THE PRESIDENT: The Secretary
3 will read.

4 THE SECRETARY: Calendar Number
5 790, by Senator Marcellino, Senate Print 6932,
6 an act to authorize the Town of Oyster Bay.

7 SENATOR FARLEY: Madam President,
8 I now move to reconsider the vote by which
9 this bill was passed.

10 THE PRESIDENT: The Secretary
11 will call the roll upon reconsideration.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 43.

14 SENATOR FARLEY: Madam President,
15 I now offer the following amendments.

16 THE PRESIDENT: The amendments
17 are received.

18 SENATOR FARLEY: Madam President,
19 on behalf of Senator Golden, I move that the
20 following bill be discharged from its
21 respective committee and be recommitted with
22 instructions to strike the enacting clause.
23 That is Senate Print 5890A.

24 THE PRESIDENT: So ordered.

25 SENATOR FARLEY: Madam President,

1 amendments are offered to these following

2 Third Reading Calendar bills:

3 On behalf of Senator Golden, on
4 page 33, Calendar 371, Senate Print 2197A;

5 On behalf of Senator DeFrancisco,
6 on page 41, Calendar 597, Senate Print 7011;

7 On behalf of myself, Senator
8 Farley, on page 42, Calendar 607, Senate Print
9 6432;

10 On behalf of Senator Spano, on
11 page 49, Calendar 752, Senate Print 7318;

12 On behalf of Senator Maziarz, on
13 page 57, Calendar Number 876, Senate Print
14 Number 5719A;

15 On behalf of Senator Bruno, on page
16 61, Senate Print 948, Senate Print 7194;

17 And on behalf of myself, Senator
18 Farley, on page 29, Calendar 281, Senate Print
19 5806.

20 Madam President, I move that these
21 bills retain their place on the Third Reading
22 Calendar.

23 THE PRESIDENT: The amendments
24 are received, and the bills will retain their
25 place on the Third Reading Calendar.

1 Senator Skelos.

2 SENATOR SKELOS: Madam President,
3 I believe there are substitutions at the desk,
4 if we could make them at this time.

5 THE PRESIDENT: Yes, there are,
6 Senator.

7 The Secretary will read.

8 THE SECRETARY: On page 23,
9 Senator Volker moves to discharge, from the
10 Committee on Codes, Assembly Bill Number 8351
11 and substitute it for the identical Senate
12 Bill Number 6330, Third Reading Calendar 70.

13 On page 24, Senator Volker moves to
14 discharge, from the Committee on Codes,
15 Assembly Bill Number 7027 and substitute it
16 for the identical Senate Bill Number 4120,
17 Third Reading Calendar 138.

18 On page 32, Senator Maltese moves
19 to discharge, from the Committee on Labor,
20 Assembly Bill Number 7066 and substitute it
21 for the identical Senate Bill Number 6435,
22 Third Reading Calendar 360.

23 And on page 51, Senator Balboni
24 moves to discharge, from the Committee on
25 Transportation, Assembly Bill Number 2915A and

1 substitute it for the identical Senate Bill
2 Number 3575A, Third Reading Calendar 806.

3 THE PRESIDENT: Substitutions
4 ordered.

5 Senator Skelos.

6 SENATOR SKELOS: Madam President,
7 there's a Resolution 5327 at the desk by
8 Senator Winner. If we could have the title
9 read and move for its immediate adoption.

10 THE PRESIDENT: The Secretary
11 will read.

12 THE SECRETARY: By Senator
13 Winner, Legislative Resolution Number 5327,
14 honoring Mr. Warren J. Ingham upon the
15 occasion of his designation as recipient of
16 the 2005 Senior Citizen Award by the Chemung
17 County Office for the Aging, on Wednesday,
18 May 24, 2006.

19 THE PRESIDENT: On the
20 resolution, all in favor please signify by
21 saying aye.

22 (Response of "Aye.")

23 THE PRESIDENT: Opposed, nay.

24 (No response.)

25 THE PRESIDENT: The resolution is

1 adopted.

2 Senator Skelos.

3 SENATOR SKELOS: Madam President,
4 Senator Balboni has three resolutions at the
5 desk: 5186, 5187, and 5188. If we could have
6 the titles read, move for their immediate
7 adoption, and open them up for cosponsorship.

8 THE PRESIDENT: The Secretary
9 will read all three resolutions.

10 THE SECRETARY: By Senator
11 Balboni, Legislative Resolution Number 5186,
12 commending Manhasset High School upon the
13 occasion of being ranked in the Top 100 High
14 schools in the Nation by Newsweek.

15 By Senator Balboni, Legislative
16 Resolution Number 5187, commending Great Neck
17 South High School upon the occasion of being
18 ranked in the Top 100 High Schools in the
19 Nation by Newsweek.

20 And by Senator Balboni, Legislative
21 Resolution Number 5188, commending John L.
22 Miller-Great Neck North High School upon the
23 occasion of being ranked in the Top 100 High
24 Schools in the Nation by Newsweek.

25 THE PRESIDENT: Senator Balboni.

1 SENATOR BALBONI: Yes, Madam
2 President.

3 I'd like to rise in support of the
4 resolutions and hold up a copy of Newsweek.
5 And I am green with envy that I didn't get a
6 chance to go to these high schools, as much of
7 the nation is green with envy at how well
8 New York State did.

9 Madam President, there are 15,199
10 public high schools in the United States. New
11 York has 707 public high schools. And
12 Newsweek recently listed the 100 best in
13 America. And they chose these schools based
14 upon their ability to prepare the students for
15 college.

16 And out of those 100 around the
17 nation, 17 schools were chosen in New York
18 State. Seven of those were from Long Island,
19 and three of those were from the district I
20 have the privilege of representing.

21 And representing those districts
22 here today are representatives from the
23 Manhasset School District and the Great Neck
24 North and South schools up in the gallery.

25 And what's neat about this is that

1 on this side of the chamber we have
2 youngsters; on this side of the chamber we
3 have achievers. You guys want to be there,
4 and one day their kids are going to be where
5 you are. And it's a neat little confluence of
6 events.

7 We talk about education in this
8 state often in terms of the poor outcomes, the
9 poorer school districts, the need for more
10 money and investment. We rarely highlight the
11 educational excellence that frankly many parts
12 of our state are known for.

13 And lest anybody in this chamber,
14 particularly from New York City, think that
15 this is the result of this incredible amount
16 of state aid going to these districts, guess
17 what, Madam President? Both these districts
18 that did so well nationally have about
19 5.5 percent state school aid. And that's
20 because their communities made a decision that
21 their futures are predicated upon great
22 schools. And that that's what they've
23 accomplished.

24 One little anecdote. There are
25 students in this group here who wanted to take

1 every single AP course they can that is
2 offered before they graduate high school. And
3 in a little tale that I heard from one of the
4 teachers, three of the students went to the
5 math department and said: We want to take the
6 top calculus AP course. They said: Well, you
7 can't; you're missing some parts of math that
8 you need.

9 Well, guess what? The students
10 went out, read the books, and a month later
11 went back and said: Okay, we've done all
12 that, now can we take it? I mean, it's an
13 incredible testament to what you can do when
14 you put your head down with determination and
15 you have an excellent educational background.

16 So, Madam President, I am thrilled
17 to support these resolutions.

18 And welcome to Albany, and thank
19 you for all your great work.

20 Thank you very much, Madam
21 President.

22 THE PRESIDENT: All in favor of
23 the resolutions please signify by saying aye.

24 (Response of "Aye.")

25 THE PRESIDENT: Opposed, nay.

1 (No response.)

2 THE PRESIDENT: The resolutions
3 are adopted.

4 Senator Skelos.

5 SENATOR SKELOS: Madam President,
6 now that the resolutions are adopted, I just
7 want to point out that South Side, which is in
8 my hometown of Rockville Centre, was Number
9 32, something I'm very proud of.

10 And I also want to point out that
11 Senator Balboni did not attend any one of
12 those three schools.

13 (Laughter.)

14 THE PRESIDENT: Senator Skelos.

15 SENATOR SKELOS: Madam President,
16 I believe Senator Balboni wants the
17 resolutions to be opened up for sponsorship.

18 THE PRESIDENT: Any member who
19 does not wish to cosponsor the last three
20 resolutions please notify the desk.

21 Senator Skelos.

22 SENATOR SKELOS: Madam President,
23 if we could go to the noncontroversial reading
24 of the calendar.

25 THE PRESIDENT: The Secretary

1 will read.

2 THE SECRETARY: Calendar Number
3 33, by Senator Maltese, Senate Print 103, an
4 act to amend the Election Law.

5 THE PRESIDENT: Read the last
6 section.

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

9 THE PRESIDENT: Call the roll.
10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 54.

12 THE PRESIDENT: The bill is
13 passed.

14 THE SECRETARY: Calendar Number
15 44, by Senator Golden, Senate Print 5756B, an
16 act to amend the Elder Law.

17 THE PRESIDENT: Read the last
18 section.

19 THE SECRETARY: Section 7. This
20 act shall take effect immediately.

21 THE PRESIDENT: Call the roll.
22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 54.

24 THE PRESIDENT: The bill is
25 passed.

1 THE SECRETARY: Calendar Number
2 49, by Senator Little, Senate Print 3309, an
3 act to amend the Real Property Tax Law.

4 THE PRESIDENT: Read the last
5 section.

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

8 THE PRESIDENT: Call the roll.
9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 54.

11 THE PRESIDENT: The bill is
12 passed.

13 THE SECRETARY: Calendar Number
14 70, substituted earlier today by Member of the
15 Assembly Tokasz, Assembly Print Number 8351,
16 an act to amend the Penal Law.

17 THE PRESIDENT: Read the last
18 section.

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

22 THE PRESIDENT: Call the roll.
23 (The Secretary called the roll.)

24 THE PRESIDENT: Senator
25 DeFrancisco, to explain your vote.

1 SENATOR DeFRANCISCO: I'm going
2 to vote aye. And I assume it makes sense that
3 signalpersons, in addition to ticket
4 inspectors, conductors, bus operators, or
5 station agents employed by a transit
6 authority, also be protected by a felony
7 punishment for someone assaulting them.

8 The only comment I have and the
9 only reluctance I have in supporting it is
10 that when you start singling out individuals,
11 it's obvious that you forget somebody and
12 you've got to get another individual in a
13 special category, like now signalpersons.

14 It just seems to me that an assault
15 should be an assault should be an assault.
16 And no matter what you happen to be, the
17 penalty should be the same.

18 So I'll vote for this bill, but I
19 just hope that we have broader-range bills in
20 the future that apply to everyone across the
21 board.

22 Thank you.

23 THE PRESIDENT: You will be
24 recorded, Senator DeFrancisco, as voting in
25 the affirmative on this bill.

1 The Secretary will announce the
2 results.

3 THE SECRETARY: Ayes, 55.

4 THE PRESIDENT: The bill is
5 passed.

6 THE SECRETARY: Calendar Number
7 138, substituted earlier by Member of the
8 Assembly Colton, Assembly Print Number 7027,
9 an act to amend the Penal Law.

10 THE PRESIDENT: Read the last
11 section.

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

14 THE PRESIDENT: Call the roll.
15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 55.

17 THE PRESIDENT: The bill is
18 passed.

19 THE SECRETARY: Calendar Number
20 222, by Senator Flanagan, Senate Print 2552,
21 an act to amend the Election Law.

22 THE PRESIDENT: Read the last
23 section.

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

1 THE PRESIDENT: Call the roll.
2 (The Secretary called the roll.)
3 THE SECRETARY: Ayes, 55.
4 THE PRESIDENT: The bill is
5 passed.
6 THE SECRETARY: Calendar Number
7 244, by Senator Nozzolio, Senate Print 6471C,
8 an act to authorize the Urban Development
9 Corporation.
10 SENATOR LIZ KRUEGER: Lay it
11 aside.
12 THE PRESIDENT: The bill is laid
13 aside.
14 THE SECRETARY: Calendar Number
15 360, substituted earlier today by Member of
16 the Assembly Colton, Assembly Print Number
17 7066, an act to amend the Workers'
18 Compensation Law.
19 THE PRESIDENT: Read the last
20 section.
21 THE SECRETARY: Section 2. This
22 act shall take effect immediately.
23 THE PRESIDENT: Call the roll.
24 (The Secretary called the roll.)
25 THE SECRETARY: Ayes, 55.

1 THE PRESIDENT: The bill is
2 passed.

3 THE SECRETARY: Calendar Number
4 381, by Senator Marchi, Senate Print 2071, an
5 act to amend the Environmental Conservation
6 Law.

7 THE PRESIDENT: Read the last
8 section.

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

11 THE PRESIDENT: Call the roll.
12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 55.

14 THE PRESIDENT: The bill is
15 passed.

16 THE SECRETARY: Calendar Number
17 520, by Senator Young, Senate Print 6927, an
18 act to amend the Agriculture and Markets Law
19 and the Real Property Tax Law.

20 THE PRESIDENT: Read the last
21 section.

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

24 THE PRESIDENT: Call the roll.
25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 55.

2 THE PRESIDENT: The bill is
3 passed.

4 THE SECRETARY: Calendar Number
5 600, by Senator Larkin, Senate Print 5997, an
6 act to amend the Business Corporation Law.

7 THE PRESIDENT: Read the last
8 section.

9 THE SECRETARY: Section 2. This
10 act shall take effect on the 90th day.

11 THE PRESIDENT: Call the roll.
12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 55.

14 THE PRESIDENT: The bill is
15 passed.

16 THE SECRETARY: Calendar Number
17 672, by Senator Larkin, Senate Print 2353, an
18 act to amend the Real Property Tax Law.

19 THE PRESIDENT: Read the last
20 section.

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

23 THE PRESIDENT: Call the roll.
24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 55.

1 THE PRESIDENT: The bill is
2 passed.

3 THE SECRETARY: Calendar Number
4 678, by Senator Balboni, Senate Print 6783, an
5 act authorizing the assessor of the County of
6 Nassau.

7 THE PRESIDENT: Read the last
8 section.

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

11 THE PRESIDENT: Call the roll.
12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 55.

14 THE PRESIDENT: The bill is
15 passed.

16 THE SECRETARY: Calendar Number
17 716, by Senator Farley, Senate Print 1849A, an
18 act to amend the Tax Law.

19 THE PRESIDENT: Read the last
20 section.

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

23 THE PRESIDENT: Call the roll.
24 (The Secretary called the roll.)

25 THE PRESIDENT: Senator Farley,

1 to explain your vote.

2 SENATOR FARLEY: Thank you, Madam
3 President.

4 THE PRESIDENT: You're welcome.

5 SENATOR FARLEY: This is a very
6 significant piece of legislation, one that is
7 very important to poor people and to senior
8 citizens. It's estimated it's going to save
9 the state, Taxation and Finance says,
10 \$1.2 million in a year.

11 It basically says that for state
12 income tax, that they'll follow the federal
13 guidelines and that these people won't have to
14 file an income tax on the federal equivalent
15 of those standard deduction.

16 It can mean an awful lot to poor
17 people and to senior citizens, it brings us
18 into conformity with the feds, and it's a
19 pretty significant piece of legislation and I
20 thank you for the support of it in this house.

21 ACTING PRESIDENT LITTLE: Thank
22 you. Senator Farley will be recorded in the
23 affirmative.

24 The Secretary will announce the
25 results.

1 THE SECRETARY: Ayes, 55.

2 ACTING PRESIDENT LITTLE: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 763, by Senator Alesi, Senate Print 1079A, an
6 act to amend the Executive Law.

7 ACTING PRESIDENT LITTLE: Read
8 the last section.

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

11 ACTING PRESIDENT LITTLE: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 55.

15 ACTING PRESIDENT LITTLE: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 764, by Senator Robach, Senate Print 1621A, an
19 act to amend the Correction Law.

20 ACTING PRESIDENT LITTLE: Read
21 the last section.

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

24 ACTING PRESIDENT LITTLE: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 55.

3 ACTING PRESIDENT LITTLE: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 806, substituted earlier today by Member of
7 the Assembly Weprin, Assembly Print Number
8 2915A, an act to amend the Public Authorities
9 Law.

10 ACTING PRESIDENT LITTLE: Read
11 the last section.

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

14 ACTING PRESIDENT LITTLE: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 55.

18 ACTING PRESIDENT LITTLE: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 826, by Senator Maziarz, Senate Print 3207, an
22 act to amend the Judiciary Law.

23 ACTING PRESIDENT LITTLE: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT LITTLE: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 55.

6 ACTING PRESIDENT LITTLE: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 935, by Senator Maziarz, Senate Print 7515, an
10 act to amend the Retirement and Social
11 Security Law.

12 ACTING PRESIDENT LITTLE: Read
13 the last section.

14 THE SECRETARY: Section 4. This
15 act shall take effect on the 90th day.

16 ACTING PRESIDENT LITTLE: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 55.

20 ACTING PRESIDENT LITTLE: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 970, by Senator Flanagan, Senate Print 4901,
24 an act to authorize the Independent Group Home
25 Living Program.

1 ACTING PRESIDENT LITTLE: Read
2 the last section.

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

5 ACTING PRESIDENT LITTLE: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 53. Nays,
9 2. Senators Bonacic and Larkin recorded in
10 the negative.

11 ACTING PRESIDENT LITTLE: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 971, by Senator Little, Senate Print 5257, an
15 act to amend the General Municipal Law.

16 ACTING PRESIDENT LITTLE: Read
17 the last section.

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

21 ACTING PRESIDENT LITTLE: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 55.

25 ACTING PRESIDENT LITTLE: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1035, by Senator Sampson, Senate Print 84, an
4 act to amend the Penal Law.

5 ACTING PRESIDENT LITTLE: Read
6 the last section.

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

9 ACTING PRESIDENT LITTLE: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 55.

13 ACTING PRESIDENT LITTLE: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 1051, by Senator Johnson, Senate Print 199, an
17 act to amend the Vehicle and Traffic Law.

18 ACTING PRESIDENT LITTLE: Read
19 the last section.

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

23 ACTING PRESIDENT LITTLE: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 55.

2 ACTING PRESIDENT LITTLE: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 1056, by Senator Meier, Senate Print 2318, an
6 act to amend the Vehicle and Traffic Law.

7 ACTING PRESIDENT LITTLE: Read
8 the last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect on the first of January
11 next succeeding.

12 ACTING PRESIDENT LITTLE: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 55.

16 ACTING PRESIDENT LITTLE: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 1070, by Senator Maziarz, Senate Print --

20 SENATOR SKELOS: Lay it aside for
21 the day, please.

22 ACTING PRESIDENT LITTLE: The
23 bill is laid aside for the day.

24 Senator Skelos, that completes the
25 reading of the noncontroversial calendar.

1 SENATOR SKELOS: Madam President,
2 if we could go to the controversial reading at
3 this time.

4 ACTING PRESIDENT LITTLE: Thank
5 you.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 244, by Senator Nozzolio, Senate Print 6471C,
9 an act to authorize the Urban Development
10 Corporation.

11 SENATOR LIZ KRUEGER:
12 Explanation, please.

13 ACTING PRESIDENT LITTLE: Thank
14 you.

15 Senator Nozzolio, for an
16 explanation.

17 SENATOR NOZZOLIO: Thank you,
18 Madam President.

19 Could you advise me which Senator
20 required the explanation?

21 ACTING PRESIDENT LITTLE: Senator
22 Liz Krueger.

23 SENATOR NOZZOLIO: Thank you,
24 Madam President.

25 Madam President and my colleagues,

1 as we enter this Memorial Day season -- Madam
2 President, may I have some order please.

3 ACTING PRESIDENT LITTLE: Can we
4 please have quiet in the chamber.

5 SENATOR NOZZOLIO: Thank you,
6 Madam President.

7 Madam President and my colleagues,
8 as we enter this Memorial Day season, we all
9 will be giving pause to the tremendous
10 sacrifices that our veterans have made to
11 ensure that we here in this state and in this
12 nation enjoy the wonderful democracy that we
13 have. Those sacrifices none of us take
14 lightly.

15 What this measure before us does,
16 it in small way tries to recognize the
17 contributions and sacrifices of those veterans
18 by establishing a transfer of property from
19 the State of New York that has long been
20 declared surplus property. And we utilize a
21 hundred acres of that transfer for the
22 establishment of a veterans cemetery.

23 Not only will the cemetery be
24 established in a place of our state that is
25 significant because it is indeed in fact

1 hallowed ground, it is the site of the former
2 Sampson Naval and Air Force Base, where, Madam
3 President, over 400,000 young men and women
4 trained to defend our nation, to perpetuate
5 democracy in this world. They trained at the
6 site of the former Sampson Naval and Air Force
7 Base.

8 There is an active alumni group of
9 tens of thousands who are still living,
10 representing both the Navy and the Air Force,
11 who have promoted the establishment of a
12 veterans cemetery at this site.

13 Much of the site had been
14 established as a New York State park. And the
15 land adjacent to that park was acquired by the
16 State of New York in a series of transfers
17 back and forth. It was acquired back by the
18 State of New York, and the purpose at the time
19 was to utilize the property as a site for a
20 state prison. That prison was never built at
21 the site the property was acquired for.

22 The site has lain dormant for at
23 least three decades. And that it is the
24 intention of the veterans of the region and
25 the state as well as the county itself, of

1 Seneca, to take the property and utilize at
2 least a hundred acres of that property for a
3 veterans cemetery.

4 The additional acreage of the
5 435 -- there will be at least 90 acres set
6 aside that will go over directly to the Finger
7 Lakes Land Trust or back to the State Parks,
8 where an additional acreage will be
9 established along a lake trail that runs from
10 the park to the hamlet of Willard along the
11 east shore of Seneca Lake -- a beautiful trail
12 that the Nature Conservancy, the Finger Lakes
13 Land Trust and the State Parks would all like
14 to make sure is preserved. And this
15 legislation will establish that preservation.

16 Any land that is not used for a
17 veterans cemetery, or if for some reason the
18 veterans cemetery is not established or if for
19 some reason the parkland is not established,
20 the property will revert back to the state and
21 be held as surplus property by the Office of
22 General Services.

23 The veterans cemetery is something
24 that we indeed support, and that I hope my
25 colleagues will support it as well.

1 ACTING PRESIDENT LITTLE: Thank
2 you.

3 Senator Krueger.

4 SENATOR LIZ KRUEGER: Thank you,
5 Madam President. If the sponsor would yield,
6 please.

7 ACTING PRESIDENT LITTLE: Thank
8 you.

9 Senator Nozzolio, do you yield for
10 a question?

11 SENATOR NOZZOLIO: Yes, Madam
12 President.

13 SENATOR LIZ KRUEGER: Thank you.

14 I very much appreciate the
15 explanation, Senator. And I certainly agree
16 with you that using a hundred acres of state
17 land for a veterans cemetery is a good and an
18 honorable thing to do.

19 And I also am delighted to hear, as
20 the bill says, that 90 acres additional will
21 be used for parkland, as you describe it,
22 along the river. That also sounds like an
23 excellent use of state land.

24 My question involves the remaining
25 245 acres. What will those 245 acres be used

1 for?

2 SENATOR NOZZOLIO: Madam
3 President, the acreage will be likely less
4 than 245 acres. Of course, a road system
5 needs to be -- continue to be established.
6 That will take a few acres. That land that is
7 adjacent to Route 96 is likely to be used by
8 the county for other economic development
9 purposes.

10 That we're also working with the
11 county to assure if there is a sale or a
12 transfer of the property in any way, that the
13 proceeds of that property will be utilized to
14 support the development of the veterans
15 cemetery.

16 That the reverter established for
17 the -- if none of those purposes -- or if any
18 of those purposes are not followed, property
19 will be reverted back to the state.

20 SENATOR LIZ KRUEGER: Madam
21 President, if the Senator will continue to
22 yield.

23 ACTING PRESIDENT LITTLE: Thank
24 you.

25 Senator Nozzolio, do you continue

1 to yield?

2 SENATOR NOZZOLIO: Yes, Madam
3 President.

4 ACTING PRESIDENT LITTLE: Thank
5 you.

6 The Senator yields.

7 SENATOR LIZ KRUEGER: Thank you.

8 Senator, my understanding was that
9 perhaps this land might be sold by the county
10 for a biofuel factory. Is that your
11 understanding?

12 SENATOR NOZZOLIO: Madam
13 President, no, it is not my understanding. To
14 the contrary, the site would not be
15 appropriate for a biofuels or any other major
16 commercial endeavor of that nature.

17 That the biofuels plant I've
18 suggested be located at the site of the former
19 Seneca Army Depot, which is a number of miles
20 away from this facility -- from this site.

21 SENATOR LIZ KRUEGER: Thank you.

22 Madam President, if the sponsor
23 would continue to yield.

24 ACTING PRESIDENT LITTLE: Thank
25 you.

1 Senator Nozzolio, do you continue
2 to yield?

3 SENATOR NOZZOLIO: Yes, Madam
4 President.

5 ACTING PRESIDENT LITTLE: Thank
6 you.

7 The Senator yields.

8 SENATOR LIZ KRUEGER: Thank you.

9 You've mentioned the Seneca Army
10 Depot which is nearby but is not the land
11 we're talking about. But the Seneca Army
12 Depot land had an environmental review done by
13 the Army in around 2000 showing that there
14 were some serious environmental and health
15 concerns.

16 Is that also true of this land, and
17 how would that be factored in for use by the
18 county? Or would there be a requirement of
19 some type of health assessment, as was done
20 for the Army depot land?

21 SENATOR NOZZOLIO: Madam
22 President, the property in question was the
23 site of a former naval base during World War
24 II and air force base during the Korean
25 conflict and then was -- a major portion of it

1 was utilized for a state hospital. There have
2 been a variety of uses that those entities
3 maintained through the history, the 25-,
4 30-year history of the property.

5 The question about environmental
6 was in large part taken care of by New York
7 State and overseen by the New York State
8 Department of Corrections when the state took
9 title to the property again. It was put into
10 private hands for a few years, deeded back,
11 acquired back from the state.

12 And as the state prepared the site
13 to create and build a medium-security prison,
14 that they took necessary steps to remove
15 asbestos from some of the decaying buildings
16 that were there, as well as some additional
17 cleanup.

18 The other environmental issues that
19 the questioner -- Senator Krueger questions
20 have nothing to do with this parcel of
21 property. That it's a totally separate base.
22 The Seneca Army Depot was much different in
23 ownership and use than the facilities at the
24 site of the former Sampson Naval and Air Force
25 Base. So two very different sites, different

1 issues and different environmental reviews
2 that have been undertaken.

3 ACTING PRESIDENT LITTLE: Thank
4 you, Senator.

5 SENATOR LIZ KRUEGER: Madam
6 President, if the sponsor would yield for an
7 additional question.

8 ACTING PRESIDENT LITTLE: Thank
9 you.

10 Senator Nozzolio, do you continue
11 to yield for an additional question?

12 SENATOR NOZZOLIO: Yes, Madam
13 President.

14 ACTING PRESIDENT LITTLE: Thank
15 you.

16 The Senator yields.

17 SENATOR LIZ KRUEGER: Thank you.
18 Your information is very helpful to me,
19 Senator. Thank you.

20 This bill has gone through four
21 prints. It's now on the C print. And
22 originally it was a transfer to the county IDA
23 from the Department of Corrections, and now it
24 has moved to a Urban Development Corporation
25 ownership to the County of Seneca itself.

1 Could you explain to me how and why that
2 changed?

3 SENATOR NOZZOLIO: We believe
4 that it was a more direct transfer and that
5 the input of the county was an input, in the
6 regular course of business, much broader than
7 the normal policies, practices and procedures
8 of local industrial development authorities.

9 We thought -- I thought it was a
10 step in the right direction to have broader
11 review of this issue, that the county itself
12 is going to be a very important partner in the
13 development of the cemetery, that the Town of
14 Romulus has already agreed to be the custodian
15 of records here.

16 I'd like to make it clear that this
17 is not going to be a state veterans cemetery,
18 because of the myriad of procedures and
19 frustrations that the development of these
20 cemeteries have had.

21 So in order to make this a fitting
22 tribute, a permanent tribute to the wonderful
23 sacrifices of our veterans, the County of
24 Seneca is going to be a very important
25 participant. And, as I mentioned,

1 particularly the Town of Romulus, which has
2 already agreed to be the formal custodian of
3 the records of the cemetery as well as a
4 partner in its further development.

5 I should add parenthetically that
6 Seneca County will again be celebrating
7 Memorial Day as a special day for that region.
8 The county seat, the county capital is in the
9 Town of Waterloo. And Waterloo is the
10 nationally recognized birthplace of Memorial
11 Day.

12 So having the county's
13 participation -- full, complete participation
14 in this process made all the sense in the
15 world.

16 SENATOR LIZ KRUEGER: Madam
17 President, on the bill.

18 ACTING PRESIDENT LITTLE: Thank
19 you. Senator Krueger on the bill.

20 SENATOR LIZ KRUEGER: I want to
21 thank Senator Nozzolio for his explanation and
22 also for the work he put into changing the
23 bill.

24 I had concerns about the original
25 bill when it came through committee. I think

1 he and I now share concerns about an IDA
2 making the decisions rather than the county
3 and the elected officials of the county and
4 the towns of his community making the
5 decisions on what will be happening with the
6 land or the 200-plus acres that are not the
7 cemetery for veterans or the park space.

8 And so I appreciate the fact that
9 this has gone through many different steps,
10 and I am very comfortable with the final
11 outcome. So I thank him for the explanation,
12 and I will be voting for the bill.

13 Thank you, Madam President.

14 ACTING PRESIDENT LITTLE: Thank
15 you, Senator Krueger. You will be recorded in
16 the affirmative.

17 Senator Stavisky.

18 SENATOR STAVISKY: I just have
19 one question, if the sponsor would yield.

20 ACTING PRESIDENT LITTLE: Thank
21 you.

22 Senator Nozzolio, will you yield?

23 SENATOR NOZZOLIO: Yes, Madam
24 President.

25 ACTING PRESIDENT LITTLE: Thank

1 you.

2 The Senator yields.

3 SENATOR STAVISKY: Was this bill
4 on the Finance Committee calendar last year?
5 I'm trying to -- it sounds familiar. And it
6 was? It was an earlier print; is that
7 correct.

8 SENATOR NOZZOLIO: Did you revise
9 your question, Senator? I couldn't tell.

10 Madam President, I heard -- I
11 wasn't sure I heard the question. Would the
12 Senator be so kind as to repeat it.

13 ACTING PRESIDENT LITTLE: Thank
14 you.

15 Senator Stavisky, repeat your
16 question, please.

17 SENATOR STAVISKY: Yes, I'm
18 sorry.

19 Through you, Madam President, was
20 this bill brought before the Legislature last
21 year?

22 SENATOR NOZZOLIO: Madam
23 President, no. This land transfer had not
24 been before the Legislature last year.

25 SENATOR STAVISKY: Thank you,

1 Madam President.

2 ACTING PRESIDENT LITTLE: Thank
3 you.

4 Is there any other Senator wishing
5 to be heard?

6 If not, the debate is closed.

7 The Secretary will ring the bell.

8 Read the last section.

9 THE SECRETARY: Section 6. This
10 act shall take effect immediately.

11 ACTING PRESIDENT LITTLE: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT LITTLE: Senator
15 Nozzolio, to explain his vote.

16 SENATOR NOZZOLIO: Thank you,
17 Madam President.

18 Madam President, I wish to thank my
19 colleagues for supporting this important
20 measure.

21 ACTING PRESIDENT LITTLE: Please
22 proceed.

23 SENATOR NOZZOLIO: Madam
24 President and my colleagues, thank you for
25 supporting this very important measure. But

1 in doing so, you're not supporting this bill
2 per se, you're supporting the sacrifices and
3 contributions made by veterans of this state
4 and across the nation. Over 400,000 Air Force
5 and naval veterans trained at the former
6 Sampson Naval Base and Air Force Base through
7 the history of its development. They left
8 this shore, some never to return.

9 And to create a lasting memorial, a
10 tribute to them, a cemetery where many wish to
11 return and make their final resting place on
12 this hallowed ground, is what is part and
13 parcel of the establishment of this
14 legislation.

15 That Waterloo, New York, just a few
16 miles away from this site, is the nationally
17 recognized birthplace of Memorial Day, and as
18 such it is a fitting tribute to our veterans.

19 Madam President and my colleagues,
20 thank you very much for your positive
21 consideration of this legislation.

22 ACTING PRESIDENT LITTLE: Thank
23 you.

24 Senator Nozzolio will be recorded
25 in the affirmative.

1 The Secretary will announce the
2 results.

3 THE SECRETARY: Ayes, 58. Nays,
4 0.

5 Absent from voting: Senator
6 Parker.

7 ACTING PRESIDENT LITTLE: The
8 bill is passed.

9 Senator Skelos, that completes the
10 reading of the controversial calendar.

11 SENATOR SKELOS: Thank you, Madam
12 President.

13 Is there any further business at
14 the desk?

15 ACTING PRESIDENT LITTLE: No,
16 there is not, Senator.

17 SENATOR SKELOS: There being no
18 further business, I move we stand adjourned
19 until Tuesday, May 23rd, at 3:00 p.m.

20 ACTING PRESIDENT LITTLE: On
21 motion, the Senate stands adjourned until
22 Tuesday, May 23rd, at 3:00 p.m.

23 (Whereupon, at 3:48 p.m., the
24 Senate adjourned.)

25