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

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

of our New York State citizens.

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

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

Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, May 21, the Senate met pursuant to adjournment. The Journal of Saturday, May 20, 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 Farley.

SENATOR FARLEY: Thank you, Madam President.

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

THE PRESIDENT: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

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

THE PRESIDENT: The amendments are received.

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

THE PRESIDENT: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

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

THE PRESIDENT: The amendments are received.

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

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

THE PRESIDENT: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

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

THE PRESIDENT: The amendments are received.

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

THE PRESIDENT: So ordered.

SENATOR FARLEY: Madam President,

amendments are offered to these following Third Reading Calendar bills:

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

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

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

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

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

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

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

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

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

Senator Skelos.

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

THE PRESIDENT: Yes, there are, Senator.

The Secretary will read.

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

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

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

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

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

THE PRESIDENT: Substitutions ordered.

Senator Skelos.

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

THE PRESIDENT: The Secretary will read.

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

THE PRESIDENT: 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: Madam President, Senator Balboni has three resolutions at the desk: 5186, 5187, and 5188. If we could have the titles read, move for their immediate adoption, and open them up for cosponsorship.

THE PRESIDENT: The Secretary will read all three resolutions.

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

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

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

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: Yes, Madam President.

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

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

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

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

And what's neat about this is that

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

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

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

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

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

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

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

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

Thank you very much, Madam President.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolutions are adopted.

Senator Skelos.

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

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

(Laughter.)

THE PRESIDENT: Senator Skelos.

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

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

Senator Skelos.

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

THE PRESIDENT: The Secretary

will read.

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

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, 54.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

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

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, 54.

THE PRESIDENT: The bill is passed.

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

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 DeFrancisco, to explain your vote.

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

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

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

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

Thank you.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

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

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, 55.

THE PRESIDENT: The bill is passed.

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

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, 55.

THE PRESIDENT: The bill is passed.

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

SENATOR LIZ KRUEGER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 360, substituted earlier today by Member of the Assembly Colton, Assembly Print Number 7066, an act to amend the Workers' Compensation Law.

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, 55.

THE PRESIDENT: The bill is passed.

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

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, 55.

THE PRESIDENT: The bill is passed.

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

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, 55.

THE PRESIDENT: The bill is passed.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

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

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, 55.

THE PRESIDENT: The bill is passed.

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

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, 55.

THE PRESIDENT: The bill is passed.

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

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 PRESIDENT: Senator Farley,

to explain your vote.

SENATOR FARLEY: Thank you, Madam President.

THE PRESIDENT: You're welcome.

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

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

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

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The bill is passed.

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

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The bill is passed.

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

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The bill is passed.

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

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The bill is passed.

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

ACTING PRESIDENT LITTLE: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The bill is passed.

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

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The bill is passed.

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

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT LITTLE: The bill is passed.

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

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The

bill is passed.

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

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The bill is passed.

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

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The bill is passed.

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

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The bill is passed.

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

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

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

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

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

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will read.

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

SENATOR LIZ KRUEGER: Explanation, please.

ACTING PRESIDENT LITTLE: Thank you.

Senator Nozzolio, for an explanation.

SENATOR NOZZOLIO: Thank you, Madam President.

Could you advise me which Senator required the explanation?

ACTING PRESIDENT LITTLE: Senator Liz Krueger.

SENATOR NOZZOLIO: Thank you, Madam President.

Madam President and my colleagues,

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

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

SENATOR NOZZOLIO: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT LITTLE: Thank you.

Senator Krueger.

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

ACTING PRESIDENT LITTLE: Thank you.

Senator Nozzolio, do you yield for a question?

SENATOR NOZZOLIO: Yes, Madam President.

SENATOR LIZ KRUEGER: Thank you.

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

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

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

for?

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

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

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

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

ACTING PRESIDENT LITTLE: Thank you.

Senator Nozzolio, do you continue

to yield?

SENATOR NOZZOLIO: Yes, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

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

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

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

SENATOR LIZ KRUEGER: Thank you.

Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT LITTLE: Thank you.

Senator Nozzolio, do you continue to yield?

SENATOR NOZZOLIO: Yes, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

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

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

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

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

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

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

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

issues and different environmental reviews that have been undertaken.

ACTING PRESIDENT LITTLE: Thank you, Senator.

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

ACTING PRESIDENT LITTLE: Thank you.

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

SENATOR NOZZOLIO: Yes, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

The Senator yields.

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

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

Could you explain to me how and why that changed?

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

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

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

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

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

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

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

SENATOR LIZ KRUEGER: Madam President, on the bill.

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

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

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

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

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

Thank you, Madam President.

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

Senator Stavisky.

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

ACTING PRESIDENT LITTLE: Thank you.

Senator Nozzolio, will you yield?

SENATOR NOZZOLIO: Yes, Madam President.

ACTING PRESIDENT LITTLE: Thank

you.

The Senator yields.

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

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

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

ACTING PRESIDENT LITTLE: Thank you.

Senator Stavisky, repeat your question, please.

SENATOR STAVISKY: Yes, I'm sorry.

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

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

SENATOR STAVISKY: Thank you,

Madam President.

ACTING PRESIDENT LITTLE: Thank you.

Is there any other Senator wishing to be heard?

If not, the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

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

SENATOR NOZZOLIO: Thank you, Madam President.

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

ACTING PRESIDENT LITTLE: Please proceed.

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

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

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

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

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

ACTING PRESIDENT LITTLE: Thank you.

Senator Nozzolio will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 58. Nays, 0.

Absent from voting: Senator Parker.

ACTING PRESIDENT LITTLE: The bill is passed.

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

SENATOR SKELOS: Thank you, Madam President.

Is there any further business at the desk?

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

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

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

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