NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:15 a.m.

REGULAR SESSION

LT. GOVERNOR DAVID A. PATERSON, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

I would ask all those assembled to please rise and join us in reciting the Pledge of Allegiance to our Flag.

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

THE PRESIDENT: I thought of a prayer to precede this morning's session, but I've asked Father Peter G. Young, of Mother Theresa Community of Albany, to deliver it for me.

Father Young.

REVEREND YOUNG: Well, I'll give it a try. Thank you.

As we pray for a successful dialogue on our budget, may we remember those that are disenfranchised. As we see our needy citizens that look for hope in their struggles for government understanding and assistance, we know that they turn to your leadership in this Senate body.

Our prayer today is for gratitude for those dedicated and committed in their

work here in this chamber, that they will be able to provide that leadership and assistance to all, and that we pray then for their good strength and good health.

Amen.

Was that it?

THE PRESIDENT: That was it. Couldn't have said it better myself.

(Laughter.)

THE PRESIDENT: The reading of the Journal.

THE SECRETARY: In Senate, Thursday, March 29, the Senate met pursuant to adjournment. The Journal of Wednesday, March 28, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Thank you, Mr. Secretary. The Journal stands approved as read, without objection.

And we will go to the order of business.

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, Mr. President.

On behalf of Senator Morahan, Mr. President, on page 14 I offer the following amendments to Calendar Number 243, Senate Print 3105, and I ask that that bill retain its place on the Third Reading Calendar.

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

SENATOR FARLEY: Mr. President, on behalf of Senator Alesi, on page 27, Calendar Number 457, Senate Print 175, I ask to amend that bill and ask that it retain its place on the Third Reading Calendar.

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

Calendar.

SENATOR FARLEY: Mr. President, I wish to call up Senator Larkin's bill, Print Number 224, which was recalled from the Assembly and it's now at your desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 27, by Senator Larkin, Senate Print 224, an act to amend the Penal Law.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

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

THE PRESIDENT: The amendments are received and adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could adopt the Resolution Calendar, with the exceptions of 1316, 1317, and 1318.

THE PRESIDENT: All in favor of adopting the Resolution Calendar please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: With the assistance of Senator Parker, the Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a Resolution Number 1316 at the desk, by Senator Perkins. If we could have it read in its entirety and move for its immediate adoption.

THE PRESIDENT: Thank you, Senator Skelos.

The Secretary will read.

THE SECRETARY: By Senator Perkins, Legislative Resolution Number 1316, mourning the death of Dr. Walter J. Turnbull, a man of singular distinction and extraordinary accomplishment.

"WHEREAS, It is the sense of this Legislative Body to pay proper tribute to

individuals of great character whose lives exemplify the highest ideals of humanity; and

"WHEREAS, Dr. Walter J. Turnbull, founder of the esteemed Boys Choir of Harlem, died on March 23, 2007, at the age of 62; and

"WHEREAS, Born on July 19, 1944, in Greenville, Mississippi, to Lena Green and Jake Turnbull Jr., Dr. Walter Turnbull learned the ways of the world from his grandfather, Woodley Turnbull; and

"WHEREAS, Extremely talented and dedicated, Dr. Walter Turnbull attended the local high school and joined the choir directed by Herticene Jones. Due to her guidance and his determination, he won a music scholarship to Tougaloo College in Jackson, Mississippi. He graduated with honors and moved to New York City, with dreams of becoming an operatic tenor; and

"WHEREAS, While studying for a doctorate at the Manhattan School of Music, Dr. Walter Turnbull also sang as a soloist with the New York Philharmonic and the Philadelphia Orchestra. After gaining some experience, he decided he wanted to help

inner-city kids. It was then that he started a choir as an after-school music program in the basement of the Ephesus Seventh-Day Adventist Church in 1968; and

"WHEREAS, Dr. Walter Turnbull had a vision to help inner-city kids, and soon his vision grew from a modest choir into the world-renowned Boys Choir of Harlem. This superb choir went on to sing for presidents and popes, and it has been celebrated around the world as much as for its eclectic musical standards -- a typical program ranged from Handel to spirituals, jazz and pop -- as for being a symbol of bootstrap success in the inner city; and

"WHEREAS, Incorporated as the Boys Choir of Harlem in 1975, the group, which usually included about 150 boys, eventually spawned a 600-student school, the Choir Academy of Harlem, which offered a full academic program in grades 4 through 12; and

"WHEREAS, Reflecting Dr. Turnbull's belief that musical training focuses the mind and helps any child succeed in life, the school had a strict dress code, and the

choirboys always appeared clean-cut and disciplined. He also founded the Girls Choir of Harlem in 1988; and

"WHEREAS, A national leader in education, the arts and inner-city youth, Dr. Turnbull is the recipient of numerous awards and accolades. He received the National Medal of Arts from President Clinton in 1997. In 1998, he received the Heinz Award in the Arts and Humanities and the Reader's Digest American Heroes in Education Award. He was also named to the New York Black 100 by the Schomburg Center for Research in Black Culture; and

"WHEREAS, In addition, in 1999 he was awarded the International Citation of Merit Award, the President's Volunteer Action Award, the intrepid Freedom Award, the Actors Equity Association LeNoire Award, the Chase Manhattan Humanitarian Recognition Award, and the NAACP Man of Action Award; and

"WHEREAS, A beautiful light in the lives of all those with whom he came in contact, Dr. Walter Turnbull will be remembered as a testimony to the fact that a

person can do anything if he puts his mind to it; and

"WHEREAS, He is survived by his brothers, Horace and Sammy J. Turnbull, and his sister, Mary Webster; and

"WHEREAS, Armed with a humanistic spirit, imbued with a sense of compassion, and comforted by a loving family, Dr. Walter Turnbull leaves behind a legacy which will long endure the passage of time and will remain as a comforting memory to all he served and befriended; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the death of Dr. Walter J. Turnbull, a man of singular distinction and extraordinary accomplishment; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Dr. Walter J. Turnbull."

THE PRESIDENT: On the resolution, the sponsor, Senator Perkins.

SENATOR PERKINS: Thank you very much, Mr. President.

I want to take a quick moment to

just say a few words in tribute to Dr. Turnbull from a personal point of view.

You know, it's easy to be very proud to have known him and to have worked with him for so many years. You know, he was a very visionary, brave type of bold leader who tended to find success where others found failure, especially amongst our young people.

And he was the kind of person that took children from Harlem and the Harlems of our city and made them into heroes and sheroes not only for their peers, but also was highly admired, as was pointed out, by presidents and popes and people all over the world in terms of this legendary Boys Choir of Harlem and Girls Choir of Harlem.

He, I believe, did in his field what we, at our best, will be doing here as state legislators.

And so I'm honored to have had the opportunity to have worked with him. He brings not only Harlem great pride, as does our Lieutenant Governor, as do so many heroes and sheroes that have graced their community; he is part of that great galaxy of those who

have been in the forefront of not only recognizing our children but recognizing those who others would not recognize.

And so I thank you for the opportunity to say a few words in his honor and would ask that a moment of silence be given out of respect for him. Thank you.

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

THE PRESIDENT: On the resolution, the chair recognizes Senator Adams.

SENATOR ADAMS: Thank you, Mr. President.

And I want to commend my colleague Senator Perkins.

You'll find that often, when it comes down to young people, particularly in the inner city and some impoverished areas of the state, that one of the handicaps that they have is that they subscribe to what I like to say is the anti-Christopher Columbus theory, believing that if they may leave the geographical boundaries of their community, they feel they will fall off the intellectual

globe. And when in reality it is when they are allowed to travel, when they are allowed to see new horizons and new areas, that they learn how to interact with various groups and various countries and various cultures.

That's what Boys Choir of Harlem allowed the children to do. The young men, I used to see them as they'd go abroad to Japan, to the Soviet Union, to South and Central America. And it allowed children of Harlem, it allowed children of the village of Harlem to understand that it is possible not to be restricted to the geographical boundaries of 125th Street and Adam Clayton Powell Boulevard, but in fact there's an entire country, an entire globe out there.

They were no longer arrogant to believe that the globe was America. They understood that the globe was this circular object where you are allowed and permitted to interact with other people from different groups.

This is an important institution. And what the Boys Choir of Harlem did, they did more than sing a song. They were

ambassadors for the entire country. They were indicators that America allowed groups and children and young people to use their voices to speak to other groups and other possibilities.

And so I join Senator Bill Perkins as he acknowledged the life and the contributions and the continuation. When you go back and visit many of those young men, you will see that they took the opportunities of singing and went on to greater heights, went on to college and went on to do greater things in life.

The founder of this institution did not allow his students just to sing a song. He demanded that they were academically qualified. He demanded that they carried themselves in a respectful manner. He went back to the basics, and he instilled some basic principles in those children that I think could be reflected throughout our school system, throughout the entire state.

I think that we can borrow from that program, and together we can sing in the same accord and with the same voice and the

same chorus. So my support for him is not because I am a person in the choir, but I'm a person that reads and sings and writes the same chorus as him, that we can all live together. And that's what he did as the Boys Choir leader.

Thank you.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a Resolution 1317 at the desk, by Senator Leibell. If we could have the title read, move for its immediate adoption, and open it up for cosponsorship.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Leibell, Legislative Resolution Number 1317,

urging the New York State Congressional delegation to support full funding for veterans healthcare.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

The resolution is open for cosponsorship. We will list all the members. Any indicating that they would not like to be on the resolution can let us know at the desk.

Also, we understand that Senator Perkins has opened up his resolution so that all can be cosponsors. Anyone indicating otherwise may do so at the desk.

Senator Skelos.

SENATOR SKELOS: Mr. President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Mr. President, there's a Resolution 1318 at the desk, by Senator Bruno. Could we have the title read

and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 1318, mourning the death of John M. Kennedy, Sr., who distinguished himself in service to the cause of working men and women in the State of New York.

THE PRESIDENT: On the resolution, the chair recognizes Senator Skelos.

SENATOR SKELOS: Mr. President, today this Legislature mourns the death of Jack Kennedy, who was head of the Building and Construction Trades Council of Nassau/Suffolk County and a labor leader on Long Island for over 35 years.

His whole life was labor, but he also went beyond just thinking about his membership. He constantly thought about all who live on Long Island and the positive growth that has existed over the years.

His commitment to his members is unparalleled. He fought constantly to protect

his membership and certainly was a person that all of us, as elected officials, could work very closely with. We mourn his death, but we also know that Long Island is the great place that it is because of the benefits that Jack Kennedy brought to our island.

All of us extend our heartfelt condolences to his wife, Joan, and their six children, and all the friends who loved him very much.

THE PRESIDENT: On the resolution, Senator Flanagan.

SENATOR FLANAGAN: Thank you, Mr. President.

Jack Kennedy was a constituent in my district. And in our lives we get to meet all kinds of different people through the political aspects of our job. And there are some people who will be political acquaintances, and then there are those people who evolve into being your real friends, people that you'll see inside and outside of government. Jack Kennedy was one of those people.

If you didn't meet him, I'm going

to go out on a limb and suggest that if you did, everybody loved him. He was colorful -- and trust me, he could be very colorful. I can't repeat a lot of the things he might have said. He was a very tough negotiator. He was passionate, he was dedicated, he loved the work that he did. He loved the game. He loved the game that we're in all.

He was the kind of person that while he was in a private type of arena, he was very public. He really cared about working men and women. And I think that will be his legacy, in addition to his family.

In the time I got to know Jack, I was able to help him with a couple of things personally. I remember several years ago he lost a grandchild at a very young age to a tragic accident. And you just -- you knew how much of a family person he was and how much he loved his wife, his kids, his grandchildren.

And his loss will be felt on Long Island and, frankly, across the State of New York, because he exemplified what it meant to be a true leader. I was glad to be able to say that I was his friend, and I will

certainly miss him, along with many others.

Thank you.

THE PRESIDENT: Thank you.

On the resolution, Senator LaValle.

SENATOR LaVALLE: Thank you very much, Mr. President.

I'd like to add my voice to Senator Skelos and Senator Flanagan.

Indeed, Jack Kennedy was a person larger than life. And what he did in terms of the labor movement was, I think, very historic, and he will be remembered for representing the men and women that he represented.

Jack, as has been said, was truly not only a labor leader but a great humanitarian, was honored by numerous groups for his work and his humanity.

And the thing I liked about Jack so much is whether he was in your face or you were having a discussion, there was always a very pleasant demeanor and a smile, and it allowed him, I think, to really get his point across, because sometimes he was very strident in the views that he was representing. But he

always had a smile and really a great presence as he was negotiating with you.

So for whoever comes in behind Jack, there will be huge shoes to fill in the work of not only representing labor but representing the people of Long Island in his capacity.

Thank you, Mr. President.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

And we thank Senator Skelos, Senator Flanagan, and Senator LaValle for their remarks.

Senator Skelos.

SENATOR SKELOS: Mr. President, on Resolution 1329, Senator Gonzalez would like to open it up for sponsorship.

What I would suggest is that if you wish to sponsor the resolution, that you

inform the desk on this one.

THE PRESIDENT: On Resolution 1329, anyone that would like to be a cosponsor of the resolution by Senator Gonzalez, please indicate so at the desk.

Senator Skelos.

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

THE PRESIDENT: The Secretary will conduct the noncontroversial reading of the calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 168, by Senator Maziarz, Senate Print 314, an act to amend the Economic Development Law, in relation to powers.

THE PRESIDENT: The Secretary will read the last section.

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

THE PRESIDENT: The Secretary will please call the roll.

(The Secretary called the roll.)

THE PRESIDENT: The Secretary

will announce the results.

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 347, by Senator Farley, Senate Print 1864, an act to authorize the City of Gloversville.

THE PRESIDENT: There is a home-rule message at the desk.

The Secretary will 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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 396, by Senator Leibell, Senate Print 3652, an act to amend the Executive Law, in relation to maintenance.

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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 419, by Senator Young, Senate Print 385, an act to amend the Correction Law, in relation to authorizing employment.

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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 430, by Senator LaValle, Senate Print 3063, an act to amend the Education Law, in relation to enacting the Textbook Access Act.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of July.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 437, by Senator Larkin, Senate Print 347, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law and the Tax Law, in relation to making persons convicted of felonies ineligible.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 120th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 440, by Senator Maziarz, Senate Print 504, an act to amend the General Municipal Law, in

relation to authorizing.

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. Nays, 2. Senators Duane and Padavan recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 443, by Senator Robach, Senate Print 2024, an act to amend the General Municipal Law, in relation to increasing.

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. Nays, 2. Senators Duane and Padavan recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 452, by Senator Griffo, Senate Print 2321, an act to authorize the City of Utica to enter into a contract.

THE PRESIDENT: There is a home-rule message 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, 57.

THE PRESIDENT: The bill is passed.

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

SENATOR SKELOS: Mr. President, I'd just like to point out that the legislation is Senator Griffo's first bill passed in the Senate, the first of many.

(Applause.)

THE PRESIDENT: Congratulations, Senator Griffo. We're sure there will be many

more to come.

Again, Senator Skelos, that completes the calendar. What is your pleasure, sir?

SENATOR SKELOS: Mr. President, is there any further business at the desk?

THE PRESIDENT: No, there is not.

SENATOR SKELOS: There being none, I move we stand adjourned at the call of the Majority Leader.

THE PRESIDENT: The Senate will stand adjourned at the call of the Majority Leader.

Senate is adjourned.

(Whereupon, at 11:40 a.m., the Senate adjourned.)