NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:28 p.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

ACTING PRESIDENT GRIFFO: Today's invocation will be given by Bishop Hector Luis Bonano, senior pastor, Missionary Church of Christ in the Bronx.

Bishop.

BISHOP BONANO: Let us please bow our heads and pray.

Oh, Lord, we come before Thee in these halls to ask Your blessing upon these men and women who have responsibilities of creating and deciding concerning the laws that govern our state.

We ask for extraordinary blessings upon them. We ask for strength, strength to carry the burden of their responsibilities.

We ask for wisdom, wisdom to decide not just right from wrong, but wisdom to

decide between what's best and better.

We ask for discernment, that they may know what is in the hearts of others and what moves them in their daily interaction.

We ask for peace, peace that surpasses all understanding, peace in the midst of trials, peace in the midst of chaos, peace in the midst of the many storms that will be curtailed in these rooms.

We ask for Your heavenly peace, peace for our communities, peace for our city, peace in our nation, and, above all, peace in the world.

We ask for unity, that we may all come together, regardless of our diversity, to help meet the needs that are before us and that are eve rpresent.

Yes, Lord, we ask for extraordinary blessings upon those who acknowledge You, that they may be aware that You are there in the midst of them.

And upon those who do not acknowledge You, them, above all, give them extraordinary blessings too, so that they may know that it was Your hand at work and nothing

they could have done in and of their own strength and knowledge to receive it.

And as we receive these extraordinary blessings, let our voice rise and give You and You alone the honor and the glory, now, hence and forevermore. In Jesus' name, Amen.

God bless you, and God bless America.

ACTING PRESIDENT GRIFFO: Thank you, Bishop.

The reading of the Journal.

THE SECRETARY: In Senate, Monday, March 3, the Senate met pursuant to adjournment. The Journal of Friday, February 29, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Flanagan, on page number 20 I offer the following amendments to Calendar Number 304, Senate Print Number 690A, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could adopt the Resolution Calendar, with the exception of Resolutions 4512, 4513, and 4514.

ACTING PRESIDENT GRIFFO: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 4512, 4513, and 4514, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Resolution 4512, by Senator Maltese, have the title read and move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Maltese, Legislative Resolution Number 4512, mourning the death of William F. Buckley, Jr., conservative columnist, commentator and talk show host, and celebrating this renowned orator's charismatic life and many accomplishments.

ACTING PRESIDENT GRIFFO: Senator Maltese.

SENATOR MALTESE: Yes, Mr. President. I rise in support of the resolution mourning the death of William F. Buckley, Jr.

I'd just like to say a few things about William F. Buckley, Jr.

He was the godfather of modern conservatism. He was born on November 24, 1925, the sixth of ten children. His parents had intended to name him after his father, Frank, but were told by a priest that Frank was not a saint and therefore he should be called Francis.

ACTING PRESIDENT GRIFFO: Senator, excuse me.

May we have order in the house, please.

SENATOR MALTESE: I think he showed what was going to happen in the future when, at the age of 6, he convinced his father to change his name back to Frank and became, for the rest of his life, William Frank Buckley, Jr.

Young William absorbed his parents' conservativism and its deep Roman Catholicism. At the age of 6, he wrote the King of England demanding that they pay England's war debt from the First World War.

He served -- most people don't

realize it, but he did serve two years in the service, from 1944 to '46, and emerged as a second lieutenant.

He enrolled at Yale -- he came from a family of privilege -- and he studied political science, economics and history. But he was a fearsome debater. He ran the Yale Daily News, joined the Skull and Bones, the -- vilified by some -- most prestigious society at Yale.

As a senior, at the age of 26 he was given the honor of delivering the speech for Yale Alumni Day. He promptly attacked his alma mater, Yale University, and as a result was forced to step aside for some other, more compliant person. And that speech became the basis of his famous book God and Man at Yale.

The book received wide acclaim. And in 1954, together with his brother-in-law Brent Bozell, he published a book in defense of McCarthy called McCarthy and His Enemies. That's the second book he published.

And what I want to point out is that was the second book of 55 books that he published during his entire lifetime, 55

books. In addition, he wrote his column for National Review that, if published, would have composed easily another 55 books.

He had an approach that was agreeable. Even his enemies ended up being very friendly with him and most respectful of him.

In '55, he founded the magazine National Review, which at the present time still exists, with a circulation of approximately 166,000.

And to my knowledge, despite his feelings about pay-as-you-go and conservativism, to my knowledge the magazine never made a profit. But it certainly made a difference in the life of people not only in New York but across the country.

He was television's longest running commentator, with his program, with a single host, 33 years. Thirty-three years.

He wrote 5600 columns, "On The Right." He gave his collected papers to Yale University. And at the time -- I don't know why the heck they weighed them, but apparently they weighed them, and it was seven tons of

collected papers that he gave to Yale University.

Many say he wove the tapestry of American conservativism. But, more practical for us, he founded a group called Young Americans for Freedom, which was my first contact with William F. Buckley, Jr.

Shortly after that, he assisted in the formation of the New York State Conservative Party and was one of the founding fathers, together with J. Daniel Mahoney, Kieran O'Doherty, Charlie Rice, Rosemary Gunning, Henry Paolucci, and others.

In '65, we in the Conservative Party managed to convince him to run for mayor against a rising star, a liberal Democrat, a gentleman who they said was destined to be President of the United States, John V. Lindsay. Buckley agreed only on the promise from many of us that he had absolutely no chance of winning and emerging as the mayor.

Toward the end of his campaign, he got so worried by the adoring crowds and the people around him that he began to feel that there was a slight chance that he might be

elected and went on a TV show and, when he was asked by the commentator what was the first thing he would do on the day after election if he woke up and he had been elected mayor, he said: "Demand a recount."

That removed a lot of the credibility from his campaign; I believe he got some 13.5 percent of the vote.

But he made a tremendous difference in the politics of New York. I ran on his ticket that year, in 1965, as state senator against Sy Thaler, and I emerged with just about the same percentage of votes as Bill Buckley. But I enjoyed the fact that I ran on his ticket because I'm now able to say I ran for state senator in 1965 and, 23 years later, I was elected. Kind of an overnight success.

He is survived by his wife, Patricia, many, many relatives -- his son, Christopher -- and a lot of adoring fans throughout the years.

He was genial, he was agreeable, he was one of the brightest people in politics, in literature. He knew his history, he knew his philosophy. He was conversant in Spanish

and certainly knew his Latin, those of us that tried to make our way through his many, many columns. He was a commentator. He was a very staunch Catholic and defended his faith. And he was the classic person who could disagree with you without being disagreeable.

Written yesterday, George Will, I think, who was an admirer and a close friend of Buckley's, summed it up by saying he had an aptitude for love -- and I'll add of his wife, Pat, who he called "Ducky" -- of his son, his church, his harpsichord, language, wine, skiing and sailing.

He touched the lives of many, many of us. He made a big difference in politics. He was the forerunner of not only his brother Jim, who became the United States Senator in 1970, but certainly of Ronald Reagan in 1980, acknowledged by such in 1984.

He set a pace that has never been matched. His kind will not come again. He will be sorely missed by all of us. He made a difference in our lives that will last, I hope, for a very, very long time.

Mr. President, I support the

resolution in memory of William F. Buckley, Jr., and ask anyone that wishes to join in that resolution.

ACTING PRESIDENT GRIFFO: Thank you, Senator Maltese.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is carried.

Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President, we'd just like to comment that that prior resolution will be open for cosponsorship. If anyone does not wish to be on it, just let us know.

ACTING PRESIDENT GRIFFO: The resolution is open for cosponsorship. If you choose not to be a cosponsor, please notify the desk.

Senator Marcellino.

SENATOR MARCELLINO: We have a

resolution, Number 4513, by Senator Sampson. Can we have the title read and open that also for cosponsorship.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Sampson, Legislative Resolution Number 4513, honoring Bishop Eric R. Figueroa, Sr., upon the occasion of his 25th Anniversary as Pastor of New Life Tabernacle, Brooklyn, New York, to be celebrated on March 17, 2008.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is carried.

The resolution also will be open for cosponsorship. If you choose not to, please notify the desk.

Senator Marcellino.

SENATOR MARCELLINO: Yes,

Mr. President. May we now take up Resolution Number 4514, by Senator Diaz, and have it read in its entirety. It also, Mr. President, will be open for cosponsorship.

ACTING PRESIDENT GRIFFO: Thank you, Senator Marcellino.

The Secretary will read.

THE SECRETARY: By Senator Diaz, Legislative Resolution Number 4514, commending CONLICO upon the occasion of its designation for special recognition.

"WHEREAS, The character and richness of religious and community life in this noble Empire State is nourished and fulfilled through the faithful concern and selfless devotion of those who would commit their energy and purpose to the ministry of others; and

"WHEREAS, It is the sense of this Legislative Body to bring full recognition and just tribute to those individuals and organizations which distinguish themselves and the ministry through their unremitting commitment and preeminence of service; and

"WHEREAS, Attendant to such

concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to commend CONLICO upon the occasion of its designation for special recognition on Tuesday, March 4, 2008; and

"WHEREAS, In 2003, Bishop Hector Luis Bonano took on the coordinating role of CONLICO, also known as the Fellowship of Council Leaders. CONLICO had begun in 1998 as the result of the vision of Dr. Kittim Silva-Bermudez and Radio Vision Cristiana. As the Hispanic church community rapidly grew, both the radio station and CONLICO were seen as vehicles to unit and mobilize the diverse Hispanic population; and

"WHEREAS, CONLICO exists to support the Pentecostal churches in many capacities, such as partnering with agencies to address the needs of the poor; partnering with civic leaders on behalf of the needs of Hispanics; partnering with the business community to address the economic realities of the Hispanic community; praying and speaking with one voice on the moral and ethical issues facing the culture of the community; and building the

Kingdom of God by partnering across ethnic and language lines with the broader body of Christ; and

"WHEREAS, Executive Director of CONLICO, Bishop Bonano has sought to mobilize the churches and build partnerships which span the language, organizational, and denominational spectrum. His own church, the Missionary Church of Christ, has partnered with World Vision to feed 1,000 families per month; and

"WHEREAS, Bishop Bonano has ably led CONLICO to the great organization it has become today. It is a true asset to society; and

"WHEREAS, CONLICO's distinguished record merits the recognition and respectful tribute of this Legislative Body; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commend CONLICO upon the occasion of its designation for special recognition; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted

to CONLICO, and to Bishop Hector Luis Bonano, Executive Director."

ACTING PRESIDENT GRIFFO: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

Today is one of those days where I stand here in front of my colleagues and in front of my fellow ministers. Today we are being visited by Reverend Hector Luis Bonano, who is the president of CONLICO, or the Fellowship of Council Leaders.

And we also are visited by Obispo Miguel Alvarez, from the Church of God of the Northeast; Bishop Erik Salgado, from the Council of Pentecostal, Evangelical, Missionary Churches, and also the president of Radio Cantico Nuevo.

Radio Cantico Nuevo means "new song radio," Cantico Nuevo. So get it right, please.

(Laughter.)

SENATOR DIAZ: And also by Reverend Luciano Vargas; Reverend Andy Torres, who happens to be the president of the

Association of Hispanic Ministers of Queens; Reverend David Infante, who is the president of the Association of Ministers UNITY 98; Reverend Michael Lopez, Pentecostal Church of God M.I., Reverend Manuel Castillo, from the Council of Churches Coat of the Almighty; Reverend Ronald Grant, from the Empire Baptist Convention; Dr. Joseph Matera, from the Christ Covenant Coalition; Reverend Dr. Norman Macklin, Empire Baptist Convention; Reverend Michel Faulkner, from the New Horizon Church of Harlem; Reverend Duane Motley, from New Yorkers for Constitutional Freedom; and Reverend John L. Scott, from St. John's Baptist Church.

What is the purpose of this or makes me so happy today? Because in the Hispanic community, ladies and gentlemen, we have many different council of churches, many different groups: Church of God, Assembly of God, Assembly of Pentecostal Churches. So all of them have one leader.

CONLICO, or the Fellowship of Council Leaders, is an organization in the Hispanic community that has joined together

all the leaders of every evangelical group to form the group of all the leaders. And today they're here, the leaders. They represent many churches, many individuals in our community.

By the way, the leader of the council of which I am an ordained minister, the Church of God, Reverend Miguel Alvarez, is here today. He is my boss when it comes to church matters.

So today they're here, and I'm glad and honored to have them here, because this is the first time that they -- maybe in a long time, they have not been here for a long time. But they are to continue coming, organizing and fighting and giving the community support.

See, in our community, in our community, all of it, we have many different programs, drug addiction programs, programs without -- without, ladies and gentlemen -- without government money. Without any penny from the government. So when they come here, they don't come here lobbying to get money for programs.

Because what they do in their

respective communities in our boroughs, in our city, they create programs, church-funded programs without government money. They create homes to take ladies out of prostitution, to take drug addicts out of the street, to open the door for the homeless, without -- without -- government money.

So if in any occasion we talk about when crime comes down and the mayor of the City of New York, he brags about the crimes coming down, and we have to be glad and we have to give honor to the New York City Police Department because they have brought the crime down. But they never speak, they never talk about what men and women like those ones over there are doing for the community.

Because when the crime comes down, go to the South Bronx, go to Harlem, go to Brooklyn, go to different boroughs and you're going to see how many programs for drug addicts, people that come from the street, from out of the crime to become good citizens, out of crime.

Go to the city, find out how many programs and homes for prostitution, for

ex-prostitutes. Go to the city and find out and see how many programs for the homeless, without government money.

So when we talk about contributing to the city, when we're talking about contributing to the well-being of the community, we have to include the churches.

The Catholic Church has been doing this all their life, and we don't talk about that because it is well-known what they do. But the Hispanic and the Afro-American evangelical churches, they have been doing a job as good or equal as the Catholic Church, but nobody talks about it.

So we praise everyone that contributes to the well-being of the community, but those men over there, I am so proud of them.

And they're here today, and I'm glad that they're here so they can see what is it what I do. And when they go back today, they will know what is happening here and what's going on in this premises in Albany.

So, ladies and gentlemen, Mr. President -- Mr. President, thank you very

much for this opportunity.

And by the way, before I forget, those men, they came from the City of New York to Albany. I have to thank the leader of this chamber and the Minority Leader of this chamber, because out of their busy schedule, Senator Bruno -- out of his busy schedule, Senator Bruno took time himself to receive them and to greet them. And Senator Malcolm Smith, out of his busy schedule, also took time to greet them.

It is a shame, if I could say that, that in the other chamber the leader of the chamber had no time to receive them. But when campaigns come and people come, they want people to be there.

But I again praise and thank Senator Bruno, the leader of this chamber, and the Minority Leader of this chamber for the courtesy, the honor to take time out of their busy schedules -- I'm repeating myself, but I have to repeat myself. I want everyone to know that out of their busy schedule, they took time to receive those men that work so hard for our community today in their

chambers, and to greet them.

And the other chamber had no time. But the day could come, ladies and gentlemen, when I'm pretty sure that the other chamber is going to have time too, to take a little space in their time to receive people like those men.

So thank you, gentlemen, for being here today.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Diaz.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

And the resolution is open for cosponsorship. If you do not wish to be a cosponsor, please notify the desk.

Senator Marcellino.

SENATOR MARCELLINO: Mr.

President, I understand there's a substitution at the desk. Can we do that now?

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: On page 12, Senator Robach moves to discharge, from the Committee on Finance, Assembly Bill Number 9387A and substitute it for the identical Senate Bill Number 6779, Third Reading Calendar 198.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

And with respect to Resolution 4514, anyone wishing to cosponsor that resolution should notify the desk.

ACTING PRESIDENT GRIFFO: So noted.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, may we have the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The

Secretary will read.

THE SECRETARY: Calendar Number 69, by Senator Farley, Senate Print 6650, an act to amend Chapter 729 of the Laws of 1994 relating to affecting the health insurance benefits.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect May 15, 2008.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 78, by Senator Golden, Senate Print 6706, an act to amend the Workers' Compensation Law, in relation to certain workers.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 198, substituted earlier by Member of the Assembly Destito, Assembly Print Number 9387A, an act to amend the Executive Law, in relation to increasing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 215, by Senator Trunzo, Senate Print 889, an act to amend the Labor Law, in relation to requiring.

ACTING PRESIDENT GRIFFO: Read

the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator DeFrancisco recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 276, by Senator LaValle, Senate Print 1527, an act to amend the Education Law, in relation to the unlawful sale.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 278, by Member of the Assembly Gunther, Assembly Print Number 9401, an act to amend the Education Law, in relation to security plans.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Chapter 510 of the Laws of 2007.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 285, by Senator Larkin, Senate Print 1047A, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to expenditure.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 324, by Senator Volker --

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

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

THE SECRETARY: Calendar Number 327, by Senator Lanza, Senate Print 6825A, an act to amend the Criminal Procedure Law and the Executive Law, in relation to requiring.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 390, by Senator Morahan, Senate Print 243, an act to amend the Executive Law, in relation to requiring.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 392, by Senator Young, Senate Print 385, an act to amend the Correction Law, in relation to authorizing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 399, by Senator Nozzolio --

SENATOR MARCELLINO: Lay it aside for the day.

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

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

SENATOR MARCELLINO: Mr. President, in consultation with the Minority Leader, I hand up the following Minority committee assignments and ask that they be filed in the Journal.

ACTING PRESIDENT GRIFFO: Received and filed.

Senator Marcellino.

SENATOR MARCELLINO: Is there any further business at the desk?

ACTING PRESIDENT GRIFFO: There is no further business at the desk, Senator

Marcellino.

SENATOR MARCELLINO: Mr. President, would you recognize Senator Valesky, please.

ACTING PRESIDENT GRIFFO: Senator Valesky.

SENATOR VALESKY: Thank you.

Mr. President, I believe there's a motion at the desk. I'd like to have it called up at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Valesky, Concurrent Resolution of the Senate and Assembly proposing amendments to Article 9 of the Constitution, in relation to prohibiting unfunded mandates.

SENATOR VALESKY: Thank you, Mr. President.

I'm sure many members here in the chamber hear on a regular basis from local government officials, school district officials about the impact that unfunded mandates have on their ability to carry out services and how it hampers their ability to

carry out services without often the need to raise property taxes and/or sales taxes.

So the motion that we have before us this afternoon would move Senate Bill 2201 to the floor for discussion and vote. Relatively simple in concept, it would amend the Constitution or provide first passage of a constitutional amendment that would amend the Constitution to prohibit unfunded mandates.

We have crafted it in a careful way to build in safeguards where that would be necessary. But I think as we continue, and we know that under the leadership of Chairman Suozzi and the Property Tax Cap Commission that is going about their work -- and we look forward to their recommendations in another month or two -- that this particular bill at this particular time is extremely important for us to consider.

We have an opportunity today to do something significant about the problem of unfunded mandates on our local governments and on our school districts, and therefore, by extension, on our property tax payers. So I would ask all of the members here today to

support this motion.

Mr. President, thank you for the opportunity.

ACTING PRESIDENT GRIFFO: Thank you, Senator Valesky.

All those Senators in favor of the petition out of committee please signify by raising your hand.

THE SECRETARY: Those recorded in agreement are Senators Adams, Aubertine, Breslin, Connor, Diaz, Duane, Gonzalez, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, Montgomery, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stachowski, Stewart-Cousins, Thompson and Valesky.

ACTING PRESIDENT GRIFFO: The petition is not agreed to.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, would you recognize Senator Klein, please.

ACTING PRESIDENT GRIFFO: Senator Klein.

SENATOR KLEIN: Thank you,

Mr. President.

I have a motion at the desk, and I would like to have it called up at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Klein, Senate Bill Number 2257, an act to amend the Elder Law, in relation to eligibility levels.

ACTING PRESIDENT GRIFFO: Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

This motion would raise the income eligibility for the EPIC program to $50,000 for an individual, from $35,000, and to $75,000 for a married couple, an increase from $50,000.

I think we all know that sometimes in government we do get it right, and the EPIC program is one of those programs, where senior citizens can save up to 80 percent on the price of prescription drugs.

I think everyone also knows that time and time again, senior citizens are really shouldering the burden for the high

price of prescription drugs. According to an analysis that I saw recently, most of the high-priced prescription drugs are paid by senior citizens, who disproportionately use prescription drugs 75 percent of the time.

One of the things we need to do is, I think, expand this program to enable more senior citizens to take part in the EPIC program. I was around in the Assembly when we raised the threshold for the EPIC program from $16,500 for an individual to the present level. That was a great thing. But I think we really have to keep up with the times.

Senior citizens, who actually pay a large share of their income in prescription drugs -- even if they're making $50,000 a year as an individual, even if they're making $75,000 a year with a married couple, if they're paying a large share of their income in prescription drugs, that's a tremendous burden for them to have to shoulder.

I did a quick analysis of what the impact of expanding the EPIC program, the eligibility, would be. And in the State of New York we would be able to have another

22,700 individuals now eligible for the EPIC program, which they would not be under the present system.

In my district, if you just look at Westchester County as a whole and Bronx County as a whole, in the Bronx we would enable another 600 individuals to be able to take part in the EPIC program, and in Westchester County we would have another 2,600 senior citizens eligible for the EPIC program.

Again, with all the talk of the high price of prescription drugs and our senior citizens not able to afford these increases, I think the time is now to increase the eligibility requirements, the financial requirements, and enable more and more senior citizens to save on prescription drug costs.

I thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Klein.

All those Senators in favor of the petition out of committee please signify by raising your hands.

THE SECRETARY: Those Senators in agreement are Senators Adams, Aubertine,

Breslin, Connor, Diaz, Duane, Gonzalez, Hassell-Thompson, Huntley, C. Johnson, Klein, L. Krueger, Montgomery, Parker, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stachowski, Stavisky, Stewart-Cousins, Thompson and Valesky.

ACTING PRESIDENT GRIFFO: The petition is not agreed to.

Senator Marcellino.

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

ACTING PRESIDENT GRIFFO: There is no further business.

SENATOR MARCELLINO: Immediately following the session there will be a meeting of the Senate Majority in the Majority Conference Room, Room 332.

ACTING PRESIDENT GRIFFO: Immediately following session there will be a meeting of the Majority conference in Room 332.

Senator Marcellino.

SENATOR MARCELLINO: And I move the Senate stand adjourned until Wednesday,

March 5th, at 11:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Wednesday, March 5th, at 11:00 a.m.

(Whereupon, at 4:10 p.m., the Senate adjourned.)