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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 4, 2008

3:28 p.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

STEVEN M. BOGGESS, Secretary

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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

1 decide between what's best and better.

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

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

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

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

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

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

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

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

8 God bless you, and God bless
9 America.

10 ACTING PRESIDENT GRIFFO: Thank
11 you, Bishop.

12 The reading of the Journal.

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

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

21 Presentation of petitions.

22 Messages from the Assembly.

23 Messages from the Governor.

24 Reports of standing committees.

25 Reports of select committees.

1 Communications and reports from
2 state officers.

3 Motions and resolutions.

4 Senator Fuschillo.

5 SENATOR FUSCHILLO: Thank you,
6 Mr. President.

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

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

16 Senator Skelos.

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

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

25 (Response of "Aye.")

1 ACTING PRESIDENT GRIFFO:

2 Opposed, nay.

3 (No response.)

4 ACTING PRESIDENT GRIFFO: The
5 Resolution Calendar is adopted.

6 Senator Skelos.

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

11 ACTING PRESIDENT GRIFFO: The
12 Secretary will read.

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

20 ACTING PRESIDENT GRIFFO: Senator
21 Maltese.

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

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

3 He was the godfather of modern
4 conservatism. He was born on November 24,
5 1925, the sixth of ten children. His parents
6 had intended to name him after his father,
7 Frank, but were told by a priest that Frank
8 was not a saint and therefore he should be
9 called Francis.

10 ACTING PRESIDENT GRIFFO:

11 Senator, excuse me.

12 May we have order in the house,
13 please.

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

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

25 He served -- most people don't

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

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

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

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

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

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

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

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

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

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

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

1 collected papers that he gave to Yale
2 University.

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

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

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

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

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

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

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

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

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

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

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

14 He touched the lives of many, many
15 of us. He made a big difference in politics.
16 He was the forerunner of not only his brother
17 Jim, who became the United States Senator in
18 1970, but certainly of Ronald Reagan in 1980,
19 acknowledged by such in 1984.

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

25 Mr. President, I support the

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

4 ACTING PRESIDENT GRIFFO: Thank
5 you, Senator Maltese.

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

8 (Response of "Aye.")

9 ACTING PRESIDENT GRIFFO:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT GRIFFO: The
13 resolution is carried.

14 Senator Marcellino.

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

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

24 Senator Marcellino.

25 SENATOR MARCELLINO: We have a

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

4 ACTING PRESIDENT GRIFFO: The
5 Secretary will read.

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

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

15 (Response of "Aye.")

16 ACTING PRESIDENT GRIFFO:
17 Opposed, nay.

18 (No response.)

19 ACTING PRESIDENT GRIFFO: The
20 resolution is carried.

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

24 Senator Marcellino.

25 SENATOR MARCELLINO: Yes,

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

5 ACTING PRESIDENT GRIFFO: Thank
6 you, Senator Marcellino.

7 The Secretary will read.

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

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

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

25 "WHEREAS, Attendant to such

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

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

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

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

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

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

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

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

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

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

3 ACTING PRESIDENT GRIFFO: Senator
4 Diaz.

5 SENATOR DIAZ: Thank you,
6 Mr. President.

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

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

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

22 (Laughter.)

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

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

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

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

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

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

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

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

25 Because what they do in their

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

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

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

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

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

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

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

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

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

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

1 much for this opportunity.

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

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

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

1 chambers, and to greet them.

2 And the other chamber had no time.

3 But the day could come, ladies and gentlemen,
4 when I'm pretty sure that the other chamber is
5 going to have time too, to take a little space
6 in their time to receive people like those
7 men.

8 So thank you, gentlemen, for being
9 here today.

10 Thank you, Mr. President.

11 ACTING PRESIDENT GRIFFO: Thank
12 you, Senator Diaz.

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

15 (Response of "Aye.")

16 ACTING PRESIDENT GRIFFO:
17 Opposed, nay.

18 (No response.)

19 ACTING PRESIDENT GRIFFO: The
20 resolution is adopted.

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

24 Senator Marcellino.

25 SENATOR MARCELLINO: Mr.

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

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will read.

5 THE SECRETARY: On page 12,
6 Senator Robach moves to discharge, from the
7 Committee on Finance, Assembly Bill Number
8 9387A and substitute it for the identical
9 Senate Bill Number 6779, Third Reading
10 Calendar 198.

11 ACTING PRESIDENT GRIFFO: The
12 substitution is so ordered.

13 Senator Marcellino.

14 SENATOR MARCELLINO: Thank you,
15 Mr. President.

16 And with respect to Resolution
17 4514, anyone wishing to cosponsor that
18 resolution should notify the desk.

19 ACTING PRESIDENT GRIFFO: So
20 noted.

21 Senator Marcellino.

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

25 ACTING PRESIDENT GRIFFO: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number
3 69, by Senator Farley, Senate Print 6650, an
4 act to amend Chapter 729 of the Laws of 1994
5 relating to affecting the health insurance
6 benefits.

7 ACTING PRESIDENT GRIFFO: Read
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 57.

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 78, by Senator Golden, Senate Print 6706, an
19 act to amend the Workers' Compensation Law, in
20 relation to certain workers.

21 ACTING PRESIDENT GRIFFO: Read
22 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 57.

4 ACTING PRESIDENT GRIFFO: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 198, substituted earlier by Member of the
8 Assembly Destito, Assembly Print Number 9387A,
9 an act to amend the Executive Law, in relation
10 to increasing.

11 ACTING PRESIDENT GRIFFO: Read
12 the last section.

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

15 ACTING PRESIDENT GRIFFO: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 57.

19 ACTING PRESIDENT GRIFFO: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 215, by Senator Trunzo, Senate Print 889, an
23 act to amend the Labor Law, in relation to
24 requiring.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

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

4 ACTING PRESIDENT GRIFFO: Call
5 the roll.

6 (The Secretary called the roll.)

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

10 ACTING PRESIDENT GRIFFO: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 276, by Senator LaValle, Senate Print 1527, an
14 act to amend the Education Law, in relation to
15 the unlawful sale.

16 ACTING PRESIDENT GRIFFO: Read
17 the last section.

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

20 ACTING PRESIDENT GRIFFO: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT GRIFFO: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 278, by Member of the Assembly Gunther,
3 Assembly Print Number 9401, an act to amend
4 the Education Law, in relation to security
5 plans.

6 ACTING PRESIDENT GRIFFO: Read
7 the last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect on the same date and in
10 the same manner as Chapter 510 of the Laws of
11 2007.

12 ACTING PRESIDENT GRIFFO: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 58.

16 ACTING PRESIDENT GRIFFO: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 285, by Senator Larkin, Senate Print 1047A, an
20 act to amend the Racing, Pari-Mutuel Wagering
21 and Breeding Law, in relation to expenditure.

22 ACTING PRESIDENT GRIFFO: Read
23 the last section.

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

1 ACTING PRESIDENT GRIFFO: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT GRIFFO: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 324, by Senator Volker --

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

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

13 THE SECRETARY: Calendar Number
14 327, by Senator Lanza, Senate Print 6825A, an
15 act to amend the Criminal Procedure Law and
16 the Executive Law, in relation to requiring.

17 ACTING PRESIDENT GRIFFO: Read
18 the last section.

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

22 ACTING PRESIDENT GRIFFO: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 58.

1 ACTING PRESIDENT GRIFFO: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 390, by Senator Morahan, Senate Print 243, an
5 act to amend the Executive Law, in relation to
6 requiring.

7 ACTING PRESIDENT GRIFFO: Read
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 58.

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 392, by Senator Young, Senate Print 385, an
19 act to amend the Correction Law, in relation
20 to authorizing.

21 ACTING PRESIDENT GRIFFO: Read
22 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 58.

4 ACTING PRESIDENT GRIFFO: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 399, by Senator Nozzolio --

8 SENATOR MARCELLINO: Lay it aside
9 for the day.

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

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

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

19 ACTING PRESIDENT GRIFFO:
20 Received and filed.

21 Senator Marcellino.

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

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

1 Marcellino.

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

5 ACTING PRESIDENT GRIFFO: Senator
6 Valesky.

7 SENATOR VALESKY: Thank you.
8 Mr. President, I believe there's a
9 motion at the desk. I'd like to have it
10 called up at this time.

11 ACTING PRESIDENT GRIFFO: The
12 Secretary will read.

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

18 SENATOR VALESKY: Thank you,
19 Mr. President.

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

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

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

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

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

1 support this motion.

2 Mr. President, thank you for the
3 opportunity.

4 ACTING PRESIDENT GRIFFO: Thank
5 you, Senator Valesky.

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

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

17 ACTING PRESIDENT GRIFFO: The
18 petition is not agreed to.

19 Senator Marcellino.

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

23 ACTING PRESIDENT GRIFFO: Senator
24 Klein.

25 SENATOR KLEIN: Thank you,

1 Mr. President.

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

4 ACTING PRESIDENT GRIFFO: The
5 Secretary will read.

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

9 ACTING PRESIDENT GRIFFO: Senator
10 Klein.

11 SENATOR KLEIN: Thank you,
12 Mr. President.

13 This motion would raise the income
14 eligibility for the EPIC program to \$50,000
15 for an individual, from \$35,000, and to
16 \$75,000 for a married couple, an increase from
17 \$50,000.

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

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

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

6 One of the things we need to do is,
7 I think, expand this program to enable more
8 senior citizens to take part in the EPIC
9 program. I was around in the Assembly when we
10 raised the threshold for the EPIC program from
11 \$16,500 for an individual to the present
12 level. That was a great thing. But I think
13 we really have to keep up with the times.

14 Senior citizens, who actually pay a
15 large share of their income in prescription
16 drugs -- even if they're making \$50,000 a year
17 as an individual, even if they're making
18 \$75,000 a year with a married couple, if
19 they're paying a large share of their income
20 in prescription drugs, that's a tremendous
21 burden for them to have to shoulder.

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

1 22,700 individuals now eligible for the EPIC
2 program, which they would not be under the
3 present system.

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

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

18 I thank you, Mr. President.

19 ACTING PRESIDENT GRIFFO: Thank
20 you, Senator Klein.

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

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

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

7 ACTING PRESIDENT GRIFFO: The
8 petition is not agreed to.

9 Senator Marcellino.

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

13 ACTING PRESIDENT GRIFFO: There
14 is no further business.

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

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

23 Senator Marcellino.

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

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

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

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

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