NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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2:38 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 all present to please rise and join with me as we recite 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 offered by Father Peter G. Young, of Mother Theresa Community here in Albany.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

By being a Senator, you have accepted and been accepted into the leadership position so that you can more fully serve the people of New York State.

In this spirit of community, our prayer today will be to better achieve the goal of dedicated representation in the power that is entrusted to all of our legislative leadership. May you attain your satisfaction in your services to you and to your

constituents.

Amen.

ACTING PRESIDENT GRIFFO: Thank you, Father.

The reading of the Journal.

THE SECRETARY: In Senate, Monday, April 7, the Senate met pursuant to adjournment. The Journal of Sunday, April 6, was read and approved. On motion, Senate adjourned.

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

Senator Duane.

SENATOR DUANE: Thank you, Mr. Chair.

I announce with great sadness the death of Senator Jeff Klein's father today. And I was hoping we could have a moment of silence on behalf of Mr. Klein.

ACTING PRESIDENT GRIFFO: Without objection, we will dedicate ourselves to a moment of silence for the father of Senator Jeff Klein. Our condolences and sympathies go to his family.

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

ACTING PRESIDENT GRIFFO: 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 Nozzolio, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: That's Senate 590.

ACTING PRESIDENT GRIFFO: So ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could adopt the Resolution Calendar at this time.

ACTING PRESIDENT GRIFFO: All in favor of adopting the Resolution Calendar signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is accepted.

Senator Skelos.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 498, by Senator Larkin, Senate Print 233, an act to amend the Environmental Conservation Law, in relation to deer season.

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, 51. Nays, 2. Senators Perkins and Serrano recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 499, by Senator Volker, Senate Print 1284A, an act to amend the Environmental Conservation Law, in relation to establishment.

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, 51. Nays, 2. Senators Perkins and Serrano recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 645, by Senator Volker, Senate Print 4873A, an act to amend the Criminal Procedure Law, in

relation to authorizing defendants.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 651, by Senator Golden, Senate Print 5991, an act to amend the Penal Law, in relation to enhancing.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Just to be consistent with each of these expansions.

I believe strongly that we keep adding more and more employees that, if you assault, increases the penalty. We're running out of people. Pretty soon we'll have everybody under this category.

And I guess my point is maybe we should do it all at once. I know Senator Volker always replies that he tries to do that, but the Assembly won't go along with it. But we're almost there, so why don't we make these penalties apply to everybody.

I vote aye, but I'm still urging that to happen.

Thank you.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to be recorded in the affirmative.

Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

First I have to say I concur with Senator DeFrancisco in his comments.

But I would like to take a moment to thank Senator Golden, who's not in the

chambers presently, for bringing this bill.

And I'm going to vote in favor of this bill, not only for myself but in support of the 18,000 members of the Social Service Employees Union, of which I was previously the vice president and a member, and prior to that I was a caseworker.

You know, when I first decided to enter public service at the age of 26, I wanted to become a police officer. I took the exam, I scored a perfect score on the police test, and I was about to go into the police academy. My mother at the time was a 911 operator. And when I called her and told her that I was going to become a cop, she was horrified and terrified because she said: "You're too small, you're too little, you'll get killed, it's too dangerous."

And I thought about it, and what I really wanted to do, I had wanted to be a social caseworker, but there were no openings at the time. Lo and behold, the City of New York decided to hire 1100 new caseworkers, and I applied for that job.

And I called my mother on the phone

that day and I said, "Ma, guess what? Good news. I'm not going to become a cop, so you can rest at night. I've decided to become a caseworker instead."

And she was even more horrified, because as a 911 operator she routinely took calls from caseworkers in the field in the action of trying to protect children or intervene in family crisis situations, and they were assaulted regularly.

When I went to work for that agency, I saw my coworkers being assaulted in the field on a constant basis. This bill will finally elevate the penalties against people who would assault those of us in public service who are trying to intervene in family crisis situations.

So I strongly support this bill, and I want to thank Senator Golden for bringing it forward.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Savino to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 53. Nays,

1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 661, by Senator Maziarz, Senate Print 314, an act to amend the Economic Development Law, in relation to the powers of the Department of Economic Development.

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, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 663, by Senator Rath, Senate Print 6197, an act to amend the Economic Development Law, in relation to establishing the New York State Amateur Sports Development Advisory Council.

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, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 693, by --

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

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

THE SECRETARY: Calendar Number 698, by Senator Alesi, Senate Print 290A, an act to amend the Vehicle and Traffic Law, in relation to requiring persons convicted of driving while intoxicated.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect September 1, 2008.

SENATOR DUANE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Skelos.

SENATOR SKELOS: With Calendar Number 709, if we could just lay it aside temporarily.

ACTING PRESIDENT GRIFFO: Calendar 709 will be laid aside temporarily.

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT GRIFFO: Before you begin, Senator Bruno, we would like to extend to you from all the members in this chamber a very happy birthday and wish you continued good health.

(Extended applause.)

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

And thank you. You're friends and colleagues. And at this moment, it's

certainly one and the same. And hopefully it continues that way throughout this year as we celebrate a birthday here.

And I'm telling you this. It is one surprise that I am here on my feet standing here at age 79 --

(Applause.)

SENATOR BRUNO: -- and really ready to go another 30 years. I'm 34 years into it. And we'll all just stay together in this same mode.

But, you know -- and thank you again, really. I find that the older you get, the more kind of sensitive you get, and the more emotional you get. And when Senator Duane gives me a very special hug, that means a great deal to me, in more ways that I can describe here.

(Laughter.)

SENATOR DUANE: I'm not going to try to describe it.

(Laughter.)

SENATOR BRUNO: Mr. President, I'm really trying to recover.

(Laughter.)

SENATOR BRUNO: But we have something very, very meaningful and important to do now. And we've asked for Calendar 709 to be brought up at this time, and I would ask that we address it. Thank you very much.

ACTING PRESIDENT GRIFFO: The Secretary will read Calendar Number 709.

THE SECRETARY: Calendar Number 709, by Senator Bruno, Senate Print 7231, an act to amend the Public Authorities Law, the Environmental Conservation Law and the Highway Law, in relation to memorializing Robert F. Kennedy by renaming the Triborough Bridge as Robert F. Kennedy Bridge.

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: On the bill.

SENATOR BRUNO: I think it was 40 years ago this June our nation lost one of its most important patriotic and influential sons.

And I'm here today with you really

speaking at the request of Robert F. Kennedy's wife, Ethel Skakel Kennedy, who herself is a role model for people across the world as a devoted wife, as a mother, as a grandmother, as a friend, as a person who devotes a lot of her energy and time and talent to just making the world better for everyone.

I'm sure that everyone here that's of age can remember how they felt at the moment that they heard that Robert F. Kennedy was assassinated, remember where you were and what you were thinking and the shock and the disbelief.

And his untimely death at a young and accomplished age was preceded just two months earlier by the assassination of Martin Luther King and four and a half years earlier by the assassination of John F. Kennedy, a great, great president.

That didn't stop the nation from carrying on what would be these three great men's legacy, the civil rights movement. I can't think of a more fitting honor than dedicating a bridge after a man who truly dedicated his life to bridging the gap, as

just an outstanding young man, citizen, Attorney General, United States Senator representing the State of New York.

This bill would change the name of the Triborough Bridge to the Robert F. Kennedy Bridge. And it's more than just symbolic, in honor of a great man. By renaming this bridge, we are ensuring that future generations will remember the accomplishments of Robert F. Kennedy. A bridge in his name will be a constant reminder of the unselfish commitment and devotion to the betterment of everyone.

You can't help but wonder if John F. Kennedy, Martin Luther King, Robert Kennedy could have ever dreamed and imagined that this nation would have moved as far as it has to improve civil rights of every single individual in the United States. They were the leaders, they brought it together, they stayed with it, they truly committed and dedicated their lives.

You know, you reflect on how far and how wonderful it is that at this time, as we do this, we celebrate the first, in the

history of New York State, African-American governor, Governor Paterson. And we should acknowledge that as a testimony to what really started so many years ago and just how great and expanded all people are here now, in that we are together and moving forward.

Robert F. Kennedy set out to accomplish what a lot of people -- and following his brother -- what many people really thought was impossible.

And I just really wanted to end these remarks with one of Mr. Kennedy's most famous quotes: "There are those who look at things the way they are and ask why. I dream of things that never were and ask why not."

I would urge my colleagues to support unanimously this piece of legislation and offer it up for all of you to be cosponsors. And if anyone would prefer not, please address the desk privately.

But thank you for your support, thank you for your good wishes. And on this commemorative day here in this chamber where we celebrate the life, really, of the Kennedys, present and past, and we celebrate

hopefully completing a budget tonight for the people, the 19 million-plus people of this state, what a testimony of togetherness, of objectivity, of accomplishment, of putting what's right in front of what may end up being differences politically, but to govern together as partners moving forward.

Thank you. And thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Bruno.

Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

You know, there's many, many stories about Senator Kennedy, of what he did, what he didn't do and how he interacted. I never knew the man except what I read in papers about him.

But in 1963, as a young Army officer, I was a project officer for the visit of the President of the United States, John F. Kennedy, to Europe. When I come back to the States, talking to all the Army brass and the Secret Service, my boss pops up and said:

"Have you met with Attorney General Robert Kennedy?" I said, "No, sir." He said, "Well get your --- down on the front lawn. There will be a car to take you over there."

I went to his office. You know, now I know why lawyers' offices all have all those piles of books on them, because he had books all over the place. He rolled up his sleeves, sat down and said, "What would you like to drink?" I said -- I was drinking coffee in those days, Joe -- I said, "A cup of coffee." He said, "No, I mean a real drink." I said, "Sir, I'm in uniform. I'll still have a cup of coffee."

Sat down and started talking about the visit of his brother. He reminded me that there were two back surgeons, Admiral Burkley and Janet Travell, and what they did for the president, what they did and how much time they would spend with us when he was in Europe.

Then all of a sudden he called in one of the top protective services of the Secret Service, a man by the name of Jack Reed, and said: "Jack, this is Billy Larkin."

He said, "Well, good, I met you on the phone two weeks ago." And we talked about what we would do.

The sense when he talked about his brother, you couldn't -- you know, you couldn't make the story up, because he had such warmth, such presence of his brother.

And then he said: "What are you doing tonight?" And I'm thinking, the last thing General Cotton said to me was "no politics." "Sir, General Cotton's invited a bunch of us over for dinner."

He said, "Aw, shucks." He said, "We're having something out at McLean tonight, Art Buchwald's going to be there, and this one here -- you'll have a better time with us." I said, "Sir, I already told the general I'd go to his house." He said, "Well, if you get tied up, here's the number, you call and we'll have something for you."

Of course, the next day in the Washington Post, Buchwald's dog ran right down the buffet line, and it was the big headline. I missed it.

(Laughter.)

SENATOR LARKIN: But the thing that got me then, and I tell my children -- and I've got goosebumps now -- as we were finishing to get ready to go out, finishing the conversation, he put his arm, right arm around my shoulder, and said: "Major, don't forget this. You don't only have the security of the President of the United States, you have the safety and security of my brother."

By what we're doing here today, as Senator Bruno said, the bridge, calling it a bridge, moving it, is a true tribute for somebody who cared about New York. Never mind all the other stuff about where he lived, where he didn't live. I think he was a fine gentleman.

And I'm proud to say that I'm happy to vote for this, for someone that I knew, and the history will never leave me.

ACTING PRESIDENT GRIFFO: Senator Leibell.

SENATOR LEIBELL: Thank you, Mr. President.

It strikes me today, as we are here, how truly unique and special our system

is. As we watch other nations in turmoil, we are able to come here today from different areas of the state, different backgrounds, and discuss the important issues that confront our great state.

Similarly, we are here today, people from all political persuasions and all political backgrounds, to recognize someone who was truly not only a great New Yorker but a great American.

For those of us -- and I think, Senator Bruno, you alluded to that -- those of us who are a little older, we remember very well Robert Kennedy and his years in public life and the impact he had upon all of us. In fact, I happen to know for a fact that on both sides of the aisle many of us here got our start in politics because we were inspired by Robert Kennedy and his leadership.

It is truly fitting that we take a bridge like the Triborough -- for those of us who live more downstate, and who travel on it frequently, who have in the past, it's well known to all of us, as well as all the visitors who come to New York -- and to rename

it in honor of this great public servant.

It's really very difficult to understand and to realize the losses this family has sustained, over the course of generations now, in the service of our country, whether it was military service or elected office.

I had the good fortune to have, within my area in Westchester County, Bobby Kennedy, Jr., who like his siblings has also staked out an important course for our state and our country.

So I'm very pleased that earlier this year it was recommended in the Governor's State of the State that we memorialize Robert Kennedy in this fashion. And I think it's particularly significant that all of us here today, regardless of political persuasion, acknowledge what a great citizen we had, what a great public leader we had, and what a great loss we all sustained with his death.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you,

Mr. President.

As you know, I represent a lot of small communities in the Adirondacks. And many of our small communities kind of tie their history to people who have visited those areas, famous people.

The small hamlet of North Creek, part of its history is that Teddy Roosevelt found out that McKinley had died at the train station in North Creek. They had brought him by buggy from a camp in the mountains and came down, and that's where he found out. And we have memorialized that.

But another famous visitor to North Creek was Robert Kennedy and his family. I believe Ethel was with him, and some of the children. And they whitewater-rafted, coming down the Hudson, and enjoyed the Whitewater Derby that is an annual event in North Creek. And people speak about it all the time. And when we talk about the Whitewater Derby, everyone remembers that Robert Kennedy came there to enjoy the Adirondacks and the outdoor nature and the things that he enjoyed doing with his family.

The second thing that I'm reminded of is I believe this is 40 years this June since Robert Kennedy was killed. And at the time, I had welcomed my second child, who will be 40 years old in June.

But all I could think of was here was a family, a mother with young children and a baby, an expected child that had not been born yet -- Rory Kennedy, I believe -- all that they went through, the loss and the heartache, and what they had ahead of them, moving on without him.

So I admire that family. I admire Ethel Kennedy. And I certainly feel the loss that she had to have felt and am very happy to support this small recognition of the wonderful things that Robert Kennedy did, and look forward to seeing the name on that bridge as we use it so frequently.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. On the legislation.

In many ways, each of us was

touched by the life of Robert Kennedy. I wish to share with my colleagues how in some small way Robert Kennedy had a great influence over my life.

Many, many, many years ago, four and a half decades, 44 years ago this year, I was an eighth-grader at St. Patrick's Grammar School in Seneca Falls, New York. Seneca Falls is a small community within the center of the Finger Lakes region.

And as a student at St. Patrick's it was mandatory, the Sisters of St. Joseph's, it was mandatory for us, when Robert Kennedy came to visit Seneca Falls, that the entire school be closed and that all of us proceed to welcome the Attorney General, soon to be United States Senator, into our small community.

I happened to be president of the eighth-grade class and, as such, was given the opportunity to meet Robert Kennedy. As a matter of fact, I did a few other things, like organize a rally of our students so that we were participating in the democracy that, for us, was only shown, as kids in a small town,

only shown on the small screen of the television set.

The point I wish to make is that my impressions of this leader of the United States -- and really a global leader -- was that how kind and how gentle a man Robert Kennedy appeared to me to be, as an eighth-grader at St. Patrick's School. He was kind and gentle with all the students who were there that day, the few hundred of us.

And what had an even greater impact on me was that after he left the community and went on to become the United States Senator, he sent me a letter, and the letter was about young people being involved in their government and in the political process.

It was a moment that I, as one who never had a connection to the political process, one who was from such a small town, became inspired by. And it didn't matter about the politics, it didn't matter about Democrat, it didn't matter about Republican. What mattered was that young people get involved in their government and in the political process.

I carried that letter around for many years. Through college I think I kept it in my important shoebox, where you'd keep your important things. But when I became an Assemblyman a few years later, I took out that letter and I framed it. And it has been on my wall in our office in the Legislative Office Building for the last 26 years.

That letter draws attention because, as a Republican, people kid me and say: "Why do you have a letter on your wall from a Democratic officeholder?"

Well, I think the reason why it's on the wall sums up the reason why I'm in politics. Because it is a process of participation, it's a process of making our government more responsive to the people that it's intended to serve. And that's what the life of Robert Kennedy was all about.

When Ethel Kennedy came here earlier this year and sat in that chair that Phyllis is sitting in, that moment was a moment of great inspiration to me. And I told Mrs. Kennedy about how inspiring her husband was to getting a young kid from a small town

in Central Finger Lakes, upstate New York, involved and interested in the political process.

I'm so pleased that this Legislature and that Senator Bruno and all of us have joined to provide this permanent, lasting recognition of Robert Kennedy. But his true impact is not the impact of having a name on a bridge, it's having the impact on many of our spirits throughout this great state and nation.

Mr. President, I fully support this legislation and thank you for the opportunity to be heard.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. Thank you, Mr. President. I also rise in support of this bill.

I certainly want to wish Senator Bruno a happy birthday. He was referencing his age; same as my father's.

And several of my colleagues referenced the role of Robert Kennedy in their lives as young people. And I too wanted to

stand up and say that, as a 50-year-old woman, I was inspired not only to get involved in public service but to become a proud Democrat because of the role of the Kennedy family, the sacrifices they have made for this country in public service -- the loss of John F. Kennedy when I was a young elementary school student, the loss of Bobby Kennedy when I was a few years older, and what that meant.

And the recognition of not only how important public service is for all of us, but I think also, for those of us on this side of the aisle, the importance and the meaning of the Democratic Party and the Kennedy family's role and sacrifices for all Americans through their efforts through our party.

So I too rise to say thank you for the Kennedy family for all of the work they have done on all of our behalfs, for the great work of Bobby Kennedy in the State of New York on behalf of the people of New York State. But I also proudly to rise to say that because of men like Bobby Kennedy and John F. Kennedy, I made the decision to get involved in public service and civic responsibility and the

Democratic Party.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Craig Johnson.

SENATOR CRAIG JOHNSON: Thank you very much, Mr. President.

I too rise in support of this legislation. I thank Senator Bruno not only for sponsoring it but inviting all members of the Senate delegation to join in that sponsorship.

Unlike Senator Krueger and other members of the Senate, I really can't comment on where I was when Robert Kennedy was tragically assassinated in 1968; I wasn't even born yet. But I have to say that his legacy lives on.

And we can study in our history about his importance as an Attorney General to his brother, where he fought to protect Martin Luther King, Jr., and African-Americans in the South during the Civil Rights Era of the early 1960s.

And we can also talk about his role as a United States Senator and fighting hard

to end the Vietnam War, a war that divided our country.

But one other thing that makes Robert Kennedy so great and what makes naming this bridge an important legacy in his name is he was one of the first Americans and first elected officials to challenge us to defeat poverty. And it was Robert Kennedy in the 1960s and in his 1968 campaign who talked about poverty in America, something that many elected officials didn't want to address.

And it wasn't just poverty in the inner cities, it was poverty in the rural countryside. Whether it was Bed-Stuy in New York State or the rural counties in Mississippi, it was Robert Kennedy who challenged Americans to tackle that issue.

And it's a tragedy that even today, we still haven't conquered that, that even in this presidential campaign of 2008 we have candidates who may have left the field or who are currently campaigning who are talking about the need to eradicate poverty. Maybe, hopefully, there will be a cabinet-level position named someday shortly whose sole

mission is to eradicate poverty here in our country. And if that day comes, Democrat or Republican president, hopefully it will be Robert F. Kennedy who gets credit for that position.

So I challenge my colleagues here in the Senate and in the Assembly, and I challenge New Yorkers that when they cross the Robert F. Kennedy Bridge, that they too think about the challenge that Robert F. Kennedy was instilling upon us to end poverty not just in New York but in the United States.

I vote aye, Mr. President. Thank you.

ACTING PRESIDENT GRIFFO: Senator Rath.

SENATOR RATH: Thank you, Mr. President.

So much has been said that I won't repeat about the Kennedys and the wonderful role that they played in so many places throughout our country, throughout our history, the family and their sacrifices.

Let me draw your attention to wonderful New York State and water that's

everywhere around New York State. And we're talking about a bridge here.

We have a bridge in Buffalo that many of you may have gone over at one time or another, called the Peace Bridge. It's a very old bridge. We're looking to have another bridge so we can get traffic moving across. I think Senator Savino would remember being on the Peace Bridge and how crowded it was last year.

It's called the Peace Bridge because when that bridge was opened, people from the U.S. side and people from the Canadian side came together. And still at this time the flags of the U.S. and Canada fly side by side, the recognition of the Peace Bridge being the years of peace between the U.S. and Canada.

Of course, now we have a bridge being named after Robert F. Kennedy. How appropriate. As I recall, he was very much always in the center of trying to get the job done, trying to make something happen. And if that is not a sign of coming across from one side of an issue to another side of an issue,

coming to the center of the bridge and finding some way that you can make peace on the issue.

It often occurs to me that maybe we should have a little bridge going over the middle of the aisle here; maybe we could find a little peace if a few people could whisk back and forth.

Senator Johnson, to your point about not being born at this time, one of the better lines of President Kennedy that's often repeated was when he was being taken to task for appointing his brother to Attorney General -- you may have heard it -- he said he couldn't see any reason why a young guy shouldn't get some opportunity before he had to go out and practice law, he should have a little bit of experience before he went out to practice law. The Kennedys always had an eye for something that was a little humorous.

So let me take you to what I think might be a little bit humorous here. There's a stadium in Cleveland called the Jake. There's a stadium in Buffalo called the Ralph. How about a bridge in New York called the Bobby?

ACTING PRESIDENT GRIFFO: Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

First I'd like to extend a happy birthday greeting to Senator Bruno. And I want to thank him for bringing this bill to the floor.

I think it's appropriate that we have a recognition of not just the contributions of Bobby Kennedy -- who I also, as like Senator Johnson, was too young to remember -- but the entire Kennedy family.

In fact, the profound loss that we all feel every time one of the Kennedys has been taken away from us, whether it was John F. Kennedy, Robert Kennedy, or even JFK, Jr., is because we recognize in this family is a tradition of public service that goes beyond anything many of us are able to achieve.

You know, as the granddaughter of an Irish-American, I watched my grandfather, who was so incredibly proud of John F. Kennedy, Bobby Kennedy, and the entire Kennedy family and what they were able to do to

inspire people to public service.

So I think it's fitting that we find a way to pay tribute to Robert Kennedy here in New York. And I think it's even more fitting that it's the Triborough Bridge.

I grew up in Astoria, Queens, at the foot of the Triborough Bridge. And on the Queens side of this bridge is a beautiful park, the park where everyone in North Queens goes to barbecue, to play baseball.

And they will be able to play under this newly renamed bridge where they will be reminded every day of the contributions of the Kennedy family. And perhaps some of those children that are playing there will be inspired by Bobby Kennedy and the entire Kennedy family.

So I want to thank you, and I vote aye on this bill.

ACTING PRESIDENT GRIFFO: Senator Onorato.

SENATOR ONORATO: Mr. President, I too rise to join with my colleagues and to pay a special thank you to Senator Bruno for bringing this bill forward.

I happen to represent Queens and Astoria, and my greatest moment -- I'm a lot older, perhaps, that most people in this chamber -- I and one of our former colleagues here, Nicholas Ferraro, State Senator, who I actually succeeded, had the great fortune of being delegates to vote for Robert F. Kennedy to elect him as a United States Senator of the State of New York. And I'm very, very proud of this moment.

And again, thank you, Senator Bruno, and a happy birthday.

ACTING PRESIDENT GRIFFO: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

And happy birthday, Senator Bruno. And thank you for bringing this out.

You know, I came of age in the '60s, and it was quite a decade in American history. And I joined the Young Democrats when I was 17. I remember meeting John Kennedy was when I was a freshman in high school and he came to Trenton, and I went down and waded through a crowd to shake his hand.

At 19, I went to the Democratic National Convention in Atlantic City as a page, and I met Bob Kennedy. I shook his hand as he waded through.

Many of you know I've counted a lot of ballots in my life. Let me tell you about the first time I ever counted ballots. And by the way, I should say when I was 19, for my younger colleagues, I could not vote in that election in '64.

I do want to correct something, Senator Johnson. Actually, it was Lyndon Johnson that launched the War on Poverty. But Bobby Kennedy brought poverty to our TV screens in Appalachia and continued on and certainly was the impetus which the then-President took up in the War on Poverty.

So for the first time ever, the residents of the District of Columbia, when I was in law school, got to vote in a primary, because they never had a vote for president before. And they conducted that election on paper ballots. And I was a law student, I wasn't there in any great capacity. I was there for Lord knows what it was then,

probably the good price of 3 bucks an hour or something, counting ballots in a big high school.

And the District of Columbia, of course, as we counted these ballots, you know, on your table the Robert Kennedy stack would be like this (indicating), and, you know, Humphrey and McCarthy and the others would have little stacks. Bobby Kennedy carried that election. That was my first experience in the actual counting of ballots.

Senator Bruno said everyone remembers where they were when we lost Bobby Kennedy. Well, I won't get to that yet.

Later, later that spring, a lot of us "came clean for Gene," as we called it, because the burning issue was the war in Vietnam for many people. And, you know, the myth is that Gene McCarthy went to New Hampshire and beat Lyndon Johnson and drove him out of the presidential race. In fact, Lyndon Johnson won the primary 60-40. But it was press expectations. The press had said an incumbent president should be getting 80 percent of the vote. And then Johnson did

withdraw, and Bobby Kennedy got into the race.

And many of us were torn, but we switched our support to Senator Kennedy -- not that I was endorsing anybody, we were talking about who are we going to knock on doors for -- for the reason that it was quite obvious that Bobby Kennedy brought to that whole movement more than just the singular issue of the war in Vietnam, which Senator McCarthy had certainly focused on. But, you know, his support was somewhat elitist. It was students, professors, intellectuals and so on. And delivered a message that needed to be delivered in that spring of 1968, in my opinion.

But what Bobby Kennedy brought was a whole other dynamic. Because he brought blue-collar workers and union members and African-Americans and Latinos and middle-class people who hadn't been involved, weren't particularly happy with the war in Vietnam but weren't involved in that peace movement, and he brought them all to a cause that embraced civil rights and fighting poverty and uniting all Americans. And it excited us.

And I well remember in my first year of law school being up all night for the final night of exams. And for those who have been through that ordeal, first year of law school, taking my final exam that afternoon after being up all night, and then doing what all students would do when they're finished the last exam. And tottering into my apartment -- it seems very late, but it probably wasn't that late, it was probably 12:00 or 1:00, because we'd started early and we were all tired -- and putting on the TV and they were just announcing that Bobby Kennedy had won the California primary.

And I sat there and watched his speech and was quite excited by it. But I was tired and had a few beers. And just as the speeched ended, I turned off the TV and went to bed. And woke up to a clock radio the next morning thinking, Am I hearing things? They were talking about Kennedy being shot, and it was like, you know, half-groggy, a flashback to when President Kennedy was shot.

And it was really a tragic loss, I think, to all Americans, to the State of

New York. I have always firmly believed without a doubt that he would have gone on to win the nomination in Chicago. And I believe it would not have been the kind of convention that it turned out to be. And I believe he would have won the presidency.

And I really think -- you can only speculate, but I think perhaps American history in that period of time would have had a different tilt to it, to say the least, and would have meant a lot more accomplishments for all Americans.

And so, you know, a few years ago when I was Minority Leader I had occasion to meet Courtney Kennedy, one of Senator Kennedy's daughters. And she actually came to see me about a cause she was interested in, wanted my assistance. And I later met her several times, ran into her once at a White House dinner -- actually twice -- and ran into her during the Chicago convention, in an establishment where people were having a relaxing beer in the evening.

On one of those occasions she said to me, "Marty, let me ask you something. Let

me raise something with you." She said, "My daddy was the Senator from New York State, and there's not a single thing in New York State named after him." You know, in Washington they have RFK Stadium; other places named things after him.

And I said, "Well, someday we'll do something about that." And I actually, in the succeeding years, mentioned this to a number of people, including our Majority Leader, just in chatting. Mentioned it to our a couple of governors ago, Pataki. Didn't get much reaction.

I think it's -- I'm glad we're doing it now. I thank Senator Bruno for doing it now. Bobby Kennedy was not only a phenomenal figure in American history, he meant a lot to New Yorkers. And he meant the world to most people in my generation.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I do remember where I was when I

heard that Senator Kennedy had been shot. I was actually -- shows my generation -- I was in bed listening to the radio, a transistor radio under my pillow. Which I'm sure I was not supposed to be doing. But I was listening to the results of the California primary.

And in the home that I grew up in, even though it was a split home -- my mother's side being the Democratic side -- the Kennedys were cause for great celebration in our household. And I cried that night, because I was at the age of really a political awakening, and he was part of that awakening for me.

And I'm also pleased that the Triborough Bridge is the one being renamed, because I was a kid who grew up in Queens but I moved into Manhattan, and that's two out of three of the boroughs that are being connected by the Triborough Bridge.

But the legacy of Bobby Kennedy lasts both through his words and his actions and also his children. And so I'm very pleased to be able to vote in favor of this, and I do it with a sense of how bittersweet it

is.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Duane.

The Secretary will read the last section.

THE SECRETARY: Section 15. This act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, is there any further business at the desk at this time?

ACTING PRESIDENT GRIFFO: Senator Bruno, that completes the noncontroversial reading of the calendar.

But we do have two petitions out of committee.

SENATOR BRUNO: Mr. President,

can you recognize Senator Schneiderman for that purpose.

ACTING PRESIDENT GRIFFO: Thank you, Senator Bruno.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

Thank you, Senator Bruno. Happy birthday and many, many more.

I rise today because I have a motion at the desk. I would like to have it called up at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Senate Print 2404A, by Senator Schneiderman, an act to amend the General Business Law and the Penal Law.

ACTING PRESIDENT GRIFFO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I am still sort of moved by all of the discussion of the life and work of Robert Kennedy. He certainly was a hero of mine when

I was young. And the motion that I am bringing today seeks to bring to the floor a bill that I think is appropriate in light of that history.

This is a bill that would seek to address the plague of illegal guns that results in many, many people -- political leaders, ordinary citizens, police officers -- being killed in New York every year. More than 30,000 gun deaths occur in the United States every year, and more than a third of those are homicides. In addition, we have over 40,000 nonfatal gun assaults.

The overwhelming majority of people with guns in this state and in this country are law-abiding citizens. The overwhelming majority of gun dealers in this state and in this country are law-abiding businessmen and women.

But it is absolutely clear -- and the Senate recognized this a few years ago when we passed the gun trafficking law to increase the penalties for those in possession of illegal guns -- it is absolutely clear that the source of most of those illegal guns is a

very small number of dealers who are absolutely unscrupulous and put the law-abiding good gun dealers at a disadvantage.

This bill would, for the first time in the State of New York, impose a set of requirements on gun dealers that would require them to observe the most basic standards to prevent guns going into the hands of criminals. This would not stop one law-abiding New York State citizen from purchasing a gun, it would simply make it harder for criminals to get guns.

You know, at the time guns are manufactured there's no distinction between an illegal gun and a legal gun. It's not like down at the Glock factory they say, "Oh, 3:00 p.m., time to start making the illegal guns." They all start off as legal guns.

And there's a very small number of gun dealers -- the Bureau of Alcohol, Tobacco and Firearms estimates that 1 percent of the gun dealers in this country account for more than half of the illegal guns that make their way into the illegal market.

So we're talking about a small number of bad actors. We can prevent them from moving their legal guns into the illegal market by voting for this motion and passing the bill that it seeks to bring to the floor.

I cannot tell you how simple this would be and what a great signal to the people of the state this would be that we are not just going to stop at increasing penalties for the possession of an illegal gun, but that we are going to make it harder for the criminals to get those guns in the first place.

This bill, among other things, would require gun dealers to store weapons in a secure manner. We have no law in New York State requiring guns be securely stored. And you all remember the tragic case of Bucky Phillips, who got the guns he later used to wreak terror in our state by breaking into a gun store.

This bill would require that dealer employees making retail gun sales, trying to spot straw purchasers or potential criminals, be at least 21 years of age and receive training.

This is not some radical piece of legislation, ladies and gentlemen. This is something we owe it to the people of the State of New York to do.

It also requires that gun dealers maintain liability insurance, so if someone is injured through their misconduct they can recover; that gun dealers maintain sales records; and that they cooperate with law enforcement officers.

So I respectfully suggest that there's no excuse for us not to move this. The Assembly has moved similar pieces of legislation. Right now the only thing preventing the State of New York from having a safer gun market and taking every step necessary to stop criminals from getting guns is the need for the State Senate to act on this legislation.

I urge everyone to support this motion. And I urge everyone here, on a day when we honor someone who was gunned down with an illegal gun, to vote for this bill, and let's make New York one step safer for all of our children and for everyone in the state.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Schneiderman.

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

THE SECRETARY: Those recorded in agreement are Senators Adams, Connor, Diaz, Dilan, Duane, Hassell-Thompson, Huntley, C. Johnson, L. Krueger, Montgomery, Onorato, Oppenheimer, Perkins, Sabini, Sampson, Savino, Schneiderman, Serrano, Smith, Stavisky and Stewart-Cousins.

ACTING PRESIDENT GRIFFO: The petition is not agreed to.

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I also have a motion at the desk, which I would like called up at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Senate Print 6402, by Senator L. Krueger, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

Picture styrofoam, and you picture a product produced from petroleum that takes up to 500 years to fully disintegrate. We use these cups, these plates, these trays every day in our own lounge, in the cafeterias here in the Capitol, and throughout the food service industry and the restaurant industry in New York State.

My bill, the Food Service Waste Reduction Act, is designed to lead a statewide phaseout of all styrofoam products used in the food service industry.

Styrofoam, also known as polystyrene, is a liquid hydrocarbon that is commercially manufactured from petroleum. We are filling our landfills with this product, which, again, does not break down for 500 years.

With this bill, if we were to pass it, we could dramatically decrease a source of waste in our landfills and on our streets and roads when these cups are thrown out rather

than disposed of correctly.

We could provide alternative products made right here in New York State, made out of nonpetroleum products such as potato starch, corn starch, sugarcane. Alternatives exist; we've been testing them out in my district office for months. In many cases they are stronger and more efficient and effective than styrofoam products.

If we were to pass this bill, the food service industry would be able to find environmentally friendly alternatives to the styrofoam products they're currently using.

Each year Americans are throwing away 25 billion styrofoam cups, or over 1300 tons of styrofoam products every day. Just in the City of New York, our school system is throwing away 150 million styrofoam meal trays annually.

It's a notorious pollutant, and it is very difficult to recycle due to its light weight and low scrap value. It is generally not accepted in curbside recycling programs, is seldom able to be reused, takes up a considerable amount of space for its weight in

landfills. And again, 500 years to decompose.

Due to the physical properties of polystyrene, the EPA states that such materials can have serious impacts on human health, wildlife, and the aquatic environment, because the product breaks down into pieces and can clog waterways or kill animals because it's mistaken as food.

Styrene, one of the key components of styrofoam, is a known hazardous substance suspected to be carcinogenic. In fact, many people do not realize that reheating food in a styrofoam container can produce toxins released into the environment and into their bodies.

My, bill which has been supported by the Department of Environmental Conservation, would allow an affordability clause out where each year the DEC would evaluate whether alternatives existed on the market and were reasonably and competitively priced.

Similar laws have already been enacted in the cities of Oakland, San Francisco, Berkeley, Portland, and about

100 other municipalities across the country. New York has the chance to be the first state to enact this legislation. Even the County of Westchester has moved on their own and passed a law to outlaw the use of styrofoam in the food service industries.

We have alternatives. We have alternatives that could actually create jobs here in New York State, because we could use surplus potato starch of potatoes grown right in upstate New York to produce alternatives that have proved to be marketable and successful in other states in the country.

Hawaii is moving to a model with sugarcane instead of styrofoam, because as a state it grows a large quantity of sugarcane.

We have products we grow here that could be used to produce jobs while producing an environmentally sound, non-petroleum-based product that would not last in our landfills and our waste stream for, again, 500 years.

This is a win/win piece of legislation for the people of New York State and for our environment. I urge my colleagues to support bringing this bill to the floor for

a full vote.

Thank you, Mr. President.

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

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

ACTING PRESIDENT GRIFFO: The petition is not agreed to.

Senator Skelos.

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

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

SENATOR SKELOS: Just for the information of the members of the Majority, there will be a conference at 7:30 in the

Majority Conference Room, and the Senate will stand at ease until 8:00 p.m.

ACTING PRESIDENT GRIFFO: There will be a Majority conference in the Senate Majority Conference Room at 7:30, and the Senate will stand at ease until 8:00 p.m. this evening.

Senator Dilan.

SENATOR DILAN: Yes, Mr. President. There will be a Minority conference in Room 315, 7:00 p.m. tonight.

ACTING PRESIDENT GRIFFO: There will be a Minority conference in Room 315 at 7:00 p.m. this evening.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:45 p.m.)

(Whereupon, the Senate reconvened at 5:44 p.m.)

ACTING PRESIDENT HANNON: Senator Skelos.

SENATOR SKELOS: Mr. President, I move that the Senate stand adjourned until 11:00 a.m. Wednesday, April 9th.

And there will be a conference of

the Majority tomorrow at 10 a.m. in the Majority Conference Room.

ACTING PRESIDENT HANNON: The Majority will meet tomorrow at 10 a.m. in the Majority Conference Room.

On motion, the Senate stands adjourned until Wednesday, April 9th, at 11:00 a.m.

(Whereupon, at 5:45 p.m., the Senate adjourned.)