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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 5, 2008

3:10 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 offered by the Reverend  
Peter Young, from the Mother Theresa Community  
here in Albany.

Father Young.

REVEREND YOUNG: Thank you,  
Senator.

Dear God, as we gather today, we're  
very proud to have here our Hammond High  
School champions and our Siena basketball  
Saints. We are very fortunate to be able to  
welcome them, as a former graduate of Siena  
and former basketball captain.

We welcome all of those we are  
proud to be with, because we're proud of our  
New York State and we're proud of our elected  
leadership and our youth. We know that we had

1 winners with Van Buren, Fillmore, Arthur,  
2 Cleveland, Theodore and Franklin Roosevelt as  
3 our presidents. May we continue in the  
4 greatness of their dedication to public  
5 service to all of our citizens in New York  
6 State.

7 May we follow in the rich tradition  
8 of the Senators that first met in Kingston  
9 five days after the declaration of  
10 independence.

11 You, O God, have provided our  
12 Senators with outstanding examples to inspire  
13 those in this Senate chamber for committed  
14 service to all of our citizens. May we call  
15 upon our youth to be able to accept this  
16 leadership and to continue in that most  
17 outstanding effort.

18 Amen.

19 ACTING PRESIDENT GRIFFO: Thank  
20 you, Father.

21 The reading of the Journal.

22 THE SECRETARY: In Senate,  
23 Sunday, May 4, the Senate met pursuant to  
24 adjournment. The Journal of Saturday, May 3,  
25 was read and approved. On motion, Senate

1 adjourned.

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

5 Presentation of petitions.

6 Messages from the Assembly.

7 Messages from the Governor.

8 Reports of standing committees.

9 Reports of select committees.

10 Communications and reports from  
11 state officers.

12 Motions and resolutions.

13 Senator Fuschillo.

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

16 On behalf of Senator Young, I wish  
17 to call up Senate Print Number 6954, recalled  
18 from the Assembly, which is now at the desk.

19 ACTING PRESIDENT GRIFFO: The  
20 Secretary will read.

21 THE SECRETARY: Calendar Number  
22 785, by Senator Young, Senate Print 6954, an  
23 act to validate, ratify and legalize.

24 SENATOR FUSCHILLO: I now move to  
25 reconsider the vote by which the bill was

1 passed.

2 ACTING PRESIDENT GRIFFO: Call  
3 the roll on reconsideration.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 42.

6 SENATOR FUSCHILLO: I now offer  
7 the following amendments.

8 ACTING PRESIDENT GRIFFO: The  
9 amendments are received.

10 SENATOR FUSCHILLO: On behalf of  
11 Senator Nozzolio, I move that the following  
12 bill be discharged from its respective  
13 committee and be recommitted with instructions  
14 to strike the enacting clause: Senate Print  
15 Number 6978.

16 ACTING PRESIDENT GRIFFO: So  
17 ordered.

18 SENATOR FUSCHILLO: On behalf of  
19 Senator Farley, I wish to call up Senate Print  
20 Number 1562, recalled from the Assembly, which  
21 is now at the desk.

22 ACTING PRESIDENT GRIFFO: The  
23 Secretary will read.

24 THE SECRETARY: Calendar Number  
25 231, by Senator Farley, Senate Print 1562, an

1 act to amend the Public Health Law.

2 SENATOR FUSCHILLO: I now move to  
3 reconsider the vote by which the bill was  
4 passed.

5 ACTING PRESIDENT GRIFFO: Call  
6 the roll on reconsideration.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 42.

9 SENATOR FUSCHILLO: I now offer  
10 the following amendments.

11 ACTING PRESIDENT GRIFFO: The  
12 amendments are received.

13 SENATOR FUSCHILLO: Mr.  
14 President, amendments are offered to the  
15 following Third Reading Calendar bills:

16 Sponsored by Senator Golden, page  
17 number 33, Calendar Number 643, Senate Print  
18 Number 4268;

19 By Senator Trunzo, page number 33,  
20 Calendar Number 652, Senate Print Number  
21 4690A;

22 By Senator Maltese, page number 34,  
23 Calendar Number 675, Senate Print Number 3255;

24 By Senator Owen Johnson, page  
25 number 39, Calendar Number 770, Senate Print

1 Number 7171;

2 By Senator Golden, page number 43,  
3 Calendar Number 825, Senate Print Number 3716.

4 I now move that these bills retain  
5 their place on the order of Third Reading  
6 Calendar.

7 ACTING PRESIDENT GRIFFO: The  
8 amendments are received and adopted, and the  
9 bills will retain their place on the Third  
10 Reading Calendar.

11 Thank you, Senator Fuschillo.  
12 Senator Duane.

13 SENATOR DUANE: Thank you,  
14 Mr. President.

15 I move that the following bill be  
16 discharged from its respective committee and  
17 be recommitted with instructions to strike the  
18 enacting clause. I'm doing it on behalf of  
19 Senator Connor. It's Senate Number 7935.

20 ACTING PRESIDENT GRIFFO: So  
21 ordered.

22 Senator Bruno.

23 SENATOR BRUNO: Mr. President,  
24 can we at this time refer back to Resolution  
25 5617, that had been previously passed in this

1 chamber, and ask at this time that it be read  
2 in its entirety.

3 ACTING PRESIDENT GRIFFO: The  
4 Secretary will read.

5 THE SECRETARY: By Senators Bruno  
6 and Breslin, Legislative Resolution Number  
7 5617, congratulating the Siena Men's  
8 Basketball Team and Head Coach Fran McCaffery  
9 upon the occasion of capturing the 2008 Metro  
10 Atlantic Athletic Conference Regular Season  
11 and Tournament Championships.

12 "WHEREAS, It is the sense of  
13 Legislative Body to acknowledge those  
14 outstanding college athletes who have  
15 distinguished themselves through their  
16 exceptional performance, attaining  
17 unprecedented success and the highest level of  
18 personal achievement; and

19 "WHEREAS, Attendant to such  
20 concern, and in full accord with its  
21 long-standing traditions, this Legislative  
22 Body is justly proud to congratulate the Siena  
23 Men's Basketball Team and Head Coach Fran  
24 McCaffery upon the occasion of capturing the  
25 2008 Metro Atlantic Athletic Conference

1 Regular Season and Tournament Championships;  
2 and

3 "WHEREAS, After winning a share of  
4 the Metro Atlantic Regular Season  
5 Championship, the Siena Saints Men's  
6 Basketball Team defeated Rider University,  
7 74-53, to earn an automatic bid to the NCAA  
8 Tournament for the fourth time in school  
9 history; and

10 "WHEREAS, One of only two schools  
11 from the State of New York in the 65-team NCAA  
12 Tournament Field, the Siena Saints Men's  
13 Basketball Team advanced to the second round  
14 following a thrilling 83-62 upset victory over  
15 Southeastern Conference powerhouse Vanderbilt;  
16 and

17 "WHEREAS, The Siena Saints Men's  
18 Basketball Team finished the season with a  
19 23-11 record, which included a 79-67 win over  
20 nationally ranked Stanford University at the  
21 Times Union Center in Albany, New York; and

22 "WHEREAS, The athletic talent  
23 displayed by this team is due in great part to  
24 the efforts of Head Coach Fran McCaffery and  
25 his dedicated staff, who have done a superb

1 job in guiding, molding and inspiring the  
2 Siena Men's Basketball Team toward their goals  
3 for the season; and

4 "WHEREAS, A skilled and  
5 inspirational tutor, respected for his ability  
6 to develop potential into excellence, Fran  
7 McCaffery became the 31st coach to guide three  
8 different teams into the NCAA tournament; and

9 "WHEREAS, From the opening game of  
10 the season to participation in the NCAA  
11 Tournament, the Siena Saints Men's Basketball  
12 Team were a brotherhood of athletic ability,  
13 good sportsmanship, honor and scholarship,  
14 demonstrating that these team players are  
15 second to none; and

16 "WHEREAS, The Siena Men's  
17 Basketball Team was loyally and  
18 enthusiastically supported by family, fans,  
19 friends and the community at large, and have  
20 proven themselves to be an unbeatable  
21 combination of talents, reflecting favorably  
22 on their school; and

23 "WHEREAS, Sports competition  
24 instills the values of teamwork, pride and  
25 accomplishment, and Coach Fran McCaffery and

1 the outstanding athletes on the Siena Saints  
2 Men's Basketball Team have clearly made a  
3 contribution to the spirit of excellence which  
4 is a tradition at Siena College; and

5 "WHEREAS, It is the sense of this  
6 Legislative Body to recognize and pay tribute  
7 to those exemplary athletic teams within the  
8 State of New York that have represented the  
9 great Empire State with pride and  
10 determination and distinguished themselves  
11 through notable achievements; now, therefore,  
12 be it

13 "RESOLVED, That this Legislative  
14 Body pause in its deliberations to honor the  
15 Siena Men's Basketball Team, its members --  
16 James Carr, Chris De La Rosa, Josh Duell, Tay  
17 Fisher, Alex Franklin, Erik Harris, Kenny  
18 Hasbrouck, Clarence Jackson, Cory Magee,  
19 Ronald Moore, Steven Priestley, Ryan Rossiter  
20 and Edwin Ubiles -- Head Coach Fran McCaffery,  
21 Assistant Coaches Mitch Buonaguro, Andrew  
22 Francis and Adam Cheskin, Director of  
23 Basketball Operations Steven Ott, and Managers  
24 Jerry Ballard, Matt DeFazio, Jimmy Halley,  
25 Alex Marinescu and Timothy McEvoy upon the

1 occasion of capturing the 2008 Metro Atlantic  
2 Athletic Conference Regular Season and  
3 Tournament Championships, and be it further  
4 "RESOLVED, That copies of this  
5 resolution, suitably engrossed, be transmitted  
6 to the Siena Men's Basketball Team and to Head  
7 Coach Fran McCaffery."

8 ACTING PRESIDENT GRIFFO: Senator  
9 Bruno.

10 SENATOR BRUNO: Mr. President,  
11 thank you; colleagues.

12 Coach Frank McCaffery, great to see  
13 you here with your championship team.  
14 Welcome. Welcome to the Senate chamber.

15 And to those that are here, we are  
16 paying tribute to outstanding athletes,  
17 outstanding young people who distinguished  
18 themselves in one of the most competitive  
19 arenas in the world -- being champs, making us  
20 in New York State and the Capital Region  
21 proud, really proud.

22 Mayor Jennings is beaming. You  
23 would think he was a forward there on your  
24 team, Coach. But, Mayor Jennings, you're  
25 welcome, and we're glad that we're here.

1                   Everyone in New York State took  
2 note. You brought great honor on everybody  
3 here that was following what was going on. To  
4 win the MAAC tournament, to defeat Vanderbilt  
5 in the first playoff -- I think you were 14th  
6 seeded against the fourth seed.

7                   Tay Fisher, Tay is the only --  
8 where's Tay? The only -- see this fellow?  
9 He's a senior, he's going on to greater glory  
10 in the rest of his life. But in that game  
11 against Vanderbilt, six for six in the  
12 three-point-zone area. Right? That is huge.  
13 I don't think anybody in this chamber could do  
14 that. Oh. Oh, yeah, this guy right here.

15                   (Laughter.)

16                   SENATOR BRUNO:       But truly, we're  
17 glad you're here.

18                   And I know Senator Farley is over  
19 there beaming with pride. I believe Josh  
20 Duell, who left Vermont to transfer to Siena,  
21 lives in his district. Surprised you didn't  
22 move into mine, but it's okay. We're all  
23 together.

24                   But truly, we are proud. We're  
25 proud. And, Fran, you just keep doing

1 outstanding things and just distinguishing  
2 yourself.

3 And each and every one of you that  
4 are on that team, many of you and most of you  
5 will be back, and you're going to be out there  
6 facing the world again. You've got to be good  
7 students or you don't get to play. And that's  
8 a credit to you, that you handled yourselves  
9 in a way that are truly role models for people  
10 that you see here and people who follow you in  
11 your careers.

12 So we're proud of you here in the  
13 Senate. And you want to be very proud of  
14 yourself, just as your coach is, the president  
15 of Siena, and everyone that really respects  
16 and honors what you do in your daily lives.

17 So thank you, and God bless you  
18 all.

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

21 Senator Breslin.

22 SENATOR BRESLIN: Thank you,  
23 Mr. President.

24 It's my honor to echo the remarks  
25 of Senator Bruno. Siena is located in my

1 district, and I've been pleased to be a season  
2 ticket holder for well over 25 years.

3 This year was that exceptional  
4 year. And it was an exceptional year given  
5 the fact, too, that we don't have many people  
6 who are leaving. Our only major star leaving  
7 is Tay, Tay Fisher, who as Senator Bruno said,  
8 had six three-pointers against Vanderbilt.

9 I will point out one mistake in the  
10 resolution. It talks about Siena upsetting  
11 Vanderbilt. And, you know, when we talk about  
12 odds, Vanderbilt may have been favored, but  
13 everybody in the Capital District and  
14 everybody on the coaching staff at Siena and  
15 everybody on the staff at Siena and every one  
16 of those players knew that Siena was going to  
17 beat Vanderbilt.

18 And they didn't just beat  
19 Vanderbilt, they dominated Vanderbilt. They  
20 beat them by 21 points.

21 This was a special group of young  
22 men, and they came together as a unit because  
23 of the coaching staff, led by Fran McCaffery.  
24 And we're so blessed to have Fran here, Fran  
25 and his family, because this is just the

1 beginning. This is the beginning of a long  
2 run of Siena greatness.

3 And it's so wonderful to have you,  
4 Fran, and your coaching staff and your  
5 athletic director, John D'Argenio, and the  
6 entire team here today to honor you.

7 Thank you very much, Mr. President.

8 ACTING PRESIDENT GRIFFO: Thank  
9 you.

10 Senator Farley.

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

13 I rise to congratulate this team  
14 and Coach McCaffery and the entire staff, and  
15 to say that the entire nation was brought to  
16 excitement because of your -- as they say,  
17 we'll call it an upset, but you actually  
18 routed Vanderbilt. And so many of us were so  
19 thrilled with your performance.

20 Not only is Siena a great addition  
21 to the Capital District and so forth, but the  
22 history of basketball at Siena has always been  
23 very exciting. And I think the most exciting  
24 thing is going to be next year, when Josh  
25 Duell, my constituent from Scotia, New York --

1 and born in Niskayuna, incidentally -- will be  
2 as a wide body there, at 6 foot 7, 252 pounds.

3 And let me just say, a guy with  
4 size 17 sneakers, they're not going to tip him  
5 over, I'll tell you that.

6 So, Josh, we're excited that you're  
7 coming back home from the University of  
8 Vermont, back home to your hometown. And  
9 we're very, very excited about what this team  
10 is going to be doing next year. Because I  
11 expect not only the first round, you're going  
12 to go right on throughout in that tournament  
13 and all tournaments.

14 And I wish Siena well, and you have  
15 a great tradition, not only as a fine school  
16 but as a great school in athletics. All the  
17 best to you.

18 ACTING PRESIDENT GRIFFO: Senator  
19 Volker.

20 SENATOR VOLKER: Mr. President, I  
21 just want to say that congratulations to the  
22 Siena Basketball Team from an old Canisius guy  
23 who was part of the Canisius basketball  
24 program at one time.

25 We used to have a lot more fun

1 playing Siena in those days. But it's not fun  
2 playing you anymore.

3 But I do want to congratulate you.  
4 It's bad news for us at Canisius to hear that  
5 you don't have any, to speak of, graduating  
6 people. But you were a great basketball team,  
7 and I'm sure you're going to be great in the  
8 future.

9 We're hoping, by the way, at  
10 Canisius that we can improve a little bit.  
11 We've been a little down the last couple of  
12 years. But I want you to know, on behalf of  
13 Canisius, that we were proud of you. And  
14 congratulations for what you did.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Alesi.

17 SENATOR ALESI: Thank you,  
18 Mr. President.

19 I just want you to know, I didn't  
20 get these [indicating crutches] in a jump ball  
21 with Cory Magee.

22 But I do want to make sure that I  
23 congratulate the entire team, and especially a  
24 young man from my hometown in Fairport for his  
25 not only stellar performance at Siena but also

1 at his time in high school back in Fairport,  
2 All County Monroe County.

3 So welcome to the entire team.  
4 Great job. Congratulations. And, Cory, glad  
5 to have you here.

6 ACTING PRESIDENT GRIFFO: Senator  
7 Larkin.

8 SENATOR LARKIN: Thank you very  
9 much, Mr. President.

10 You know, it's really an honor and  
11 a privilege to join here as a former Trojan  
12 here in South Troy. Of course, and Siena is  
13 doing very good, except they lost one big one  
14 this year. Father Mike is going to go to  
15 Mount St. Mary's in Newburgh, so we won't be  
16 playing you, but we'll be watching you.

17 Tay, everybody in the Kingston area  
18 and there around has said: "You know, he's  
19 not only a basketball player, he's one of the  
20 finest human beings you'll ever meet." I've  
21 never met anybody in the area, especially  
22 since the season started, who said, you know,  
23 his three S's that he always talks about are  
24 very, very important.

25 And you know, that's what makes

1 somebody who we look to the future to be a  
2 star and a model for our younger people. You  
3 can go to school and you can play basketball,  
4 you can play baseball, you can play football.  
5 But when you have that ability to turn around  
6 and encourage young people to do something  
7 that's right -- because, as you say, you want  
8 to be a teacher. What a model you will be.  
9 You knew the basketball triumphs. You knew  
10 the other sports. But here you want to take  
11 and translate what you've produced of yourself  
12 today to be part of you in the future.

13 Siena, great school. My son will  
14 be 53 years old in a couple of months, and he  
15 said: "Dad, for a great education, you sent  
16 me to the right place, Siena."

17 Thank you all, and God bless you.

18 ACTING PRESIDENT GRIFFO:

19 Resolution 5617 was previously adopted,  
20 unanimously, by the Senate on April 30th of  
21 this year.

22 We have a warm welcome to Coach  
23 McCaffery, to his assistant coaches, to the  
24 players and the university officials. We  
25 extend to all of you a sincere congratulations

1 on a great season.

2 I present the Siena Saints.

3 (Extended applause.)

4 SENATOR BRUNO: Mr. President.

5 ACTING PRESIDENT GRIFFO: Senator  
6 Bruno.

7 SENATOR BRUNO: Could I invite  
8 all the other members in the chamber to join  
9 in the resolution that has previously been  
10 passed. If you prefer not to be on it, would  
11 you just let the desk know privately.

12 And I would like to invite the  
13 members into the Lieutenant Governor's office,  
14 which they're temporarily letting me use, for  
15 a reception to honor the coach and this team  
16 as soon as we break session, or very quickly.

17 Thank you, Mr. President.

18 ACTING PRESIDENT GRIFFO: Senator  
19 Bruno, all members will be listed on the  
20 resolution unless they notify the desk.

21 SENATOR BRUNO: And,  
22 Mr. President, can I ask for Senator Golden's  
23 resolution, 5697, ask that it be read, title  
24 only, and move for its immediate adoption.

25 ACTING PRESIDENT GRIFFO: Thank

1           you, Senator Bruno.

2                       The Secretary will read.

3                       THE SECRETARY:       By Senators  
4           Golden and Larkin, Legislative Resolution  
5           Number 5697, honoring Stella Bailey upon the  
6           occasion of her designation as recipient of  
7           the 2008 Outstanding Contribution by a Senior  
8           Citizen Award.

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

12                      (Response of "Aye.")

13                      ACTING PRESIDENT GRIFFO:  
14          Opposed, nay.

15                      (No response.)

16                      ACTING PRESIDENT GRIFFO:       The  
17          resolution is adopted.

18                      Senator Aubertine.

19                      SENATOR AUBERTINE:       Thank you,  
20          Mr. President.

21                      I rise today to recognize the  
22          Hammond Girls Basketball Team, who is here  
23          with us as well as the Siena College  
24          Basketball Team.

25                      The Lady Red Devils, I have the

1 privilege to introduce them here in this  
2 chamber this year much as I did last year in  
3 the Assembly chamber.

4 Along with the Lady Red Devils are  
5 their coaches, their head coach, Shawn Dack,  
6 Assistant Coach Larry Hollister, Assistant  
7 Coach Chet Truskowski, as well as their  
8 superintendent, Doug McQueer.

9 This is a very unique basketball  
10 team in many ways, not the least of which,  
11 Mr. President, is that their overall record  
12 this year was 24-4, with their league record  
13 of 12-0. But the real remarkable stat in  
14 their record is they have achieved 101  
15 consecutive league wins, and still counting.

16 So the Hammond Lady Red Devils are  
17 the first Section X team to ever win  
18 back-to-back state titles. And I would  
19 appreciate it if you would offer them the  
20 congratulations of this house.

21 ACTING PRESIDENT GRIFFO: Thank  
22 you, Senator Aubertine. We will definitely  
23 extend the courtesy of the house to  
24 congratulate and welcome the Hammond Lady Red  
25 Devils.

1 I present to you the Lady Red  
2 Devils of Hammond.

3 (Applause.)

4 ACTING PRESIDENT GRIFFO: Senator  
5 Volker.

6 SENATOR VOLKER: May I just say,  
7 as I've done in the past, I am a summer  
8 resident of the region. And in fact, I  
9 recognize some of the names of the families  
10 there. I've been going to Black Lake for  
11 about 45 years, and Hammond is one of the  
12 places where I spend a great deal of time.

13 And I want to congratulate you.  
14 It's a beautiful school, and you have a great  
15 reputation in sports. And my congratulations  
16 personally to you.

17 ACTING PRESIDENT GRIFFO: Thank  
18 you, Senator Volker.

19 Senator Bruno.

20 SENATOR BRUNO: Mr. President,  
21 can we at this time take up the  
22 noncontroversial reading of the calendar.

23 ACTING PRESIDENT GRIFFO: The  
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 378, by Senator Little, Senate Print 6714, an  
2 act to amend the Environmental Conservation  
3 Law, in relation to adding.

4 ACTING PRESIDENT GRIFFO: Read  
5 the last section.

6 THE SECRETARY: Section 5. This  
7 act shall take effect immediately.

8 ACTING PRESIDENT GRIFFO: Call  
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 59.

12 ACTING PRESIDENT GRIFFO: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 394, by Senator Skelos, Senate Print 438A, an  
16 act to amend the Correction Law, in relation  
17 to failure.

18 ACTING PRESIDENT GRIFFO: Read  
19 the last section.

20 THE SECRETARY: Section 2. This  
21 act shall take effect on the 30th day.

22 ACTING PRESIDENT GRIFFO: Call  
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 58. Nays,

1           1. Senator Montgomery recorded in the  
2           negative.

3                        ACTING PRESIDENT GRIFFO:        The  
4           bill is passed.

5                        THE SECRETARY:        Calendar Number  
6           434, by Senator Griffo, Senate Print 6869, an  
7           act to amend the Tax Law, in relation to  
8           volunteer firefighters.

9                        ACTING PRESIDENT GRIFFO:        Read  
10          the last section.

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

13                       ACTING PRESIDENT GRIFFO:        Call  
14          the roll.

15                        (The Secretary called the roll.)

16                       THE SECRETARY:        Ayes, 59.

17                       ACTING PRESIDENT GRIFFO:        The  
18          bill is passed.

19                       THE SECRETARY:        Calendar Number  
20          576, by Senator Little, Senate Print 2941A, an  
21          act authorizing the payment of ordinary  
22          disability retirement benefits.

23                       ACTING PRESIDENT GRIFFO:        Read  
24          the last section.

25                       THE SECRETARY:        Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 59.

6 ACTING PRESIDENT GRIFFO: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 587, by Senator DeFrancisco, Senate Print  
10 6879, an act to amend the Executive Law, in  
11 relation to the honoring of Rosa Parks by bus  
12 companies.

13 ACTING PRESIDENT GRIFFO: Read  
14 the last section.

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

17 ACTING PRESIDENT GRIFFO: Call  
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: Senator  
21 DeFrancisco.

22 SENATOR DeFRANCISCO: Yes, I rise  
23 to support this legislation that I want to  
24 claim as mine, but it's really the legislation  
25 proposed by the fourth-graders that are up in

1 the gallery here from Van Duyn Elementary  
2 School in the city of Syracuse.

3 What they did, their class studied  
4 civil rights and learned of Rosa Parks and  
5 thought it would be wonderful idea to  
6 encourage bus companies, on her birthday on  
7 February 4th, to leave a spot open for Rosa in  
8 commemoration of what she did for the civil  
9 rights movement.

10 Well, they not only got it done --  
11 because what happened very quickly here, as I  
12 explained to them earlier, that it would on  
13 the noncontroversial calendar, which means  
14 that there's no dispute, it would pass on  
15 voice vote. There was clearly no dispute. So  
16 it was a good piece of legislation that they  
17 learned of and they told me of and it was  
18 actually their idea.

19 With that said, there's a second  
20 wonderful thing about it. You have already,  
21 at your young age, participated in government.  
22 You had an idea, you followed through on that  
23 idea, and you got a bill passed. And  
24 Assemblyman -- who is it -- Darryl Towns, who  
25 came to visit you today in my office, Darryl

1 is sponsoring it in the Assembly. And he  
2 indicated that he would in fact pass this  
3 bill, make sure this bill is passed.

4 So it's a wonderful idea, a  
5 wonderful bill. Centro Bus Company, in our  
6 area, was instrumental in making it possible  
7 to have a ceremony this year on February 4th,  
8 and they will continue to do so. And  
9 hopefully bus companies throughout the state  
10 will honor this bill and make this a special  
11 day for people throughout the State of  
12 New York.

13 So congratulations. I vote aye.

14 ACTING PRESIDENT GRIFFO: Senator  
15 Hassell-Thompson.

16 SENATOR HASSELL-THOMPSON: Thank  
17 you, Mr. President.

18 To you, Senator DeFrancisco, and to  
19 the students from your district, I want to  
20 congratulate you on this piece of legislation.

21 Senator DeFrancisco has said that  
22 you have participated in government, but you  
23 have also participated in taking a major step  
24 in civil rights. We may not ever have a day  
25 that will honor Rosa Parks, but certainly with

1           this act you will help to keep, in our minds  
2           and our hearts, an important action that went  
3           a long way toward changing how we see and look  
4           at each other in this country.

5                        If we can have the same kind of  
6           thoughtfulness and sensitivity displayed  
7           everyday, everywhere that we are, we will not  
8           ever have segregation again.

9                        So I want to congratulate you,  
10          Senator DeFrancisco, and certainly the  
11          students who were thoughtful and their teacher  
12          who was sensitive enough to allow us to share  
13          in this next step into the new generation  
14          where we are all free because we know to love  
15          and respect each other.

16                        Thank you very much, Mr. President.

17                        ACTING PRESIDENT GRIFFO:     Senator  
18          Montgomery.

19                        SENATOR MONTGOMERY:     Mr.  
20          President, thank you.

21                        I want to also join my colleague  
22          Senator Ruth Hassell-Thompson in thanking  
23          Senator DeFrancisco for this.

24                        And, Senator, you have taken out  
25          time to pay attention and to assist these

1 young people in helping them to realize this  
2 really very, very great victory, and so I  
3 thank you for that.

4 And I want to say to that class,  
5 and the teachers and the students in that  
6 class, that you now know how important Rosa  
7 Parks is to this nation. And you have been  
8 able to figure out a way to force us to keep  
9 her memory alive.

10 But I want you to also understand  
11 that she is a great example. She was a woman,  
12 she was African-American, and she lived in a  
13 place and in a time when she was not allowed  
14 legally to sit down on a bus because of her  
15 color.

16 But she sat down one day because  
17 she believed that that was wrong. And I want  
18 you to understand that because she sat down,  
19 she changed the nation. It was the beginning  
20 of the civil rights movement in this nation.

21 So, young people, you can take a  
22 position, you can stand up for something that  
23 you believe in that is right. And I think  
24 that your generation, you and your generation  
25 will continue the struggle to make sure that

1 we in this country give every single person an  
2 opportunity. As Rosa Parks has done for us up  
3 to this point, you will do from this point on.

4 So I thank you and I congratulate  
5 you. And on behalf of all of the people like  
6 Rosa Parks who we don't know their names, we  
7 don't have a seat for them, but we know that  
8 they have fought for us. And I thank you,  
9 because my future looks very bright with you  
10 involved in it. Thank you very much.

11 Thanks, Senator DeFrancisco.

12 ACTING PRESIDENT GRIFFO: Senator  
13 Diaz.

14 SENATOR DIAZ: Thank you,  
15 Mr. Chairman.

16 Just to join my colleagues Senator  
17 Ruth Hassell-Thompson and Senator Montgomery  
18 in congratulating Senator DeFrancisco and the  
19 students of Van Duyn Elementary School in  
20 Syracuse.

21 Just -- just -- just  
22 congratulations. And I envy you guys, because  
23 you did it in Syracuse. That was supposed to  
24 be done in the Bronx -- students from the  
25 Bronx, from New York City, from Harlem. But

1 Syracuse students did it, and I think that's  
2 very commendable.

3 And you, Senator DeFrancisco, thank  
4 you for doing it. Take it from this black  
5 Puerto Rican Senator, congratulations. And  
6 I'm very proud of you because of this piece of  
7 legislation.

8 Thank you.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Stewart-Cousins.

11 SENATOR STEWART-COUSINS: Thank  
12 you, Mr. President.

13 I also rise to congratulate, along  
14 with my colleagues, Senator DeFrancisco. It  
15 is certainly an important thing that we're  
16 doing here today.

17 And I did want to direct my  
18 comments to you who are up there in the  
19 gallery. One of the amazing things that I've  
20 been forced to remember is that very, very  
21 long ago women weren't allowed on the floor  
22 here in the Senate. Women would have to sit  
23 up there where you are, looking down only at  
24 men only being able to make the laws in this  
25 country.

1                   So we have changed a lot. Now  
2 people like you are down here on the floor  
3 making laws.

4                   And today is a really exceptional  
5 day, because we got a chance to congratulate  
6 young people all day. We congratulated the  
7 athletes, and now we're congratulating you,  
8 young students, young scholars who are telling  
9 us that it's important to you that everyone  
10 remembers our history.

11                   We blame you sometimes for doing  
12 things because you don't know the history.  
13 And sometimes we forget that we have to teach  
14 you the history. So I commend your teachers  
15 for teaching you the history. And then, now  
16 that you know the history, what you've decided  
17 to do, in speaking to your Senator, is  
18 reminding us to continue to teach the history.

19                   Every time in February that that  
20 seat is left vacant, somebody who didn't know  
21 about Rosa Parks will say: "Well, why am I  
22 having to be here? Who is this Rosa Parks?"  
23 You are helping to teach the history, to make  
24 us remember that we've come a very long way.

25                   Now you have to remember, since

1       you've created law, since you're teaching the  
2       history, don't forget, when you're able to,  
3       that you have to vote. You have to vote.  
4       What you will see here today is us voting on  
5       this legislation. You'll remember to do that.

6                   Thank you so much for doing your  
7       part and helping us do ours.

8                   ACTING PRESIDENT GRIFFO:       Senator  
9       Adams.

10                   SENATOR ADAMS:       Thank you,  
11       Mr. President.

12                   I wanted to rise also and thank  
13       Senator DeFrancisco. And I believe that he  
14       sort of continues on with the long tradition.

15                   Often when we think about some of  
16       the struggles we endured during the Civil  
17       Rights Era, you tend to emphasize on the  
18       negative and not on the positive. It was  
19       relationships between blacks and whites in  
20       this country, of all ethnicities, that decided  
21       they wanted to turn around the direction the  
22       country was heading in.

23                   They were rabbis, there was college  
24       students of all different forms. Even some  
25       here in upstate New York participated in the

1 struggle in the South.

2 And for you, my colleague, to  
3 introduce this important issue, raise the  
4 concern and bring it to the attention of these  
5 young people in the country that we want to  
6 move towards -- and I too want to rise and  
7 thank the Senator for introducing it.

8 ACTING PRESIDENT GRIFFO: We  
9 would like to thank the students and faculty  
10 for their interest, participation, and  
11 presence here today.

12 The Secretary will announce the  
13 results.

14 THE SECRETARY: Ayes, 59. Nays,  
15 0.

16 ACTING PRESIDENT GRIFFO: The  
17 bill is passed.

18 (Applause.)

19 ACTING PRESIDENT GRIFFO: Van  
20 Duyn Elementary School.

21 Calendar Number 593. The Secretary  
22 will read.

23 THE SECRETARY: Calendar Number  
24 593, by --

25 SENATOR LIBOUS: Would you please

1 lay that aside for the day.

2 ACTING PRESIDENT GRIFFO: Lay the  
3 bill aside for the day.

4 THE SECRETARY: Calendar Number  
5 620, by Senator Larkin, Senate Print 6956, an  
6 act to amend the Agriculture and Markets Law.

7 ACTING PRESIDENT GRIFFO: Read  
8 the last section.

9 THE SECRETARY: Section 4. 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, 59.

15 ACTING PRESIDENT GRIFFO: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 667, by Senator DeFrancisco, Senate Print  
19 6658A, an act to amend the Navigation Law, in  
20 relation to requiring.

21 ACTING PRESIDENT GRIFFO: Read  
22 the last section.

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

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT GRIFFO: Senator  
4 DeFrancisco.

5 SENATOR DeFRANCISCO: I'm going  
6 to vote aye on this bill.

7 We've had a rash of boating  
8 accidents in our community, much more than the  
9 population should be involved in, and  
10 resulting in deaths. In fact, one young  
11 person was just convicted of killing two  
12 people in a boat while intoxicated.

13 So this is one of the many bills  
14 that we've been pushing in order to strengthen  
15 the boating while intoxicated laws. And what  
16 it does is two things. It requires anyone  
17 convicted of an alcohol-related boating  
18 offense to obtain a boating safety  
19 certificate. So in addition to whatever other  
20 penalties a DWI -- or boating while  
21 intoxicated, I should say, you have to take  
22 the safety course as a reminder of what could  
23 happen.

24 Second, it requires anyone under 21  
25 who is convicted of an alcohol-related boating

1 offense to obtain a boating safety certificate  
2 before operating a vessel. So young people  
3 should get that information and learn how to  
4 do things properly before they get their  
5 license.

6 And so I think these are two  
7 preventive measures that hopefully will help  
8 stop some of the carnage that's been happening  
9 on our waterways.

10 I vote aye.

11 ACTING PRESIDENT GRIFFO: Thank  
12 you, Senator DeFrancisco. You will be  
13 recorded in the affirmative.

14 The Secretary will announce the  
15 results.

16 THE SECRETARY: Ayes, 59. Nays,  
17 0.

18 ACTING PRESIDENT GRIFFO: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 777, by the Senate Committee on Rules, Senate  
22 Print 6329, an act to authorize the Town of  
23 Malta to convey to Saratoga Water Services,  
24 Inc.

25 ACTING PRESIDENT GRIFFO: There

1 is a home-rule message at the desk.

2 The Secretary will read the last  
3 section.

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

6 ACTING PRESIDENT GRIFFO: Call  
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 59.

10 ACTING PRESIDENT GRIFFO: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 789, by Senator LaValle, Senate Print 3903A,  
14 an act to amend the Education Law, in relation  
15 to students in default.

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: Those recorded in  
24 the negative on Calendar Number 789 are  
25 Senators Adams, Duane, Hassell-Thompson and

1 Montgomery.

2 Ayes, 55. Nays, 4.

3 ACTING PRESIDENT GRIFFO: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 793, by Senator Padavan, Senate Print 3995A,  
7 an act to amend the Mental Hygiene Law, in  
8 relation to limiting.

9 ACTING PRESIDENT GRIFFO: Read  
10 the last section.

11 THE SECRETARY: Section 4. This  
12 act shall take effect one year after it shall  
13 have become law.

14 ACTING PRESIDENT GRIFFO: Call  
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 59.

18 ACTING PRESIDENT GRIFFO: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 804, by Senator Hannon, Senate Print 7058, an  
22 act to amend the Election Law and the Public  
23 Health Law, in relation to registration and  
24 enrollment.

25 ACTING PRESIDENT GRIFFO: Read

1 the last section.

2 THE SECRETARY: Section 3. This  
3 act shall take effect January 1, 2009.

4 ACTING PRESIDENT GRIFFO: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT GRIFFO: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 833, by Senator Winner, Senate Print 2817, an  
12 act to amend the Tax Law, in relation to  
13 requiring taxpayers.

14 ACTING PRESIDENT GRIFFO: Read  
15 the last section.

16 THE SECRETARY: Section 4. This  
17 act shall take effect on the 180th day.

18 ACTING PRESIDENT GRIFFO: Call  
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 58. Nays,  
22 1. Senator Duane recorded in the negative.

23 ACTING PRESIDENT GRIFFO: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1           849, by Senator Marcellino, Senate Print 623,  
2           an act to amend the Vehicle and Traffic Law,  
3           in relation to number of prior suspensions.

4                    ACTING PRESIDENT GRIFFO:     Read  
5           the last section.

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

9                    ACTING PRESIDENT GRIFFO:     Call  
10          the roll.

11                   (The Secretary called the roll.)

12                   THE SECRETARY:     Ayes, 59.

13                   ACTING PRESIDENT GRIFFO:     The  
14          bill is passed.

15                   THE SECRETARY:     Calendar Number  
16          851, by Senator Trunzo, Senate Print 1486, an  
17          act to amend the Vehicle and Traffic Law, in  
18          relation to aggressive driving.

19                   ACTING PRESIDENT GRIFFO:     Read  
20          the last section.

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

23                   ACTING PRESIDENT GRIFFO:     Call  
24          the roll.

25                   (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 59.

2 ACTING PRESIDENT GRIFFO: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 855, by Senator Fuschillo, Senate Print 5974A,  
6 an act to amend the Vehicle and Traffic Law,  
7 in relation to persons authorized.

8 ACTING PRESIDENT GRIFFO: Read  
9 the last section.

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

13 ACTING PRESIDENT GRIFFO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT GRIFFO: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 871, by Senator Marcellino, Senate Print 7303,  
21 an act to amend the Environmental Conservation  
22 Law, in relation to commercial application.

23 ACTING PRESIDENT GRIFFO: Read  
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 59.

6 ACTING PRESIDENT GRIFFO: The  
7 bill is passed.

8 Senator Libous, that completes the  
9 noncontroversial reading of the calendar.

10 SENATOR LIBOUS: Is there any  
11 further business, Mr. President, at the desk?

12 ACTING PRESIDENT GRIFFO: There  
13 is none.

14 SENATOR LIBOUS: There being no  
15 further business, I would say that the Senate  
16 will adjourn until Tuesday, May 6th, at  
17 3:00 p.m., sir.

18 ACTING PRESIDENT GRIFFO: On  
19 motion, the Senate stands adjourned until  
20 Tuesday, May 6th, at 3:00 p.m.

21 (Whereupon, at 3:53 p.m., the  
22 Senate adjourned.)

23

24

25