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REGULAR SESSION

SENATOR ERIC T. SCHNEIDERMAN, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT SCHNEIDERMAN: The Senate will please come to order.

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

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

ACTING PRESIDENT SCHNEIDERMAN: Senator Smith.

SENATOR SMITH: Thank you very much, Mr. President. I just ask my colleagues to indulge me for a moment.

We are honored to be joined today by His Eminence Cardinal Egan. He is joined by Father Gregory Mustaciuolo, Kyle McCauley Belokopitsky, Rick Barnes, Jim Cultrara, Bishop Hubbard -- I saw Bishop Hubbard over there as well.

And as many of you know, Cardinal Egan has served this state, this country, and the world and has made all of us extremely proud. He is going to be retiring in a month or so. And I think it is not only historical

for us to have him in our chamber, a chamber which has the ability to have many stars in it, but none like the star that we have today with Cardinal Egan.

He has come this morning to pray over our chamber, to ask God to give us the guidance and the direction that will move us in very difficult times, as we all know we are. And I think we could not have someone at a greater time and greater need than to have Cardinal Egan with us to offer our invocation today.

And please, Cardinal, even though you're retiring next month, know that this chamber and our colleagues are always delighted to have you in our presence.

Cardinal Egan.

CARDINAL EGAN: Thank you very much, Senator. You're very, very kind, and you've been a wonderful friend.

And I am truly honored to be here. We've been here for two days, and I believe it's been a very helpful, very fruitful two days. And I want you to know that I've loved

coming here for nine years. And if next year I sneak in and try to do it, tell me to stay down there, eh?

And welcome the new Archbishop of New York, who will be Archbishop Timothy Dolan, from a place calmed Milwaukee. And I know him very well, and I think you're going to find him to be a wonderful leader for the Catholic Church and the Archdiocese.

Could I ask you to join me for a moment in just placing ourselves in the presence of our God.

Almighty and Eternal Father, we place ourselves in Your presence to ask Your blessing. In a difficult time for our beloved State of New York, we seek for all of our fellow citizens firm trust in Your gracious providence. Make us confident of Your loving care. Never allow fear or anxiety to comprise our courage and our strength of soul even in the most difficult of circumstances.

Guide our leaders. Instill in them an uncompromising commitment to justice and above all to understanding and concern for

those who are most in need.

Bless our Governor, our Senators, the members of our State Assembly, and all who work with them in creating a statewide community of fairness, compassion, and peace. In a special way, help all of us to be willing to sacrifice ourselves to assist those in our midst who are bearing the sufferings of lost employment, lost homes, lost pensions, lost healthcare, lost educational opportunities -- and, in way too many cases, even lost hope.

We are one people, Your people, O Lord. Inspire in us a willingness to assist our brothers and sisters generously, lovingly, tirelessly. For we are Your children, fashioned in Your image, destined for an eternity in Your embrace.

All of this we ask with boundless faith and total trust, now and forever. Amen.

Thank you very much. You honor me greatly, and I am delighted to be here. And I wish you all the very best and promise you that I will be living in Manhattan, praying for you and telling the Lord that this is the

greatest state in the world, the most wonderful community in the world, a community to which all the world looks.

And, Lord, take care of the women and men who represent us in the Senate and the Assembly and in all the corridors of power here.

I can tell you that one magazine recently said I was going to go and live in Paris. They even said I had an apartment. They forgot to tell me where it was located.

(Laughter.)

CARDINAL EGAN: So I'll be at 33rd Street and First Avenue and available to do whatever I can. And all that Senator Smith has to do -- and he knows this -- is pick up the phone, and I'm right there for anything that this old man can do for you.

God love you all.

(Standing ovation.)

ACTING PRESIDENT SCHNEIDERMAN: Thank you, Cardinal. Thanks to Cardinal Egan.

The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Monday, March 9, the Senate met pursuant to adjournment. The Journal of Friday, March 6, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a report of the Judiciary Committee at the desk.

ACTING PRESIDENT SCHNEIDERMAN: There is a report of the Judiciary Committee at the desk.

The Secretary will read.

THE SECRETARY: By Senator Sampson, the Committee on Judiciary reports the following nomination:

As a judge of the Court of Claims,

Ann M. Donnelly, of Brooklyn.

ACTING PRESIDENT SCHNEIDERMAN: Senator Sampson.

SENATOR SAMPSON: Thank you, Mr. President.

I rise to congratulate the Governor on his nomination and hopefully go through the confirmation of a new judge for the Court of Claims, Ann M. Donnelly.

Presently, she's an ADA in the New York City District Attorney's office in the County of Manhattan, where you hail, Mr. President. And we look forward to great things from this individual. Her career has always been in public service. She is truly an ambassador to the public.

So I want to commend the Governor, but most of all I want to commend you, Ms. Donnelly, on your ascension to the bench. And I know you will make all the citizens of the State of New York very proud.

In attendance with her is her husband, Michael Toth; her daughter Rebecca Toth; her other daughter Margaret Toth; her

sister, Sara Hopkins; and her mother, Mary Donnelly -- Ms. Donnelly, I want to commend you on a job well done -- her brother-in-law, Jeffrey Hopkins; her aunt, Patricia Healy; and her uncle, Richard Healy.

At this point in time I would like to move her nomination forth, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: Thank you, Senator Sampson.

Senator Maziarz.

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

On behalf of this side of the aisle, I too want to rise and second this nomination by Governor Paterson of Ann Donnelly, of Brooklyn, for the Court of Claims.

Ann Donnelly met with both sides of the aisle, and we found her qualifications to be stellar. She's going to be a great judge, a great Court of Claims judge. This is a good appointment by the Governor. She has a wide breadth of experience in the Manhattan District Attorney's office. And we certainly

wish her and her family well, and a great career.

Thank you, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: Thank you.

Senator Adams.

SENATOR ADAMS: Thank you, Mr. President.

I too rise to thank the Governor for this very important appointment. As we celebrate Women's History Month, every opportunity we have to bring the level of diversity and clarity to our court.

I'm proud to know that this great judge resides in my district, so I applaud you even more, because you have a great Senator to go with a great judge.

And again, congratulations to you and your family. And we all know that whatever success we achieve, it has little to do with who we are personally, but it's those in our family that inspire us. They're there to make sure that we can go on and make the right decisions in our lives. And so I want

to commend your family.

From my family to your family, congratulations.

ACTING PRESIDENT SCHNEIDERMAN: Senator Perkins.

SENATOR PERKINS: I rise to commend the Governor for his nominee and his wonderful choice, someone that I've had the pleasure of meeting before this occasion and who I know has served this city well for 25 years with the great District Attorney Morgenthau.

And I'm confident that she's familiar with some of the more challenging criminal justice issues that are facing our city, our state, and will handle them with balanced, reasoned sensitivity towards justice and will do us all proud, and her family especially. As she has done already, in the quarter of a century that she's served us with the District Attorney's office -- half of his career, as I said.

And I also want to commend Senator Adams on his modesty, and to again thank our

chair for the wonderful leadership that he's been providing in presenting her to us and also to his counterpart on the Republican side, Senator Maziarz, for the deliberations that they joined in on this particular occasion.

Thank you very much, and I second the nomination.

ACTING PRESIDENT SCHNEIDERMAN: Thank you.

The question is on the motion to confirm the nomination of Ann M. Donnelly, of New York City, as a judge of the Court of Claims. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT SCHNEIDERMAN: Opposed, nay.

(No response.)

ACTING PRESIDENT SCHNEIDERMAN: The motion carries. The nomination of Ann Donnelly, of New York City, as a judge of the Court of Claims, is hereby confirmed.

(Applause.)

ACTING PRESIDENT SCHNEIDERMAN: Congratulations, Judge Donnelly, and to all the members of the Donnelly, Toth, Hopkins and Healy family. We are sure you will serve with distinction. Thank you.

Senator Klein.

SENATOR KLEIN: Mr. President, may we at this time adopt the Resolution Calendar in its entirety, with the exception of Legislative Resolutions 481, 733, 734, 735, and 743.

ACTING PRESIDENT SCHNEIDERMAN: Before we go to the Resolution Calendar, I believe there's a privileged resolution. Do we want to take that up first?

SENATOR KLEIN: Mr. President, can you please call on Senator Savino. She does have a privileged resolution at the desk. I ask that the resolution be read in its entirety and move for its immediate adoption and allow Senator Savino to speak on the said privileged resolution.

ACTING PRESIDENT SCHNEIDERMAN: The Secretary will read.

THE SECRETARY: By Senator Savino, Legislative Resolution Number 736, honoring Edward Cardinal Egan upon the occasion of his retirement.

"WHEREAS, Instrumental to deliverance are those men and women of spiritual commitment who accept the responsibility of moral leadership and render the wisdom of human understanding; and

"WHEREAS, This Legislative Body is justly proud to honor Edward Cardinal Egan upon the occasion of his retirement, to be celebrated on Monday, March 9, 2009, at the 36th Annual Dinner of the New York State American Irish Legislators Society in Albany, New York; and

"WHEREAS, Known for his commitment to all New Yorkers, Cardinal Egan is being recognized for his dynamic tenure, which leaves a solid foundation on which to build the future of the Archdiocese of New York; and

"WHEREAS, Cardinal Egan, in keeping with the Code of Canon Law, offered his resignation as Archbishop of New York to Pope

Benedict XVI on April 2, 2007, when he reached 75 years of age. His resignation became official on February 23, 2009, when Pope Benedict XVI appointed Archbishop Timothy Dolan as his successor; and

"WHEREAS, Cardinal Egan will remain in New York as Apostolic Administrator until April 15, 2009. He is the first Archbishop of New York to retire; and

"WHEREAS, In 2007-2008, Cardinal Egan led a year-long celebration of the Archdiocese of New York's bicentennial, and last year welcomed Pope Benedict on his apostolic visit to the United States; and

"WHEREAS, Cardinal Egan has been a strong advocate for Catholic education, particularly in the inner city, and has spoken forcefully on behalf of the poor, the vulnerable, the infirm, and the imprisoned; and

"WHEREAS, Cardinal Egan voted in the Vatican conclave that elected Pope Benedict following the death of Pope John Paul II. He is also eligible to participate in any

future conclaves that begin prior to his 80th birthday; and

"WHEREAS, It is the sense of this Legislative Body that when a person of such noble aims and accomplishments is brought to our attention, it is appropriate to publicly and jubilantly proclaim and commend that individual for the edification of others; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Edward Cardinal Egan upon the occasion of his retirement; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Edward Cardinal Egan."

ACTING PRESIDENT SCHNEIDERMAN: Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

I rise to present this resolution on behalf of Edward Cardinal Egan, the spiritual father of 2.5 million Catholics in New York City, Manhattan, the Bronx, Staten

Island, Orange, Rockland, Westchester, Putnam, Sullivan and Ulster Counties -- but certainly the spiritual leader for all Catholics in New York, and a spiritual leader for all faiths.

You know, he was born Edward Michael Egan in Oak Park, Illinois. A childhood survivor of polio, Cardinal Egan was ordained a priest of the Archdiocese of Chicago in December of 1957 in Rome. In Chicago, he served as a parish priest and assistant chancellor and secretary to Albert Cardinal Meyer before returning to Rome for his doctoral studies.

In 1972, he began a 23-year stint in Rome, where he also entered into a love affair with the country of Italy. And last night at the Irish American Legislators he said he actually felt that he was more Italian than Irish. And as an Italian-Irish woman, we'll accept you, Cardinal Egan.

On April 1, 1985, the pope named him auxiliary bishop of the Archdiocese of New York, where he served in the role of vicar

for education. In 1988, Bishop Egan was appointed bishop of the Diocese of Bridgeport, Connecticut.

Pope John Paul II appointed Bishop Egan as Archbishop of New York in May of 2000. He came to us shortly after the death of our beloved Cardinal O'Connor.

He was accepted in New York. He has filled Cardinal O'Connor's shoes. And he has been a leader for all of us since then.

As I said, he represents all of the counties that I mentioned, but he has a particular fondness for Staten Island. And as Senator Lanza will tell you, whenever he's there, he remarks that he knows he is in the center of the universe. And we will miss you. And we will expect you to come and visit us as often as you can.

When he took over the archdiocese, he successfully eliminated a multi-million-dollar archdiocesan budget deficit, oversaw a reconfiguring of parishes, and increased annual giving to archdiocesan charities and schools, leaving his successor,

our incoming archbishop, with an archdiocese on firm fiscal footing.

Perhaps you would like to take a look at the budget now that you have a little free time on your hands. We could certainly use your help.

On September 11, 2001, Cardinal Egan ministered to those wounded in the World Trade Center attack at St. Vincent's Hospital in Greenwich Village. Two days later, he led a memorial service at St. Patrick's Cathedral for the repose of the souls of those killed. In the subsequent weeks, he celebrated numerous funeral masses for victims, including that of Franciscan Father Mychal Judge, the Fire Department chaplain, who was killed in that attack.

And in 2005, he took part in the Vatican conclave to elect Pope Benedict.

He has been a strong advocate for Catholic education, the rights of parents to select the best schools for their children. He has spoken out passionately for what he believes in: the right to life from

conception until natural death, the dignity of all people, in particular the poor, the elderly, the sick and the imprisoned.

In 2007, he led a year-long celebration of the bicentennial of the Archdiocese of New York and celebrated the 50th anniversary of his priesthood. And in 2008, he led New York State in welcoming Pope Benedict on his historic visit to our state.

It was a sad and bittersweet day on February 23rd when Pope Benedict accepted Cardinal Egan's retirement and appointed Archbishop Timothy Dolan as the next archbishop. While we welcome him with open arms, we will miss Cardinal Egan. We wish him well in his retirement, and we hope to call on him for spiritual advice that we all know that we need.

Thank you, Cardinal Egan.

ACTING PRESIDENT SCHNEIDERMAN: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Your Eminence, Leader Smith

certainly spoke on all of the members' behalf in thanking you and honoring you.

I would never think of mixing politics with religion, but from this side of the aisle, we too will miss you. We have spent the last nine years working very closely with you on those issues of faith that have been important to the citizens of this state and certainly the Catholic Church.

And I will say that your leadership is going to be difficult to replace. You have been extremely outspoken for those groups who cannot speak on behalf of themselves. And for that, I say thank you.

And we from this side of the aisle, and certainly all of the members of this chamber, will miss you dearly. God bless you.

ACTING PRESIDENT SCHNEIDERMAN: Are there any other Senators that wish to be heard on the resolution?

Senator Adams.

SENATOR ADAMS: Thank you. Thank you. I too rise.

I remember as a police officer

being with Cardinal O'Connor, and he so often allowed the uniformed officers to come in. And when he made the transformation from the physical to the spiritual, many of us were lost on who would take his place.

And it was a difficult task when you're in New York City, where many of the many issues that took place, particularly those of us who benefit from the Catholic school system and who benefited from just walking down Fifth Avenue throughout the annual St. Patrick's Day Parade. As we would don our blue uniforms, there was always a figure there, and our cardinal and our friend was there.

And in his short period of time, many of us in law enforcement just embraced all that Cardinal Egan has offered -- the level of solitude, the level of leadership in a very challenging city. It is not easy being a cardinal in New York City, as you know.

(Laughter.)

SENATOR ADAMS: But we are happy to know that there's no rocking chair on the

porch for him. We're happy to know that he will not wither away in the winds of yesterday. We're happy to know that in spite of what his official title is, he's always the Cardinal of New York. And on First Avenue and 30-something Street, we know where to find him.

Men like him do not retire. They go to a higher level in their state of retirement. And I assure him that the city needs him now more than ever. And we are proud to know that he was our cardinal, and will always be our cardinal, and we look forward to having a greater period of time with him during his retirement.

We wish you the best here in the City of New York in the Senate chambers. Thank you, Cardinal.

CARDINAL EGAN: Thank you. Thank you very much. And thanks to everyone.

ACTING PRESIDENT SCHNEIDERMAN: Does any other Senator wish to be heard on the resolution?

The question is on the resolution

honoring Cardinal Egan. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT SCHNEIDERMAN: Opposed, nay.

(No response.)

ACTING PRESIDENT SCHNEIDERMAN: The resolution is adopted.

Congratulations, Cardinal Egan.

(Standing ovation.)

CARDINAL EGAN: I am deeply, deeply grateful. Thank you very much.

And if ever I can do anything for any one of you, you know I am now just a parish priest. And that's what I wanted to be in the beginning.

So God love you all, and be sure I am with you at every step along the way.

(Applause.)

ACTING PRESIDENT SCHNEIDERMAN: At the request of the sponsor, the resolution is open for multisponsorship by the entire house.

Senator Klein.

SENATOR KLEIN: Mr. President, may we at this time adopt the Resolution Calendar in its entirety, with the exception of Legislative Resolutions 481, 733, 734, 735, and 743.

ACTING PRESIDENT SCHNEIDERMAN: Senator Klein, before we return to the Resolution Calendar, we need to return to the order of regular business.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

SENATOR KLEIN: Mr. President, are there any substitutions at the desk?

ACTING PRESIDENT SCHNEIDERMAN: Yes, there are.

The Secretary will read.

THE SECRETARY: On page 10, Senator Klein moves to discharge, from the Committee on Codes, Assembly Bill Number 5823 and substitute it for the identical Senate Bill Number 1901, Third Reading Calendar 86.

And on page 11, Senator Stavisky moves to discharge, from the Committee on Higher Education, Assembly Bill Number 2714 and substitute it for the identical Senate Bill Number 2296, Third Reading Calendar 91.

ACTING PRESIDENT SCHNEIDERMAN: Substitutions ordered.

And now to the Resolution Calendar. On the Resolution Calendar, we'd first like to recognize Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

Ladies and gentlemen, Resolution 710 is very important to all of us, and it's important to this nation.

In January 2000, my colleagues in the Hudson Valley -- Senator John Bonacic, Senator Leibell, Senator Morahan, Senator Saland -- we met with the Military Order of the Purple Heart, we met with veterans' groups from across the country and established a policy group to work on creating a Purple Heart stamp. There had never been a Purple Heart stamp.

It was our thought at that time that there was no war, there was no rush to make ourselves heroes, but it was one solid opinion that we should create a Purple Heart stamp in order to show respect, dignity, and honor to the more than 1.7 million Americans that had been wounded or killed in action.

It took us until 2003, May the 30th, till we got a stamp. You know, since that time, it started out at 37 cents, now it's 42, and come the first of May it's going to be 44 cents. We shouldn't be putting our veterans and the survivors of deceased waiting every time someone turns around to change the cost of a stamp.

There is an opportunity for a Forever stamp. It's been taken away from the Congress of the United States, and it rests solely with the Stamp Advisory Board. The Postmaster General at this point is a native New Yorker, came from the Buffalo area. So I'm expecting Mike and a few others to drop him a note and say "Come home and help us."

But this is very important. Every

veterans' magazine is showing an article in there asking us to do something to get this stamp. What does it take? This is a resolution asking them to do something that we shouldn't even be asking them. They should be thinking about the men and women of our armed forces who have served with dignity so that we could live a life of freedom. This is a great country. But we've had Americans that have lost limb and life in protecting the dignity and freedom for this country.

Those of you who haven't signed onto this, I wish you would, because I think we ought to have 62 members going and telling the Stamp Advisory Group. And then I would also ask those of you who write to your veterans' groups or your business councils to ask them to spend it.

In the year 2000, when we did our efforts on the stamp, there was over 1.5 million letters and cards sent to the postal service, the most ever. Probably the richest amount of money they ever earned in a year.

So don't do it for Bill Larkin. I'm going to be doing it. I've been writing letters, encouraging everybody. But we have a responsibility to not just the people in the State of New York, but in this time we have a responsibility to the people who went before us and the people that are there now protecting the freedom of America.

I thank you and ask you all to join me.

ACTING PRESIDENT SCHNEIDERMAN: Thank you, Senator.

All those in favor of adopting the Senate Resolution Calendar in its entirety, with the exception of Legislative Resolutions 481, 733, 734, 735, and 743, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT SCHNEIDERMAN: Opposed, nay.

(No response.)

ACTING PRESIDENT SCHNEIDERMAN: The Resolution Calendar is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, may we at this time take up Legislative Resolution Number 481, by Senator Griffo. I ask that its title be read and move for its immediate adoption.

ACTING PRESIDENT SCHNEIDERMAN: The Secretary will read.

THE SECRETARY: By Senator Griffo, Legislative Resolution Number 481, memorializing Governor David A. Paterson to proclaim May 2009 as Lupus Awareness Month in the State of New York.

ACTING PRESIDENT SCHNEIDERMAN: Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President. Appreciate your attention.

The Lupus Society has always designated May as Lupus Awareness Month. This resolution will memorialize the Governor to do likewise.

Lupus is a chronic autoimmune disease which affects over 1.5 million Americans and over 105,000 New Yorkers each and every year. It is sometimes misdiagnosed,

and the great majority of people who are affected with this disease are young people. And also 90 percent of them are women. Lupus is also very prevalent among Hispanics, African-Americans, Native Americans, Asians.

And tragically, thousands of Americans die from lupus each year because the ability to find a cure remains elusive.

So this resolution will allow us to call attention to this disease, allows us to create an awareness to try to continue to support efforts to fight this disease and also to educate people about the importance of taking care of their health and trying to determine what needs to be done to prevent and to combat this disease.

So I would invite all of my colleagues to join in cosponsoring the resolution.

Thank you, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: Thank you, Senator Griffo.

Are there any other Senators that wish to be heard on the resolution?

The question is on Resolution 481, by Senator Griffo. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT SCHNEIDERMAN: Opposed, nay.

(No response.)

ACTING PRESIDENT SCHNEIDERMAN: The resolution is adopted.

At the request of the sponsor, the resolution is open for multisponsorship by the entire house. Any member wishing not to be a multisponsor of the resolution should so inform the desk.

Senator Klein.

SENATOR KLEIN: Mr. President, may we at this time take up Legislative Resolution Number 733, by Senator Stachowski. Please read the title.

ACTING PRESIDENT SCHNEIDERMAN: The Secretary will read.

THE SECRETARY: By Senator Stachowski, Legislative Resolution Number 733, memorializing Governor David A. Paterson to

proclaim March 10, 2009, as Occupational Health Awareness and Outreach Day in the State of New York.

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

(Response of "Aye.")

ACTING PRESIDENT SCHNEIDERMAN: Opposed, nay.

(No response.)

ACTING PRESIDENT SCHNEIDERMAN: The resolution is adopted.

At the request of the sponsor, this resolution is also open for multisponsorship by the entire house. Any member wishing not to be a sponsor should so inform the desk.

Senator Klein.

SENATOR KLEIN: Mr. President, may we at this time take up Legislative Resolution Number 734, by Senator Foley. I ask that it be read in its entirety and move for its immediate adoption and to allow Senator Foley the opportunity to speak on the said resolution.

ACTING PRESIDENT SCHNEIDERMAN: The Secretary will read.

THE SECRETARY: By Senator Foley, Legislative Resolution Number 734, commending Past President George C. Welker upon the occasion of his retirement after 40 years of distinguished service to CWA Local 1108.

"WHEREAS, It is the sense of this Legislative Body to recognize and honor those distinguished citizens of this great Empire State who have devoted themselves to faithfully serving the best interests of their community and the needs of its residents; and

"WHEREAS, Attendant to such concern, and in full accord with its longstanding traditions, this Legislative Body is justly proud to commend Past President George C. Welker upon the occasion of his retirement after forty years of distinguished service to Communications Workers of America Local 1108. A dinner attended by many friends, family members and colleagues was held in his honor at Villa Lombardi's, Holbrook, New York, on Thursday, February 19,

2009; and

"WHEREAS, In 1968 George C. Welker began working for the New York Telephone Company as an installer. The following year he was elected steward at the St. James Garage; and

"WHEREAS, George C. Welker was then appointed chief steward of repair in the mid-1970s and served in this capacity until 1984, when he was elected area representative for the North Central Area; and

"WHEREAS, Three years later, George C. Welker was elected business agent for North Suffolk, a position he held until 1990, when he was elected president of CWA Local 1108, serving in this esteemed position for six terms until 2008; and

"WHEREAS, George C. Welker has also served on the regional bargaining committee for the past four collective bargaining agreements, as well as president of the Downstate Coordinating Council, president of the CWA Long Island Federal Credit Union, and as a member of the National Finance Committee;

and

"WHEREAS, Currently, George C. Welker serves on the Contracting Committee for New York State, the Responsible Relationships Committee [aka the Train-Wreck Committee], and the Long Island Federation of Labor Executive Board. In addition, he is the executive vice president of the private sector for the Long Island Federation of Labor; and

"WHEREAS, Throughout his career, George C. Welker served CWA Local 1108 with intelligence and caring dedication, continuously striving to effectively fulfill the duties of this position; and

"WHEREAS, Greatly respected by all those with whom he worked, George C. Welker will be remembered for his honesty, integrity, keen sense of duty and ability to show a unique grasp of human problems in his official acts; and

"WHEREAS, It is the sense of this Legislative Body that when individuals of such noble aims and accomplishments are brought to our attention, they should be celebrated and

recognized by all the citizens of this great Empire State; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor George C. Welker, and to wish him continued success in all of his future endeavors; and be it further

"RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to George C. Welker."

ACTING PRESIDENT SCHNEIDERMAN: Senator Foley.

SENATOR FOLEY: On the resolution. Thank you, Mr. President.

It gives me great pleasure today to honor a man who has spent his career fighting for the rights of working men and working women across Long Island, across our great state, and indeed across our country.

We heard earlier today from a another great leader, our spiritual leader in our city, in our state, in our nation, and in fact in our world. We rendered now unto Caesar what is Caesar's. And in the temporal

world, in the world of unionizing, in the world of empowering middle-class men and women to provide for their families, there is not a better example of a leader than George Welker.

I have had the great good fortune to know both the CWA and Mr. Welker for a number of years now -- and we can go back well over 20 years -- when the CWA worked on a number of progressive issues locally, statewide, and nationally. And he always opened the doors of 1108 to any who wanted to come in to work on a variety of issues that would help the local communities.

He had the common touch. He had the touch where one could go to him to speak on a variety of issues that were important to the region and important to the communities that we live in. But at the same time, he was also recognized as a national leader in the labor movement. So he had those unique qualities of being able to have the pastoral touch, as we would say in the spiritual world, but at the same time be recognized as a national leader in the rights of working men

and working women as well.

So I thank my colleagues in the Senate today for allowing me to say a few words to recognize George Welker, and to join with me in thanking him for his many years of dedicated service. He has done great work to help so many. And I thought it was very fitting and appropriate that today we would pause in our deliberations to say thank you to him and to wish him the best of luck in the years ahead.

George, would you please stand up for us to recognize you.

(Applause.)

SENATOR FOLEY: Thank you, Mr. Chairman.

ACTING PRESIDENT SCHNEIDERMAN: Thank you, Senator Foley.

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

(Response of "Aye.")

ACTING PRESIDENT SCHNEIDERMAN: Opposed, nay.

(No response.)

ACTING PRESIDENT SCHNEIDERMAN: The resolution is adopted.

Senator Craig Johnson, to explain his vote on the resolution.

SENATOR CRAIG JOHNSON: Thank you, Mr. President.

I just wanted to rise and first, of course, commend my good friend Brian Foley for bringing this resolution forward.

I want to add my name to the resolution, just simply to say thank you to you, George. Thank you for your leadership and for your dedication to the men and women that CWA represents, especially in these very difficult times, to know that while you may be taking a little bit of a break, that your voice and your guidance will still be there.

So I commend you, I thank you, and I appreciate you coming today and letting us celebrate what you've accomplished.

Thank you very much, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: The resolution is adopted.

Congratulations, Mr. Welker.

(Applause.)

ACTING PRESIDENT SCHNEIDERMAN: Senator Klein.

SENATOR KLEIN: Mr. President, may we at this time take up Legislative Resolution 743, by Senator Tom Duane. I ask that the title be read and move for its immediate adoption and that you give Senator Duane the opportunity to speak on said resolution.

ACTING PRESIDENT SCHNEIDERMAN: The Secretary will read.

THE SECRETARY: By Senator Duane, Legislative Resolution Number 743, honoring New York City Deputy Mayor Ed Skyler for his consummate courage and bravery while confronting a mugger in midtown Manhattan.

ACTING PRESIDENT SCHNEIDERMAN: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

As many of you may have read in the papers, Deputy Mayor Ed Skyler, in an incident

that occurred in my district -- actually, bordering Senator L. Krueger's district as well -- happened upon a crime being committed and, in just a very quick-thinking and brave act, came to the assistance of a woman who was being attacked by muggers and actually captured one and held the person down until law enforcement arrived.

So it was quick thinking on his part. It was very helpful to a woman who was potentially going to be even more victimized. And I think that Deputy Mayor Ed Skyler, acting as a private citizen, deserves a commendation for his courageous act.

And I also would ask that my colleagues, if they would like to sign on, please by all means do. And I'm assuming if they don't want to, they should let the desk know.

Thank you, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: Thank you, Senator Duane.

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

aye.

(Response of "Aye.")

ACTING PRESIDENT SCHNEIDERMAN: Opposed, nay.

(No response.)

ACTING PRESIDENT SCHNEIDERMAN: The resolution is adopted.

And at the request of the sponsor, it's open for multisponsorship. Any member wishing not to be a sponsor please inform the desk.

Resolution Number 735, the Secretary will read.

THE SECRETARY: By Senator Sampson, Legislative Resolution Number 735, honoring Dr. Edison O. Jackson upon the occasion of his retirement as president of Medgar Evers College of the City University of New York.

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

(Response of "Aye.")

ACTING PRESIDENT SCHNEIDERMAN:

Opposed, nay.

(No response.)

ACTING PRESIDENT SCHNEIDERMAN: The resolution is adopted.

At the request of the sponsor, the resolution is open for multisponsorship by the entire house. Any member wishing not to be a sponsor should so inform the desk.

Returning to the regular order of business. Motions and resolutions.

Senator Klein.

SENATOR KLEIN: Mr. President, on behalf of Senator Thompson, Senate Bill 2515, we recommend the striking of the enacting clause. This is 2515.

Also, on page 9 I offer the following amendments to Calendar 68, Bill Number 2581, on behalf of Senator Sampson.

ACTING PRESIDENT SCHNEIDERMAN: So ordered.

Senator Klein.

SENATOR KLEIN: Mr. President, may we at this time move for a reading of the calendar.

ACTING PRESIDENT SCHNEIDERMAN: The Secretary will read.

THE SECRETARY: Calendar Number 48, by Senator Stavisky, Senate Print 1538A, an act to amend the Executive Law, in relation to providing information.

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

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

THE SECRETARY: Calendar Number 74, by Senator Montgomery, Senate Print 2091, an act to amend the Social Services Law, in relation to eligibility.

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT SCHNEIDERMAN: The bill is laid aside.

THE SECRETARY: Calendar Number 75, by Senator Breslin, Senate Print 738, an act to amend the Executive Law, in relation to records.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT SCHNEIDERMAN:

The bill is laid aside.

THE SECRETARY: Calendar Number 79, by Senator Stewart-Cousins, Senate Print 1788, an act authorizing the Gate of Heaven Cemetery to transfer land.

ACTING PRESIDENT SCHNEIDERMAN: Read the last section.

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

ACTING PRESIDENT SCHNEIDERMAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SCHNEIDERMAN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT SCHNEIDERMAN: The bill is passed.

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

SENATOR KLEIN: Mr. President, at this time could we please move to a reading of the controversial calendar.

ACTING PRESIDENT SCHNEIDERMAN: If the Secretary would please ring the bells,

members are all asked to come to the chamber for the controversial reading of the calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 74, by Senator Montgomery, Senate Print 2091, an act to amend the Social Services Law.

SENATOR LIBOUS: Explanation, please.

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, an explanation has been requested.

SENATOR MONTGOMERY: Yes, Mr. President.

This bill is one that I have introduced at the request of a number of people. OCFS now requires a child support order to be pursued or good cause shown for not pursuing the order during an application for subsidized childcare.

This bill would, while encouraging parents seeking subsidized childcare to certainly pursue a court order in order to collect child support from a noncustodial parent, that parent would not be refused an

opportunity to receive subsidized childcare even if they were not at the moment able to pursue a court order.

ACTING PRESIDENT SCHNEIDERMAN: Thank you, Senator Montgomery.

Senator Golden, why do you rise?

SENATOR GOLDEN: Will the sponsor please yield?

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, will you yield for a question from Senator Golden?

SENATOR MONTGOMERY: Yes, I will.

ACTING PRESIDENT SCHNEIDERMAN: The sponsor yields.

SENATOR GOLDEN: Thank you, Mr. President.

What is the current process that warrants this?

SENATOR MONTGOMERY: Mr. President, through you, I need another question. I mean, I need him to clarify his question for me.

ACTING PRESIDENT SCHNEIDERMAN: The sponsor has requested that you clarify

your question.

SENATOR GOLDEN: Yes, Mr. President. What is the current process?

SENATOR MONTGOMERY: The current process is that you go in to apply for childcare, for daycare services, and you are required as part of the application to pursue a court order for child support from the noncustodial parent.

SENATOR GOLDEN: Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, will you continue to yield?

SENATOR MONTGOMERY: I will. I do.

ACTING PRESIDENT SCHNEIDERMAN: The sponsor yields.

SENATOR GOLDEN: And what is the change in that bill?

SENATOR MONTGOMERY: The change in this legislation would not penalize a parent by refusing them a subsidy for childcare simply because they are not able to

or are not pursuing a court order for child support.

SENATOR GOLDEN: Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, will you yield for another question?

SENATOR MONTGOMERY: Yes.

SENATOR GOLDEN: Why are we doing it? What is the purpose of doing this bill?

SENATOR MONTGOMERY: Mr. President, through you, to answer simply, this bill, by us passing this and this becoming law, we now remove a barrier for parents seeking childcare based on their own circumstances, as opposed to having a child not be eligible to receive childcare simply because one of their parents is not available and not paying child support. The child does not get punished for that.

SENATOR GOLDEN: Mr. President, does the sponsor still yield?

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, will you yield for another

question from Senator Golden?

SENATOR MONTGOMERY: Yes, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: The sponsor yields, Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

Don't we have enough on the claiming of good causes, don't we have enough good causes listed in the bill that's presently there, such as the when active pursuit of child support is likely to cause physical or emotional harm? Don't we exclude that individual? If the child came from pregnancy due to incest or rape, we excuse that. Working with the court or an authorized adoption agency to have your child adopted. These are just some of the good causes that we have in the bill.

Isn't there enough in that bill already -- in law already not to have this bill put forward, this law put forward?

SENATOR MONTGOMERY: Mr. President, to answer Senator Golden, I just

want to remind you that we are talking about parents who are already stressed and often under duress. They are looking for work; that's a requirement if you want to have subsidized childcare in this state. We may be pushing parents into situations where they've experienced domestic violence, family violence, and to pursue a court-ordered child support would further endanger that parent or that family. There are many reasons why a parent, a custodial parent may not be able to pursue a court-ordered child support.

But I certainly would not want, and I don't think that you would, Senator Golden, want to see a child be penalized for the fact that there is a noncustodial parent for whatever reason out of the home. And certainly that that parent is not willing to be supportive, but we don't want to pull away from supporting our support of that child and that family.

SENATOR GOLDEN: Mr. President, does the sponsor continue to yield?

ACTING PRESIDENT SCHNEIDERMAN:

Senator Montgomery, will you yield for another question from Senator Golden?

SENATOR MONTGOMERY: I will. Under duress.

SENATOR GOLDEN: Senator, do you believe that the noncustodial parent should pay custodial?

SENATOR MONTGOMERY: Absolutely I do. Mr. President, I believe that all parents should be responsible for supporting their children.

SENATOR GOLDEN: And, Mr. President, if she continues to yield, please.

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, will you yield for another question from Senator Golden?

SENATOR MONTGOMERY: Yes, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: Senator Golden, the sponsor yields. Please direct your questions through the desk.

SENATOR GOLDEN: There are many stresses upon families across the State of New York, not only on those that are single

parents and those that are custodial parents and trying to deal with their noncustodial parents. But isn't there a requirement that we go and that we pay taxes and that we pay for these custodial fees to the parents? And isn't that something that we should be looking for responsibility within those families to go and to do that, Mr. President?

SENATOR MONTGOMERY: We certainly should. I agree with you, Senator Golden.

SENATOR GOLDEN: And, Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, will you continue to yield for Senator Golden?

SENATOR MONTGOMERY: Yes, I do.

SENATOR GOLDEN: If that is the case, then, Senator, then why not the court order and force the individuals to go for that court order to in fact register with the court and let them know that you want this noncustodial parent to pay that tax?

SENATOR MONTGOMERY: Mr.

President, I believe that Senator Golden is confused about what my bill does. My bill does not say that I don't want the parent to pursue the court order for child support. My bill simply says that that shall not be an excuse for us not providing subsidized childcare for the child in that family. That's all my bill does.

I don't say that I don't want to pursue court-ordered child support. That's not what the bill does. The bill only says that you cannot punish a child because a parent cannot pursue a court order for child support.

ACTING PRESIDENT SCHNEIDERMAN: Thank you, Senator Montgomery, for that clarification.

Senator Golden.

SENATOR GOLDEN: Mr. President, why would the individual parent want to get a court order if this bill is placed into law?

ACTING PRESIDENT SCHNEIDERMAN: Senator Golden, are you asking Senator Montgomery to yield?

SENATOR GOLDEN: Yes, I am.

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, will you yield for one other question?

SENATOR MONTGOMERY: Yes, Mr. President.

I think Senator Golden was asking me why do I not want the parent to pursue a court order. And the fact of the matter is that I do. And so that's not what my bill does at all. The bill only says that if the parent does not pursue a court order for child support, that that shall not be an excuse for not having childcare.

Now, we know that the directors that have been polled to ask what is the impact of this requirement, 60 percent of the people who would apply, parents who apply, when they find out they have to go and pursue this court order for child support, they stop the application process. Why? Because they know that this is just not something that is going to be helpful to them. As a matter of fact, it puts them in harm's way.

It is a very onerous -- to many people, an onerous and difficult process. And so if they don't do it, they don't -- they can't receive childcare.

All I'm saying is I want them to pursue it, yes. But do I want this to be an obstacle to prevent children from being eligible and having access to childcare? No, I do not want that. That, to me, punishes the wrong person for the wrong reason.

So, Senator Golden, I am adamantly opposed to what you want to see happen, and that is for children not to have access for childcare only because the parent won't pursue this court order.

ACTING PRESIDENT SCHNEIDERMAN: Senator Krueger, why do you rise?

SENATOR LIZ KRUEGER: Will Senator Golden yield for a question, please.

ACTING PRESIDENT SCHNEIDERMAN: Senator Golden, will you yield for a question?

SENATOR GOLDEN: Certainly.

ACTING PRESIDENT SCHNEIDERMAN: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

I've been listening to the debate, and it's a healthy one. Again, my understanding of Senator Montgomery's bill is just simply correcting an overstatement, an overzealous -- thank you, Senator -- agency regulation to bring it into order with our laws.

So through you, Mr. President, would you yield for a question, Senator Golden?

SENATOR GOLDEN: Certainly.

ACTING PRESIDENT SCHNEIDERMAN: Senator Golden yields.

SENATOR LIZ KRUEGER: Thank you.

Again, the agency has the power to pursue the noncustodial parent for child support. No one is debating that. They would have the ability to do it anyway. And we hope they would. This specific situation, as I understand Senator Montgomery's bill, when -- and in general, in most cases, not to be sexist, statistically it's the mother who's the custodial parent, the father who is the

noncustodial parent.

This is very much a unique situation for families where the mother fears that participating in getting a child support order in court may put her or her children at risk, particularly in a domestic violence situation. The state can pursue the child support anyway. Why would we want to deprive children of childcare simply because the mother or the custodial parent fears that participating in assistance with the state to get that child support money would put herself or her children at risk?

SENATOR GOLDEN: I believe, if I could find the question in that, the answer is it's already -- the exemption is already in the bill. The regulation is already in that you've just referred to, that if an individual would cause physical or emotional harm to the family or to the child, they wouldn't go after it. It's not required. So it's already there, the regulation.

SENATOR LIZ KRUEGER: Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: Senator Krueger.

SENATOR LIZ KRUEGER: A point of order for myself. Am I allowed to answer a question when I interrupted a flow between the Senator and the Senator?

ACTING PRESIDENT SCHNEIDERMAN: Senator Golden has the floor. So unless you're asking him to yield for a question at this time, we have to return to Senator Golden.

SENATOR LIZ KRUEGER: So can he ask me a question? Because I would like to answer his question, but I don't know if I'm allowed to.

ACTING PRESIDENT SCHNEIDERMAN: Senator --

SENATOR GOLDEN: Mr. President, yes, I'd like the good Senator to answer the question.

ACTING PRESIDENT SCHNEIDERMAN: Senator Golden yields to you for the answer.

SENATOR LIZ KRUEGER: Thank you.

In fact, Senator, we all agree what

Senator Montgomery's bill does is simply to clarify in law what is gray area in the agency regulation that in fact we want to make sure that if there is a situation of risk, that a child is not deprived of childcare because of a situation between the adults and the state and the court in child-support payments. Which I think we all agree on.

SENATOR GOLDEN: If Senator Krueger would please yield for a question.

ACTING PRESIDENT SCHNEIDERMAN: Senator Golden, Senator Krueger does not have the floor, so I'm afraid at this time she cannot be asked to yield for a question.

Senator Krueger, I think we have to -- unless Senator Golden wishes to yield the floor to you for you to ask another question, we really have to return to Senator Golden's questioning of Senator Montgomery on her bill.

SENATOR GOLDEN: I would like to continue my questioning of -- I have two more questions, possibly three more questions for Senator Montgomery.

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, will you yield for two or possibly three more questions from Senator Golden?

SENATOR MONTGOMERY: What did he say, two or what?

ACTING PRESIDENT SCHNEIDERMAN: Two or possibly three.

SENATOR MONTGOMERY: All right. Possibly three.

ACTING PRESIDENT SCHNEIDERMAN: Yes, the Senator yields.

SENATOR GOLDEN: Thank you, Mr. President.

I believe, the way I interpret this, is you are lifting a requirement, and that's a change in the law.

My question, though, is what is the cost of this bill to the State of New York?

SENATOR MONTGOMERY: What is the cost of this?

SENATOR GOLDEN: Yes.

SENATOR MONTGOMERY: The cost of this is only related to the fact that we are

going to have more children be able to access childcare. And every year in our budget, we put money in to fund childcare slots. The state pays a portion of that, the federal government pays a portion of that, and the locality pays a portion of the cost. So all three levels of government support these childcare slots.

The major reason that we do fund childcare across the state, Senator Golden, is that we want parents to be able to work and/or pursue a career, vocational career, and otherwise in preparation for being able to work. While they're doing that, we want their children to be cared for in childcare programs that offer the children a head start as well. So it's to benefit in several different ways on several different levels.

So when we create these barriers so that parents can't have access to childcare, children can't have access, we really defeat our intent to work toward making people independent so that they hopefully will not need any of the public government subsidies

once they're up and out of the system.

So that's why I want to remove that barrier, Senator Golden.

SENATOR GOLDEN: Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, will you yield for one or possibly two questions from Senator Golden?

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT SCHNEIDERMAN: Senator Golden, the sponsor yields.

SENATOR GOLDEN: The way I understand this, then, Senator, is that you believe that it's incumbent upon the state, federal government and local government to pay the taxes and to pay dollars, their hard-earned taxes coming into that county, that state and that government, from the taxpayers across our counties, our state and our country, that we should have them pay more taxes instead of trying to get the noncustodial parent to pay his or her share. Is that the way I read this bill?

SENATOR MONTGOMERY: No. Mr.

President, through you, no to Senator Golden's question.

This is an investment that I think the state makes. It's a very good one. It's paid off many, many times over. And no, I don't accept your premise at all, Senator Golden.

SENATOR GOLDEN: Mr. President, the last question.

SENATOR MONTGOMERY: Thank you.

SENATOR GOLDEN: I'm sure the Senator is quite happy, and so is the floor.

Who's paying for the investment, Senator?

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, the last question.

SENATOR MONTGOMERY: The last question.

Mr. President, Senator Golden, we are all paying for this investment. We're making a very good investment for our state and to our families. And so I am happy to share this with you, Senator Golden. It's an investment to me, it's an investment to you,

it's an investment to all of us in this room.

And that's the end of my willingness to answer any more questions, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: Senator Golden.

SENATOR GOLDEN: On the bill.

ACTING PRESIDENT SCHNEIDERMAN: Senator Golden, on the bill.

SENATOR GOLDEN: Thank you, Mr. President.

It's obvious to everybody in this chamber, anybody that's viewing this across this great state, that the good Senator has found another way to tax the people of this great state. And letting the person that should be paying for this, the people that should be responsible for their children, showing some responsibility for themselves and for their families and not going after that noncustodial parent so that he or she pays for the needs of that child is just plain wrong.

And we can't keep doing this here in the State of New York, gutting these

programs and having the taxpayer foot the bill. That's the reason we have the problems we have here today. That's why we have a budget that we needed a stimulus for to help us get through to balance our budget here. Not just what the state issues and the federal issues and the world issues, but we're adding to those issues. It's not about taxes, it's about spending.

And the Democratic conference here seems to want to continue to spend. We cannot continue to spend at the rate that we are spending. We have to find a way of cutting our spending.

And I would hope that in the future we would find bills that would hold the people of this great state accountable and hold those that are accountable to their needs, and to make sure that noncustodial parents pay their fair share.

And I believe that if we continue to go that route that our $121 billion budget today will grow to $130 billion and $140 billion. And eventually that

millionaire's tax, there will be no millionaires to pay, and the only people that are going to wind up paying for this are going to be the poorer people in this great state.

And I think it's important that we hold people accountable for their actions and we continue to do that. And I vote no.

ACTING PRESIDENT SCHNEIDERMAN: Excuse me, Senator.

Senator Klein, why do you rise?

SENATOR KLEIN: Mr. President, in the future I hope Senator Golden will confine himself to the bill at hand, and not give speeches but talk about the specific substance of the bill before us.

ACTING PRESIDENT SCHNEIDERMAN: Thank you, Senator Klein.

SENATOR GOLDEN: Mr. President --

ACTING PRESIDENT SCHNEIDERMAN: Senator Golden, continuing on the bill.

SENATOR GOLDEN: It amazes me that somebody would get up here and say that I am making a speech and going on. I am making a speech. I am acting responsibly and asking

the sponsor of this bill not to put bills forward that would cost the state more money. And --

ACTING PRESIDENT SCHNEIDERMAN: Senator Golden, excuse me. Senator Golden --

SENATOR GOLDEN: -- for their actions across the state.

ACTING PRESIDENT SCHNEIDERMAN: Please direct your comments to the chair.

SENATOR GOLDEN: Yes, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: You have the floor. You have the floor.

SENATOR GOLDEN: Thank you, Mr. President. And I vote no.

And I find it appalling that anybody would get up and challenge spending. If they don't get it, they'll never get it.

Senator Montgomery's bill here does put a cost into the state for us to pay for those noncustodial parents that get away with it and all that parent has to do is go to court and any problems that that parent has, as has been described by other Senators on

that floor, they have good cause claims here that we don't go after them in the State of New York. If you're going to be physically harmed or cause physical harm or the child is from a pregnancy due to incest or rape or working with the court for adoption. And the bill goes on, the regulations go on to give these exemptions.

So we should work within the ramifications of the regulations and the law and make people accountable for their actions and reduce the tax burden to the people of this great state.

I vote no, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: Senator Stewart-Cousins.

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

I was really wanting to commend Senator Montgomery for her insight into a problem.

And I think that it became even more necessary to stand as I heard the budget woes that are certainly global, national, and

woes that we are facing in this state somehow laid at the feet of a daycare child. It is a stretch, I think, for most of us. And certainly we have seen our debt grow over the years. And I think there's certainly enough finger-pointing to go around. But somehow a preschooler, a daycare child, is not that person.

I wanted to rise, though, to talk about my experience in Westchester County. In Westchester County, when I chaired the families committee, this was a big issue. What happened is that there were rules that made it necessary for parents, noncustodial parents who were even paying child support, to have to be taken to court in order to fulfill this stipulation. So if we had a relationship where you were actually paying for your child, in order to satisfy the rule as it's been promulgated, I would have to take you to court as though you were not doing it. That was wrong.

There were also situations where a parent could have more than one child and one

child's parent, noncustodial parent, was responsible and maybe the other child's parent was not. In that case, neither child was able to go to daycare until both noncustodial parents were taken to court. So although there might have been good reason -- and clearly we all want noncustodial parents to be responsible. And as Senator Montgomery said, this is in no way absolving anyone from their responsibility or encouraging anyone not to be responsible. And we do have a mechanism by which that responsibility can be fostered.

But in the interim, what was happening, many people were just sent letters telling them that they could not bring their child to daycare while people went through a process that in many cases was already actually happening.

People who aren't doing the wrong thing don't want to be dragged to court. A father who is paying does not want to go to court, take days off and say "I'm paying" to a judge in order to have the child brought into daycare.

So this regulation merely says yes, we want noncustodials to pay; yes, we understand responsibility; no, a daycare child should not be in the middle of that. And if you have a responsible parent, that parent should be recognized as such and does not need to be pulled through the court system in order to satisfy a rule.

I think this makes sense. There have been a number of waivers, as you said, and those waivers would have been unnecessary if people just did what they were supposed to do and let the children go to the daycare center and proceed to collect childcare payments the way we normally do.

So I thank you for your rule. It is a good one.

ACTING PRESIDENT SCHNEIDERMAN: Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

Is Senator Montgomery declining to yield for questions?

ACTING PRESIDENT SCHNEIDERMAN:

Senator Montgomery, Senator Saland has requested that you yield for some questions.

SENATOR MONTGOMERY: Yes, sure, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: The Senator yields.

SENATOR SALAND: Thank you, Mr. President. Thank you, Senator Montgomery.

Senator Montgomery, you are adding a new section to the current Section 410(W) of the Social Services Law. Would you care to tell me what that section of law deals with? Or, for that matter, the article in which that section is located.

SENATOR MONTGOMERY: This is a section of law that deals with the eligibility of families to receive childcare assistance.

SENATOR SALAND: And is that part of the article that deals with the childcare block grant?

SENATOR MONTGOMERY: Well, it deals with who is eligible to receive services under this particular title, the Social Services Law.

SENATOR SALAND: Mr. President, if Senator Montgomery would continue to yield.

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, Senator Saland has requested that you continue to yield.

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT SCHNEIDERMAN: The sponsor yields.

SENATOR SALAND: Senator Montgomery, I'm trying to determine the source of the funds. And are these funds coming from the childcare block grant?

SENATOR MONTGOMERY: As you know, Senator Saland, we have essentially removed the childcare that we fund from the block grant. But initially it would have been eligible under the block grant eligibility requirements.

SENATOR SALAND: You're --

ACTING PRESIDENT SCHNEIDERMAN: Senator Saland, are you asking Senator Montgomery to yield?

SENATOR SALAND: Yes, thank you, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, Senator Saland is asking you to yield.

SENATOR MONTGOMERY: I do.

SENATOR SALAND: Your bill proposes, does it not, to take a current requirement that a parent seeking subsidized daycare no longer be required but that she -- generally, it would be a she -- would be encouraged to obtain a child-support order?

SENATOR MONTGOMERY: That's correct.

SENATOR SALAND: So this is not a mere clarification, but this is a significant change, is it not?

SENATOR MONTGOMERY: The only change -- the change is that while the parent is going to be encouraged to seek such a court order, it is clear that the child shall not be denied this service based on the fact that the parent does not have a court order.

SENATOR SALAND: Mr. President, if the Senator will continue to yield.

ACTING PRESIDENT SCHNEIDERMAN:

Senator Montgomery, would you continue to yield to Senator Saland?

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT SCHNEIDERMAN: Senator Saland, the Senator yields for another question.

SENATOR SALAND: Thank you, Mr. President.

Senator Montgomery, what is the source of the funds that will be providing this childcare subsidy? Where is the money coming from? It has to come from somewhere.

SENATOR MONTGOMERY: The money comes from the TANF funds, as well as there's a matching amount that the state puts in and the localities also put funds up for the childcare, purposes of childcare subsidies.

SENATOR SALAND: And if the Senator would continue to yield.

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, will you yield for another question?

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT SCHNEIDERMAN:

Senator Saland.

SENATOR SALAND: If in fact there is an order of support that is entered, who recoups the money?

SENATOR MONTGOMERY: If it is a parent who is receiving court-ordered child support payments and that parent is receiving public subsidy, the state recoups the funding.

SENATOR SALAND: The state through the county.

SENATOR MONTGOMERY: And passes on a certain portion of it to the parent.

SENATOR SALAND: So that -- if the Senator will continue to yield.

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, will you yield for another question?

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT SCHNEIDERMAN: The sponsor yields, Senator Saland.

SENATOR SALAND: So that at least, certainly in a number of these child-support cases, there is a direct connection between the monies that would be

recouped by the county and, in turn, the state and the noncustodial parent?

SENATOR MONTGOMERY: The money that is not recouped does not -- the state does not receive that funding.

SENATOR SALAND: I'm sorry, perhaps I was unclear. If the Senator will continue to yield.

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, will you yield for another question from Senator Saland?

SENATOR MONTGOMERY: Yes.

SENATOR SALAND: What I'm saying, Senator Montgomery, is if the noncustodial parent has an order of support, the money that's received by reason of that order of support is recouped by the county on behalf of the county as well as the state.

SENATOR MONTGOMERY: Right.

SENATOR SALAND: Thank you.

So if in fact -- if the Senator will continue to yield.

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, will you yield for another

question?

SENATOR MONTGOMERY: Yes, I will.

SENATOR SALAND: If in fact the orders of support diminish or if in fact the orders of support are not applied for because they're no longer required, there will be a diminution, a loss in money that would be recouped by the county and the state.

SENATOR MONTGOMERY: Mr. President, through you. Let me just say that as you know, Senator Saland, we have a child support enforcement unit, and the function and responsibility of that unit is to pursue child support. And they have been given authority to do that very aggressively and with legal authority. So there is nothing that prevents that unit from being used to go after any nonpaying noncustodial parent.

So since we have that unit that has that particular function on behalf of the state, there is no reason really for us to make the parent go and do that -- and furthermore, making the child be penalized if the parent does not in fact go after that

noncustodial parent, rather than giving this unit, the child support enforcement unit, giving them the job to go after the parent.

So if we really want to see that change, if we're really concerned about that -- and I certainly support your interest in making sure we collect on behalf of those children -- let's go after the child support enforcement unit, not the parent of the child, the custodial parent.

SENATOR SALAND: If Senator Montgomery will continue to yield.

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, will you yield for another question from Senator Saland?

SENATOR MONTGOMERY: I will.

ACTING PRESIDENT SCHNEIDERMAN: Senator Saland, Senator Montgomery yields for one more question.

SENATOR SALAND: Thank you.

So if I may go back to my original question, or my preceding question, the fact that the noncustodial parent would no longer be required to pay child support under this

bill would result in, absent some intervention by some other entity, a loss of funding to the county and the state?

SENATOR MONTGOMERY: Through you, Mr. President, I think that Senator Saland is confusing the issues of where the money goes and for what purpose.

The subsidy for childcare does not depend on the child-support money. But we do want to collect child support for children. Whether or not it is a family who receives public assistance or a family who does not receive, we still want noncustodial parents to pay child support. So that is not the subject of this bill at all.

The subject of this particular legislation is simple. It says that we encourage parents to assist the state, to provide assistance to the state in going after the noncustodial parent for child support. But we do not abdicate our responsibility as a state to children whose parents need childcare.

So this bill says a child is

eligible to receive public-assisted childcare services whether or not the noncustodial parent is paying child support or whether or not the custodial parent is pursuing a noncustodial parent.

And by the way, the noncustodial parent could be missing. If you can't find that noncustodial parent, what do you do? So I think there are many reasons why we don't want to punish the child because the custodial parent cannot successfully seek the court-ordered child support.

SENATOR SALAND: Mr. President, on the bill.

ACTING PRESIDENT SCHNEIDERMAN: Senator Saland, on the bill.

SENATOR SALAND: Mr. President, what we are observing here on the floor today is an effort at a major change in policy, a change in policy which varies -- I won't say "varies," is diametrically opposed to the provisions of the existing law.

The existing law says if you're receiving a childcare subsidy, you in fact

have to attempt to get an order of support. That's the law. This is not a clarification, it is a diametrically 180-degree change in the existing law.

The fact of the matter is that there are any number of policy reasons for having that requirement in the law. And let me read from the New York Public Welfare Association memo in opposition: "The requirement to seek child support is a key strategy for tackling child poverty and promoting child welfare in our state and should not be rescinded. Child support is the conduit to providing economic stability, and the establishment of paternity ensures a child's right to inheritance and other benefits." And among those benefits are Social Security benefits.

So the fact of the matter is is that there is a very laudable and valuable policy goal here. The fact of the matter, again, is if you have a subsidized funding of daycare, whatever that subsidy may be, if support is recovered, the county is saving

money, and ultimately the state -- the difference between whatever the support payment may be and whatever the county is paying.

There was some reference earlier by Senator Stewart-Cousins about her experience. Well, let me share with you an experience a number of years ago, some 30 or more years ago. On behalf of my county, Dutchess County, I was responsible to handle for the county Social Service Department any number of issues including paternity issues. The law has since, thanks to the advent of far more sophisticated testing, spared the necessity of going through the tortuous discovery that you had to go through in order to try and follow the requirements of the federal law, which was to establish paternity and recover support payments.

And my experience was, in dealing with a number of young mothers in trying to establish paternity, that there was enormous resistance on the whole to trying to establish paternity, to identifying the person who was

or might be the father of the child. And some of the stories that I was told -- in fact, after the first story I was told, I insisted, if they were underage, that they would come in with a parent, their mother or father. Because it made it virtually impossible -- by attempting to show what I'll term access by more than one potential father, it made it virtually impossible to pursue the case.

And I suspect that there will be a great reluctance on the part of people to pursue these cases, to identify a father. The child will not be benefitted. The child in fact will only be hurt. And when the day is said and done, the efforts to deal with child poverty will not be advanced, they will only in fact be enhanced.

If we put money in every year for childcare slots, as was mentioned earlier by Senator Montgomery, how many more slots will we now need under this law? And is that provided for in this budget? Are we talking hundreds of slots, are we talking dozens of slots? Where is the money? The bill is

effective immediately. Show me the money. Where is the money for the childcare slots that will now be lost by reason of the failure to have the child support?

The fact of the matter is this seemingly simple bill is a major change in policy in this state.

And I note in the memo that the bill supposedly passed the Assembly in 2008. In fact, I don't believe the bill passed in the Assembly in 2008; I believe it died on third reading.

If in fact this bill is to be passed, there's certainly a lot more homework that has to go into this bill. Certainly the fiscal questions have to be answered and the policy question has to be addressed.

And I think we do an enormous disservice to the children of the State of New York who might otherwise have the benefit of more stable families, might have the benefit of a more stable source of support, and really deny the ability of noncustodial parents and children to have the opportunity

to be together.

As was pointed out, this regulation sets forth at great length any number of exceptions for a person who feels that either they or their child is threatened in terms of their security or their well-being should they want to be excluded from the existing language.

I would urge all my colleagues to vote in opposition to this bill and that the bill be defeated. Thank you.

ACTING PRESIDENT SCHNEIDERMAN: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. Just briefly on the bill.

ACTING PRESIDENT SCHNEIDERMAN: Senator Hassell-Thompson, on the bill.

SENATOR HASSELL-THOMPSON: As the chair of the Majority Task Force on Domestic Violence -- and I didn't need help, but thank you, Senator. I'd like to change that, because I'd really like to invite both sides of the aisle to be members, and I want it to be the State Task Force on Domestic Violence,

by the way.

But as its current chair, we have received several letters about this particular piece of legislation and the necessity for us to look at that population of women who are virtually in hiding and who feel that they are in life-threatening situations which requires that they not be penalized further by having to appear in court or to pursue a court order to bring the noncustodial parent to heel.

We strongly believe that with all the devices available to the state, that the ability to find these noncustodial parents is greater on the part of the state than it is --

ACTING PRESIDENT SCHNEIDERMAN: Excuse me.

Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: Will Senator Hassell-Thompson yield to a question?

SENATOR HASSELL-THOMPSON: No. I stood to briefly make a statement on behalf of the domestic violence -- and I'm not the sponsor of the bill, but I'm here to tell you

why I'm voting for the bill.

ACTING PRESIDENT SCHNEIDERMAN: The Senator declines to yield at this time.

Senator Hassell-Thompson, you have the floor.

SENATOR DeFRANCISCO: Would you put me on the list, please, to speak.

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

The brief point that I'm trying to make here is that what this bill does is creates an exception and does not further penalize the ability of a custodial parent to have that child in daycare. And we do not believe that this is a -- this is a dual punishment for both the parent and for the child. Therefore, we have asked that this bill be seriously considered.

And certainly I want to congratulate Senator Montgomery for pursuing this as an issue and bringing this bill to the floor.

Thank you, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN:

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I think it's very clear from the speakers prior --

ACTING PRESIDENT SCHNEIDERMAN: Senator DeFrancisco, are you on the bill?

SENATOR DeFRANCISCO: On the bill.

ACTING PRESIDENT SCHNEIDERMAN: On the bill.

SENATOR DeFRANCISCO: I think it's very clear from the speakers before me -- and it should have been clear, anyway -- that women that are in hiding, domestic violence victims, have an exemption under the regulations. They don't have to pursue a court order.

So there's no need for this bill for the reasons that were just cited by Senator Hassell-Thompson. That's number one.

Number two, there must be some beneficial reason that Senator Montgomery wanted to encourage people to bring child support orders. But encouragement is not the

same as requirement. Encouragement means that if you want to, you can; if you don't want to, you don't have to.

And if we continue down the road we're going, that everyone can rely on the federal government, the state government, the local governments -- and therefore the taxpayers -- to take care of the responsibilities of others without even trying to get reimbursement, then we're going to get deeper and deeper and deeper in a hole and we're going to be looking for more and more varied taxes in order to try to fill all of these gaps that we're going to have.

So I guess my point of view is that I don't see it's onerous at all for somebody to be required to pursue a court order. They don't even have to get a court order. They just have to participate and assist in trying to collect from the deadbeat noncustodial parent, so that the taxpayers aren't stuck with the bill.

So that's why this is a bad bill. It opens up more and more entitlements without

ever trying to get the responsible party responsible.

And we should not require the child support collection unit of some government agency that's probably underfunded to take on the responsibility of bringing every court order to try to get money back, when there's somebody who happened to have a child with somebody else, who's concerned about the child, should at least be concerned enough so that the person who is not paying pays rather than the taxpayer.

So I'm going to vote no at the time of the roll call.

ACTING PRESIDENT SCHNEIDERMAN: Senator Robach.

SENATOR ROBACH: Yes, would Senator Montgomery yield for a question?

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, Senator Robach has requested through the chair that you yield for a question.

SENATOR MONTGOMERY: Yes.

SENATOR ROBACH: Senator

Montgomery, I just want to make sure I understand this, because I think your intention is good. I understand some of the dialogue. But from my time with DSS when I worked there prior to elective office, I'm just not sure if anything has changed, and I want to make sure.

When you're able to get the custodial parent or the parent required to make the payment putting that money in, does a portion of that recoupment go to the child's daycare? Because I believe it did at one time, and I think it still does. Is that right?

SENATOR MONTGOMERY: Mr. President, through you, I'm not really sure. I'm not going to say exactly if there's a dollar-for-dollar exchange --

SENATOR ROBACH: Not dollar for dollar --

ACTING PRESIDENT SCHNEIDERMAN: Senator -- Senator, allow the Senator to finish.

SENATOR MONTGOMERY: I just want

to say this. For all of those of us who are under the impression that we recoup millions of dollars from noncustodial parents through this child-support collection effort, you are sorely wrong. That's why so many women are forced to go to court even when their noncustodial parent is a millionaire. They still hide their money everywhere all over the world not to pay.

So it's not about collecting the money. If you keep wanting to know if there's money, if we're losing all of this money based on the noncollection, it's not the case. That's not the purpose of this bill.

SENATOR ROBACH: I understand that.

ACTING PRESIDENT SCHNEIDERMAN: Senator Robach, please direct your comments through the chair.

SENATOR ROBACH: Mr. President, would Senator Montgomery yield? Or perhaps ask that staff person. Because the answer to this question sincerely is going to decide whether I'm voting yes or no for this bill,

and I'm going to tell you why in a minute.

If that money goes into the pool of money to cover more kids for daycare, then I'm going to vote no. Because in Monroe County, and I believe in New York City, we don't get unlimited money anymore. We get a pool of money.

So if you're collecting from somebody who ought to be taking care of their kid in the first place -- which we all agree on. We voted for that legislation to make noncustodial parents who don't want to be involved in their child's life, for whatever reason, have some financial responsibility if we can't legislate the moral side of that.

By not collecting that money from them we would then be, in the end result, having less kids be in daycare for those people who don't have the money, whose father is deceased, for whatever reason isn't collectable. And that really does make a difference for me.

Now, unless something has changed very much since my time at DSS, this bill

might be going exactly in the opposite direction of what I believe you have your intent to do. And so I really want to know if nothing has changed, if by collecting that money -- or not collecting that money, in this case, as you want to make easer, indirectly -- we're going to be having less kids in daycare.

And last year I think a lot of people followed this -- I'm sorry all my colleagues left on that side of the aisle who spoke -- who care about domestic violence and kids. Up in Monroe County, we had a tremendous shortage when our budget got cut by the state for daycare, and so even less kids were covered.

So I really, really, sincerely want to know if, by not collecting that money, if less kids are going to be eligible for coverage. If that's the case, this a bad, bad bill.

How's that for a question?

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery.

SENATOR MONTGOMERY: Mr.

President, let me say no. In fact, you're not going to have a reduction in your childcare slots because of this bill.

However, if you continue with underenrollment, your county will certainly lose childcare funding, because they won't be able to fill their slots. So not voting for this will hurt your local county, because your county has X number of slots based on the numbers of children that need this childcare. If the children are not in those slots, you will lose that funding.

The money, on the other hand, whatever you would collect from this noncustodial child-support court order would not go to pay for your childcare slots. So as far as your childcare program in your locality, in your local district is concerned, they lose on both ends.

So you're not helping them by voting no on this legislation. You're hurting them.

SENATOR ROBACH: Through you, Mr. President. I guess -- I think this is a

little bit different question, because I'm still unclear.

ACTING PRESIDENT SCHNEIDERMAN: Are you asking Senator Montgomery to yield?

SENATOR ROBACH: If Senator Montgomery would yield.

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, will you yield for another question?

SENATOR MONTGOMERY: Yes, I will.

ACTING PRESIDENT SCHNEIDERMAN: The Senator yields.

SENATOR ROBACH: Thank you. Thank you, President Schneiderman.

Let me just say hypothetically, so I can understand this better, I'm not paying child support and I am divorced. And my child support payment is supposed to be $800 a month, and I'm not paying it.

If I was paying that, would in fact that money go to pay for my children's daycare? I believe it would. I usually believe that's part of the term when government is collecting the money, is if that

mother is working, you have to pay as part of your payment structure -- I see John Sampson nodding his head -- that you have to pay part of that money to go to that.

In the event that I didn't pay, my wife would then be eligible to tap into not the slot but the pool of money allotted for Monroe County, where I live, to have those kids covered if your bill went through.

Indirectly, unless you can provide me with something different, I think you're actually, by not collecting money as well as you can from people who should be paying, you are going to diminish the amount of kids eligible for daycare. Unless you can tell me something different, I'm pretty sure that's true.

And so that's why I think, while there's a good and a bad side, this is not very good legislation.

Is that untrue? Is that inaccurate, what I'm saying?

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery.

SENATOR MONTGOMERY: I understand, I think I understand the question.

I want to remind you that the premise of your argument or your question does not speak to this legislation, because, because the idea of how we pursue the noncustodial nonpaying parent is not what this bill does. Except it says you are not allowed to use that process as reason to deny childcare to a child.

That -- and we have other mechanisms in place to track you down and to find your $800 and to make decisions based on that. It's not up to the parent, however, and we do not punish the child while we do that.

We do have a mechanism to track down nonpaying noncustodial parents, yes. And I want that done. I voted over and over for legislation to make that happen. But I am not -- and we -- this bill simply overrides a regulation, and it says we will not punish the child while we track you down to collect your $800 in child-support payments.

SENATOR ROBACH: Thank you,

Senator Montgomery.

Mr. President, on the bill.

ACTING PRESIDENT SCHNEIDERMAN: Senator Robach, on the bill.

SENATOR ROBACH: I understand your intent.

I really think that I'm going to have to vote no for this bill, and I hope others will too. I think we could have a better bill that will do it. Because what you're doing by circumventing this argument indirectly really is creating less slots for kids and taking money out of the pool that should be in there to create more daycare slots.

I think we all care a great deal about daycare. It is a huge issue in my community. It's a huge issue everywhere. And while I understand your comment that we don't want to punish the child for the bad behavior of any adult, indirectly I feel like -- without putting faces on them -- we are punishing some children by not allowing them to be eligible for daycare by not expanding

that pool, now a limited pool.

When I worked at DSS, it was unlimited. Whether a child was 10 or 19 or 20, we found a slot for them. That's not how the funding goes anymore. There's not an infinite resource per county for daycare, nor in New York City.

So I think given that fact, and that the custodial parent is the one that has to start the procedure in order to collect that money, they have to be part of the process to get it. Government doesn't start the action, they just collect it. There has to be a better way for us, or maybe to expand emergency situations to not punish the child.

But I think this goes too far. And in the end, I think at least in my county, and I believe others across the state, by not putting the other money that should be in the pool, I think we're going to limit some kids. And we already have a number of people desperately seeking daycare where I live that can't get it now because we keep moving the economic threshold up.

By all means the last thing we should want to do is now take people off, some of which may be fairly wealthy, from not paying that money and circumventing that.

So despite the good intention, I'm going to vote no. If it's possible, I'd ask others to consider that too and maybe try to come back with something a little bit better that will be more inclusive, not just focusing on that kid who might be hurt by it, but kids in the aggregate who will lose slots if this bill passes and becomes law.

Thank you, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: Thank you, Senator Robach.

Are there any other Senators wishing to be heard on the bill before us?

Hearing none, debate is closed.

The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT SCHNEIDERMAN:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, thank you, Mr. President.

I want to thank my colleagues for a very thorough airing of the issues around this legislation.

I do, however, want to just say that this is really very important. We want to remove barriers to having parents be able to go to work, to be able to pursue vocational training, to be able to really better themselves and in that way to be able to better take care of their families.

And denying childcare for any reason I think works in opposition to what our intent is, and that is the purpose of providing childcare is to assist families. And this bill is intended to remove that particular barrier as it relates to eligibility for childcare.

So I'm happy to thank my colleagues

for their support of this and understanding what this is intended to do. And, Mr. President, I'm happy to vote yes on this legislation.

ACTING PRESIDENT SCHNEIDERMAN: Senator Montgomery in the affirmative.

Senator Adams.

SENATOR ADAMS: Thank you, Mr. President.

I too rise and I want to thank my colleague for this bill. Domestic violence childcare is complicated. And I say it over and over again, you know, we sit here in this sterilized environment and talk about what parents should do and what they shouldn't do. But not until you see some of the trauma that's associated with domestic violence -- and I've seen it firsthand for 22 years. I realize that some of the things that parents ought to do were filing for child support, and they should file for child support. That's easy to say outside of that arena. Psychologists, sociologists and other people in this profession, they don't understand what

happens when people are in situations of domestic violence.

No, we don't want to take away slots from those who have childcare. No, we don't want to encourage people not to file for child support. And those who are not paying their child-support payments, from a person who grew up in a household where domestic violence was daily, I know what a child goes through.

And I commend you for going beyond the rhetoric, going beyond the politics and going beyond all of that. Just as I was an afraid little child seeing my mother being beat by my father, I knew that we needed help, and that help doesn't come.

So people can articulate it, they can talk about it, they can make it fancy, they can get cute. But the reality is little Eric was afraid, and there are little Erics all over this state and this country that are afraid. All they want is childcare. They don't understand the complexity of what other people are saying. That sounds fine on paper.

But when the rubber meets the road inside their homes, there are little Erics all over this state that will never grow up to be state senators until we have legislation that will allow them to seek the necessary care.

I commend you for this bill, and I commend you for your courage. And little Erics all over this country commend you also. Thank you.

ACTING PRESIDENT SCHNEIDERMAN: Thank you. Senator Adams, how do you vote?

SENATOR ADAMS: I vote in the affirmative.

ACTING PRESIDENT SCHNEIDERMAN: Little Eric in the affirmative.

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

I rise to vote no on this bill. And the reason I vote no on this bill is because it's obviously been stated by many of my colleagues here. The New York Public Welfare Association is against it, the City of New York is against it, counties across the

state are against it. Why? Because it costs more money. It's going to cost the taxpayers of this state more money at the end of the day.

We should go after the noncustodial parent. The noncustodial parent should be required to pay. And the court order does that. This is not a little change, this is, as my colleague said earlier, Senator Saland, this is 180 degrees. This is taking a law and changing it 180 degrees. We are no longer requiring that individual to get a court order. That is plain wrong.

Domestic violence, excluded. Nobody pays attention to that. My other partner here, another colleague, will speak to that in a moment.

What we have here is another interference into state legislation that winds up costing the taxpayers of the cities and counties, the taxpayers of this great state and federal government, more money. That's what this does, in a time that we should not be spending more money.

I have a bill, Bill 2012 of 2009, which does exactly what we should be doing, and that's a study to find out where the problems are and address the needs and then come back to this conference and to this Senate body and to vote out a bill that makes sense. But we chose not to do that. That is wrong.

So we're voting on the first deadbeat dad bill of 2009. And I'm glad to see that some of my colleagues represented here on my side here understand that we should not be rewarding deadbeat dads at the cost of the taxpayers of the State of New York. And I vote no.

ACTING PRESIDENT SCHNEIDERMAN: Senator Alesi. Senator Alesi.

SENATOR ALESI: Thank you, Mr. President.

I appreciate the passion that the sponsor has in crafting this bill, and those people that are going to support her. I appreciate the comments of my colleagues here that have pointed out the technical issues and

the legal standing of the current system.

There's only one thing that really stands out in my mind, and it's not specified in the bill because the bill is very succinct. We're very clear on what the sponsor wants to do with it. But in the sponsor's memo, the justification, there is a line here that caught my eye that concerns me gravely.

And that line says "Noncustodial immigrant parents with outstanding immigration status" -- which to me means they're here illegally -- "may also have to face the threat of deportation if they have to through a Family Court process."

I think last year when we had the issue over illegal immigrants getting driver's licenses, there was a clear line of demarcation on where people stood on that issue. I stand on the issue of offering no protection to an illegal immigrant, an illegal alien of any kind.

And this bill -- and it can't be unintentional, because the sponsor clearly states in the sponsor's justification memo

that a noncustodial immigrant parent with immigration issues may face the threat of deportation. Well, I don't have a problem with an illegal immigrant facing the threat of deportation.

And if I had any other reason to vote against this, whether it's the comments made by Senator Saland, Senator DeFrancisco, Senator Golden, or others on the other side of the aisle, this offers protection to people who are here illegally.

And on that basis alone I just can't support it, and I vote no.

ACTING PRESIDENT SCHNEIDERMAN: Senator Alesi in the negative.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes. With all due respect to Senator Adams, you can say all you want about the fact that this protects people that may be victims of domestic violence if you want to ignore a current law. Let me read it to you just for the heck of it -- not that it's going to make an impression on some people.

18 New York Code of Rules and Regulations: You don't have to bring a court order if good cause exists. You don't have to participate in bringing a court order. "Good cause exists if pursuing child support would adversely affect the health, safety or welfare of the children on whose behalf such payments are to be made."

Now, that's pretty clear. So this justification that's being bandied about that it's to protect people who may be victims of domestic violence is nonsense. Existing law protects that.

Secondly, I didn't see the bill memo. I'm glad Senator Alesi mentioned that. If protection for illegal immigrants, as opposed to protecting taxpayers to pay for deadbeat parents -- I mean, this is absolutely ridiculous. I hope the whole State of New York is watching this debate to see who votes for what and who's more important, the taxpayers that are going to pay for deadbeat dads, illegal immigrants. And it certainly isn't anything against victims of domestic

violence, because the law protects them now.

So I vote no, again.

ACTING PRESIDENT SCHNEIDERMAN: Senator DeFrancisco votes no.

Senator Liz Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

You know, I'd like to support my colleague. I will be voting yes for the bill.

But again, since we're all doing TV commercials now, I would like to say this bill has nothing to do with helping the deadbeat parent, an illegal immigrant. This is about kids. This is about making sure kids, poor kids, can get childcare, which means their custodial parent be able to go out and hopefully get a job that pays a living wage, which means those children are going to start in our school system more prepared to do well in school, which means they're going to grow up to be active participants in the society and become taxpayers.

This is not a cost, this is a

savings. When we make sure that poor children have good childcare and good preschool programs, they do better, their families do better. This is not money to adults. This is not condoning bad behavior by noncustodial parents. This is making sure poor children don't get harmed because we don't have the systems in place that I think we might agree should be there to make sure child support orders can be received, to make sure that women don't end up the victims of domestic violence and have to flee their homes and have to be afraid to go to court because their abuser might find them there.

Because the reality is life is not always simple and neat, and adults have problems and they cause problems for each other. But this is a bill for children. That's all this bill does. It makes sure we don't turn children away from childcare.

So it's nice that everybody thinks somehow we're wasting the taxpayers' money. We're saying we care about kids, and we want to make sure kids get early childhood

development and childcare at a quality location. And that's a win for every single one of us in any community in the State of New York.

I vote aye, Mr. President. Thank you very much.

ACTING PRESIDENT SCHNEIDERMAN: Senator Krueger, in the affirmative.

Senator Oppenheimer.

SENATOR OPPENHEIMER: To explain my vote, please.

To view this only in hard cash terms is really a pity. You may have read as I read, about, oh, maybe a half a year ago, maybe a year ago, that the Chiefs of Police of New York State came out with a statement that was very telling about invest now -- pay now or pay later.

What they said is you want to prevent crime, invest in kids, fund preschool. That comes from the Chiefs Association.

I can tell you that in my county, it's very, very important that we fill those slots that you were talking about, Senator

Montgomery. We have seen that we have been not able to fill all of our childcare slots. And that is because parents have not been able to pay the copays, or for a variety of reasons.

It is important, it is desperately important that we reach children when they're young. If you wish to prevent crime, if you want to get children to stay in through twelfth grade, perhaps go on higher, your best investment is getting these children young and filling them with the kind of interest in education, interest in reading that will carry with them throughout their careers and hopefully keep them in junior high school and keep them in high school.

So if you want to make your best investment, your best investment is putting money in young children. And our chiefs of police of this state know that.

Thank you. I'm voting aye.

ACTING PRESIDENT SCHNEIDERMAN: Senator Oppenheimer in the affirmative.

Senator Perkins, to explain his

vote.

SENATOR PERKINS: Mr. President, I want to -- first, you know, children should not suffer because of deadbeat dads.

And I want to commend your heroism and your vision and your insight and courage for, you know, tackling what clearly is a very challenging issue in the context of folks who believe that people are trying to game the system.

Because there's a cynicism about this that I think you've overcome, and I want to commend you for that and seeing and being a hero or heroine for these children and not allowing these cynical complications to deny the opportunities that children need that daycare provides.

And that is actually a very progressive vision that we in government have when we try to craft programs that cultivate and nourish children through daycare. We know the value of daycare is immeasurable in terms of the future of that child and in terms of the contribution that that child can make.

And so having passed through that cynical challenge and created something that can guarantee this child an opportunity to fulfill itself is something that I think we should all be supporting.

And I look forward to seeing this legislation passed. I encourage my colleagues to pass it. It's very, very important for the children. Not for the deadbeat dads, for the children. This is what this is about. Thank you.

ACTING PRESIDENT SCHNEIDERMAN: Senator Perkins in the affirmative.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

This is a good bill. This is a very good bill. This bill breaks down unnecessary and in many cases cruel barriers to getting help for children.

I encourage my colleagues to go to Family Court and see that we have a responsibility because we have not allowed more Family Court judges to be hired -- which

is a whole other part of this problem. But the same people that want to create this barrier are the same people that don't want hungry people to get food stamps.

This is a good bill. Senator Montgomery has held this position appropriately for a very long time. She is right. This is a good bill. This eliminates an unnecessary barrier and makes it so that no one will be able to throw this barrier up in the future.

I commend you. I wholeheartedly vote yes.

ACTING PRESIDENT SCHNEIDERMAN: Senator Duane wholeheartedly in the affirmative.

Senator Squadron, to explain his vote.

SENATOR SQUADRON: I want to again commend Senator Montgomery for a bill that really does something that I'm surprised we don't all support, which is work, giving parents the ability to go out because they have a childcare subsidy and get a job and

have their children well taken care of while that's happening.

That seems to me like the sort of value that doesn't divide along ideology but is a purely American value, the idea that if a parent needs a little help to have their child taken care of while they're going to get a job, we're going to do what we can to help them with that. Because the idea of a parent having the ability to both raise their family and support their family is a great thing.

So I think the people of New York are now going to be more able to do that moving forward, thanks to Senator Montgomery and this bill. So I commend you, and I'm proud to vote yes.

ACTING PRESIDENT SCHNEIDERMAN: Senator Squadron in the affirmative.

Any other Senators wishing to be heard?

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 74 are Senators Alesi, Bonacic, DeFrancisco, Farley,

Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Morahan, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 32. Nays, 30.

ACTING PRESIDENT SCHNEIDERMAN: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 75, by Senator Breslin, Senate Print 738, an act to amend the Executive Law.

SENATOR LIBOUS: Explanation, please.

ACTING PRESIDENT SCHNEIDERMAN: Senator Breslin, an explanation has been requested.

SENATOR BRESLIN: Thank you, Mr. President.

This is a bill that I've sponsored for a number of years that's passed the Assembly continuously. And it's really a bill

that does what many states are now doing, is collecting the records of the Governor and making them public records.

It doesn't add any expense. They will be collected to be reviewed, to be historically analyzed. And I think, beyond that, it's pretty simple.

ACTING PRESIDENT SCHNEIDERMAN: Thank you, Senator Breslin.

Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: On the bill for a moment. I may have a question.

ACTING PRESIDENT SCHNEIDERMAN: Senator DeFrancisco, on the bill.

SENATOR DeFRANCISCO: First of all, this is an important bill, or a bill like this is very important to pass by this Senate. Because right now Section 35 of the Executive Law requires the Governor to keep files and official papers which he or she, the Governor, deem to be of sufficient value.

So that gives almost unlimited discretion to the Governor in order to

determine what should be kept and what shouldn't be kept, which is not a good thing. Especially when there are things that happen during the Governor's term, at least have happened recently during a recent Governor's term, that are of great public importance and that should be at some point viewed by the public for posterity's sake.

I raised this issue at the committee meeting, and that was there is in existence a law dealing with agencies and regulations dealing with agencies as to what records should be kept by those agencies. And I believe, quite frankly, that putting the Governor in that same bill including what records have to be kept by agencies, by the Senate, by the Legislature as well, is the more appropriate way to do it, rather than to create a separate bill for the Governor.

And this is especially true, in my mind, because the amount of records that have to be kept under this bill are substantially less than the records that have to be kept by the Senate, the Assembly, agencies as well.

And the Governor should not be in any particular category.

There's a regulation for state government archives and records management which lists substantially more records, and I think it should be part of that bill. There is a need for a bill like this, but I think it should go into that section.

Lastly, the only question I have is to Senator Breslin. And if he would yield for a question, I'd appreciate it.

ACTING PRESIDENT SCHNEIDERMAN: Senator Breslin, will you yield for a question?

SENATOR BRESLIN: Certainly, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: Senator DeFrancisco, the sponsor yields.

SENATOR DeFRANCISCO: The bill provides, in Section 3, the Governor's records are owned by the State of New York and shall be administered in accordance with the provision of this section. Which I clearly understand.

My question is, do the records that the Governor is required to keep, are they subject to the Freedom of Information Law? Or does the fact that there's a new bill that says they're subject to the provisions of this section, does that take the Governor's records out of the Freedom of Information Law?

SENATOR BRESLIN: Through you, Mr. President, I would suggest that they would still be subject to the Freedom of Information Law, as they would be today.

SENATOR DeFRANCISCO: Okay. Thank you.

ACTING PRESIDENT SCHNEIDERMAN: Thank you.

Senator Winner.

SENATOR WINNER: Yes, thank you. Would Senator Breslin yield to a question?

ACTING PRESIDENT SCHNEIDERMAN: Senator Breslin.

SENATOR BRESLIN: I'd be delighted to.

SENATOR WINNER: Thank you, Senator.

Through you, Mr. President.

Senator, would you at least affirm for us whether or not the records that you're envisioning include what is now electronic correspondence or emails?

As you know, we went through a tortuous exercise in attempting to get former Governor Spitzer to acknowledge whether or not he had certain emails relating to some of his rather sordid activities. And as a result, we wanted to make sure whether those records would be subject to archiving and whether or not the email records of other high-level staff members of the executive chamber would also be subject to the provisions of your legislation.

SENATOR BRESLIN: I would suggest that had you passed this bill last year, as you moved it into your committee and not onto the floor, it would have been.

I think it envisions that all records, governmental records of the Governor, including any kinds of emails or more modern devices of communication, would be included.

And the only thing excluded would be those things that would be reasonably accepted as being totally personal -- possibly a dentist appointment or something like that.

SENATOR WINNER: Would the Senator yield for another question?

ACTING PRESIDENT SCHNEIDERMAN: Senator Breslin, would you yield for another question?

SENATOR BRESLIN: I'd be glad to.

ACTING PRESIDENT SCHNEIDERMAN: The Senator yields.

SENATOR WINNER: Senator, is there any reason why you did not utilize the phrase "email" or any other types of electronic correspondence in this?

I had met late last year with the State Archivist, and actually we had a long discussion about whether or not this legislation would in fact encompass emails. And while I appreciate your affirmation that in fact it is intended to do, and that is the legislative intent, I do believe that rather than leaving it up to the discretion of the

executive branch, which we know had very little discretion within the Spitzer administration, it would be better if in fact we had it more spelled out that electronic correspondence was in fact included.

And I would commend it to you for your consideration as this bill progresses, as I think any preservation of records bill would be important in these days, particularly as it relates to email communications, that you in fact consider strengthening that section.

And also I would suggest that perhaps it might be a good idea to look into the issue about whether or not there is any basis in law for the exercise of what we had heard during that period of what constitutes, quote, executive privilege, unquote, as to whether or not any of those types of defenses could be utilized to obstruct those that would legitimately attempt to try to find and obtain access to that information.

Thank you.

SENATOR BRESLIN: Through you, Mr. President.

I think this is building up a legislative intent by our discussions. I'd also suggest that in the legislation itself is it says "all correspondence."

But then, further, I'm always leery of putting in specific methods of communication, because -- the old "including but not limited to." I'm afraid that by being precise and naming each and every element, that some new gadget or new device comes up next year that it would be argued -- quite wrongly, in my opinion -- should not be included.

So it should be all correspondence, all communications, everything of a governmental nature that the Governor does should be a public record.

SENATOR WINNER: Thank you, Senator.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: Any other Senator wish to be heard?

Hearing none, the debate is closed.

The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT SCHNEIDERMAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SCHNEIDERMAN: Announce the results.

THE SECRETARY: In relation to Calendar Number 75: Ayes, 61. Nays, 0. Senator McDonald absent from voting.

ACTING PRESIDENT SCHNEIDERMAN: The bill is passed.

Senator Klein, that completes the controversial reading of the calendar.

SENATOR KLEIN: Mr. President, if I could ask for unanimous consent of the house, I would like for you to recognize Senator Hassell-Thompson for a brief statement.

ACTING PRESIDENT SCHNEIDERMAN: Senator Hassell-Thompson.

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

The Governor of the State of New York has declared March 10th as Harriet Tubman Day. And I just wanted to make a few comments before this body in recognition of a woman --

ACTING PRESIDENT SCHNEIDERMAN: Excuse me, Senator.

Can we have some quiet here. Please take the conversations outside.

I'm sorry, Senator Hassell-Thompson. Please continue.

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

My presentation tonight is in recognition of Harriet Ross Tubman, who was a woman born in the Eastern Shore of Maryland, in Dorchester, and who escaped slavery in 1849 and settled in Pennsylvania, where she met William Still, who was the leader of the Underground Railroad.

And through his inspiration and that of the Philadelphia Anti-Slavery Society,

she became one of the major conductors of the Underground Railroad. She returned to the South 19 times and was successful in bringing 300 slaves out of the South to their freedom.

It is important, as a person who has been recognized twice as a recipient of the Harriet Tubman Award, that I continue to lift her up and make sure that history does not forget that which she did for the people from which I am gleaned.

I am grateful to Harriet Tubman and others like her, and to the A.M.E. Zion Church, who was the custodian of her legacy and her home and who opens it as a museum in commemoration of this great woman.

And I thank our Governor and all of you for indulging me and participating with me in the recognition of someone who I think belongs in the annals of history and should never be forgotten.

Thank you, Mr. President.

ACTING PRESIDENT SCHNEIDERMAN: Thank you, Senator Hassell-Thompson.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

I wish to thank Senator Hassell-Thompson for bringing this important heroine, a genuine American heroine before this body. That Harriet Tubman was indeed a stalwart, a model of humanity. And that what Senator Hassell-Thompson did not mention was that she as a New Yorker, who did her work primarily through her home in Auburn, New York, was something that future generations of New Yorkers should be very proud.

That it was this body that on a number of occasions has pushed legislation that I sponsored in the past to provide additional recognition for Harriet Tubman. That you cannot do enough to recognize the courage, the fortitude, the foresight of this great American.

That currently Harriet Tubman's home in Auburn is a historical place, one that we have tried to provide additional revenue to and will continue to support.

And again, Senator Hassell-Thompson, it is my honor and my pleasure that you would bring forth the name of Harriet Tubman again as the great American heroine from Auburn, New York, that we are all very, very proud of.

Thank you, Mr. President, for the opportunity to share in this recognition of a genuine American heroine. Thank you.

ACTING PRESIDENT SCHNEIDERMAN: Thank you. Thank you, Senators.

Senator Klein.

SENATOR KLEIN: Mr. President, can we now once again recognize Senator Ruth Hassell-Thompson, this time for a brief announcement.

ACTING PRESIDENT SCHNEIDERMAN: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you again, Mr. President.

Just to announce that the Majority Conference --

ACTING PRESIDENT SCHNEIDERMAN: I'm sorry, Senator Hassell-Thompson. If you

could bear with us and excuse us, we will be right back to you.

Senator Montgomery, I apologize for our negligence in not seeing you rise.

SENATOR MONTGOMERY: Thank you, Mr. President.

I just wanted to rise to also thank Senator Hassell-Thompson for this recognition.

And as we know, Harriet Tubman is so symbolic of what the history of our state and of our nation is, especially as it relates to the period when there were so many African-American people who were living as slaves in this country. And she represented the struggle for freedom for so many people and continues to be symbolically the symbol of freedom for so many of us.

And let me say New York's history is very, very rich in the kinds of activities that Harriet Tubman was engaged in by both black and white people in this state. Many abolitionists were here. The path that she traveled through the state and up and out of this state, leading many people into Canada

for their ultimate freedom at that time, many of them, many of the people who manned the stations of the Underground Railroad were here in New York and they were white people.

So we have a very significant legacy as it relates to that, the movement to freedom. And in fact I'm told that the estate that is now the resting place and the home of Harriet Tubman is across the street from a former official from New York State; I believe he was Secretary of State under Lincoln. And also, he gave part of his property in order to make it possible for Harriet Tubman to have a home. So there's a very rich history, and she is really symbolically the person that reflects and represents that so well.

So I thank Senator Hassell-Thompson again. And I hope that we can lift Harriet Tubman up to an even higher place, as she really deserves as it relates to the history in New York State. Thank you.

ACTING PRESIDENT SCHNEIDERMAN: Thank you, Senator Montgomery.

Does any other Senator need to be

heard?

Senator Klein.

SENATOR KLEIN: Can we now go to Senator Hassell-Thompson for her announcement.

ACTING PRESIDENT SCHNEIDERMAN: Senator Hassell-Thompson.

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

I rise to request the presence of the Majority Conference members in the Majority Conference Room immediately following the close of session today.

ACTING PRESIDENT SCHNEIDERMAN: Majority conference at the close of session.

Senator Libous to join?

(Laughter.)

ACTING PRESIDENT SCHNEIDERMAN: All right, Senators.

Senator Klein, is there any further business?

SENATOR KLEIN: Mr. President, can we return to motions and resolutions.

ACTING PRESIDENT SCHNEIDERMAN: Motions and resolutions.

SENATOR KLEIN: I move to commit Senate Print 1536A, Calendar Number 101 on the order of first report of March 10, 2009, to the Committee on Finance, on behalf of Senator Kevin Parker.

ACTING PRESIDENT SCHNEIDERMAN: So ordered.

Senator Klein.

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

ACTING PRESIDENT SCHNEIDERMAN: Senator Klein, the desk is clear.

SENATOR KLEIN: There being none, I move we adjourn until Wednesday, March 11th, at 3:00 p.m.

ACTING PRESIDENT SCHNEIDERMAN: There being no further business before the Senate, the Senate stands adjourned until Wednesday, March 11th, at 3:00 p.m.

(Whereupon, at 6:56 p.m., the Senate adjourned.)