NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 24, 2009

3:20 p.m.

REGULAR SESSION

SENATOR ANDREA STEWART-COUSINS, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT STEWART-COUSINS: 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 STEWART-COUSINS: The invocation today will be delivered by Father Peter G. Young, of Mother Theresa in Albany, New York.

FATHER YOUNG: Thank you, Senator.

Dear Senators, we are proud of our New York elected leaders, as we were proud too of Van Buren, Fillmore, Arthur, Cleveland, Theodore and Franklin Roosevelt as our presidents, all from New York State.

May we continue in the greatness of their dedicated public service to all of our citizens of New York. May we follow in the rich tradition of the Senators that first met here in Kingston five days after the

Declaration of Independence.

You, O God, have provided our Senators with outstanding examples of heroes from New York State, those in this Senate chamber. May we follow that example today for all of our citizens in this Empire State.

Amen.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Father Young.

The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Monday, March 23, the Senate met pursuant to adjournment. The Journal of Friday, March 20, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT STEWART-COUSINS: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports of state officers.

Motions and resolutions.

Senator Klein.

SENATOR KLEIN: Madam President, I have some motions. Senate Number 66 and 68, to strike the enacting clause, at the request of Senator Sampson.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

SENATOR KLEIN: And also, at the request of Senator Stavisky, page 7, Calendar Number 48, Bill 1538A, I ask that the bill retain its place on the third reading of the calendar.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

SENATOR KLEIN: Also, Madam President, on page 10 I offer the following amendments to Calendar Number 90, Print Number 1736, also at the request of Senator Stavisky.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

Senator Klein.

SENATOR KLEIN: Madam President, may we at this time adopt the Resolution Calendar in its entirety, with the exception of Legislative Resolutions 711, 941, and 1015.

ACTING PRESIDENT STEWART-COUSINS: All those in favor of adopting the Senate Resolution Calendar in its entirety, with the exception of Legislative Resolutions 711, 941, and 1015, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The Resolution Calendar is adopted in its entirety, with the exception of Legislative Resolutions 711, 941, and 1015.

Senator Klein.

SENATOR KLEIN: Madam President, may we at this time take up Legislative Resolution 711. I ask that it be read in its entirety and move for its immediate adoption and have Senator Larkin the opportunity to speak on the resolution.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 711, recognizing and paying tribute to the Honor Roll Students of New York Military Academy.

"WHEREAS, It is the sense of this Legislative Body to recognize and pay tribute to those young people within the great Empire State who have achieved outstanding educational success and serve as role models for their peers; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to recognize and pay tribute to the Honor Roll Students of New York Military Academy; and

"WHEREAS, The Honor Roll Cadets of New York Military Academy are Georgi Anna Carbone-Wynne, Soo Kyung Cho, Sabrina Coppola, Nicolas Correa, Bakary Faye, Joseph Giordano, Attaphon Kaiya, Min Ji Kim, Zackery Kim, Gopal Lalwani, Matthew Larreategui, Lee Hwa Sup,

William Luo, Marieme Ly, Alexandra Lysogorskya, Michael Murphy, Allen Noboa, Seung Hyun Oh, Nicolas Olson, Winston Park, Edgar Remotti, Rhiel Samson, Robert Schroeder, Maxwell Sechzer, Jessica Senderkis, Meriah Tani, and Kenji Ueno; and

"WHEREAS, A 120-year-old college preparatory school, New York Military Academy was founded in 1889 by Charles Jefferson Wright, a Civil War veteran and former schoolteacher from New Hampshire who believed that a military structure provided the best environment for academic achievement, a philosophy to which the school still adheres; and

"WHEREAS, As one of the nation's premiere college preparatory schools, New York Military Academy proudly boasts a student body representing 14 nations and 12 states, and a perfect college acceptance rate; and

"WHEREAS, The academic program of New York Military Academy is a notable, rigorous college prep curriculum, which has granted graduating seniors admittance to the

nation's leading colleges and universities, as well as the United States Service Academies for generations; and

"WHEREAS, Young men and women of singular distinction and superlative ability, the Honor Roll Students of New York Military Academy have established a high standard of academic excellence and purposefulness of life rarely achieved in youthful years; and

"WHEREAS, Poised eagerly with enthusiasm and determined purpose, the Honor Roll Students of New York Military Academy now stand honorably, with just pride in their accomplishments and in eager anticipation of future challenges, understanding and appreciating the caring counsel and support provided by their teachers, coaches and parents; and

"WHEREAS, It is the sense of this Legislative Body that when young people of such noble aims and accomplishments are brought to our attention, they should be celebrated and recognized by all the citizens of the great State of New York; now,

therefore, be it

"RESOLVED, that this Legislative Body pause in its deliberations to recognize and pay tribute to the Honor Roll Students of New York Military Academy, and extend to them its best wishes for a future of purposeful success and well-being, fully confident of their response to a promising future and appreciative of the model they represent for all aspiring young people of the Empire State; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Honor Roll Students of New York Military Academy."

ACTING PRESIDENT STEWART-COUSINS: Senator Larkin.

SENATOR LARKIN: Thank you, Madam President.

Ladies and gentlemen, it's a distinct honor and privilege to honor the New York Military Academy, which is located in my Senate district. And up here you can see them; they're all in uniform.

Please, all of you, stand up. These are the honor students.

(Applause.)

SENATOR LARKIN: Thank you, cadets.

Today these young men and women are brought here by their distinguished superintendent. Even though he's a Naval Academy graduate, he's a personal friend and an ideal leader. He shows it by every action he does. This academy has students from 12 nations and 14 states.

Captain Watts, retired, United States Naval Academy. Captain Watts.

(Applause.)

SENATOR LARKIN: You know, when you look at this academy and you think of what's going on in the world today, these young students from all over the world, their acceptance into college is the highest of any school.

It is a prep school. It's a privilege to go there. It's a privilege to see these cadets in our town coming by,

shopping in our areas, participating in events, no matter what it is, community activities.

But utmost in my mind when I look at them, I see young men and women who have a purpose in life, who have made a commitment. You know, someone says well, they went there. No. They decided that they would go there because they wanted to enhance their opportunities for the future.

Some of these men and women will go in the armed forces. Some of you might know, I know Captain Watts does it, and your TAC officers, out of Cornwall came General Petraeus, Cornwall Elementary School -- and you know where that's at, at Lee Road -- and then Cornwall High School, and then to West Point.

Your previous colleagues went to your school and went to service academies and made name recognition because of what the foundation was that they had at NYMA.

I'm honored to see you here today. I'm honored to introduce you to my colleagues

here in the New York State Senate, because you are the future of America. You're the future of those of you who come from a foreign country. You'll be able to go back to your own country and say: I was educated at a premier school in the State of New York. I was educated with colleagues who want to make the world a better place for us all to live.

I thank you for coming here today. I thank you, Captain Watts, for the leadership that you provide.

And I thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Larkin.

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

Senator Foley.

SENATOR FOLEY: Thank you, Madam President.

I also would like to extend our congratulations to the honor roll students of New York Military Academy, a number of whom hail from Long Island as well.

Additionally, I'd like to have

everyone's attention. Two other students are here as well, the South Country School District students who are here from Long Island, along with our New York Military Academy students.

It's great to see a diversity of students from different geographic areas of the state with us here in this chamber today, Madam President.

Thank you for your attention.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Foley.

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

Hearing none, the question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The resolution is adopted.

At the request of the sponsor, the

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

Senator Klein.

SENATOR KLEIN: Madam President, may we at this time take up Legislative Resolution 941. I ask that the resolution be read in its entirety and move for its immediate adoption and allow Senator Serrano to speak on the said resolution.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: By Senator Serrano, Legislative Resolution Number 941, memorializing Governor David A. Paterson to declare 8:30 p.m. on Saturday, March 28, 2009, as Earth Hour in the State of New York.

"WHEREAS, It is the sense of this Legislative Body to increase public awareness of, and appreciation for, the natural resources of this great Empire State, as well as recognize the role all citizens have in protecting the environment and the quality of

life within New York; and

"WHEREAS, On Earth Hour, cities across the world ask their residents and businesses to turn off all lights for one hour in a collective show of action against global warming; and

"WHEREAS, Earth Hour began in Sydney, Australia, in 2007; world-famous landmarks such as the Sydney Opera House went dark for an hour and energy consumption in that city went down 10.2 percent, the equivalent of taking 48,000 cars off the road; and

"WHEREAS, This year, cities ranging from Suva, Fiji, to Chicago, Illinois, from Tel Aviv, Israel, to Copenhagen, Denmark, have pledged to observe Earth Hour; and

"WHEREAS, New York State should take its place among these world sites and give a strong show of support for this symbolic action that will have the real effect of lowering the state's carbon emissions and environmental impact; and

"WHEREAS, Having iconic sites from

the Empire State Building to the Niagara Falls go dark will have a deep and meaningful impact to people around the world. The time for action on global warming has come, and although Earth Hour is not the solution to the problem, it is a real start and will play an important role in galvanizing support to combat the dire threat that our planet faces; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor David A. Paterson to declare 8:30 p.m. on Saturday, March 28, 2009, as Earth Hour in the State of New York; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Honorable David A. Paterson, Governor of the State of New York."

ACTING PRESIDENT STEWART-COUSINS: Senator Serrano.

SENATOR SERRANO: Thank you, Madam President.

Today I'm introducing a very

important resolution for the second consecutive year. Earth Hour asks residents and organizations to turn off their nonessential lights from 8:30 to 9:30 p.m., in an effort to conserve energy and showcase how the actions of individuals can effect great change.

I hope that you all join me in spreading the word about Earth Hour, a worldwide global warming awareness event, which this year promises to be the largest rally against global warming in our history. Nearly 2400 cities, towns, and municipalities will be taking part in this event throughout over 83 countries.

One cannot overestimate the power of a symbolic action. New York State is home to some of the most beloved landmarks in the world, from Niagara Falls in Buffalo to Yankee Stadium in my own district. Last year, at my request, the Empire State Building was dark for an hour. It is my hope that participation will be even greater this year.

Every year of inaction in the fight

against global warming leads to another mile of coastline lost to flooding, another acre of farmland lost to drought, and further increases in the earth's temperature. New York State is not immune to these issues. Rising sea levels threaten the coastal cities and towns of this great state, and increased temperatures could destroy the viability of our important agricultural regions.

In my district, rates of asthma are amongst the highest in the country. As temperatures rise, increased smog will only make the problem worse. Global warming is not just out there, it affects real people and real lives.

I respectfully request that my colleagues join me in supporting this resolution. Let us unite with our friends around the world on Saturday, March 28th, at 8:30 p.m. in fighting this threat to our planet. It is my hope that Earth Hour sparks dialogue, brings together residents, legislators and advocates to find solutions to this problem.

And I thank you, and I ask all my colleagues to please join me on this very important resolution. Thanks.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Serrano.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

I want to thank Senator Serrano for this important resolution. And today is a unique day to have this resolution on the floor, Senator, when you see these children in both galleries.

They happen to be from my district, from Shore Road School in Bellmore, and today they were up here performing as part of NYSMA's "Music in Schools" Month in the concourse. They've toured the museum, and they're here now in the Capitol, and I want to welcome the children, the teachers and the parents to Albany. Now they have an opportunity to see the legislative process.

So with your indulgence, Madam President, I'd just like them to stand up and

say welcome to the Senate chambers and thank you so much for being here, and thank you for the resolution.

Thank you, kids.

ACTING PRESIDENT STEWART-COUSINS: Stand up.

(Applause.)

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Fuschillo.

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

Hearing none, the question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: 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: Thank you, Madam President.

May we at this time take up Legislative Resolution 1015. I ask that the title of the resolution be read and move for its immediate adoption and allow Senator McDonald and Senator Breslin to speak on the resolution.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: By Senator McDonald, Legislative Resolution Number 1015, mourning the death of Louis G. Matrazzo, a man of singular distinction and extraordinary accomplishment.

ACTING PRESIDENT STEWART-COUSINS: Senator McDonald.

SENATOR McDONALD: Thank you, Madam Speaker.

I rise to talk about a resolution honoring Louis Matrazzo, a native of Saratoga County, in my district. An employee -- a

loyal employee, for a long time -- at the New York State Health Department. A man committed to our state and the health of our residents. Also a gentleman who was very active in the New York State Public Employees Federation, working on behalf of the employees of our great state in this great area.

It's very difficult, in a state of almost 20 million people, to single out any single individual. There's so many wonderful people in our state. But a state is only as good as the people that make it up. And I think Lou Matrazzo deserves a moment of us to think about him and what people like he have done for us as employees, as workers' rights advocates, and as just plain good citizens in the community.

And I thank you for this opportunity to make those comments.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator McDonald.

Senator Breslin.

SENATOR BRESLIN: Thank you very much, Madam President.

And I commend Senator McDonald for bringing this resolution to the floor.

Lou Matrazzo died very suddenly last week at the age of 58, and it's a loss to all New York Staters, and in particular the 58,000 PEF employees throughout this state. And I just happen to have the most PEF employees of any Senator.

And Lou, when I was first elected some almost 13 years ago, Lou was really starting on his journey and rising the ladder in PEF. And each year or so he would tell me that he had now assumed a new title -- a regional title, or a regional title with an office. And he'd say, "And you're still a Senator." And the next time he'd get another promotion and he'd say, "Neil, you're still a Senator."

And he finally rose to the level of vice president of PEF throughout the state and reminded me again that I was still a Senator.

And seriously, his counsel, his devotion to his union, his ability to just keep arguing the union mantra and how

important the public employees are to this state, was unyielding. And I had the utmost respect for his point of view, because he always did his homework. He always did his research. He was always there to give you the reasons why you should support his position.

And so it isn't always just business that we had relationships with. I got to know him personally. And I took his only child, Michelle, into my office as an intern, who was the love of his life.

And to have him taken way at such an early age shows how vulnerable all of us are -- but in his case, someone who just kept doing the right thing day after day, year after year, and not asking for anything in return from the people around him.

We will all dearly miss him, and we hope that there are those there to replace him, but it will be a very difficult challenge.

Thank you very much, Madam President.

ACTING PRESIDENT STEWART-COUSINS:

Thank you, Senator Breslin.

Senator Little.

SENATOR LITTLE: Thank you, Madam President.

I would just like to join my colleagues as they recognize and memorialize Lou Matrazzo, who certainly was a man who was a true advocate for the positions and for the workers that he worked with in the PEF organization. He was always there for them. He was always enthusiastic and advocating in every possible way for their issues.

And he certainly will be missed. He touched many, many lives. And he was person who truly enjoyed life. But I'm sorry that his life became so short.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Little.

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

Hearing none, the question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: 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: Madam President, could we at this time take up a reading of Senate Calendar Number 25.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 111, by Member of the Assembly Weinstein, Assembly Print Number 4393, an act to amend Chapter 326 of the Laws of 2008, amending the Family Court Act, the Criminal Procedure Law, and the Judiciary Law.

ACTING PRESIDENT STEWART-COUSINS:

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 112, by Member of the Assembly Cahill, Assembly Print Number 669, an act to amend the Vehicle and Traffic Law, in relation to reflector and lamp equipment.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 113, by Senator Schneiderman --

SENATOR KLEIN: Please lay that aside for the day.

ACTING PRESIDENT STEWART-COUSINS: The bill is laid aside for the day.

Senator Klein, that completes the reading of the calendar.

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

ACTING PRESIDENT STEWART-COUSINS: Senator Klein, the desk is clear.

SENATOR KLEIN: There being none, I move we adjourn until Wednesday, March 25th, at 3:00 p.m.

ACTING PRESIDENT STEWART-COUSINS: There being no further business to come before the Senate, on motion, the Senate stands adjourned until Wednesday, March 25th, at 3:00 p.m.

(Whereupon, at 3:43 p.m., the

Senate adjourned.)