

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 April 7, 2009

11 10:17 a.m.

12
13
14 REGULAR SESSION

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18 SENATOR NEIL D. BRESLIN, Acting President

19 ANGELO J. APONTE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT BRESLIN: The
3 Senate will please come to order.

4 I ask all to rise and repeat the
5 Pledge of Allegiance after me.

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

8 ACTING PRESIDENT BRESLIN: In the
9 absence of clergy, may we bow our heads for a
10 moment of silence.

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

13 ACTING PRESIDENT BRESLIN: Thank
14 you.

15 The reading of the Journal.

16 The Secretary will read.

17 THE SECRETARY: In Senate,
18 Monday, April 6, the Senate met pursuant to
19 adjournment. The Journal of Friday, April 3,
20 was read and approved. On motion, Senate
21 adjourned.

22 ACTING PRESIDENT BRESLIN:
23 Without objection, the Journal stands approved
24 as read.

1 Presentation of petitions.
2 Messages from the Assembly.
3 Messages from the Governor.
4 Reports of standing committees.
5 Reports of select committees.
6 Communications and reports from
7 state officers.

8 Motions and resolutions.
9 Senator Libous.

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

12 On behalf of Senator Golden, I move
13 that the following bill be discharged from its
14 respective committee and be recommitted with
15 instructions to strike the enacting clause.
16 That's Senate Number 2103.

17 ACTING PRESIDENT BRESLIN: So
18 ordered.

19 Senator Klein.

20 SENATOR KLEIN: Mr. President,
21 may at this time we adopt the Resolution
22 Calendar in its entirety, with the exceptions
23 of Legislative Resolutions 813 and 1269.

24 ACTING PRESIDENT BRESLIN: All

1 those in favor of adopting the Resolution
2 Calendar in its entirety, with the exception
3 of Legislative Resolutions 813 and 1269,
4 please signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT BRESLIN:

7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT BRESLIN: The
10 Resolution Calendar is adopted, with the
11 exception of Resolutions 813 and 1269.

12 Senator Klein.

13 SENATOR KLEIN: Mr. President,
14 may we at this time take up Legislative
15 Resolution 813. I ask that the title be read
16 and move for its immediate adoption, and if
17 you would give Senator Stewart-Cousins the
18 opportunity to speak on the said resolution.

19 ACTING PRESIDENT BRESLIN: The
20 Secretary will read.

21 THE SECRETARY: By Senator
22 Stewart-Cousins, Legislative Resolution Number
23 813, memorializing Governor David A. Paterson
24 to proclaim April 12 through 18, 2009, as

1 Shaken Baby Syndrome Awareness Week in the
2 State of New York.

3 ACTING PRESIDENT BRESLIN:
4 Senator Stewart-Cousins.

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

7 When I was returning home last
8 week, there was a radio commercial that began
9 with a baby wailing and wailing. And I went
10 to the dial to kind of turn it down because it
11 was so annoying. But what that was was the
12 beginning of a commercial about shaken baby
13 syndrome.

14 What the announcer went on to say
15 is that if your baby is crying, if your baby
16 is wailing, it won't hurt the baby to continue
17 to cry, but it will certainly hurt the baby if
18 you shake that baby. So if your baby is
19 crying uncontrollably, put the baby down if
20 you're getting upset and walk away, because
21 shaken baby syndrome will ruin the child's
22 life and yours.

23 Let me just share some statistics.
24 According to the National Child Abuse and

1 Neglect Data System, 3.6 million children were
2 reported as victims of abuse and neglect in
3 2006 in America. On average, 3,000 infants
4 and young children become victims of shaken
5 baby syndrome annually. The average age of
6 shaken baby syndrome victims are between three
7 and eight months of age. There are over 300
8 deaths from shaken baby syndrome each year.
9 Children 1 year old or under accounted for
10 32.2 percent of all child abuse and neglect
11 fatalities. And fewer than 10 percent, fewer
12 than 10 percent of shaken baby syndrome
13 victims completely recover.

14 The economic cost of shaken baby
15 syndrome -- as though that matters in the face
16 of what you do to a child -- but the economic
17 cost ranges from \$18,000 to \$70,000 per child
18 who has to be treated for shaken baby
19 syndrome, and over \$4 million during a
20 lifetime.

21 This Legislature passed Cynthia's
22 Law. And Cynthia Gibbs was a baby from my
23 community who several years ago was shaken to
24 death by her babysitter.

1 And as a result, on the county
2 level, when I was on the county board, we
3 created laws that made our local hospitals
4 educate parents, educate mothers before they
5 left with their child about what can happen if
6 you shake your baby.

7 And this Legislature in 2006 also,
8 with Cynthia's Law, requires the Department of
9 Health to implement a shaken baby syndrome
10 public information and educational campaign.

11 So this time of the year we
12 remember Cynthia and all the Cynthias who have
13 died or been irreversibly impacted because
14 somebody shook them a little too hard. It is
15 never okay to shake your baby.

16 So thank you very much for this
17 opportunity to speak.

18 ACTING PRESIDENT BRESLIN: Thank
19 you, Senator Stewart-Cousins.

20 Is there any other Senator that
21 wishes be heard on this resolution?

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

1 (Response of "Aye.")

2 ACTING PRESIDENT BRESLIN:

3 Opposed, nay.

4 (No response.)

5 ACTING PRESIDENT BRESLIN: The
6 resolution is adopted.

7 At the request of the sponsor, the
8 resolution is open for multisponsorship by the
9 entire house. Any member wishing not to be a
10 multisponsor of the resolution shall so inform
11 the desk.

12 Senator Klein.

13 SENATOR KLEIN: Mr. President, at
14 this time can we take up Legislative
15 Resolution 1269. I ask that the title be read
16 and move for its immediate adoption and give
17 Senator Ruth Hassell-Thompson the opportunity
18 to speak on her resolution.

19 ACTING PRESIDENT BRESLIN: The
20 Secretary will read.

21 THE SECRETARY: By Senator
22 Hassell-Thompson, Legislative Resolution
23 Number 1269, honoring Mount Vernon Senior City
24 Court Judge Brenda Dowery-Rodriguez upon the

1 occasion of her retirement after 22 years of
2 distinguished service.

3 ACTING PRESIDENT BRESLIN:
4 Senator Hassell-Thompson.

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

7 I rise to present an extraordinary
8 woman who began her life in Kentucky but spent
9 the rest of it in New York doing some
10 extremely wonderful things on the bench.

11 Most times we think of judges as
12 being the austere person behind the robe. But
13 underneath is a caring, dedicated person who
14 gave public service everything that she could
15 possibly give it.

16 I wanted to honor her in this
17 moment of her retirement because we're going
18 miss a person who understood the law, who
19 started out as a social worker but ended up
20 going to law school because she felt that the
21 way in which policies were developed around
22 the needs of people could be changed and she
23 could make a difference.

24 Well, she did make a difference.

1 And when we were beginning to talk about how
2 do we first look at drug addiction as opposed
3 to incarceration, she agreed to be one of the
4 first judges to participate in Westchester
5 County's drug court.

6 She created a model court. And I
7 will always be grateful for the guidance that
8 she gave to our police departments and to
9 everyone who had to become involved and work
10 closely with our then-DA to make it one of the
11 best programs in the state.

12 She is moving -- she has moved out
13 of the State of New York, but I know that
14 retirement is just a phase change, because the
15 energy and activity of this human being could
16 never be idle. She promises to watch the
17 grass grow, and I told her probably for about
18 30 minutes and then she would get herself
19 involved in something else.

20 We don't give the people who give
21 us public service the right kind of honor.
22 And I thought that this would be an
23 appropriate time for me to say to Brenda
24 Dowery, and through the State of New York,

1 that we appreciate the integrity that she
2 brought to the court, the extensive work that
3 she did for her community and the people that
4 she helped to change their lives through the
5 drug court and through coming through her
6 courtroom.

7 She was by no means soft. If you
8 think I'm tough, you haven't seen anything.
9 Going into her court could be a frightening
10 experience. But she understand the boundaries
11 of what she was capable and could do within
12 the court. And if she felt that leniency was
13 necessary, very rarely was she ever wrong in
14 her decisions.

15 I want to honor her today, and I
16 hope that those of you who are under my voice
17 will join me in honoring Brenda
18 Dowery-Rodriguez -- one of those hyphenated
19 names -- for the extraordinary work that she
20 has done for the court system and how she
21 brought credibility back to justice for the
22 City of Mount Vernon.

23 Thank you.

24 ACTING PRESIDENT BRESLIN: Thank

1 you, Senator Hassell-Thompson.

2 Are there any other Senators that
3 wish to be heard on this resolution?

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

6 (Response of "Aye.")

7 ACTING PRESIDENT BRESLIN:

8 Opposed, nay.

9 (No response.)

10 ACTING PRESIDENT BRESLIN: The
11 resolution is adopted.

12 Senator Klein.

13 SENATOR KLEIN: Mr. President,
14 there will be an immediate meeting of the
15 Finance Committee in the Majority Conference
16 Room, 332, which will be immediately followed
17 by a meeting of the Rules Committee.

18 Pending a report of the Rules
19 Committee, may we please stand at ease.

20 ACTING PRESIDENT BRESLIN: There
21 will be an immediate meeting of the Committee
22 on Finance in the Senate Majority Conference
23 Room, Room 332, to be immediately followed by
24 a Rules Committee meeting.

1 The Senate will stand at ease
2 pending the Rules Committee report.

3 (Whereupon, the Senate stood at
4 ease at 10:29 a.m.)

5 (Whereupon, the Senate reconvened
6 at 10:54 a.m.)

7 ACTING PRESIDENT BRESLIN:
8 Senator Klein.

9 SENATOR KLEIN: Mr. President,
10 may we return to the order of reports of
11 standing committees.

12 I believe there is a report of the
13 Rules Committee at the desk. I ask that it be
14 read and move for its immediate adoption.

15 ACTING PRESIDENT BRESLIN:
16 Senator Klein, there is a report of the Rules
17 Committee here at the desk.

18 The Secretary will read.

19 THE SECRETARY: Senator Smith,
20 from the Committee on Rules, reports the
21 following bills:

22 Senate Print 3745, by Senator
23 Stewart-Cousins, an act to amend the Vehicle
24 and Traffic Law;

1 3746, by Senator Thompson, an act
2 to amend the Vehicle and Traffic Law and the
3 Public Officers Law;

4 3747, by Senator Thompson, an act
5 to amend the Vehicle and Traffic Law and the
6 Public Officers Law;

7 3748, by Senator Foley, an act to
8 amend the Vehicle and Traffic Law and the
9 Public Officers Law;

10 3749, by Senator C. Johnson, an act
11 to amend the Vehicle and Traffic Law and
12 others;

13 And Senate Print 3750, by Senator
14 Dilan, an act to amend the Vehicle and Traffic
15 Law and the Administrative Code of the City of
16 New York.

17 All bills ordered directly to third
18 reading.

19 ACTING PRESIDENT BRESLIN: All
20 those in favor of adopting the report of the
21 Rules Committee please signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT BRESLIN:
24 Opposed, nay.

1 (No response.)

2 ACTING PRESIDENT BRESLIN: The
3 report of the Rules Committee is adopted.
4 Senator Klein.

5 SENATOR KLEIN: Mr. President, I
6 believe there is a report of the Finance
7 Committee at the desk.

8 ACTING PRESIDENT BRESLIN:
9 Senator Klein, there is a report of the
10 Finance Committee at the desk.

11 The Secretary will read.

12 THE SECRETARY: Senator Kruger,
13 from the Committee on Finance, reports the
14 following nominations.

15 As a member of the New York State
16 Housing Finance Agency, Royce Anthony
17 Mulholland, of Douglaston.

18 As members of the Board of Trustees
19 of the New York State Higher Education
20 Services Corporation, Stephen Archer, of
21 Endicott, and Haleigh Tunis, of Stuyvesant.

22 As a member of the Board of
23 Visitors of the Rockland Psychiatric Center,
24 James Scaringe, of Orangeburg.

1 And as a member of the Board of
2 Visitors of the Western New York Developmental
3 Disabilities Services Office, Michael P.
4 Rogers, of Cheektowaga.

5 ACTING PRESIDENT BRESLIN:
6 Senator Kruger.

7 SENATOR CARL KRUGER: Thank you,
8 Mr. President. On behalf of the Finance
9 Committee, I ask to move the nominations.

10 ACTING PRESIDENT BRESLIN: Are
11 there any other Senators that wish to be heard
12 on the nominations?

13 The question is on the motion to
14 confirm the nomination of Royce Anthony
15 Mulholland as a member of the New York Housing
16 Finance Agency. All those in favor signify by
17 saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT BRESLIN:
20 Opposed, nay.

21 (No response.)

22 ACTING PRESIDENT BRESLIN: The
23 motion carries. The nomination of Royce
24 Anthony Mulholland to the New York Housing

1 Finance Agency is hereby confirmed.

2 The question is on the confirmation
3 of Stephen Archer of Endicott, Haleigh Tunis
4 of Stuyvesant, James Scaringe of Orangeburg,
5 and Michael P. Rogers of Cheektowaga to their
6 respective appointments. All those in favor
7 please signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT BRESLIN:

10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT BRESLIN: The
13 motion carries. The nominations of Stephen
14 Archer of Endicott, Haleigh Tunis of
15 Stuyvesant, James Scaringe of Orangeburg, and
16 Michael P. Rogers of Cheektowaga are hereby
17 confirmed.

18 Senator Klein.

19 SENATOR KLEIN: Mr. President,
20 can we take up a reading of Supplemental
21 Calendar Number 34A.

22 ACTING PRESIDENT BRESLIN: The
23 Secretary will read.

24 THE SECRETARY: In relation to

1 Calendar Number 148, Senator Stewart-Cousins
2 moves to discharge, from the Committee on
3 Transportation, Assembly Bill Number 7330 and
4 substitute it for the identical Senate Bill
5 Number 3745, Third Reading Calendar 148.

6 ACTING PRESIDENT BRESLIN:
7 Substitution ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 148, by Member of the Assembly Spano, Assembly
11 Print Number 7330, an act to amend the Vehicle
12 and Traffic Law and others.

13 ACTING PRESIDENT BRESLIN: There
14 is a home-rule message at the desk.

15 Read the last section.

16 THE SECRETARY: Section 24. This
17 act shall take effect on the 30th day.

18 ACTING PRESIDENT BRESLIN: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BRESLIN:
22 Announce the results.

23 THE SECRETARY: Those recorded in
24 the negative on Calendar Number 148 are

1 Senators DeFrancisco, Morahan and Ranzenhofer.
2 Also Senator Saland.

3 Ayes, 58. Nays, 4.

4 ACTING PRESIDENT BRESLIN: The
5 bill is passed.

6 The Secretary will continue to
7 read.

8 THE SECRETARY: In relation to
9 Calendar Number 149, Senator Thompson moves to
10 discharge, from the Committee on
11 Transportation, Assembly Bill Number 7332 and
12 substitute it for the identical Senate Bill
13 Number 3746, Third Reading Calendar 149.

14 ACTING PRESIDENT BRESLIN:
15 Substitution ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 149, by Member of the Assembly Gantt, Assembly
19 Print Number 7332, an act to amend the Vehicle
20 and Traffic Law and the Public Officers Law.

21 ACTING PRESIDENT BRESLIN: There
22 is a home-rule message at the desk.

23 Read the last section.

24 THE SECRETARY: Section 22. This

1 act shall take effect on the 30th day.

2 ACTING PRESIDENT BRESLIN: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BRESLIN:
6 Announce the results.

7 THE SECRETARY: Those recorded in
8 the negative on Calendar Number 149 are
9 Senators DeFrancisco, Flanagan, Morahan,
10 Ranzenhofer, Saland and Volker. Also Senator
11 Maziarz.

12 Ayes, 55. Nays, 7.

13 ACTING PRESIDENT BRESLIN: The
14 bill is passed.

15 The Secretary will continue to
16 read.

17 THE SECRETARY: In relation to
18 Calendar Number 150, Senator Thompson moves to
19 discharge, from the Committee on
20 Transportation, Assembly Bill Number 7331 and
21 substitute it for the identical Senate Bill
22 Number 3747, Third Reading Calendar 150.

23 ACTING PRESIDENT BRESLIN:
24 Substitution ordered.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 150, by Member of the Assembly Hoyt, Assembly
4 Print Number 7331, an act to amend the Vehicle
5 and Traffic Law and the Public Officers Law.

6 ACTING PRESIDENT BRESLIN: There
7 is a home-rule message at the desk.

8 Read the last section.

9 THE SECRETARY: Section 22. This
10 act shall take effect on the 30th day.

11 ACTING PRESIDENT BRESLIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BRESLIN:
15 Senator Volker, to explain his vote.

16 SENATOR VOLKER: Yes. There's
17 been a lot of comment on red light cameras.
18 And most of the press, of course -- in this
19 time, I guess, of observation -- has been to
20 say, well, this is going raise a lot of money
21 and it's great for reducing injuries.

22 The truth is neither one of those
23 has turned out to happen in many parts of this
24 country. Red light cameras have turned out to

1 be a boon to insurance companies, but in many
2 ways what has happened is that the amount of
3 fines has dropped off. And worse than that,
4 the numbers of rear-end accidents and other
5 incidents has increased.

6 It's kind of fascinating -- and the
7 reason I discuss this one is because this is
8 going to be in Buffalo. I have a personal
9 thing about these issues. In fact, most
10 police officers, by the way, oppose this bill.
11 And the reason they do is because they firmly
12 believe that these what you call nondescript
13 arrests can be very dangerous and can create a
14 lot of false fines and so forth.

15 We get them in Western New York
16 every once in a while out of New York City,
17 where the camera angle wasn't quite right and
18 the license plate showed up wrong and all
19 sorts of things.

20 I personally think that these red
21 light cameras probably will only last for a
22 few years and then a lot of the cities in the
23 Northeast in particular will get rid of them.

24 But I'm going to vote no because I

1 just don't think they're a good idea.

2 ACTING PRESIDENT BRESLIN:

3 Announce the results.

4 THE SECRETARY: Those recorded in
5 the negative on Calendar Number 150 are
6 Senators DeFrancisco, Flanagan, Maziarz,
7 Morahan, Ranzenhofer and Volker. Also Senator
8 Saland.

9 Ayes, 55. Nays, 7.

10 ACTING PRESIDENT BRESLIN: The
11 bill is passed.

12 The Secretary will continue to
13 read.

14 THE SECRETARY: In relation to
15 Calendar Number 151, Senator Foley moves to
16 discharge, from the Committee on
17 Transportation, Assembly Bill Number 7333 and
18 substitute it for the identical Senate Bill
19 Number 3748, Third Reading Calendar 151.

20 ACTING PRESIDENT BRESLIN:

21 Substitution ordered.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number
24 151, by Member of the Assembly Eddington,

1 Assembly Print Number 7333, an act to amend
2 the Vehicle and Traffic Law and the Public
3 Officers Law.

4 ACTING PRESIDENT BRESLIN: There
5 is a home-rule message at the desk.

6 Read the last section.

7 THE SECRETARY: Section 9. This
8 act shall take effect on the 30th day.

9 ACTING PRESIDENT BRESLIN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BRESLIN:
13 Senator Foley, to explain his vote.

14 SENATOR FOLEY: To explain my
15 vote, thank you, Mr. President.

16 This particular resolution for
17 Suffolk County, speaking as the former chair
18 of the County Legislature's Public Works and
19 Transportation Committee, and also speaking
20 with the presiding officer of the County
21 Legislature and having caught a, let's say,
22 active interaction with the Public Works
23 Department, and in particular the traffic
24 safety division, this resolution is seen as a

1 very important step in helping to reduce the
2 number of accidents and fatalities at a number
3 of locations.

4 Notwithstanding the comments that
5 we just heard from Senator Volker, I can tell
6 you that in Suffolk County, where there are a
7 number of high-accident locations, that the
8 traffic safety division of the Department of
9 Public Works sees this particular initiative
10 as one important element, along with others,
11 to reduce accidents and fatalities on our
12 roadways.

13 It's most unfortunate to note for
14 the record that Suffolk County has some of the
15 most dangerous roads anywhere in the State of
16 New York. And with some of the redesign of
17 some of the roadways, along with this
18 particular resolution, these will be ways that
19 we're going to be able to bring safer roads
20 and safer intersections to our residents.

21 And this is a very, very important
22 initiative. Others have characterized it
23 merely as a revenue-producing initiative
24 rather than the most important function, if

1 you will, the most important element of this
2 resolution is that yes, in fact it will save
3 lives, and it will reduce the number of
4 accidents in our county.

5 And I take the word of those who
6 have devoted their professional lives to
7 public service in the area of traffic safety
8 within the Department of Public Works who see
9 this as a very important element in helping to
10 save those lives and to reduce accidents.

11 So I am strongly in favor of this
12 resolution, and I would ask all in this
13 particular chamber to support this resolution.

14 Thank you, Mr. Chairman. I vote in
15 the affirmative.

16 ACTING PRESIDENT BRESLIN:
17 Senator Foley will be recorded in the
18 affirmative.

19 Senator LaValle.

20 SENATOR LaVALLE: To explain my
21 vote, Mr. President.

22 I have consistently voted in
23 opposition to the red light cameras. It is
24 really shameful that we are doing this under

1 the guise of safety when everyone knows this
2 is a revenue-producing device. And in those
3 municipalities where they actually lost
4 revenue, they just took the cameras out.

5 I think that we are going to
6 produce more rear-end accidents. As you're
7 approaching a red light and you see a camera,
8 you're going to hit the brakes and someone
9 behind you is going to reward you with banging
10 the rear end of your car.

11 So redesign, yes, of our
12 intersections. Having Big Brother just is not
13 in our best interest.

14 And I would say to you that where
15 New York City has had this, so many
16 constituents of mine have said "I was not even
17 in New York City, I was in California," or
18 someplace else. So it's going to place an
19 additional burden on our citizens. And the
20 only thing it will do is collect additional
21 revenue for Suffolk County.

22 So I'm going to vote in the
23 negative on this bill, on the Nassau County
24 bill, and the New York City bill. I vote in

1 the negative.

2 ACTING PRESIDENT BRESLIN:

3 Senator LaValle will be recorded in the
4 negative.

5 Senator Adams, to explain his vote.

6 SENATOR ADAMS: Thank you,
7 Mr. President.

8 I just want to commend my colleague
9 on this bill.

10 I think that red lights and those
11 who are historically play the game of chicken
12 running through red lights, they cause a great
13 danger on our roadways.

14 And I don't believe it is just a
15 revenue generator, I believe that our roadways
16 are a place where we should be concerned about
17 those who are following not only the red
18 lights but following speed. If you're
19 following that close to a vehicle that you
20 can't stop in time to rear end them, then you
21 are driving too fast.

22 The bottom line is I am not afraid
23 of a red light camera because I do not run red
24 lights. And those who are concerned about red

1 light cameras, they should not run red lights.

2 So I think this is an important
3 bill. I would love to see red light cameras
4 throughout this state. I would love to see
5 cameras in speed zones, or zones where our men
6 and women on highways are attempting to fix
7 highways, to catch those who are speeding
8 through that area.

9 I think that technology should be
10 married with public safety and we can use
11 technology to ensure our roadways are safer.
12 And I commend my colleague on this bill.

13 I vote aye.

14 ACTING PRESIDENT BRESLIN:
15 Senator Adams will be recorded in the
16 affirmative.

17 Senator Marcellino, to explain his
18 vote.

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

21 I agree with my colleague Senator
22 Adams, this should not be considered a revenue
23 enhancement, because frankly they don't.

24 I agree with Senator Volker;

1 they've been proven not to enhance revenues in
2 the areas where they are. Nor do they improve
3 safety.

4 I will vote aye on this legislation
5 and all the other bills because these are not
6 mandates. This only authorizes local
7 municipalities and communities if they deem it
8 important or they deem it necessary to put
9 these in. We're not telling them they have to
10 do anything.

11 So on that basis, I will support
12 this legislation.

13 ACTING PRESIDENT BRESLIN:
14 Senator Marcellino will be recorded in the
15 affirmative.

16 Senator Saland, to explain his
17 vote.

18 SENATOR SALAND: Mr. President,
19 I've had enough experience in my district with
20 people who have been apparently falsely
21 accused of being in a particular community on
22 occasion. More often than not, it's been
23 New York City. A transposed number on a
24 license plate, they've been ticketed for

1 parking or whatever, it's a nightmare to try
2 and help them correct.

3 I looked at these bills very
4 quickly; we haven't had a lot of time to take
5 a look at them. And I was looking for
6 something that said that the person who is
7 accused of running a red light got perhaps a
8 photograph or copy of the photograph that was
9 taken of the car that passed through the red
10 light.

11 And in my rather quick look at the
12 bills, I simply could not find that. And
13 knowing the experiences I've had before, I
14 don't look forward to having constituents who
15 are going to have to contend with traffic
16 light issues because they don't have and don't
17 have with them, as some means of establishing
18 their innocence, a copy of whatever photograph
19 was taken.

20 And I would think that would be far
21 more beneficial. And I can't support that
22 bill, this bill, the other bills without that
23 kind of provision in it.

24 Thank you.

1 ACTING PRESIDENT BRESLIN:

2 Senator Saland will be recorded in the
3 negative.

4 Senator Dilan, to explain his vote.

5 SENATOR DILAN: Yes, I just want
6 to note for the record the legislative history
7 on this bill.

8 In 2008, a similar bill, S4296, by
9 Senator Fuschillo, established a red light
10 camera demonstration program for Nassau
11 County. The vote at that time was 58 to zero.
12 Also, in 2007, S4296, by Senator Fuschillo,
13 Nassau County, and the vote was 61 to zero.

14 Thank you.

15 ACTING PRESIDENT BRESLIN:

16 Senator Dilan will be recorded in the
17 affirmative.

18 Announce the results.

19 THE SECRETARY: Those recorded in
20 the negative on Calendar Number 151 are
21 Senators DeFrancisco, Flanagan, O. Johnson,
22 LaValle, Maziarz, Ranzenhofer and Saland.
23 Also Senator Morahan. Also Senator Volker.

24 Ayes, 53. Nays, 9.

1 ACTING PRESIDENT BRESLIN: The
2 bill is passed.

3 The Secretary will continue to
4 read.

5 THE SECRETARY: In relation to
6 Calendar Number 152, Senator C. Johnson moves
7 to discharge, from the Committee on
8 Transportation, Assembly Bill Number 7329 and
9 substitute it for the identical Senate Bill
10 Number 3749, Third Reading Calendar 152.

11 ACTING PRESIDENT BRESLIN:
12 Substitution ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 152, by Member of the Assembly Lavine,
16 Assembly Print Number 7329, an act to amend
17 the Vehicle and Traffic Law and others.

18 ACTING PRESIDENT BRESLIN: There
19 is a home-rule message at the desk.

20 Read the last section.

21 THE SECRETARY: Section 10. This
22 act shall take effect on the 30th day.

23 ACTING PRESIDENT BRESLIN: Call
24 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BRESLIN:

3 Senator Craig Johnson, to explain his vote.

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

6 I will be voting in the affirmative
7 on this measure.

8 And I wish to congratulate Senator
9 Fuschillo. I know for the past two years
10 Senator Fuschillo had a similar bill trying to
11 enact a red light camera program for Nassau
12 County.

13 And today, serving as a co-prime
14 sponsor on this, we're going to be able to get
15 it passed. It's passed the Assembly, finally.
16 And we will be able to bring these protective
17 devices to Nassau County.

18 So I want to say thank you to the
19 members of the Senate who support this
20 legislation, not just for Nassau County but
21 for Suffolk as well as Yonkers, Rochester,
22 Buffalo, and additional cameras in New York
23 City.

24 And again, I congratulate my good

1 friend Chuck Fuschillo, who I know has worked
2 tirelessly to try and get this effort
3 accomplished for the past couple of years.
4 I'll be voting yes.

5 Thank you, Mr. President.

6 ACTING PRESIDENT BRESLIN:

7 Senator Johnson will be recorded in the
8 affirmative.

9 Senator Fuschillo, to explain his
10 vote.

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

13 Thank you, Senator Johnson.

14 I also want to note that Senator
15 Dilan said that last year it passed 58 to
16 nothing with no votes opposing it.

17 I agree with Senator Marcellino,
18 I've never viewed this bill as a
19 revenue-producing bill but rather as a traffic
20 safety measure.

21 On Long Island now, once it's
22 enacted by both county legislatures -- and in
23 other areas -- running through a red light is
24 not going to be as easy as it has been. We've

1 all witnessed this. The light turns yellow,
2 people know it's going to go red -- boom, they
3 go right through that red light.

4 Now, hopefully this will stop it.
5 It's changed the driving patterns in New York
6 City. I'm glad to see that New York City is
7 going to start expanding theirs. I wish there
8 was more in New York City. But this is a
9 lifesaving measure that is important.

10 The only roadblock over the years
11 has been the New York State Assembly. I'm
12 glad we've put down that roadblock and are now
13 moving forward.

14 I'll be voting yes.

15 ACTING PRESIDENT BRESLIN:
16 Senator Fuschillo will be recorded in the
17 affirmative.

18 Senator Adams, to explain his vote.

19 SENATOR ADAMS: Yeah, thank you,
20 Mr. President.

21 Just as I had pointed out in the
22 first discussion of the red light cameras,
23 there's two important aspects that need to be
24 understood.

1 One, you do get a photograph with
2 the vehicle when you run a red light. A
3 photograph is sent to the person who's accused
4 of running a red light with a picture of their
5 license.

6 The second, I think it's important,
7 if you look at the fact that it was reported
8 that in 2006, 171,000 crashes, 141,000
9 injuries, 887 fatalities, \$14 billion was
10 attributed to that amount. And after the
11 institution of red lights in 2005 in the
12 New York City area, you see a substantial
13 decrease in accidents.

14 This is a real issue. And red
15 light cameras is a way to decrease the
16 problems. And anyone who has responded to
17 scenes where you have side-end collisions, you
18 see the severity of the damage on both the
19 driver's side and the passenger side.

20 So I want to commend again Senator
21 Johnson and Senator Foley, and Senator
22 Fuschillo for what he has done throughout the
23 years around this issue.

24 I will vote aye.

1 ACTING PRESIDENT BRESLIN:

2 Senator Adams will be recorded in the
3 affirmative.

4 Announce the results.

5 THE SECRETARY: Those recorded in
6 the negative on Calendar Number 152 are
7 Senators DeFrancisco, Flanagan, LaValle,
8 Maziarz, Morahan, Ranzenhofer, Saland and
9 Volker.

10 Ayes, 54. Nays, 8.

11 ACTING PRESIDENT BRESLIN: The
12 bill is passed.

13 The Secretary will continue to
14 read.

15 THE SECRETARY: In relation to
16 Calendar Number 153, Senator Dilan moves to
17 discharge, from the Committee on
18 Transportation, Assembly Bill Number 7328 and
19 substitute it for the identical Senate Bill
20 Number 3750, Third Reading Calendar 153.

21 ACTING PRESIDENT BRESLIN:
22 Substitution ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number

1 153, by Member of the Assembly Silver,
2 Assembly Print Number 7328, an act to amend
3 the Vehicle and Traffic Law and the
4 Administrative Code of the City of New York.

5 ACTING PRESIDENT BRESLIN: There
6 is a home-rule message at the desk.

7 Read the last section.

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

10 ACTING PRESIDENT BRESLIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BRESLIN:
14 Senator Liz Krueger, to explain her vote.

15 SENATOR LIZ KRUEGER: Thank you.

16 Well, others have spoken about the
17 other bills in their districts, and I want to
18 speak in favor of the bill. We have had this
19 program in New York City since 1994. We're
20 talking about fundamental public safety.

21 In my district, which is a heavily,
22 densely populated area, all roads, all
23 pedestrians, it has been critical to ensure
24 pedestrian safety to have a camera system

1 where drivers know that they will get caught
2 and they will get penalized if they run red
3 lights.

4 It has encouraged following the
5 speed limits. It has encouraged following our
6 traffic laws. It has absolutely saved lives.

7 And in addition to the public
8 safety factor, it has also freed up our police
9 to focus on the important public safety issues
10 that they should be working on.

11 My constituents tell me: "Why
12 can't you get a police officer to stand on
13 that corner and stop the speeders from going
14 through the red lights?" Because of red light
15 cameras, we can in fact free up our police to
16 do the jobs they need to do while encouraging
17 drivers to remember that there are laws, they
18 must follow them, there are risks, they can
19 kill people.

20 So I am delighted that we are
21 getting additional red light cameras in
22 New York City. And again, for other parts of
23 the state that haven't had them before, I
24 think you will learn it's a valuable addition

1 to your public safety program.

2 I vote aye.

3 Thank you, Mr. President.

4 ACTING PRESIDENT BRESLIN:

5 Senator Liz Krueger will be recorded in the
6 affirmative.

7 Senator Dilan, to explain his vote.

8 SENATOR DILAN: Yes. This bill
9 increases the number of cameras in New York
10 City from 100 to 150.

11 And according to a study done by
12 the New York City Department of
13 Transportation, red light violations have
14 dropped an average of 50 percent at monitored
15 intersections. And also, red light violations
16 declined overall by 72 percent.

17 And there has been a 32 percent
18 decrease in T-bone collisions where you have
19 these red light cameras, and also a 68 percent
20 reduction of T-bone-accident-related injuries.

21 So this is indeed a safety issue,
22 and it protects the public. And it also
23 happens to generate revenue from people who
24 violate the law.

1 Thank you.

2 ACTING PRESIDENT BRESLIN:

3 Senator Dilan will be recorded in the
4 affirmative.

5 Senator Stavisky, to explain her
6 vote.

7 SENATOR STAVISKY: Thank you,
8 Mr. President.

9 I represent a stretch of Queens
10 Boulevard in Queens that some in the press
11 have called the "Boulevard of Death" because
12 of the number of people -- number of
13 pedestrian accidents. And in fact, if you
14 drive down Queens Boulevard, you see signs
15 which say "A pedestrian was killed at this
16 intersection."

17 Now, we do have red light cameras
18 scattered throughout the county, on Queens
19 Boulevard, on Northern Boulevard. And there's
20 no question that the pedestrian accidents have
21 diminished.

22 Incidentally, there are a great
23 many senior citizens who live here, and that
24 is part of the problem. By having cars stop,

1 they are able to cross the street more safely.

2 But let me address the issue of
3 errors. I received a notice of a violation,
4 allegedly of my car, in Manhattan. And I took
5 a good look at the photograph, and it had my
6 license plate but it said "Judge." It was not
7 a Senate plate. I've also had one from the
8 Assembly with the same plate.

9 And all you have to do is send a
10 copy of your registration with the notice of
11 violation, and right away they are -- the
12 error is corrected. Easily, without any
13 problem, it is corrected, and that is a false,
14 false issue.

15 I don't see how anybody can really
16 vote against this bill and have an accident
17 without having their conscience bother them,
18 because this saves lives. Yes, it produces
19 money, but it saves lives.

20 I vote aye.

21 ACTING PRESIDENT BRESLIN:

22 Senator Stavisky will be recorded in the
23 affirmative.

24 Senator Saland, to explain his

1 vote.

2 SENATOR SALAND: Thank you,
3 Mr. President.

4 Mr. President, I had been advised
5 earlier today in conversation with Senator
6 Padavan that in fact -- and as affirmed by
7 Senator Stavisky -- that in the City of
8 New York when you receive a violation for
9 passing through a red light under one of these
10 cameras, that in fact you do get a copy of
11 your license plate.

12 That is not what the other bills
13 provide. Apparently the city has done that by
14 way of local law. It was not in the enabling
15 legislation. And that I find far more
16 comforting.

17 And I would welcome Senator
18 Stavisky meeting with members of my district
19 staff to find out the number of times we have
20 had to deal at great length and the enormous
21 amount of time consumed by dealing with
22 New York City Parking on one or another
23 violation when somebody wasn't within a
24 hundred miles of the city at the time that

1 they were purportedly there.

2 This distinguishes itself from the
3 other bills that we passed before, which
4 basically require that some local law be
5 enacted to make whatever the technology, the
6 camera, has produced available sometime prior
7 to whenever there is to be a judgment.

8 Hopefully those other counties or
9 municipalities that today will get the benefit
10 of this kind of legislation will do the very
11 same thing that the City of New York has
12 already done, which is to provide somebody
13 who's accused with a copy of the plate so
14 that, as reported by Senator Stavisky, on at
15 least two separate occasions she was able to
16 contact this bureau and say, Wait a minute,
17 wrong plate, please fix it, and they did.

18 Thank you.

19 ACTING PRESIDENT BRESLIN:
20 Senator Saland will be recorded in the
21 affirmative.

22 SENATOR SALAND: On this one,
23 yes.

24 ACTING PRESIDENT BRESLIN:

1 Senator Squadron, to explain his vote.

2 SENATOR SQUADRON: Thank you.

3 I rise in favor of this bill. Too
4 often the City of New York -- and I'd say
5 localities across the state, but certainly the
6 City of New York -- has come to Albany and has
7 said, Let us make our roads safer, let us have
8 the ability to enforce traffic safety, traffic
9 movement on our roads. And too often Albany
10 has said no.

11 I'm very proud that here in my
12 first year I'm able to vote for Senator
13 Dilan's bill and that the State Senate, under
14 the leadership of Malcolm Smith, is pushing
15 this forward.

16 Look, I have Canal Street in my
17 district, from one end of Canal Street to the
18 other, one of the most dangerous, most
19 congested streets anywhere in the State of
20 New York. And the number of tragedies that we
21 have seen on Canal Street in Chinatown, in
22 Lower Manhattan, and in downtown Brooklyn,
23 across my district, is just shocking.

24 And the fact that we're going to

1 have the ability now to say, in the city, You
2 know what, let's find intersections that need
3 this, let's put them in, and Albany's not
4 going to stand in the way anymore, is a great
5 thing.

6 So I will vote aye. Thank you,
7 Mr. President.

8 ACTING PRESIDENT BRESLIN:
9 Senator Squadron will be recorded in the
10 affirmative.

11 Announce the results.

12 THE SECRETARY: Those recorded in
13 the negative on Calendar Number 153 are
14 Senators DeFrancisco, Flanagan, LaValle,
15 Maziarz, Morahan, Ranzenhofer and Volker.

16 Ayes, 55. Nays, 7.

17 ACTING PRESIDENT BRESLIN: The
18 bill is passed.

19 Senator Klein, that completes the
20 noncontroversial reading of the supplemental
21 calendar.

22 SENATOR KLEIN: Mr. President, I
23 would just like to correct an oversight.

24 Senate Bill 3748, by Senator Foley,

1 was Senator Foley's first bill passed as a
2 State Senator.

3 (Applause.)

4 ACTING PRESIDENT BRESLIN:
5 Senator Klein.

6 SENATOR KLEIN: Mr. President,
7 can we at this time take up a reading of
8 Calendar Number 34.

9 ACTING PRESIDENT BRESLIN: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 120, by Senator C. Johnson, Senate Print 3202,
13 an act to amend the Education Law and the
14 Retirement and Social Security Law.

15 ACTING PRESIDENT BRESLIN: Read
16 the last section.

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

19 ACTING PRESIDENT BRESLIN: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT BRESLIN: The
24 bill is passed.

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

3 SENATOR KLEIN: Mr. President, I
4 have a motion.

5 On behalf of Senator Aubertine, I
6 wish to call up Calendar Number 14, Assembly
7 Print Number 2301.

8 ACTING PRESIDENT BRESLIN: The
9 Secretary will read.

10 THE SECRETARY: Calendar Number
11 14, by Member of the Assembly McEneny,
12 Assembly Print Number 2301, an act to amend
13 the Agriculture and Markets Law.

14 ACTING PRESIDENT BRESLIN:
15 Senator Klein.

16 SENATOR KLEIN: Mr. President, I
17 now move to reconsider the vote by which this
18 Assembly bill was substituted for Senate Print
19 Number 1676 on 2/24.

20 ACTING PRESIDENT BRESLIN: The
21 Secretary will call the roll on the
22 reconsideration.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT BRESLIN:

2 Senator Klein.

3 SENATOR KLEIN: Mr. President, I
4 now move that Assembly Bill Number 2301 be
5 recommitted to the Committee on Agriculture,
6 and that the Senate bill be restored to the
7 order of the Third Reading Calendar.

8 ACTING PRESIDENT BRESLIN: So
9 ordered.

10 Senator Klein.

11 SENATOR KLEIN: I now offer the
12 following amendments.

13 ACTING PRESIDENT BRESLIN:
14 Amendments received.

15 Senator Klein.

16 SENATOR KLEIN: Mr. President,
17 immediately following session, there will be a
18 meeting of the Civil Service and Pensions
19 Committee in Room 332, and there will be an
20 immediate meeting of the Consumer Protection
21 Committee in Room 125.

22 ACTING PRESIDENT BRESLIN:
23 Immediately following session, there will be a
24 meeting of the Civil Service and Pensions

1 committee in the Majority Conference Room,
2 Room 332. Also immediately following session
3 there will be a meeting of the Consumer
4 Protection Committee in Room 125 of the
5 Capitol.

6 Senator Klein.

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

9 ACTING PRESIDENT BRESLIN: No,
10 Senator Klein, the desk is clear.

11 SENATOR KLEIN: There being none,
12 I move that we adjourn subject to the call of
13 the Majority Leader, intervening days to be
14 legislative days.

15 ACTING PRESIDENT BRESLIN: There
16 being no further business to come before the
17 Senate, on motion, the Senate stands adjourned
18 at the call of the Majority Leader,
19 intervening days to be legislative days.

20 (Whereupon, at 11:30 a.m., the
21 Senate adjourned.)
22
23
24