

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 April 28, 2009

11 3:31 p.m.

12
13
14 REGULAR SESSION

15
16
17
18 SENATOR DAVID J. VALESKY, Acting President

19 ANGELO J. APONTE, Secretary

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

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

4 I ask everyone present to rise and
5 recite with me the Pledge of Allegiance.

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

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

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

13 ACTING PRESIDENT VALESKY: The
14 reading of the Journal.

15 The Secretary will read.

16 THE SECRETARY: In Senate,
17 Monday, April 27, the Senate met pursuant to
18 adjournment. The Journal of Sunday, April 26,
19 was read and approved. On motion, Senate
20 adjourned.

21 ACTING PRESIDENT VALESKY:
22 Without objection, the Journal stands approved
23 as read.

24 Presentation of petitions.

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

7 Motions and resolutions.

8 Senator Klein.

9 SENATOR KLEIN: Mr. President, on
10 behalf of Senator Carl Kruger, I move that the
11 following bills be discharged from their
12 respective committees and be recommitted with
13 instructions to strike the enacting clause:
14 Senate Number 4690.

15 ACTING PRESIDENT VALESKY: So
16 ordered.

17 Senator Klein.

18 SENATOR KLEIN: On behalf of
19 Senator Squadron, I move that the following
20 bills be discharged from their respective
21 committees and be recommitted with
22 instructions to strike the enacting clause:
23 Senate Number 4548.

24 ACTING PRESIDENT VALESKY: So

1 ordered.

2 SENATOR KLEIN: On behalf of
3 myself, on page 7 I offer the following
4 amendments to Calendar Number 19, Senate Print
5 1363B, and ask that the said bill retain its
6 place on the Third Reading Calendar.

7 ACTING PRESIDENT VALESKY: So
8 ordered.

9 Senator Klein.

10 SENATOR KLEIN: Are there any
11 substitutions at the desk?

12 ACTING PRESIDENT VALESKY: There
13 are substitutions at the desk.

14 The Secretary will read.

15 THE SECRETARY: On page 7,
16 Senator C. Johnson moves to discharge, from
17 the Committee on Investigations and Government
18 Operations, Assembly Bill Number 755A and
19 substitute it for the identical Senate Bill
20 Number 958B, Third Reading Calendar 8.

21 On page 8, Senator Schneiderman
22 moves to discharge, from the Committee on
23 Codes, Assembly Bill Number 4320A and
24 substitute it for the identical Senate Bill

1 Number 1647A, Third Reading Calendar 23.

2 On page 14, Senator Adams moves to
3 discharge, from the Committee on Finance,
4 Assembly Bill Number 2858A and substitute it
5 for the identical Senate Bill Number 3580A,
6 Third Reading Calendar 165.

7 On page 16, Senator Sampson moves
8 to discharge, from the Committee on Judiciary,
9 Assembly Bill Number 2574 and substitute it
10 for the identical Senate Bill Number 2970,
11 Third Reading Calendar 184.

12 On page 16, Senator DeFrancisco
13 moves to discharge, from the Committee on
14 Finance, Assembly Bill Number 650 and
15 substitute it for the identical Senate Bill
16 Number 1491, Third Reading Calendar 186.

17 On page 17, Senator Serrano moves
18 to discharge, from the Committee on
19 Investigations and Government Operations,
20 Assembly Bill Number 4692 and substitute it
21 for the identical Senate Bill Number 3424,
22 Third Reading Calendar 199.

23 On page 18, Senator Oppenheimer
24 moves to discharge, from the Committee on

1 Health, Assembly Bill Number 723 and
2 substitute it for the identical Senate Bill
3 Number 3450, Third Reading Calendar 205.

4 And on page 18, Senator Addabbo
5 moves to discharge, from the Committee on
6 Education, Assembly Bill Number 1245A and
7 substitute it for the identical Senate Bill
8 Number 3254A, Third Reading Calendar 210.

9 ACTING PRESIDENT VALESKY:
10 Substitutions ordered.

11 Senator Klein.

12 SENATOR KLEIN: Mr. President,
13 may we at this time adopt the Resolution
14 Calendar in its entirety, with the exception
15 of Senate Resolutions 1574, 1604, 1605, and
16 1618.

17 ACTING PRESIDENT VALESKY: All
18 those in favor of adopting the Senate
19 Resolution Calendar in its entirety, with the
20 exception of Resolutions 1574, 1604, 1605, and
21 1618, please signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT VALESKY:
24 Opposed, nay.

1 (No response.)

2 ACTING PRESIDENT VALESKY: The
3 Resolution Calendar, with the exceptions, is
4 adopted in its entirety.

5 Senator Klein.

6 SENATOR KLEIN: Mr. President,
7 may we at this time revisit Senate Resolution
8 Number 1033, previously adopted by this house
9 on April 7, 2009, by having the resolution
10 read in its entirety and then recognizing
11 Senator Farley to speak on his resolution.

12 ACTING PRESIDENT VALESKY: The
13 Secretary will read.

14 THE SECRETARY: By Senator
15 Farley, Legislative Resolution Number 1033,
16 honoring "EJ" Knapik upon the occasion of his
17 designation as recipient of the 2009 Silver
18 Helmet AMVET of the Year Award.

19 "WHEREAS, The State of New York
20 takes great pride in recognizing its esteemed
21 residents who have distinguished themselves in
22 their community; and

23 "WHEREAS, 'EJ' Knapik, of
24 Glenville, was honored with the 2009 Silver

1 Helmet AMVET of the Year Award during a
2 banquet at the Hilton Baltimore BWI Airport on
3 March 14, 2009; and

4 "WHEREAS, 'EJ' is a veteran of
5 World War II and has been actively involved in
6 AMVET since its early days; and

7 "WHEREAS, He was a charter member
8 of the Amsterdam AMVETS Post 21, representing
9 his post as delegate to the state convention
10 nearly every year for 60 years; and

11 "WHEREAS, 'EJ' has also served the
12 post as state legislative chairman for almost
13 40 years and was its first finance officer,
14 district adjutant, and alternate NEC; and

15 "WHEREAS, He served as VAVS
16 representative for the Capital District for
17 AMVETS at the Samuel Stratton VA Medical
18 Center for over 30 years; and

19 "WHEREAS, 'EJ' is also a popular
20 AMVETS presenter of ROTC awards at colleges
21 and universities; and

22 "WHEREAS, He was instrumental in
23 the completion of the New York State Vietnam
24 Memorial, the New York State Korean War

1 Memorial, and the New York State World War II
2 Memorial; and

3 "WHEREAS, 'EJ' dedicated his time
4 to the Saratoga National VA Cemetery support
5 group; and

6 "WHEREAS, He was honored with the
7 AMVETS National VAVS Leadership Award in 2007;
8 and

9 "WHEREAS, 'EJ' has exhibited the
10 true spirit of this prestigious award through
11 his tireless commitment to veterans; now,
12 therefore, be it

13 "RESOLVED, That this Legislative
14 Body pause in its deliberations to honor 'EJ'
15 Knapik upon the occasion of his designation as
16 special recipient of the 2009 Silver Helmet
17 AMVET of the Year Award; and be it further

18 "RESOLVED, That a copy of this
19 resolution, suitably engrossed, be transmitted
20 to 'EJ' Knapik."

21 ACTING PRESIDENT VALESKY:
22 Senator Farley.

23 SENATOR FARLEY: Thank you,
24 Mr. President.

1 In the gallery, of course, is "EJ"
2 Knapik, a distinguished World War II
3 veteran -- a member of our greatest
4 generation, I must add.

5 He has been the state legislative
6 chairman for over 40 years on behalf of
7 AMVETS, and he served as the VAVS
8 representative to the Capital District for so
9 many years, and Stratton Hospital. He's
10 worked at the Saratoga National Cemetery and
11 been involved with the memorials for the
12 Vietnam, Korean, and World War II veterans.

13 This is a distinguished veteran,
14 and we're honored to have you here today.
15 And, Mr. President, if you would give the
16 welcome of our house to Mr. Knapik, who is in
17 the gallery right now. I salute you.

18 ACTING PRESIDENT VALESKY: I'll
19 be happy to do so. Thank you, Senator Farley.

20 Mr. Knapik, on behalf of all of the
21 members of the Senate, thank you for your
22 service and congratulations.

23 (Standing ovation.)

24 ACTING PRESIDENT VALESKY:

1 Senator Klein.

2 SENATOR KLEIN: Mr. President,
3 may we at this time take up Senate Resolution
4 Number 1605. I ask that the resolution be
5 read in its entirety and move for its
6 immediate adoption and allow Senator Savino to
7 speak on her resolution.

8 ACTING PRESIDENT VALESKY: The
9 Secretary will read.

10 THE SECRETARY: By Senator
11 Savino, Legislative Resolution Number 1605,
12 commending the members of the Staten Island
13 Girl Scouts of America upon the occasion of
14 their visit to the New York State Capitol in
15 Albany on Tuesday, April 28, 2009.

16 "WHEREAS, It is the sense of this
17 Legislative Body to honor the youth of today
18 and the leaders of tomorrow whose character
19 and achievements best exemplify the ideals and
20 values cherished by this great state and
21 nation; and

22 "WHEREAS, Attendant to such
23 concern, and in full accord with its
24 long-standing traditions, this Legislative

1 Body is justly proud to commend the members of
2 the Staten Island Girl Scouts of America upon
3 the occasion of their visit to the New York
4 State Capitol in Albany on April 28, 2009; and

5 "WHEREAS, The troop leaders of the
6 Staten Island Girl Scouts of America include
7 Christine Battaglia, Connie D'Alessio, and
8 Juliee Hughson; and the Girl Scouts are
9 Sakinah Abdul-Badi, Ayanna Bakiriddin, Kelly
10 Ann Cameron, Alessandra Cerrillo, Katherine
11 Connors, Julia D'Alessio, Meagan Derbyshire,
12 Lindsey Ellison, Victoria Gonzalez, Salihah
13 Hughson, Victoria Kennedy, Gabriella Leone,
14 Amanda Levine, Bridget Lewandowski, Angela
15 Masullo, Elaine Minew, Kaitlin O'Brien, Alexa
16 Reidlinger, Brittany Sperruggia, and Nicole
17 Tiburzi; and

18 "WHEREAS, Girl Scouting has
19 cultivated in our state's young people the
20 goals of building solid values of sisterhood
21 and the importance of working with others,
22 stimulating both mind and body, instilling
23 pride and encouraging community service and
24 success; and

1 "WHEREAS, An American and
2 international institution, Girl Scouting has
3 expanded the horizons of the countless
4 hundreds of thousands who have participated in
5 scouting programs; and

6 "WHEREAS, The founder of Girl
7 Scouts of USA, Juliette Gordon Low,
8 exemplified a lifelong willingness to learn
9 and serve, and a desire to equip others to do
10 so. In developing the Girl Scout movement in
11 the United States, she brought girls of all
12 backgrounds into the out-of-doors, giving them
13 the opportunity to develop self-reliance and
14 resourcefulness; and

15 "WHEREAS, Quite contrary to the
16 societal mores of southern America in 1912,
17 Juliette Gordon Low encouraged girls not only
18 to prepare for roles as homemakers, but for
19 active citizenship and possible roles as
20 professional women in the arts, sciences and
21 business; and

22 "WHEREAS, Active citizenship is
23 something that today's Girl Scouts know about.
24 Girls nationwide embrace making the world a

1 better place as part of the Girl Scout
2 experience, whether it's a Brownie Girl Scout
3 troop singing to residents at an assisted
4 living facility or teen girls donating their
5 Girl Scout cookie proceeds to hurricane
6 survivors; and

7 "WHEREAS, Thousands of girls ages 8
8 through 14 earn their Girl Scouts Bronze and
9 Silver Award for improving their community
10 through service. Each year, a very special
11 set of teen Girl Scouts pursue the Girl Scout
12 Gold Award, the leadership development project
13 requiring at least 70 hours of community
14 service, after completing a rigorous ladder of
15 preparation steps; and

16 "WHEREAS, Poised eagerly with
17 enthusiasm and determined purpose, the Staten
18 Island High School Girl Scouts now stand
19 honorably and in eager anticipation of future
20 challenges, understanding and appreciating the
21 caring counsel and support provided by their
22 teachers, leaders and parents; now, therefore,
23 be it

24 "RESOLVED, That this Legislative

1 Body pause in its deliberations to commend the
2 members of the Staten Island Girl Scouts of
3 America upon the occasion their visit to the
4 New York State Capitol in Albany on Tuesday,
5 April 28, 2009, and to extend to them the best
6 wishes for a future of purposeful success and
7 well-being, fully confident of their response
8 to a promising future and appreciative of the
9 model they represent for all aspiring young
10 people of the Empire State; and be it further

11 "RESOLVED, That copies of this
12 resolution, suitably engrossed, be transmitted
13 to the troop leaders and to each member of the
14 Staten Island Girl Scouts of America."

15 ACTING PRESIDENT VALESKY:

16 Senator Savino.

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

19 I want to first thank the young
20 ladies who have traveled again to Albany -- I
21 think this is the third trip that they've come
22 to Albany to see what we do up here. And
23 every time, they become more engaged and more
24 interested. And I believe it's as much a

1 learning experience for myself as it is for
2 them.

3 I also want to thank Senator Lanza
4 for helping host today's Girl Scout trip to
5 Albany, and my colleagues in the Assembly.

6 We know that the first Girl Scouts
7 troop was organized just about a hundred years
8 ago, and about 60 years ago Congress chartered
9 the Girl Scouts of the USA. As of this year,
10 there are 3.7 million Girl Scouts in the
11 world, 2.7 million girls and 928,000 adults
12 working primarily as volunteers.

13 Up there in the chamber behind
14 those girls are four women who lead this
15 troop: Christine Battaglia, the coordinator;
16 Connie D'Alessio; Debby Dennis; and Juliee
17 Hughson. They volunteer their time and their
18 efforts to help these young ladies live up to
19 the Girl Scout mission.

20 And that mission is Girl Scouting
21 builds girls of courage, confidence and
22 character who make the world a better place.
23 And they certainly do. In fact, they made the
24 chamber a better place today when they gave us

1 a gift. When you all came in you noticed on
2 your desks was a box of Girl Scout cookies,
3 courtesy of those young ladies up here.

4 Although I do know, apparently
5 the -- I've been informed by Mike Fallon that
6 they may in fact have violated the ethics law
7 by providing us with a gift of more than
8 nominal value. But I think we will have to
9 overlook that, because they did it with the
10 best of intentions.

11 (Laughter.)

12 SENATOR SAVINO: So again, I want
13 to thank them for coming up again,
14 participating in getting to know what
15 government is about, and helping make us
16 better people as we help make them better
17 young ladies of character.

18 ACTING PRESIDENT VALESKY: Thank
19 you, Senator Savino.

20 Senator Marcellino.

21 SENATOR MARCELLINO: Mr.
22 President, if it would help Senator Savino, I
23 would be more than happy to help her eat the
24 evidence.

1 (Laughter.)

2 ACTING PRESIDENT VALESKY: All in
3 favor of adopting the resolution signify by
4 saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT VALESKY:
7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT VALESKY: The
10 resolution is adopted.

11 On behalf of Senators Savino and
12 Lanza, thank you for sharing part of your day
13 with us. Continue to do the good work that
14 you do in Staten Island. Thank you, and safe
15 travels home.

16 (Applause.)

17 ACTING PRESIDENT VALESKY:
18 Senator Klein.

19 SENATOR KLEIN: Mr. President,
20 may we at this time take up Senate Resolution
21 Number 1574. I ask that the title of the
22 resolution be read and move for its immediate
23 adoption and allow Senator Serrano to speak on
24 his resolution.

1 ACTING PRESIDENT VALESKY: The
2 Secretary will read.

3 THE SECRETARY: By Senator
4 Serrano, Legislative Resolution Number 1574,
5 memorializing Governor David A. Paterson to
6 proclaim September 12-13, 2009, as Heritage
7 Weekend in the State of New York, and
8 September 7-13, 2009, as Heritage Week in the
9 State of New York.

10 ACTING PRESIDENT VALESKY:
11 Senator Serrano, on the resolution.

12 SENATOR SERRANO: Thank you very
13 much, Mr. President.

14 This is really a wonderful
15 resolution, and I hope that my colleagues join
16 me in supporting it. Heritage Week is a very
17 important initiative which will help attract
18 visitors to our state's wonderful tourist
19 destinations.

20 Heritage Week takes place from
21 September 7th through the 13th, and during
22 this time museums, historical societies, parks
23 and other tourist attractions throughout the
24 state have all agreed to provide reduced rates

1 to special events and visitors.

2 It's important to know, within my
3 role as chair of the Committee on Cultural
4 Affairs and Tourism, how important it is as an
5 economic development tool that we have people
6 utilizing our state parks, our cultural
7 attractions which we have so many of.

8 And during the past, during times
9 of fiscal downturn as what we are experiencing
10 now, usage at state parks, museums, and other
11 historical and heritage locations goes up. I
12 think the term "staycation" -- meaning you go
13 on vacation but you stay close to home --
14 really does explain what many families will be
15 doing during this summer break.

16 And I think it's wonderful that we
17 have Heritage Week as a real opportunity to
18 showcase all of the wonderful tourist
19 attractions that we have here in our very own
20 State of New York. Whether it be downstate,
21 upstate, on the western edge, there is really
22 so much to be done. And I really look forward
23 to Heritage Week and also ensuring that people
24 take advantage of it.

1 I spoke a bit about statewide the
2 importance of this, but a little bit closer to
3 home where I represent, in East Harlem and the
4 South Bronx, during the 1970s the community
5 was in many ways abandoned. There was so much
6 blight throughout the community.

7 And when you think about how we
8 recovered as a community, in many ways our
9 cultural institutions brought in much-needed
10 resources, whether it be the Bronx Zoo, the
11 Botanical Gardens, the museums. It really did
12 aid in the overall recovery of our community.

13 Now, East Harlem and the South
14 Bronx, with emerging and growing and
15 strengthening cultural corridors, are becoming
16 hotbeds of tourism and cultural activity.

17 So I thank you very much,
18 Mr. President, for your indulgence in letting
19 me speak on this resolution, and I hope all my
20 colleagues join me in supporting it.

21 Thank you.

22 ACTING PRESIDENT VALESKY: Thank
23 you, Senator Serrano.

24 Are there any other Senators who

1 wish to be heard?

2 Seeing none, the question is on the
3 resolution. All in favor signify by saying
4 aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT VALESKY:

7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT VALESKY: The
10 resolution is adopted.

11 Senator Serrano has requested that
12 the resolution be open for multisponsorship.
13 Any Senator wishing not to cosponsor the
14 resolution please notify the desk.

15 Senator Klein.

16 SENATOR KLEIN: Mr. President,
17 may we at this time take up Senate Resolution
18 Number 1604. I ask that the title of the
19 resolution be read and move for its immediate
20 adoption and allow Senator Antoine Thompson to
21 speak on his resolution.

22 ACTING PRESIDENT VALESKY: The
23 Secretary will read.

24 THE SECRETARY: By Senator

1 Thompson, Legislative Resolution Number 1604,
2 urging the New York State Congressional
3 delegation to aid in the appropriation of the
4 \$475 million called for in President Obama's
5 budget for a Great Lakes restoration
6 initiative, and to provide the economic
7 investment and revitalization that the Great
8 Lakes system needs.

9 ACTING PRESIDENT VALESKY:

10 Senator Thompson.

11 SENATOR THOMPSON: Thank you.

12 Thank you, Mr. President. That sounds good.
13 Great ring to it. And the Deputy Majority
14 Leader, I want to thank him for giving me just
15 a couple of quick moments.

16 Today is Great Lakes Lobby Day in
17 Albany, and it's really important,
18 particularly up in upstate New York and
19 Western New York, where we have two Great
20 Lakes, Erie and Ontario. They play a vital
21 role in New York State's economy. In addition
22 to that, more than 3 million New Yorkers
23 receive drinking water from the Great Lakes as
24 well.

1 The EPA is really moving forward
2 under President Obama to help clean up many of
3 our Great Lakes. This year in the state
4 budget we're able to provide funding through
5 the Environmental Protection Fund to improve
6 our Great Lakes as well.

7 In the Great Lakes, there are
8 thousands of islands. In my part of the state
9 we have Grand Island, which is an area that
10 many people live in, and it's a really great
11 place as well.

12 In addition, to Cayuga Island we
13 were able to provide some funding through the
14 Biodiversity Stewardship Program through the
15 EPF as well.

16 I encourage everyone to support
17 this resolution. In addition, waterfront
18 revitalization this year was increased in the
19 Environmental Protection Fund. And that's a
20 really big issue in many communities in
21 upstate New York, waterfront revitalization,
22 particularly as the shoreline abuts the Great
23 Lakes.

24 So I would encourage everyone we've

1 got to protect our water. I was just recently
2 in Atlanta, and as many people remember, last
3 year they couldn't even water their grass for
4 most of the summer. They couldn't wash their
5 cars as well.

6 And we have a precious commodity in
7 terms of an abundant supply of water. And we
8 must protect that water, because in the next
9 10 to 25 years our Great Lakes are going to be
10 one of the most sought-after things in the
11 United States of America.

12 Thank you.

13 ACTING PRESIDENT VALESKY: Thank
14 you, Senator Thompson.

15 Are there any other Senators who
16 wish to be heard on the resolution?

17 Seeing none, the question is on the
18 resolution. All in favor signify by saying
19 aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT VALESKY:
22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT VALESKY: The

1 resolution is adopted.

2 Senator Thompson has asked that it
3 be open for cosponsorship. Any Senator
4 wishing not to cosponsor the resolution please
5 notify the desk.

6 Senator Klein.

7 SENATOR KLEIN: Mr. President,
8 may we at this time take up Senate Resolution
9 Number 1618. I ask that the resolution be
10 read in its entirety and move for its
11 immediate adoption and allow Senator Perkins
12 to speak on his resolution.

13 ACTING PRESIDENT VALESKY: The
14 Secretary will read.

15 THE SECRETARY: By Senator
16 Perkins, Legislative Resolution Number 1618,
17 honoring the many contributions of the
18 New York State farmworkers and recognizing
19 their need for fair labor practices.

20 "WHEREAS, It is the sense of this
21 Legislative Body to commend the efforts of our
22 farmworkers as they continue their hard work
23 in cultivating the land, facing the many
24 challenges of nature such as flood, drought

1 and heat, in order to grow our food; and

2 "WHEREAS, Attendant to such
3 concern, and in full accord with its
4 long-standing traditions, this Legislative
5 Body is justly proud to honor the many
6 contributions of the New York State
7 farmworkers and to recognize their need for
8 fair labor practices; and

9 "WHEREAS, Friday, May 1, 2009, is
10 International Labor Day. The campaign for an
11 8-hour work day and a 40-hour work week
12 launched by the American Federation of Labor
13 on May 1, 1890, continues to this day for
14 farmworkers in New York State; and

15 "WHEREAS, Farmworkers directly
16 contribute billions of dollars of economic
17 productivity to the New York economy and are
18 the backbone for the 'buy local' movement now
19 coming into vogue. The denial of equal rights
20 and protections to farmworkers in 2009 relates
21 fundamentally to our country's original sin of
22 slavery; and

23 "WHEREAS, Over 70 years ago, the
24 New Deal labor regime, as conceived by

1 New York leaders President Franklin Delano
2 Roosevelt, Secretary of Labor Frances Perkins,
3 and Secretary Robert Wagner, directed Congress
4 to pass basic wage and hour protections for
5 industrial and agricultural workers.

6 "Despite a majority, these
7 protections were passed only by accommodating
8 the demands of Southern segregationists who
9 objected on the grounds that the protections
10 would put farmworkers, a primarily
11 African-American workforce, on an equal
12 footing with their white counterparts in other
13 industries. As a result, the farmworkers fell
14 victim to political expediency and were left
15 out of the New Deal and subsequent labor and
16 employment protections; and

17 "WHEREAS, New York State then
18 patterned its own labor laws after the
19 New Deal, repeating those particular
20 exclusions. This state of affairs stands in
21 contrast to New York's ideals, history, and
22 contemporary popular opinion; and

23 "WHEREAS, Ending this shameful era
24 of exclusion would restore pride to the 'Pride

1 of New York' program and truly honor the
2 industrious farmworkers of New York State;
3 now, therefore, be it

4 "RESOLVED, That this Legislative
5 Body pause in its deliberations to honor the
6 many contributions of New York State
7 farmworkers and to recognize their need for
8 fair labor practices; and be it further

9 "RESOLVED, That copies of this
10 resolution, suitably engrossed, be transmitted
11 to the Rural and Migrant Ministry and to the
12 Justice for Farmworkers Campaign."

13 ACTING PRESIDENT VALESKY:
14 Senator Perkins, on the resolution.

15 SENATOR PERKINS: Thank you very
16 much, Mr. President.

17 And I hope I can get the support of
18 my colleagues on this resolution.

19 Every day in our lives we are
20 fortunate enough to receive the benefits of
21 the hard work from others -- education from
22 teachers, safety from firemen and police, and
23 health from doctors. The benefits from their
24 hard work are clear to see, and they are much

1 appreciated.

2 It's critical that we see the hard
3 work of farmworkers through that same lens.
4 Farmworkers are as equally important as the
5 professions I just mentioned.

6 Unfortunately, the fruits of their
7 labor and their hard work are often
8 underappreciated. We see the product of their
9 work every day in our supermarkets and on our
10 dinner tables. It's time we value those who
11 provide for us by providing them with fair
12 labor practices.

13 So for me, this is not simply about
14 fair labor practices, but frankly this is
15 about civil rights, this is about human
16 rights. And I would hope that my colleagues
17 would join me in showing respect and support
18 for the farmworkers.

19 Thank you.

20 ACTING PRESIDENT VALESKY: Thank
21 you, Senator Perkins.

22 Senator Schneiderman, on the
23 resolution.

24 SENATOR SCHNEIDERMAN: Thank you.

1 I am pleased to stand in support of
2 this resolution also. And I would urge my
3 colleagues, ladies and gentlemen, this is a
4 matter of fundamental justice. And in the
5 history of the United States we've seen over
6 and over again that you can delay justice, but
7 ultimately you cannot deny justice.

8 Farmworkers deserve protections
9 that are available to every other union
10 member, to other workers in the State of
11 New York. It is appalling that in 2009 we
12 still have the antiquated system in place that
13 exists under our state laws.

14 I would urge everyone to support
15 the resolution. But also let us act on this
16 resolution. We have two more months of
17 session. Let's not leave here without dealing
18 with the rights of farmworkers once and for
19 all in the great State of New York.

20 Thank you, Mr. President.

21 ACTING PRESIDENT VALESKY: Thank
22 you, Senator Schneiderman.

23 Are there any other Senators who
24 wish to be heard?

1 Seeing none, the question is on the
2 resolution. All in favor please signify by
3 saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT VALESKY:

6 Opposed, nay.

7 (No response.)

8 ACTING PRESIDENT VALESKY: The
9 resolution is adopted.

10 Senator Klein.

11 SENATOR KLEIN: Mr. President,
12 can we at this time move to a reading of
13 Senate Calendar Number 39.

14 ACTING PRESIDENT VALESKY: The
15 Secretary will proceed with the reading of
16 Senate Calendar Number 39.

17 THE SECRETARY: Calendar Number
18 145, by Member of the Assembly Aubry, Assembly
19 Print Number 4039, an act to amend the
20 Correction Law, in relation to removal.

21 ACTING PRESIDENT VALESKY: Read
22 the last section.

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

1 ACTING PRESIDENT VALESKY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 60.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 165, substituted earlier today by Member of
9 the Assembly Weinstein, Assembly Print Number
10 2858A, an act to amend the Executive Law, in
11 relation to authorizing.

12 SENATOR LIBOUS: Lay it aside.

13 ACTING PRESIDENT VALESKY: The
14 bill is laid aside.

15 THE SECRETARY: Calendar Number
16 168, by Senator Sampson, Senate Print 2350, an
17 act to amend the Real Property Actions and
18 Proceedings Law, in relation to excluding
19 certain days.

20 ACTING PRESIDENT VALESKY: Read
21 the last section.

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

24 ACTING PRESIDENT VALESKY: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 58. Nays,
4 2. Senators Ranzenhofer and Saland recorded
5 in the negative.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 175, by Senator Thompson, Senate Print 3784,
10 an act to amend the Environmental Conservation
11 Law, in relation to special powers.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

14 THE SECRETARY: Section 3. This
15 act shall take effect immediately.

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 180, by Senator Hassell-Thompson, Senate Print
24 3755, an act to amend Chapter 383 of the Laws

1 of 1991, relating to the incorporation.

2 ACTING PRESIDENT VALESKY: Read
3 the last section.

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

6 ACTING PRESIDENT VALESKY: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT VALESKY:
10 Senator Marcellino, to explain his vote.

11 SENATOR MARCELLINO: Yes,
12 Mr. President. I appreciate the purpose of
13 this bill, and I appreciate the intent of the
14 Senator who's sponsoring the bill.

15 However, at a time when the Bronx
16 zoo is shipping, according to the papers,
17 animals from its exhibits to other zoos around
18 the country, if not the world, closing down
19 exhibits and shortening hours due to a lack of
20 funds, at a time when budgets are being cut,
21 people are being laid off, and a whole host of
22 issues going on as a result of the economic
23 fiscal times that we are going through -- and
24 I know this bill doesn't mandate it. I know

1 this bill doesn't require them to do anything.
2 It simply gives them the opportunity or the
3 permission to do it if they choose.

4 I would suggest that the zoo at
5 this point in time perhaps think twice before
6 they issue or do away with any possible
7 revenue that they could get. I don't think
8 this is the time for it.

9 I understand the symbolism. I
10 understand that it's a good thing to let
11 youngsters in the zoo for free. However, the
12 zoo can't afford it at this point in time.
13 And I would suggest that they keep as much
14 revenue in their coffers as they possibly can.

15 Mr. President, I vote nay.

16 ACTING PRESIDENT VALESKY:
17 Senator Marcellino to be recorded in the
18 negative.

19 Senator Hassell-Thompson, to
20 explain her vote.

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

23 I'm sorry that I was not recognized
24 before Senator Marcellino, because I wanted

1 the opportunity to say that we are very
2 cognizant in the Bronx of the difficulties in
3 our budget. And I know that every free day
4 represents or appears to represent a
5 non-revenue day for the zoo.

6 But one of the things that becomes
7 important about our zoo and I don't want us to
8 lose sight of -- which is what this bill
9 really is about -- is that the zoo is more
10 than a recreational facility, it is a science
11 area as well. And one of the things that over
12 the many years that the Bronx Zoo has
13 attempted to do is to not only give a free day
14 to our senior citizens but to our children to
15 ensure that they have an opportunity to be
16 able to come, study and enjoy the animals in
17 this relative captivity.

18 We do recognize, and so does the
19 zoo, the importance. But I just appreciate
20 their understanding and the sacrifices that
21 staff has been willing to make to adjust their
22 own salaries in order to continue to
23 accommodate the children of our community, not
24 only in the Bronx but across this state.

1 The Bronx Zoo is a treasure to the
2 Bronx but, as well, to the State of New York.
3 It is part of a wildlife zoological experiment
4 that does extensive work with animals. And
5 not just for the animal lover, but it is a
6 place where people can learn about those
7 animals that are becoming extinct and the
8 efforts on the part of the zoo to connect to
9 the Congo and to other areas where the animals
10 come from. It is as much an educational
11 opportunity as it is a joy and a pleasure.

12 So for those of you who supported
13 this bill today, I appreciate it, as a
14 representative of the Bronx and of the zoo.
15 But certainly I do recognize, as all of you
16 do, what a difficult time this is.

17 But if we take every educational
18 opportunity and every pleasure away from the
19 people in our communities, it will make it
20 that much more difficult for us to get through
21 these difficult times.

22 Thank you, Mr. President.

23 ACTING PRESIDENT VALESKY:

24 Senator Hassell-Thompson to be recorded in the

1 affirmative.

2 Announce the results.

3 THE SECRETARY: Ayes, 59. Nays,
4 1. Senator Marcellino recorded in the
5 negative.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 195, by Senator Lanza, Senate Print 3008, an
10 act to amend the Public Buildings Law, in
11 relation to naming.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: Senator Klein,
23 that completes the noncontroversial reading of
24 the calendar.

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

4 ACTING PRESIDENT VALESKY: The
5 Secretary will ring the bells.

6 I ask all members to proceed to the
7 Senate chamber so that we can commence with
8 the one bill on the controversial calendar for
9 today's agenda.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 165, substituted earlier today by Member of
13 the Assembly Weinstein, Assembly Print Number
14 2858A, an act to amend the Executive Law.

15 SENATOR LIBOUS: Mr. President.

16 ACTING PRESIDENT VALESKY:
17 Senator Libous.

18 SENATOR LIBOUS: Thank you,
19 Mr. President.

20 I believe there is an amendment at
21 the desk by Senator Robach. I would ask that
22 you waive its reading and call on Senator
23 Robach, please.

24 ACTING PRESIDENT VALESKY: Thank

1 you, Senator Libous.

2 There is an amendment at the desk.

3 I have reviewed the amendment with counsel and
4 rule it out of order as not germane to the
5 original bill.

6 The amendment, which would prohibit
7 certain discriminatory practices against
8 victims of domestic violence related to
9 housing accommodations, that's a different
10 topic than the underlying bill, which is
11 intended to maintain the confidentiality of
12 domestic violence victims' residential, school
13 or work addresses.

14 Senator Robach.

15 SENATOR ROBACH: Yes,
16 Mr. President. If I could appeal the ruling
17 of the chair.

18 ACTING PRESIDENT VALESKY: You
19 certainly may.

20 SENATOR ROBACH: This is a very,
21 very important --

22 ACTING PRESIDENT VALESKY:
23 Senator Robach, you wish to be heard on the
24 appeal; is that correct?

1 SENATOR ROBACH: Please,
2 Mr. President.

3 ACTING PRESIDENT VALESKY:
4 Senator Robach, on the appeal.

5 SENATOR ROBACH: I indeed do.

6 This is very important, I think not
7 only in scope but also in germaneness. This
8 is a bill that obviously, if people don't have
9 a residence to begin with -- I think it only
10 improves Senator Adams' very good bill --
11 there is no address to keep confidentiality of
12 any kind. This bill couldn't be more germane
13 to anybody logically looking at this.

14 This is a bill that's been worked
15 on not only with victims and advocates in
16 Rochester, but all across the state. And we
17 have tried several attempts to get this bill
18 out by a motion to discharge and other things,
19 only to have this be cut off by several
20 different ways by the other side of the aisle.

21 And I think clearly Senator Adams'
22 bill, which is very good, anyone with any
23 concern for this population group or any
24 modicum of logic would know that if you don't

1 have a residence and you're denied that, there
2 is absolutely no address to keep confidential.

3 So I would hope that all my
4 colleagues, again on both sides of the aisle,
5 would vote to amend this bill to make Senator
6 Adams' very good bill that much stronger and
7 further protect the advocates who have been
8 working on this piece of legislation for some
9 time.

10 Thank you, Mr. President.

11 ACTING PRESIDENT VALESKY: Thank
12 you, Senator Robach.

13 The original ruling, which is that
14 the amendment is not germane, would also
15 require a change in the title of the original
16 bill.

17 And also we believe that the
18 amendment would significantly expand the
19 purpose and the scope and the object of the
20 original bill. So the ruling is that the
21 amendment is not germane.

22 The question before the house,
23 then, is whether the decision of the chair
24 shall stand. All those in favor of overruling

1 the decision of the chair please raise your
2 hand.

3 The Secretary will announce the
4 results.

5 THE SECRETARY: Ayes, 30. Nays,
6 29.

7 ACTING PRESIDENT VALESKY: Having
8 failed to obtain the necessary votes, the
9 ruling of the chair is sustained and the
10 appeal is denied.

11 Are there any Senators who wish to
12 be heard on the legislation that's presently
13 before us?

14 Can we have some order, please.

15 Seeing none, the Secretary will
16 read the last section.

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

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 SENATOR LIBOUS: Mr. President,
24 point of order, please.

1 ACTING PRESIDENT VALESKY: Yes,
2 Senator Libous.

3 SENATOR LIBOUS: Clarification on
4 the last vote, please.

5 ACTING PRESIDENT VALESKY: On the
6 appeal of the ruling of the chair?

7 SENATOR LIBOUS: That's correct,
8 sir.

9 ACTING PRESIDENT VALESKY:
10 Senator Libous, there were 30 votes recorded
11 to overrule the decision of the chair, falling
12 two shy of the 32 necessary. Therefore, the
13 appeal failed.

14 SENATOR LIBOUS: Could you point
15 out the section of law? Or the rules, I'm
16 sorry.

17 ACTING PRESIDENT VALESKY:
18 Section 234, Subsection 1 of Mason's.

19 SENATOR LIBOUS: Mason's?

20 ACTING PRESIDENT VALESKY:
21 Mason's.

22 SENATOR LIBOUS: Could you please
23 read the section, Mr. President? Because I
24 don't have Mason's available with me.

1 ACTING PRESIDENT VALESKY: Sure.

2 "A tie vote sustains the presiding officer,
3 since a majority is required to overrule the
4 presiding officer's decision." Per Mason's,
5 Section 234, Subsection 1.

6 SENATOR LIBOUS: Mr. President,
7 if I could continue my point of order.

8 ACTING PRESIDENT VALESKY: Yes.

9 SENATOR LIBOUS: What do the
10 Senate rules say? Mr. President, Mason's is
11 used only when the Senate rules are silent.

12 ACTING PRESIDENT VALESKY: -- are
13 silent. The Senate rules are silent on this
14 matter. Hence the reference to Mason's.

15 SENATOR LIBOUS: And if I
16 understand, it was 30-29, is that correct?

17 ACTING PRESIDENT VALESKY: Thirty
18 votes to overturn the ruling of the chair,
19 falling two shy of a majority of the house.

20 SENATOR LIBOUS: A majority of
21 the members present, Mr. President. Thirty to
22 29 is a majority of one.

23 ACTING PRESIDENT VALESKY:
24 Senator Klein, why do you rise?

1 SENATOR KLEIN: Mr. President,
2 could we stand at ease for a moment.

3 ACTING PRESIDENT VALESKY: The
4 Senate will stand at ease momentarily.

5 (Whereupon, the Senate stood at
6 ease at 4:16 p.m.)

7 (Whereupon, the Senate reconvened
8 at 4:18 p.m.)

9 ACTING PRESIDENT VALESKY:
10 Senator Klein.

11 SENATOR KLEIN: Mr. President, I
12 just want to refer the Senate to the pertinent
13 rule. It's Senate Rule 9, Section 4-C. It
14 shall require an affirmative vote of a
15 majority of all members elected to overrule a
16 ruling of the chair.

17 ACTING PRESIDENT VALESKY:
18 Senator Libous.

19 SENATOR LIBOUS: So,
20 Mr. President, it is therefore in the Senate
21 rules?

22 ACTING PRESIDENT VALESKY: It is
23 therefore in the Senate rules.

24 One would expect me to have known

1 that, is what you're going to say next; right?

2 (Laughter.)

3 SENATOR LIBOUS: Thank you,
4 Mr. President.

5 ACTING PRESIDENT VALESKY: You're
6 welcome, Senator Libous.

7 On the bill, the Secretary will
8 read the last section.

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

12 ACTING PRESIDENT VALESKY: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT VALESKY: The
16 Secretary will announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 165: Ayes, 61. Nays, 0.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

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

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

1 ACTING PRESIDENT VALESKY: There
2 is none.

3 SENATOR KLEIN: There being none,
4 I move that we adjourn until Wednesday,
5 April 29th, at 11:00 a.m.

6 ACTING PRESIDENT VALESKY: On a
7 motion by Senator Klein, the Senate stands
8 adjourned until Wednesday, April 29th, at
9 11:00 a.m.

10 (Whereupon, at 4:24 p.m., the
11 Senate adjourned.)

12
13
14
15
16
17
18
19
20
21
22
23
24