NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:32 p.m.

REGULAR SESSION

SENATOR NEIL D. BRESLIN, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT BRESLIN: The Senate will come to order.

I ask everyone to rise and repeat the Pledge of Allegiance.

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

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

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

ACTING PRESIDENT BRESLIN: Thank you.

The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Monday, May 25, the Senate met pursuant to adjournment. The Journal of Friday, May 22, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT BRESLIN: 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 from state officers.

Motions and resolutions.

Senator Smith.

SENATOR SMITH: Mr. President, I believe there is a privileged resolution at the desk. I ask that the resolution be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: By Senator Smith, Legislative Resolution Number 2151, commending the men and women of the New York Air National Guard, the Newburgh, New York, Police Department, the New Windsor, New York, Police Department, the New York City Police Department, the New York State Police, the Federal Bureau of Investigation, and the Joint

Terrorism Task Force for their recent work in infiltrating and arresting the members of a terrorist cell in the Riverdale section of the Bronx.

"WHEREAS, This Legislative Body is moved to honor those individuals who serve to preserve and protect our communities, lauding particularly their unwavering courage and dedication in the daily performance of their duties; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to commend the men and women of the New York Air National Guard, the Newburgh, New York, Police Department, the New Windsor Police Department, the New York City Police Department, the New York State Police, the Federal Bureau of Investigation, and the Joint Terrorism Task Force for their recent work in infiltrating and arresting the members of a terrorist cell in the Riverdale section of the Bronx, New York, who were in the midst of a plot to detonate improvised

explosive devices at two Jewish synagogues and to shoot down a military plane with a Stinger surface-to-air missile at a local Air National Guard base; and

"WHEREAS, Joint Terrorism Task Forces are small cells of highly trained, locally based, passionately committed investigators, analysts, linguists, SWAT experts, and other specialists from dozens of U.S. law enforcement and intelligence agencies; and

"WHEREAS, It is a multi-agency effort led by the Justice Department and FBI designed to combine the resources of federal, state and local law enforcement; and

"WHEREAS, The National Joint Terrorism Task Force was established in July of 2002 to serve as a coordinating mechanism with the FBI's partners. Some 40 agencies are now represented in the National Joint Terrorism Task Force, which has become a focal point for information-sharing and the management of large-scale projects that involve multiple partners; and

"WHEREAS, It is appropriate to recognize and commend outstanding individuals such as the men and women of the New York Air National Guard, the Newburgh, New York, Police Department, the New Windsor, New York, Police Department, the New York City Police Department, the New York State Police, the Federal Bureau of Investigation, and the Joint Terrorism Task Force for their valued contributions to both the state and the nation; and

"WHEREAS, The four men arrested in what according to authorities was a plot to bomb two synagogues in the Riverdale section of the Bronx and shoot down military planes at an Air National Guard base in Newburgh, New York, appeared to be acting alone, not in concert with any terrorist organization; and

"WHEREAS, Due to the brave and commendable actions of the men and women of the New York Air National Guard, the Newburgh, New York, Police Department, the New Windsor, New York, Police Department, the New York City Police Department, and the New York State

Police, the FBI, and the Joint Terrorism Task Force, the four individuals were arrested in an elaborate sting operation after planting what they believed to be bombs in cars outside the Riverdale Temple and the nearby Riverdale Jewish Center; and

"WHEREAS, It is the sense of this Legislative Body that those dedicated public servants who unselfishly devote their lives to the preservation of order and the protection of others are worthy and due full praise for their commitment and noble endeavors; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commend the men and women of the New York Air National Guard, the Newburgh, New York, Police Department, the New Windsor, New York, Police Department, the New York City Police Department, the New York State Police, the Federal Bureau of Investigation, and the Joint Terrorism Task Force for their recent work in infiltrating and arresting the members of a terrorist cell in the Riverdale section of the

Bronx; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the men and women of the New York Air National Guard, the Newburgh, New York, Police Department, the New Windsor, New York, Police Department, the New York City Police Department, the New York State Police, the Federal Bureau of Investigation, and the Joint Terrorism Task Force."

ACTING PRESIDENT BRESLIN: Senator Smith.

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

Colleagues, members of this august body, today I rise to commend the Joint Terrorism Task Force, the task force that was combined and is combined of the FBI, the New York Police Department, and the Newburgh Police Department.

In particular, the names of those individuals, most of which -- all of which who are present here today: FBI Special Agent in Charge Gregory Fowler; New York Police

Department Deputy Commissioner Richard Falkenrath; New York Police Department Assistant Chief James Waters; New York Police Department Deputy Chief James Shea; New York State Police Colonel Thomas Fresenius; New York State Police Colonel John Melville; New York State Police Major Matthew Renneman; New York State Police Captain Robert Gregory; New York State Homeland Security Director Thomas Donlon; New York Jewish Community Relations Council Commission on Jewish Security Chair Sally Goodgold; Sergeant George Meyers, New Windsor Police Department; and also New York Jewish Community Relations Council Deputy Director David Pollock and Detective Daniel Green.

I rise today, colleagues, to commend these brave men and women. Last week we had a chilling reminder that we still live in a very dangerous world. There is no question that while we have the opportunity to enjoy our family every day, it is clear to us, based on what occurred last week, that while 9/11 is behind us, we still have terror

knocking at our door.

And in this case it was knocking at Rabbi Rosenblatt's synagogue -- a place where Senator Schneiderman represents that district, a place where Senator Jeff Klein is right next door, and a place where many families, children, would go on their Sabbath, on their holidays, and to celebrate their faith, a faith that, as many of us, irrespective of what faith that we have, we have the freedom of celebrating it every day without worrying about someone who has some warped determination to arrest our ability to practice our faith decides to step in and do what I consider to be a horrible act.

Counterterrorism, which this task force basically has epitomized what I consider to be a perfect example of how one thwarts a particular crime. Commissioner O'Donnell, who is here with us, firsthand knows the efforts of these individuals. Commissioner Kelly knows the efforts of these individuals. And they are here today, colleagues, because we know in this house that we understand and we

recognize the significance of the performance of this task force.

What you have done has fostered more faith than has already been exhibited by many of my colleagues. In particular Senator Golden as well, who is someone who was part of law enforcement, we know what law enforcement does. We don't know every day what you do, but we have an idea, some of which because our family members live it, some of which because we've watched it on TV.

But never have I experienced nor have I had the opportunity -- nor do I want the opportunity again -- to experience the kind of heroic actions that this particular task force put together.

I can't imagine what you had to deal with over a year's time when this particular episode was going on in your life. Notwithstanding the law enforcement side, but your family, where you had to withhold what was going on every single day, for a year and a day, because of the sworn oath of office that you took -- the oath that said you will

protect and serve, the oath that said that you will go to extreme legal measures to protect each and every one of us in this room and those beyond these walls.

What you have done, what you have said to each and every one of us is that we have to take a different view of how we handle our business. You have thwarted what could have been the 9/11 of 2009. Some will argue, Well, it wasn't the buildings, it wasn't 2,000 people. But for you to have lived with this for a year says to each and every one of us that this event tells us that terrorism, domestic or abroad, is alive and unfortunately well in this state.

But here's what I say to you, and here's what I say to anyone who is looking at this particular moment that has any potential misguided thoughts about our law enforcement teams. They will have every resource that they need to continue their job. They will have resources beyond what they have today to continue their job.

And we will make sure that they

have all the necessary resources so that in the future, if in fact it requires less than a year to thwart a crime, they will be able to do so. If it requires them to follow somebody for 10 years, they will have the resources to do so.

We will not settle and we will not allow anyone who believes that they can rape the freedom of someone's ability to practice their faith in this state. We will not accept it. It is unacceptable to us. And I tell you, as just one member of this body of 62, to the Joint Terrorism Task Force, that you have my undying trust, you have my faith, and you have my support. And that we will go to the extreme, as you did to protect those synagogues.

Which means that you protected every house of worship in this state and probably across the country, because the attack on that synagogue, while it was directly aimed at a group of individuals, it was basically a statement that said in this state, in this country, we are not going to

allow you to practice your faith.

Well, you said to them: That's not going to happen. And I say to you we will not let it happen that you will not have the resources that you need to make sure you continue the heroic work that you do.

My hat is off to you. I am just amazed at the remarkable effort that you put forward. I know the Governor, I saw the Mayor honor you. You will know that this day that we pause to do our normal deliberation with regards to legislative business. We felt that it was more important to send a message to you that we are watching you. And just as you had the synagogue's back and other people of this state, the 19.5 million that live here, we have yours.

And actions will speak louder than words, as your action did that night when you brought that 18-wheeler to that crime scene, blocked that vehicle, smashed those windows of that SUV, and took out that bomb that essentially was not a real bomb because you had the intelligence and the fortitude to make

that group of individuals believe that you were on their side.

I can't tell you how proud I am of each and every one of you. I sleep better every night, knowing that the fine women and gentlemen that stand here before me, and your other colleagues who are not here today, are protecting us while we sleep. God bless you.

I know that we will continue to pray for you. And trust me when I tell you you will not want for resources to do your job in the future.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Smith.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. And thanks to Senator Smith.

Ladies and gentlemen, we are here to thank you, but we are really here to do much more than that. We are here to convey as a body our support for your efforts and to make sure that everyone in the state understands what happened last week.

I have to tell you, ladies and gentlemen, we all left here on Wednesday, went back to our districts. I finished attending events and then received a phone call around 10 o'clock at night.

And Commissioner O'Donnell, the Joint Terrorism Task Force, representatives of the FBI, the U.S. Attorney's office, Police Commissioner Ray Kelly brought together the political, religious and community leaders in Riverdale in Riverdale to explain to us what had happened and to put the finishing touches on a superbly executed series of maneuvers that really were staggering when we started to understand what had happened.

Ladies and gentlemen, last Wednesday a group of individuals came to this beautiful, tree-lined block in my district, as good a place to walk or raise children as any place in any of your districts, and unpacked what they thought were explosives to put in front of two synagogues, believing that they were going to blow up those houses of worship.

This is something that it's very

hard to convey if you haven't actually walked on that street. But think of any church, any temple, any house of worship in your district. This was what was going through the minds of these individuals.

The men and women here and their colleagues were on top of this from day one. They stopped it. And then they came to our community to bring all of us together to make sure there was no panic.

Because, ladies and gentlemen, terrorists are not like ordinary criminals. Their goal is not simply to damage a particular building or kill a particular individual. Their goal is terror. Their goal is to tell every Jew in this state: We can blow you up in your house of worship. Their goal is to convey to all the people of this country that you are no longer safe.

This is not an ordinary crime. These are not ordinary men and women. This was not an ordinary maneuver. But I have to tell you, Senator Smith's message today is something every member of this chamber should

listen to and should recognize. We must do what we can do to make sure they do what they do so well.

And I will tell you that we followed up Wednesday night with an interfaith service in the same synagogue, and we had three Muslim imams who came and quoted to us from the Koran sections that say anyone who would inflict any harm on any house of worship is offending God.

This is not a matter dispute among religions, this is not a partisan dispute, this is not an ideological dispute. This is very simply an obligation that we undertake, as representatives of the people of the State of New York. And as much as I represent Rabbi Rosenblatt and Rabbi Lewis and their congregations, this terrorist act was directed at every congregation in all of your districts.

And I would urge you to join us in support of this resolution and in honoring the men and women who took care of this one particular plot and gave us a window of

insight into what is going on every day while we sleep peacefully. And let us recommit ourselves to supporting their work going forward.

I urge everyone to support this resolution, to support these men and women, and to offer in any way you deem appropriate or that comports with your beliefs a prayer for the work that they do and a prayer for all of us that we're able to live in a country where everyone is free to worship and we're prepared to pay the price to maintain that freedom.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Schneiderman.

Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

Having known some of the honorees today, it brings to heart to know that they had a job and they did it.

I think some of the things that we're missing here -- not here, but in the

media as they trounced this back and forth, they were four people that were entrapment. I'm not an attorney, Mr. President, so if I make a mistake, correct me. But what we had was a mission. And this mission was a trail mission that took place over a year.

And, you know, when you get to be my age, you say how come somebody didn't leak something. I think it was the best-kept secret. Like telling your wife, I want to take you away for a week and then don't tell anybody else.

But I'm serious. This is an issue here that we in America better wake up. I heard people saying today, Ah, they could have knocked it off, they could have made it easier, told them that the guns were no good, the bombs were no good. Well, Senator Schneiderman made a good point. We don't always agree, but he did. This could have been in my synagogue in my district. It could have been a house in your district. It could have been a business in somebody else's.

But we had the cream of the crop in

law enforcement joining together. How many times have we heard people say, Well, I'm a New York City cop, I'm not going to talk to the FBI. Or I'm in the Division of Criminal Justice, and I'm not going to talk to Homeland Security.

But here we had a group of men and women, dedicated. They had a mission. They knew it was real out there. And they went about it tracking it piece by piece.

It wasn't an easy job. Knowing Colonel Melville, Division of Criminal Justice, and my troopers from New Windsor, I'm very proud of you. But we cannot let this little -- as they said in the paper the other day, "a little incident." It wasn't a little incident. And you have people out there reading the papers that are saying, Well, you know it was -- you know, if they didn't go to prison, they wouldn't have never been these kind of mean people.

We didn't put them in prison in the first place. They put themselves in prison because of their conduct. We need to start

taking up America. Yes, a lot of talk now about we haven't been attacked in eight years. But what if those weapons were real? What would we be saying in this chamber today? Mourning the death of many, many people.

There are people in America that hate us. There will always be people in America that hate us. And they come from the other side and they come from within and they join forces. But how fortunate are we when we can turn around and look and say, as Senator Smith, said, the best of all.

And we better not make it just small talk that we're going to provide you the equipment, we're going to provide you the money, we're going to do this here. We'd better do it and do it now. Because there is a new group, a new cell out there that is looking to how can we do something else.

And we always talk about New York City, because it's a prime target. What about this Capitol? Just think about it. Think about after 9/11 when we lit the bridges, the George Washington Bridge and the others, so

nobody could hide in the corners. And look at the other things that we have. Look at Fort Dix when they wanted to blow up the NCO Club that had 500 GIs in there and their friends.

We have a mission, and our mission is to support you 250 percent. Our mission is to make sure that you have the tools that you need.

But then there's another thing. When phase one is finished and you've done your job and the media gets on it and then they interview people. Well, poor innocent kids, you know, they came from a poor family, they did this. No, no. No, no. That's BS, and you know what it means.

This is America. And how proud we are to have you stand up, sweat, blood and tears for over a year to make sure that this mission was followed through. We're proud of you. I'm damn well proud of you. I look at this as a mission in combat when you sent troops out there and you didn't know how many you were going to get back.

Well, we got all of you back, and

we got those who wanted to move the attack forward. We had you putting yourselves together, not worried about who was going to get the credit, but worrying how about we as a joint task force would consolidate all of our information and plan our plan of attack so that we would be there at the responsible time to ensure nothing else fell out of line.

From the Stewart Airport, just think about it. We have the C5As, C-130s, the Marines with their gas tanks that go up in the air, find another aircraft and refuel it. Could you imagine what would have happened if they'd have hit one of those aircraft that was taking off with all that gas in it?

The bottom line, ladies and gentlemen, is you had a mission and you completed it. And you make us very, very proud.

As I stand here knowing some of you, I never expected anything less than this. But as a fellow American, I want to thank you from the bottom of my heart. Because what you did was a clear act of responsibility and

making sure that those who hate us will pay the price. Thank you and God bless you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Larkin.

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President. I too would like to concur with my colleagues.

Today up in the audience we have a church and school from the Brooklyn area of this great city. They're here today to learn what government is all about. St. Athanasius is here to see and to witness how government proceeds and how it works for them as individuals as for families.

We just finished celebrating Memorial Day, and our vets allow us to sleep in a blanket of freedom. You, ladies and gentlemen, our police authorities across the state and the nation, allow us to live in a blanket of security. And we can't take that for granted.

This task force, it wasn't too long ago, pre-2001, we wouldn't talk to other

police departments. As a former police officer, we wouldn't even talk to the police officers from the Bronx when I worked in Brooklyn.

Things have changed dramatically over the years. And today we are in communications across this great state and across this great government and federal government. And the great work that you achieved has made us safer and has sent a message around this state, nation, and world that we are ready, prepared, and our men are out there 24/7 to make sure that we keep this state and nation safe.

How easy it is for a surface-to-air missile to be smuggled in. How easy it is for that surface-to-air missile to be launched. How easy it is to snuff lives out like that. We see what comes across our porous borders. We see illegal cigarettes, drugs, aliens. Does anybody really think that we're not getting illegal bombs and makings and equipment to make those bombs?

Does anybody really think that

today we caught this cell that we worked so hard to bring to justice, that there's not another cell out there, like Senator Larkin has pointed out, that is just waiting to strike, is just waiting to get out, is just waiting to put some final touches across this great nation so that they can kill Americans, in a train, a bus, an apartment building, wall Street, a park?

It's the vigorous work and the energy across all of our departments that made that change today. And across this great nation all of these departments are working together to make sure that in the future we don't see the losses that we seen in 9/11.

You've done such great work. And God willing that you stay on your game, and God willing that none of these cells ever get the opportunity to hurt us. But we all know they're there, and we all know that we have to work hard and we have to get that information back and forth to each of our agencies and we have to be able to do all of the undercover work that's needed to be able to prevent a

cell from being and giving the opportunity to strike us.

I'm honored to look at each and every one of you for the great work that you've done and to congratulate each and every one of you. Because the message you sent today, the message you sent over this past week across the nation and world is telling them: We're ready. You want to come here? You will pay the price. We will arrest you and we will place you in jail.

There's also one other area I want to touch, and I've got to hope that we look at the prison system, because some of these individuals met in prison. Home-grown, some of these individuals. And we have to be ever-ready to make sure that our internal affairs divisions within those institutes are ready and coming up with the information needed to fight this in the future.

We don't need to see another 9/11. We don't need to see another American die. What you did this past week, gentlemen, is an honor to yourselves, to the departments that

you represent, an honor to this great state and to this great nation.

May God bless you each and every one of you, every one of your families, and may God protect you as you move through your future.

ACTING PRESIDENT BRESLIN: Thank you, Senator Golden.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

First of all, let me thank our Majority Leader for putting this resolution forward.

I'm here to thank our heroes for a very publicized arrest. But the point that I'd like to make is I pass this airport every day. Me and my family use this airport frequently. And when you read about something like this happening, it makes you just stop and pause at how quickly life can change. How the timing of things can result in a tragedy that's close to you and your family and other Americans.

So the point that I'd like to make today to our heroes -- and what I'm going to ask our heroes is to go back and thank your colleagues who every day protect us from acts of terrorism that never make the papers, that are unknown. But you know. But for their acts of courage, bravery, commitment, you save American lives every day.

And that's a point that I'd like to make with all of our colleagues. Because we have legislation that comes before us that sometimes can be viewed as hurting law enforcement.

And I ask you to make a commitment to yourselves. Think of this day as we go forward in the future when we have those kinds of legislation that come before us, those kinds of financial decisions on making sure our law enforcement have all the equipment and support they need to do their jobs.

And the last point that I want to make, we are Americans first. We're not Republican, we're not Democratic. And there's no more silent majority. When we see the

director of Homeland Security saying we shouldn't be calling someone a terrorist, not politically correct, we have to speak out against that kind of rhetoric. We have to speak out against the media that pretends terrorism does not exist or it's a threat that's in the abstract.

No matter what you feel about President Bush, we have not had an attack on American soil since 9/11. And thank God for people that we're honoring today and those unknown -- excuse me, unnamed heroes that we don't see every day that do the same kind of acts of bravery.

So let's all make a commitment -- not only the rhetoric of this resolution, but a commitment to be more supportive. And whenever we see what's happening in Washington doesn't agree with us as Americans, we stand up and say "You're wrong," regardless of party affiliations.

Thank you for being here, gentlemen. God bless you all.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Bonacic.

Senator Leibell.

SENATOR LEIBELL: Thank you, Mr. President.

Like all of my colleagues, I was home this weekend. And there were many parades and local community get-togethers. And it did cross my mind as I saw my constituents, many of the small children there, what a fine line it can be between a day out at a parade in the sun and a real tragedy having occurred.

It was only a few days before that we all woke up in the morning to hear on national television of the events that later unfolded more completely. And it was a reminder for all of us.

And we're an optimistic nation, and we like to move on. And as we get further and further away from 9/11, it sometimes becomes more difficult. But it's a reminder for all of us what an incredibly dangerous world that we live in.

And for all of us in this legislative body, the first responsibility of every officeholder, regardless of the title, is the safety and well-being of our fellow citizens. We're truly blessed that we have such talented and dedicated professionals who are here in this chamber today and who are backed up by thousands of others around this great country of ours, who daily, whether it's terrorists or criminals of the more average kind, who are daily out there protecting all of us and our families. And to see this joint effort on behalf of our federal authorities, our state, our local authorities to protect all of us is truly a gratifying thing.

And I might add, with my dear friend and colleague Senator Adams, who's chair of Homeland Security, we have a committee here in this legislative body that is dedicated to doing everything we can do to giving you, as the Majority Leader said, all the support that you need.

And you should leave here knowing today, whatever you read in the newspapers,

this committee is totally, totally bipartisan and works to make sure that this state and this nation is safe.

Thank you for your efforts and thank you, Leader, for this resolution.

ACTING PRESIDENT BRESLIN: Thank you, Senator Leibell.

Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

I want to thank our Majority Leader, Senator Malcolm Smith, for bringing this resolution before us today. And I also want to thank Majority Leader Smith for his commitment to law enforcement. I know all of us in this state certainly feel safer knowing his strong commitment to law enforcement. I thank you for that.

I know it's certainly appropriate that we recognize our men and women in law enforcement today. They're our heroes. Coming as it did, yesterday being Memorial Day, where we celebrated our freedoms, that the coinage used to purchase those freedoms

was the life and limbs of American veterans.

Well, we certainly have heroes here today once again defending our freedoms. And I thank you each and every one of you for that. As one of the Senators who represents parts of Riverdale, with my colleague Senator Schneiderman, this certainly hit home and hit home very fast.

And I really want to thank each and every one of you, as I said. Denise O'Donnell, Tom Donlon. But I do want to really to focus and really sort of congratulate one specific individual who's been a friend of mine for some time, and that's Deputy Chief James Shea.

They say life is circular. Well, when 9/11 hit, I think each and every one of us in this chamber and really probably everyone across America -- specifically, New York -- knows where you were and what you did on 9/11.

Well, I was in my district in the Bronx. As we all know, it was Primary Day. And the first thing that I did was go to my

local precinct, the 49th Precinct. And at the time, Captain Shea was the commanding officer of that precinct. He's someone whose everything I think a law enforcement officer should be -- brave, intelligent, understands how to rise to the occasion in every dangerous situation.

My office helped out at the time, myself included, in taking phone calls, because a lot of the officers were either down at the site or couldn't get in from where they lived around the city or around the state.

We also went together to Jacobi Hospital, because at the time we thought that that's where the morgue was going to be set up for 9/11. We all know now that those bodies never came to a morgue in Jacobi Hospital or anyplace else.

But I know here we are, you know, full circle. And as Eric Schneiderman said, and our Leader Smith, this potentially could have been another 9/11. We don't measure the number of victims. But we do know, unfortunately, that in this day and age,

standing here in this Senate chamber, our system of democracy, which takes place here each and every day, we still unfortunately have crimes of hate. We still have crimes of hate against the Jewish people and against our American way of life.

And we thank you for stepping in, having the intelligence, having the wherewithal to prevent another 9/11. I thank you all.

ACTING PRESIDENT BRESLIN: Thank you, Senator Klein.

Senator Liz Krueger.

SENATOR LIZ KRUEGER: I also wanted to rise to thank you, to thank you all for what you've done for us and what you continue to do every day.

And so many of my colleagues have already said this, so I will just make it brief. It's important to remember that we do live in a dangerous world and that there is an important need for crime fighting and investigation and antiterrorism work.

And I know that this time it was

synagogues. And my synagogue talks about how we've had to increase security. But I think it is important to recognize that the leaders of every religion in this world have recognized that there is no religion that teaches violence, that this is not going to solve our problems, that the challenge for this country and this world is figuring out how to work out our differences and understand what it means to be smart and effective and secure without needing to turn to violence.

And the importance of remembering that, like the rest of the world, America now has joined the other nations on this planet in having to deal with homeland security and the risk of terrorist attacks from external and internal.

So I want to thank you for your diligence and your skills in protecting us, and understand that we have to do this every day, but perhaps we don't recognize the hard work that you're doing on our behalf. So thank you.

ACTING PRESIDENT BRESLIN: Thank

you, Senator Krueger.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Well, I think Senator Krueger said most of what I wanted to say. And that is we know we now live in a dangerous world, ever since 9/11. And it's really changed our world, and it's maybe made us not only less safe but more fearful of others.

And when I go into my synagogue on holidays in Westchester, we have police there and we have to open our purses. This is very hard for, you know, those of us entering our house of worship thinking that this is necessary.

But I guess it's the world now. And I've heard so many times of things that you folks have interrupted that it doesn't reach the press, but you've protected us by interrupting it before it became a reality.

And so I thank you so much for the work you do and the sharing of the information that you do with each other and internationally as well as nationally, and

also for your competence and your skill.

And in spite of this crazy world we live in, I feel safer and have more peace of mind because you're there. So I thank you very much.

ACTING PRESIDENT BRESLIN: Thank you, Senator Oppenheimer.

Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President. I too rise to say thank you to all of you for your great work.

And, you know, as Americans we tend to be very optimistic -- which we should be -- about our great country. We are positive people. And sometimes we like to put bad memories behind us, which I think is a natural human trait.

But as this event unfolded -- and again, we say thank you to you for not allowing it to be the tragedy that it could have been -- we reflect upon what's happening not just in our country but in the world.

We see, with North Korea testing nuclear weapons now, we see them firing

missiles. Senator Klein mentioned about terrorists wanting to kill people of the Jewish faith within this country. And there's no question, and we're glad that was stopped. But you have the country of Iran that wants to destroy the Jewish nation.

So there is so much hate out in this world that it also continues to permeate within this country.

All of you worked in coordination with each other, which is something to be marveled. Because so many times different agency, they conflict with each other or they push each other away rather than working in a cooperative fashion. And we welcome Jim Sherry, who used to work in the Senate for so many years, who works now with Homeland Security.

But I think it also points out that you can work in such a coordinated fashion, but if you don't have the intelligence available to you, it doesn't mean anything. You need to have the intelligence.

And that's why as a nation we

should think about intelligence-gathering and how important it is to be able to give law enforcement the information and knowledge to be able to fight terrorism.

And it was mentioned -- and this is not a partisan day -- that there has not been an attack on this nation since 9/11, thank God, and that our intelligence-gathering system within this country has been enhanced over the last eight years. And I think President Obama even understands, as you move away from campaigns into the real world of being a president, that gathering information, intelligence to fight terrorism is critically important and that you just can't exclude one method or the other.

So we say thank you. We say thank you to all of you for saving so many lives. We thank you for being really the forefront of fighting terrorism in this country. And we hope that your work continues in a very positive way but somehow we stop the hate, the hate that exists within this nation and this world.

ACTING PRESIDENT BRESLIN: Thank you, Senator Skelos.

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

Senator Adams.

SENATOR ADAMS: Mr. President, I rise, I too just want to point out that for the men and women who don a uniform of law enforcement, it doesn't matter if it's gray or blue, the concern is the same.

Every day is game day. They don't have the luxury of having a bad day or an off day. Every day is game day. Every day, they have to make sure they're at the top of their game.

And the beauty -- I intentionally waited until everyone spoke, because the beauty of law enforcement, it doesn't matter if it's Clinton, Bush, Malcolm or Bruno, they're professionals. They do not decide if they're going to police Riverdale if it's a Republican-controlled district or Brooklyn if it's a Democratic-controlled district. All they know is they have the responsibility of

ensuring the cornerstone of prosperity is peace. That's all they know.

They don't know all this other stuff that we are spewing out about when someone was in office or they weren't in office or how good we were or how bad we were. Go down your list of all your presidents, all your mayors, all your governors. The only thing consistent in the State of New York is you had a professional group of men and women who stated, I'm not concerned with politics, I'm concerned with public safety.

That's what this is about. It doesn't matter which side of the aisle you sit on. If individuals would have lost their life in Riverdale, the state would have mourned, and that mourning would have cascaded out throughout the entire country. And once again, the message would have been sent throughout this entire globe that America is vulnerable.

Our men and women who stay up at night to make sure we're safe can care less about any of the rhetoric of who's in power

and who's not in power. They're concerned about the peace of this state. That's what I'm proud of.

And anyone that doesn't know their dedication should never question it, each night that they strap on a police vest, ready to take a bullet for the people of this state. That's what's great about the state agencies that protect us.

Twenty-one years of my life, no matter how many times I would criticize police practices, no matter how many times I would question methodologies and mannerisms -- when it was time to step into that precinct and put on that blue uniform and that bulletproof vest, all that went out the window.

That's who you see here today. This is who you see. From chief to cop to state trooper to investigator to detective to inspector to colonel, all the politics that are spewed out from Washington, D.C., to Washington Avenue in Albany means nothing to them. All they know, we've got to protect the people from the bad guys. Simple language.

It's not complicated to them.

When they started an investigation a year ago, it didn't matter if Bush was in office; they knew they had to stop a person from blowing up a synagogue if Obama won or lost. This is all these men and women know, protecting the State of New York.

So yes, we're going to argue in here over philosophical disagreements. Yes, we're going to argue over budgetary constraints. Yes, we're going to argue could we have done something different. Yes, we're going to argue on the death penalty and laws and crimes. Yes, we are. But you know what? No matter who wins or loses the argument, they're going to still be protecting the people, no matter what.

That's what we're proud of. And that's the energy and spirit of today. They're doing their job. Are we doing ours?

How the heck did three people in this great country believe that they could get a better satisfaction out of placing a bomb in front of a synagogue or blowing up a plane?

Are we creating the opportunities that are needed in this country? How the heck did three or four people become that despondent about the greatest country on the globe that they felt they can funnel their anger into destroying someone because of their religious beliefs?

We can't continue to create an environment that's going to cost this institution to continue to fix. We can't keep saying, Whew, we made it. That's not how we're supposed to live. They're doing their job. Now let's do ours.

Let's make sure that they don't have to spend a year of investigating four losers. Let's make sure they don't have to spend 365 days of staying on top of them, of using canines, helicopters, police dogs, manpower, investigation. Let's make sure they don't have to do that. Let's do what we have to do here.

Instead of majoring in minor issues, let's make sure we create a state that can show the country how you don't have

individuals that would rather blow up a building, but let's give them what they need to build a building. I want to build this state.

These men and women are consistent in their maintaining of prosperity in the State of New York through public safety. Let's be consistent in bringing this state out of the depths of hatred when you decide you want to destroy and kill someone because of their religious belief.

The issue is not going to go away. I don't want a state of people who are hugging hatred and expecting our law enforcement to solve the problem that we're creating. We can do better. We have to do better. We will do better. Then we can match what they're doing. They did their job. Let's do our job.

Instead of overtime, let them spend time home with their children. Instead of wondering where the next threat is coming from, let's create an atmosphere where America doesn't have to have a threat. I don't want an imported terrorist, and I don't want a

home-grown terrorist.

And let me say this to those out there who state that, Well, the four people who decided to commit this act didn't think of it on their own -- that doesn't matter. It's against the law to place a bomb in front of a building. Duh. It's wrong.

You can't hide behind poverty. You can't hide behind pain. You can't hide behind your position in society. You can't hide where you were born, where you are from, your skin pigmentation.

On the same day that a woman went from the projects to the Supreme Court, that's the message in America: You can't hide behind who and what you are and believe you can inflict pain on others because of your condition. It's against the law. Our men and women of law enforcement protect us from that law. We commend them.

And I want to reiterate what was said by Senator Leibell. There is no committee in the State Senate where two men are more clear on a vision. Senator Leibell

and I are clear, our goal will never be brought down in the gutter of patronage politics. We will protect the State of New York in our capacity as State Senators. That is a commitment we made to each other.

No terrorist stops and says hold up on blowing up this location because this person is a Democrat or a Republican. No funeral is more tolerable because the person is on that side of the aisle or this side of the aisle.

If no one else understands, he and I understand we are in this together. And you all better realize it, we are in this together. People want to hurt the American way of life. I know which side I'm on. I know which side these men and women are on. These are our partners. They're doing their side. We must do ours.

We thank you. We commend you for what you do and all of your agencies on the city, state and federal level. And we will make sure we commit ourselves to make sure you have the resources to do your job.

Again, we thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Adams.

Senator Stachowski.

SENATOR STACHOWSKI: Thank you, Mr. President.

I too would like to thank Senator Smith for the resolution, but, more importantly, for bringing this team here.

We'd like to congratulate you on a job well done. That when different units can work together, it's not always the easiest, but it seems to accomplish the most. And working together is what you've done and done to a great successful end.

And it's obvious that a lot of other teams work together in the state in similar situations as you men and women are, and many times we never hear about it, thank God, because nothing comes of it or, because of your work, it dissipates before it gets to the point that this incident got to.

I'd like to thank you for your dedication, for your perseverance, for your

teamwork. And I think this is -- we're fortunate to have an example like this to remind the people in this state that we're not beyond anybody's reach. And that it's because of people like the people on your team that we stay safe, and we should always be alert and always be thankful for the people that do your job and many times go unthanked for the things you do every day to make us safer.

So thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Stachowski.

Senator Sampson.

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

I rise to congratulate the Majority Leader for bringing this resolution to the forefront.

And I want to thank you all for your commitment but most of all your dedication. Because as Senator Adams said, it's not whether you ask a person whether they are Republican or Democrat or independent, your concern is about the public safety of all

the citizenry of New York State.

But most of all, whether you're at a synagogue, whether you're at a church, a temple or any house of worship, terrorism will not be tolerated. We will hunt you down, we will catch you, and we will prosecute you to the fullest extent of the law.

But most of all, remember this. This is not about rhetoric. We don't believe in rhetoric, we don't practice rhetoric, we don't preach rhetoric. The issue is about making sure that we provide the resources for the men and women who put their life on the line on a day-to-day basis.

But at the same time we understand that we cannot trample the freedom, the inalienable rights that we protest every single day with respect to our country. Because it is those rights that are envied and admired by people throughout the world, and especially those terrorists are trying to kill those rights which the United States of America practices.

But most of all, the terrorist is

not concerned about your ethnicity, your race, your gender or your religion. They're concerned about making sure that they end all patriotism that we have for this great country.

So I rise to thank you very much. Thank you very much, because you have made our lives a lot safer. But at the same time, we have to make sure that we provide you with the resources. This is not about talk. This is about, as our leader said, making sure that we give you all the resources that are necessary so we as Americans can sleep safe at night.

Thank you very much.

ACTING PRESIDENT BRESLIN: Thank you, Senator Sampson.

Senator DeFrancisco.

SENATOR DeFRANCISCO: First of all, the main reason I rise is I just don't want there to be left an impression with our wonderful guests here from some of the remarks of Senator Adams that there's ever been any lack of unity by both parties in supporting your efforts and the efforts of people like

you and the law enforcement community to fight terrorism.

There were some suggestions that we've got to remain together on this. And I don't think there's ever been an indication from either side of the aisle that we haven't. And I don't want you to be left with the false impression that maybe there's been some disputes that you're unaware of, because there haven't been. We will always, on both sides of the aisle, support you.

The other comment I just wanted to make is that a remark that Senator Adams made is that we cannot continue the environment -- we must not continue to create an environment where people will be encouraged to do this type of thing. I don't think we've ever created an environment that encourages anybody to blow up synagogues. That's simply not the case. We're not creating an environment.

And his comment to the fact that we should provide what is needed for these people so they will build buildings rather than blow them up, I don't subscribe to that at all

either.

There are some crazy, antisocial people that have their own view of the world. No matter what we can provide for them will never, ever stop that type of person from committing the type of acts that that person wants to commit.

And we are so thankful that you're here, because you're our last line of defense. And the acts that you have done to prevent this type of thing, we just cannot thank you enough.

So we are united in supporting you. We can provide for those who want to act constructively. We could never provide in this chamber anything that will change people's minds that have this type of attitude about life and the lack of value of life for some type of goal that none of us could understand.

So again, on behalf of all of us, thank you for what you've done. And we will continue to support you, both sides of the aisle, to do what has to be done to protect

our citizens of this state.

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator DeFrancisco.

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

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The resolution is adopted.

(Standing ovation.)

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

Senator Klein.

SENATOR KLEIN: Mr. President, I have a substitution and three other motions.

First, the substitution. On behalf of Senator Savino, I wish to call up Calendar

Number 322, Assembly Print Number 4106A. I now move to reconsider the vote by which this Assembly bill was substituted by Senator Savino.

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: Calendar Number 322, by Member of the Assembly Abbate, Assembly Print Number 4106A, an act to amend the Public Officers Law.

ACTING PRESIDENT BRESLIN: Senator Klein.

SENATOR KLEIN: I now move that Assembly Bill Number 4106 be recommitted to the Committee on Investigations and the Senate bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT BRESLIN: First we will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BRESLIN: The bill is before the house and restored to its place on the Third Reading Calendar.

Senator Klein.

SENATOR KLEIN: Mr. President, I now offer the following amendments.

ACTING PRESIDENT BRESLIN: The amendments are received.

Senator Klein.

SENATOR KLEIN: Amendments are offered to the following Third Reading Calendar bills.

By Senator Duane, page 25, Calendar Number 254, Senate Print 3911.

On behalf of Senator Craig Johnson, page 25, Calendar Number 265, Senate Print 3821A.

On behalf of Senator Stavisky, page number 28, Calendar 300, Senate Print 1735A.

ACTING PRESIDENT BRESLIN: So ordered.

Senator Klein.

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

ACTING PRESIDENT BRESLIN: Yes, there are, Senator Klein.

The Secretary will read.

THE SECRETARY: On page 32, Senator Montgomery moves to discharge, from the Committee on Crime Victims, Crime and Corrections, Assembly Bill Number 4516C and substitute it for the identical Senate Bill Number 3438A, Third Reading Calendar 345.

On page 32, Senator Hassell-Thompson moves to discharge, from the Committee on Crime Victims, Crime and Corrections, Assembly Bill Number 6532B and substitute it for the identical Senate Bill Number 4405A, Third Reading Calendar 348.

On page 5, Senator Breslin moves to discharge, from the Committee on Judiciary, Assembly Bill Number 2369 and substitute it for the identical Senate Bill Number 800, Second Report Calendar 353.

On page 5, Senator Sampson moves to discharge, from the Committee on Judiciary, Assembly Bill Number 7561 and substitute it for the identical Senate Bill Number 2851A, Second Report Calendar 355.

On page 5, Senator Sampson moves to discharge, from the Committee on Judiciary,

Assembly Bill Number 2762A and substitute it for the identical Senate Bill Number 4030, Second Report Calendar 359.

On page 5, Senator Hassell-Thompson moves to discharge, from the Committee on Judiciary, Assembly Bill Number 5598 and substitute it for the identical Senate Bill Number 4124, Second Report Calendar 360.

On page 5, Senator Sampson moves to discharge, from the Committee on Judiciary, Assembly Bill Number 7570 and substitute it for the identical Senate Bill Number 4533, Second Report Calendar 361.

On page 6, Senator Espada moves to discharge, from the Committee on Finance, Assembly Bill Number 7087A and substitute it for the identical Senate Bill Number 2865A, Second Report Calendar 368.

On page 7, Senator L. Krueger moves to discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 4166 and substitute it for the identical Senate Bill Number 3594, Second Report Calendar 376.

On page 7, Senator Duane moves to discharge, from the Committee on Health, Assembly Bill Number 301 and substitute it for the identical Senate Bill Number 3840, Second Report Calendar 377.

On page 8, Senator Morahan moves to discharge, from the Committee on Finance, Assembly Bill Number 7068 and substitute it for the identical Senate Bill Number 5323, Second Report Calendar 381.

On page 9, Senator Sampson moves to discharge, from the Committee on Codes, Assembly Bill Number 2500 and substitute it for the identical Senate Bill Number 2461, Second Report Calendar 387.

On page 9, Senator Stewart-Cousins moves to discharge, from the Committee on Labor, Assembly Bill Number 215 and substitute it for the identical Senate Bill Number 2904, Second Report Calendar 389.

On page 9, Senator Thompson moves to discharge, from the Committee on Cultural Affairs, Tourism, Parks and Recreation, Assembly Bill Number 6784 and substitute it

for the identical Senate Bill Number 3024, Second Report Calendar 390.

On page 10, Senator Hassell-Thompson moves to discharge, from the Committee on Codes, Assembly Bill Number 3664 and substitute it for the identical Senate Bill Number 4366, Second Report Calendar 391.

On page 10, Senator Fuschillo moves to discharge, from the Committee on Health, Assembly Bill Number 5320 and substitute it for the identical Senate Bill Number 629, Second Report Calendar 395.

On page 11, Senator C. Johnson moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 1203 and substitute it for the identical Senate Bill Number 3563, Second Report Calendar 406.

On page 11, Senator Serrano moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 4544 and substitute it for the identical Senate Bill Number 3656, Second Report Calendar 407.

On page 12, Senator Squadron moves to discharge, from the Committee on Social Services, Assembly Bill Number 3378 and substitute it for the identical Senate Bill Number 4077, Second Report Calendar 419.

On page 13, Senator Valesky moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 2321 and substitute it for the identical Senate Bill Number 3492, Second Report Calendar 420.

And on page 13, Senator Hassell-Thompson moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 350 and substitute it for the identical Senate Bill Number 5041, Second Report Calendar 421.

ACTING PRESIDENT BRESLIN: Substitutions ordered.

Senator Klein.

SENATOR KLEIN: Mr. President, can we now go to a reading of the Senate calendar.

ACTING PRESIDENT BRESLIN: The

Secretary will read.

THE SECRETARY: Calendar Number 57, by Member of the Assembly Sayward, Assembly Print Number 2029A, an act to authorize certain healthcare professionals.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect July 22.

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 198, by Senator Winner, Senate Print 3225, an act to amend the Tax Law, in relation to extending the authorization.

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

Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 203, by Senator Aubertine, Senate Print Number 3737, an act to amend the Tax Law, in relation to imposition of sales and compensating use taxes.

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

Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 234, by Senator Addabbo, Senate Print Number 4244, an act to amend the Election Law, in relation to checks of registrants.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 237, by Senator C. Kruger, Senate Print 4408, an act to amend the Election Law, in relation to filing of papers.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Senator Maziarz, why do you rise?

SENATOR MAZIARZ: Thank you very much, Mr. President. I rise to explain my vote.

ACTING PRESIDENT BRESLIN: Senator Maziarz, to explain his vote.

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

I'm certain that my good friend Senator Kruger has nothing but the best of intentions with this bill. But really what this bill is about is just a little bit more of privatization of the United States Postal Service.

This bill will increase postage rates in New York State and in the United

States, will help that. This bill will put very hardworking unionized postal workers out of work as more and more mail may shift over to privatized carriers.

The privatized carriers that the sponsor mentions in the bill memo are both much more expensive than the United States Postal Service. Boards of Elections have for years considered the postmark, the United States Post Office postmark, as being the decision-maker in what time a piece of mail was sent.

I think for the postal service the employees do a great job. Every day on my way into work, Senator Kruger, I stop at the Sanborn Post Office, and the employees there are very concerned about the continuation of the Sanborn Post Office and small post offices in small communities across New York. And I think this bill would help put some of those postal workers out of work and some of those post offices be forced to close.

So, Mr. President, I am going to be voting in the negative. Thank you very much

for your time.

ACTING PRESIDENT BRESLIN: Senator Maziarz, you will be recorded in the negative.

Senator Robach, to explain his vote.

SENATOR ROBACH: Yes, I join my colleague Senator Maziarz. I too am going to vote no for this, for many of the reasons he stated.

The other kind of concern I have too, a lot of times, being in this business, the time sensitivity of mail and this type of mail, I don't think there's any greater standard than the postmark of the U.S. Postal Service -- when that got in, when that got out, all of the above.

And no one has ever come to my office and said let's change this for any reason, so I don't really know where the constituency is or don't see where it helps. At a time where we're trying to, I guess, increase, I would like to think, postal services to try and control those rates that

people are concerned with, this seems to sort of go in the opposite direction, and I'm not sure to whose benefit.

So I'll be joining my colleague Senator Maziarz in casting my vote in the negative. Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Senator Robach will be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 237 are Senators Bonacic, Farley, Lanza, Larkin, Little, Marcellino, Maziarz, Morahan, Robach, Saland and Robach.

Ayes, 50. Nays, 11.

ACTING PRESIDENT BRESLIN: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 247, by Senator Stachowski, Senate Print 1944, an act to amend the --

SENATOR KLEIN: Lay that bill

aside for the day, please.

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

THE SECRETARY: Calendar Number 268, by Senator Stavisky --

SENATOR KLEIN: Lay that bill aside for the day as well.

ACTING PRESIDENT BRESLIN: Lay it aside for the day.

THE SECRETARY: Calendar Number 287, by Senator Breslin, Senate Print 3577, an act to amend the Insurance Law, in relation to authorizing.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results quickly.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BRESLIN: The

bill is passed.

THE SECRETARY: Calendar Number 288, by Senator Breslin, Senate Print 4463, an act to amend the Insurance Law and the Workers' Compensation Law, in relation to requiring.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of January next succeeding.

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 289, by Senator Breslin, Senate Print 4768, an act to amend the Insurance Law, in relation to establishing risk-based capital requirements.

ACTING PRESIDENT BRESLIN: Read

the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 293, by Senator Klein, Senate Print 1839, an act to amend the Elder Law, in relation to eligibility levels.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Senator Klein, to explain his vote.

SENATOR KLEIN: To briefly explain my vote, Mr. President.

This legislation of course raises the income eligibility for the EPIC prescription drug program.

I think, as we all know, one of the great programs we have for senior citizens in the State of New York is the EPIC program, which allows senior citizens to save up to 80 percent on their prescription drug costs. During these tough fiscal times, when it's tougher and tougher for seniors who live on a fixed income, it becomes even more important that we raise the income level so more and more seniors can take part in this important program.

We're looking at probably more than 5,000 more seniors around the State of New York who, because of this legislation, will now be able to get discounted drugs and save money or prescription drugs as the others who took part in this program.

So I want to thank Reverend Diaz, who I worked with on this legislation. Of

course I vote yes.

ACTING PRESIDENT BRESLIN: Senator Klein will be recorded in the affirmative.

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I'm going to vote yes on this bill.

I just wanted to point out that there must be some budgetary implications to the State of New York as a result of providing more people with benefits that they otherwise would not have had. I guess the original estimates were about a million-three for the first year and probably twice to three times that after the first year.

And, you know, while it's wonderful to do this, and I support the bill, you would think that this would be discussed at the budget time so that we could see how we're going to pay for it, especially in view of the Governor's -- excuse me, the Comptroller's recent remarks about a bigger deficit than we anticipated. Unless, of course, taxes from

Indian sales of cigarettes are going to pay this, we'd like to figure out how it's going to be paid for.

So hopefully in future years we'll do this around budget time so we can actually pay for these additional benefits.

Thank you.

ACTING PRESIDENT BRESLIN: Senator DeFrancisco will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 308, by Senator Hassell-Thompson, Senate Print 4018, an act to amend the Penal Law, in relation to assault.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BRESLIN: The bill is passed.

Excuse me, Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: This is on 308?

ACTING PRESIDENT BRESLIN: 308, that's correct, Senator DeFrancisco.

SENATOR DeFRANCISCO: I'm going to vote yes but state what I state every single time one of these bills comes up.

If we expand the number of people who, if assaulted, raises the crime from an assault third to an assault second, anymore I'm not sure that there's enough people left at this point in time, there's so many exceptions to the general rule.

And one of these days someone is

going to do this and, namely, make it an assault second no matter who the victim happens to be and let the judges decide what the appropriate sentence is.

But I vote aye. Thank you.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 309, by Member of the Assembly Scarborough, Assembly Print Number 3468, an act to amend the Civil Rights Law.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number

316, by Senator Foley, Senate Print 4024, an act to amend the Tax Law, in relation to extending the authority.

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

Read the last section.

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

ACTING PRESIDENT BRESLIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 325, by Member of the Assembly Peralta, Assembly Print Number 306 --

SENATOR KLEIN: Lay it aside for the day.

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

Senator Klein, that completes the

reading of the calendar.

SENATOR KLEIN: Mr. President, can you please recognize Senator Ruth Hassell-Thompson for a brief announcement.

ACTING PRESIDENT BRESLIN: Senator Hassell-Thompson.

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

I just would like to announce that immediately following session there will be an immediate meeting of the Senate Majority in Room 332.

Thank you.

ACTING PRESIDENT BRESLIN: There will be an immediate meeting of the Senate Majority in Room 332.

Senator Klein.

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

ACTING PRESIDENT BRESLIN: There is no further business at the desk. The desk is clear.

SENATOR KLEIN: There being none, I move we adjourn until Wednesday, May 27th,

at 11:00 a.m.

ACTING PRESIDENT BRESLIN: There being no further business to come before the Senate, on motion, the Senate stands adjourned until Wednesday, May 27th, at 11:00 a.m.

(Whereupon, at 4:57 p.m., the Senate adjourned.)