

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 June 4, 2009

11 12:33 p.m.

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13
14 REGULAR SESSION

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18 SENATOR NEIL D. BRESLIN, Acting President

19 ANGELO J. APONTE, Secretary

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

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

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

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

8 ACTING PRESIDENT BRESLIN: The
9 invocation will be by Father Peter Young, of
10 Mother Teresa Church in Albany.

11 REVEREND YOUNG: Many years ago,
12 we listened to a Disney song: "It's A Small
13 World." And today's visit by our President to
14 the Mideast states that same concept of a
15 needed global understanding.

16 Today we gather here in this
17 chamber with a need to bring together all of
18 our New Yorkers.

19 God, by Your love, You made a world
20 where we have become neighbors to each other
21 and we are enabled to love one another. Grant
22 that we too may use the Senate to strive
23 toward a way of life in keeping with Your
24 plan, O God.

1 Amen.

2 ACTING PRESIDENT BRESLIN: Thank
3 you, Father Young.

4 The reading of the Journal.

5 The Secretary will read.

6 THE SECRETARY: In Senate,
7 Wednesday, June 3, the Senate met pursuant to
8 adjournment. The Journal of Tuesday, June 2,
9 was read and approved. On motion, Senate
10 adjourned.

11 ACTING PRESIDENT BRESLIN:
12 Without objection, the Journal stands approved
13 as read.

14 Presentation of petitions.

15 Messages from the Assembly.

16 Messages from the Governor.

17 Reports of standing committees.

18 Reports of select committees.

19 Communications and reports from
20 state officers.

21 Motions and resolutions.

22 Senator Klein.

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

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

3 The Secretary will read.

4 THE SECRETARY: On page 31,
5 Senator Bonacic moves to discharge, from the
6 Committee on Investigations and Government
7 Operations, Assembly Bill Number 3988 and
8 substitute it for the identical Senate Bill
9 Number 4848, Third Reading Calendar 321.

10 On page 40, Senator Breslin moves
11 to discharge, from the Committee on
12 Investigations and Government Operations,
13 Assembly Bill Number 6372 and substitute it
14 for the identical Senate Bill Number 2793,
15 Third Reading Calendar 432.

16 On page 47, Senator Breslin moves
17 to discharge, from the Committee on Insurance,
18 Assembly Bill Number 6843 and substitute it
19 for the identical Senate Bill Number 3554,
20 Third Reading Calendar 508.

21 On page 48, Senator Squadron moves
22 to discharge, from the Committee on Housing,
23 Construction and Community Development,
24 Assembly Bill Number 620 and substitute it for

1 the identical Senate Bill Number 4403, Third
2 Reading Calendar 515.

3 On page 48, Senator Huntley moves
4 to discharge, from the Committee on Crime
5 Victims, Crime and Correction, Assembly Bill
6 Number 606A and substitute it for the
7 identical Senate Bill Number 2072A, Third
8 Reading Calendar 517.

9 On page 48, Senator Montgomery
10 moves to discharge, from the Committee on
11 Crime Victims, Crime and Correction, Assembly
12 Bill Number 3766 and substitute it for the
13 identical Senate Bill Number 4793, Third
14 Reading Calendar 521.

15 ACTING PRESIDENT BRESLIN:
16 Substitutions ordered.

17 Senator Klein.

18 SENATOR KLEIN: Mr. President, I
19 have some motions.

20 The first, on behalf of myself, on
21 page 45 I offer the following amendments to
22 Calendar Number 490, Senate Print 2484A, and
23 ask that said bill retain its place on Third
24 Reading Calendar.

1 ACTING PRESIDENT BRESLIN: So
2 ordered.

3 SENATOR KLEIN: Mr. President, on
4 behalf of Senator Parker, on page 30 I offer
5 the following amendments to Calendar Number
6 296, Senate Print 3715, and ask that said bill
7 retain its place on Third Reading Calendar.

8 ACTING PRESIDENT BRESLIN: So
9 ordered.

10 SENATOR KLEIN: On behalf of
11 Senator Breslin, on page number 23 I offer the
12 following amendments to Calendar Number 178,
13 Senate Print 3635A, and ask that said bill
14 retain its place on Third Reading Calendar.

15 ACTING PRESIDENT BRESLIN: So
16 ordered.

17 SENATOR KLEIN: Mr. President, I
18 now move that we adopt the Resolution Calendar
19 in its entirety.

20 ACTING PRESIDENT BRESLIN: All in
21 favor of adopting the Resolution Calendar in
22 its entirety please signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT BRESLIN:

1 Opposed, nay.

2 (No response.)

3 ACTING PRESIDENT BRESLIN: The
4 Resolution Calendar is adopted.

5 Senator Klein.

6 SENATOR KLEIN: Mr. President,
7 can we please move to a reading of the
8 calendar.

9 ACTING PRESIDENT BRESLIN: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 119, by Senator Klein, Senate Print 1866, an
13 act to amend the Vehicle and Traffic Law, in
14 relation to residential parking.

15 ACTING PRESIDENT BRESLIN: Read
16 the last section.

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

19 ACTING PRESIDENT BRESLIN: Call
20 the roll.

21 (The Secretary called the roll.)

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

24 Announce the results.

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT BRESLIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 325, by Member of the Assembly Peralta,
6 Assembly Print Number 306 --

7 SENATOR KLEIN: Lay the bill
8 aside for the day, please.

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

11 THE SECRETARY: Calendar Number
12 330, by Member of the Assembly Brodsky,
13 Assembly Print Number 5025, an act to amend
14 the Executive Law, in relation to consistency.

15 SENATOR KLEIN: Lay the bill
16 aside for the day.

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

19 THE SECRETARY: Calendar Number
20 370, by Senator Adams, Senate Print 3022, an
21 act to amend the Racing, Pari-Mutuel Wagering
22 and Breeding Law, in relation to authorizing.

23 SENATOR KLEIN: Could we lay the
24 bill aside for the day.

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

3 THE SECRETARY: Calendar Number
4 380, by Senator Savino, Senate Print 4223, an
5 act to amend the Executive Law, in relation to
6 designating.

7 ACTING PRESIDENT BRESLIN: Read
8 the last section.

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

11 ACTING PRESIDENT BRESLIN: Call
12 the roll.

13 (The Secretary called the roll.)

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

16 SENATOR MAZIARZ: Thank you very
17 much, Mr. President. To explain my vote.

18 I know today is getaway day and
19 everybody is in a hurry, and I would never lay
20 this bill aside. It just shows you, though,
21 what my social life in Albany was like, I
22 actually read this stuff yesterday, last
23 night.

24 And I don't know what August the

1 20th is. I couldn't figure out why it was
2 August the 20th. I'm hoping against all hope
3 that it's Senator Marchi's birthday or
4 something like that, August the 20th.

5 But there is a very serious error
6 in your bill memo, Senator Savino. It says:
7 "Staten Island is also home to the most famous
8 boat ride in the world." Now, had it said one
9 of the most famous boat rides in the world, it
10 would not be an error. But everyone knows
11 that the most famous boat ride in the world is
12 the "Maid of the Mist" in Niagara Falls.

13 So with that correction on the
14 record, Mr. President, I will be voting in the
15 affirmative. Thank you.

16 ACTING PRESIDENT BRESLIN: Then
17 you will voting in the negative?

18 (Laughter.)

19 ACTING PRESIDENT BRESLIN: You
20 will be recorded as voting in the affirmative.

21 Announce the results.

22 SENATOR MAZIARZ: Excuse me,
23 Mr. President, before you do that.

24 And I would certainly invite both

1 Senator Lanza and Senator Savino to Niagara
2 Falls to take a ride on the "Maid of the Mist"
3 so that then they will know where the most
4 famous boat ride is in the world.

5 Thank you, Mr. President.

6 (Laughter.)

7 ACTING PRESIDENT BRESLIN:

8 Senator Savino to counteract and explain her
9 vote.

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

12 And on behalf of Senator Lanza, we
13 accept your invitation to come and ride the
14 "Maid of the Mist." I in fact have ridden on
15 the "Maid of the Mist," and it is quite
16 beautiful. But we still think our ferry boat
17 is a little bit more famous.

18 However, we will agree to disagree
19 on that. Thank you.

20 ACTING PRESIDENT BRESLIN:

21 Announce the results.

22 THE SECRETARY: Ayes, 60. Nays,
23 0.

24 ACTING PRESIDENT BRESLIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 396, by Senator L. Krueger, Senate Print 4960,
4 an act to amend the Election Law --

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

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

9 THE SECRETARY: Calendar Number
10 402, by Senator Dilan, Senate Print 5174, an
11 act to amend the Vehicle and Traffic Law, in
12 relation to emergency rule.

13 ACTING PRESIDENT BRESLIN: Read
14 the last section.

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

17 ACTING PRESIDENT BRESLIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BRESLIN:
21 Announce the results.

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT BRESLIN: The
24 bill is passed.

1 THE SECRETARY: Calendar Number
2 403, by Senator Seward, Senate Print 2445, an
3 act to amend Chapter 443 of the Laws of 2007
4 amending the Tax Law.

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

7 Read the last section.

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

10 ACTING PRESIDENT BRESLIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BRESLIN:
14 Announce the results.

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT BRESLIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 404, by Senator Libous, Senate Print 2803, an
20 act to amend the Tax Law, in relation to
21 extending.

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

24 Read the last section.

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

3 ACTING PRESIDENT BRESLIN: Call
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BRESLIN:
7 Announce the results.

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT BRESLIN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 406, by Member of the Assembly Destito,
13 Assembly Print Number 1203 --

14 SENATOR KLEIN: Lay the bill
15 aside for the day.

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

18 THE SECRETARY: Calendar Number
19 407, by Member of the Assembly Rosenthal,
20 Assembly Print Number 4544, an act to amend
21 the Arts and Cultural Affairs Law, in relation
22 to participation.

23 ACTING PRESIDENT BRESLIN: Read
24 the last section.

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

3 ACTING PRESIDENT BRESLIN: Call
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BRESLIN:
7 Announce the results.

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT BRESLIN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 412, by Senator C. Johnson, Senate Print
13 4235A, an act to amend the Tax Law, in
14 relation to extending the authorization.

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

17 Read the last section.

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

20 ACTING PRESIDENT BRESLIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BRESLIN:
24 Announce the results.

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT BRESLIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 413, by Senator C. Johnson --

6 SENATOR KLEIN: Please lay the
7 bill aside for the day.

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

10 THE SECRETARY: Calendar Number
11 415, by the Senate Committee on Rules, Senate
12 Print Number 5476, an act to --

13 SENATOR KLEIN: Lay the bill
14 aside for the day.

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

17 THE SECRETARY: Calendar Number
18 417, by Member of the Assembly John, Assembly
19 Print Number 7736, an act to --

20 SENATOR KLEIN: Lay the bill
21 aside for the day.

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

24 THE SECRETARY: Calendar Number

1 418, by Senator Parker, Senate Print 3713, an
2 act to amend the Public Service Law, in
3 relation to powers of municipalities.

4 ACTING PRESIDENT BRESLIN: Read
5 the last section.

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

8 ACTING PRESIDENT BRESLIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BRESLIN:
12 Announce the results.

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT BRESLIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 419, by Member of the Assembly --

18 SENATOR KLEIN: Lay the bill
19 aside for the day.

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

22 THE SECRETARY: Calendar Number
23 431, by Member of the Assembly Abbate,
24 Assembly Print Number 2782, an act to amend

1 Chapter 929 of the Laws of 1986 amending the
2 Tax Law and others.

3 ACTING PRESIDENT BRESLIN: Read
4 the last section.

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

7 ACTING PRESIDENT BRESLIN: Call
8 the roll.

9 (The Secretary called the roll.)

10 SENATOR LIBOUS: Lay it aside.

11 ACTING PRESIDENT BRESLIN: The
12 bill is laid aside.

13 THE SECRETARY: Calendar Number
14 432, substituted earlier today by Member of
15 the Assembly McEneny, Assembly Print Number
16 6372, an act to amend the Tax Law, in relation
17 to imposition.

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

20 Read the last section.

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

23 ACTING PRESIDENT BRESLIN: Call
24 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BRESLIN:

3 Announce the results.

4 THE SECRETARY: Ayes, 60.

5 ACTING PRESIDENT BRESLIN: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 439, by Senator Duane --

9 SENATOR KLEIN: Lay the bill
10 aside for the day.

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

13 THE SECRETARY: Calendar Number
14 441, by Member of the Assembly Sweeney,
15 Assembly Print Number 7894, an act to amend
16 Chapter 613 of the Laws of 2007, relating to
17 creating the New York State Sea Level Rise
18 Task Force.

19 ACTING PRESIDENT BRESLIN: Read
20 the last section.

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

23 ACTING PRESIDENT BRESLIN: Call
24 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BRESLIN:

3 Announce the results.

4 THE SECRETARY: Ayes, 60.

5 ACTING PRESIDENT BRESLIN: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 443, by Member of the Assembly Bacalles,
9 Assembly Print Number 7864, an act authorizing
10 the Chemung County/City of Elmira Regional
11 Civil Service Commission.

12 ACTING PRESIDENT BRESLIN: Read
13 the last section.

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

16 ACTING PRESIDENT BRESLIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BRESLIN:

20 Announce the results.

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT BRESLIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number

1 444, by Senator Savino, Senate Print 3511, an
2 act to amend the Retirement and Social
3 Security Law, in relation to increasing.

4 ACTING PRESIDENT BRESLIN: Read
5 the last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect June 30, 2009.

8 ACTING PRESIDENT BRESLIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BRESLIN:
12 Announce the results.

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT BRESLIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 451, by Member of the Assembly Wright --

18 SENATOR KLEIN: Lay the bill
19 aside for the day.

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

22 THE SECRETARY: Calendar Number
23 477, by Member of the Assembly Schimel,
24 Assembly Print Number 1356A, an act in

1 relation to legalizing, validating, ratifying
2 and confirming actions of the Port Washington
3 Union Free School District.

4 ACTING PRESIDENT BRESLIN: Read
5 the last section.

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

8 ACTING PRESIDENT BRESLIN: Call
9 the roll.

10 Senator Klein.

11 SENATOR KLEIN: Mr. President,
12 just one more correction. Can we lay Calendar
13 Number 431, Senator Savino's bill, aside for
14 the day.

15 ACTING PRESIDENT BRESLIN: We'll
16 get to it in just a second.

17 The Secretary will call the roll on
18 Calendar Number 477.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BRESLIN:
21 Announce the results.

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT BRESLIN: The
24 bill is passed.

1 Calendar Number 431 will be laid
2 aside for the day.

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

5 SENATOR KLEIN: Mr. President,
6 does Senator Ruth Hassell-Thompson have an
7 announcement to make?

8 ACTING PRESIDENT BRESLIN:
9 Senator Hassell-Thompson.

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

12 Just to announce that immediately
13 following session there will be a Majority
14 conference in Room 332.

15 ACTING PRESIDENT BRESLIN: There
16 will be a meeting of the Majority Conference
17 in the Majority Conference Room immediately
18 following session today in Room 332.

19 Senator Klein.

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

22 ACTING PRESIDENT BRESLIN:
23 Senator Klein, the desk is clear.

24 SENATOR KLEIN: There being none,

1 I move that we adjourn until Monday, June 8th,
2 at 3:00 p.m., intervening days to be
3 legislative days.

4 ACTING PRESIDENT BRESLIN: There
5 being no further business to come before the
6 Senate, on motion, the Senate stands adjourned
7 until Monday, June 8th, at 3:00 p.m.,
8 intervening days being legislative days.

9 (Whereupon, at 12:49 p.m., the
10 Senate adjourned.)
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