NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 17, 2010

3:35 p.m.

REGULAR SESSION

SENATOR ANDREA STEWART-COUSINS, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT STEWART-COUSINS: The Senate will please come to order.

I ask everyone present to rise and recite with me the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT STEWART-COUSINS: In the absence of clergy, may we all bow our heads for a moment of silence.

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

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: Madam President, I would like to introduce the Honorable Joseph Teresi, from the Supreme Court of Albany County, who will be swearing in a new Senator today.

Judge Teresi.

JUDGE TERESI: I, Jose Peralta --

SENATOR PERALTA: I, Jose Peralta --

JUDGE TERESI: -- do solemnly

swear --

SENATOR PERALTA: -- do solemnly swear --

JUDGE TERESI: -- that I will support the Constitution of the United States --

SENATOR PERALTA: -- that I will support the Constitution of the United States --

JUDGE TERESI: -- and the Constitution of the State of New York --

SENATOR PERALTA: -- and the Constitution of the State of New York --

JUDGE TERESI: -- and will faithfully discharge --

SENATOR PERALTA: -- and will faithfully discharge --

JUDGE TERESI: -- the duties of --

SENATOR PERALTA: -- the duties of --

JUDGE TERESI: -- Senator of the State of New York --

SENATOR PERALTA: -- Senator of the State of New York --

JUDGE TERESI: -- Thirteenth District --

SENATOR PERALTA: -- Thirteenth District --

JUDGE TERESI: -- according to the best of my abilities --

SENATOR PERALTA: -- according to the best of my abilities --

JUDGE TERESI: -- so help me God.

SENATOR PERALTA: -- so help me God.

JUDGE TERESI: Congratulations, Senator.

SENATOR PERALTA: Thank you.

(Extended standing ovation.)

ACTING PRESIDENT STEWART-COUSINS: Congratulations, Senator Peralta.

Senator Peralta is joined on the Senate floor today by his wife, Evelyn; his son, Miles; his parents, Rosa and Jose; his brothers Edgar and Mayo; his sister-in-law Evelyn; his sister Cindy; and his cousin Leonore.

Again, we welcome you, Senator Peralta, and congratulations.

(Applause.)

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: Madam President, at this time can you please recognize Senator Sampson for an introduction.

ACTING PRESIDENT STEWART-COUSINS: Senator Sampson.

SENATOR SAMPSON: Thank you very much, Madam President.

At this time I want to congratulate our newest colleague, Senator Jose Peralta. But most of all, I want to congratulate your wife, Evelyn; your son, Miles; and truly, most of all, your parents, Jose and Rosa, because if not for them, you wouldn't be in the position you are today.

The Senator joins us in extremely difficult times in New York. New Yorkers are struggling not only to pay the bills, keep their jobs, but most of all feed their families. This is truly unacceptable.

Today, the Senate welcomes a new member who will help us find that common ground in bipartisan solutions to the crisis

we all face. And as myself and Senator Skelos understand, we love bipartisanship. Am I correct, Senator Skelos?

As a first-generation Dominican-American and the first ever elected to the State of New York Senate, Jose Peralta knows about struggle. He knows about the difficult choices that families are making on a day-to-day basis just to survive.

His parents came to this country in search of the American dream and a better life for their children, just like my parents came to America looking for a better way of life for their children. Now, Senator Peralta joins us to make it happen.

As a graduate of the New York City public schools system, but most of all the CUNY system, he understands what a quality education means. It means opportunity.

As a leading advocate for protecting the rights of new immigrants, Senator Peralta knows the importance of offering steppingstones to economic and social equality.

As a vocal supporter of tenants

rights, Senator Peralta knows quality and affordable housing is the foundation for good schools, safe streets, but most of all successful businesses.

Senator, I want to welcome you here to this chamber. It's so important, especially during this period of time, to let everyone know that decorum but, most of all, a sense of calm is here in the State Senate.

A lot of people have different names that they've tried to characterize us, but people need to understand that what we are fighting for is making sure people can pay their bills, put food on their table, give their children an opportunity that they didn't have, but most of all making sure healthcare is accessible for everyone.

Senator, for joining us in that fight. We will continue in that fight to make sure that everyone, the 19.5 million people here in the State of New York, are fully represented -- not by 32 Senators, but all 62 Senators in the State of New York, because we owe that to the people of the State of New York.

Congratulations.

(Applause.)

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: Madam President, can you please recognize Senator Skelos for an introduction.

ACTING PRESIDENT STEWART-COUSINS: Senator Skelos.

SENATOR SKELOS: Thank you very much, Madam President.

It's just like deja vu, referring to you as Madam President as we did a little less than a year ago.

And my first caveat to Senator Peralta -- and we do welcome you -- is when it comes to June, if Senator Espada starts going like this to you and smiling at you, be careful.

(Laughter.)

SENATOR SKELOS: Whenever we have a new Senator that is sworn in, it really is a great occasion for all of us, both Republicans and Democrats, because although we have -- we certainly have differences as we move through

the legislative process, there is a mutual respect that we have for each other within this chamber.

And certainly as we move through the balance of this legislative year, hopefully there will be bipartisanship, hopefully there will be transparency, hopefully there will be openness in the process.

I know, with all of us, I'm going to agree with Senator Sampson that there will be no tax increases or fee increases in this budget, there will be spending cuts, there will be economic development, there will be real property tax relief, and what we all agree upon, there will be no debt and no borrowing to get us by the situation we are in right now.

So, Senator Peralta, I look at you and I go back to 26 years ago when I was first sworn in, and I was holding my son, who was at that time six -- no, actually, he was less, he was three or four. And I look at you now with your family and your son, and reflect upon how fast time goes and how, you know, we see our

children grow, we see how we grow professionally, hopefully, within this body.

But it's always great to see a new young Senator with their family, with their children. And so I welcome you on behalf of our conference. I know that we will work cooperatively together. As I said, there will be differences of opinion. But I also want to say that, with Senator Sampson, I think the tone is changing here, I think you are seeing an attempt to have more bipartisanship.

And the bottom line is the end result, and hopefully we can get there in a direction that we all can live with in a positive way for the people of this state.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Tuesday, March 16, the Senate met pursuant to adjournment. The Journal of Monday, March 15, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT STEWART-COUSINS:

Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

SENATOR KLEIN: Madam President, are there any substitutions at the desk?

ACTING PRESIDENT STEWART-COUSINS: There are substitutions at the desk.

The Secretary will read.

THE SECRETARY: On page 10, Senator Thompson moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 4110A and substitute it for the identical Senate Bill Number 4950A, Third Reading Calendar 83.

On page 15, Senator Valesky moves to discharge, from the Committee on Finance, Assembly Bill Number 5873 and substitute it

for the identical Senate Bill Number 4284, Third Reading Calendar 203.

On page 15, Senator Morahan moves to discharge, from the Committee on Elections, Assembly Bill Number 3910A and substitute it for the identical Senate Bill Number 1535A, Third Reading Calendar 209.

On page 16, Senator C. Johnson moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 6484A and substitute it for the identical Senate Bill Number 6134A, Third Reading Calendar 214.

And on page 19, Senator Oppenheimer moves to discharge, from the Committee on Rules, Assembly Bill Number 10196 and substitute it for the identical Senate Bill Number 7054, Third Reading Calendar 260.

ACTING PRESIDENT STEWART-COUSINS: Substitutions ordered.

Senator Klein.

SENATOR KLEIN: Madam President, I believe there's a resolution at the desk by Senator Volker. I ask that the resolution be read in its entirety and move for its

immediate adoption.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein, has this resolution been deemed privileged and submitted by the office of the Temporary President?

SENATOR KLEIN: Yes, it has, Madam President.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: By Senator Volker, legislative resolution honoring St. Patrick and all persons of Irish descent upon the occasion of the 2010 celebration of St. Patrick's Day.

"WHEREAS, A native of Roman Britain, Patrick was the son of Calpornius, a civil servant and deacon; and

"WHEREAS, Tradition has it that at age 16 Patrick was captured, along with all the servants of his father's estate, by Irish marauders, then sold to a Druid chief and taken to what is now known as County Antrim, in the Province of Ulster, Ireland; and

"WHEREAS, During his six years of captivity, Patrick's occupation as a slave was

the tending of flocks of swine and sheep; and

"WHEREAS, While in Ireland, Patrick learned the Irish language and customs; and

"WHEREAS, During this period, Patrick experienced a religious awakening, with the Christian teachings of his family and pastors taking hold during his captivity; and

"WHEREAS, Driven by visions urging him to return to his native land, Patrick escaped his captors, undertaking a perilous journey in the process; and

"WHEREAS, Upon his return home, Patrick dedicated his life to religion, studying in France, where he was ordained a priest and later consecrated a bishop; and

"WHEREAS, It was Pope Celestine I who named him Patricius and sent him back to Ireland, where he tangled with the Druids over religious beliefs and where his efforts to convert the Irish to the Catholic faith were untiring, as seen today in the significant presence of God in Irish life; and

"WHEREAS, It was the example and fervor of Patrick's faith that inspired and rekindled the lamp of learning in Ireland

which shone throughout the British Isles and the rest of Europe, and which sustained the people of Ireland through famine, oppression and exile; and

"WHEREAS, As United States President John Fitzgerald Kennedy observed, Ireland has hemorrhaged herself to enrich the lifebloods of other nations around the world, where its sons and daughters have risen to prominent positions as pioneers, educators, military commanders, and government leaders, even ascending to the presidency of both France and the United States; and

"WHEREAS, It was his faith that earned Patrick not only sainthood but the everlasting love and respect of the Irish people; and

"WHEREAS, As we honor St. Patrick, whose life mirrored a deep and abiding example of the challenges of sainthood, we are mindful of the history of the Irish people and their struggle against oppression, religious intolerance, and political, social and economic barriers; now, therefore, be it

"RESOLVED, That this Legislative

Body pause in its deliberations to most joyously commemorate the life and good works of St. Patrick and to express its sincerest prayers and hopes that the 1998 peace agreement known as the Good Friday Accord will lead to a lasting reconciliation between the Christian populations of Northern Ireland and bring true peace and freedom for all the people of Northern Ireland; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to His Excellency Timothy M. Dolan, Archbishop of New York; Raymond W. Kelly, 248th Grand Marshal of the New York City St. Patrick's Day Parade; and John P. Dunleavy, chairman of the New York City St. Patrick's Day Parade, on the 17th of March, 2010."

ACTING PRESIDENT STEWART-COUSINS: Senator Volker.

SENATOR VOLKER: Thank you, Madam President.

As Senator Padavan just said to me, the tradition is that St. Patrick was actually a relative of Italian descent. And although that has been some subject of dispute, it is

probably correct that he was of Italian descent.

People ask me sometimes, because my name is Volker, whether I am of Irish descent. And the answer is I absolutely am. My great-grandfather on my father's side came from Alsace-Lorraine, Stuttgart. He was tired of being British one year and French the next. But on my grandfather's side on my mother's side, my grandfather came directly from Ireland, Martin O'Neill. And I have numerous relatives with Irish names.

And I've been at times the vice chairman of the American Irish Legislators. We've already had our St. Patrick's Day party, which was very, very successful. And a number of you were there, and we appreciate it very much.

I would like to wish everybody here a joyous St. Patrick's Day. And I would suggest that everybody here tip a glass of something to the Irish people and to St. Patrick.

And thank you for the opportunity to read a history of St. Patrick. And best of

luck, and happy St. Patrick's Day.

ACTING PRESIDENT STEWART-COUSINS: Thank you so much, Senator.

Are there any other Senators wishing to speak on the resolution?

Senator Volker has asked that we open the resolution for everyone in the chamber. Should you not wish to be on the resolution, please notify the desk.

Now, the question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Madam President, I believe there's a resolution at the desk by Senator Maziarz. I ask that the title of the resolution be read and move for its immediate adoption.

ACTING PRESIDENT STEWART-COUSINS:

Senator Klein, has this resolution been deemed privileged and submitted by the office of the Temporary President?

SENATOR KLEIN: Yes, it has, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you.

The Secretary will read.

THE SECRETARY: By Senator Maziarz, legislative resolution commemorating the 100th Anniversary of the Albion Future Farmers of America.

ACTING PRESIDENT STEWART-COUSINS: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

Just very briefly, I want to rise to invite all my colleagues to sign onto this resolution congratulating and memorializing the 100th anniversary of these young people at Albion High School who have for 100 years been one of the first Future Farmers of America chapters in the State of New York and interested in our leading industry, agriculture.

And they've done a great job over the past hundred years. And the students that are involved today do an excellent job about this very important industry in our state.

Thank you, Madam President.

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

Are there any other Senators wishing to speak on the resolution?

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

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The resolution is adopted.

And Senator Maziarz has already asked all of us, should we wish, to cosponsor, to be part of this resolution. Of course any Senator wishing not to be on the resolution should inform the desk.

While we are paused for a moment, I just wanted to take the privilege to recognize

some students from my district, the 35th District, who are from the Greenburgh Academy, joined by parents of some of the students and their advisor, Kurt Kennemeyer.

These students are here just to see what happens in the chambers. And also they are here at my invitation, because they went for a 10-day journey to South Africa, where they brought aid to AIDS orphans and fed people and understood how important they were to people all over the world. So these students are to be congratulated.

We have in our midst Kariel Paul, Martin Rosario, Ainello Prisco, Pihwa Ni, and Adrian Ceneno, all humanitarians at this very, very young age. Thank you so much for what you've done.

(Applause.)

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: Madam President, I believe there's a resolution at the desk by Senator Alesi. I ask that the title of the resolution be read and move for its immediate adoption.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein, has this resolution been deemed privileged and submitted by the office of the Temporary President?

SENATOR KLEIN: Yes, it has, Madam President.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: By Senator Alesi, Senate resolution memorializing Governor David A. Paterson to proclaim March 17, 2010, as Special Olympics New York Day in the State of New York, in recognition of the celebration of the 40th anniversary.

ACTING PRESIDENT STEWART-COUSINS: Senator Alesi.

SENATOR ALESI: Thank you, Madam President.

My colleagues, we universally acknowledge that March 17th is St. Patrick's Day. And all of us collectively, without regard to our own background, where we come from, know that the 17th is a special day.

As you know, the Assembly passed a resolution just a few days ago also asking the

Governor to recognize March 17th as another special day for some very special people, and those are the people involved in Special Olympics.

And so the resolution at hand asks the Governor to declare March 17th as acknowledging and remembering, memorializing March 17th as the 40th anniversary of the Special Olympics.

In the gallery we have some of those Special Olympians and the people that work with them, the people that through their noble pursuit, their volunteerism, the families, the staff, and of course the athletes themselves -- as you can see, some of them wearing their medals.

An inspiration to all of us. Because as we know, yesterday we passed another special resolution. And as they continue to pursue the things in their various endeavors in sports -- and I know I was talking with Kathryn today, and some of the other ones earlier, about what sports they are involved in -- that they are pursuing not only excellence, as we should all strive to, but

they do it in such a meaningful and friendly way. And an inspiration to all of us, things that we could learn from them and apply to our own everyday lives.

I welcome them. And as the resolution states, it does call on the Governor to make March 17th Special Olympics Day.

And in closing, I know I wanted to defer my time to Senator Libous, who for two years in a row was the state chairman of the New York State Special Olympics.

And I couldn't let the opportunity go by to once again welcome Senator Peralta to this esteemed chamber.

Thank you, Madam President. And good luck to all of the athletes. And thank you for your inspiration.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

(Applause.)

ACTING PRESIDENT STEWART-COUSINS: We really congratulate you for all that you do. In your efforts, you inspire us. Thank you.

Senator Libous, did you wish to speak?

SENATOR LIBOUS: Thank you, Madam President. I just want to rise, as I did yesterday, and again salute our special Olympians.

I was privileged, like a lot of our colleagues, to attend the 11 o'clock 40th anniversary today. And it was a show of the red shirts, as Neal Johnson has said, and our athletes that are there.

I want to say that every time I am around those folks who are involved in Special Olympics, I get an extra spring in my step. And today I learned that -- can anybody here dead lift about 450 pounds? Well, guess what. We have a Special Olympian who can. And that's a pretty remarkable feat for anybody.

So I again say happy 40th anniversary to Special Olympics. I look forward, as I know my colleagues do, to working with you, being with you, and handing out many of those great medals that you so deserve each time that you compete.

God bless you.

(Applause.)

ACTING PRESIDENT STEWART-COUSINS: Is there any other Senator wishing to speak on the resolution?

Senator Alesi.

SENATOR ALESI: Madam President, would you be kind enough to open sponsorship to all members?

ACTING PRESIDENT STEWART-COUSINS: Certainly, Senator Alesi.

SENATOR ALESI: Thank you.

ACTING PRESIDENT STEWART-COUSINS: The question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The resolution is adopted.

And, Senator Alesi, as you've heard, has indicated that he would like all of us to cosponsor the resolution. Of course, any Senator wishing not to be on the resolution should notify the desk.

Congratulations again.

(Applause.)

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: Madam President, at this time can we please move to a reading of the calendar.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 69, by Senator Klein, Senate Print --

SENATOR LIBOUS: Lay it aside, please.

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

THE SECRETARY: Calendar Number 86, by Senator Foley, Senate Print 5945A, an act to amend the Election Law, in relation to authorizing registration records.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 147, by Senator LaValle, Senate Print 3632B, concurrent resolution of the Senate and Assembly proposing an amendment to Section 26 of Article 6 of the Constitution.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed. The concurrent resolution is adopted.

THE SECRETARY: Calendar Number 232, by Senator Addabbo, Senate Print 6906, an act to amend the Election Law, in relation to write-in votes.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 233, by Senator Addabbo, Senate Print 6907, an act to amend the Election Law, in relation to poll-site marking utensils.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 234, by Senator Addabbo, Senate Print 6908, an act to amend the Election Law, in relation to write-in votes.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 237, by Senator Breslin, Senate Print 6769, an act to amend the Lien Law, in relation to lien filings.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 240, by Member of the Assembly Gottfried, Assembly Print Number 723, an act to amend the Public Health Law and the Insurance Law.

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

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

THE SECRETARY: Calendar Number 244, by Senator Stachowski, Senate Print 6816A, an act to amend the Alcoholic Beverage --

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

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

THE SECRETARY: Calendar Number 249, by Senator Huntley, Senate Print 3485, an

act to amend the Mental Hygiene Law, in relation to authorizing release.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number 250, by Senator Maziarz, Senate Print 1417A, an act to amend the Education Law, in relation to changing eligibility dates.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

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

ACTING PRESIDENT STEWART-COUSINS: The Secretary will ring the bell.

Members are all asked to come to the chamber for the controversial reading of the calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 69, by Senator Klein, Senate Print 706D, an act to amend the Tax Law.

ACTING PRESIDENT STEWART-COUSINS: Senator Padavan.

SENATOR PADAVAN: Thank you, Madam President.

I'm not going to ask Senator Klein to yield to a question or two, because I

know -- I think we all know what this bill does, and we all know the problem that we're dealing with.

I recently sent all of you a memo talking about the problems that we have in New York State as it relates to problem gambling. Parenthetically, let me advise all of you, if you didn't notice that memo, that March, nationally, is Gambling Awareness Month.

And in recognition of that fact, our State Commission of the Office of Substance Abuse proposed that we not advertise for one week during this month all of the various games of chance that are sponsored and promoted by the State of New York, and to use that money to make more people aware of the problems of compulsive gambling and problem gambling. And of course, as you might expect, she was totally ignored.

And what this bill does, it ignores the fact that in New York State we have over a million people -- and this is not my number, it's a number that comes as a result of a survey and a study sponsored by our state

agency and echoed by the Office of Compulsive Gambling, Commission on Compulsive Gambling -- over a million people who are problem or addicted compulsive gamblers.

The damage they do to themselves is significant. You can multiply that number by three in terms of those who are affected -- family members, businesses -- by virtue of the problems that manifest themselves vis-a-vis these individuals. Larceny, incarceration, social services, business failure, all the way down the list. And among them, suicides, as a result of getting addicted.

And who is the major culprit? The State of New York. Who has promoted, year after year, every year virtually I've been here, one more gambling venue after the other.

And when the VLTs were promoted, you know, they were with certain restrictions -- 16 hours a day, 2:00 a.m. curfew. That's eliminated by this bill. It now goes to 140 hours per week, which if you divide it by seven is roughly 20 hours a day -- actually, exactly 20 hours a day. So except for four hours in each 24-hour cycle,

these racinos will be going full-steam. Las Vegas of the East -- gambling all the time.

In addition, what the bill does, it puts in statute the replicative types of gambling that we find in casinos -- roulette, baccarat, poker, all in there by virtue of law. And that's what this bill would do. So you have virtual casinos. You have one in Yonkers, you have one upstate, and of course we know about the one proposed for Aqueduct.

And who will fall victim to these new opportunities? Well, all the studies, again, tell us they are middle-to-low-income people.

And the economists tell us time after time -- and it's very rare that economists will agree, but they all agree that unless you attract people great distances to your region or state, you don't make any money. They call it a zero-sum game.

As a matter of fact, there's an economist in one of the states, one of the universities, who says for every dollar gambled, you lose three because of the businesses that are impacted upon, the

individuals who are impacted upon, the costs that I mentioned earlier, and so on.

So here we are in the month of March, National Gambling Awareness month. And what are we doing? We're increasing gambling opportunities in the State of New York. What a travesty. At least you could have waited until April, Senator, you know, when we weren't in the middle of this month of awareness where our state commission is trying to do something positive, failed and being ignored, and all the other things that are going on.

Well, I think you got the point. I think it's about time we said no, we've got enough. And this bill certainly falls in the category of being more than enough.

ACTING PRESIDENT STEWART-COUSINS: Senator Saland.

SENATOR SALAND: Thank you, Madam President. On the bill.

This particular bill I believe is proposing to amend a section of the law which was buried in one of our budgets several years ago. And at the time there were a number of

restrictions imposed, the purpose of which was to deal with some of the many issues that Senator Padavan has just raised in his comments, comments which I certainly can substantially identify with and which account for the reason why I previously voted against this bill.

But I'd like to look at this in another context. In our lust for revenue -- and that's what this is about, our lust for revenue -- we are seeking to take this already dubious means of raising revenue and expanding upon it.

And for those people who are now discussing, whether it be in forums, in the media, in op-ed pieces, the so-called Ravitch proposal, what kind of signal are we sending when we can't even curb our voracious appetite in this minute corner of the state's revenue spectrum when given the opportunity, should that opportunity befall us, to have the Ravitch Commission proposal as part of our governance? It is really sort of bar the doors. God only knows what will happen once we have done that.

So if we can't police ourselves in this relatively minuscule area, why would anybody hold that hope that the Ravitch proposal will do anything that will enable us to police ourselves any better?

I will be voting in the negative. Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Senator Diaz.

SENATOR DIAZ: Thank you, Madam President.

Senator Saland just said that because of the fiscal situation that we are facing in the State of New York, we should not say no to gambling.

But, you know, gambling, gambling is a habit. Gambling is people get addicted to it. And I see -- I have seen people that have lost their homes, their families. I have seen people that have gambled the rice and beans of their children, because when they get used to gambling, they do -- people do all kinds of things that they don't think.

I understand, Madam President, that we have a very difficult fiscal situation with

the state and that we are supposed to come up with ideas to bring money.

Well, I have brought ideas. No gambling, good ideas. And Senator Saland and the Senator have not joined together with me.

For example, I have been telling this chamber that we could find $500 million if we forced the credit card companies to send the taxes straight to the state coffers and not back to the merchants. Easy. Let's force the credit card companies to send the taxes that are owed to the state straight to the state and not back to the merchants, and the state will save $500 million.

I have said let's purchase prescription drugs from Canada, and the state will save 40 percent on it, about $800 million.

So I have brought ideas -- not gambling. But we prefer gambling. We prefer gambling, where people could gamble their homes, their rice and beans, their children's clothes, their rings.

I cannot support gambling. I understand that the state is in a very

difficult situation, but gambling is out of the question for me. So therefore, I cannot support a bill like this.

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: Thank you, Madam President. On the bill.

You know, I certainly respect Senator Padavan's long-held belief in opposition to gambling. But on this legislation we're merely expanding and changing the hours in racinos around the State of New York, and we're now allowing what's known as electronic table games. They fit into the constitutional definition of what is a VLT, or a video lottery terminal. They're still games of chance, there's no skill involved. It's sort of like a scratch-off lottery in a video lottery terminal.

And the basic fact is we need revenue. And last year 38 percent of the people who gambled in Atlantic City were from New York State. So these are people who already choose, in their spare time, to gamble.

And the revenue that we generated, whether we like it or not, from the Division of Lottery is very, very large. Last year the State of New York derived 13 percent of their total education revenue from the Division of Lottery.

This legislation, by expanding the hours of play as well as expanding or allowing electronic table games, will generate anywhere from $150 million to $170 million a year in additional education revenue. So in other words, not money that just goes to various things, but earmarked specifically for education.

So I represent Yonkers Raceway. That money also goes specifically to help Yonkers public schools, because there was legislation that was written in the past that allows the host track or host racino to get extra revenue, extra money for the education system in their specific localities.

So I urge a yes vote. Especially during a time when we're heading into probably the most difficult budget season any of us will ever, ever see, we certainly need that

additional money for education in the State of New York.

I thank you, Madam President.

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

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

Hearing none, the debate is closed. The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 69 are Senators DeFrancisco, Diaz, Espada, Flanagan, Fuschillo, Hannon, O. Johnson, LaValle, Leibell, Marcellino, Padavan, Saland and Volker.

Absent from voting: Senators Duane, Golden and C. Kruger.

Ayes 43. Nays, 13.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Senator Klein, that completes the controversial reading of the calendar.

SENATOR KLEIN: Madam President, can you please recognize Senator Ruth Hassell-Thompson, please.

ACTING PRESIDENT STEWART-COUSINS: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

I rise to announce that immediately following session today there will be a meeting of the Majority in Room 332.

ACTING PRESIDENT STEWART-COUSINS: There will be a meeting of the Majority Conference immediately after session in Room 332.

Senator Klein.

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

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

SENATOR KLEIN: There being no further business, Madam President, I move that we adjourn until Thursday, March 18th, at 10:00 a.m.

ACTING PRESIDENT STEWART-COUSINS: There being no further business to come before the Senate, on motion, the Senate stands adjourned until Thursday, March 18th, at 10:00 a.m.

(Whereupon, at 4:32 p.m., the Senate adjourned.)