NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 4, 2010

3:57 p.m.

REGULAR SESSION

SENATOR DIANE SAVINO, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT SAVINO: The Senate will please rise and come to order.

I ask everyone present to recite with me the Pledge of Allegiance.

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

ACTING PRESIDENT SAVINO: Today's invocation will be provided by the Reverend Peter G. Young, of the Mother Teresa Community in Albany.

REVEREND YOUNG: Thank you, Senator. Let us pray.

As New York State legislators, we are very concerned about our youth. And we look to the splendid example of our Senate guests today of Siena College's basketball team to inspire academic and athletic excellence for our future leadership in New York State.

We call upon You, O God, to bless them and our Senate as we gather here in this chamber as members representing our constituents to provide leadership for our New York State citizens.

Let Your spirit enlighten our minds and guide our actions, that we may be united in love and bring fulfillment in the work of government for the greater honor and glory of God.

Amen.

ACTING PRESIDENT SAVINO: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Monday, May 3, the Senate met pursuant to adjournment. The Journal of Sunday, May 2, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT SAVINO: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Senator Klein.

SENATOR KLEIN: Madam President, I believe there's a report of the Judiciary Committee at the desk. I ask that it be read

at this time.

ACTING PRESIDENT SAVINO: There is a report of the Judiciary Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator Sampson reports, from the Committee on Judiciary, appointments for confirmation.

As judge of the Schenectady County Surrogate Court, the Honorable Vincent W. Versaci, of Schenectady.

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR KLEIN: Madam President, can we move the nomination.

ACTING PRESIDENT SAVINO: Are there any Senators wishing to be heard on the nomination?

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

I rise to second and move the nomination of Vincent W. Versaci, who currently is serving as a City Court judge in the City of Schenectady, one of the largest,

busiest calendars I think in the State of New York.

And let me just say that I've been very, very pleased to watch his demeanor on the bench. He's an outstanding judge.

One of the most significant things about Judge Versaci is the family that he comes from. His father, Romolo, who is with us in the gallery, is a graduate of Harvard and one of the most distinguished attorneys in the history of Schenectady.

But his son Vincent is a graduate of the University of Rochester and Albany Law School, and I believe in 2004 was elected as one of the outstanding young attorneys of the year in January 2004 by the Schenectady County Bar Association. He also, in my judgment, has served the city very, very well.

Now, Schenectady, as I mentioned, got a second City Court judge because it had one of the busiest calendars in the state, and he's moving on to the Surrogate Court. And we're very, very pleased with the Governor's nomination, and I rise to second his nomination.

ACTING PRESIDENT SAVINO: Are there any other Senators wishing to be heard on the nomination?

Seeing none, the question is on the nomination to confirm Vincent W. Versaci, of Schenectady, as judge of the Schenectady County Surrogate's Court. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The motion carries. The nomination is confirmed.

Judge Versaci is joined in the gallery today by his wife, Tina; his daughters, Caroline and Rosemarie; his son, Michael; his parents, Eileen and Romolo; and his in-laws, Roger and Phyllis Chericoni.

Congratulations.

(Applause.)

ACTING PRESIDENT SAVINO: The Secretary will continue to read.

THE SECRETARY: As judge of the Suffolk County Court, Mr. Richard Ambro, of

Wading River, New York.

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR KLEIN: Madam President, please move the nomination.

ACTING PRESIDENT SAVINO: Are there any Senators wishing to be heard on the nomination?

Senator LaValle.

SENATOR LaVALLE: Thank you, Madam President.

I've had an opportunity to get to know Richard Ambro. We've talked several times. It was a pleasure to move his nomination this morning in the Judiciary Committee.

And one of the things -- and I'll say it again here for everyone -- he has been the chief law clerk to Judge Hinrichs, Suffolk County. And Richard's demeanor, expertise, professionalism is well known within the court system in Suffolk County.

He has for I think eight years been with Judge Hinrichs, and in essence he has been a judge in training. And there is no

doubt he will work very hard and demonstrate to everyone that he has the proper temperament, and he talked about that in the Judiciary Committee.

So it is really a great pleasure to second Richard Ambro's nomination. And he is here today with his wife, Susan, and his sons, Matthew and Terrence.

So I am sure that we will confirm him, and it will be a great honor to see him stand before us for the first time as Judge Ambro.

ACTING PRESIDENT SAVINO: Senator Foley.

SENATOR FOLEY: Thank you, Madam President. I also rise to second the nomination of Richard Ambro to the county court system.

As Senator LaValle had mentioned, he has spent a number of years preparing for this particular position. He's highly thought of within the county court system.

And I'd also add to the comments made by Senator LaValle that similar to our other nominees, he comes from a family that

has served -- generations of Ambros have served Suffolk County very well through a variety of public positions. Be it his father, be it other members of his family, they have really been one of the stellar families of Suffolk County in giving of their time, talent and energy to the public. And today I think is a very fitting example of how the family continues to serve Suffolk County in this particular way as a county court judge.

So, Madam President, I strongly support this and wish him the best of luck in the years ahead. We know that he will be a very fine county judge. And it's a privilege for us to place him on that bench here today.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Madam President. I just want to join my colleagues' comments.

The Ambro family and the Flanagan family go back a long way. His father served in Huntington as the town supervisor, as a

congressman, and the family has a long-steeped tradition of public service.

And it's a pleasure to see him here with his family today. I had a chance to sit and chat with him and particularly with his sons, both of whom are avid lacrosse players, so they're good athletes. And good for all of us, not only his father is becoming a judge, but his older son is going to be a freshman at Oneonta playing lacrosse this coming fall.

So to the Ambro family, congratulations and welcome to Albany for a very special day.

Thank you.

ACTING PRESIDENT SAVINO: Are there any other Senators wishing to be heard on the nomination?

Seeing none, the question is on the motion to confirm the nomination of Richard Ambro, of Wading River, as a judge of the Suffolk County Court. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The motion carries. The nomination is confirmed.

Judge Ambro is joined in the gallery today by his wife, Susan, and his sons, Matthew and Terrence.

Congratulations.

(Applause.)

ACTING PRESIDENT SAVINO: The Secretary will continue to read.

THE SECRETARY: As judge of the Westchester County Court, the Honorable Barry E. Warhit, of Scarsdale, New York.

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR KLEIN: Madam President, please move the nomination.

ACTING PRESIDENT SAVINO: Does any other Senator wish to be heard on the nomination?

Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you, Madam President.

Well, Barry is a constituent of mine, and I know him more as a very

personable, outgoing, competent, friendly guy. But I can tell you that he has a distinguished record and that his intelligence and his thoughtfulness on the bench is well regarded by everyone in Westchester County.

He has been serving as an acting city, village and town justice in so many communities in Westchester that he is well known, well liked, and well revered for the quality of the work and the impartiality of the decisions that he has rendered.

So I want to join with my colleagues in supporting this nomination and thanking the Governor for it and welcoming Barry and his very wonderful family to Albany.

There you are. I couldn't find you.

ACTING PRESIDENT SAVINO: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Yes, thank you, Madam President. I also wanted to commend the Governor on this very, very fine appointment.

And as Senator Oppenheimer was saying, Barry Warhit is so visible and so much

a part of so many communities that you have served so well and so brilliantly.

So we are very, very happy for this appointment, wish you tremendous success and of course want to congratulate your wife Ellen as well.

And thank you for the service. I know you're my constituent at Sleepy Hollow, but you've served in other of my districts -- Ardsley and Tarrytown. So thank you again, and congratulations.

ACTING PRESIDENT SAVINO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President. Just to add my congratulations to the Governor for this appointment and to the candidate.

One of the things that makes this job wonderful is when you have partners in the judiciary that work with you and understand the law but have compassion within the limits of that law.

And so I am very pleased, along with my colleagues, to congratulate Barry Warhit on this appointment today and to

congratulate him and his wife Ellen and thank them not only for the term on the bench in the City of Mount Vernon but for all of the things that they do for the community at large, for which we're very grateful.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Are there any other Senators who wish to be heard on the nomination?

Seeing none, the question is on the motion to confirm the nomination of Barry E. Warhit, of Scarsdale, as a judge of the Westchester County Court. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The motion carries. The nomination is confirmed.

Judge Warhit is joined in the gallery today by his wife, Ellen.

Congratulations.

(Applause.)

ACTING PRESIDENT SAVINO: The

Secretary will continue to read.

THE SECRETARY: As judge of the Monroe County Court, Ms. Kelly C. Wolford, of Webster, New York.

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR KLEIN: Madam President, please move the nomination.

ACTING PRESIDENT SAVINO: Are there any Senators wishing to be heard?

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President.

Madam President and my colleagues, I rise with a great deal of pleasure to place in nomination the candidacy of Kelly Wolford to serve as a judge of the Monroe County Court.

As the ranking Republican on the Judiciary Committee, it was a pleasure to see the judges who came before the committee today from across the state, all of them very qualified in a variety of ways. But I was extremely impressed by the qualifications of Kelly Wolford, a career prosecutor, who has

extensive trial court experience and extensive appellate court experience.

She was raised in the Webster community, where she now lives with her husband, Jim, and their small children. She was a scholastic All-American swimmer, and she is ready to dive into this job with a great amount of experience and expertise.

It's a pleasure, Madam President, to second the nomination of Kelly Wolford to be judge of the Monroe County Court.

ACTING PRESIDENT SAVINO: Are there any other Senators wishing to be heard?

The question is on the motion to confirm the nomination of Kelly C. Wolford, of Webster, as a judge of the Monroe County Court. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The motion carries. The nomination is confirmed.

Judge Wolford is joined in the

gallery today by her husband, Jim; daughter, Christine; son, Thomas; mother, Christine; stepfather, John; father, Brian; stepmother, Karen; sister Michelle and her family; and sister Laura and her family.

Congratulations, Judge Wolford.

(Applause.)

ACTING PRESIDENT SAVINO: The Secretary will continue to read.

THE SECRETARY: As judge of the Oswego County Court, the Honorable David J. Roman, of Oswego, New York.

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR KLEIN: Madam President, move the nomination.

ACTING PRESIDENT SAVINO: Are there any Senators wishing to be heard?

Senator Aubertine.

SENATOR AUBERTINE: Thank you, Madam President. I rise today to thank the Governor for nominating Judge David Roman.

Judge Roman has had a long and distinguished career as the Oswego Family Court judge; in fact, he has been recognized

as one of the top Family Court judges in New York State.

And I am certain that the people of Oswego County will be well served by Judge Roman as the Oswego County Court judge. And I am proud to second the nomination of Judge Roman.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Are there any other Senators wishing to be heard on the nomination?

Seeing none, the question is on the motion to confirm the nomination of David J. Roman, of Oswego, as a judge of the Oswego County Court. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The motion carries. The nomination is confirmed.

Judge Roman is joined in the gallery today by his friend and former law parter, John Sullivan, Jr.

Congratulations.

(Applause.)

ACTING PRESIDENT SAVINO: The Secretary will continue to read.

THE SECRETARY: As a justice of the Supreme Court of the Tenth Judicial District, the Honorable Bernard J. Fried, of New York City, New York.

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR KLEIN: Madam President, please move the nomination.

ACTING PRESIDENT SAVINO: Are there any other Senators wishing to be heard on the nomination?

Seeing none, the question is on the nomination -- oh, excuse me. Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes. You know, I didn't intend to speak, but it would be wrong if someone didn't rise to second the nomination of this outstanding jurist and an individual who certainly is well qualified for this position.

And I want to say generally, to all

the nominees today, this was a very fine group of people with substantial experience. And having tried a few cases over the years myself, it's important for the bar to have judges that not only understand the law, the rules of evidence, but have also been in the trenches themselves.

So I want to stand and second the nomination of Judge Fried and really praise each of the nominees for their qualifications and thank the Governor for nominating each and every one of them.

Thank you.

ACTING PRESIDENT SAVINO: Are there any other Senators wishing to be heard?

Seeing none, the question is on the motion to confirm the nomination of Bernard J. Fried, of New York City, as an interim justice of the Supreme Court, Tenth Judicial District. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The motion carries. The nomination is confirmed.

Judge Fried is joined today in the gallery by his wife, Judge Nina Gershon, who is a judge of the United States District Court for the Eastern District of New York.

Congratulations.

(Applause.)

ACTING PRESIDENT SAVINO: The Secretary will continue to read.

THE SECRETARY: As a justice of the Supreme Court of the Ninth Judicial District, the Honorable Lawrence H. Ecker, of Irvington, New York.

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR KLEIN: Madam President, can we please move the nomination.

ACTING PRESIDENT SAVINO: Senator Leibell.

SENATOR LEIBELL: Thank you very much, Madam President.

I had the chace during Judiciary Committee to renew an old acquaintanceship and a friendship. Judge Ecker is from Westchester

County, and he's someone I knew many years ago as a young assistant district attorney.

And throughout the years, Judge Ecker has had an outstanding reputation as a jurist and as a member of the practicing bar of Westchester County. He is respected by prosecutors, defense counsels, everybody involved with our justice system in Westchester County.

So I'm very pleased to stand here today and to second this nomination.

ACTING PRESIDENT SAVINO: Are there any other Senators wishing to be heard?

Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Madam President. I also rise to second this outstanding nomination.

I heard my colleagues talking about people who have been in the trenches. Certainly that can aptly describe our newest Supreme Court justice. The Ecker name, the Ecker family, the involvement and the respect that Lawrence Ecker has garnered over the years serves all of us well and will continue to serve him well on the Supreme Court bench.

There is very little that I can add other than the accolades that I hear from everyone, which is that Larry Ecker is a very wise, honest man with integrity and the temperament that, again, will benefit everyone. I am so pleased that Westchester County is well represented today and my district is very well represented today.

Congratulations.

ACTING PRESIDENT SAVINO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

Again, I rise to second the nomination of Judge Ecker and also to add my voice to those who congratulate the Governor on such a phenomenal appointment.

He too has a long history of community service to the County of Westchester and beyond. And therefore I am very happy to be one of those who places his name in nomination for today's Judicial Supreme Court.

Congratulations to you, Judge.

ACTING PRESIDENT SAVINO: Senator Oppenheimer.

SENATOR OPPENHEIMER: It's a very good day for Westchester, isn't it?

And I also am very honored to be able to second this nomination. We are so blessed with some of our judges that are now moving up through the various courts. And this is a person of esteem and intellect and someone that is really revered in Westchester.

So it's a very good day for us in Westchester and for the State of New York to have people like Larry Ecker come forward and run. And we appreciate this nomination by the Governor.

Thank you.

ACTING PRESIDENT SAVINO: Are there any other Senators wishing to be heard on this nomination?

Seeing none, the question is on the motion to confirm the nomination of Lawrence H. Ecker, of Irvington, as an interim justice of the Supreme Court, Ninth Judicial District. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT SAVINO:

Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The motion carries. The nomination is confirmed.

Judge Ecker is in the gallery today, joined by his wife, Lynn; son, Andrew; daughter, Karen; and grandson, Joshua.

Congratulations.

(Applause.)

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR KLEIN: Madam President, I believe there's a report of the Finance Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT SAVINO: There is a report of the Finance Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator C. Kruger, from the Committee on Finance, reports the following nominations.

As a member of the New York State Energy Research and Development Authority, Mark A. Willis, of New York City.

As a member of the Administrative Review Board for Professional Medical Conduct, John A. D'Anna, of Staten Island.

As a member of the Correction Medical Review Board, Robert S. Kurtz, of Brooklyn.

As directors of the New York State Urban Development Corporation, Paul F. Ciminelli, of Amherst, and Joyce L. Miller, of New York City.

As a member of the Advisory Council on Alcoholism and Substance Abuse Services, Monroe Wesley Parrott, of Albany.

As a member of the Advisory Council to the Commission on Quality of Care and Advocacy for Persons with Disabilities, Milo Tomanovich, of Rochester.

As chair of the Minority Health Council and member of the Public Health Council, Carla Boutin-Foster, M.D., of Brooklyn.

As a member of the Minority Health Council, Lori Quigley, of Salamanca.

As a member of the State Camp Safety Advisory Council, Gordon W. Felt, of

Remsen.

As members of the Board of Visitors of the Buffalo Psychiatric Center, Carolyn A. Siegel, of West Falls, and Lisa Michaelsen, of Lockport.

As a member of the Board of Visitors of the Finger Lakes Developmental Disabilities Services Office, Anne Marie Ormiston, of Fairport.

As a member of the Board of Visitors of the Long Island Developmental Disabilities Services Office, Marisol Getchius, of Deer Park.

As a member of the Board of Visitors for the New York State Home for Veterans and Their Dependents at Montrose, Elva L. Girton, of Wappingers Falls.

As members of the Board of Visitors of the Rochester Psychiatric Center, Judith D. Watt, of Sodus Point, and Dorothy A. Wentland, of LeRoy.

And as a member of the Board of Visitors of the St. Lawrence Psychiatric Center, Barbara Briggs Ward, of Ogdensburg.

ACTING PRESIDENT SAVINO: Senator

Kruger.

SENATOR CARL KRUGER: Thank you, Madam President. Will you please move those nominations.

ACTING PRESIDENT SAVINO: Are there any Senators wishing to be heard on this motion to confirm the nominations?

Seeing none, the question is on the motion to confirm the nominations. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The motion carries. The nominations are confirmed.

Returning to the order of business, reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

SENATOR KLEIN: Madam President, on behalf of Senator Stachowski, I move that

the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Number 7626.

ACTING PRESIDENT SAVINO: So ordered.

Senator Klein.

SENATOR KLEIN: Madam President, I believe there are substitutions at the desk. I ask that we make the substitutions at this time.

ACTING PRESIDENT SAVINO: The Secretary will read.

THE SECRETARY: On page 16, Senator Fuschillo moves to discharge, from the Committee on Local Government, Assembly Bill Number 9010 and substitute it for the identical Senate Bill Number 5863B, Third Reading Calendar 311.

On page 24, Senator Huntley moves to discharge, from the Committee on Cities, Assembly Bill Number 10172B and substitute it for the identical Senate Bill Number 7344, Third Reading Calendar 428.

On page 24, Senator Sampson moves

to discharge, from the Committee on Judiciary, Assembly Bill Number 2876 and substitute it for the identical Senate Bill Number 4090, Third Reading Calendar 431.

On page 24, Senator L. Krueger moves to discharge, from the Committee on Judiciary, Assembly Bill Number 6011 and substitute it for the identical Senate Bill Number 4781, Third Reading Calendar 432.

On page 24, Senator Montgomery moves to discharge, from the Committee on Codes, Assembly Bill Number 8524 and substitute it for the identical Senate Bill Number 3868A, Third Reading Calendar 433.

On page 25, Senator Schneiderman moves to discharge, from the Committee on Codes, Assembly Bill Number 2874 and substitute it for the identical Senate Bill Number 7035, Third Reading Calendar 435.

On page 25, Senator Stavisky moves to discharge, from the Committee on Codes, Assembly Bill Number 10750 and substitute it for the identical Senate Bill Number 7541, Third Reading Calendar 436.

On page 25, Senator Duane moves to

discharge, from the Committee on Health, Assembly Bill Number 8498A and substitute it for the identical Senate Bill Number 3255A, Third Reading Calendar 437.

On page 25, Senator Duane moves to discharge, from the Committee on Health, Assembly Bill Number 10664 and substitute it for the identical Senate Bill Number 4999A, Third Reading Calendar 438.

On page 26, Senator Valesky moves to discharge, from the Committee on Finance, Assembly Bill Number 6020 and substitute it for the identical Senate Bill Number 6903, Third Reading Calendar 447.

On page 26, Senator Huntley moves to discharge, from the Committee on Finance, Assembly Bill Number 10260 and substitute it for the identical Senate Bill Number 7140, Third Reading Calendar 449.

On page 26, Senator Adams moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 8531A and substitute it for the identical Senate Bill Number 6058, Third Reading Calendar 451.

On page 27, Senator Valesky moves to discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number 7987B and substitute it for the identical Senate Bill Number 4303B, Third Reading Calendar 457.

And on page 27, Senator Parker moves to discharge, from the Committee on Children and Families, Assembly Bill Number 6812 and substitute it for the identical Senate Bill Number 2082, Third Reading Calendar 463.

ACTING PRESIDENT SAVINO: Substitutions ordered.

Senator Klein.

SENATOR KLEIN: Madam President, at this time I move we adopt the Resolution Calendar in its entirety, with the exception of Resolutions 5009 and 4977.

ACTING PRESIDENT SAVINO: All those in favor of adopting the Resolution Calendar in its entirety, with the exception of Senate Resolutions 5009 and 4977, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT SAVINO:

Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The Resolution Calendar is adopted.

Senator Klein.

SENATOR KLEIN: Madam President, at this time I move to take up Senate Resolution Number 5009, by Senator Breslin. I ask that the resolution be read in its entirety and move for its immediate adoption and give Senator Breslin the opportunity to speak on his resolution.

ACTING PRESIDENT SAVINO: The Secretary will read.

THE SECRETARY: By Senator Breslin, Senate Resolution 5009, congratulating the Siena College Men's Basketball Team and Coach Fran McCaffery upon the occasion of capturing the 2010 Metro Atlantic Athletic Conference Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play, and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, It is the sense of this Legislative Body to recognize and commend those athletes of the State of New York who combine in a team effort to achieve a common goal, thereby representing the great Empire State with exceptional dignity, determination, and honor; and

"WHEREAS, The Siena Saints immense basketball team are the 2010 Metro Atlantic Athletic Conference (MAAC) champions; and

"WHEREAS, On Monday, March 8, 2010, Siena entered the MAAC Tournament as the number-one seed and played at the Times Union Center Arena in Albany, New York, where it owns a 38-game winning streak. The Saints rallied from a 15-point deficit to win their third straight MAAC title by defeating Fairfield University 72-65 in overtime, advancing into the NCAA Tournament for the third consecutive season under Coach Fran McCaffery; and

"WHEREAS, Coach Fran McCaffery has been selected by the National Association of Basketball Coaches (NABC) as an All-District Coach representing District 1. Under his

leadership, Siena has become the only school in the nation to win its conference regular season and tournament championship each of the past three years; and

"WHEREAS, The Siena Men's Basketball Team is 112-51 in Coach Fran McCaffery's five years with the program, and his 67-21 (.761) MAAC mark ranks third all-time among winning percentage for league coaches; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Fran McCaffery and his dedicated assistants, skilled and inspirational tutors, respected for their ability to develop potential into excellence; and

"WHEREAS, The team's overall record of 27-7 is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, The hallmarks of the Siena College Men's Basketball Team, from the opening practice of the season to

participation in the NCAA Tournament, were a brotherhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none; and

"WHEREAS, Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school; and

"WHEREAS, Coach Fran McCaffery and his staff have done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coach Fran McCaffery and his outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition at Siena College; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Siena College Men's Basketball Team, its members -- O.D. Anosike,

Jonathan Breeden, Kyle Downey, Conner Fenlon, Alex Franklin, Kyle Griffin, Clarence Jackson, Davis Martens, Ronald Moore, Steven Priestley, Ryan Rossiter, Just-in'love Smith, Edwin Ubiles, Brandon Walters, and Owen Wignot -- Assistant Coaches Mitch Buonaguro, Andrew Francis and Adam Chaskin, and Head Coach Fran McCaffery on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Siena College Men's Basketball Team and to Coach Fran McCaffery."

ACTING PRESIDENT SAVINO: Senator Breslin.

SENATOR BRESLIN: Thank you, Madam President.

I stand -- it's getting to be a habit. Siena, small school, less than 4,000 students, located in Loudonville, New York. But that small school has produced three straight NCAA appearances in Division 1 basketball, three straight. This year they were 27 and 7. They are the only team in the country to have won not only their league

championship but their tournament at the end of the year three consecutive years.

And we have all of them up here. Two seniors are in the crowd, Alex Franklin and Ronald Moore, both All-Division players, All-League players, the two graduating seniors. There's ten upstairs who will be back next year. They've made it a habit.

And Fran McCaffery, their coach for the past five years, who's established the third highest winning percentage in the league, has moved on. But the transition has been seamless. Mitch Buonaguro, who's now the head coach -- for those members from Brooklyn, he's a Bishop Loughlin graduate. For those members who are Jesuit-educated, he's a Boston College graduate -- he will lead them on as they've been led before.

And he's joined upstairs by Adam Chaskin, the assistant coach; Dave Matturro, the director of operations; and the assistant athletic director, Jason Rich.

I am so pleased and privileged to have you come here. I expect this to be a yearly occurrence for at least the coming

10 years. You're all to be complimented because you go to such a fine institution that upholds an academic standard while at the same time provides basketball excellence to the Greater Capital District.

Thank you, and I commend you.

ACTING PRESIDENT SAVINO: Senator Farley.

SENATOR FARLEY: Thank you very much, Madam President.

Let me rise to pay tribute to the pride of the Capital District, that Siena team, which has been a champion year after year after year. And it's has been in our chamber being saluted, and we're so proud of them.

They are the absolute toast of the nation. One of the smallest schools in the entire tournament, I think a little over 3,000 students. But I'll tell you, they were the toast of the country. And really they're going to be better next year, with all of the members, many of the members returning. They've got a great new coach who is -- Fran McCaffery, who was their coach, has moved

on -- is confident that they're not only going to achieve even greater heights.

But I wish them well. We're very proud of them. As a professor at Albany, we always used to watch those Albany-Siena games, much to the chagrin of the Albany students and faculty. But Siena is a great school. We're very, very proud of them. I know that Senator Leibell's children have graduated from there.

And it's not only a great basketball school, it is an academic school of excellence. And I salute them and wish them well, particularly in the years ahead.

ACTING PRESIDENT SAVINO: Senator McDonald.

SENATOR McDONALD: Thank you, Madam President. I'd like to echo the comments of Senators Breslin and Farley.

Not only is it a great athletic school, it's the quality of the education and the quality of the men and women they produce there. They are not only leaders academically, athletically, but just in pure decency. It's a wonderful institution. I'm proud to be a part of the season ticket

holders. I've been there for almost 20 years. And I'm even prouder that they're part of the Greater Capital Region. They represent us well. They're great folks.

Thank you.

ACTING PRESIDENT SAVINO: Are there any other Senators wishing to be heard on the resolution?

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The resolution is adopted.

Senator Breslin has indicated that he would like to open up this resolution for cosponsorship by the entire house. Any Senator wishing to not be on the resolution please notify the desk.

Congratulations.

(Standing ovation.)

ACTING PRESIDENT SAVINO: Senator

Klein.

SENATOR KLEIN: Madam President, at this time I move to take up Senate Resolution Number 4977, by Senator Huntley. I ask that the resolution be read in its entirety and move for its immediate adoption and give Senator Huntley the opportunity to speak on her resolution.

ACTING PRESIDENT SAVINO: The Secretary will read.

THE SECRETARY: By Senator Huntley, Senate Resolution Number 4977, urging the New York State Congressional delegation to direct the Veterans Administration to build a full-service veterans hospital on the grounds of the St. Albans Veterans Facility, St. Albans, New York.

"WHEREAS, St. Albans Veterans Facility opened in 1943 as the St. Albans Naval Hospital; and

"WHEREAS, It was turned over to the United States Veterans Administration in 1974; currently, the VA is looking to modernize the St. Albans facility; and

"WHEREAS, St. Albans is not a

full-service hospital, and veterans from Queens and Nassau County who need the services of a full-service hospital must travel to the VA hospital in Brooklyn, New York; and

"WHEREAS, According to the 2000 Census, there are over 200,000 veterans in Queens and Nassau County that would benefit from having a full service hospital in close proximity; and

"WHEREAS, Veterans organizations in Queens, Nassau County, and the surrounding areas are united in the view that only veterans services should be conducted on the grounds of the Veterans Facility and that a full-service hospital, serving both male and female veterans, is necessary for this location; and

"WHEREAS, Local civic and community organizations adjacent to the VA facility fully support the veterans in their quest for a full-service hospital and agree that residential or commercial development on the site is not appropriate nor supportable by the local infrastructure; and

"WHEREAS, Veterans and residents

agree that the hospital should be built by the veterans administration and not be built under a contract with a private developer; now, therefore, be it

"RESOLVED, That the New York State Congressional delegation be and hereby is respectfully memorialized by this Legislative Body to direct the Veterans Administration to build a full-service hospital on the grounds of the St. Albans Veterans Facility, St. Albans, New York, and it be further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to each member of the Congressional delegation from the State of New York."

ACTING PRESIDENT SAVINO: Senator Huntley.

SENATOR HUNTLEY: Yes, Madam President. This resolution is something that's very important to the community that I represent and to the veterans that I represent.

And as you see, there are 200,000 veterans who must travel to Brooklyn for full service. We need that in St. Albans. I'm

asking the Congressional delegation to please support us in this. The community, the civic associations, they're all in favor of this. We don't need any type of buildings other than a hospital.

This country has many, many veterans who are underserved as we speak. And I don't think it's too much for a community to ask for a full-service hospital so that our veterans will get the kind of care that they should have been receiving for many years.

Thank you.

ACTING PRESIDENT SAVINO: Senator Padavan.

SENATOR PADAVAN: Thank you.

First, Senator Huntley, let me thank you very, very much for advancing this resolution.

And as you properly pointed out, Queens County, a borough of about 2 million people, has more veterans per capita than any county in the state. And also as you pointed out, when they are in need of medical care, they have to either go to Hamilton, in Brooklyn, or out to Long Island, to Stony

Brook. And that's unreasonable. Particularly when you view the facts that on the grounds is a nursing home.

And I was there when the ground was broken for that state-operated facility, and I was there in 1974, the date you mentioned in your resolution.

So I know full well the views of the American Legion, the VFW, the Catholic War Veterans, the Jewish War Veterans, all of whom have been speaking out for a long time about the need to establish a full-fledged facility on those grounds. The land is there, the property is there, the clients are there. The community wants it, the veterans need it, and there's no reason in the world why it should not be done.

So again, I thank you for advancing this resolution.

ACTING PRESIDENT SAVINO: Are there any other Senators wishing to be heard on the resolution?

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The resolution is adopted.

Senator Huntley has indicated that she would like to open up the resolution for cosponsorship by the entire house. Any Senator not wishing to be on the resolution please notify the desk.

Senator Klein.

SENATOR KLEIN: Madam President, I believe there's a resolution at the desk by Senator Serrano. I ask that the resolution be read in its entirety and move for its immediate adoption and give Senator Serrano the opportunity to speak on his resolution.

ACTING PRESIDENT SAVINO: 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 SAVINO: The

Secretary will read.

THE SECRETARY: By Senator Serrano, legislative resolution denouncing any policy of profiling in New York State and urging the federal government to denounce any similar state-sanctioned immigration policy, such as the law that recently passed in the State of Arizona.

"WHEREAS, America, a nation of immigrants, is the greatest nation of the world; and

"WHEREAS, New York is home to approximately 4.2 million immigrants, accounting for one in five residents in New York; and

"WHEREAS, Immigrants are essential to New York's economy by contributing approximately $229 billion in annual economic output; and

"WHEREAS, For more than a decade, our nation has pursued an enforcement-only approach to immigration -- an exercise in futility and cruelty which has squandered resources and created a climate of fear in immigrant communities, but has not brought us

any closer to a solution for the immigration problems facing our nation; and

"WHEREAS, The State of New York and the nation as a whole need and deserve comprehensive immigration reform which will stop current practices that result in divided families; and

"WHEREAS, The Legislature of Arizona and the Governor of Arizona recently signed into law Arizona's Senate Bill 1070, which requires law enforcement to question people about their immigration status and arrest individuals if they have a 'reasonable suspicion' that they are in the country illegally; and

"WHEREAS, Such a law, if passed in the State of New York, would institute a policy of profiling that would infringe upon the civil rights of individuals and families across the state, and would threaten basic notions of decency, justice, and fairness which are essential elements of the American way of life; and

"WHEREAS, President Obama has expressed concern over Arizona's law by

characterizing it as 'misguided'; and

"WHEREAS, The policy encouraged by Arizona's law is indicative of the need for comprehensive immigration reform, which can only be achieved by a partnership between state and federal governments; and

"WHEREAS, Studies have shown that comprehensive immigration reform with a clear path to citizenship can play a vital role in revitalizing both New York State's and the United States' struggling economy; and

"WHEREAS, Immigration reform transcends party lines and requires input from all elected officials without regard to political affiliation; now, therefore, be it

"RESOLVED, That this Legislative Body denounces any policy, such as the above-mentioned law recently passed in the State of Arizona, that can be described as anti-immigrant; and be it further

"RESOLVED, That this Legislative Body welcomes and encourages cooperation on all levels of government to work together to enact immigration policies and laws which are directly germane to the affairs, business,

rights, benefits and obligations of New York State and New Yorkers so as to strengthen the family immigration system, provide a clear path to citizenship, and revise current enforcement so that human and civil rights are safeguarded; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to President Barack Obama and all members of the New York State Congressional delegation."

ACTING PRESIDENT SAVINO: Senator Serrano.

SENATOR SERRANO: Thank you, Madam President.

I'd like to thank all of my colleagues for allowing me to bring this very important resolution here to the floor of the Senate. And I would also like to thank my cosponsor, Senator Jose Peralta, for his leadership on this resolution.

This resolution speaks to a very complex and disturbing issue that we have, unfortunately, here in the United States. We have a very broken immigration system, very much in need of immigration reform, one that

respects the fact that this nation was founded on the backs of immigrants, people who came here to love this country and to die for this country.

But in Arizona, we've seen in recent weeks a bill put forth that actually is a slap in the face to that immigration heritage and legacy that we have in this nation. It is a bill that encourages racial profiling, with terms such as "reasonable suspension," meaning that based on the color of a person's skin, possibly an accent, ways that they look, that they are subject and fair game to harassment by police and by questioning to produce papers, papers that would have to prove that they are here in this country legally.

This is the wrong approach, many believe -- and I agree -- to solving the broken immigration system that we have in our nation. This actually would have a chilling effect on relations between our immigrants, whether here legally or not, and law enforcement.

So often we hear about immigrants

who are the victims of fraud or crime, domestic violence, and they won't come forward. They won't come forward to law enforcement because their fear of maybe their own immigration status, or of a friend or a loved one, and they just don't want to open the door to that scrutiny. So a lot of crimes go unheard, and they go without any kind of justice.

We have 10 million undocumented immigrants in this nation, which shows that the immigration policies that we have now are not working. But this Arizona law actually serves to just polarize our nation even further on the issue of immigration. It will actually keep our immigrants further in the shadows and would feel less inclined to move forward on a path to immigration.

In East Harlem, where I represent, East Harlem and the South Bronx, we have a very strong and growing immigrant community. And in 2009 I formed a coalition called East Harlem Against Deportation, along with other elected officials in East Harlem, as well immigrant advocacy groups. And we looked at

the negative effect that unjust deportation and mistreatment of immigrants has had on this nation.

And our report cited information from a group called Jailed Without Justice, which cited a 2009 report by Amnesty International which said that more than 30,000 immigrants are detained each day in the United States. "They include asylum seekers, torture survivors, victims of human trafficking, long-time lawful permanent residents and parents of U.S. citizens."

This is the wrong approach. I believe that we should respect the immigrants who are coming here, who are seeking to build this nation, to keep this nation as the greatest nation on earth. And the way that we respect them is by giving them an immigration system that gives them a path to citizenship, that gives them a path to being here legally.

There are people dying every day to come to this nation. They are dying every day because they know that this nation is the greatest nation on earth and that it provides unique opportunities that they will not find

anywhere else in the world. We owe it to them, we owe it to the legacy of our parents and our grandparents and all the immigrants who started our families here in this great nation that we call home.

I ask my colleagues to support this resolution, but actually that we also continue to move forward in pressing our members of Congress and the U.S. Senate and our President and the federal government to institute real immigration changes, real immigration policy reform, policies that will deal with the fact that we have so many undocumented immigrants here who deserve the opportunity to have their path to citizenship.

With that, I will conclude. I will thank Senator Peralta once again -- we'll be hearing from him in a minute. And I thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Peralta.

SENATOR PERALTA: Thank you, Madam President.

I also want to take this opportunity to thank Senator Serrano and all

the colleagues, all my colleagues that have signed onto this resolution.

This resolution not only denounces Arizona Law 1070, which legalizes racial profiling and usurps federal immigration laws, but it also sends a very strong message. It sends that a message that we need a strong path towards citizenship, we need comprehensive immigration reform.

This law in Arizona is weak and ineffective, in a sense because of its legal standing and its moral standing. Legally, this law defies reasonable suspicion, ignores the role of the federal government in immigration enforcement, and creates a set of circumstances that will surely result in civil liberties claims against police departments throughout the state.

This resolution not only does that, or will do that; this resolution will call for real reform, reform that the President has acknowledged, reform that Congress has acknowledged. Morally, the effect that legalization of racial profiling will have in America will be devastating.

How can we as a nation denounce human rights violations around the world, send men and women to war in the name of spreading democracy, and pride ourselves on electing the first African-American president -- and then turn around and support a law that victimizes our fellow citizens?

If Americans were similarly stopped and detained for being American or just simply looking American anywhere else in the world, we would denounce it immediately and forcefully. And yet in our country elected officials have decided to criminalize the color of someone's skin, the features on a person's face, or the accents that they carry from their culture.

Less than 50 years ago, the great Martin Luther King, Jr., dreamed of a country where his children would not be judged by the color of their skin but by the content of their character. This Arizona law is a slap in the face of Martin Luther King, Jr.'s dream. It is a slap in the face to the United States Constitution. It is a slap in the face to every American that believes that we are

all created equal.

This law is most likely to be legally challenged based on the standard of reasonable suspicion that it uses and based on the fact that only the federal government has the authority to regulate immigration reform.

This law will not only have a negative economic impact on Arizona, but it also force local law enforcement agents -- as my colleague has pointed out, it would also force local law enforcement agents to perform duties that not only do they have little training on, but it will also create a larger gap between police officers and the people they are sworn to protect. Because no one will end up trusting police officers after this law is implemented.

That's what this resolution is all about. This is not about protecting those that are here unlawfully, this is about denouncing racial profiling and protecting civil rights and civil liberties. That's what this country was based on. That's what this country became so great on, the fact that we have a Constitution, the fact that we have

liberties and rights that we have defended for so many centuries.

And let me just say this. As a Latino legislator, if I travel to Arizona and if I happen to walk down the streets and a police officer stops me and asks me for my identification, if I happen for that particular day not to carry my identification on me, well, guess what? I most likely will be arrested.

That is unacceptable. That is something that we are denouncing today. That's why we're introducing this resolution.

And I ask all my colleagues to come on board and join us in denouncing the legitimizing of this racial profiling that this law has created in Arizona. There have been many, many cases across the land where federal judges have struck down ordinances and state laws simply because they did not meet the requirements that were necessary, because there were issues with the supremacy clause of the Constitution, because the federal government is the only government that has the right to regulate immigration reform.

So once we have a state trying to dictate to the federal government what type of immigration reform laws they should pass, we're heading down a slippery slope.

Now, yes, it is true that we need the federal government to step up to the plate, that we need President Obama to step up to the plate. But we also need to ensure that it's the federal government that takes this up, that it's the federal government that takes the lead here.

Because with all the issues that Arizona is facing currently -- they're currently facing a $3 billion deficit -- this will hurt them economically as well. This, because of the boycotts and because of what will happen in terms of the cost of detaining all the potential unlawful individuals in Arizona, it will break the treasuries.

Many police officers and agencies in Arizona and outside are saying the same thing: Why would they implement this state law? It makes no sense. Let the federal government deal with it. That's what we're asking. We're asking for you to denounce and

to join us in denouncing this law and join us in pushing, in urging for a comprehensive immigration reform on a national level.

Thank you.

ACTING PRESIDENT SAVINO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I rise in support of this resolution. I truly hope that everyone here will support it and join, I think, the overwhelming majority of reasonable Americans, including most of those involved in law enforcement, in rejecting this approach to immigration law and really rejecting this as an anti-American piece of legislation that Arizona has come up with.

This, from a strictly law enforcement point of view, is a catastrophe. You've got a state where more than 40 percent of the population is African-American, Latino or Native American. Anyone is subject to a stop at any time. And the notion that this is not going to have an effect, when witnesses to crimes will be fleeing from the police or

avoiding the police or victims of crimes will refuse to report them -- this is just a law enforcement catastrophe waiting to happen. And that's the reason the Arizona Association of Chiefs of Police has come out in opposition to this bill.

So let's not support and let's not tolerate legislation that essentially criminalizes the way you look.

This is also a bill that criminalizes the solicitation of work, even though that's been held to be protected under the First Amendment. And listen to what is prohibited here, what a cop can pick you up for in Arizona under this bill: Any verbal or nonverbal communication by a gesture or nod that would indicate to a reasonable person that someone is willing to be employed.

Well, if we're going to start criminalizing that, I think we're headed in the wrong direction.

This is fundamentally, to me, anti-American. I commend Senators Serrano and Peralta for bringing this resolution forward. I think that we should join with all of the

other groups across the country that have taken a stand in opposition to this bill.

I'm pleased with the fact that in New York State we're moving in the right direction, that the Governor has announced the establishment of a panel to deal with commutation of sentences for folks who are facing deportation based on very old or very minor crimes.

The solution to America's immigration problem is a comprehensive federal solution. Let's work on that. Let's urge our leaders in Washington to work on that. But let's reject the Arizona policy right now and make it clear that here in New York State we stand for the basic American principles of equal justice under law.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

I rise to lend my support to that of my two colleagues, Senators Serrano and Peralta, on this resolution on the

denouncement of the Arizona immigration enforcement law.

Just very briefly, if we study history, we will understand that the rise in apartheid began in just this manner, that by limiting the freedom and the movement of a people, you are violating your own internal constitution.

We continue to say to the world at large, lend us your tired, your poor. And yet we do everything that we can to obstruct their ability to become a part of this tremendous country that we call the United States of America.

I think that we must support this resolution, because I've already seen here in our own city of New York where there's unreasonable searches and seizures that happen every day to African-Americans and Latinos. This is not an accident. It is a deliberate act. And therefore, I am part of any group that will denounce the inability of people to move freely throughout the United States.

When I've gone to other countries, I make sure that I always keep my passport

present because I know that that's their policy. Anyone who feels that in the United States that you have to do that, there's something very wrong with that situation.

So, Madam President, I rise and hope to encourage all of my colleagues in this house to support this resolution in its fullest intent.

Thank you, ma'am.

ACTING PRESIDENT SAVINO: Senator L. Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President.

I too rise simply to state as a legislator in the State of New York, as someone who respects our rights as people here in our state to live free, to travel free, to not be frightened to be stopped by the police without justification, that it is so critical that everyone in this country speak out against what Arizona has done.

As my colleague Senator Hassell-Thompson just said, this is a frightening precedent. Perhaps it wouldn't go down the road the wrong way. But there are so

many precedents in so many countries, and throughout history, of laws being passed under one explanation that led to very, very dangerous activities by law enforcement.

Time and time again we've seen this in history and in the international playing field. Even today, we see this going on around the world. And in the United States of America, we have to all stand up and say no, not here, not in this country. I'm very pleased to be cosponsoring this resolution.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. I rise to compliment my colleagues for introducing this resolution.

And I just want to just reflect for a minute on how the country actually came into being. And of course we are all representative of different parts of the world that have come together here in America -- slaves from Africa, and how the Africans were so much a part of the building of this nation, and the immigrants from Europe who were so

much a part of the building of the nation and the creating of our Constitution and our government, and the people from South America and Mexico and how really this has always been or at least in the past, before we became race-neutral, we had a very vibrant mosaic of peoples from around the world. All of us represent part of that. And I am very happy and proud to be part of that.

So it is a sad day when we have one of our states declare essentially their own internal war on a part of our nation, a group of immigrants. And in particular, as it relates to Arizona, it would most likely be for, the most part, Mexican immigrants.

But all of the people in Arizona will be subject to this law, and anyone visiting Arizona would be subject to it. So that if I visited Arizona and I had my son with me, and God forbid I would not have appropriate identification, I may end up in an Arizona jail.

So this really is the wrong message, I think, for us to be sending to our fellow citizens. Especially it's the wrong

image, recognizing that we all represent another part of the world. And if we deny that, we are going to deny ourselves access to the tremendous amount of resourcefulness that people bring with them when they come here from other parts of the world.

So I hope that our federal government, our Congress, our President can figure out what to do about creating an immigration policy. But at the same time I hope that we don't turn on our most important heritage, or at least one of our most important heritages, and that is the fact that we represent every part of the world. And that's what we want to enjoy, appreciate, and above all celebrate.

So I am happy that we're doing this resolution, and we should keep the pressure on Congress to make sure they join us in doing something about immigration, but this is not what we want done.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Perkins.

SENATOR PERKINS: Thank you very

much, Madam President.

I just want to be brief, first, in identifying myself with the resolution and how important it is for us to be standing up in opposition to what is taking place in Arizona.

It is a blight, if you will, on the wonderfulness of this democracy that such a statement has been made. And I think it's the wrong message, not only to send to fellow citizens of this nation but also to the world, that -- you know, that Statue of Liberty that's down near your neighborhood, Senator Savino, that is a very, very important -- that's the message that should be brought down to Arkansas. And that is -- I mean, I'm sorry, Arizona. Did I say Arkansas? Both places, it wouldn't hurt.

(Laughter.)

SENATOR PERKINS: In any case, but that's the message. And, you know, what we're doing here today I think is important. And I think that, you know, what is going on down there is inflammatory. It may create many more problems than was intended. And so I think the more voices that are heard in

opposition to it, the better this country and even the world, for that matter, is.

So thank you so much for the sponsors. And hopefully this message will translate to the leadership of this country and make a difference.

Thank you.

ACTING PRESIDENT SAVINO: Senator Smith.

SENATOR SMITH: Yes, thank you very much, Madam President.

Let me thank Senator Serrano and Senator Peralta for their commitment and leadership to an issue that, when you think about it in terms of your heart, it is just the right thing to do.

It's actually unconscionable. If you saw the President's statements of late, he felt that this is one of the most ill-conceived pieces of legislation that one governor could sign.

And it takes not only leadership, as Senator Peralta and Senator Serrano have demonstrated, but conviction. It would be very easy for either one of them to simply

write a letter or to simply make a phone call and lodge their complaint or concern to the Governor or to the President. But they have taken it a step further. They have not only put this resolution on the floor, they have put themselves in front of cameras and media alike, which means that they demonstrating their courage because there are others who feel the opposite.

There are some people who will say, Why are they doing this? So they are actually putting their lives and their personal family at risk. And that takes a lot. It's one thing to be a politician, to stand up and argue for a cause; it's another thing to put your personal selfishness aside and say, I'm doing this because it's the right thing to do.

So I stand on this floor today to thank both of them for demonstrating the leadership that many of us should try to emulate.

And again, I stand here supporting this resolution and encouraging the President to move forward on a national immigration policy that needs to happen.

Thank you.

ACTING PRESIDENT SAVINO: Senator Parker.

SENATOR PARKER: Thank you, Madam President. On the resolution.

I first want to also add my voice to whose who are thanking Senator Serrano and Senator Peralta on advancing this important resolution.

As the chair of the Democratic Task Force on New Americans, I in my tenure the last eight years have been dealing with issues of new Americans and of immigration here in the state.

And this is really -- what they've done in Arizona is really both appalling and shocking. This is a country of immigrants. This country owes much of its success to immigrants.

I represent a district in Flatbush, East Flatbush, Midwood, Ditmas Park, Kensington and Boro Park that has a very diverse population. It's 57 percent black, most of which are Caribbean immigrants. I represent the largest concentration of

Haitians outside of Haiti in the world. It has many Caribbean nations, including Panama -- I represent the place where more Panamanians live than, again, anyplace else in the world. It's 23 percent white, most of which are Orthodox Jews, many of which, again, are immigrants from Eastern Europe. It's 10 percent Latino, 5 percent Asian, including the largest Pakistani community outside of Pakistan.

And I want to say that I love my district because it looks like Brooklyn, it looks like New York, it looks like America. And that kind of diversity is not just what makes Brooklyn or New York State or New York City great, but it's what really makes America great.

And where would we be as a nation if it weren't for, you know, Chinese immigrants who helped build the railroads? Where would we be if it wasn't for the Pilgrims, who were immigrants themselves, who came here and began the founding of this nation? Where would we be without so many groups that have come here?

You know, we talked earlier today about the Verrazano Narrows Bridge. You know, Verrazano was an immigrant. And so where would we be from Italian immigrants? And Brooklyn has one of the largest populations of Irish immigrants in the entire world. And so where would we be without all these groups?

I think to develop policies in which we are racially profiling people -- and I get that we're in hard times, and scarcity and economic scarcity is really important for people right now, and where terrorism is a real critical part. I get all of those things. But I really think that this is the wrong message that we should be sending.

I want to commend the President for his comments but also want to encourage him in action and encourage him and the members of Congress to put forward a comprehensive immigration reform package now. Now is the time. And clearly, with the things that we're seeing in Arizona and throughout the country, that it's really past time that we start seriously dealing with immigration.

This is, I think, an ill-conceived

policy. Even the law enforcement people are against it. I think that this is going to be -- you know, it's going to spread our resources in a way where we're not going to get the things that I think that that state expects to get out of it. And certainly it provides a poor model for how we should go forward.

And so I'm in favor of this resolution and really want to commit myself to continuing the fight to make sure that we actually make America and New York State a more immigrant-friendly community.

Thank you.

ACTING PRESIDENT SAVINO: Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President.

You know, I read this resolution, and I happened to have read the Senate bill in Arizona. I read both. And I thought a lot of the rhetoric in discussing this resolution was mischaracterized, was not factually true, and was a chorus of political pandering at its worst.

And this is what I do know. Number one, in the State of Arizona there are 460,000 illegals that crossed that border. It costs the taxpayers in Arizona $2 billion a year to fund education for the illegal aliens. When I read the legislation of Arizona, it talks of illegal aliens. That's the only thing it talks about.

It welcomes legal aliens. It welcomes immigrants who come to Arizona and come to America and contribute and make this country a better country because of their presence.

What is a little disturbing to me is remarks like "a slap in the face to America," "anti-immigration." It's not anti-immigration. It's anti-illegal immigration. That's our law. That's the law here in New York.

And I agree with all of you who have gotten up and said we need the federal government to step up and put forward a national immigration policy. And it's a travesty of justice that we have waited so long for the federal government to do this.

So I ask you, how do the residents of Arizona or any other state near the borders protect themselves? When you have gangs oncoming over, terrorizing residents that live there, what are -- and raising the expenses on the state budget for illegal activity, what does that have to do with the validity of immigration? And all of the rhetoric was more to it's an attack on immigration. So I honestly think it's misguided.

And I join you in asking the federal government to do more. But what are the people of that state supposed to do? They're asking that the federal government come in and enforce the federal law, which is not being done.

So 70 percent of the population stands up and says, We've got to do -- this is a defense mechanism, we've got to protect ourselves. I don't think they are people that are intent on racial profiling. If they were, that would be wrong. Of course it would be wrong.

But we have these laws in New York, if there's reasonable suspicion and probable

cause, that a police officer can stop someone and ask questions, whether you're here legally or not. And they do.

So what I particularly find offensive is by calling this anti-immigration. It is certainly not. And when you read the statute, when it talks about businesses in Arizona that hire illegal immigrants, they want to send them back. Which is the federal law.

And just as a point of information, those Hispanics that are in Arizona that are there legally, they don't like illegal Hispanics coming to Arizona. They're not anti-Hispanic, but they believe that they went through a system, a process, to conform to what the law is. And why should illegals come in and take work away when they're there to work?

So there's more to this than meets the eye with all of the rhetoric.

And I also question why do we stick our nose in other states and their problems when they could be passing these resolutions condemning us for not having a timely budget?

Or the amount of criminal convictions we have of elected officials in the last five years, and they can stick their nose in our business.

We shouldn't be in their business, because we've got a lot of business to take care of here. And we're not doing it. And our time could be spent more effectively addressing the problems that we have in the State of New York.

And all of those that have spoken, I wish they would have read the statute in Arizona before they spoke. And there's not one mention, not one mention in this resolution of that statute. But there is mention of anti-immigration. I wasn't going to speak, but -- and I could have agreed with this whole resolution except that anti-immigration remark. And then when I heard the chorus of political pandering that just simply was not true, I just thought there should be a balance.

So for that reason, I'm not going to support this resolution.

And the second reason is I again want to say it, for the last time, I agree

with all of my colleagues on the other side of the aisle that the federal government should step up, sooner rather than later, and do a federal immigration policy. Because we wouldn't be having these problems like this in Arizona or any other state near that border. We need help from the federal government, and they're all tiptoeing. They don't want to get into it now, they're waiting for the November elections. But every day they delay creates these collateral-damage problems.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Diaz.

SENATOR DIAZ: Thank you, Madam President. I'm a Puerto Rican with broken English, kinky hair, black skin. And, you know, honestly, honestly, I don't like what's happening in Arizona. And I join my colleagues supporting the resolution.

But -- there's always a "but" in my life -- but there should be a resolution introduced in this chamber not condemning Arizona, condemning the federal government, the Congress and the President. That's what

the resolution should be. Because they ran a campaign promising that they would solve this problem if they get elected. They got elected, and the problem is getting worse and worse.

And now, how nice it is to focus on Arizona and put all the attention on Arizona and let the federal government off the hook. Let Congress, all the Congressman, the Senators, the President, let them off the hook. Let's blame Arizona. Let's go after Arizona.

I'm not saying that it's right what they did. It's wrong. So don't confuse me now. It is wrong what Arizona did, and I join in the resolution. But let the resolution be on the Congress, on the President. You promised, they promised, they said, Vote for me, and we will take care of this. And they have not done anything.

They're forcing Arizona -- in a way, in a way -- let me see if I can say this right -- in a way, I'm glad this is happening. Why? It is wrong what they're doing. But in a way, I'm glad it's happening. Because it's

going to force the President and the federal government and the Congress to do what they promised. You know what's going to happen in other states? Other states are going to do the same thing, the same thing.

And the buck stops not in Arizona. You promise something, go ahead and do it. They said, Elect us, because Bush and the Republicans are the bad guys. But Bush did more for immigrants than all what we're doing. Bush did more than what we have done for the immigration reform.

Where is the beef?

(Laughter.)

SENATOR DIAZ: Where is the beef? I'm angry, yes, I'm angry. Because I -- I -- I -- when Bush was in power and Bush was the bad guy, I coordinated a demonstration across the Brooklyn Bridge, about 40,000 people crossing the Brooklyn Bridge, and I coordinated a demonstration in favor of the immigration reform because Bush was the bad guy, so we did it.

And when we got, when the Democrats -- we, my party, my party, got

elected, I say, oh, but no more demonstration. No more, nothing else. It's over, finito. Guess what? Arizona is here. And now we are saying Arizona, Arizona, Arizona.

But I'm not saying Arizona, I'm -- what they did is wrong. I condemn what they did, what they're doing. It's wrong, it's bad. But that's not the point here. The point is that they've been forced to do what they have done because the promise that was given to us has not been fulfilled.

And by the way, do you know how many times in a day I got stopped and had to show my identification? Even here in this building. When I don't have my -- show me -- asking for identification, this is an everyday thing. Everywhere.

So I'm supporting the resolution. But I would love to see a resolution condemning not only Arizona, the Congress, the United States Congress of America, and the President of America that promised. So don't play these games, and don't play with emotion trying to switch the attention to Arizona. We don't have to go to Arizona, to lock ourselves

in chains in Arizona. We should go to the Congress, to Washington, and lock ourselves there in Washington. That's what we should do.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Duane.

SENATOR DUANE: Thank you, Madam President.

I would first like to thank Senators Peralta and Serrano for introducing this resolution. And I would further like to associate myself with their remarks.

I feel very strongly that the action that was taken in Arizona is un-American. And if you look at the most recent history of the attempts at immigration reform, seriously, in a bipartisan way, there have been lions who have tried to do immigration reform. And perhaps the greatest loss to our country on that issue was Senator Kennedy.

And I also went back and looked at some of the things that Senator McCain had said on the issue. And I'm not going to go

into what's happening now in the state that he represents in great detail, but it really is at odds to what he stands for.

So whether you're a progressive Democrat or a libertarian-leaning Republican, there is no way you could look at this legislation, this bill, this action taken by Arizona and not be saddened by it.

So I hope that it will galvanize our nation towards doing true immigration reform that will protect individual rights and also protect all of the things that we cherish about this country.

I'll be voting yes, Madam President.

ACTING PRESIDENT SAVINO: Senator Adams.

SENATOR ADAMS: Thank you, Madam President.

You know, this is a -- it's a complicated issue when you deal with immigration matters. And when you ask the average police officer, he or she will state that they don't like getting involved in immigration issues. They want to leave that

to the federal government. They would rather deal with the issues of fighting crime and some of those points.

I was just talking to my staff and just going over a quick perusal. Arizona's law orders immigrants to carry their alien registration documents at all times and require police to question people if there's reason to suspect they're in the United States illegally.

Just think about this for a moment. Let's say you're -- many individuals who are from outside the United States, they do various tasks, particularly in New York City. Many do babysitting and nannies. Miss Wong or someone is pushing a child down the street or picking a child up from school. Police believes that he or she is here illegally, they stop and question them and, if they are, they could arrest them on the spot or take them to the precinct. What happens to that child?

Or better yet, someone is in an intercultural relationship where your mate is either Hispanic, Mexican, Chinese or any other

group. You're stopped while having dinner or leaving a restaurant or parking your car, someone stops and say I want to see the identification of your wife, your husband, the person you are going out with that evening. Think about how would you feel. You know?

How would you feel if all of a sudden you're walking down the block hand in hand with someone you decided to be in a relationship with that's not from America, that don't look like American -- what the heck does an American look like? Who is making the determination of what someone looks like that -- let me read this again: And require police to question people if there's reason to suspect they're in the United States illegally.

What criteria are we arming our police officers with that they can make an intelligent decision that you know what, the person you're holding hands with Onorato, because they're Asian, they may not be here legally, so I'm going to stop you, I'm going to question your mate. Or Senator Flanagan, you're walking down the block with your lovely

wife that happens to be Hispanic. I don't know if she's here legally. I'm going to stop you and question the status of your wife.

Senator Parker, you decide to date an Asian woman. I don't know if she's here legally. I'm going to stop you and question if she's here right.

Ruth Hassell-Thompson, you decide that you want to date a German male. I don't know if he's here legally. Let me stop you and question you. And, you know, he doesn't have a identification card, you know what I'm going to do? I'm not only going to stop you, I'm taking you down to the precinct.

Can you imagine the environment that's created? Particularly a -- I'm really in trouble, because I'm a bachelor and I love beautiful women of all origins. So I'm in trouble.

(Laughter.)

SENATOR ADAMS: This is wrong. This is wrong. You can't create an atmosphere where this country promotes intercultural relationships -- this is what we promote. Unlike any other country, we promote different

groups from different backgrounds that come from different geographical areas on the globe to interact with each other. And if we create an environment where Senator Libous and his Middle Eastern background, all of a sudden he's out with his family, can be stopped and harassed -- if we create that, that's the wrong thing to do.

And so we can't close our eyes, cover our ears, and shut our mouths and say you know what, that's happening over there. The last I checked, Arizona is in America. And we have a responsibility as New Yorkers to lead what is right, not only here in the eastern part of the country but the western, the northern, and the southern, to send a strong message and prick the conscience of the entire country and hope that cascades throughout the entire globe, that human beings should not be treated wrongly merely because of where they were born or how they look.

That's what this law does. This law is telling our police officers to make this wild assertion, based on a person's physical looks, to say if they are an American

or not. Can you imagine if we did that to young Italians when they were coming up? To say, well, if you walk a certain way or talk a certain way or eat at a certain restaurant you automatically have to be in the Mafia? Can you imagine that?

Can you imagine if we did it to or were trying to do to Hispanics? Just because you speak broken English, or your mother, probably the first generation that didn't speak English at all, well, you know what? I heard her speaking English, so she can't be an American, let me stop and detain and question her.

And let me tell you what happened in cases like this far too often. Individuals who are stopped like that, they're not stopped just once, they are stopped repeatedly over and over and over again, until they reach the point that they are afraid to go out. They're afraid to go shopping, they're afraid to walk the streets, they're afraid to enjoy the country because over and over, they're stopped and they're harassed: Let me see your ID, let me see your ID, let me see your identification

card.

Look at the criterias of this. I was in Soweto, South Africa, and this is what they were doing to blacks there. Every time you walk down the block: "Let me see your identification. Are you supposed to be out? Let me see your papers." Does that sound familiar? "Let me see your papers." This is what this is saying. "Let me see your papers." Have you heard that before? "Let me see your papers." Have you heard that before? I have.

This is the wrong direction for this country to go in. And if we start with Mexicans, then, Libous, you better watch out. If we start with people from El Salvador, then you better watch out, Serrano. If we start with people from the Middle East, then you better watch out, Addabbo. Because when fear becomes the motivating factor for police practices, then when you get rid of one particular group, you start to look for other groups.

We cannot allow fear to motivate policies in this country. Our country is

better than that. That's what they do in other countries. We don't do that in America. If we have a crime issue in Arizona, then let's give them the law enforcement resources to fight that crime. If there's border issues, then let's do a better job of protecting our borders. If there are immigration issues, then let's pass the proper federal law to address the issues of immigration that not only should attack those who are here illegally but the countless number of underground marketing of those who benefit from the immigration problem in America. From nanny to picking lettuce, everyone who benefits should impact and they should be held accountable.

Immigrants are here illegally because there's a market for their existence. And we can't all of a sudden start to say that now we no longer want to identify that very real market that is going on every day in many parts of these border states where people exploit immigrants for profit. And that's what we need to start having a real conversation about. We could stop this

immigration issue immediately if there wasn't so much profit that was made from it, and exploiting immigrants over and over again.

So this is the wrong direction that we should go into. Arizona is wrong. And New York should not silently sit back and pretend the geographical boundaries that separate our state from their state is the reason that we should ignore that. We should never ignore that. We've learned from the past. You cannot pretend that tyranny does not exist merely because you refuse to open your eyes to the tyrannical act. That's wrong. Dr. King said it best: Evil prevails because good people sit silently by and permit it to happen.

I'm not going to allow it to happen. And if it means going to Arizona, being arrested for not showing ID, then I'm willing to do that. That is what we are as human beings. This is a point in time that we have to stand up as Americans and define what our country is. Fear is not going to motivate me to stand back, remain silent when another person of the greatest race alive, and that's

the human race, is being treating unwarrantedly, unjustly, and that's wrong. I believe that. And I know that many of us believe that.

That's why we should be standing up today pointing out what's wrong with a bill that tells police officers that if they're walking down the block and Senator Libous is with his family and they believe that his family member is here illegally, they can stop and question him. And if they don't have their papers, they can take him to jail.

I don't believe a bill that states if Senator Flanagan is walking with his family and they believe that his wife is here illegally, that they can stop and question her, and if she doesn't have her papers, they can take her to jail. I don't believe a bill that says that if Senator Serrano's mother is thought to be here illegally, she can be stopped and taken to jail if she doesn't have her papers. I don't believe it. I don't believe that's right.

And the only reason many of us are able to accept this is because we're saying,

well, it's not going to happen to me. That's why we're able to accept this. We're saying nobody is going to make the mistake that I'm not an American. Nobody is going to stop the nanny that's pushing my daughter. Nobody is going to stop the beautiful woman that I'm having dinner with, or the beautiful male that I'm having dinner with. No one is going to interrupt my card game that I'm sitting down having cards with a group of friends. No one is going to walk into a restaurant or pull me off a movie line. No one is going to pull over my car.

It could happen to anyone of us that don't fit the description of who is an American. And no one in here has fit that description to state who is an American and who's not. This is the wrong direction for our country to go.

Thank you.

ACTING PRESIDENT SAVINO: Senator Squadron, to close.

SENATOR SQUADRON: Thank you, Madam President. I rise to follow Senator Adams in just expressing just how damaging

this Arizona law is.

You know, obviously it's a national issue. Obviously, it's a issue of major national import. But, you know, I represent a pretty small Senate district in the context of the nation. But in my Senate district is the Lower East Side. And the Lower East Side of Manhattan is where immigrant after immigrant after immigrant generation have started their path here as Americans. They've started in the Lower East Side, whether it's German and Irish or Jewish or Latino, from Puerto Rico, coming over, or now an enormous number of Chinese immigrants are coming into this nation starting at the Lower East Side in order to become Americans.

Because the only way to become an American is by coming here as someone who wasn't born here and start that path and that journey. And the idea now we would say if there is a chance, if there's a likelihood that you are an immigrant, you are going to be treated in this way -- if you can't prove that you are here rightfully, you are going to be hauled off to jail. If you're not carrying

your papers in this country, you don't have the right to be free in this country -- is a real blight on the entire nation.

And down in the Lower East Side, we don't have this law. We'll never have this law in this state, God willing. But the fact that Arizona has enacted this law is a slap in the face to Lower East Siders in New York State, to people across New York City and New York State, to everyone who started their journey in this country as an immigrant, whether in this generation or in the last generation or 10 generations ago. And as a nation, as a community, as a state we must stand against it.

Thank you, Madam President.

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT SAVINO: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Madam President, I believe there's a resolution at the desk by Senator Onorato. I ask that the resolution be read in its entirety and move for its immediate adoption and allow Senator Onorato to speak on his resolution.

ACTING PRESIDENT SAVINO: 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 SAVINO: The Secretary will read.

THE SECRETARY: By Senator Onorato, legislative resolution urging the Metropolitan Transportation Authority to reconsider the layoff of hundreds of station agents in New York City.

"WHEREAS, The Metropolitan Transportation Authority (MTA) is planning to lay off approximately 500 employees in New York City, starting this week, in response to its current financial problems; and

"WHEREAS, Several hundred station agents employed by the MTA will lose their jobs. Station agents are the key personnel who help riders in the event of an emergency; and

"WHEREAS, The Metropolitan Transportation Authority plans to use security cameras and buzzers to help passengers in distress to compensate for the absence of laid-off station agents in several highly used subway stations in New York City; and

"WHEREAS, This reduction of the MTA's workforce will impact the security -- and sense of security -- for the thousands who ride the subways regularly and have started to feel safer visiting New York City since September 11, 2001; and

"WHEREAS, The need for continued responsiveness by station agents and other employees to ensure the safety and security of those who ride New York City's subways and buses was demonstrated this week by an attempted car bomb explosion in Times Square; and

"WHEREAS, Layoffs are a drastic

response to financial difficulties that rip apart the security of affected employees and their families; and

"WHEREAS, The layoff of hundreds of MTA employees will have a downward effect on New York City's economy and government by taking away the ability to workers to support local businesses and provide tax revenues, and may force many onto public assistance; and

"WHEREAS, The layoffs will also increase the unemployment rolls in New York City, which currently has an unemployment rate of 10 percent, which is higher than the rest of the state, and which also has an unemployment rate of 38.7 percent for African-Americans and 23 percent for Hispanics; and

"WHEREAS, The Metropolitan Transportation Authority, as the country's largest urban transportation system, has built an excellent reputation for responding to the needs of its riders and making New York City easy to get around by mass transit, which helps the local economy by constantly bringing thousands of visitors to New York City each

year; and

"WHEREAS, The MTA's good reputation is due in large part to the dedication and quality of work performed by the MTA station agents and other employees; and

"WHEREAS, Station agents can play an active role as partners with the MTA to curb the loss of $27 million in revenues from turnstile jumping, as such loss was reported in a recent MTA audit; and

"WHEREAS, The MTA's workforce is one of its strongest assets which should be maintained -- not reduced -- during this difficult financial period; and

"WHEREAS, There are alternatives to laying off station agents that the Metropolitan Transportation Authority should consider to reduce costs that have not been given careful consideration by the MTA; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to urge the Metropolitan Transportation Authority, its chairman and board of directors, to consider and use alternatives to laying off its station

agents and other employees starting this week; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to Jay Walder, Chairman and Chief Executive Officer, Metropolitan Transportation Authority; Andrew M. Saul, Vice Chairman, Metropolitan Transportation Authority; and Michael Bloomberg, Mayor, New York City."

ACTING PRESIDENT SAVINO: Senator Onorato.

SENATOR ONORATO: Thank you, Madam President.

Well, the resolution speaks for itself. I think it's a travesty to go laying off 500 MTA workers at this time that the state is in the dire straits that we're in.

These workers contribute a great deal to the economy of the City of New York and provide a needed safety factor. These station ticket agents are the eyes and ears of the crime that's being committed, whenever it is being committed, in the subways, on the platforms, and are the instant callers to the Police Department or the Transit Police to

handle the situation.

And I'm sure that the MTA can find other means, just as the Governor did when he proposed laying off 8,900 workers in the state workforce. He rescinded that process and found other means by cutting other projects within the agency.

And I'm urging the MTA to use the same technology that the Governor used in providing the safety for the City of New York and its riders and to restore the faith that these workers had when they took these jobs. I urge the chairman of the MTA to reconsider his position and rescind that order.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President. And I want to thank Senator Onorato.

I have been engaged in battles with the MTA for quite some time, from long before I was a State Senator, when I represented the NYPIRG Straphangers Campaign and the TWU in litigation with the MTA. And one issue that

came up over and over again was the question of the Authority's shortsighted approach to the issue of public safety.

And I understand there's a fiscal crisis. But our fundamental duty as a government, first and foremost, is to provide for the safety and security of our citizens. And there is no question that the reduction of MTA workers is going to hurt our efforts to ensure public safety. I mean, you know, after what just happened in Times Square, I think it's obvious that having alert folks with the ability to report suspicious conduct is essential to ensuring safety.

In the MTA -- we're talking about thousands and thousands of people whose lives have been saved and injuries have been avoided because of MTA workers. The number of emergency calls made, the number of notifications of the police and EMTs is staggering.

So to then just say, okay, well, we have no choice but to lay off these workers, there's a tremendous cost. And it's much greater than the money that will be saved.

So I'm pleased to support this resolution. I hope everyone will support this resolution. This is something that is not optional. There's some things we have to do. And I will joining my colleagues in fighting as hard as we can to prevent layoffs of police officers, reduction in other things that are essential for public safety.

Let's be clear about this. These reductions will adversely affect public safety. That is the last thing we should be doing, not the first thing. The MTA's approach is shortsighted, it is wrong, and I stand with my colleagues here in opposing it and will do everything I can -- hopefully don't have to go to court again -- but, you know, do everything I can to prevent these layoffs. This is something that just is really -- we can't tolerate.

And as a body that has some supervisory power over authorities, I think it's something that we have to take a very strong stand on. I'm honored to support this resolution, Madam President, and I hope everyone in this chamber will support it.

ACTING PRESIDENT SAVINO: Senator DeFrancisco.

SENATOR DeFRANCISCO: You can't make this up. You truly cannot make this up.

Week after week, on the extender bills, we from upstate New York try to get amendments to the bills because the extenders are resulting in people not being able to be put to work. Road and bridge projects stopped because bills aren't being paid. Construction projects stopped because bills can't be paid. SUNY projects -- not CUNY -- SUNY projects being stopped because they're not getting paid. People get laid off. People aren't being paid. It increases the unemployment rolls. I could just change the word from "MTA" to "upstate."

And instead of working on the remedy, which is to follow the 2007 law and debate, as passionately as we debated the ill-conceived laws of Arizona today or passionately debated the MTA's outrageous concept of laying employees off because they don't have any money, we could be debating the various aspects of the budget and try to put

as many of these people back to work because the budget process will be done.

You truly can't make this up. You truly can't make this up.

And, ladies and gentlemen, we can debate -- I'm sure we've got more policy judgments to make on other states and more criticism of the federal government and more MTA resolutions because MTA is in trouble. But the fact of the matter is we have one primary obligation that is long overdue, and that is to start the conference committees, get a budget, so we can put people -- what, am I out of order now? Am I not germane? Go ahead, you were going to say --

ACTING PRESIDENT SAVINO: Continue, Senator DeFrancisco.

SENATOR DeFRANCISCO: I was just wondering if I was going to be out of order or not germane. Because it would be -- that would also -- you couldn't make that one up either. But --

ACTING PRESIDENT SAVINO: Senator DeFrancisco, please complete your comments.

SENATOR DeFRANCISCO: But I don't

want you to feel shy. You were going to say something. I want you to get it off your chest.

ACTING PRESIDENT SAVINO: Senator DeFrancisco --

SENATOR DeFRANCISCO: All right. I think I've made the point. The point simply is this. Let's stop this stuff and stop debating what other people are doing wrong, and look in the mirror.

The leaders should look in the mirror and say in less than a week we're going to be laying off more employees. State employees are going to be furloughed for a day each week while we debate the wisdom of an Arizona law and we debate whether MTA should lay off workers because they don't have any money, a topic of which we don't the information that they have to determine their fiscal responsibilities and their fiscal abilities.

So again, I would call for us to follow the 2007 law and let's start doing what we're supposed to be doing now.

Thank you.

ACTING PRESIDENT SAVINO: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

As onerous as the laying off of 500 people by the MTA is -- and it is. And I think it's a terrible thing to do. Especially, as Senator Onorato just said, that we have a crisis and we're going to put these people on the streets at a time when we really don't want to do that and add to the unemployment rolls -- the MTA is also doing something which I consider to be far more egregious. It is proposing to cancel what is known as the Able-Ride system.

This is a system of bus transportation that occurs on Long Island to provide disabled, physically challenged people, mentally challenged people, a ride to their medical needs, in some cases for dialysis. I have a constituent that uses the system three times a week to go to dialysis at a local hospital. He cannot get there by private transportation. It's very expensive.

Able-Ride, by the way, is not free,

Madam President. It's a $7 fee. Which he's willing to pay. Because on the North Shore of Long Island, where this is most important, there is no bus service. There are no buses that do this. The streets are not big enough. The major bus lines don't go there. So the people that are served by this system really need it. This is going to -- so, I'm told by Senator Padavan, is Access-A-Ride in the City.

This, I'm told, is proposed to save the MTA $1 million, possibly. Out of a $750 million deficit, and probably an $11 billion to $12 billion budget that the system has, they're going to cut service to the most vulnerable and people who need the system the most at a time when they need the system the most. This is truly life and death for the people who use this Able-Ride system.

I would urge that we all call upon the MTA -- I've spoken to Mr. Walder. He understands my position. I've written him letters. Others have done the same. There have been stories in the local papers about it. This is not the way to balance your budget, on the backs of those people who are

in the greatest need.

I am sure in that morass which is known as the budget of the MTA, a million dollars can be found in another way, rather than by cutting the Able-Ride system.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Thank you.

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

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT SAVINO: The resolution is adopted.

Senator Klein.

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

ACTING PRESIDENT SAVINO: 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 SAVINO: The Secretary will read.

THE SECRETARY: Legislative resolution by Senator Adams commemorating the 65th Anniversary of Victory in Europe Day.

"WHEREAS, The suffering and sacrifices of members of the United States Armed Forces, who served so faithfully and courageously in World War II, must be remembered with reference so future generations will never forget the cost of the peace they made possible; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to commemorate the 65th Anniversary of Victory in Europe (V-E) Day, to be celebrated on Saturday, May 8, 2010; and

"WHEREAS, May 8, 1945, the date

when the Allied Forces formally accepted the unconditional surrender of the armed forces of Nazi Germany, marked the end of the Third Reich. The citizens of Europe were liberated, as were the survivors of Hitler's concentration camps and the Allied prisoners of war; and

"WHEREAS, With victory in the Pacific just over the horizon, celebrations broke out all over the world. V-E Day, May 8, remains a time when people across the globe pay tribute to those who so courageously fought for the freedom we enjoy today; and

"WHEREAS, In acknowledgment of the supreme sacrifice of the fallen forces on May 8, 2010, many will mourn those losses; others will celebrate with fireworks; and

"WHEREAS, It is the sense of this Legislative Body, acting on behalf of this Empire State, to honor the members of the United States Armed Services who served so valiantly and with such distinction to liberate Europe from the tyranny of the Third Reich, and specifically to honor the more than 100,000 veterans of World War II yet living in

New York, who remind us by their example why they were the 'Greatest Generation'; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the 65th Anniversary of Victory in Europe Day; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Intrepid Air-Sea-Space Museum in New York City, the New York State Military Museum in Saratoga Springs, the United States Merchant Marine Academy, and the United States Military Academy at West Point."

ACTING PRESIDENT SAVINO: Senator Adams.

SENATOR ADAMS: Thank you, Madam President. And I'm doing the resolution for both V-E Day as well as V-J Day. And I just want to take a moment -- the other resolution is not necessary to read in its entirety. I'm sure it will be present for those who want to read and sign on.

I think it's imperative that while our young men and women are overseas fighting

in both Afghanistan and Iraq, that we never forget that we are able to enjoy our liberties and freedoms here in America because our men and women that have donned the green fatigues or the blue, Navy blue, or whatever other colors, indicate the army of hope and prosperity that they bring across the globe.

Thank you.

ACTING PRESIDENT SAVINO: Senator Larkin.

SENATOR LARKIN: Thank you, Madam President.

Thank you, Senator Adams, for the resolutions.

You know, I look at these two resolutions for World War II, in Europe and in the Pacific. D-Day was the 6th of June, '44, was the day we finished basic training at Fort Dix and then went to the South Pacific.

While a lot of people in this in this room were not thought about -- George, you were too young. Come on, George, smile. I said you were too young.

SENATOR MAZIARZ: Oh, you're right.

SENATOR LARKIN: But, you know, when you start to think about on the TV now they're talking about what the Pacific was all about. But the struggles of all the armed forces going into the Pacific, when you have to go all the way back to Corregidor, you have to go back to 1941, December the 7th, and then take that stream all the way up -- Quadalcanal, Iwo Jima, Okinawa.

Many of troops that went to the Philippines, when President Truman dropped the bomb, the 6th and the 9th of August, 1945, we were practicing climbing the mountains because we were going to go to Japan. There was a million body bags in the Philippines in August of 1945, because that was the intelligence estimate of the number of Americans we would have lost had we gone through and invaded Japan.

So there's a lot to say about the end of World War II. A lot of troops came home. And, you know, there was nothing for them. Troops couldn't get into college. There wasn't enough housing.

But, you know, we're the greatest

country in the world. We're the greatest country in the world because there were a lot of young people, a lot of young people, 16, 17, 18 years of age went to combat and never came home.

I came out of Troy, New York, and there were three other fellow that's went away with me. One was killed in Germany, the other two were killed in Okinawa. But that war was something. And the end of it, I don't know how many know that there were eight signings of the end of the war in the Pacific, eight specific signings at different locations. The one most popular that everyone knows is September the 2nd, in Yokohama Bay, with General MacArthur, where they did the signing, official signing. But there were seven others, to accommodate the British, the Australians, and a lot of other allies so that they could take part in the ceremonies which their troops fought to end the war in the Pacific.

New York had the 27th Infantry Division. Many elements from this part of the state fought in the Pacific -- Saipan, others.

But, you know, to take a few moments and think about what happened to the end of that war and to think about the young people who made the sacrifices.

I think I understand this more than most people because six weeks ago this Thursday I received a call, not about Japan, not about the Pacific, but about Korea. And it makes you think of how important life is and that, you know, sometimes we ought to stop struggling and try to cooperate. Because the cooperation six weeks ago was a woman telling me that her husband's body, remains, were found. I was the best man at their wedding. He had been in captivity 59 years. They were married December 1949, we went to Korea July of 1950, and he was captured by the Chinese in November 1950.

So we've been at a string of wars. But I hope everybody just takes a moment -- whether you like to think about war or not, but just think about what's in the resolution. It's what means something to America. Too many of our young children, mine included, don't realize the impact that that war,

World War II, had on their parents, their grandparents.

And when we start to just pass it by as passing a resolution -- it is important. It's important that everybody knows. Nobody was exempt from the casualties. No one was exempt from the hits on it. And it's important because just last Wednesday we had part of the Greatest Generation, I consider, is those young cadets from West Point. Just for information, the group that was here last year, two-thirds of them are in combat in Afghanistan and Iraq today.

So think about it. And if you don't know enough to think about it, go to the library and get a book or ask somebody. Or the next time you see something that says the American Legion, the VFW, Jewish War Vets, whatever it might be, go and attend one of their functions and meet some of the people who fought in those wars and made it easy for you and I to sit here today. And just think about how easy we have it. We have it easy.

And just remember this. There are 1.9 million Americans that have been killed

and wounded in combat since World War II.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Huntley.

SENATOR HUNTLEY: Yes, Madam President. I just wanted to commend Senator Adams for his resolution.

And that's why it's so important that we spend more time and energy when we're here in this chamber, here in Albany, meeting, talking about what we can do for veterans.

And like Senator Larkin said, this is the greatest country. And the part that disturbs me the most, that the greatest country does not do enough for our vets. And we are here because they're fighting for us. Many have died. And sometimes we seem, as a body, very unappreciative. And I think we need to read, if we don't know about it. I've read books about the world wars. That's where I got my knowledge from.

And I think it's important that we all become a part of that and try to make lives for our vets better. And that's why I'm so concerned about St. Albans Veterans

Hospital. They deserve better, and we can do that for them.

Thank you.

ACTING PRESIDENT SAVINO: Senator Leibell.

SENATOR LEIBELL: Thank you, Madam President.

It is fitting that we pause for a few moments during today's deliberations to think back on V-E Day and V-J Day. In my age group, it's not uncommon to have gone to school with classmates who had lost their fathers or their older brothers during that conflict.

Today we find ourselves in a similar conflict, to the extent that we have hundreds of thousands of young people who are continuing a great tradition in this country of defending freedom around the world.

We have been blessed that we have so many people who have been willing to serve our great country. I know my own father told me that on V-E Day in Europe, because there was a war in the Pacific, every unit expected to be sent to the Pacific. And he said to me

there was one question we all had in our minds: Would we go through the United States, would we be able to see our families again, or would they send us directly through the Canal and right out to the Pacific?

For so many of them, they were transferred out of the Europe at the conclusion of the hostilities there and went directly over to combat in the Pacific. And many -- many lost their lives in that conflict.

So it is important that we pause today. We're grateful to Senator Adams for putting forth these resolutions. I hope they'll be open to everybody on the floor to join in sponsorship, because it is so important that this country always remember the events of those difficult times.

Thank you, Madam President.

ACTING PRESIDENT SAVINO: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

You know, the previous two resolutions that we did, there was

disagreement on both sides of this room. It's great to see something like this. And I thank Senator Adams for bringing it forward.

Because, you know, sometimes in history events happen and, you know, many, many, many years later people begin to realize the extent of what all of that meant. When you think about it, World War II, you know, when you think of the book that was written, "The Greatest Generation," and some of the PBS series that are out there, Ken Burns' series on the war, you know, talking about four small towns in America that sent their sons off to war, and more recently in the Pacific, and you think about the young people that just left home -- I was with a group of veterans, a World War II veteran, and he was saying how he had never been more than 20 miles away from his home. The furthest he had ever been from -- he grew up in Lockport was to go to Batavia to pick up apples with his father. And suddenly, within like eight weeks, he found himself over in Europe in areas that he couldn't pronounce, couldn't spell, and had no idea on a map how to find them. But he was

there fighting for a cause, and this country came together to do it.

And I just want to mention Colonel Larkin, the highest ranking military officer that we have here in the New York State Senate. Senator Padavan thinks he is, and Senator Larkin is such a gentleman that he allows Senator Padavan to think that, even though he's not.

(Laughter.)

SENATOR MAZIARZ: But this is really a great resolution. It's something that we should all pause to think about.

I take part in an organization called Honor Flight. And I would suggest every one of my colleagues, on both sides of the aisle, to go to honorflight.com. This is a national organization that takes World War II vets -- now, mind you, these individuals are in their late 80s, in some cases early 90s. And they take these individuals to Washington, D.C., for one day -- Southwest Airlines cooperates with it -- for one day to visit the World War II Memorial in Washington, D.C.

And if you want any information about it, contact my office and we'll show you. It's the best program I've ever done in my public life. And it really honors those individuals who really deserve an honor, because they really preserved freedom. It was their sacrifice that allows us to stand up here and argue about resolutions, about immigration and the MTA, that they allowed us to do that here today.

So thank you, Madam President. And again, thank you, Colonel Larkin, the highest ranking military officer here in the New York State Senate.

ACTING PRESIDENT SAVINO: Senator Little.

SENATOR LITTLE: Thank you, Madam President.

I would like to join my colleagues today in thanking Senator Adams for putting forth this resolution because it gives us an opportunity to reflect on World War II and on all of those men and women and for the sacrifices that they made, for the lives that were lost but for the freedom that was gained

for all of us.

Last May, it's about exactly a week -- the same week, a year ago this week, I had the opportunity to visit my son, who is serving in Japan as a naval aviator, and he is on the Atsugi Naval Base. This air base was actually built in 1939 by the Japanese, and it was an air base that the kamikaze pilots and planes trained at.

Today it is a pleasure to be able to be there to reflect on what took place there and what has taken place since there, but to see that it is a base that is jointly occupied by the Navy, the American Navy, and the Japanese military as well. And there's such a great working relationship between the two that it shows how far we have come and how much we all appreciate that peaceful relationship.

So thank you.

ACTING PRESIDENT SAVINO: Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you. I really hadn't thought much about Corregidor and Guadalcanal and names like that, but they

were a part of my childhood. As some of you know, my father joined the Army the day after Pearl Harbor. And for the next five and a half years, my sister and I were Army brats, moving every single year to a different place.

My father was a colonel in the Judge Advocate General's department. And every battle was discussed in our home, and we followed it very closely. And it was an experience I don't wish on everybody, but I think it was a broadening experience for me personally to have lived in so many different places each year, learning to quickly adjust to a new place, trying to make friends, and feeling very, very close to the war effort. And wherever we went, my mother immediately volunteered for the Red Cross.

So even though I was a child, it was a part of our lives and very significant. And there wasn't -- you couldn't believe the joy when V-E Day came and a few months later when V-J Day came. We were just all crying and laughing on the street. We were living in Washington, D.C., at the time.

So I thank you for bringing back

these remembrances. And please God, we will never have another war like that.

Thank you.

ACTING PRESIDENT SAVINO: Senator Farley.

SENATOR FARLEY: Thank you, Madam President. I rise to pay tribute to one of our colleagues that serves here, a Marine who was part of the Greatest Generation, who served in World War II, Senator Owen Johnson. Yeah, O.J.

SENATOR OWEN JOHNSON: Thanks for the recognition.

ACTING PRESIDENT SAVINO: Are there any other Senators wishing to be heard on this resolution?

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The resolution is adopted.

Senator Adams has indicated he would like to open up this resolution for cosponsorship by the entire house. Any Senator not wishing to be on the resolution please notify the desk.

Senator Craig Johnson.

SENATOR CRAIG JOHNSON: Madam President, I believe that Senator Adams has another resolution at the desk. I ask that the title of the resolution be read and move for immediate adoption.

ACTING PRESIDENT SAVINO: Senator Johnson, has this resolution been deemed privileged and submitted by the office of the Temporary President?

SENATOR CRAIG JOHNSON: Yes, Madam President.

ACTING PRESIDENT SAVINO: The Secretary will read.

THE SECRETARY: By Senator Adams, legislative resolution commemorating the 65th Anniversary of Victory in Japan Day.

ACTING PRESIDENT SAVINO: Are there any Senators wishing to be heard on the resolution?

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

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The resolution is adopted.

Senator Adams has indicated that he would like to open up this resolution also for cosponsorship by the entire house. Any Senator not wishing to be on the resolution please notify the desk.

Senator Johnson.

SENATOR CRAIG JOHNSON: Madam President, there will be an immediate meeting of the Finance Committee, followed by an immediate meeting of the Rules Committee in the Majority Conference Room, Room 332.

Pending the return of the Rules Committee, can we please stand at east.

ACTING PRESIDENT SAVINO: There will be an immediate meeting of the Finance Committee, followed by an immediate meeting of

the Rules Committee in Room 332.

Pending the return of the Rules Committee, the Senate will stand at ease.

(Whereupon, the Senate stood at ease at 6:22 p.m.)

(Whereupon, the Senate reconvened at 6:50 p.m.)

ACTING PRESIDENT SAVINO: Senator Klein.

SENATOR KLEIN: Madam President, I believe there's a report of the Rules Committee at the desk. I move that we adopt the Rules Committee report at this time.

ACTING PRESIDENT SAVINO: There is a report of the Rules Committee at the desk.

The Secretary will read.

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

Senate Print 4966, by Senator Oppenheimer, an act to amend the Education Law;

And Senate Print 7573A, by Senator Aubertine, an act to amend the Economic

Development Law.

Both bills ordered direct to third reading.

ACTING PRESIDENT SAVINO: All those in favor of adopting the Rules Committee report please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT SAVINO: Opposed, nay.

(No response.)

ACTING PRESIDENT SAVINO: The Rules Committee report is adopted.

Senator Klein.

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

ACTING PRESIDENT SAVINO: The Secretary will read.

THE SECRETARY: Calendar Number 152, by Senator Schneiderman --

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

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

THE SECRETARY: Calendar Number

278, by Senator Oppenheimer, Senate Print 6868A, an act to amend the Tax Law.

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

Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: This is not -- I see a lot of hands up, so I think I'll have to give a little explanation here. Because I'm not sure that it is what they think it is.

This is one-quarter of 1 percent in the sales tax for White Plains. And what they want to do with that money is to put it into a reserve fund, because they have totally spent down their reserve fund and it has no money in it. And so they feel that they are obligated to put money into a reserve fund in case an emergency occurs. They have totally depleted

their fund balance.

And this is going to be a stabilization reserve fund, and it's replenishing the deficit in which it now finds itself. So this is as safe as it can be, and it can only used under emergencies. And it's because they have no money in the reserve fund now.

ACTING PRESIDENT SAVINO: Senator Libous.

SENATOR LIBOUS: Thank you. I rise because Senator Seward just entered the chamber. Thank you, Madam President.

(Laughter.)

ACTING PRESIDENT SAVINO: We saw him, thank you.

Announce the results.

THE SECRETARY: Ayes, 32. Nays, 29.

ACTING PRESIDENT SAVINO: The bill is passed.

THE SECRETARY: Calendar Number 298, by Senator Parker, Senate Print 3601C, an act to amend the Social Services Law.

ACTING PRESIDENT SAVINO: Read

the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: All those voting in the negative, could you please raise your hand again so the Secretary can recognize you.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 298 are Senators Bonacic, DeFrancisco, Farley, Flanagan, Golden, Griffo, O. Johnson, Lanza, Larkin, Leibell, Libous, Little, Nozzolio, Ranzenhofer, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 41. Nays, 20.

ACTING PRESIDENT SAVINO: The bill is passed.

THE SECRETARY: Calendar Number 316, by Senator Squadron, Senate Print 5288A, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 8

of Article 2 of the Constitution.

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 316 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 32. Nays, 29.

ACTING PRESIDENT SAVINO: The bill is passed.

THE SECRETARY: Calendar Number 407, by Senator Klein, Senate Print 4589C, an act to amend the Public Health Law.

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

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

THE SECRETARY: Calendar Number 421, by Senator C. Johnson, Senate Print 7366, an act to amend the Real Property Tax Law.

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT SAVINO: The bill is passed.

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

SENATOR KLEIN: Madam President, can we please go to a reading of the supplemental calendar.

ACTING PRESIDENT SAVINO: The Secretary will read.

THE SECRETARY: Calendar Number 478, by Senator Oppenheimer, Senate Print 4966, an act to amend the Education Law.

ACTING PRESIDENT SAVINO: Read the last section.

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

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT SAVINO: The bill is passed.

THE SECRETARY: Calendar Number 483, by Senator Aubertine, Senate Print 7573A, an act to amend the Economic Development Law.

ACTING PRESIDENT SAVINO: Read the last section.

THE SECRETARY: Section 20. This act shall take effect immediately.

ACTING PRESIDENT SAVINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SAVINO: Senator Stachowski, to explain his vote.

SENATOR STACHOWSKI: Yes, normally I support every economic development program. But unfortunately, I can't support this one.

Currently we have programs that

total about 900 megawatts of power for economic development, and we have not touched the rural and domestic power. In this bill we take the rural and domestic power and put it into a program that then adds up four programs and totals the same 900 megawatts of power.

The problem with this -- you'd say, normally, it's a wash. But the problem is that the residents we're taking the power from are going to have an increase their utility bills. And I recall last year standing on this floor listening to how people couldn't afford to pay for that. And now here we are a year later with a bill that's going to increase it more than the assessment that the Governor put on power last year.

And with that in mind, I'm not willing to do that. So -- and I also understand that so far there's not a same-as bill with this. So to put a bill out to set up a negotiating position taking the rural and domestic power is a problem for me.

I don't want to see Power for Jobs go out. I think we can still have a Power for Jobs program without taking the rural and

domestic power. Hopefully we'll come to a better bill by next week and we can get a Power for Jobs program in place. But at this time, because of the way this bill was structured and the speed with which it's passing, I can't support it. I vote no.

ACTING PRESIDENT SAVINO: Senator Stachowski to be recorded in the negative.

Senator Young.

SENATOR YOUNG: Thank you, Madam President.

I'm a strong supporter of the Power for Jobs program. And apparently this is not the final version of a Power for Jobs bill. It takes some steps in the right direction, but there are a number of issues that still need to be rectified, especially the impact on residential consumers and farmers.

And so I will be supporting this bill, but I would urge people who are working on these issues in this entire chamber to come up with a final bill that really works for everyone.

Thank you.

ACTING PRESIDENT SAVINO: Senator

Young to be recorded in the affirmative.

Senator Little, to explain her bill.

SENATOR LITTLE: Thank you, Madam President.

I have many, many businesses in my district that rely on Power for Jobs and many companies that are looking for additional Power for Jobs as they invest. So it's important that we do more than extend the Power for Jobs bill, that we do something that adds some longevity to it, as this bill does.

But I too, as Senator Young, am concerned about the additional cost to farmers, and I hope that that can be addressed as we go forward.

Thank you.

ACTING PRESIDENT SAVINO: Senator Little will be recorded in the affirmative.

Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I'm going to support the bill because we need to provide some benefits to businesses in this state in order to keep people employed. But

as these negotiations go forward, as Senator Stachowski said, this is a stand-alone bill.

I just want to remind everybody -- I have brought this to the floor before -- that Power for Jobs should really be primarily for manufacturing and job creation in the private sector. I've got a list of Power for Jobs recipients. Presently they include the American Ballet Theater, the American Cancer Society, the American Folk Art Museum, and I can go on. It gets kind of interesting. The Brooklyn Historical Society.

Now, those are all worthwhile, wonderful organizations. And I have historical societies in my district and arts organizations in our district. But I don't really think that's the priority for Power for Jobs. It should be manufacturing, farming, private companies that create private-sector jobs.

And I would hope that that would be part of the negotiations, to make sure that that's where that goes, the Power for Jobs goes, especially since we're taking dollars away from the consumer, the private consumer,

in order to put this bill together.

Thank you. I vote aye.

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

Senator Aubertine, to explain his vote.

SENATOR AUBERTINE: Thank you, Madam President.

I certainly want to express my appreciation to the chairman of the Energy Committee for acting swiftly on this bill, in light of the fact that the current Power for Jobs program expires May 15th.

But in the process of crafting this legislation to replace the existing Power for Jobs program, we traveled across New York State. We held joint roundtables with the Assembly, gathered information from Buffalo, Niagara, Jamestown, Long Island, Kingston, Albany, Oswego, Syracuse, Massena, all across New York State. And because of the process, I believe we've come up with a very good bill that will lead the way for the Power for Jobs program in the very near future.

But the support that we've garnished from across the state comes from organizations such as MACNY, the Buffalo Niagara Partnership, the Business Council, the Syracuse Chamber of Commerce, the Metropolitan Development Association, the National Federation of Independent Business, Consumers for Affordable Sustainable Energy, the Center for Economic Growth, the Plattsburgh-North Country Chamber of Commerce -- and the list goes on and on.

And it's clear that the steps that we've taken with this legislation are steps in the right direction and steps that will sustain economic development all across New York State with the Power for Jobs program.

And I certainly am supportive of it, and I would encourage my colleagues to be supportive as well.

ACTING PRESIDENT SAVINO: Senator Aubertine to be recorded in the affirmative.

Senator Libous, to explain his vote.

SENATOR LIBOUS: Thank you, Madam

President.

I'm disappointed that we have to be faced with a decision on this bill on the floor today. And Senator Aubertine, in all due respect, I think this is a political document. Because May 15th -- and put it into the record -- will come and go, and there will be no companion bill in the Assembly. And what will happen here is what's happened in Albany since April 1st: Nothing. And that's the problem.

We have a political document here because now, if you vote against this, you're going to be against Power for Jobs. Well, let me tell you something. I visited a company in my district just last Friday, and they depend on Power for Jobs, 290 employees. They want to double their workforce in three years. And they depend on a real bill that's called Power for Jobs.

This bill is going to hurt my farmers. It's going to take a credit away from them. And it was said, when I asked the question in committee of Senator Aubertine, he said, "Well, in the bill we're going to

protect them for a couple of years." And that may be the case, but over the long term they're going to get hurt.

I'm disappointed that we put this on the floor today, Madam President. I'm disappointed that there will be no companion to this. And I'm disappointed that we are going to give false hope to all the businesses of this state, as if there is a solution to Power for Jobs.

So I'm torn. I don't know if I should vote yes or I should vote no. Because I support Power for jobs, but I don't support this bill.

So, Madam President, I'm going to vote no.

ACTING PRESIDENT SAVINO: Senator Libous will be recorded in the negative.

Senator Griffo, to explain his vote.

SENATOR GRIFFO: Thank you, Madam President.

Yesterday in the Energy Committee I expressed some of my concerns also that this is May 4th, and May 15th is fast approaching.

And much like the budget process that my colleague Senator Libous said, these deadlines seem to come and we're playing brinksmanship with such major and important policies here in the State of New York.

There are several bills that are out there right now. There is no Assembly companion. There are really no formal negotiations. There's no reconciliation process where we can communicate through a conference committee to get a result.

So if I had to prognosticate, I would think that we're going to see this bill, several other bills -- no movement, where I am hopeful maybe there would be movement, but probably not, and then it would be a mere extender again. So I think that's a disservice, because this is a program that truly needs to be made permanent.

And I hope that we can learn and really do better as a result of how we approach this process to get fundamental changes in laws that can benefit the constituents and the businesses that we represent.

I vote yes.

ACTING PRESIDENT SAVINO: Senator Griffo to be recorded in the affirmative.

Senator Maziarz, to explain his vote.

SENATOR MAZIARZ: Thank you very much, Madam President.

I just want to keep my comments to the comments that were made earlier about the distribution of the rural and domestic power, the R&D power. It should be noted that, you know, last year in the state budget, by one vote in this house, the 18A assessment was increased on all commercial and residential customers in this state. This legislation actually incrementally decreases that 18A assessment, which should be a wash for most of the residential customers, but a huge, a huge positive for businesses that are located.

And, you know, it's already been talked about how important it is for the business climate to have a long-term extension to the Power for Jobs program which already protects tens of thousands of jobs in this state and will protect even more jobs in this

state.

So I vote in the affirmative, Madam President. Thank you.

ACTING PRESIDENT SAVINO: Senator Maziarz to be recorded in the affirmative.

Is there any other Senator wishing to explain their vote?

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 483 are Senators Duane, Libous and Stachowski.

Ayes, 58. Nays, 3.

ACTING PRESIDENT SAVINO: The bill is passed.

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

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

ACTING PRESIDENT SAVINO: No, Senator Klein, there is no further business at the desk.

SENATOR KLEIN: There being no further business, Madam President, I move we adjourn until Wednesday, May 5th, at 11:00 a.m.

ACTING PRESIDENT SAVINO: There being no further business to come before the Senate, on motion, the Senate stands adjourned until Wednesday, May 5th, at 11:00 a.m.

(Whereupon, at 7:13 p.m., the Senate adjourned.)