NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 5, 2010

11:27 a.m.

REGULAR SESSION

SENATOR CRAIG M. JOHNSON, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT JOHNSON: The Senate will please come to order.

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

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

ACTING PRESIDENT JOHNSON: In the absence of clergy, may we all bow our heads in a moment of silence.

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

ACTING PRESIDENT JOHNSON: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Tuesday, May 4, the Senate met pursuant to adjournment. The Journal of Monday, May 3, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

SENATOR KLEIN: Mr. President, on behalf of Senator Diaz, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Numbers 2181A, 2182A.

ACTING PRESIDENT JOHNSON: So ordered.

SENATOR KLEIN: Mr. President, on behalf of Senator Craig Johnson, on page number 14 I offer the following amendments to Calendar Number 215, Senate Print Number 6444, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT JOHNSON: So ordered.

SENATOR KLEIN: On behalf of

Senator Sampson, on page number 25 I offer the following amendments to Calendar Number 439, Senate Print Number 7466A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT JOHNSON: So ordered.

Senator Klein.

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

ACTING PRESIDENT JOHNSON: The Secretary will read.

THE SECRETARY: On page 28, Senator LaValle moves to discharge, from the Committee on Local Government, Assembly Bill Number 9766A and substitute it for the identical Senate Bill Number 6702A, Third Reading Calendar 465.

On page 28, Senator C. Johnson moves to discharge, from the Committee on Local Government, Assembly Bill Number 9992 and substitute it for the identical Senate Bill Number 6945, Third Reading Calendar 466.

On page 28, Senator Farley moves to discharge, from the Committee on Local Government, Assembly Bill Number 10164 and substitute it for the identical Senate Bill Number 7037, Third Reading Calendar 467.

And on page 69, Senator C. Johnson moves to discharge, from the Committee on Cultural Affairs, Tourism, Parks and Recreation, Assembly Bill Number 7885A and substitute it for the identical Senate Bill Number 7389, Third Reading Calendar 474.

ACTING PRESIDENT JOHNSON: Substitutions so ordered.

Senator Klein.

SENATOR KLEIN: Mr. President, could you please recognize Senator Volker.

ACTING PRESIDENT JOHNSON: Of course.

Senator Volker.

SENATOR VOLKER: Mr. President, I'd like to star my bill on page 10, Calendar Number 128, Senate Print 5772, please.

ACTING PRESIDENT JOHNSON: So ordered.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a resolution at the desk by Senator Aubertine. I ask that the title of the resolution be read and move for its immediate adoption, and I believe Senator Aubertine wants to speak on his resolution.

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

SENATOR KLEIN: Yes, it has, Mr. President.

ACTING PRESIDENT JOHNSON: The Secretary will read.

THE SECRETARY: By Senators Aubertine and Diaz, legislative resolution honoring Dorothy J. Austin upon the occasion of her designation as recipient of the 2010 New York State Senior Citizen of the Year Award.

ACTING PRESIDENT JOHNSON: Senator Aubertine.

SENATOR AUBERTINE: Thank you, Mr. President.

It's certainly a privilege to

welcome Dorothy and her husband Bob here today, both good friends of mine from Jefferson County, from the Watertown area.

Dorothy is certainly a shining example to her community. Dorothy and Bob moved to Jefferson County in 1958, and they've really made their mark on the community, they truly have.

Dorothy is a cancer survivor and a person of deep faith. She is well known to never shy away from an opportunity to help a neighbor. And in that endeavor, the list of friends that she has in Jefferson County and around New York State grows every day.

As president of the Glen Park Brownville Seniors for five years now, making new friends and helping people in the work she does to organize and promote events, Dorothy helps on events such as the Senior Health Fair that my office sponsors with the Office of the Aging and also helps with the Annual Senior Picnic.

Every Sunday she visits a nursing home in Watertown, the Samaritan Keep Home, visits seniors, and brings a smile to their

face wherever she goes.

It's truly an honor for all of us to have her and Bob here with us today. And I certainly want to recognize her as the Senior Citizen of the Year for 2010.

Thank you very much, Dorothy, and thank you, Bob.

(Applause.)

ACTING PRESIDENT JOHNSON: Are there any other Senators that wish to be heard on this resolution?

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

(Response of "Aye.")

ACTING PRESIDENT JOHNSON: Opposed, nay.

(No response.)

ACTING PRESIDENT JOHNSON: The resolution is adopted.

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

Senator Klein.

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

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

SENATOR KLEIN: Yes, it has, Mr. President.

ACTING PRESIDENT JOHNSON: The Secretary will read.

THE SECRETARY: By Senator Dilan, legislative resolution recognizing National Train Day and the many benefits the railroad brings to our state and nation.

ACTING PRESIDENT JOHNSON: Are there any Senators that wish 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 JOHNSON:

Opposed, nay.

(No response.)

ACTING PRESIDENT JOHNSON: The resolution is adopted.

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

Senator Klein.

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

ACTING PRESIDENT JOHNSON:

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

SENATOR KLEIN: Yes, it has, Mr. President.

ACTING PRESIDENT JOHNSON: The Secretary will read.

THE SECRETARY: By Senator

Saland, legislative resolution honoring Dr. Dennis J. Murray upon the occasion of his designation for special recognition by The Exchange Club of Southern Dutchess on May 11, 2010.

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

(Response of "Aye.")

ACTING PRESIDENT JOHNSON: Opposed, nay.

(No response.)

ACTING PRESIDENT JOHNSON: The resolution is adopted.

Senator Klein.

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

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

SENATOR KLEIN: Yes, it has,

Mr. President.

ACTING PRESIDENT JOHNSON: The Secretary will read.

THE SECRETARY: By Senator Marcellino, legislative resolution honoring Dr. James A. Feltman upon the occasion of his retirement as superintendent of schools for the Commack School District.

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

(Response of "Aye.")

ACTING PRESIDENT JOHNSON: Opposed, nay.

(No response.)

ACTING PRESIDENT JOHNSON: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time I move to recall Senate Resolution Number 4989, by Senator Griffo, which was previously adopted by this house on May 4th. I ask that the resolution be read in its entirety and that Senator Griffo be given an opportunity to speak on his resolution.

ACTING PRESIDENT JOHNSON: The Secretary will read.

THE SECRETARY: By Senator Griffo, Legislative Resolution Number 4989, congratulating the New Hartford Spartans upon the occasion of capturing the Division II New York State Public High School Athletic Association Hockey 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, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success, and developing a sense of fair play and competition; and

"WHEREAS, On Sunday, March 14, 2010, the Spartans of New Hartford High School captured their second straight Division II New York State Public High School Athletic

Association Hockey Championship by defeating Queensbury 5-2 at the Utica Memorial Auditorium. New Hartford is the first Division II team to win back-to-back New York State titles since 2005-2006; and

"WHEREAS, The New Hartford Spartans advanced through the finals of the New York State Hockey Championship with a 6-0 shutout over Plattsburgh of Section VII in the semifinals. Earlier, New Hartford defeated Rome Free Academy 7-3 in the Section III Division II semifinals before claiming the sectional title over Cazenovia in a 3-2 overtime win; and

"WHEREAS, One of the most respected hockey programs in New York State, the New Hartford Spartans compiled an outstanding 21-4-1 record during the 2009-2010 season. In addition to winning the Division II New York State title, the Spartans repeated as League and Section III champions, and recorded a signature win for the program over top-ranked Section V powerhouse Webster Thomas in a memorial 5-4 triple overtime win in the regional final; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Head Coach John Cunningham and his talented assistant coaches, Carson Cunningham and Jerry Malloy, skilled and inspirational mentors, respected for their ability to develop potential into excellence. They have done a superb job in guiding, molding and inspiring the 2009-2010 New Hartford High School Hockey Team members toward their goals; and

"WHEREAS, In 2009-2010, Head Coach John Cunningham was named the Observer-Dispatch All-Mohawk Valley Ice Hockey Coach of the Year. During the season, Coach Cunningham recorded his 300th career coaching victory. In his 20 seasons as New Hartford's head coach, his record is an outstanding 303-149-23; and

"WHEREAS, In addition to being named the All-Mohawk Valley Ice Hockey Coach of the Year, Coach John Cunningham was honored as the 2009-2010 New York State Division II Coach of the Year. During his coaching tenure, his teams have won three state

championships and five Section III titles; and

"WHEREAS, The 2009-2010 New Hartford High School Ice Hockey Team's overall record 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 2009-2010 New Hartford High School Hockey Team, from the opening game of the season to its participation in league play and in the New York State Public High School Athletic Association Championship Tournaments, 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 community; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Head Coach John

Cunningham, his coaching staff, and the 2009-2010 New Hartford High School Hockey Team's outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the 2009-2010 New Hartford High School Hockey Team, its members -- Joseph Betar, Michael Critelli, Peter Davidson, Nicholas Decrisci, Eric Fitzgerald, Jason Fitzgerald, Alexander Fukes, Joseph Holmes, Timothy Knaul, Tyler Kraft, Spencer Landry, Christopher Luker, Kristofer Martinelli, Nicholas Mercurio, Greyden Nimey, Thomas Nitti, Michael Rich, Daniel Sheets, Conrad Stafford, Nicholas Suits, Giovanni Vitagliano, and Clayton Whitemore -- Head Coach John Cunningham, and Assistant Coaches Carson Cunningham and Jerry Malloy, on their Division II New York State Public High School Athletic Association Hockey Championship, their League and Section III championships, and their outstanding season and overall team

record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the members and coaching staff of the 2009-2010 New Hartford High School Hockey Team."

ACTING PRESIDENT JOHNSON: Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President.

I want to extend a warm welcome to the members of the New York State Division II champions of ice hockey. It's great to have you here in this chamber. I want to also congratulate Head Coach John Cunningham on his award and his assistant coaches, Carson Cunningham and also to Coach Jerry Malloy, Director of Athletics Peter Alvanos I believe is up there, and Superintendent of Schools Bob Nole.

This is truly a remarkable bunch of young men. They're a credit to their community. They did something this year that I think was very important, not so much because they won two years ago in a row --

which anybody who understands how difficult that is in athletic competition -- but more importantly because they came together as a team and they learned many things working together as a team in order to achieve success. That is that they really epitomized what we all believe is so important in this state and in our nation, hard work, extending effort, working together cooperatively, setting goals and objectives and then meeting those.

So for that hard work, for all that energy that you put forth, for that commitment to excellence that you made even after you lost the first game this year, knowing how difficult it was going to be to repeat, I think that is so important.

So we really admire not so much that you had to overcome this difficult challenge of winning a second state championship, but in the way that you did that, in coming together under the talented coaches that you have -- they inspired you, they motivated you, and as a result of your dedication and as a result of your commitment,

you achieved tremendous success.

I hope that will serve as an inspiration to other young players and community members as you go forward so that they also understand that in athletic competition there's a lot more that comes together in principles and ideals that we all represent if we're going to succeed in life.

And I also want to compliment all of you for the way you conducted yourselves. You were exemplary citizen citizens, too, of our community, and you went across this entire state. So that is so important too, because you were someone who was respectful and someone who was willing to show the best of what our community represented.

So to Coach Cunningham and to Superintendent Nole, to the assistant coaches, all the players, the fans and the community -- it must have been nice, because you're in the Capital District, to beat Queensbury. Right, Senator Little? Senator Little represents Queensbury. So it's great that we were able to win the state championship by beating Queensbury.

So I want to congratulate each and every one of you, thank you for being here today, and offer to this body the Division II state champions. And I'm going to borrow from another individual who's a hoopster but who grew up in the Rome area and also went to school here in the Schenectady area, and that's basketball coach Riley, who said "Let's three-peat next year."

So congratulations. I present to you the New Hartford Ice Hockey Spartans, and state champions.

(Applause.)

ACTING PRESIDENT JOHNSON: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

I would like to join Senator Griffo in congratulating the New Hartford Boys Hockey Team on a tremendous season. And I know you are an extremely skilled, good team for having beat Queensbury Boys Hockey.

But it was a great competition. And although I was not at that game, I know how good Queensbury was. It's not only in my

district, it's the school two of my children graduated from.

But congratulations. That's tremendous to be able to do something two years in a row. And you can see what fine young men you are, with great coaches.

Thank you.

ACTING PRESIDENT JOHNSON: Are there any other Senators that wish to be heard on the resolution?

This resolution was unanimously adopted on May 4th.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time I move to recall Senate Resolution Number 5023, by Senator Peralta, which was previously adopted by this house on May 4th, and ask that the resolution be read in its entirety.

ACTING PRESIDENT JOHNSON: The Secretary will read.

THE SECRETARY: By Senator Peralta, Legislative Resolution Number 5023, commemorating the celebration of Cinco de Mayo, May 5, 2010.

"WHEREAS, It is the sense of this Legislative Body, in keeping with its time-honored traditions, to recognize and pay tribute to those events which foster ethnic pride and enhance the profile of the cultural diversity which strengthens the fabric of the communities of New York State; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to commemorate the celebration of Cinco de Mayo, May 5, 2010; and

"WHEREAS, Cinco de Mayo is a date of importance for the Mexican and Chicano communities. It marks the victory of the Mexican army over the French at the Battle of Puebla; and

"WHEREAS, The 'Batalla de Puebla' came to represent a symbol of Mexican unity and patriotism. With this victory, Mexico demonstrated to the world that Mexico and all of Latin America were willing to defend themselves from any foreign intervention, especially those from imperialist states bent on world conquest; and

"WHEREAS, Cinco de Mayo's has its roots in French occupation of Mexico; and

"WHEREAS, On July 17, 1861, President Benito Juarez issued a moratorium in which all foreign debt payments would be suspended for a brief period of two years, with the promise that after this period payments would resume; and

"WHEREAS, The English, Spanish and French refused to allow President Juarez to do this and instead decided to invade Mexico and get payments by whatever means necessary. The Spanish and English eventually withdrew, but the French refused to leave; and

"WHEREAS, On May 5, 1862, the French army began its advance. Under General Ignacio Zaragoza Seguin, 5,000 Mestizo and Zapotec Indians defeated the French army in what came to be known as the 'Batalla de Puebla' on the fifth of May; and

"WHEREAS, A year later, the French occupied Mexico. The French occupying forces placed Maximilian I, Emperor of Mexico, on the throne of Mexico in 1864. The French, under pressure from the United States, eventually

withdrew in 1866-1867. Maximilian was deposed by President Benito Juarez and executed five years after the Battle of Puebla; and

"WHEREAS, The Battle of Puebla was significant in that the 4,000 Mexican soldiers were greatly outnumbered by the French army of 8,000 that had not been defeated for almost 50 years; and

"WHEREAS, In the United States, the 'Batalla de Puebla' came to be known as simply '5 de Mayo'; and

"WHEREAS, Cinco de Mayo is celebrated in the United States with parades, folkloric dancing, and other types of festive activities; and

"WHEREAS, The celebration of Cinco de Mayo has contributed to the Mexican-American experience and to the preservation and enhancement of the Mexican cultural heritage, adding so much to the rich mosaic of which our great state and nation are comprised; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the celebration of Cinco de Mayo, May 5,

2010."

ACTING PRESIDENT JOHNSON: Are there any other Senators that wish to be heard on the resolution?

This resolution was unanimously adopted on May 4th.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time I move to recall Senate Resolution Number 4947, by Senator Diaz, which was previously adopted by this house on May 4th. I ask that the title of the resolution be read and that Senator Diaz be given an opportunity to speak on his resolution.

ACTING PRESIDENT JOHNSON: The Secretary will read.

THE SECRETARY: By Senator Diaz, Legislative Resolution Number 4947, memorializing Governor David A. Paterson to proclaim May 2010 as Senior Citizens Month in the State of New York.

ACTING PRESIDENT JOHNSON: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

Mr. President, ladies and gentlemen, the month of May is a very, very important month. There are many different activities that are celebrated during the month of May. There are different holidays, important holidays, that are celebrated during the month of May. There are different celebrations and different commemorations including, including the birth of my grandson Billy Killey today, who lives in Highland, in the town of Woodbury, New York.

During the month of May, Mr. President and ladies and gentlemen, we celebrate the International Working Day in honor of those wonderful and magnificent men and women that with their dedication and commitment, sweat, work every day not only for themselves but also to create a better city, a better state, a better nation.

During the month of May, in fact, we celebrate Cinco de Mayo. You just read a resolution celebrating the Cinco de Mayo in hone of the revolution that commemorates the Mexican army victory over the French forces in the Battle of Puebla in 1862.

During the month of May, ladies and gentlemen, this coming Sunday we'll celebrate a very important day, Mother's Day, in honor of those women who have realized that life is sacred and have decided not to abort their babies but to give birth. So we celebrate Mother's Day in honor of the mothers.

During the month of May, ladies and gentlemen, we also celebrate Armed Forces Day, recognizing the contributions of all those men and women that have given a gift, even their lives, to protect our nation.

Also during the month of May we celebrate Memorial Day, a great and very important day in the history of our country.

But the month of May, Mr. President and ladies and gentlemen, is a very, very important month not only for those days but also because this chamber, this Senate, called the month of May the Senior Citizens Month, in honor, in recognition to the dedication and the commitment of senior citizens in our state.

At this time, Mr. President, we have slightly more than 3 million senior

citizens who call the great State of New York home. And today, ladies and gentlemen, we carry on a tradition instituted by this house. The Senate of the State of New York since 1983 has recognized and honored the many achievements of our state's senior citizens.

This year, this month, this time, on this occasion, I'm honored once again, as the chairman of the New York State Senate Committee on Aging, to bring this resolution to the floor. I am also honored to have chosen the recipient of this year's Senior Citizen of the Year.

This year, as Senator Aubertine said before, we have chosen a very distinguished person, Ms. Dorothy Austin, a resident of Watertown, New York, who has joined us today. And she's here today with her husband, Robert.

And I also would like to congratulate Senator Aubertine because, as the Senator representing Watertown, New York, you have distinguished people represented here today in the person of Dorothy Austin and her husband, Robert. And Ms. Dorothy Austin has

been chosen to be, out of 3 million senior citizens, out of 3 million senior citizens, Senator Aubertine, you have the honor that Ms. Dorothy Austin has been chosen Senior Citizen of the Year in the State of New York. And she's here today.

Ms. Austin was nominated by the Jefferson County Office of the Aging for her many contributions as treasurer, vice president, and president of the Brownville Glen Park Senior Citizens. Ms. Austin's many other volunteer activities include Meals on Wheels, an Office for the Aging Health Fair volunteer, and a weekly visit to the Samaritan Keep Home.

Thank you, thank you, Ms. Austin for your contributions to the State of New York. Thank you for being here today representing all the seniors of the State of New York. We don't have a crown, but you are our queen.

MS. AUSTIN: Thank you. I thank everyone for everything.

SENATOR DIAZ: And today we honor you, we are honored to have you around. We

congratulate you, congratulate your family, congratulate the organization that recommended you. I congratulate again Senator Aubertine. And, ladies and gentlemen, we all rejoice, rejoice, celebrating the most important day of the month, Senior Citizens Month. And I'm honored to be the chairman of the Aging Committee.

Thank you, Mr. President. Thank you, Ms. Austin. And ladies and gentlemen, you are welcome to join us later on in the Convention Center where we're going to have a big rally with senior citizens. Thank you.

(Applause.)

ACTING PRESIDENT JOHNSON: Senator Farley.

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

I rise to salute this Senior Citizen of the Year. To show you how old I am, I was the first chairman of the Aging Committee in the New York State Senate and as a matter of fact was responsible for starting the Senior Citizen of the Year program.

But it goes way back. Not only am

I a native of Watertown, but I know Bob Austin and Dorothy, the Senior Citizen, and I go to mass with them at Saint Andrews at Sackets Harbor. And even though they're from Brownville, I see them almost every Sunday when I'm up at my cottage at Sackets Harbor.

But let me just say what a remarkable resume. And I want you all to read this resolution carefully because of what Dorothy has done, the contributions that she's made to her community. She's a very deserving Senior Citizen of the Year. Every year we do this to honor somebody from all over the State of New York, and there's a lot of capable people that are looked at.

And, Senator Diaz, I commend you. You have been a devoted chairman of this committee, which I have served on for over 30 years. And I want to commend you for the choice that you've made here, because Dorothy Austin is a remarkable Senior Citizen of the Year and her husband, Bob Austin, is also a great American.

I'm very proud to support them both, and congratulations on their honor.

ACTING PRESIDENT JOHNSON: Are there any other Senators that wish to be heard on the resolution?

This resolution was unanimously adopted on May 4th.

Senator Klein.

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

ACTING PRESIDENT JOHNSON: The Secretary will read.

THE SECRETARY: Calendar Number 227, by Senator Stavisky, Senate Print 5585C, an act to amend the Education Law.

ACTING PRESIDENT JOHNSON: Read the last section.

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

ACTING PRESIDENT JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT JOHNSON: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT JOHNSON: The

bill is passed.

THE SECRETARY: Calendar Number 297, by Senator L. Krueger, Senate Print 3593C, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT JOHNSON: Read the last section.

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

ACTING PRESIDENT JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT JOHNSON: Senator Bonacic, to explain his vote.

SENATOR BONACIC: Thank you, Mr. President.

I think recycling is the way of the future, it's very important; this is a good bill.

But I would just ask the sponsor why it doesn't apply to the public sector. This recycling plan and implementation is only for the private sector to do. And I would ask him [sic] to consider that in the future and make it also apply to the public sector.

I vote yes. Thank you, Mr. President.

ACTING PRESIDENT JOHNSON: Thank you, Senator Bonacic.

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 377, by Member of the Assembly Canestrari, Assembly Print Number 4300, an act to amend the Judiciary Law.

ACTING PRESIDENT JOHNSON: Read the last section.

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

ACTING PRESIDENT JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT JOHNSON: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number

384, by Senator Addabbo, Senate Print 3538A, an act to amend the Civil Service Law.

ACTING PRESIDENT JOHNSON: Read the last section.

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

ACTING PRESIDENT JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT JOHNSON: Announce the results.

THE SECRETARY: Ayes, 58. Nays, 1. Senator Lanza recorded in the negative.

ACTING PRESIDENT JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 413, by Senator C. Johnson, Senate Print 7369, an act to amend the Executive Law.

ACTING PRESIDENT JOHNSON: Read the last section.

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

ACTING PRESIDENT JOHNSON: Call the roll.

(The Secretary called the roll.)

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

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

I did have several questions on this, but since you're up there and it is Getaway Day, I'll defer those questions.

But maybe just to explain my vote, I vote in favor of this bill. I think it's a very good bill. But maybe just by way of explaining, I can make a suggestion to the sponsor that this -- this legislation includes any boards, commissions, committees, councils, task forces. It's really all-encompassing, and it's very good.

There is, however, on the border, the northern border of New York State, some very different types of commissions that control the bridges between Canada and the United States. There's the Peace Bridge Authority in the City of Buffalo, there's the Niagara Falls Bridge Commission, I think there's one up in Ogdensburg or someplace up there.

But the U.S. representatives are

appointed, for the most part, by the Governor. In some instances, like the Peace Bridge, they're appointed by the Attorney General and others.

But these should be included in resolutions like this. They consider themselves to be federal entities when it benefits them as far as releasing public information, state entities when it benefits them as far as not releasing any state information.

So just a suggestion that I had, Mr. President. I vote in the affirmative.

ACTING PRESIDENT JOHNSON: Thank you very much, Senator Maziarz.

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 476, by Senator Dilan, Senate Print 7686, an act to amend the State Finance Law.

ACTING PRESIDENT JOHNSON: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT JOHNSON: Senator LaValle, to explain his vote.

SENATOR LaVALLE: Thank you, Mr. President.

On Monday I offered an amendment to the emergency bill, and at that time I had indicated how SUNY and CUNY were treated differently, to the detriment of SUNY.

Today I have a memo from the Dormitory Authority that just talks about some of the things that I mentioned and I think Senator Little may have mentioned in her remarks.

It talks about the SUNY dorm 90-day summer recess construction window and that this work is done, typically commences around May the 15th. It goes on, in the last sentence of this memo: "Without a 2010-2011 budget or applicable emergency appropriations allowing DASNY to draw advances, DASNY will need to inform contractors early in May that

we might no longer be able to pay for them to progress their contracts."

So as I had indicated, it's critically important that contractors know that there is money available that they can draw down on to complete their work. And without this, we have a narrow window, a 90-day window.

And I know there's an Assembly bill, so Assemblyman Lopez really has to pass this quickly, it has to go to the Governor, and the Governor has to sign this bill -- or else the legislation before us is for naught in terms of State University.

I vote in the affirmative, Mr. President.

ACTING PRESIDENT JOHNSON: Senator LaValle will vote in the affirmative.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you very much, Mr. President. Just quickly, I want to echo the sentiments of my colleague Senator LaValle. I want to thank the chair of the Transportation Committee, Senator Dilan.

My colleague, the great colleague

from the northwest that I represent, Senator Jim Seward, said "Imitation is the greatest form of flattery." We're flattered because this is identical to the amendments that we put forth week after week, week after week, with the Governor's extenders.

It's critically important that this does become law, and the Assembly has to adopt this and the Governor must sign this -- important for public safety, important for economic development, important to pay these contractors that have not been paid but are required to do the work and complete the work on time regardless of whether they get paid or not. And if they don't, they're going to get penalized heavily.

But it's critically important to put people back to work. You know, on Long Island we hear from the Long Island Contractors Association almost on a daily basis, all my colleagues that represent Long Island. We're not talking about just laying people off or having 35, 40 percent unemployment anymore, we're talking about bankruptcy now because the state is not

following through with its obligation to pay these contractors.

This is a step in the right direction. I want to thank my colleague Senator Dilan for this legislation. I'll be voting in the affirmative.

ACTING PRESIDENT JOHNSON: Senator Fuschillo to be voting in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 0.

ACTING PRESIDENT JOHNSON: The bill is passed.

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

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

ACTING PRESIDENT JOHNSON: Senator Klein, the desk is clear.

SENATOR KLEIN: There being no further business, Mr. President, I move that we adjourn at the call of the Temporary President, intervening days to be legislative days.

ACTING PRESIDENT JOHNSON: There being no further business to come before the Senate, on motion, the Senate stands adjourned at the call of the Temporary President, intervening days being legislative days.

(Whereupon, at 12:06 p.m., the Senate adjourned.)