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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

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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.

1 Messages from the Assembly.  
2 Messages from the Governor.  
3 Reports of standing committees.  
4 Reports of select committees.  
5 Communications and reports from  
6 state officers.  
7 Motions and resolutions.

8 Senator Klein.

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

15 ACTING PRESIDENT JOHNSON: So  
16 ordered.

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

23 ACTING PRESIDENT JOHNSON: So  
24 ordered.

25 SENATOR KLEIN: On behalf of

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

6 ACTING PRESIDENT JOHNSON: So  
7 ordered.

8 Senator Klein.

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

13 ACTING PRESIDENT JOHNSON: The  
14 Secretary will read.

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

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

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

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

12                   ACTING PRESIDENT JOHNSON:

13 Substitutions so ordered.

14                   Senator Klein.

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

17                   ACTING PRESIDENT JOHNSON:       Of  
18 course.

19                   Senator Volker.

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

23                   ACTING PRESIDENT JOHNSON:       So  
24 ordered.

25                   Senator Klein.

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

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

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

13                  ACTING PRESIDENT JOHNSON:     The  
14    Secretary will read.

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

21                  ACTING PRESIDENT JOHNSON:  
22    Senator Aubertine.

23                  SENATOR AUBERTINE:     Thank you,  
24    Mr. President.

25                             It's certainly a privilege to

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

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

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

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

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

1 face wherever she goes.

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

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

8 (Applause.)

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

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

15 (Response of "Aye.")

16 ACTING PRESIDENT JOHNSON:  
17 Opposed, nay.

18 (No response.)

19 ACTING PRESIDENT JOHNSON: The  
20 resolution is adopted.

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

1 Senator Klein.

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

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

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

13 ACTING PRESIDENT JOHNSON: The  
14 Secretary will read.

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

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

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

25 (Response of "Aye.")

1                   ACTING PRESIDENT JOHNSON:

2           Opposed, nay.

3                   (No response.)

4                   ACTING PRESIDENT JOHNSON:       The  
5           resolution is adopted.

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

11                   Senator Klein.

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

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

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

23                   ACTING PRESIDENT JOHNSON:       The  
24          Secretary will read.

25                   THE SECRETARY:       By Senator

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

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

9 (Response of "Aye.")

10 ACTING PRESIDENT JOHNSON:  
11 Opposed, nay.

12 (No response.)

13 ACTING PRESIDENT JOHNSON: The  
14 resolution is adopted.

15 Senator Klein.

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

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

25 SENATOR KLEIN: Yes, it has,

1 Mr. President.

2 ACTING PRESIDENT JOHNSON: The  
3 Secretary will read.

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

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

12 (Response of "Aye.")

13 ACTING PRESIDENT JOHNSON:  
14 Opposed, nay.

15 (No response.)

16 ACTING PRESIDENT JOHNSON: The  
17 resolution is adopted.

18 Senator Klein.

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

1                   ACTING PRESIDENT JOHNSON:     The  
2     Secretary will read.

3                   THE SECRETARY:     By Senator  
4     Griffo, Legislative Resolution Number 4989,  
5     congratulating the New Hartford Spartans upon  
6     the occasion of capturing the Division II  
7     New York State Public High School Athletic  
8     Association Hockey Championship.

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

14                  "WHEREAS, Athletic competition  
15    enhances the moral and physical development of  
16    the young people of this state, preparing them  
17    for the future by instilling in them the value  
18    of teamwork, encouraging a standard of healthy  
19    living, imparting a desire for success, and  
20    developing a sense of fair play and  
21    competition; and

22                  "WHEREAS, On Sunday, March 14,  
23    2010, the Spartans of New Hartford High School  
24    captured their second straight Division II  
25    New York State Public High School Athletic

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

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

15 "WHEREAS, One of the most respected  
16 hockey programs in New York State, the  
17 New Hartford Spartans compiled an outstanding  
18 21-4-1 record during the 2009-2010 season. In  
19 addition to winning the Division II New York  
20 State title, the Spartans repeated as League  
21 and Section III champions, and recorded a  
22 signature win for the program over top-ranked  
23 Section V powerhouse Webster Thomas in a  
24 memorial 5-4 triple overtime win in the  
25 regional final; and

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

12                   "WHEREAS, In 2009-2010, Head Coach  
13          John Cunningham was named the  
14          Observer-Dispatch All-Mohawk Valley Ice Hockey  
15          Coach of the Year. During the season, Coach  
16          Cunningham recorded his 300th career coaching  
17          victory. In his 20 seasons as New Hartford's  
18          head coach, his record is an outstanding  
19          303-149-23; and

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

1 championships and five Section III titles; and  
2 "WHEREAS, The 2009-2010 New  
3 Hartford High School Ice Hockey Team's overall  
4 record is outstanding, and the team members  
5 were loyally and enthusiastically supported by  
6 family, fans, friends and the community at  
7 large; and

8 "WHEREAS, The hallmarks of the  
9 2009-2010 New Hartford High School Hockey  
10 Team, from the opening game of the season to  
11 its participation in league play and in the  
12 New York State Public High School Athletic  
13 Association Championship Tournaments, were a  
14 brotherhood of athletic ability, of good  
15 sportsmanship, of honor and of scholarship,  
16 demonstrating that these team players are  
17 second to none; and

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

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

1           Cunningham, his coaching staff, and the  
2           2009-2010 New Hartford High School Hockey  
3           Team's outstanding athletes have clearly made  
4           a contribution to the spirit of excellence  
5           which is a tradition of their school; now,  
6           therefore, be it

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

1 record; and be it further

2 "RESOLVED, That copies of this  
3 resolution, suitably engrossed, be transmitted  
4 to the members and coaching staff of the  
5 2009-2010 New Hartford High School Hockey  
6 Team."

7 ACTING PRESIDENT JOHNSON:  
8 Senator Griffo.

9 SENATOR GRIFFO: Thank you,  
10 Mr. President.

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

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

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

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

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

1           you achieved tremendous success.

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

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

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

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

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

13                   (Applause.)

14                   ACTING PRESIDENT JOHNSON:  
15                   Senator Little.

16                   SENATOR LITTLE:       Thank you,  
17                   Mr. President.

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

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

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

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

7 Thank you.

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

11 This resolution was unanimously  
12 adopted on May 4th.

13 Senator Klein.

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

20 ACTING PRESIDENT JOHNSON: The  
21 Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

4                "WHEREAS, The Battle of Puebla was  
5       significant in that the 4,000 Mexican soldiers  
6       were greatly outnumbered by the French army of  
7       8,000 that had not been defeated for almost 50  
8       years; and

9                "WHEREAS, In the United States, the  
10       'Batalla de Puebla' came to be known as simply  
11       '5 de Mayo'; and

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

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

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

1 2010."

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

5 This resolution was unanimously  
6 adopted on May 4th.

7 Senator Klein.

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

15 ACTING PRESIDENT JOHNSON: The  
16 Secretary will read.

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

22 ACTING PRESIDENT JOHNSON:  
23 Senator Diaz.

24 SENATOR DIAZ: Thank you,  
25 Mr. President.

1                   Mr. President, ladies and  
2 gentlemen, the month of May is a very, very  
3 important month. There are many different  
4 activities that are celebrated during the  
5 month of May. There are different holidays,  
6 important holidays, that are celebrated during  
7 the month of May. There are different  
8 celebrations and different commemorations  
9 including, including the birth of my grandson  
10 Billy Killey today, who lives in Highland, in  
11 the town of Woodbury, New York.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14                         (Applause.)

15                         ACTING PRESIDENT JOHNSON:  
16           Senator Farley.

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

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

25                         But it goes way back. Not only am

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

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

16 And, Senator Diaz, I commend you.  
17 You have been a devoted chairman of this  
18 committee, which I have served on for over  
19 30 years. And I want to commend you for the  
20 choice that you've made here, because Dorothy  
21 Austin is a remarkable Senior Citizen of the  
22 Year and her husband, Bob Austin, is also a  
23 great American.

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

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

4                   This resolution was unanimously  
5                   adopted on May 4th.

6                   Senator Klein.

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

10                  ACTING PRESIDENT JOHNSON:     The  
11                  Secretary will read.

12                  THE SECRETARY:     Calendar Number  
13                  227, by Senator Stavisky, Senate Print 5585C,  
14                  an act to amend the Education Law.

15                  ACTING PRESIDENT JOHNSON:     Read  
16                  the last section.

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

19                  ACTING PRESIDENT JOHNSON:     Call  
20                  the roll.

21                  (The Secretary called the roll.)

22                  ACTING PRESIDENT JOHNSON:  
23                  Announce the results.

24                  THE SECRETARY:     Ayes, 58.

25                  ACTING PRESIDENT JOHNSON:     The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 297, by Senator L. Krueger, Senate Print  
4 3593C, an act to amend the Environmental  
5 Conservation Law.

6 ACTING PRESIDENT JOHNSON: Read  
7 the last section.

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

10 ACTING PRESIDENT JOHNSON: Call  
11 the roll.

12 (The Secretary called the roll.)

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

15 SENATOR BONACIC: Thank you,  
16 Mr. President.

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

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

1 I vote yes. Thank you,  
2 Mr. President.

3 ACTING PRESIDENT JOHNSON: Thank  
4 you, Senator Bonacic.

5 Announce the results.

6 THE SECRETARY: Ayes, 59.

7 ACTING PRESIDENT JOHNSON: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 377, by Member of the Assembly Canestrari,  
11 Assembly Print Number 4300, an act to amend  
12 the Judiciary Law.

13 ACTING PRESIDENT JOHNSON: Read  
14 the last section.

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

17 ACTING PRESIDENT JOHNSON: Call  
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT JOHNSON:  
21 Announce the results.

22 THE SECRETARY: Ayes, 59.

23 ACTING PRESIDENT JOHNSON: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 384, by Senator Addabbo, Senate Print 3538A,  
2 an act to amend the Civil Service Law.

3 ACTING PRESIDENT JOHNSON: Read  
4 the last section.

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

7 ACTING PRESIDENT JOHNSON: Call  
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT JOHNSON:  
11 Announce the results.

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

14 ACTING PRESIDENT JOHNSON: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 413, by Senator C. Johnson, Senate Print 7369,  
18 an act to amend the Executive Law.

19 ACTING PRESIDENT JOHNSON: Read  
20 the last section.

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

23 ACTING PRESIDENT JOHNSON: Call  
24 the roll.

25 (The Secretary called the roll.)

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

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

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

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

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

25                  But the U.S. representatives are

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

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

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

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

16 Announce the results.

17 THE SECRETARY: Ayes, 59.

18 ACTING PRESIDENT JOHNSON: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 476, by Senator Dilan, Senate Print 7686, an  
22 act to amend the State Finance Law.

23 ACTING PRESIDENT JOHNSON: Read  
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT JOHNSON: Call  
3 the roll.

4 (The Secretary called the roll.)

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

7 SENATOR LaVALLE: Thank you,  
8 Mr. President.

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

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

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

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

3 So as I had indicated, it's  
4 critically important that contractors know  
5 that there is money available that they can  
6 draw down on to complete their work. And  
7 without this, we have a narrow window, a  
8 90-day window.

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

15 I vote in the affirmative,  
16 Mr. President.

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

19 Senator Fuschillo.

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

25 My colleague, the great colleague

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

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

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

1 following through with its obligation to pay  
2 these contractors.

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

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

10 Announce the results.

11 THE SECRETARY: Ayes, 59. Nays,  
12 0.

13 ACTING PRESIDENT JOHNSON: The  
14 bill is passed.

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

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

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

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

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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.)