

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 May 25, 2010

11 3:22 p.m.

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13
14 REGULAR SESSION

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18 SENATOR ANDREA STEWART-COUSINS, Acting President

19 ANGELO J. APONTE, Secretary

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

2 ACTING PRESIDENT STEWART-COUSINS:

3 The Senate will please come to order.

4 I ask everyone present to rise and
5 recite with me the Pledge of Allegiance to our
6 Flag.7 (Whereupon, the assemblage recited
8 the Pledge of Allegiance to the Flag.)

9 ACTING PRESIDENT STEWART-COUSINS:

10 In the absence of clergy, may we all bow our
11 heads in a moment of silence.12 (Whereupon, the assemblage
13 respected a moment of silence.)

14 ACTING PRESIDENT STEWART-COUSINS:

15 The reading of the Journal.

16 The Secretary will read.

17 THE SECRETARY: In Senate,
18 Monday, May 24, 2010, the Senate met pursuant
19 to adjournment. The Journal of Sunday,
20 May 23, 2010, was read and approved. On
21 motion, Senate adjourned.

22 ACTING PRESIDENT STEWART-COUSINS:

23 Without objection, the Journal stands approved
24 as read.

25 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: Madam President,
10 I have a resolution at the desk. I ask that
11 the resolution be read in its entirety and
12 move for its immediate adoption.

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

17 SENATOR KLEIN: Yes, it has,
18 Madam President.

19 ACTING PRESIDENT STEWART-COUSINS:
20 The Secretary will read.

21 THE SECRETARY: By Senator Klein,
22 legislative resolution commending Eileen Frey
23 upon the occasion of her designation for
24 special recognition in honor of her unwavering
25 efforts with the Michael Frey Foundation.

1 "WHEREAS, It is the custom of this
2 Legislative Body to recognize those
3 individuals of preeminent character whose
4 lives exemplify the highest ideals of humanity
5 and whose lifework and civic endeavor serve to
6 enhance the quality of life in their
7 communities and the great State of New York;
8 and

9 "WHEREAS, Attendant to such
10 concern, and in full accord with its
11 long-standing traditions, this Legislative
12 Body is justly proud to commend Eileen Frey
13 upon the occasion of her designation for
14 special recognition in honor of her unwavering
15 efforts with the Michael Frey Foundation; and

16 "WHEREAS, In 1997, Eileen Frey,
17 along with her family, launched the Michael
18 Frey Foundation, named after Eileen's late
19 son, Michael Frey, who died in the line of
20 duty while working as an Eastchester police
21 officer in 1996; and

22 "WHEREAS, A heroic and courageous
23 police officer, Michael Frey worked for the
24 New York City Police Department for
25 approximately three years before transferring

1 in 1989 to serve as an officer in his hometown
2 of Eastchester, New York; and

3 "WHEREAS, A woman of incredible
4 fortitude and perseverance, Eileen Frey has
5 made it her life's passion to keep Michael
6 Frey's legacy alive; and

7 "WHEREAS, Almost 14 years later,
8 after the 29-year-old became the town's only
9 police officer to die in the line of duty,
10 hundreds of his fellow officers, as well as
11 friends and relatives, celebrate the life and
12 sacrifice of Officer Michael Frey every year,
13 thanks to the efforts of Eileen Frey and the
14 Michael Frey Foundation; and

15 "WHEREAS, This incredible
16 foundation has raised money for education
17 scholarships for students in Eastchester,
18 Tuckahoe, and Bronxville, including a special
19 scholarship started by Eileen Frey for
20 students who specifically follow her son's
21 footsteps and attend Immaculate Conception
22 School and Archbishop Stepinac High School in
23 White Plains, New York; and

24 "WHEREAS, Eileen Frey and her son
25 Al were also instrumental forces in the

1 formation of the New Yorkers Against Gun
2 Violence chapter in Eastchester, New York. In
3 addition, she has served as the treasurer of
4 the California Ridge Association; and

5 "WHEREAS, A wonderful son, a
6 devoted police officer, and an inspiring
7 friend, Michael Frey will be forever missed by
8 all those who knew him, but his legacy will
9 long endure the passage of time, thanks to the
10 infinite love of his mother, Eileen Frey; and

11 "WHEREAS, It is the sense of this
12 Legislative Body that those who enhance the
13 well-being and vitality of their community and
14 have shown a long and sustained commitment to
15 excellence certainly have earned the
16 recognition and applause of all the citizens
17 of this great Empire State; now, therefore, be
18 it

19 "RESOLVED, That this Legislative
20 Body pause in its deliberations to commend
21 Eileen Frey upon the occasion of her
22 designation for special recognition in honor
23 of her unwavering efforts with the Michael
24 Frey Foundation; and be it further

25 "RESOLVED, That a copy of this

1 resolution, suitably engrossed, be transmitted
2 to Eileen Frey."

3 ACTING PRESIDENT STEWART-COUSINS:
4 Senator Klein.

5 SENATOR KLEIN: Thank you, Madam
6 President.

7 It is truly my honor to have
8 nominated Eileen Frey as my Woman of
9 Distinction in the 34th Senate District. And
10 I have the privilege of recognizing them today
11 in the chamber: Eileen, her husband Al, her
12 son Al, who have done such tremendous work on
13 behalf of their son.

14 One of the great losses in the Town
15 of Eastchester, that I have the privilege of
16 representing, was the loss of Michael Frey.
17 Michael Frey was the only police officer,
18 thank God, that was killed in the line of duty
19 in the Town of Eastchester. It took on sort
20 of a life of its own because of the hard work
21 of Eileen. And I think many of you,
22 especially those in the Lower Hudson Valley,
23 are very familiar with the bump stickers
24 "Thank A Police Officer" in honor of Michael
25 Frey.

1 I think Eileen's work deserves
2 tremendous recognition. There's very few who
3 would take a terrible tragedy in their life
4 and try to make something positive of it.
5 Eileen's fight against gun violence, Eileen's
6 fight on behalf of her son to provide
7 scholarships to those who follow in the
8 footsteps of her heroic son is something that
9 I wish could be replicated more often.

10 She is someone who I consider one
11 of my personal heroes, because it takes a very
12 special person to put aside personal tragedy
13 and go on and do so much for others.
14 Certainly that's something that I believe we
15 need more of, especially right now in this
16 state.

17 She's someone who fights hard every
18 day, recognizes the problems that police
19 officers have each and every day because of
20 the proliferation of guns in our society, and
21 has done her work in her Town of Eastchester
22 to educate the public to such.

23 So it is my distinct pleasure to
24 honor her today. And I know there's going to
25 be a ceremony later on today, but I did want

1 to recognize this very special lady and
2 someone who I consider a dear friend and who's
3 not only a credit to the Town of Eastchester
4 but to all New Yorkers.

5 Let's welcome Eileen Frey,
6 everybody.

7 (Applause.)

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

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

13 (Response of "Aye.")

14 ACTING PRESIDENT STEWART-COUSINS:
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT STEWART-COUSINS:
18 The resolution is adopted.

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

24 And again, our congratulations to
25 the Freys. Thank you, Eileen.

1 Senator Klein.

2 SENATOR KLEIN: Madam President,
3 I believe Senator Sampson has a resolution at
4 the desk. I ask that the resolution be read
5 in its entirety and move for its immediate
6 adoption.

7 ACTING PRESIDENT STEWART-COUSINS:
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 Madam President.

13 ACTING PRESIDENT STEWART-COUSINS:
14 The Secretary will read.

15 THE SECRETARY: By Senator
16 Sampson, legislative resolution congratulating
17 the 2010 New York State Senate Contemporary
18 Women of Distinction Award honorees to be
19 celebrated May 25, 2010.

20 "WHEREAS, It is the sense of this
21 Legislative Body to recognize and pay tribute
22 to those women of distinction within the
23 Empire State who have made strong
24 contributions to their communities and who
25 inspire others through their model

1 citizenship; and

2 "WHEREAS, These illustrious women
3 have added vitality, sensitivity and
4 understanding to the diversity and value of
5 the people of the State of New York; and

6 "WHEREAS, This Legislative Body is
7 justly proud to congratulate the 2010 New York
8 State Senate Contemporary Women of Distinction
9 Award honorees to be celebrated at its annual
10 ceremony and reception on Tuesday, May 25,
11 2010; and

12 "WHEREAS, For the past 13 years,
13 the New York State Senate has honored a select
14 group of outstanding women who work to improve
15 the lives of others, subsequently making the
16 world a better place to live. To date, more
17 than 400 women across the state have been
18 awarded this most prestigious accolade; and

19 "WHEREAS, The 2010 Contemporary
20 Women of Distinction are being recognized for
21 their dedication to community, achievements in
22 education, the arts, health and business.
23 They have not only achieved great success on
24 an individual level, but also on a community
25 and social level, strengthening the

1 communities of this great Empire State; and

2 "WHEREAS, Historically, great
3 achievements have been made by women of
4 New York, such as Susan B. Anthony, who was a
5 teacher in Hardscrabble, New York, and began
6 her career in social activism in Rochester;
7 Eleanor Roosevelt, born on West 37th Street in
8 New York City, fought for civil rights during
9 her tenure as First Lady; Ella Fitzgerald, who
10 grew up in Yonkers and became a jazz legend;
11 Lucille Ball, born and raised in Chautauqua
12 County, went on to become a legend of the
13 screen; and Harriet Tubman, who did a majority
14 of her work in the women's suffrage movement
15 from her home in Auburn, New York; and

16 "WHEREAS, The 2010 Contemporary
17 Women of Distinction include Aissatou Ndao,
18 Muriel Allerton, JoAnn T. Atlas, Aurelia
19 Greene, Mary Walsh Boatfield, Dolores
20 Patterson Caldwell, Edie Carbone, Linda S.
21 Chiarenza, Mary Carroll Clavin, Susan M.
22 Cohen, Ilene Corina, Corrina Grant, Joy
23 Cousminer, Rachel Lee Davis, Andrea L. DeMeo,
24 Katherine M. Doherty, Alice J. Fiacco, Rena
25 Finkelstein, Eileen Frey, Lisa A. Frisch, Ada

1 Grabowski, Ph.D., Dedra Grant-Wade, Cheryl
2 Anne Hall, Helen Ann Henkel, The Honorable
3 Jacqueline Grace Boyce, Catherine McVay
4 Hughes, Dafny Joy Irizarry, Paloma
5 Izquierdo-Hernandez, Janice Emanuel-Bunn,
6 Carrie Kahn, Lynn Kennison, Peggy Liuzzi,
7 Kathy Marchione, Mary-Howell Martens, Kathleen
8 'Katie' Kilcommons McGowan, Anna Marie
9 Lusins-McLachlan, Ann Chambers Meagher, Mimi
10 Pierre Johnson, Mayor Stephanie A. Miner,
11 Margaret B. 'Mardy' Moore, Peg Overdorf, Jodie
12 A. Perry, Jean Phelps, Magaly Polo, Terri
13 Pouymari, Carol Quirk, Chandler M. Ralph,
14 Julie Ratner, M.D., Lillian Rodriguez-Lopez,
15 Carol Ruane, Eileen Santiago, Ph.D., Mary
16 Silver, Carol G. Simon, Dee G. Vanenburg,
17 Diane Arneth, Victoria Schneps, Tricia
18 Haggerty Wenz, Helen R. Worth, and Olga Rovt;
19 and

20 "WHEREAS, Each of these exceptional
21 women of singular distinction have continually
22 demonstrated extreme competence, extraordinary
23 intelligence, and diligent leadership in their
24 unwavering service to their communities; and

25 "WHEREAS, It is the custom of this

1 Legislative Body that those who enhance the
2 well-being and vitality of their community and
3 have shown a long and sustained commitment to
4 excellence certainly have earned the
5 recognition and applause of all the citizens
6 of this great Empire State; now, therefore, be
7 it

8 "RESOLVED, That this Legislative
9 Body pause in its deliberations to
10 congratulate the 2010 New York State Senate
11 Contemporary Women of Distinction Award
12 honorees, to be celebrated May 25, 2010; and
13 be it further

14 "RESOLVED, That copies of this
15 resolution, suitably engrossed, be transmitted
16 to the 2010 Contemporary Women of Distinction
17 honorees."

18 ACTING PRESIDENT STEWART-COUSINS:
19 Are there any other Senators wishing to be
20 heard on the resolution?

21 Senator Libous.

22 SENATOR LIBOUS: Thank you, Madam
23 President.

24 This is certainly a very special
25 day in the New York State Senate, Women of

1 Distinction, and we are going to honor not
2 only here on the floor but later on today a
3 number of very, very dedicated women who have
4 served not only the state but many
5 organizations in a very honorable manner.

6 I just want to also recognize, as
7 Senator Klein did, that Alice Fiacco is in the
8 gallery -- Alice, please stand up, be proud to
9 stand up -- who is my woman of distinction.
10 And she has dedicated her life to the fire
11 service in Broome County. And we'll talk a
12 little bit more about that later today.

13 But I'm just pleased to have Alice
14 here so that we, as all of you, will be
15 honoring each and every very special Woman of
16 Distinction, that I get that opportunity on
17 the floor.

18 So, Alice, congratulations to you.
19 Thank you for what you do in our community.

20 And, Madam President, I look
21 forward to the ceremony later today, which I
22 know you will be very involved in.

23 ACTING PRESIDENT STEWART-COUSINS:
24 Thank you, Senator.

25 Are there any other Senators

1 wishing to speak?

2 Senator Johnson.

3 SENATOR CRAIG JOHNSON: Thank you
4 very much, Madam President.

5 I want to first thank Leader
6 Sampson for his resolution and, like Senator
7 Libous, congratulate all the Women of
8 Distinction who are here today.

9 I wish to congratulate my woman of
10 distinction, Mimi Johnson, who is up in the
11 gallery as well, who has faithfully served the
12 Elmont community in my district, in particular
13 on one very important issue.

14 Last week the Investigations
15 Committee held a very important hearing in
16 Elmont involving the quality of the water in
17 the Elmont-Franklin Square area. And it was
18 through the leadership activities of Mimi
19 Johnson, who brought this issue to my
20 attention, who has been fighting the fight to
21 ensure that the residents of Elmont get a very
22 basic service from the Western Nassau Water
23 Authority, and that's clean water, drinkable
24 water.

25 And so for her actions on that one

1 issue as well as other issues, and her civic
2 activity, I want to congratulate Mimi Johnson
3 for being here and for being the Woman of
4 Distinction for the Seventh Senatorial
5 District.

6 So again, I thank Leader Sampson
7 and I join in the resolution. Thank you very
8 much.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Thank you, Senator.

11 Senator Larkin.

12 SENATOR LARKIN: Thank you, Madam
13 President.

14 You know, when we look about Women
15 of Distinction, you don't look at age, you
16 look at accomplishments. My Woman of
17 Distinction, Patricia Haggerty Wenz, had one
18 of the most startling beginnings. She married
19 a young man who was to be a coach at West
20 Point. They turned the sport of lacrosse
21 around.

22 All of a sudden, before the
23 championship game, he wanted to show the
24 cadets about the three things that they know
25 best: Duty, honor and country. And in doing

1 that, he raced to the top of Michie Stadium
2 and he raced down. As he hit the bottom step,
3 he fell over and died.

4 A young lady, two children, what
5 was she going to do with herself? Brand-new
6 to the area. But she stood up and said, Hey,
7 I've got to move on. I have these children.
8 And a lot of the women that are here today --
9 and some of ours in the Legislature -- have
10 been confronted with this.

11 So she said, What can I do? She
12 started out and look at people who were less
13 fortunate. She said, Yes, I've lost my
14 husband, my children have lost their dad, but
15 I have to move forward and do something.

16 She started an outfit that's called
17 Safe Harbors. It's in the City of Newburgh.
18 You've read about the City of Newburgh lately.
19 Sometimes Yonkers is all in the same path,
20 Madam President.

21 So she started going around America
22 and finding out, how do you do this, how do
23 you bring people together who are separated?
24 She started this Safe Harbors. It brought in
25 people that have been drug addicts, drunks,

1 you know, prostitutes, whatnot. And now she
2 has a Hotel Newburgh that Lucille Ball -- I
3 saw it in one of the articles that Lucille
4 Ball's first real performance was in the Ritz
5 Theater in Newburgh. And this lady said, If
6 Lucille Ball can do it, we can.

7 I was there Saturday night for
8 their annual ball, and everybody was saying
9 something -- as a matter of fact, she's on her
10 way here, but she's got a flat tire.

11 But the point about it is is she
12 took these people in from all walks of life.
13 She has them working, training, school, just
14 opened up a couple of lofts so artists from
15 the city can come up and do it and teach
16 others and still can turn what they want to
17 do.

18 This is a young lady that has shown
19 that she is a lady of distinction because of
20 her commitment to others. And we are a proud
21 community because Patricia Haggerty Wenz is
22 with us. And many of us who had the
23 opportunity to meet her first husband
24 understand what she said, he was a man for all
25 reasons. So is she.

1 Thank you, Madam President.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Thank you, Senator.

4 Senator Ranzenhofer.

5 SENATOR RANZENHOFER: Thank you,
6 Madam President.

7 I'd also like to rise and join my
8 colleagues. And you can just hear from the
9 comments that have been made by the other
10 Senators how proud they are, each and every
11 one of them, of the woman that they have
12 nominated for Woman of Distinction.

13 This is the second opportunity I've
14 had to do this, and I'm very proud today to
15 have Carrie Kahn with us as the Woman of
16 Distinction for the 61st District. Carrie
17 Kahn has been very active in workforce
18 development. She is viewed as one of the
19 leaders in our community for workforce
20 development, workforce training, has brought
21 in a lot of money to help displaced workers
22 and other people in need of training getting
23 back into the workforce.

24 In addition to that, she also
25 volunteers as a member of the school board.

1 She decided to get more involved in the
2 community a few years ago and ran for the
3 school board in order to help our
4 Williamsville Central School District move
5 through the challenges that we are facing.
6 And just last week, she was reelected for her
7 second term with the highest number of votes.

8 So she is a dedicated mother and
9 wife, very active in our community on the
10 school board, and just does a tremendous
11 amount for our community. I'm very proud to
12 have her as a Woman of Distinction and join
13 with my fellow Senators in just saying how
14 proud I am and pleased that she could join us
15 here today among many, many great Women of
16 Distinction in the chambers.

17 Thank you, Madam President.

18 ACTING PRESIDENT STEWART-COUSINS:

19 Thank you, Senator.

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

22 I certainly, before taking the
23 vote, want to acknowledge my Woman of
24 Distinction, Helen Henkel, who we will hear
25 more about, along with all of the other women

1 later today.

2 So the question is on the
3 resolution. All those in favor of its
4 adoption signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT STEWART-COUSINS:

7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT STEWART-COUSINS:

10 The resolution is adopted.

11 Senator Sampson has indicated that
12 he would like to open the resolution up for
13 cosponsorship by the entire house. Any
14 Senator wishing to not be on the resolution
15 please notify the desk.

16 Senator Klein.

17 SENATOR KLEIN: Madam President,
18 I believe Senator Winner has a resolution at
19 the desk. I ask that the title of the
20 resolution be read and move for its immediate
21 adoption.

22 ACTING PRESIDENT STEWART-COUSINS:

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

1 SENATOR KLEIN: Yes, it has,
2 Madam President.

3 ACTING PRESIDENT STEWART-COUSINS:
4 The Secretary will read.

5 THE SECRETARY: By Senator
6 Winner, legislative resolution honoring
7 Desiree Miller, of Corning, New York, upon the
8 occasion of being crowned Miss New York State
9 Teenager.

10 ACTING PRESIDENT STEWART-COUSINS:
11 Senator Winner.

12 SENATOR WINNER: Thank you, Madam
13 President.

14 It's my distinct honor to be able
15 to be here to present this resolution in honor
16 of a fine young lady from my district who is a
17 Young Woman of Distinction. And she is
18 Desiree Miller, who has been crowned Miss
19 New York State Teenager, and she's here in the
20 chamber today, and she's joined by her mother,
21 Crystal McCannon, and her advisor and pageant
22 director, Dick Gillespie.

23 And so if you could give some
24 recognition to Desiree Miller and congratulate
25 her on her honor and wish her all the best in

1 her endeavors from a great part of the state.

2 ACTING PRESIDENT STEWART-COUSINS:
3 Congratulations, Miss New York State Teenager.

4 (Applause.)

5 ACTING PRESIDENT STEWART-COUSINS:
6 Thank you, Senator Winner.

7 Are there any other Senators who
8 wish to be heard on this resolution?

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

12 (Response of "Aye.")

13 ACTING PRESIDENT STEWART-COUSINS:
14 Opposed, nay.

15 (No response.)

16 ACTING PRESIDENT STEWART-COUSINS:
17 The resolution is adopted.

18 Senator Winner has indicated that
19 he would like to open the resolution up for
20 cosponsorship by the entire house. Any
21 Senator wishing not to be on the resolution
22 please notify the desk.

23 And again, congratulations to our
24 wonderful honoree.

25 Senator Klein.

1 SENATOR KLEIN: Madam President,
2 I believe Senator Stachowski has a resolution
3 at the desk. I ask that the title of the
4 resolution be read and move for its immediate
5 adoption.

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

10 SENATOR KLEIN: Yes, it has,
11 Madam President.

12 ACTING PRESIDENT STEWART-COUSINS:
13 The Secretary will read.

14 ACTING PRESIDENT STEWART-COUSINS:
15 By Senator Stachowski, Legislative Resolution
16 5477, commending Peg Overdorf upon the
17 occasion of her designation as a 2010
18 Contemporary Woman of Distinction on May 25,
19 2010.

20 ACTING PRESIDENT STEWART-COUSINS:
21 Senator Stachowski.

22 SENATOR STACHOWSKI: Just
23 briefly. As Senator Sampson's resolution
24 spoke about all the ladies, Women of
25 Distinction, and Senator Klein did one on his

1 person, I had requested that mine get also
2 separated.

3 Peg Overdorf has been a community
4 activist for years. She runs a place called
5 the Valley Community Center in an old
6 neighborhood in South Buffalo which is a lower
7 economic strata. And it started out as a
8 storefront and now has two daycare centers, a
9 senior center and a community center.

10 She has an educational program that
11 after about six years got their first student
12 that was struggling in school that got
13 accepted to an Ivy League school. So she does
14 a marvelous job with that. She helps people
15 get job placement. She helps people with
16 resumes. She gets seniors transportation and
17 food pantry accessibility.

18 So Peg Overdorf just about does it
19 all in her community. She also is currently
20 the main driving force between a new park
21 being built on the Buffalo River, which is
22 going to be of great use to the people in that
23 community also.

24 So Peg, through her career, has
25 done so many wonderful things for so many

1 people that she easily qualifies as the person
2 from my district that's this year's Woman of
3 Distinction, and I just wanted to say a few
4 words about her on the floor of the Senate.

5 Thank you.

6 ACTING PRESIDENT STEWART-COUSINS:

7 Thank you, Senator.

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

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

13 (Response of "Aye.")

14 ACTING PRESIDENT STEWART-COUSINS:

15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT STEWART-COUSINS:

18 The resolution is adopted.

19 Senator Klein.

20 SENATOR KLEIN: Madam President,
21 at this time I move to recall Senate
22 Resolution Number 5187, by Senator Diaz, which
23 was previously adopted on May 12th. I ask
24 that the resolution be read in its entirety
25 and allow Senator Diaz to speak on his said

1 resolution.

2 ACTING PRESIDENT STEWART-COUSINS:

3 The Secretary will read.

4 THE SECRETARY: By Senator Diaz,
5 Legislative Resolution Number 5187, honoring
6 Lillian Rodriguez-Lopez upon the occasion of
7 her designation as recipient of the 2010 Woman
8 of Distinction Award.

9 "WHEREAS, It is the sense of this
10 Legislative Body to publicly recognize those
11 extraordinary individuals who have made
12 contributions to the success and progress of
13 society in the course of their life's work;
14 and

15 "WHEREAS, Attendant to such
16 concern, and in full accord with its
17 long-standing traditions, this Legislative
18 Body is justly proud to honor Lillian
19 Rodriguez-Lopez upon the occasion of her
20 designation as recipient of the 2010 Woman of
21 Distinction Award; and

22 "WHEREAS, Lillian Rodriguez-Lopez
23 serves as president of the Hispanic
24 Federation, a nonprofit membership
25 organization serving more than 90 Latino

1 health and human service agencies in New York,
2 New Jersey, Connecticut and Pennsylvania. She
3 first joined the federation in 1996 as vice
4 president, and under her leadership, the
5 association has dramatically increased its
6 organizational capacity to serve an
7 ever-increasing network of member agencies and
8 respond to the Latino community's needs
9 locally and nationally; and

10 "WHEREAS, Prior to joining the
11 Hispanic Federation, Lillian Rodriguez-Lopez
12 was employed at the New York City Health and
13 Hospitals Corporation, a public benefit
14 corporation which oversees the city's
15 healthcare system. She served in several
16 capacities, including executive assistant to
17 the chairman of the board of directors; and

18 "WHEREAS, Lillian Rodriguez-Lopez
19 is currently chair of New Yorkers for Smaller
20 Classes and co-chair of Broadband Everywhere.
21 In addition, she serves as a member of the
22 Citizens Union, the Wachovia Bank Community
23 Board, and the Manhattan Borough President
24 Community Board Reform Committee. She is a
25 true asset to society; and

1 "WHEREAS, A great community is only
2 as great as those persons who provide
3 exemplary service, whether through
4 participation in voluntary programs, through
5 unique personal achievement in their
6 profession or other endeavors, or simply
7 through a lifetime of good citizenry; and

8 "WHEREAS, It is the custom of this
9 Legislative Body that those who enhance the
10 well-being and vitality of their community and
11 have shown a long and sustained commitment to
12 excellence certainly have earned the
13 recognition and applause of all the citizens
14 of this great Empire State; now, therefore, be
15 it

16 "RESOLVED, That this Legislative
17 Body pause in its deliberations to honor
18 Lillian Rodriguez-Lopez upon the occasion of
19 her designation as recipient of the 2010 Woman
20 of Distinction Award; and be it further

21 "RESOLVED, That a copy of this
22 resolution, suitably engrossed, be transmitted
23 to Lillian Rodriguez-Lopez."

24 ACTING PRESIDENT STEWART-COUSINS:
25 Senator Diaz.

1 SENATOR DIAZ: Thank you, Madam
2 President.

3 Today is one of those days that
4 makes it more important than others. Today we
5 are celebrating the Women of Distinction, the
6 2010 Women of Distinction. And there are many
7 of them that are being honored today, but I'm
8 taking pride in that today I am designating a
9 Woman of Distinction, a wonderful woman, a
10 marvelous woman, a woman that all men and
11 women have to be very careful because she is
12 one of those women that takes over. And she
13 needs no directions, she goes.

14 And every time, Madam President and
15 ladies and gentlemen, every time that we have
16 a catastrophe in one of our countries, it is
17 Lillian Rodriguez and the Hispanic Federation
18 that takes command, that takes action, and
19 that coordinates every effort and puts
20 everybody together to help other countries.

21 Lillian Rodriguez is here today
22 with her mother, Maria Rodriguez. And you
23 know, the Rodriguez last name in Puerto Rico
24 is one of the more common -- Diaz, Rodriguez,
25 Martinez, Rivera. But Lillian Rodriguez, I am

1 very proud and honored today to designate
2 Ms. Lillian Rodriguez-Lopez as a 2010 Woman of
3 Distinction.

4 And we just heard, Madam President
5 and ladies and gentlemen, we just heard in the
6 resolution Ms. Rodriguez-Lopez can be
7 justifiably proud of her many accomplishments.
8 Some of her many professional accomplishments
9 have been the New York City Health and
10 Hospitals Corporation. And as president of
11 the Hispanic Federation, through its
12 outstanding volunteer service,
13 Ms. Rodriguez-Lopez is truly a pillar of the
14 community and someone who I am happy to call
15 my friend.

16 She runs an organization, the best
17 organization in New York City. Run by a lady,
18 by a woman. Run by that person that I'm
19 honored today to present to you, the Hispanic
20 Federation. Go out -- if you don't ever heard
21 about the Hispanic Federation, go to your
22 website, go ask for it. And you will find the
23 reputation -- the honesty, the integrity, the
24 work that the Hispanic Federation is doing
25 under the direction of Lillian

1 Rodriguez-Lopez.

2 Madam President and ladies and
3 gentlemen, Ms. Lillian Rodriguez has served
4 not only the Latino community but the entire
5 community -- indeed, the entire community with
6 her dedication, expertise and vision. That is
7 why she is so deserving of this award.

8 Lillian Lopez is a Hispanic woman.
9 Lillian Lopez is not only a Hispanic woman,
10 she's a leader. Every Hispanic elected
11 official, when they are called by the Hispanic
12 Federation and Lillian Lopez, we run.
13 Because -- we run. She is the one that puts
14 everybody together. And she is the one that
15 even the President of the United States, when
16 they invite leaders of our community, the
17 first one that gets invited is Lillian
18 Rodriguez-Lopez.

19 I'm so honored, I'm so pleased
20 today to be able to nominate and to be the one
21 that presents to you Lillian Rodriguez-Lopez.

22 Thank you, Madam President, ladies
23 and gentlemen, thank you for your time. And
24 thank you, Madam President, for this
25 opportunity.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Thank you, Senator.

3 Are there any other Senators
4 wishing to be heard on the resolution?

5 Senator Huntley.

6 SENATOR HUNTLEY: Thank you,
7 Madam President.

8 I just want to thank the leader for
9 this evening, for Women of Distinction. I
10 think it's something that really brings all
11 our people around us so we can show the
12 appreciation that we have for them.

13 I want to welcome my person who
14 just arrived, Dr. Jean Phelps. I want to
15 welcome her. And I'm going to save the best
16 about Dr. Phelps for later, when we give out
17 the awards.

18 And I would also at this time like
19 to welcome Jacqueline Boyce, on behalf of
20 Senator Smith, who is not on the premises, and
21 he asked me if I would welcome her also. And
22 later on this evening we will talk more about
23 them.

24 Thank you.

25 ACTING PRESIDENT STEWART-COUSINS:

1 Thank you, Senator Huntley.

2 The previous resolution had been
3 adopted on May 12th.

4 And so again, our congratulations
5 to the honoree, and we will see you all this
6 evening at 5:30.

7 Senator Klein.

8 SENATOR KLEIN: Madam President,
9 on behalf of Senator Diaz, can we please place
10 a sponsor's star on Calendar Number 588.

11 ACTING PRESIDENT STEWART-COUSINS:
12 So ordered.

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

15 ACTING PRESIDENT STEWART-COUSINS:
16 There are substitutions at the desk, Senator
17 Klein.

18 The Secretary will read.

19 THE SECRETARY: On page number
20 21, Senator Farley moves to discharge, from
21 the Committee on Crime Victims, Crime and
22 Corrections, Assembly Bill Number 9826 and
23 substitute it for the identical Senate Bill
24 Number 6765, Third Reading Calendar 287.

25 On page 23, Senator Young moves to

1 discharge, from the Committee on Crime
2 Victims, Crime and Corrections, Assembly Bill
3 Number 10233 and substitute it for the
4 identical Senate Bill Number 6658, Third
5 Reading Calendar 349.

6 On page number 28, Senator Sampson
7 moves to discharge, from the Committee on
8 Elections, Assembly Bill Number 10681B and
9 substitute it for the identical Senate Bill
10 Number 7466B, Third Reading Calendar 439.

11 On page number 35, Senator Parker
12 moves to discharge, from the Committee on
13 Housing, Construction and Community
14 Development, Assembly Bill Number 1401 and
15 substitute it for the identical Senate Bill
16 Number 6916, Third Reading Calendar 544.

17 And on page number 36, Senator Diaz
18 moves to discharge, from the Committee on
19 Aging, Assembly Bill Number 9838 and
20 substitute it for the identical Senate Bill
21 Number 7647, Third Reading Calendar 551.

22 ACTING PRESIDENT STEWART-COUSINS:
23 Substitutions so ordered.

24 Senator Klein.

25 SENATOR KLEIN: Madam President,

1 can we return to the reports of standing
2 committees. I believe there's a report of the
3 Finance Committee at the desk.

4 ACTING PRESIDENT STEWART-COUSINS:
5 Returning to the reports of standing
6 committees, there is a report of the Finance
7 Committee at the desk.

8 The Secretary will read.

9 THE SECRETARY: Senator C.
10 Kruger, from the Committee on Finance, reports
11 the following nomination.

12 As a member of the Metropolitan
13 Transportation Authority, Patrick J. Foye, of
14 Sandspoint.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Senator C. Kruger.

17 SENATOR CARL KRUGER: Thank you,
18 Madam President. Can we please move that
19 nomination.

20 ACTING PRESIDENT STEWART-COUSINS:
21 Are there any Senators that wish to be heard
22 on the nomination?

23 SENATOR FUSCHILLO: Madam
24 President, I'm sorry, which nomination are we
25 on?

1 ACTING PRESIDENT STEWART-COUSINS:
2 This is the nomination of Patrick Foye for the
3 MTA.

4 SENATOR FUSCHILLO: I'd like to
5 be heard.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Senator Fuschillo.

8 SENATOR FUSCHILLO: Thank you,
9 Madam President.

10 I just want to thank Mr. Foye for
11 his opportunity to serve this great state.

12 You know, this is a challenging
13 position, being a member of the MTA board at a
14 time where they're facing drastic cuts, less
15 coverage for the commuters, reduction of
16 services, and an increase in fees. I asked
17 Mr. Foye to use his experience in both the
18 public and private sector, to be not only
19 concerned about the service but obviously the
20 fees that are charged to our consumers.

21 Once again, I thank him for his
22 service to the State of New York, and I wish
23 him well.

24 ACTING PRESIDENT STEWART-COUSINS:
25 Thank you, Senator Fuschillo.

1 Senator C. Johnson.

2 SENATOR CRAIG JOHNSON: Thank you
3 very much, Madam President. I rise to also
4 second the nomination of Patrick J. Foye to
5 the MTA board.

6 We are in a very critical time, as
7 all of you are aware, with respect to the MTA.
8 And the MTA doesn't just limit its confines to
9 the five boroughs but goes to the 12-county
10 region surrounding it. And for a while now,
11 Nassau County has been without a voice on the
12 MTA board.

13 I can think of no better individual
14 to serve as the representative from Nassau
15 County than Pat Foye. I've known Pat for a
16 number of years. He happens to be a
17 constituent. More significantly, he happens
18 to be a friend.

19 His service to the state has been
20 stellar. And now he not only is going to be
21 serving on the MTA board, but he's now giving
22 back to his county, where he serves as the
23 deputy county executive focusing on economic
24 development -- which obviously, given these
25 very difficult economic times, is certainly a

1 challenge, just like the challenge to serve on
2 the MTA board.

3 But don't just take it from me,
4 take it from the various groups and
5 organizations that Pat dedicates his time
6 to -- his very limited spare time -- in
7 volunteer efforts. Just last week I happened
8 to be in the audience when he was honored by
9 the Catholic Charities and heard about the
10 fine words from Bishop Murphy, who spoke
11 glowingly of the work that Pat has done for
12 Catholic Charities and for Nassau County.

13 So I congratulate him. My
14 condolences to his wife, Suzanne, to lose him
15 for another board opportunity; his daughters,
16 Caitlin and Heather and Olivia.

17 And, Pat, I congratulate you. You
18 have a lot of work ahead of you. And so I
19 wish you the best of luck and Godspeed.

20 Thank you very much.

21 ACTING PRESIDENT STEWART-COUSINS:

22 Thank you, Senator.

23 Senator Bonacic.

24 SENATOR BONACIC: I'll be brief.

25 Hard decisions have to be made by

1 those on the board with the MTA. We had
2 chances to interact with Patrick when he
3 served with Governor Spitzer as the economic
4 development chief. He's a man that I consider
5 a fiscal expert. He knows how to analyze,
6 make tough business decisions.

7 We wish him well, and we're glad
8 that he's allowed his name to be put in
9 nomination for this challenging position. We
10 wish him and his family well.

11 Thank you, Madam Chair.

12 ACTING PRESIDENT STEWART-COUSINS:

13 Thank you, Senator.

14 Senator Marcellino.

15 SENATOR MARCELLINO: Thank you,
16 Madam President.

17 In spite of what I just heard about
18 Patrick's friendship with Senator Johnson, I
19 intend to support and I will maintain my
20 support for Pat Foye.

21 At our confirmation during the
22 Finance Committee meeting, I had asked Pat to
23 look into the suspension of the Able-Ride
24 system on Long Island, which assists the
25 elderly and the handicapped. That is a system

1 that has been suspended by the current
2 administration of the MTA, and we think that
3 was a mistake. We think the savings are
4 minimal and that they can be found in other
5 areas.

6 And I've asked Pat and he's agreed
7 to look into that and see if we can keep the
8 Able-Ride system going, because it's an
9 absolute necessity on Long Island for the
10 people it serves.

11 So, Pat, I wish you well. It's not
12 an easy job you're taking on, but I know
13 you're going to do it and do it well. So
14 congratulations, and God bless.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Are there any other Senators that wish to be
17 heard on the nomination?

18 Senator O. Johnson.

19 SENATOR OWEN JOHNSON: Yes, I'd
20 like to join and, shall I say, celebrate the
21 appointment of Pat Foye to the MTA.

22 We've known him on Long Island.
23 He's done many public service positions and
24 has always been a man you can count upon to
25 listen to you and do the right thing.

1 So, Pat, we're glad to have you
2 there, and thank you very much for accepting.

3 ACTING PRESIDENT STEWART-COUSINS:
4 Thank you, Senator.

5 Are there any other Senators
6 wishing to be heard on the nomination?

7 The question is on the motion to
8 confirm the nomination of Patrick J. Foye as a
9 member of the Metropolitan Transportation
10 Authority. All those in favor please signify
11 by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT STEWART-COUSINS:
14 Opposed, nay.

15 (No response.)

16 ACTING PRESIDENT STEWART-COUSINS:
17 The motion carries. The nomination is
18 confirmed.

19 Congratulations to Mr. Foye.

20 (Applause.)

21 ACTING PRESIDENT STEWART-COUSINS:
22 The Secretary will continue to read.

23 THE SECRETARY: As members of the
24 Small Business Advisory Board, Doreen Frasca,
25 of New York City; Michael J. Garner, of

1 New York City; and Lisa Quiroz, of New York
2 City.

3 As members of the State Board for
4 Historic Preservation, Michael J. Devonshire,
5 of Brooklyn, and Paul M. Stewart, of Albany.

6 As members of the Taconic State
7 Park, Recreation and Historic Preservation
8 Commission, Frederick H. Osborn, III, of
9 Garrison, and Lucy R. Waletzky, M.D., of
10 Pleasantville.

11 As members of the State Council on
12 the Arts, Jill Erika Braufman, of New York
13 City; Laudelina Martinez, of Albany; John
14 Morning, of New York City; and Hal D. Payne,
15 of Buffalo.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Senator Kruger.

18 SENATOR CARL KRUGER: Thank you,
19 Madam President. Can we please move on these
20 nominations.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Are there any other Senators wishing to be
23 heard on the motion to confirm the
24 nominations?

25 The question is on the motion to

1 confirm the nominations. All those in favor
2 please signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT STEWART-COUSINS:
5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT STEWART-COUSINS:
8 The motion carries. The nominations are
9 confirmed.

10 Senator Klein.

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

14 ACTING PRESIDENT STEWART-COUSINS:
15 The Secretary will read.

16 THE SECRETARY: Calendar Number
17 387, by Senator Marcellino, Senate Print 5870,
18 an act in relation to authorizing.

19 ACTING PRESIDENT STEWART-COUSINS:
20 There is a home-rule message at the desk.

21 Read the last section.

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

24 ACTING PRESIDENT STEWART-COUSINS:
25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT STEWART-COUSINS:

3 Announce the results.

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT STEWART-COUSINS:

6 The bill is passed.

7 THE SECRETARY: Calendar Number
8 420, by Senator Fuschillo, Senate Print 5140,
9 an act to authorize the Wantagh Memorial
10 Congregational Church to file an application.

11 ACTING PRESIDENT STEWART-COUSINS:

12 Read the last section.

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

15 ACTING PRESIDENT STEWART-COUSINS:

16 Call the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT STEWART-COUSINS:

19 Announce the results.

20 THE SECRETARY: Ayes, 60. Nays,
21 1. Senator Bonacic to be recorded in the
22 negative.

23 ACTING PRESIDENT STEWART-COUSINS:

24 The bill is passed.

25 THE SECRETARY: Calendar Number

1 479, by Senator Breslin, Senate Print 3499A,
2 an act to amend the Insurance Law.

3 ACTING PRESIDENT STEWART-COUSINS:
4 Read the last section.

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

7 ACTING PRESIDENT STEWART-COUSINS:
8 Call the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT STEWART-COUSINS:
11 Announce the results.

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT STEWART-COUSINS:
14 The bill is passed.

15 THE SECRETARY: Calendar Number
16 480, by Senator Breslin --

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

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

21 THE SECRETARY: Calendar Number
22 510, by Senator Stavisky, Senate Print 1742A,
23 an act to amend the Real Property Tax Law.

24 ACTING PRESIDENT STEWART-COUSINS:
25 Read the last section.

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

3 ACTING PRESIDENT STEWART-COUSINS:
4 Call the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT STEWART-COUSINS:
7 Announce the results.

8 THE SECRETARY: Ayes, 60. Nays,
9 1. Senator Ranzenhofer to be recorded in the
10 negative.

11 ACTING PRESIDENT STEWART-COUSINS:
12 The bill is passed.

13 THE SECRETARY: Calendar Number
14 512, by Assemblyman V. Lopez, Assembly Print
15 2364, an act to amend the Private Housing
16 Finance Law.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Read the last section.

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

21 ACTING PRESIDENT STEWART-COUSINS:
22 Call the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT STEWART-COUSINS:
25 Announce the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT STEWART-COUSINS:

3 The bill is passed.

4 Senator Klein, that completes the
5 reading of the calendar.

6 SENATOR KLEIN: Madam President,
7 at this time can we please go to a reading of
8 the supplemental active list.

9 ACTING PRESIDENT STEWART-COUSINS:
10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 514, by Senator Serrano, Senate Print 7776A,
13 an act in relation to requiring the Office of
14 Parks.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Read the last section.

17 SENATOR PADAVAN: Lay it aside.

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

20 Senator Klein, that completes the
21 reading of the noncontroversial supplemental
22 calendar.

23 SENATOR KLEIN: Madam President,
24 at this time can we please go to a reading of
25 the controversial supplemental active list.

1 ACTING PRESIDENT STEWART-COUSINS:

2 The Secretary will please ring the bell.

3 Members are all asked to come to
4 the chamber for the reading of the
5 controversial supplemental active list.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 514, by Senator Serrano, Senate Print 7776A,
9 an act in relation to requiring the Office of
10 Parks.

11 ACTING PRESIDENT STEWART-COUSINS:
12 Senator Flanagan, on the bill.

13 SENATOR FLANAGAN: Thank you,
14 Madam President. Would Senator Serrano yield
15 to a couple of questions?

16 ACTING PRESIDENT STEWART-COUSINS:
17 Senator Serrano, do you yield?

18 SENATOR SERRANO: Absolutely.

19 ACTING PRESIDENT STEWART-COUSINS:
20 Senator Serrano yields, Senator Flanagan.

21 SENATOR FLANAGAN: Thank you.

22 Senator Serrano, I was looking at
23 this bill not only in its specificity but in
24 context of some of the things that are going
25 on or not going on.

1 So the first question is, is there
2 an appropriation in this bill?

3 SENATOR SERRANO: Madam
4 President, through you. Senator Flanagan,
5 there is not an appropriation, because in
6 every week's extender bill there is an
7 appropriation for all state agencies,
8 including Parks.

9 The indication from the Office of
10 Parks, through Commissioner Ash, is that the
11 funding that's included in those extenders is
12 sufficient for them to maintain the operation
13 levels as they have up until this time. And
14 it would allow them to move forward with the
15 park operations as they pertain to getting
16 ready for the summer season, hiring
17 lifeguards, getting the parks open.

18 Right now we are in danger of
19 having our parks not open for Memorial Day,
20 and this will give us the opportunity to do
21 that.

22 ACTING PRESIDENT STEWART-COUSINS:
23 Excuse me, Senator.

24 May we have order in the chamber,
25 please.

1 Senator.

2 SENATOR FLANAGAN: Madam
3 President, would Senator Serrano continue to
4 yield.

5 ACTING PRESIDENT STEWART-COUSINS:
6 Senator Serrano, do you continue to yield?

7 SENATOR SERRANO: Yes.

8 SENATOR FLANAGAN: Senator
9 Serrano, I'm trying to listen very carefully.
10 And you may have opened the door on something
11 that could be enlightening, in that you're
12 saying that there's general appropriation
13 authority in each extender bill, and you as
14 chair of the committee have had ongoing
15 discussions with Commissioner Ash and Parks
16 representatives and there appears to be some
17 fungibility in those funds.

18 So my basic question, then, is if
19 they felt they could do this, why the heck are
20 they closing the parks? Why are we going
21 through this rain dance, or this song and
22 dance on something that it appears could be
23 fixed administratively?

24 SENATOR SERRANO: Through you,
25 Madam President. Senator Flanagan, excuse me

1 if I wasn't clear in my response.

2 The bill that we have in front of
3 us will give, in language, the authorization
4 for the Office of Parks to move forward with
5 getting ready for the summer season.
6 Currently, they're not able to do that in each
7 extender because the language is for very
8 bare-bones operations at state agencies.

9 And then so what I'm saying is that
10 the funding that exists within each of the
11 extenders, if they had authorization, they
12 could use those funds to continue funding
13 parks or operating parks at previous budget
14 levels.

15 SENATOR FLANAGAN: Madam
16 President, would Senator Serrano continue to
17 yield.

18 ACTING PRESIDENT STEWART-COUSINS:
19 Senator Serrano, do you continue to yield?

20 SENATOR SERRANO: Yes.

21 SENATOR FLANAGAN: If I follow
22 that logic, then it would seem to me that we
23 could have bills on the floor for education,
24 for healthcare, for transportation, things
25 that we've argued about here before that we've

1 offered amendments on which you and your
2 colleagues have voted against.

3 So your argument is that we need
4 this specific bill to give Parks the authority
5 to spend at last year's level, but with no
6 appropriation.

7 SENATOR SERRANO: Madam
8 President, through you. Senator Flanagan, the
9 indication that I've been given is that no
10 additional appropriation is needed and that
11 the money that is included in the bare-bones
12 extenders is sufficient enough for the
13 operations to sort of bridge until we get a
14 final budget in place.

15 And to -- and, I'm sorry, through
16 you, Madam President, to answer your other
17 concerns, the issue of parks, as chair of the
18 Committee on Parks, and seeing the broad
19 bipartisan support that we've had on this
20 issue, Senator, we've seen both sides of the
21 aisle agree on the notion of saving parks;
22 we've seen actually both houses here in the
23 Legislature agree on this as well.

24 I can't speak to any of the other
25 parts of this budget. My only concern at this

1 moment is parks. And I'm trying to do
2 anything that I can, in my power, to try to
3 find a way to keep the parks open.

4 Of course, what is most optimal is
5 to have a budget in place that closes the gap
6 that prevents any closure of parks. Until we
7 reach that point, this bill will act as a
8 bridge to at least give Parks the authority to
9 move forward with their operations in a way
10 that hopefully we won't lose the entire summer
11 season.

12 Because, Senator, as you know, the
13 parks provide a tremendous economic benefit to
14 our state. Every dollar that's invested in
15 parks reaps \$5 in revenue. And they provide
16 tremendous recreational opportunities and
17 outlets for our community. In a recession, we
18 need our state parks more than ever.

19 So while I understand your concern
20 about why this isn't happening at other levels
21 and in other areas, I can't stress enough how
22 important it is that we keep these state parks
23 open, and both sides of the aisle agree on
24 this.

25 SENATOR FLANAGAN: Thank you,

1 Senator Serrano.

2 Madam President, on the bill.

3 ACTING PRESIDENT STEWART-COUSINS:

4 On the bill.

5 SENATOR FLANAGAN: Thank you.

6 I appreciate the comments of the
7 sponsor. And I'm going to make a clear
8 distinction. I believe Senator Serrano to be
9 a thoughtful legislator, sincere in his
10 approach, genuine in his effort to try and
11 address this issue. He is a gentleman in
12 every respect, and I appreciate that very
13 much.

14 To the bill itself, I think this
15 bill is a great example of why Albany is so
16 messed up -- right at this juncture, before,
17 and probably prospectively for a little bit of
18 time.

19 Senator Serrano is correct, the
20 failure is in not having a budget on time,
21 which could have and should have been done by
22 April 1st. There is no reason, no legitimate
23 reason why a budget could not have been done.
24 We have had eight extenders, we've had a lot
25 of emergency appropriation bills that frankly

1 we didn't need. There should have been open
2 debate, open dialogue.

3 There was an amendment offered
4 yesterday which would have rectified this
5 problem and done so in what I believe would
6 have been a more appropriate fashion, but the
7 majority voted it down.

8 So now we have a bill before us
9 that doesn't have an appropriation. And when
10 we've had these discussions before, Senator
11 Klein has gotten up and said that we are
12 offering amendments that he believes to be
13 either non-germane or unconstitutional because
14 we can't add items of appropriation.

15 And in essence, that's exactly what
16 we're doing with this bill, even though it's
17 not specified that way. We're saying that
18 they can spend at last year's level, which
19 means in essence we are changing the
20 Governor's budget as it was presented to us.
21 If there were going to be a legal problem --
22 and not that I necessarily agree with the
23 approach that Senator Klein has taken, but we
24 have to be consistent.

25 So we don't have an appropriation.

1 We certainly don't have an agreement. And
2 even though everyone appears to be in support
3 of the parks, I'm looking at a list of 81
4 closures; there's only a couple in the City of
5 New York. Most of them are scattered around
6 the state. I have a couple in my own district
7 where people are calling all the time. We all
8 get the same kind of calls. And it's frankly
9 embarrassing that we even have to have a piece
10 of legislation like this before us.

11 Again, I'll distinguish between the
12 sponsor and what is going on in relation to
13 this issue and the budget. But perhaps the
14 most disconcerting part to me is listening to
15 how this gets explained.

16 I'm trying to think, how do I go
17 back now to the people that I represent -- or,
18 for that matter, any one of us -- and say, you
19 know, we actually did a bill, we didn't really
20 put any money behind the bill, but we did a
21 bill so that we could try and keep the parks
22 open, and we found out during that discussion
23 that while we do these extenders there's a
24 slush fund for the Parks Department that they
25 are not utilizing properly.

1 So when I hear about their
2 opportunity to potentially keep the parks
3 open, I say to myself is this a failure in
4 leadership, is it a failure in management, is
5 it a failure to follow through, or is this
6 just a quintessential high-stakes game of
7 chicken hanging the issue of parks over
8 everybody's head?

9 It's an abysmal failure that we're
10 approaching Memorial Day and we're having a
11 discussion about whether or not state parks
12 should be open. That's absolutely absurd,
13 it's ridiculous, and it's not the way things
14 should be done.

15 Everybody should be in agreement.
16 The Governor -- if people are of goodwill, we
17 should have had this in an extender. But we
18 don't. This is aiming at the target and
19 shooting this way and shooting that way.
20 We're not hitting the bull's-eye. And that
21 ill serves the people of this state.

22 Having said all that, I join your
23 effort, and I am going to vote in favor of
24 this even though I have disdain for how we're
25 moving this ship forward, if you will. We

1 need to do a lot better. And frankly, the
2 taxpayers deserve a lot better than they're
3 getting, not only in relation to the budget
4 but specifically as it relates to parks.

5 Thank you.

6 ACTING PRESIDENT STEWART-COUSINS:

7 Thank you, Senator Flanagan.

8 Senator Serrano.

9 SENATOR SERRANO: On the bill.

10 ACTING PRESIDENT STEWART-COUSINS:

11 Senator Serrano, on the bill.

12 SENATOR SERRANO: And I
13 appreciate your comments, Senator Flanagan,
14 and I return the comment to you, Senator. You
15 are a gentleman and a friend. And I
16 appreciate your remarks.

17 I obviously feel a bit different
18 than you about this bill. Yes, I'm concerned
19 about where we are as far as a budget is
20 concerned. But I obviously feel a bit more
21 upbeat about the notion of the bipartisan
22 support that we've had on this bill.

23 I think that it's a relatively --
24 when you look at the entire scope of our state
25 budget, it is a relatively small amount of

1 money that will do so much to save state
2 parks. We're not talking about an enormous
3 amount of money, we're talking about a
4 relatively small amount that will prepare our
5 parks for the summer season and get us there.

6 Yes, I agree, there is a lot of
7 different things that we could be doing
8 better. But we shouldn't cut off our nose to
9 spite our faces. If there's a way that we can
10 try to find to try to get these parks to
11 remain open -- and I look at this letter that
12 I sent to the Governor that is a completely
13 bipartisan letter, with Republicans and
14 Democrats from this chamber. When we think
15 about the press conference that we had earlier
16 in the budget season, which had not only
17 Democrats and Republicans from this house but
18 from the Assembly as well -- a very rare feat
19 in Albany standards -- I can't help but think
20 that here's an example of legislators working
21 together.

22 I really think that we owe it to
23 the people of the State of New York to leave
24 no stone unturned to try to find a way to keep
25 our parks open. You indicated -- Senator

1 Flanagan indicated in his remarks, Madam
2 President, that the brunt of the burden of
3 these closures is in places outside of
4 New York.

5 Now, I represent East Harlem and
6 the South Bronx. I don't think I have any in
7 my district that are in danger of closing, or
8 maybe a couple. But yes, the majority of this
9 is throughout the state.

10 But if you believe in the economic
11 engine that our parks and our cultural
12 institutions and historic sites generate, if
13 you think about the number of camping
14 reservations that are not being made right now
15 because we don't have our parks operating, and
16 when you think about the number of staycations
17 that are not being planned -- and in a
18 recession, that is the time for staycations,
19 and people of the State of New York are
20 looking for things to do throughout the
21 state -- if we don't act quickly, if we don't
22 act in a fashion that allows our parks to move
23 very quickly -- and it should be noted that
24 this is a two-house bill, and I believe the
25 other bill in the Assembly is being passed

1 today as well -- we will lose that
2 opportunity.

3 So I commend Senator Flanagan for
4 his remarks and his passion on behalf of
5 parks, and I commend my colleagues from both
6 sides of the aisle here in the Senate as well
7 as my colleagues in the Assembly for
8 supporting this bill and trying to find a way,
9 any way that we can, to bridge that gap while
10 we work to get this budget done to allow our
11 parks to remain open for the economic impact
12 and for the spiritual impact that they have on
13 the people of the State of New York.

14 Thank you, Madam President.

15 ACTING PRESIDENT STEWART-COUSINS:

16 Thank you, Senator.

17 Senator Fuschillo.

18 SENATOR FUSCHILLO: Thank you,
19 Madam President. Would Senator Serrano answer
20 a question?

21 ACTING PRESIDENT STEWART-COUSINS:

22 Senator Serrano, will you yield for a
23 question?

24 SENATOR SERRANO: Absolutely.

25 SENATOR FUSCHILLO: Senator, I

1 too agree with Senator Flanagan; I want to
2 thank you for putting this legislation forth.

3 But I have to ask you a question on
4 a response that you had made to Senator
5 Flanagan. You said that there's enough money
6 in the extenders to keep the operation of the
7 parks going. Now, as far as I'm concerned --
8 and I listened to Senator Kruger and I
9 listened to Senator DeFrancisco debate the
10 extenders every Monday, and they do it with
11 great detail. And I get the briefing on the
12 extenders. And it's very specific where the
13 money is intended to go.

14 So my question to you is, is there
15 a slush fund that is being created with these
16 extenders that is un-itemized -- it's not
17 specific, it's not detailed in where it's
18 going -- based on your statement that there's
19 enough money in the extenders?

20 SENATOR SERRANO: Madam
21 President, through you. Senator, I thank you
22 for your question. No. To my knowledge, this
23 isn't a situation where there's a slush fund
24 or anything like that.

25 What we have been told by the

1 Department of Parks is that within the
2 extenders there is money, week-to-week money,
3 but the language within the extenders does not
4 give authorization.

5 Now, if you're looking at the major
6 gap to fill in Parks, that's something that
7 needs to be done in the budget. We're talking
8 about, you know, \$6 million or \$11 million --
9 you know, there's some discussion on which is
10 it -- to stave off the 51 park closures.

11 But just to get us from one week to
12 the next, there is enough funds within each
13 extender appropriation. That has been
14 indicated to me by the Office of Parks.

15 SENATOR FUSCHILLO: Madam
16 President, would Senator Serrano yield for one
17 more question.

18 ACTING PRESIDENT STEWART-COUSINS:
19 Senator Serrano, do you continue to yield?

20 SENATOR SERRANO: Absolutely.

21 SENATOR FUSCHILLO: Senator, so
22 where is the money?

23 SENATOR SERRANO: The money is
24 within the extenders.

25 SENATOR FUSCHILLO: Would Senator

1 Serrano yield for another question.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Senator Serrano, do you continue to yield?

4 SENATOR SERRANO: Yes,
5 absolutely.

6 ACTING PRESIDENT STEWART-COUSINS:

7 Senator Fuschillo.

8 SENATOR FUSCHILLO: Can you
9 specifically state where the money is?

10 SENATOR SERRANO: I don't have
11 that information. The only thing that I have
12 been told has been that the money exists
13 within the extenders and that they -- meaning
14 they, the Office of Parks -- does not have
15 authorization to engage in the activities that
16 we are outlining in our bill. Therefore, the
17 money remains unspent.

18 SENATOR FUSCHILLO: Thank you,
19 Senator Serrano.

20 Madam President, just on the bill.

21 ACTING PRESIDENT STEWART-COUSINS:

22 Senator Fuschillo, on the bill.

23 SENATOR FUSCHILLO: You know,
24 this raises great concern to all of us here in
25 these chambers.

1 And I'll preface this to Senator
2 Kruger and Senator DeFrancisco, our chair and
3 ranker for Finance, that we're voting on
4 extenders, whether yea or nay -- can we have a
5 little order in the house?

6 ACTING PRESIDENT STEWART-COUSINS:
7 (Gaveling.)

8 SENATOR FUSCHILLO: We're voting
9 on extenders, whether yes or no, that aren't
10 specific. And evidently there's money there,
11 based on Senator Serrano's answer, that
12 departments can utilize if we bring forth
13 legislation.

14 Well, next week I think we should
15 bring forth legislation that appropriates
16 money to the State Education Department, and
17 we should bring forth legislation that
18 appropriates money to OMRDD, and we should
19 bring legislation that appropriates money that
20 was taken out of SUNY, the higher education,
21 and puts money back there. Because if there's
22 money in the extenders --

23 ACTING PRESIDENT STEWART-COUSINS:
24 Senator Kruger, why do you rise?

25 SENATOR CARL KRUGER: As a point

1 of information.

2 SENATOR FUSCHILLO: Thank you.

3 SENATOR CARL KRUGER: What we're
4 talking about are -- you have to quantify it.
5 Approximately \$6 million is what's needed to
6 open the gates to start cutting the grass and
7 doing what has to get done to get the parks
8 open.

9 Within the narrow scope of that
10 extender, there is the ability to manipulate,
11 for lack of a better term, that little bit of
12 money for a short period of time to sort of,
13 you know, turn on the lights.

14 But in the longer scope of
15 things -- you know, the Governor's proposal in
16 his bill dealing with parks has an \$80 million
17 cut, and the \$80 million cut would have
18 decimated the aquariums, the zoos and done all
19 the things that we're trying to avoid. So I
20 think the confusion lies with what we actually
21 can attain.

22 Now, while we're appropriating
23 money in the extender to pay the day-to-day
24 operation for our school budget, that's just
25 what we're talking about, the day-to-day

1 operation for a very small window of time. So
2 we could not sustain the parks indefinitely
3 using either Senator Serrano's bill or the
4 small amount of money that exists in that
5 weekly extender, but certainly we can open up
6 the gates, turn the lights on, get the grass
7 cut and start the process going.

8 Thank you, Madam President.

9 ACTING PRESIDENT STEWART-COUSINS:

10 Thank you, Senator Kruger.

11 Senator Fuschillo, would you like
12 to continue?

13 SENATOR FUSCHILLO: I'd like to
14 finish. But would Senator Kruger now answer a
15 question?

16 ACTING PRESIDENT STEWART-COUSINS:
17 Senator Kruger, would you please yield for a
18 question?

19 SENATOR FUSCHILLO: Just one
20 question. Yes?

21 SENATOR CARL KRUGER: Yes.

22 SENATOR FUSCHILLO: So in that
23 manipulation of the extenders, where would you
24 manipulate to find \$6 million that has been
25 specifically voted on and appropriated out of

1 what the Senate is voting on?

2 SENATOR CARL KRUGER: Well, you
3 don't -- again, through you, Madam President.
4 Again, we don't even need \$6 million. We need
5 a small amount of money. This bill would
6 enable the agency to move their available cash
7 into an operating mode so once again, because
8 of the time constraints that are involved, we
9 would be able to hopefully try to start
10 meeting that Memorial Day weekend.

11 It's a very short stopgap measure
12 of once again doing things within the agency
13 to create that small little pot of money.

14 Thank you, Madam President.

15 SENATOR FUSCHILLO: Thank you.

16 Would Senator Serrano answer just
17 one further question.

18 ACTING PRESIDENT STEWART-COUSINS:
19 Senator Serrano, do you yield?

20 SENATOR SERRANO: Absolutely.

21 SENATOR FUSCHILLO: Senator, is
22 there an Assembly sponsor? And did the
23 Assembly pass your bill?

24 SENATOR SERRANO: Yes, there is
25 an Assembly sponsor. My counterpart, the

1 chair of the Parks Committee, Assemblyman
2 Steve Englebright, is also passing the bill
3 today. Today he will pass it.

4 SENATOR FUSCHILLO: Thank you,
5 Senator.

6 You know, again, I want to conclude
7 by saying while it's well-intended, this has
8 opened up a whole new world for us in this
9 Senate to think about, when an extender comes
10 before this house next week, about, as Senator
11 Kruger said, the manipulation of funds.

12 And I think we should be concerned
13 about that because, as I stated before, I'd
14 like to see bills like this come up where
15 other departments can manipulate their funds,
16 for lack of a better word, to put more funds
17 into education, higher education, OMRDD and
18 other necessary programs in the state.

19 Thank you very much, Madam
20 President.

21 ACTING PRESIDENT STEWART-COUSINS:
22 Thank you, Senator.

23 Senator Padavan.

24 SENATOR PADAVAN: Thank you,
25 Madam President.

1 You know, we can kick this can
2 around all day, but here's what it boils down
3 to. Maybe about five hours ago I heard the
4 Governor say "It's only \$5 million, but the
5 Legislature has not provided those funds for
6 me to open the parks this weekend." That was
7 an unequivocal statement on his part. And to
8 my knowledge, we have not done that.

9 Now, you know, with all due respect
10 to anyone in this chamber, I don't believe the
11 Governor would have said that if it weren't a
12 matter of fact.

13 So now what you're doing is you're
14 misleading the people of this state, who,
15 based on this bill and what you say will
16 happen in the Assembly, are going to go to
17 their parks this weekend and the gates will be
18 closed or the services not provided. That is
19 disingenuous.

20 Now, if the Governor says the
21 \$5 million -- and that's the figure he used --
22 is not there and that unless it's provided
23 this week in some fashion the parks will not
24 open, or at least those who have been
25 indicated that will not open, what are we

1 doing here? Write a letter home to our
2 constituents and say we voted for a bill to
3 open the parks?

4 Or is there anything meaningful
5 here that will satisfy the Governor, who
6 ultimately, through his commissioners, must do
7 what you want them to do, open up the parks?
8 That's not a question. You can answer it if
9 you wish. But I think that we are kidding
10 ourselves here if you're suggesting that this
11 bill is going to solve the problem. Because
12 it's not.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator Little.

15 SENATOR LITTLE: Thank you, Madam
16 President.

17 Certainly I too, as the ranking
18 member on the Tourism Committee, understand
19 the need, as does Senator Serrano, who has
20 worked hard to have this happen, the need to
21 have these parks open. Because here we are
22 approaching Memorial Day. There are people in
23 this state who had intended to use these
24 parks -- and especially, with this economy,
25 would use these parks more than ever -- whose

1 taxpayers' dollars have actually paid for
2 these parks and paid for the upkeep of these
3 parks in previous years. And here we were
4 going to tell them that these parks were going
5 to be closed.

6 The other victims of closing the
7 parks are the seasonal workers who would not
8 have a job for the summer, who are hanging in
9 the wind as to whether they would be used or
10 not used or where they were going to stand and
11 how they were going to provide any income
12 during the summer season.

13 So I'm pleased that we have somehow
14 found the money to keep these parks open and
15 they will be open for Memorial Day weekend.
16 But I would ask -- and maybe before I ask to
17 explain that when the Department of Parks,
18 Recreation and Historic Preservation was
19 formed, all of the campgrounds and parks
20 within the Adirondack Park and the Catskill
21 Park were not given to them to supervise.
22 They were not under the jurisdiction of Parks,
23 Recreation, whatever. They have remained with
24 DEC, and DEC is closing parks.

25 We had a meeting this morning about

1 one of the parks, the Moose River Plains,
2 which is a 40-mile road in the Forest Preserve
3 with 170, 180 primitive campsites, purchased
4 with state land, and the gate is closed. The
5 answer was people can go around the gate and
6 if they can make their way down the road 10,
7 12 miles, or even if they have a wheelchair,
8 they can get around there. But this park was
9 handicapped-accessible. And closing it with a
10 gate, it's not handicapped-accessible.

11 This park, the Schroon Manor
12 Park -- there's so many parks within the
13 Adirondack Park and the Catskill Park that are
14 being closed this year. And when you put up
15 "Closed for the Summer" signs, a lot of people
16 change their plans and there's a lot of damage
17 that we're not going to be able to correct.

18 But my question is, since you have
19 found \$6 million to be able to keep the other
20 parks open, if we could find an additional
21 \$2 million to be able to solve this problem
22 with DEC.

23 At the meeting this morning we had
24 the supervisors of the Town of Inlet and
25 Indian Lake. We also had Old Forge and Webb

1 who have agreed. And those towns are so
2 desperate because of the economic impact of
3 this park, the Moose River Plains, to their
4 summer economy -- which is their only economy,
5 basically -- that they're willing to try to
6 help.

7 ACTING PRESIDENT STEWART-COUSINS:

8 Senator Serrano, why do you rise?

9 SENATOR SERRANO: I'm just trying
10 to clarify if the Senator is asking me a
11 question. I'd be more than happy to answer
12 it.

13 SENATOR LITTLE: I was getting to
14 it.

15 ACTING PRESIDENT STEWART-COUSINS:

16 Senator Little, do you wish --

17 SENATOR LITTLE: I do have a
18 question. And I'm just trying to point out
19 that at this morning's meeting, that we're
20 looking for the towns to come up with the
21 money to keep this park open. And, you know,
22 the towns don't have any more money than the
23 state does in this kind of situation.

24 And so listening that there is some
25 money available, could we make \$2 million

1 available so that the parks within the
2 Adirondacks and the Catskills under DEC's
3 jurisdiction would also be able to open?

4 SENATOR SERRANO: Through you,
5 Madam President. First of all, I want to
6 thank you for your advocacy on behalf of
7 parks. And as the ranking member of this
8 committee, you've been amazing in trying to
9 find ways to keep our parks open.

10 And I agree with you wholeheartedly
11 on your idea of finding \$2 million to keep the
12 parks within the DEC realm open. However,
13 that's a different agency, and I haven't dealt
14 with that. And I don't know the answer to
15 your question.

16 But conceptually, I would be in
17 support of that as well, but it's just not
18 anything that I have explored.

19 SENATOR LITTLE: Thank you.

20 Continuing on the bill, though,
21 this is extremely important to the economy of
22 the Adirondacks and the Catskills. And the
23 reason these parks are with DEC has always
24 been a question to me and something I didn't
25 quite understand, why they aren't moved to

1 Parks and Recreation.

2 But to see that this is happening
3 where the other parks are being saved and they
4 are not -- and DEC claims that they don't have
5 any money to keep these open, and yet we're
6 talking here about some kinds of money in the
7 extender bill that every agency must have to
8 be able to keep these parks open.

9 This is Memorial Day weekend.
10 These people have just paid their taxes.
11 These taxes go for the state lands. The state
12 continues to purchase more land. And now
13 we're seeing that the access to that land is
14 being denied to the taxpayers at a time when
15 they would enjoy it the most.

16 So I would like to work to see that
17 the Adirondacks and the Catskills will get the
18 same benefit as the -- and I have parks that
19 are under Parks and Recreation that I'm really
20 glad are going to be able to be kept open.
21 But I think we have more work to do, as well
22 as getting the budget accomplished.

23 Thank you.

24 ACTING PRESIDENT STEWART-COUSINS:

25 Thank you, Senator.

1 Senator Serrano.

2 SENATOR SERRANO: And just to
3 conclude my thought, Senator Padavan had
4 mentioned that the Governor had indicated that
5 \$5 million or 6 million -- I'm not sure what
6 the number is -- is what is needed to keep
7 parks open. And yeah, that's a correct
8 statement in the long term. If you wanted to
9 shut this budget down and actually maintain
10 parks for the rest of the year, yes, that is
11 the answer.

12 But that's not what I'm trying to
13 do here in this bill. This bill is a stopgap
14 measure just to get us from week to week so
15 that Parks can move forward with their
16 operation. So Senator Padavan was not
17 incorrect in his statement, but that's not
18 exactly what I'm trying to do here with this
19 bill. I'm trying to save parks now, short of
20 a budget being done.

21 Thank you.

22 ACTING PRESIDENT STEWART-COUSINS:

23 Thank you, Senator.

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

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

4 SENATOR FARLEY: Madam President,
5 point of personal privilege.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Senator Farley, what is your point of personal
8 privilege?

9 SENATOR FARLEY: Point of
10 personal privilege. I'd just like to announce
11 to my colleagues that today is Senator
12 Maziarz's 57th birthday.

13 (Applause.)

14 ACTING PRESIDENT STEWART-COUSINS:
15 Happy birthday, Senator Maziarz.

16 SENATOR MAZIARZ: I feel much
17 older.

18 ACTING PRESIDENT STEWART-COUSINS:
19 Senator Volker, is it your birthday?

20 SENATOR VOLKER: Can I just make
21 an announcement, as long as we're waiting,
22 that tomorrow is the Legislative Memorial
23 Service, at 8 o'clock at St. Mary's Church,
24 and then we'll have the breakfast afterwards.

25 I just thought this was a good time

1 to make the announcement, okay. So it's
2 tomorrow morning. All right? Thank you.

3 ACTING PRESIDENT STEWART-COUSINS:
4 Read the last section.

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

7 ACTING PRESIDENT STEWART-COUSINS:
8 Call the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT STEWART-COUSINS:
11 Senator DeFrancisco, to explain his vote.

12 SENATOR DeFRANCISCO: Yes.
13 Everyone on this side of the aisle obviously
14 is going to support this bill to keep the
15 parks open. If it weren't the case, we
16 wouldn't be offering amendments week after
17 week to keep the parks open.

18 The difference between our efforts
19 and this effort is that each time we offer an
20 amendment like yesterday, that was soundly
21 defeated by everyone on the other side of the
22 aisle, we had an appropriation amount
23 associated with it: \$6 million taken from the
24 New York State Power Authority. That made it
25 real. Why a real bill would be rejected over

1 a bill that it's a feel-good bill is beyond
2 me.

3 Every single appropriation bill has
4 this language: "No monies appropriated by
5 this chapter shall be available for payment
6 until a certificate of approval has been
7 issued by the Director of the Budget, who
8 shall file the certificate," et cetera.

9 To claim that there is some type of
10 manipulation or slush fund is pure sophistry.
11 The Governor at the open conference meeting
12 today said he will not approve the parks
13 opening unless there's some money that's saved
14 in another location.

15 So we're all voting yes knowing
16 full well that unfortunately this is
17 meaningless without the acceptance of the
18 Governor, and the only way to keep the parks
19 open is to get a budget. And we would
20 certainly hope that we would start working on
21 a budget before all parks are closed and
22 there's no money for anything.

23 Thank you, Madam President.

24 ACTING PRESIDENT STEWART-COUSINS:
25 Senator DeFrancisco to be recorded in the

1 affirmative.

2 Are there any other Senators
3 wishing to explain his or her vote?

4 Announce the results.

5 THE SECRETARY: Ayes, 59. Nays,
6 0.

7 Absent from voting: Senators
8 Sampson and Schneiderman.

9 ACTING PRESIDENT STEWART-COUSINS:
10 The bill is passed.

11 Senator Serrano, that completes the
12 reading of the controversial supplemental
13 active list.

14 SENATOR SERRANO: Thank you,
15 Madam President. Can we return to the order
16 of motions and resolutions.

17 ACTING PRESIDENT STEWART-COUSINS:
18 Returning to the order of motions and
19 resolutions.

20 Senator Serrano.

21 SENATOR SERRANO: Madam
22 President, at this time I move to recall
23 Senate Resolution Number 3840, by Senator
24 Seward, which was previously adopted on
25 February 9th. I ask that the title of the

1 resolution be read and that Senator Seward be
2 given the opportunity to speak on the
3 resolution.

4 ACTING PRESIDENT STEWART-COUSINS:
5 Thank you, Senator.

6 The Secretary will read. May I
7 please have order in the chamber.

8 The Secretary will read.

9 THE SECRETARY: By Senator
10 Seward, Legislative Resolution Number 3840,
11 commending the Honorable Anna Marie
12 Lusins-McLachlan upon the occasion of her
13 retirement after 20 years of distinguished
14 service on the Oneonta Town Board.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Senator Seward.

17 SENATOR SEWARD: Thank you, Madam
18 President.

19 I'm very pleased to rise to pay
20 tribute to a very distinguished woman from my
21 district who has played such a leading role in
22 the growth of her community and touching
23 countless number of lives along the way, both
24 in local government and throughout the
25 community as a leader.

1 Marie Lusins-McLachlan has spent,
2 as the resolution stated, two decades as a
3 member of the Oneonta Town Board. And in that
4 capacity, she has helped to usher great
5 progress in her community, constantly focusing
6 on the needs of the people of that township.

7 And as someone who always had her
8 finger on the pulse of the community, Marie
9 was able to recognize the needs of the people
10 and also find ways to fulfill those needs.

11 For example, she helped develop a
12 countywide food bank called Community
13 Connection, assisting food pantries throughout
14 Otsego County helping those in need. Marie
15 also recognized the need for healthcare for
16 many struggling to pay their healthcare bills
17 and helped develop the Oneonta Community
18 Health Center, a free clinic for those in
19 need.

20 And her advocacy did not stop at
21 the borders of her community. She actually
22 rose through the ranks of the New York State
23 Association of Towns and Townships and spent a
24 year as president of that organization that
25 represents all of the 932 towns and townships

1 throughout the State of New York.

2 You know, Marie also used a
3 personal tragedy in her family as a source of
4 motivation for her community care. A brain
5 tumor that eventually claimed the life of her
6 daughter led her to work as a tireless
7 advocate for the mentally and physically
8 challenged, both children and adults.

9 And Marie served as president of
10 the Otsego County ARC and currently serves on
11 the surrogate decision-making committee,
12 continuing to make sure that those who need
13 those services receive those services as well
14 as essential care.

15 Now, I could go on and on. This is
16 just a sample of her very distinguished life
17 and career of service. But I'm very, very
18 pleased to have Marie Lusins-McLachlan here
19 with us today up front here in the Richardson
20 chairs, along with her husband, Richard, and
21 her daughter Gillian.

22 And I'm very, very pleased to rise
23 to honor her for her two decades of service on
24 the town board -- but more than that, a
25 lifetime of service to her community. And I'm

1 very, very delighted that all of my colleagues
2 have joined me by the passage of this
3 resolution.

4 Congratulations, Marie.

5 (Applause.)

6 ACTING PRESIDENT STEWART-COUSINS:

7 Certainly congratulations.

8 And this resolution was previously
9 adopted on February 9th. So again,
10 congratulations for all you've done.

11 Senator Serrano.

12 SENATOR SERRANO: Thank you,
13 Madam President.

14 On behalf of Senator Oppenheimer,
15 on page 19 I offer the following amendments to
16 Calendar Number 231, Senate Print Number
17 6776A, and I ask that said bill retain its
18 place on Third Reading Calendar.

19 ACTING PRESIDENT STEWART-COUSINS:

20 So ordered.

21 Senator Serrano.

22 SENATOR SERRANO: Madam
23 President, is there any further business at
24 the desk?

25 ACTING PRESIDENT STEWART-COUSINS:

1 Senator Serrano, the desk is clear.

2 SENATOR SERRANO: There being no
3 further business at the desk, I move that we
4 adjourn until Wednesday, May 26th, at
5 3:00 p.m.

6 ACTING PRESIDENT STEWART-COUSINS:
7 There being no further business to come before
8 the Senate, on motion, the Senate stands
9 adjourned until Wednesday, May 26th, at
10 3:00 p.m.

11 (Whereupon, at 4:52 p.m., the
12 Senate adjourned.)
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