NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 25, 2010

3:22 p.m.

REGULAR SESSION

SENATOR ANDREA STEWART-COUSINS, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: The reading of the Journal.

The Secretary will read.

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

ACTING PRESIDENT STEWART-COUSINS: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

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

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

SENATOR KLEIN: Yes, it has, Madam President.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"RESOLVED, That a copy of this

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

ACTING PRESIDENT STEWART-COUSINS: Senator Klein.

SENATOR KLEIN: Thank you, Madam President.

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

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

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

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

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

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

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

Let's welcome Eileen Frey, everybody.

(Applause.)

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

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

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The resolution is adopted.

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

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

Senator Klein.

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

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

SENATOR KLEIN: Yes, it has, Madam President.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

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

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

citizenship; and

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

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

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

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

communities of this great Empire State; and

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

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

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

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

"WHEREAS, It is the custom of this

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

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

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

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

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

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

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Are there any other Senators

wishing to speak?

Senator Johnson.

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

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

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

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

And so for her actions on that one

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

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

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Larkin.

SENATOR LARKIN: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Madam President.

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

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

later today.

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

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The resolution is adopted.

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

Senator Klein.

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

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

SENATOR KLEIN: Yes, it has, Madam President.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

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

ACTING PRESIDENT STEWART-COUSINS: Senator Winner.

SENATOR WINNER: Thank you, Madam President.

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

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

her endeavors from a great part of the state.

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

(Applause.)

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

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

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

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The resolution is adopted.

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

And again, congratulations to our wonderful honoree.

Senator Klein.

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

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

SENATOR KLEIN: Yes, it has, Madam President.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

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

ACTING PRESIDENT STEWART-COUSINS: Senator Stachowski.

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

person, I had requested that mine get also separated.

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

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

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

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

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

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

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

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The resolution is adopted.

Senator Klein.

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

resolution.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Senator Diaz.

SENATOR DIAZ: Thank you, Madam President.

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

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

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

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

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

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

Rodriguez-Lopez.

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

Senator Huntley.

SENATOR HUNTLEY: Thank you, Madam President.

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

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

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

Thank you.

ACTING PRESIDENT STEWART-COUSINS:

Thank you, Senator Huntley.

The previous resolution had been adopted on May 12th.

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

Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS: So ordered.

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

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

The Secretary will read.

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

On page 23, Senator Young moves to

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Substitutions so ordered.

Senator Klein.

SENATOR KLEIN: Madam President,

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

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

The Secretary will read.

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

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

ACTING PRESIDENT STEWART-COUSINS: Senator C. Kruger.

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

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

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

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

SENATOR FUSCHILLO: I'd like to be heard.

ACTING PRESIDENT STEWART-COUSINS: Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

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

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

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

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

Senator C. Johnson.

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

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

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

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

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

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

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

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

Thank you very much.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Bonacic.

SENATOR BONACIC: I'll be brief.

Hard decisions have to be made by

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

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

Thank you, Madam Chair.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

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

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

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

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

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

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

Senator O. Johnson.

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

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

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

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

Congratulations to Mr. Foye.

(Applause.)

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

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Senator Kruger.

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

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

The question is on the motion to

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

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

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

Senator Klein.

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

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

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

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

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

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

SENATOR KLEIN: Lay the bill aside for the day.

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

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

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

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

Senator Klein, that completes the reading of the calendar.

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

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

SENATOR PADAVAN: Lay it aside.

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

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

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

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

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

The Secretary will read.

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

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

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

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

SENATOR SERRANO: Absolutely.

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

SENATOR FLANAGAN: Thank you.

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Excuse me, Senator.

May we have order in the chamber, please.

Senator.

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

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

SENATOR SERRANO: Yes.

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

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

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

if I wasn't clear in my response.

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

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

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

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

SENATOR SERRANO: Yes.

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

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

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

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

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

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

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

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

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

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

SENATOR FLANAGAN: Thank you,

Senator Serrano.

Madam President, on the bill.

ACTING PRESIDENT STEWART-COUSINS: On the bill.

SENATOR FLANAGAN: Thank you.

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

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

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

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

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

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

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

So we don't have an appropriation.

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

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

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

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

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

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

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

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

Thank you.

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

Senator Serrano.

SENATOR SERRANO: On the bill.

ACTING PRESIDENT STEWART-COUSINS: Senator Serrano, on the bill.

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

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

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

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

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

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

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

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

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

today as well -- we will lose that opportunity.

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

Thank you, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Fuschillo.

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

ACTING PRESIDENT STEWART-COUSINS: Senator Serrano, will you yield for a question?

SENATOR SERRANO: Absolutely.

SENATOR FUSCHILLO: Senator, I

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

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

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

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

What we have been told by the

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

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

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

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

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

SENATOR SERRANO: Absolutely.

SENATOR FUSCHILLO: Senator, so where is the money?

SENATOR SERRANO: The money is within the extenders.

SENATOR FUSCHILLO: Would Senator

Serrano yield for another question.

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

SENATOR SERRANO: Yes, absolutely.

ACTING PRESIDENT STEWART-COUSINS: Senator Fuschillo.

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

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

SENATOR FUSCHILLO: Thank you, Senator Serrano.

Madam President, just on the bill.

ACTING PRESIDENT STEWART-COUSINS: Senator Fuschillo, on the bill.

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

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

ACTING PRESIDENT STEWART-COUSINS: (Gaveling.)

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

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

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

SENATOR CARL KRUGER: As a point

of information.

SENATOR FUSCHILLO: Thank you.

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

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

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

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

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

Thank you, Madam President.

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

Senator Fuschillo, would you like to continue?

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

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

SENATOR FUSCHILLO: Just one question. Yes?

SENATOR CARL KRUGER: Yes.

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

what the Senate is voting on?

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

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

Thank you, Madam President.

SENATOR FUSCHILLO: Thank you.

Would Senator Serrano answer just one further question.

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

SENATOR SERRANO: Absolutely.

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

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

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

SENATOR FUSCHILLO: Thank you, Senator.

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

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

Thank you very much, Madam President.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Padavan.

SENATOR PADAVAN: Thank you, Madam President.

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

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Senator Little.

SENATOR LITTLE: Thank you, Madam President.

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

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

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

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

We had a meeting this morning about

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

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

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

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

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

ACTING PRESIDENT STEWART-COUSINS: Senator Serrano, why do you rise?

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

SENATOR LITTLE: I was getting to it.

ACTING PRESIDENT STEWART-COUSINS: Senator Little, do you wish --

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

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

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

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

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

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

SENATOR LITTLE: Thank you.

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

Parks and Recreation.

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

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

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

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

Senator Serrano.

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

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

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

Hearing none, the debate is closed.

The Secretary will please ring the bells.

SENATOR FARLEY: Madam President, point of personal privilege.

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

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

(Applause.)

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

SENATOR MAZIARZ: I feel much older.

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

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

I just thought this was a good time

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

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

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

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

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

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

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

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

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

Thank you, Madam President.

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

affirmative.

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

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 0.

Absent from voting: Senators Sampson and Schneiderman.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

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

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

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

Senator Serrano.

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

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

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator.

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

The Secretary will read.

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

ACTING PRESIDENT STEWART-COUSINS: Senator Seward.

SENATOR SEWARD: Thank you, Madam President.

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

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

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

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

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

throughout the State of New York.

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

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

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

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

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

Congratulations, Marie.

(Applause.)

ACTING PRESIDENT STEWART-COUSINS: Certainly congratulations.

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

Senator Serrano.

SENATOR SERRANO: Thank you, Madam President.

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

ACTING PRESIDENT STEWART-COUSINS: So ordered.

Senator Serrano.

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

ACTING PRESIDENT STEWART-COUSINS:

Senator Serrano, the desk is clear.

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

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

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