

1  
2  
3 THE STENOGRAPHIC RECORD  
4  
5  
6  
7

8 ALBANY, NEW YORK

9 June 1, 2010

10 4:07 p.m.  
11  
12

13 REGULAR SESSION  
14  
15  
16

17 SENATOR DAVID J. VALESKY, Acting President

18 ANGELO J. APONTE, Secretary  
19  
20  
21  
22  
23  
24  
25

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

2 ACTING PRESIDENT VALESKY: The  
3 Senate will please come to order.

4 I ask everyone present to please  
5 rise and recite with me the Pledge of  
6 Allegiance.

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

9 ACTING PRESIDENT VALESKY: In the  
10 absence of clergy today, may we bow our heads  
11 in a moment of silence.

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

14 ACTING PRESIDENT VALESKY: The  
15 reading of the Journal.

16 The Secretary will read.

17 THE SECRETARY: In Senate,  
18 Monday, May 31, the Senate met pursuant to  
19 adjournment. The Journal of Sunday, May 30,  
20 was read and approved. On motion, Senate  
21 adjourned.

22 ACTING PRESIDENT VALESKY:  
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: Mr. President, on  
10 behalf of Senator Stachowski, on page number  
11 30 I offer the following amendments to  
12 Calendar Number 604, Senate Print Number 7664,  
13 and ask that said bill retain its place on  
14 Third Reading Calendar.

15 ACTING PRESIDENT VALESKY: The  
16 amendments are received.

17 SENATOR KLEIN: Mr. President, on  
18 behalf of Senator Sampson, on page number 37 I  
19 offer the following amendments to Calendar  
20 Number 154, Senate Print Number 5262B, and ask  
21 that said bill retain its place on Third  
22 Reading Calendar.

23 ACTING PRESIDENT VALESKY: The  
24 amendments are received.

25 SENATOR KLEIN: Mr. President, I

1 believe there are substitutions at the desk.  
2 I ask that we make the substitutions at this  
3 time.

4 ACTING PRESIDENT VALESKY: The  
5 Secretary will proceed with reading the  
6 substitutions.

7 THE SECRETARY: On page 36,  
8 Senator Stavisky moves to discharge, from the  
9 Committee on Higher Education, Assembly Bill  
10 Number 10118 and substitute it for the  
11 identical Senate Bill Number 7748A, Third  
12 Reading Calendar 658.

13 And on page 36, Senator Huntley  
14 moves to discharge, from the Committee on  
15 Mental Health and Developmental Disabilities,  
16 Assembly Bill Number 10448 and substitute it  
17 for the identical Senate Bill Number 7649,  
18 Third Reading Calendar 661.

19 ACTING PRESIDENT VALESKY:  
20 Substitutions ordered.

21 Senator Klein.

22 SENATOR KLEIN: Mr. President, I  
23 believe there's a resolution at the desk by  
24 Senator Adams. I ask that the resolution be  
25 read in its entirety and move for its

1 immediate adoption.

2 ACTING PRESIDENT VALESKY:

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

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

8 ACTING PRESIDENT VALESKY: The  
9 Secretary will read.

10 THE SECRETARY: By Senator Adams,  
11 legislative resolution honoring the  
12 distinguished veterans from the State of  
13 New York upon the occasion of their induction  
14 into the New York State Senate Veterans Hall  
15 of Fame, to be celebrated on June 1, 2010.

16 "WHEREAS, Members of the Armed  
17 Services from the State of New York who have  
18 served so valiantly and honorably in wars in  
19 which this country's freedom was at stake, as  
20 well as in the preservation of peace in  
21 peacetime, deserve a special salute from this  
22 Legislative Body; and

23 "WHEREAS, Attendant to such  
24 concern, and in full accord with its  
25 longstanding traditions, this Legislative Body

1 is justly proud to honor the distinguished  
2 veterans from the State of New York upon the  
3 occasion of their induction into the New York  
4 State Senate Veterans Hall of Fame, to be  
5 celebrated on June 1, 2010; and

6 "WHEREAS, New York State Senate  
7 Veterans Hall of Fame inductees are members of  
8 any branch of the United States Armed Forces,  
9 which include Army, Navy, Coast Guard, Air  
10 Force and Marine Corps. These exceptional men  
11 and women are chosen for this prestigious  
12 honor based on either service in combat or  
13 notable work performed after discharge from  
14 service; and

15 "WHEREAS, The 2010 inductees  
16 include Joseph Conace, John J. Perrone, David  
17 J. Clark, Kevin M. Ryan, Lillian Yonally,  
18 Richard Pedro, Jeremy K. Torrisi, Herbert  
19 Barret, Charles W. Merriam, Edward Borowski,  
20 Robert Tom Riordan, Ruben R. Pratts, Charles  
21 'Jeff' Scherz, John C. Donovan, Jerry  
22 Williams, Lester R. Muse, Jr., Ralph Esposito,  
23 Richard S. Tibbetts, Pat Devine, Lester  
24 Modelowitz, Anthony Zippo, Eugene McSherry,  
25 Joe Ceurter, Thomas F. Sharpe, Rick Connors,

1 Ronald Tocci, Patrick W. Welch, Ph.D., Ralph  
2 Kring, Bob Moran, Chester A. Scerra, Thomas G.  
3 Seifert, Randolph Wilkerson, Jamie-Lynn  
4 Winkler, Eli Vetrano, Matthew George Francis  
5 Ryan, Ed Zaluski, Frank Tracz, Randy Dupree,  
6 Stanley Rychlicki, Rich 'Rodeo' Washington,  
7 Sam Stahlman and Job Mashariki; and

8 "WHEREAS, The banner of freedom  
9 will always wave over our beloved New York and  
10 all of America, the Land of the Free and the  
11 Home of the Brave; and

12 "WHEREAS, The freedoms and security  
13 we cherish as Americans come at a very high  
14 price for those serving in the military in  
15 times of conflict. It is fitting and proper  
16 that we who are the beneficiaries of those who  
17 risk their lives must never forget the courage  
18 with which these men and women served their  
19 country; and

20 "WHEREAS, Our nation's veterans  
21 deserve to be recognized, commended and  
22 thanked by the people of the State of New York  
23 for their service and for their dedication to  
24 their communities, their state and their  
25 nation; now, therefore, be it

1                   "RESOLVED, That this Legislative  
2           Body pause in its deliberations to honor the  
3           distinguished veterans from the State of  
4           New York upon the occasion of their induction  
5           into the New York State Senate Veterans Hall  
6           of Fame, to be celebrated on June 1, 2010; and  
7           be it further

8                   "RESOLVED, That copies of this  
9           resolution, suitably engrossed, be transmitted  
10          to the 2010 inductees."

11                   ACTING PRESIDENT VALESKY:  
12          Senator Adams, on the resolution.

13                   SENATOR ADAMS:       Thank you,  
14          Mr. President.

15                   First I would just like to say that  
16          there was a certain level of energy that was  
17          in the air as we held a ceremony for our vets  
18          over at the Legislative Office Building. You  
19          would have thought that, you know, there were  
20          some rock stars that were here. There was a  
21          bipartisan show of just affection.

22                   And we are proud just to have our  
23          vets here. Each one of the members in the  
24          Senate nominated one individual. My colleague  
25          Senator Andrea Stewart-Cousins and I put



1       together the plans for this event today. And  
2       although we called it the Hall of Fame, we  
3       would like to look to call it the Hall of  
4       Honor, because you honor us with your  
5       presence.

6               And this is what's great about  
7       America, and it's really what's great about  
8       this Senate, you know, and the camaraderie. I  
9       say over and over again we will haggle and  
10      argue about legislation and bills, and we will  
11      debate about things that matter to us. But  
12      we're able to use paper and budgets -- we  
13      don't have to use bullets -- because of you.

14             You know, this land we call the  
15      home of the free and the land of the brave is  
16      because of men and women like you, that in  
17      spite of danger, in spite of fear, in spite of  
18      your commitment to family, you chose to adorn  
19      a uniform and go abroad and make sure that  
20      we're safe here at home.

21             And we have an obligation, I never  
22      forget -- sometimes when the vets come in my  
23      office and they talk to me as the chair of the  
24      committee and I look at their faces as they  
25      talk about the complexities of navigating the

1       bureaucracy of government -- you served us  
2       with honor. You should not have to return to  
3       America and have battle scars of getting the  
4       resources you deserve.

5               There's no reason our men and women  
6       who come home from fighting abroad can't have  
7       free school and colleges in a college-friendly  
8       campus. There's no reason that they have to  
9       worry about issues in Afghanistan and then  
10      worry about losing their homes to foreclosure.  
11      If John the soldier can search for bin Laden  
12      in the cave, then he can come here to America  
13      and search for Ben the robber as a police  
14      officer.

15             We must understand the complexities  
16      of going through the transitional period from  
17      combat to civilian life, and we should not  
18      penalize you because of those complexities.  
19      We lost a countless number of men and women  
20      through the Vietnam War, I say over and over  
21      again, because we didn't have the services  
22      that they deserved and that they needed.

23             This Hall of Honor that we're  
24      creating, because you're representative of the  
25      many men and women who will go unnoticed, who

1 will only have one parade, who will only have  
2 one day of coming home -- but we in the State  
3 Senate, we're saying no to that. We want a  
4 continuous and constant reminder that no  
5 matter how difficult government is and no  
6 matter how many bills come before us and no  
7 matter how many things we must do of balancing  
8 budgets, we will never forget our vets.

9 That's the greatest symbol we can  
10 say to America as we start our session every  
11 day and do the Pledge of Allegiance. The true  
12 pledge is a pledge to the men and women who  
13 make sure that this country is safe. And  
14 that's what you did for us. And it's more  
15 than just veterans of wars, it's more than  
16 just veterans during peacetime. You are  
17 veterans of life.

18 And the difficulties of fighting a  
19 battle should not be also increased by coming  
20 home. And that's what true patriotism is. As  
21 I said earlier, it's not merely waving the  
22 flag in front of our home. Patriotism is  
23 never forgetting the men and women who have  
24 served us throughout the years. We're proud  
25 of that as State Senators. It doesn't matter

1 if it's Buffalo, Binghamton or Brooklyn, we  
2 are proud of that in a very uniform fashion.

3 We will set aside any disagreements  
4 to come to a bipartisan understanding that we  
5 respect and we honor you and we thank you for  
6 the energy you brought inside this Capitol and  
7 inside the program we have today.

8 These are our honorees in the Hall  
9 of Honor for 2010. And we commend you for  
10 your service to this country and what you  
11 continue to do for this great country, the  
12 United States of America. We're united  
13 because of men and women like you. I thank  
14 you.

15 Thank you, Mr. President.

16 (Applause.)

17 ACTING PRESIDENT VALESKY: Thank  
18 you, Senator Adams.

19 Senator Farley.

20 SENATOR FARLEY: Yes, thank you,  
21 Mr. President.

22 I just want to rise to pay tribute  
23 to my veteran over here, who's a member of the  
24 Greatest Generation, WW2. A remarkable man  
25 who was a V-12 person. That's the best and

1 the brightest.

2 They sent him off to college, he  
3 went to Hampton-Sydney and came out an ensign  
4 and was commander of an LCS landing craft that  
5 was at Saipan. And if it wasn't for the  
6 atomic bomb that was dropped on Japan, he was  
7 ready to go to -- the next assignment was to  
8 invade Japan.

9 He's a remarkable man who owns an  
10 agency that goes back a hundred and -- let's  
11 see, 1895, I think that would be 115 years.  
12 The Merriam Agency. And his son is now  
13 running it, and it's been in the family for  
14 115 years.

15 He's a remarkable person that I've  
16 known almost my entire political life, which  
17 is 40 years, and somebody that's always been a  
18 supporter of mine but, more than that, a real  
19 hero to our community. Charles Merriam,  
20 congratulations and we're proud of you.

21 Thank you.

22 (Applause.)

23 ACTING PRESIDENT VALESKY: Thank  
24 you, Senator Farley.

25 Senator Larkin.

1                   SENATOR LARKIN:     Thank you,  
2     Mr. President.

3                   And welcome, my combat veterans of  
4     these wars: World War II, Korea, Vietnam, a  
5     couple of little pinches in the islands,  
6     Bosnia, Iraq I, and now Iraq II with  
7     Afghanistan.

8                   You know, I was talking to my  
9     veteran, Tony Zippo -- please stand, Tony.  
10    Tony Zippo had two tours in Vietnam.

11                   (Applause.)

12                   SENATOR LARKIN:     Tony is what  
13    each and every one of us getting out have to  
14    come to. Tony is involved not just because  
15    he's a veteran service officer, but we dragged  
16    him into the Purple Heart Hall of Honor. And  
17    he said, "Gee, I'll volunteer." I said,  
18    "Good, we need a treasurer. You've got a  
19    background in accounting." He's now the  
20    treasurer, and he can pay all the bills.

21                   But you know what? This is the  
22    greatest country in the world. Why? Because  
23    of you. Look at one another. I'll bet I  
24    talked to 25 of you. Not one of us talked  
25    about combat. We talked about Buffalo. What

1 did we talk about? Patrick, stand up and let  
2 everybody know you.

3 Patrick, Patrick is doing something  
4 for veterans in education --

5 (Applause.)

6 SENATOR LARKIN: -- that you  
7 can't beat. As a matter of fact, we've  
8 recruited him to come to Orange County for our  
9 village housing. Thank you, Pat.

10 But that's what we need. You know,  
11 a lot of people on the outside want to help.  
12 You know what's missing? They really don't  
13 know what you need. They don't know what you  
14 see in young kids coming home. I don't  
15 remember all those kids coming home with half  
16 a leg, no arm, half the head blown off. We  
17 saw them, but they got out of the way right  
18 away. Today, with the news media, they're in  
19 your face.

20 And of course we have those  
21 laplazard [sic] people who are now saying, Oh,  
22 I didn't mean to say that I was in Vietnam, I  
23 meant to say something else. They're a  
24 disgrace to this country and to you, every one  
25 of you, because you served. You answered the

1 call.

2 And you were there to show these  
3 people here -- and these people in this  
4 chamber, the 62 members, are serious about  
5 helping you. But you've got to go and tell  
6 them. I got more from Pat this morning, got  
7 two ears full -- with the hearing aids that  
8 aren't working too, Pat. But you've got to  
9 step forward and help us.

10 You're heroes. The problem is, a  
11 lot of people out there don't appreciate what  
12 you've done because you don't go bragging  
13 about your story. I read a story yesterday  
14 where a guy said, You know, I was mad at  
15 Vietnam and I hid and I smoked and I did this,  
16 I did that, and I spat at them. And now he  
17 wants to apologize.

18 I can tell him a place in DC,  
19 there's a big black wall. There's a miniature  
20 of it in Sullivan County; he doesn't live far  
21 from it. He can go there and make an apology  
22 to those who never made it home.

23 To those of you who made it home,  
24 I'm very proud of you. The best part of my  
25 life was serving 23 years on active duty, from



1 a private to a lieutenant colonel. And on the  
2 way I met some of the most bravest, honest,  
3 dedicated, committed Americans, and they're  
4 just like you.

5 Thank you, and God bless you all.

6 (Applause.)

7 ACTING PRESIDENT VALESKY: Thank  
8 you, Senator Larkin.

9 Senator Bonacic.

10 SENATOR BONACIC: Thank you,  
11 Mr. Chairman.

12 This is one of the greatest days in  
13 our Senate chamber. For many of us, it was an  
14 emotional weekend. Many of us attended the  
15 Memorial Day celebrations and we honored those  
16 who made the ultimate sacrifice. Today, I  
17 want to congratulate each and every one of our  
18 heroes that have come to this chamber on  
19 behalf of all of the members. And you are now  
20 in our Senate Hall of Fame.

21 My particular hero -- and I would  
22 ask him to stand -- is Kevin Ryan, who is a  
23 Vietnam War veteran. Kevin, please stand up.

24 (Applause.)

25 SENATOR BONACIC: He is here with

1 his bride Martha of 42 years, who's behind me  
2 up in the gallery, his son Patrick, and Terry  
3 Breitenstein, who's the head of the Veterans'  
4 Service Agency of Ulster County.

5 I want to stress two quick points.  
6 Every veteran that is still alive today is my  
7 "American Idol." That's number one. And  
8 number two, we are honoring you today not only  
9 for your service in the different wars that  
10 you served, but the service that you give  
11 every day to veterans who need help and to  
12 people in your community. You are still  
13 serving, you are still our heroes, and you are  
14 still my American Idol.

15 Thank you.

16 (Applause.)

17 ACTING PRESIDENT VALESKY: Thank  
18 you, Senator Bonacic.

19 Senator Espada.

20 SENATOR ESPADA: Thank you,  
21 Mr. President.

22 I too would like to exercise the  
23 privilege of the house and ask my honoree,  
24 Herb Barret, to please stand. His son,  
25 Mr. Barret, is also upstairs. Mr. Herb

1 Barret.

2 (Applause.)

3 SENATOR ESPADA: I want to repeat  
4 what's been said about their heroism, but I  
5 know the time is limited. I want to  
6 particularly thank Mr. Barret for his work at  
7 that Van Cortlandt Park in the Bronx and the  
8 development of a memorial there in tribute to  
9 World War II, Vietnam, Korean vets.

10 And his work, as the Senator just  
11 spoke, carries on on a daily basis. Even  
12 yesterday, we spent some great time at the VA  
13 hospital, the VA hospital where my father, a  
14 Korean vet, could not be at. He's at a  
15 nursing home. We can't communicate; advanced  
16 dementia is his issue. But the fact that I  
17 was there with other Korean veterans made me  
18 feel like I was with my dad, the fact that we  
19 were talking about the circumstances and the  
20 afflictions of the day.

21 In the early 1950s, my father did  
22 not serve with other Americans. That is, he  
23 served directly from Puerto Rico, could not  
24 speak English, was brown-skinned, and was  
25 relegated to his battalion. I think others

1       could speak to some of the issues of the day  
2       which resulted in behaviors now in our core  
3       beliefs now that we look back and say, Wow, we  
4       behaved like that then.

5               I just want to read from an  
6       editorial that appeared two days ago in El  
7       Diario la Prensa, that we should look beyond  
8       the bargains, the commercialization of these  
9       holidays, that we should look to the  
10      devastation of war which is so widespread and  
11      so deep. That we should look at the fact that  
12      in Iraq and Afghanistan we've lost some 5,000  
13      to 6,000 young men already. Just a couple of  
14      weeks ago, Sergeant Edward Rivera was lost to  
15      us from New York City, on May 25th.

16             That the issue of post-traumatic  
17      disorder is real, is very real and persistent.  
18      That 26 percent increase in the suicide rate  
19      of some of our veterans, that the number of  
20      homelessness of our veterans that come back,  
21      the number of -- interestingly enough, the  
22      number of persons, 28,000, that continue to  
23      give service that are noncitizens of the  
24      United States of America.

25             I want to call attention to this

1       only because the freedom fighters that sit  
2       there, the honorees that sit there, braved up  
3       during the previous conflicts and wars. They  
4       went into battle as one. They planted the  
5       seeds that led to the intensity, the vigor  
6       that saw us through the civil rights movement  
7       of the '60s, that continue to propel us to  
8       great heights as a people.

9               Even today, we go into the calendar  
10       to deal with a Domestic Workers' Bill of  
11       Rights. Later this year, and hopefully soon,  
12       we'll deal with farmworkers. We deal with the  
13       issue of human rights and civil rights on an  
14       ongoing basis. And these brave heroes went  
15       into war with the complexities that we live  
16       with ourselves, then and now.

17              But it was your efforts as warriors  
18       that make us better today. That is, it wasn't  
19       a one-time shot. It was an investment in how  
20       we as human beings evolved, how we continue to  
21       brave up, to imitate what you did so many  
22       years ago. Today, we value those core values,  
23       we take them to heart, and it arms us with the  
24       ability to give justice to those who have  
25       none, to give voice to those who have none.

1       Thank you for your contributions, because they  
2       are everlasting.

3               Thank you so very much,  
4       Mr. President.

5               (Applause.)

6               ACTING PRESIDENT VALESKY:     Thank  
7       you, Senator Espada.

8               Senator Smith.

9               SENATOR SMITH:     Thank you very  
10       much, Mr. President.

11              Colleagues, today is a very special  
12       day, a day that, one, we want to obviously  
13       thank our colleagues in the Senate -- Senator  
14       Adams, Senator Andrea Stewart-Cousins -- for  
15       bringing to us something that from time to  
16       time, if we are honest with each other, we  
17       tend to forget.

18              You need to understand, my friends  
19       who have served in a conflict, there are just  
20       certain times in this chamber that we will  
21       pause our deliberation of the legislative  
22       business that we are charged to do and  
23       actually read an entire resolution. That  
24       resolution is archived. And just as the  
25       conflicts that you served in are part of

1 history, so too will this resolution be  
2 forever in the archives of the State Senate.

3 So your great-great-great  
4 grandchildren at any point in time, Lester  
5 Muse, will be able to go to the Internet, look  
6 up the day when we honored Mr. Wilkerson and  
7 said what we thought about the conflict that  
8 you were in. Mr. Scherz, the uniform that you  
9 wear from World War II is one that many people  
10 have not seen in this chamber.

11 Each and every one of you served.  
12 And as I said to you earlier, the commitment  
13 that we made to you, every morning when you  
14 rose up, you didn't have the option of saying  
15 "I'm not going to go out on the battlefield,  
16 I'm not going to deal with this conflict  
17 today." You couldn't tell your sergeant or  
18 your captain or your general that "I'm not  
19 going because I'm tired."

20 Well, Senator Adams talked about  
21 the conflict that you are now experiencing on  
22 this ground. So our commitment to you, and I  
23 ask my colleagues to support this, is that we  
24 will make sure that every day that we get up  
25 and every day that we're on the floor of this

1 Senate, we will not exercise the option of  
2 discretion to not choose to deal with a bill  
3 or to deal with an issue that you had.

4 Our commitment is when you call, we  
5 will answer. Our commitment is when you come  
6 to our office, you will see us. Our  
7 commitment is when that bill comes to the  
8 floor, we will pass it. Because just as you  
9 refused to and could not exercise the option  
10 of discretion not to serve that morning, we  
11 choose to take that same path.

12 We can't do what you did, because  
13 we were not there. But if we can do just a  
14 little to show you our appreciation -- not  
15 just by having this resolution passed today,  
16 not by just archiving it so that it is here  
17 until the year 2050 and beyond, but to know  
18 that when you come to our office, when you  
19 call us on the phone, and when a bill that is  
20 on this schedule today that Senator Adams put  
21 forward comes up, we will pass it unanimously  
22 without question.

23 So I want to thank you for being  
24 here today. I can't tell that I understand  
25 what you've been through, because I don't wake



1 up in the middle of the night with some of the  
2 challenges that your memory has. What I can  
3 tell you is that as long as I have breath and  
4 as long as God has given me the opportunity to  
5 serve in this body, when something comes  
6 forward that is related to you, you can be  
7 assured I will be as forceful as you were when  
8 you were in that conflict.

9 So I want to thank you. Know that  
10 I will continue to pray for you and your  
11 family. And always know that I am here to  
12 serve you, along with our colleagues.

13 Thank you, and God bless.

14 (Applause.)

15 ACTING PRESIDENT VALESKY: Thank  
16 you, Senator Smith.

17 Senator Griffo.

18 SENATOR GRIFFO: Thank you,  
19 Mr. President.

20 Senator Adams said today that these  
21 fine individuals were greeted like rock stars.  
22 And they all started out really as everyday  
23 citizens who dedicated themselves to service  
24 to this great country, who did that with  
25 courage, with honor, and with distinction.

1       They went from everyday citizens to  
2       extraordinary individuals who are truly the  
3       heroes of this great country.

4               And I am honored today to have with  
5       me an individual who served in World War II.  
6       I'd like to ask Charles "Jeff" Scherz to  
7       please stand.   Jeff?

8               (Applause.)

9               SENATOR GRIFFO:     Jeff is a member  
10       of the U.S. Army, served during World War II  
11       under General Patton, was involved in D-Day  
12       and the Battle of the Bulge.   He really is a  
13       tremendous individual, not only in service to  
14       his country, but when he came out of the  
15       military, he served his community and was  
16       elected mayor of the Village of Boonville.

17              So to Jeff and to all of the  
18       veterans who are here today, so simply we can  
19       say thank you.   But I believe what is so  
20       important to each and every one of us is to  
21       continue to reflect what you all stood for and  
22       how you conducted your lives.   So we have an  
23       obligation and responsibility to continue to  
24       be attentive and responsive to veterans'  
25       issues and needs, to not only those who are

1 living but those who continue to serve.

2 And also I think all of us have an  
3 obligation and responsibility to live our  
4 lives with that same unabashed passion that  
5 you had for patriotism for this great country.

6 So to each and every one of you,  
7 thank you and God bless you.

8 (Applause.)

9 ACTING PRESIDENT VALESKY: Thank  
10 you, Senator Griffo.

11 Senator Huntley.

12 SENATOR HUNTLEY: Thank you,  
13 Mr. President.

14 Senator Bonacic said something that  
15 was very interesting. He said Sunday and  
16 Monday were two days where we really realize  
17 what veterans mean. Every year when we go for  
18 the laying of the wreath and to talk with  
19 family members, I think it just leaves  
20 basically a hole in your heart.

21 And yesterday as we were laying  
22 wreaths, you know, I was thinking about the  
23 young men and women who have died so that we  
24 could be free. Because that's actually what  
25 it's about. In this country we have the best

1 freedom system going that there is, and all  
2 because of the veterans.

3 I have a young man, Lester Muse.  
4 Please stand up. He's my honoree.

5 (Applause.)

6 SENATOR HUNTLEY: And he proudly,  
7 proudly wears a Purple Heart.

8 And he is a fantastic human being.  
9 He's director of my veterans affairs at my  
10 office. I have a full veteran program. And  
11 Lester Muse is the one that makes things  
12 happen. And I want to publicly thank him for  
13 going beyond the call of duty, because that's  
14 who veterans are. They don't know when to  
15 stop. If there's a project, Lester goes on  
16 and on and he gets the job done.

17 His wife, Mrs. Muse, is up there.  
18 There she is. Mrs. Muse, stand up.

19 (Applause.)

20 SENATOR HUNTLEY: And I just want  
21 to tell you that today is a great day. And I  
22 commend all you veterans. And I also bring  
23 special greetings from my husband from the  
24 United States Marines. He is a Marine -- you  
25 never say "was," he is -- and he brings

1 greetings also to all of you.

2 Thank you kindly for coming.

3 (Applause.)

4 ACTING PRESIDENT VALESKY: Thank  
5 you, Senator Huntley.

6 Senator Libous.

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

9 I rise, along with my colleagues,  
10 to honor the gentlemen that are here today and  
11 to say thank you. And first off, let me say  
12 thank you to Senator Adams and Senator  
13 Stewart-Cousins for making this day possible.

14 We say thank you around Memorial  
15 Day, but unfortunately we don't say thank you  
16 enough. And I think at times like this we  
17 have to reflect on the sacrifices that were  
18 made by your brothers who never made it home  
19 and certainly for the deeds that you all  
20 performed.

21 Joseph Ceurter is my honoree today.  
22 And, Joe, would you please stand up? I want  
23 to read --

24 (Applause.)

25 SENATOR LIBOUS: Joe, please

1       stay.

2                   I just want to read one paragraph,  
3       Mr. President, because I think this says it  
4       all, not only for what Mr. Ceurter gave but  
5       also for what his colleagues that sit before  
6       us and for what many others did so that we  
7       could stand here in this chamber and enjoy the  
8       freedoms and exercise the -- most of the  
9       time -- important debate and other times  
10      debate that kind of exercises the jaw.

11                  But Joe Ceurter, in one brutal  
12      engagement with the Communist North Korean  
13      Army, a mortar shell exploded near him,  
14      knocking him unconscious. Thinking he was  
15      dead, his unit was forced to retreat as the  
16      position was being overrun by the enemy. Joe  
17      regained consciousness as he was being  
18      pummelled by the rifle butt of an enemy  
19      soldier, and he quickly leveled his rifle and  
20      killed his attacker. Joe continued firing on  
21      the enemy soldiers, eventually forcing them to  
22      retreat.

23                  Serving in the Korean War, Joseph  
24      Ceurter was awarded two Silver Star medals,  
25      two Bronze Star medals, five Purple Hearts for

1 his many heroic deeds in the service of our  
2 country.

3 Joe Ceurter, God bless you, and God  
4 bless your colleagues.

5 (Applause.)

6 ACTING PRESIDENT VALESKY: Thank  
7 you, Senator Libous.

8 Senator Volker.

9 SENATOR VOLKER: Mr. President,  
10 thank you, and thank you again to Senator  
11 Adams and Senator Stewart-Cousins for  
12 sponsoring this dedication.

13 The gentleman who is my honoree is,  
14 I believe, one of the older gentlemen, Stanley  
15 Rychlicki. Stanley, would you stand? Can you  
16 hear me, Stanley?

17 (Applause.)

18 SENATOR VOLKER: Stanley was a  
19 staff sergeant. And as you can see, he has a  
20 lot of battle ribbons. He fought bravely in  
21 the Second World War.

22 It's ironic, because he is going to  
23 be 91. My father-in-law, who was actually  
24 there in Europe at the same time, but fought  
25 with Patton -- and I'm hoping he's watching,

1       because my father-in-law is not really well.  
2       He lives with us because we refuse to put him  
3       in a nursing home, and we take care of him at  
4       home. He's actually very sharp; it's just  
5       that he's hard to get around.

6               But when I look at Stanley, I think  
7       to myself -- by the way, he was jumping up and  
8       down before. I think he has more energy than  
9       I have. But he's a classic example of the  
10      kind of gentlemen -- and I mean gentleman --  
11      who have fought so many of our wars.

12             Stanley is from Caledonia,  
13      New York, which is Livingston County, from  
14      Western New York. The people of his area are  
15      so proud of him. And I want him to know I am  
16      so proud of him also.

17             So thank you, Stanley, so much for  
18      coming here and for what you did.

19             (Applause.)

20             MR. RYCHLICKI:       You're welcome!

21             (Laughter.)

22             ACTING PRESIDENT VALESKY:       Thank  
23      you, Senator Volker.

24             Senator Nozzolio.

25             SENATOR NOZZOLIO:       Thank you,



1 Mr. President and my colleagues.

2 The lives of the patriots, the  
3 American patriots who are chronicled here  
4 today are awe-inspiring. We should invite  
5 them here each and every week, because this  
6 body benefits from the honor that's been  
7 bestowed to our country by the sacrifices of  
8 these wonderful veterans. It is my honor to  
9 stand among you.

10 I wish to recognize the  
11 contributions of Rick Connors. Rick, would  
12 you please stand?

13 (Applause.)

14 SENATOR NOZZOLIO: Throughout his  
15 26 years of military service, Rick earned over  
16 15 medals, with a number of commendations for  
17 his service. He served beginning in 1963, and  
18 through his active duty and through his time  
19 in the Reserves performed with great dignity  
20 and distinction in every capacity on behalf of  
21 his nation.

22 That we have benefited from Rick's  
23 service and all the service of all our  
24 veterans here. I think Senator Larkin said it  
25 best: As those who have given so much for our

1 nation so that we could enjoy the greatest  
2 standard of living, the greatest democracy in  
3 the history of the world, that freedom was  
4 because of your sacrifice, and we stand on  
5 your shoulders.

6 Rick Connors' 26 years of service  
7 would be enough, and his distinction in that  
8 capacity would be enough to have him be a  
9 member of our Military Service Hall of Fame.  
10 But Rick continues as an advocate for veterans  
11 across the greater Finger Lakes region, and  
12 Rick has taken on a responsibility as a  
13 spokesperson and as the leader of the Sampson  
14 Veterans Memorial Cemetery Committee, which is  
15 dedicated to constructing, on the location of  
16 hallowed ground in the Finger Lakes region, in  
17 the heart of the Finger Lakes region, a place  
18 of a hundred acres among a larger place where  
19 during World War II and in preparation for  
20 every battle that has taken place from the  
21 World War II conflict to today, 750,000 air  
22 men and sailors train at the Sampson Naval  
23 Base and then the Sampson Air Force Base.

24 That base is being turned into the  
25 Sampson Veterans Memorial Cemetery, which will

1 be a lasting memorial to the service of all  
2 veterans. All veterans are welcome to lie  
3 there as a final resting place. It is a  
4 beautiful location. It's hallowed ground  
5 where many who trained there fought to serve  
6 their nation and never returned home after  
7 that training and encounter.

8 But Rick is president of the  
9 Sampson Cemetery, and that he is working very  
10 hard, along with hundreds of other veterans  
11 from across our state and nation who are  
12 trying to establish and have done great work  
13 and are ready to establish later this year a  
14 first-class, world-class veterans cemetery, a  
15 lasting permanent memorial to the sacrifices  
16 of all veterans.

17 Thank you, Rick, for your efforts.  
18 Thank you veterans all for making our nation a  
19 free and democratic place.

20 Thank you, Mr. President.

21 ACTING PRESIDENT VALESKY:

22 (Applause.)

23 ACTING PRESIDENT VALESKY: Thank  
24 you, Senator Nozzolio.

25 Senator Breslin.

1                   SENATOR BRESLIN:     Thank you very  
2                   much, Mr. President.

3                   I first of all would like to thank  
4                   Senator Adams and Senator Stewart-Cousins.

5                   And I have two individuals. One I  
6                   share with Senator Libous, and that's Richard  
7                   Pedro. Would you stand?

8                   (Applause.)

9                   SENATOR BRESLIN:     Dick served in  
10                  the Navy during World War II, from '44 to '47,  
11                  in a very active way, and since that time has  
12                  been involved in a tremendous amount of  
13                  veterans activities spanning some fifty-plus  
14                  years.

15                  In addition to that, in 1984 he was  
16                  named an adjutant, and has served, because of  
17                  his professionalism, his honesty, and his  
18                  participation in veterans' activities, from  
19                  '84 to present.

20                  We salute you, we salute everyone  
21                  here for your service to your country. Thank  
22                  you.

23                  (Applause.)

24                  SENATOR BRESLIN:     And now I turn  
25                  to a young woman. That's Lillian Yonally.

1                   Would you stand, please, Lillian?

2                   (Appause.)

3                   SENATOR BRESLIN:     I won't mention  
4                   how old you are, Lillian.

5                   I will mention, though, a very  
6                   secret time in U.S. history where Lillian was  
7                   able to join really the Air Force, the Women's  
8                   Service Aviation Unit, in World War II. And  
9                   she joined at 21. She began flying when she  
10                  was a teenager.

11                  And during World War II, when  
12                  pilots were going abroad, Lillian was here  
13                  training additional pilots and taking the  
14                  place of pilots. Also, being up in planes,  
15                  she was flying planes and acting as target  
16                  practice for people who were training to go  
17                  across to serve in war.

18                  The men in the Air Force didn't  
19                  want to acknowledge the role of women for fear  
20                  that they would steal their thunder. It does  
21                  sound like a man, Shirley Huntley said. Well,  
22                  she was flying planes that were brand-new,  
23                  that hadn't been tested -- she flew B-25s --  
24                  and provided a tremendous service.

25                  But then, near the end of the war,

1       rather than acknowledging women and their  
2       participation -- the Air Force was a little  
3       nervous, they didn't want the secret out --  
4       they disbanded. And what they did was they  
5       allowed these women, when they disbanded,  
6       to -- they took their uniforms and had the  
7       women pay their way home.

8               And it wasn't until 1977 that our  
9       government and the Air Force recognized the  
10      great contributions that these women made.

11             And earlier this year, after  
12      legislation was passed with the intervention  
13      of President Obama, Lillian was presented with  
14      a Congressional Gold Medal Recognition Award  
15      for her service. And, you know, to wait from  
16      World War II, with all those missions,  
17      training people, to wait to 1977 to be  
18      acknowledged for your participation in the war  
19      effort, and to sit silently by, is a great  
20      tribute to Lillian Yonally.

21             And it's my honor to have her here  
22      as my friend and a great participant in World  
23      War II and one of the Greatest Generation.

24             Thank you, Lillian.

25             (Applause.)

1                   ACTING PRESIDENT VALESKY:     Thank  
2     you, Senator Breslin.

3                   Senator Alesi.

4                   SENATOR ALESI:     Thank you,  
5     Mr. President.   On the resolution.

6                   My colleagues, I thought I was  
7     ready to jump right in with my first sentence,  
8     but Senator Breslin just pulled me off track  
9     with his comments.   It made me think of my own  
10    mother, actually, who was in the service.   She  
11    was in the Army during World War II.   And so  
12    thank you for that moment, a pleasant memory.

13                  I'd be proud to have sponsored and  
14    joined with any of the people that we're  
15    honoring today in the Hall of Fame.   A  
16    remarkable group, each with a remarkable  
17    story.   And what a recipe, if you take all of  
18    these marvelous ingredients we have, for the  
19    freedom that we enjoy in this country and who  
20    has served in what different era.

21                  But today I have the pleasure of  
22    welcoming Colonel John Perrone.   John, would  
23    you just rise for a moment so that we could  
24    recognize you and thank you, along with  
25    others?

1 (Applause.)

2 SENATOR ALESI: We used to call  
3 him "Major" back home, but not for his service  
4 in the Army. He had so many years in the  
5 sheriff's department, but as a major, finally.

6 What we came to know about John  
7 Perrone was that he has 35 years of combined  
8 service in the Reserves and Active. But it  
9 wasn't until the Olympics in Salt Lake City  
10 that he was asked to return to active duty.  
11 And this is when we learned of his real  
12 expertise in things that we weren't paying  
13 much attention to.

14 And he was asked to serve as the  
15 antiterrorism chief for the Olympics in the  
16 U.S., in Salt Lake City, at a time when the  
17 world was welcoming people from many countries  
18 all over and we hadn't yet quite focused a  
19 whole lot on terrorism as we know it today  
20 until, while they were doing that, there was  
21 an attack on the World Trade Center. And of  
22 course that brought a whole new dimension to  
23 homeland security. And the things that we  
24 worried about then became weapons of mass  
25 destruction and other kinds of terrorism that



1       went way beyond normal conventional security.

2               Colonel Perrone was thrust into  
3       that whole scenario when he was at the Salt  
4       Lake City games, and later was asked to use  
5       his expertise and became, after the 9/11  
6       attacks, the Commander of Joint Operations at  
7       Guantanamo, where he oversaw 1200 men and  
8       women in uniform and 600 people that were  
9       detained at that high security and very  
10      dangerous place. People that, as we know, had  
11      no good intentions towards the United States.

12             A very difficult position to be in,  
13      but one that drew upon the expertise, the  
14      singular expertise, in many instances, of John  
15      Perrone. He was also, as a result of that,  
16      the principal advisor to the Department of  
17      Defense on all aspects of security operations.

18             So we think of our friends -- he's  
19      a neighbor, a friend. He's joined today by  
20      his wife, Susanne, and his son, Michael, and  
21      good friends Debbie and Gene Caccamise --  
22      who's a Western New York Bricklayers'  
23      representative. I wanted to make sure I get  
24      that in, Gene.

25             But most importantly, knowing John

1 as a neighbor and friend and someone that, if  
2 you look at everybody that we're honoring  
3 today -- regular, everyday Americans, until  
4 something exceptional happens in our lives and  
5 we look to someone else to take care of it for  
6 us.

7 And over the years and over the  
8 generations the people that we're honoring  
9 today -- the people that have served in so  
10 many different capacities, that have been  
11 willing to answer that call of duty and that  
12 have given us the sense of security -- are so  
13 well deserving of today's honor, I'm just so  
14 proud to be joining my colleagues in the  
15 Senate to recognize all of them. And  
16 especially, for my purposes, my good friend  
17 Colonel John Perrone, and who is currently  
18 still serving, as the director of Homeland  
19 Security Management Institute.

20 So, ladies and gentlemen, Mom and  
21 Dad, I want to thank you again from the bottom  
22 of my heart, all of you and your families. We  
23 have the honor of joining you, and I can't  
24 tell you how great an honor it is for me to be  
25 with you today.

1 (Applause.)

2 ACTING PRESIDENT VALESKY: Thank  
3 you, Senator Alesi.

4 Senator Golden.

5 SENATOR GOLDEN: Thank you,  
6 Mr. President.

7 I too rise in honor of all of our  
8 vets here today and across this great nation  
9 and around the world. And I have with me  
10 today a young man, Ruben Pratts, who -- stand  
11 up there Ruben -- ladies and gentlemen, he  
12 just finished yesterday putting on the  
13 143rd -- stay standing, Ruben, stay  
14 standing -- putting on the 143rd consecutive  
15 longest-running Memorial Day parade in the  
16 nation in Brooklyn yesterday, and had tens of  
17 thousands of people show up and thousands of  
18 veterans marched through Brooklyn.

19 You did a great job.

20 (Applause.)

21 SENATOR GOLDEN: Ruben, after  
22 graduating high school, went into the Marine  
23 Corps. In Thanksgiving of 1967, he was  
24 assigned to the III-MAF of the 1st Marine  
25 Division, 7th Engineer Battalion I Corps in

1 Da Nang in October of 1968 to December 3rd of  
2 1968, and then the 11th Marine Division and  
3 Engineer at Phu Bai.

4 While in Vietnam, he helped save a  
5 fellow Marine under sniper fire and had him  
6 evacuated. One week later, as a result of the  
7 Tet offensive flare-up, Ruben was wounded  
8 while doing guard duty in the bunker. And at  
9 the end of September, on patrol on Route 1,  
10 his truck was hit and he was wounded again  
11 alongside several other Marines and a killed  
12 in action.

13 What's so remarkable about Ruben,  
14 as he was removed from Vietnam and sent over  
15 to finish his time over in Hawaii before he  
16 was discharged, was his ability to put on that  
17 parade yesterday, but also that he's involved  
18 in Community Board 3, that he serves on the  
19 New York Health and Hospitals Woodhull Medical  
20 Center Auxiliary Board, the Local Precinct  
21 Council of the Police Department, the SRO  
22 Advisory Board, and he's also a member of two  
23 block associations and was the president of  
24 both of them.

25 What's also impressive about

1 Ruben -- I'm not even going to go into the  
2 number of medals that he received, because  
3 each of our vets received many medals up here  
4 today. But I will tell you that Ruben today  
5 has devoted his time to cultural and ethnic  
6 associations, serving as the president of the  
7 National Federation of Puerto Rican Pioneers.

8 And he's also included the  
9 different organization he belongs to and risen  
10 in and served as an officer of: The Military  
11 Order of the Purple Heart, the past New York  
12 State Commander -- twice -- Command Chapter  
13 405, Brooklyn, New York; Senior Vice  
14 Commandant, Marine Corps League 226, Disabled  
15 American Vets 154, Veterans of Foreign Wars,  
16 and currently Ruben serves on the United War  
17 Council and on the New York Memorial Day  
18 Parade Committee as Chief Street Marshal,  
19 which that was the Memorial Day Parade that he  
20 brought down Third Avenue just yesterday in  
21 Brooklyn.

22 This nation needs and our soldiers  
23 returning from service need the role models  
24 that are here -- like you, Ruben, and like the  
25 men that are right next to you that have

1       served our great nation -- they need that  
2       inspiration and that motivation to be able to  
3       go on and do the things that you have done and  
4       to stay involved in our communities and to get  
5       involved with our VFWs and our American  
6       Legions and our brick and mortar and to help  
7       to be part and to grow this great nation.

8               They have served so well, and it's  
9       important that we bring them in. Over a  
10      thousand are dead today in Afghanistan,  
11      thousands in Iraq. Fifteen hundred veterans  
12      die each and every day here in this nation,  
13      and many of them from World War I, World War  
14      II, Korea, Vietnam. But some of them still  
15      are dying from Vietnam, from the effects of  
16      Vietnam.

17             We need to be able to take care of  
18      those returning. We need to be able to make  
19      sure they get a good college education. We  
20      need to be able to deal with post-traumatic  
21      stress so they have the ability to live a good  
22      life and a good quality of life here in this  
23      great nation.

24             You guys have made those  
25      commitments. And we've got to continue,

1       continue to drive and give the ability for  
2       those young men and women to get the jobs they  
3       need and to have the futures that they require  
4       to live in this great nation. You guys have  
5       done that. You've given them that  
6       opportunity.

7                 Continue to be those role models.  
8       Continue as we as this great State Senate up  
9       here try to bring those rules and laws and  
10      regulations together so that we can make it  
11      easier for our men and women as they return so  
12      that they get that good quality of life.

13                Thank you for your service. Thank  
14      you for your service to this nation and to our  
15      communities. God bless you.

16                (Appause.)

17                ACTING PRESIDENT VALESKY:     Thank  
18      you, Senator Golden.

19                Senator Stewart-Cousins.

20                SENATOR STEWART-COUSINS:     Thank  
21      you. Thank you, Mr. President.

22                It is certainly an honor to rise  
23      and to address these wonderful patriots and  
24      citizens, those who have given so much and  
25      continue to this day to give.

1                   I want to thank Senator Adams  
2           because I did get a chance to cosponsor today,  
3           only because I knew it was time. I saw my  
4           first induction into the Senate Hall of Fame  
5           before I was elected, and I was impressed and  
6           honored that the Senate would have such a Hall  
7           of Fame. And since I've been a Senator, I've  
8           had the opportunity to induct people on a  
9           yearly basis. But I wondered how many of my  
10          colleagues actually took advantage of  
11          congratulating our veterans publicly.

12                   And although most probably did, I  
13          thought and Senator Adams thought it would be  
14          wonderful if we could, this year, bring you  
15          all up here and tell you collectively and  
16          personally how grateful we are that you have  
17          given so much to us. And not just send things  
18          down to our districts, but to bring you here  
19          so that you know that the connection between  
20          you and this legislative body is unbreakable,  
21          and to let you know that who you are is the  
22          essence of what we are.

23                   The reason why we don't have any  
24          debates about this is because you made it  
25          possible for us to have this. We can debate



1 bills because you fight for freedom. We  
2 understand that you are the reason that we do  
3 what we do. So yes, we have an open and  
4 listening ear, and a commitment to you to work  
5 on making it the best America it could be.

6 And for my own honoree, Eli  
7 Vetrano -- Eli, would you like to stand?

8 (Applause.)

9 SENATOR STEWART-COUSINS: Many of  
10 us, I'm sure all of my colleagues went to  
11 Memorial Day services and recognitions. And  
12 Eli, in the City of Yonkers, has been behind  
13 every single one for decades.

14 He spent two years in the Army,  
15 1950 to '52. What's most remarkable about Eli  
16 is that he never stopped being a soldier. And  
17 when he came home, he spent every moment not  
18 only reaffirming what it was he knew to be  
19 true, but making sure everyone else understood  
20 what it was that patriots such as our veterans  
21 do for our country.

22 Eli has been affiliated with the  
23 American Legion for more than 15 years. He  
24 served as the commander of the Donald Konrade  
25 Post 1954 for 16 years. Chairman of the

1 Central Committee of War Veterans of Yonkers.  
2 He's also the chairman of something called  
3 "Color Me Proud," and that is taking to our  
4 schools pictures, flags, and making sure that  
5 our children get involved.

6 Eli made sure that the Dignity  
7 Memorial honoring our Vietnam vets came to  
8 Yonkers, and he made sure that Yonkers had a  
9 huge monument to Gold Star mothers so that we  
10 understand the sacrifice of the families of  
11 people who don't return from the war.

12 I could go on and on about what Eli  
13 means. Because Eli understands that by  
14 reaching everyone where they are, the next  
15 generation -- now he's also in our veterans  
16 agency making sure that people returning have  
17 what they need -- that we best serve our  
18 country and best serve the memory of those who  
19 have paid the ultimate price.

20 I thank you all for your enduring  
21 commitment to our country. I thank you for  
22 taking time out of your schedule to come here  
23 to be part of this humble celebration. And I  
24 thank you again for just being you. We honor  
25 you. God bless you. Thank you.

1 (Applause.)

2 ACTING PRESIDENT VALESKY: Thank  
3 you, Senator Stewart-Cousins.

4 Senator Foley.

5 SENATOR FOLEY: Thank you,  
6 Mr. President.

7 On behalf of the constituents of  
8 the 3rd Senatorial District, I'd like to thank  
9 all the veterans who are being honored here  
10 today.

11 As has been mentioned yesterday and  
12 throughout last weekend, Memorial Day weekend,  
13 it was one of the great responsibilities that  
14 we have as elected officials to participate in  
15 those particular events. As I said throughout  
16 the weekend, and it's even true today, the  
17 Memorial Day services are services that unify  
18 us as Americans, that unify us as citizens of  
19 New York and in the respective communities  
20 that we live in.

21 It's that sense of unity and that  
22 sense of purpose which is why we're here today  
23 to honor, through our Senate Hall of Fame, the  
24 many veterans who are here within the chamber.

25 One who is not in the chamber but

1        was here earlier is the honoree from the 3rd  
2        Senatorial District, Sam Stahlman. Sam  
3        Stahlman has been a constituent and a family  
4        friend for many, many years. He served in the  
5        United States Army, the Infantry Division. He  
6        enlisted, as a matter of fact, at the age of  
7        17. He took part in the European theater of  
8        war. As a matter of fact, he was among the  
9        early waves of the Normandy invasion and also  
10       took part in the Battle of Bastogne.

11                    And although Sam was wounded in the  
12       Battle of Bastogne, and in fact received the  
13       Purple Heart, he went on to other battles  
14       throughout that particular war where he  
15       received the Purple Heart, where he received  
16       twice the Bronze Star, and where his division  
17       also received the Presidential Citation two  
18       times. But what he's most proud of, ladies  
19       and gentlemen, is the fact that he received  
20       the Combat Infantry Badge, which he wore very  
21       proudly for all the Veteran Day services for  
22       these many years.

23                    So Sam Stahlman is the honoree  
24       within the 3rd Senatorial District. We honor  
25       him today. We also honor all of our veterans

1       who are here today to say thank you, you mean  
2       the world to us, and this is one way that we  
3       can show our appreciation.

4               Thank you, Mr. President.

5               (Applause.)

6               ACTING PRESIDENT VALESKY:       Thank  
7       you, Senator Foley.

8               Senator Oppenheimer.

9               SENATOR OPPENHEIMER:       Thank you.

10              I think we all honor our veterans  
11       because we know in our hearts and in our minds  
12       that freedom isn't free. And you are the  
13       folks that paid the price for the freedom that  
14       we enjoy. And so whenever we are able to say  
15       exactly what is on our minds in public, or any  
16       variety of things -- where this democracy  
17       permits us to pretty much say and do anything  
18       except overthrow the government -- we  
19       recognize that these freedoms are there  
20       because of our Constitution and because you  
21       went to war to protect those freedoms for us.

22              But I'm here today for -- actually,  
23       he's my second most favorite veteran. My  
24       first most favorite veteran is my father. But  
25       after my father comes Ron Tocci. Ron Tocci,

1 would you stand?

2 (Applause.)

3 SENATOR OPPENHEIMER: And of  
4 course in this chamber this man needs  
5 absolutely no introduction.

6 Where to start? You know, I have a  
7 two-page summary of all the things that Ron  
8 has done for the veterans of this state. I  
9 for some reason thought we weren't going to be  
10 able to speak, so I left it on my desk in the  
11 office. But I will tell you a few things that  
12 I know very personally because we're neighbors  
13 and live close to each other.

14 Ron served in Korea. But when he  
15 came back, his mind was still with the people  
16 he had served with. And he was thinking and  
17 thinking about how he could do more for the  
18 people that had served that maybe hadn't  
19 received the kind of welcome and support that  
20 they needed when they came back.

21 So what Ron did is he, oh, starting  
22 in the mid-'60s, maybe early '70s, he got  
23 elected to our Westchester County Board of  
24 legislators. And he was a very active  
25 legislator on behalf really of everyone. And

1       because of his fine record, he was then  
2       elected to the New York State Assembly in  
3       1984. He and I won -- I won for the Senate,  
4       he won for the Assembly in that same election.  
5       And we had a good time campaigning together.

6               Well, once Ron got into state  
7       government, he was seriously pursuing all his  
8       interests in how best can I help veterans.  
9       And within a few years, he became the chair of  
10      the Assembly Standing Committee on Veterans  
11      Affairs. And from that place he had a real  
12      podium on which to develop legislation, find  
13      out what was needed by veterans all around  
14      this state.

15             And he did. He moved around the  
16      state, everybody got to know him as the  
17      spokesperson for veterans, trying to seek out  
18      what was most needed by the veterans that had  
19      come back and needed assistance.

20             So then, after that -- we still  
21      have more -- he joined the administration, the  
22      Governor's administration, and he became the  
23      first Commissioner of Veterans Affairs in  
24      New York State, and he did that for several  
25      years. And I think Ron stepped down about two

1 or three years ago.

2 And from that podium, he just did  
3 so much for the veterans in this state. He  
4 opened four veterans homes all around the  
5 state. He saw what needed to be done in  
6 education, what needed to be done in housing.  
7 He is about the best advocate, I think, for  
8 veterans that New York State has ever had.

9 And so I am very, very proud to be  
10 honoring Ron Tocci today, my dear friend and  
11 also a great advocate for veterans.

12 (Applause.)

13 ACTING PRESIDENT VALESKY: Thank  
14 you, Senator Oppenheimer.

15 Senator Owen Johnson.

16 SENATOR OWEN JOHNSON: Thank you,  
17 Mr. President.

18 I'd like to associate my views with  
19 those of others who have praised the honorees  
20 today. We say they're here to be honored by  
21 us, but actually we're honored by their  
22 presence. And we're very pleased that you're  
23 here. We're very appreciative of your  
24 service.

25 My honoree today is Richard



1 Tibbetts. He's a hero in his local community  
2 of Lindenhurst. He led the Memorial Day  
3 parade yesterday, the day before. And he  
4 served, he was called to duty by the U.S. Army  
5 in 1966, and he served until 1972 with the Big  
6 Red One Division, 1st Infantry Division.

7 For his service in Vietnam, he was  
8 awarded the Vietnam Service Medal with three  
9 Bronze Stars, Republic of Vietnam Campaign  
10 Medal, National Defense Service Medal, Combat  
11 Infantryman Badge, Sharpshooter Rifle Badge  
12 and a Purple Heart.

13 Upon his return to his community of  
14 Lindenhurst, he joined the Veterans of Foreign  
15 Wars, and he has been the commanding officer  
16 for almost 15 years. Everyone in the  
17 community loves him. He serves in the Town of  
18 Babylon Veterans CERT Committee where all the  
19 veterans post, very active in that. And the  
20 quality of his leadership is he was just  
21 reelected again for commander.

22 As I said, he was the grand marshal  
23 of our parade and we're very proud of him and  
24 we're certainly happy that we have the  
25 opportunity to congratulate and commend him

1           today.

2                       Thank you, Richard.

3                       (Applause.)

4                       ACTING PRESIDENT VALESKY:     Thank  
5           you Senator Johnson.

6                       Senator Hannon.

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

9                       First of all, I am thrilled to be  
10          here today to hear of all of the exploits of  
11          you heroes. It is just an amazing footnote to  
12          having Memorial Day yesterday, and I  
13          congratulate all of you.

14                      I'm also thrilled to get a chance  
15          to speak about a gentleman who's been  
16          introducing me for over a decade at Memorial  
17          Day ceremonies in Garden City, and that's John  
18          C. Donovan. I wonder if you'd stand.

19                      (Applause.)

20                      SENATOR HANNON:     Not only has  
21          Mr. Donovan been active and been a hero -- and  
22          I'll tell you about his medals -- but he has  
23          been the spark for keeping alive honoring  
24          those people who have served, died for our  
25          country.

1                   And I always think it's appropriate  
2                   to participate in the ceremonies because after  
3                   all, government had started, had made the  
4                   decision, had committed a draft and committed  
5                   people to war, and unless we so honor  
6                   everybody who served, we have not done a good  
7                   enough term as our job as public officials.

8                   John Donovan is the recipient of  
9                   several military awards: The Bronze Star,  
10                  Vietnam Service Medal, National Defense  
11                  Service Medal, Republic of Vietnam Campaign  
12                  Medal, Presidential Unit Citation, Meritorious  
13                  Unit Citation, Overseas Combat Bars, and a  
14                  Parachutist Badge, all in connection with  
15                  serving in combat in the Vietnam War, '68 and  
16                  '69.

17                  He's also been the commander of the  
18                  William Bradford Post in Garden City, which  
19                  has embraced the parade, thousands of people  
20                  coming out every Memorial Day. And because  
21                  Long Island, the middle of Nassau County is  
22                  the heart of aviation -- Lindbergh took off  
23                  just a short distance away, we had Mitchell  
24                  Field, we had staging for all of World War I  
25                  right from the plains of Hempstead, and at the

1       other end of my district we have Republic  
2       Aircraft, Republic Airfield now, which has the  
3       American Airpower Museum, where many flights  
4       were flown yesterday in memory of parachutists  
5       who had died.

6               Keeping the spirit, keeping the  
7       honor alive, holding the tradition of service  
8       to our country as a noble and just cause, we  
9       honor John inducted into the Hall of Fame  
10      today and honor all of you who are inducted  
11      because you have done great things for our  
12      country.

13              Thank you, Mr. President.

14              ACTING PRESIDENT VALESKY:

15              (Applause.)

16              ACTING PRESIDENT VALESKY:       Thank  
17      you, Senator Hannon.

18              Senator Saland.

19              SENATOR SALAND:       Thank you,  
20      Mr. President.

21              Mr. President, like all of my  
22      colleagues, I rise to express my gratitude and  
23      appreciation to each and every one of these  
24      distinguished members of our armed forces,  
25      each of whom in their own way has contributed

1 to bringing us to this very day.

2 Memorial Day certainly is a day  
3 upon which we pause and we reflect, and I'm  
4 sure each of these gentleman and ladies  
5 perhaps reflect more deeply than the rest of  
6 us on this particular Memorial holiday. But  
7 we're here to recognize and add to our Hall of  
8 Fame each of these distinguished veterans.

9 I would like to recognize Ralph  
10 Kring. Ralph, if you might rise.

11 (Applause.)

12 SENATOR SALAND: I heard  
13 reference to what has now become part of our  
14 routine lexicon, which is "the Greatest  
15 Generation," thanks to Tom Brokaw. And he is  
16 part of that Greatest Generation.

17 And upon graduation from Hudson  
18 High School in Columbia County in 1944, he  
19 enlisted and served in the Pacific, being in  
20 the Philippines and later stationed in Japan.  
21 Went in as a private, obviously, and came out  
22 as a sergeant. Has been involved for decades  
23 with the Veterans of Foreign Wars, rising to  
24 the position of post commander of the VFW in  
25 the Town of Ghent.

1                   And his contributions didn't stop  
2           merely with his service to his country and to  
3           his comrades in arms. He's contributed  
4           mightily to his community. And while he's  
5           been deeply involved with the VFW for decades  
6           since his joining in the aftermath of World  
7           War II, he and members of his family as well  
8           are deeply involved in our community.

9                   And I think it's important to note  
10          that his wife, Florence, is here in the  
11          gallery, I believe, and his children are here.  
12          And his children served in the community, as  
13          does their dad. They're certainly devoted to  
14          his principles of participation and patriotism  
15          and giving.

16                  And in speaking with him a bit  
17          earlier, his youngest son is currently  
18          completing a tour in Iraq, where he is serving  
19          as a sergeant, Sergeant Mark David Kring, and  
20          he and his family look forward to the  
21          conclusion of his one-year tour and his return  
22          home within the next couple of weeks.

23                  So God bless you for your service,  
24          Ralph, God bless certainly your son for his,  
25          and God bless all of you for your

1        contributions to this great nation. You  
2        probably have done more for us than we can  
3        ever do for you. And we welcome you and thank  
4        you for participating in the ceremony.

5                    (Applause.)

6                    ACTING PRESIDENT VALESKY:        Thank  
7        you, Senator Saland.

8                    Senator Thompson.

9                    SENATOR THOMPSON:        Yes, it's with  
10       great privilege and honor that today I  
11       nominate Captain Matthew Ryan to the New York  
12       State Senate Veterans Hall of Fame, from the  
13       60th District.

14                    Would you be kind enough to stand  
15       up?

16                    (Applause.)

17                    SENATOR THOMPSON:        I support the  
18       nomination of Captain Matthew Ryan to the  
19       New York State Veterans Hall of Fame for many  
20       reasons. Captain Ryan has placed himself in  
21       harm's way during several tours of duty,  
22       including Iraq and Afghanistan. He stood  
23       watch at Ground Zero following the 9/11  
24       attacks. Because of his dedication and  
25       leadership, Captain Ryan has been awarded the

1 Bronze Star, the Army Achievement Medal and  
2 campaign ribbons for Iraq and Afghanistan. He  
3 continues to serve his country as a commander  
4 with the HHT 2nd 101st Calvary.

5 When Captain Ryan is not somewhere  
6 in the world keeping America safe, he can be  
7 found putting his leadership skills to use in  
8 the classroom. He's a Spanish teacher at  
9 Grover Cleveland High School in Buffalo,  
10 New York. Ryan is an Army-certified linguist  
11 who speaks over nine languages.

12 If we could put our hands together  
13 one more time for him.

14 (Applause.)

15 ACTING PRESIDENT VALESKY: Thank  
16 you, Senator Thompson.

17 Senator Fuschillo.

18 SENATOR FUSCHILLO: Thank you,  
19 Mr. President. I rise to join with my  
20 colleagues to salute these distinguished men  
21 and women.

22 Every single day the national  
23 media, when we turn on the news at 6 o'clock,  
24 show us or they try to show us what's wrong  
25 with America. Let me introduce somebody to



1       you that makes America right, and that's  
2       Marine veteran Robert Tom Riordan.

3                       (Appause.)

4               SENATOR FUSCHILLO:     Tom is a man  
5       who has -- a very simple man who walks around  
6       our community and has dedicated every single  
7       day of his life to help veterans, whether it's  
8       the VA hospital out in Northport or his own  
9       post in Merrick, where he served as the  
10      commander for a number of years. He's been a  
11      member there for over 20 years. But every  
12      single day he thinks about how he can make a  
13      veteran's life better.

14                    You know, yesterday I saw him at  
15      his best, as chairman of the Memorial Day  
16      parade in my hometown community in Merrick.  
17      When I approached the parade, I saw him gather  
18      his troops, and I looked at the men and women  
19      with their battle scars and aging. Their  
20      pants were so neatly pressed, their shoes were  
21      shined, their jackets so neat, their ties were  
22      perfect as they matched down the double yellow  
23      line on my hometown on Main Street. They  
24      didn't sway left or right, they kept going  
25      down the street so perfectly. And the crowd

1 of over 2,000 people gave them the salute, the  
2 applause, the just recognition that they  
3 deserve.

4 And, Tom, I've always respected and  
5 admired you for your work, but most  
6 importantly, I respect you as a human being  
7 who's done so much for our community and so  
8 much for this nation.

9 Tom is joined by his wife,  
10 Margaret. They have three children and  
11 10 grandchildren that occupy some of their  
12 time when he's not in the command.

13 Tom, thank you and God bless you.

14 (Applause.)

15 ACTING PRESIDENT VALESKY: Thank  
16 you, Senator Fuschillo.

17 Senator Ranzenhofer.

18 SENATOR RANZENHOFER: Thank you,  
19 Mr. President.

20 I'm proud today to join with my  
21 Senate colleagues in welcoming you all here to  
22 the New York State Senate and also  
23 congratulating you on your entry into the  
24 Veterans Hall of Fame.

25 One of the things which is very

1 interesting as I sit here and listen to all  
2 the other speakers -- and they've all been so  
3 eloquent -- is that whether you served in  
4 World War II or Korea or Vietnam, Iraq,  
5 Afghanistan, is what you have done after your  
6 military service as well. Obviously there are  
7 many who have made the ultimate sacrifice, and  
8 you've all gallantly served our country. But  
9 after coming back to our country, your lives  
10 did not stop there. You continued to serve  
11 our community.

12 With that, I'd like to introduce my  
13 nominee, who Senator Larkin also recognized  
14 earlier, but I would like Dr. Patrick Welch to  
15 stand up, please, again.

16 (Applause.)

17 SENATOR RANZENHOFER: Patrick,  
18 thank you for joining us today.

19 I've known Patrick for a number of  
20 years, and I think Dr. Welch really typifies  
21 and exemplifies what each and every one of you  
22 have done. And that is, after service -- and  
23 Pat was badly injured in Vietnam. He was so  
24 badly injured it took him two years to  
25 rehabilitate from his wounds.

1                   But he carried on after that, he  
2                   raised a family -- married 42 years, four  
3                   children -- and one of his daughters, Deanna,  
4                   is up here today from the Capital Region; she  
5                   joins us. Deanna, thank you for joining us,  
6                   with your dad -- and went on to serve our  
7                   community.

8                   And I first got to know Patrick  
9                   when he was recruited to serve as the Director  
10                  of Veterans Affairs for Erie County. And he  
11                  took a department that had been squandering,  
12                  to some effects, and really gave it a  
13                  tremendous amount of leadership and advocacy.

14                 And one of the things that I always  
15                 remember in my encounters with Pat is we would  
16                 conduct veteran outreaches into the community.  
17                 And one of the things that Pat would say to  
18                 veterans who have come home, when they were  
19                 trying to find out what benefits were there  
20                 for them, it wasn't what you were entitled  
21                 to -- he did not view this as an entitlement,  
22                 but he viewed this as something that you  
23                 earned for your service.

24                 And that is the way that he  
25                 approached his job with Veterans Affairs. He

1        was a real asset and still is a real asset to  
2        the community and, going out, would never  
3        hesitate to speak to any group to help any  
4        veteran, any veteran at any time with any  
5        problem that they had.

6                    And he continued his advocacy. As  
7        I was marching in my local Memorial Day  
8        parades, I was having this discussion with  
9        Pat, and Pat was down in Washington, D.C.,  
10       with the Rolling Thunder -- again, supporting  
11       veterans in our nation's capital. So going  
12       from Buffalo to Washington, D.C., back to  
13       Buffalo, and then to be here today, Pat is  
14       always reaching out to help fellow veterans.

15                   And I'm very pleased that Patrick  
16       is going to continue to serve our community  
17       with a new position at Daemon College --  
18       again, helping veterans, helping them and  
19       their families for all their service to the  
20       community.

21                   So again, Patrick, with your  
22       colleagues, men and women, I want to thank you  
23       for your heroic and valiant service to our  
24       country and for your continued, continued  
25       service to our community and all the veterans

1       that serve. Thank you again for joining us  
2       here today.

3                       (Appause.)

4                       ACTING PRESIDENT VALESKY:     Thank  
5       you, Senator Ranzenhofer.

6                       At this point we will pause briefly  
7       during the consideration of this resolution so  
8       that the chair may recognize Senator Peralta  
9       for the purposes of a brief introduction of a  
10      group from his district.

11                      Senator Peralta.

12                      SENATOR PERALTA:     Thank you,  
13      Mr. President.

14                      I rise today to welcome the  
15      students and faculty as well as Dr. Regina  
16      Carroll, the superintendent and CEO, of the  
17      Lexington School for the Deaf Center. They're  
18      visiting us today in Albany.

19                      And I wanted to just talk  
20      briefly -- if you could please stand -- I  
21      wanted to talk briefly about the Lexington  
22      School for the Deaf Center. It has served the  
23      broader deaf and hard-of-hearing community of  
24      New York since 1964, over the last 146 years.

25                      The Lexington School for the Deaf

1 and Center for the Deaf seeks to be an  
2 exemplary education service and research  
3 institution for the deaf and hard of hearing  
4 in New York City and the country. It  
5 specializes in many different areas,  
6 collaborating with the deaf and hard of  
7 hearing to realize their full potential in  
8 both the deaf and hard-of-hearing worlds,  
9 working with individuals and their families of  
10 all ages, races, creeds, colors, ethnicities,  
11 languages, sexual preferences and  
12 socioeconomic situations; ensuring mastery of  
13 expressive and receptive communication skills  
14 by individuals at every point along the  
15 spectrum; designing, constructing and using  
16 evolving information technologies to the best  
17 of their advantages; and letting them become  
18 real leaders in our country.

19 Now, today they are here visiting  
20 Albany, but they're also here because they're  
21 celebrating the 11th Annual Basketball Classic  
22 Tournament, where they play against the  
23 New York State Assembly and the New York State  
24 Senate.

25 So before we welcome them, I want

1 to wish them much luck, much success in  
2 everything that they do in their life, but I  
3 would also wish them much luck and success  
4 tonight and will ask them one thing: Please,  
5 please, please take it easy on the  
6 legislators, because they're not as young as  
7 you are. Good luck tonight.

8 And please help me welcome the  
9 Lexington School for the Deaf.

10 (Applause.)

11 ACTING PRESIDENT VALESKY: Thank  
12 you, Senator Peralta.

13 Thank you to our special guests who  
14 join us today, and good luck this evening.

15 Returning to the resolution at  
16 hand, Senator Hassell-Thompson.

17 SENATOR HASSELL-THOMPSON: Thank  
18 you, Mr. President. I rise to add my voice to  
19 those who are here today to honor those who  
20 have fought in all the wars and who have done  
21 so for the sake of freedom and democracy.

22 I would just like to quickly and  
23 briefly enter the name of my candidate for the  
24 Hall of Fame in the person of Jerry Wayne  
25 Williams, if he will stand.



1 (Applause.)

2 SENATOR HASSELL-THOMPSON: Jerry  
3 served in Southeast Asia for over two years.  
4 He served in the United States Air Force, on  
5 the Advisory Team 2-2. He fought firefighting  
6 and rescue techniques to the Vietnam National  
7 Air Force.

8 When Jerry came home from Vietnam,  
9 he like many of the soldiers were not honored.  
10 It was not considered an honorable war. For a  
11 very long time, Jerry did not want to accept  
12 honors and was embarrassed and uncomfortable.

13 Three years ago, he began to help  
14 me put together a ceremony commemorating Pearl  
15 Harbor Day. And each year that breakfast has  
16 grown larger and larger. And each year he has  
17 begun to come out and speak, and in the  
18 speaking he has begun to heal. That's a  
19 process many of you are continuing to go  
20 through and probably will for all of your  
21 lives.

22 I needed to honor Jerry today  
23 because I needed him to know that serving  
24 honorably is what's important. Not what the  
25 war is called, but what the service is. And

1 to him and to all of you who have served today  
2 and who are being honored today, I thank you,  
3 I thank him for the democracy that allows me  
4 to raise my voice on this floor in the name of  
5 civil rights, in the name of human rights, and  
6 in the name of human dignity.

7 And thank you, Jerry, and thank all  
8 of you for your service today.

9 (Applause.)

10 ACTING PRESIDENT VALESKY: Thank  
11 you, Senator Hassell-Thompson.

12 Senator Marcellino.

13 SENATOR MARCELLINO: Thank you,  
14 Mr. President.

15 Like all of us in this chamber,  
16 this past weekend I attended several parades  
17 and functions throughout the district. At one  
18 function in the Town of Huntington, which I  
19 represent in Suffolk County, there was a  
20 wreath-laying this past Sunday morning at the  
21 various monuments commemorating the different  
22 wars that this country has participated in,  
23 honoring the veterans who served.

24 One of the councilmen stood up and  
25 gave a speech and talked about a friend of his

1       who was discussing a job opportunity that he  
2       was interested in. And it went something  
3       like: "Well, you know, if they offer me the  
4       right amount of pay and I get the good travel  
5       expense account and I get my choice of a good  
6       place to live and I get a bonus and the  
7       vacation time is good, I may consider the  
8       job."

9               And I began to think about the  
10       veterans who, when they received the call from  
11       Selective Service or chose to volunteer on  
12       their own, I wonder how many of you men and  
13       women thought about the pay that you were  
14       going to get, thought about the vacation time  
15       you were going to be given and all those great  
16       places that you were going to be sent to, and  
17       how many of you were offered your choice of  
18       theater in which to serve your country. I see  
19       from the looks on your faces, not too many.

20              Because that's the kind of  
21       individuals -- you didn't do it for the  
22       vacation time. You certainly didn't do it for  
23       the pay. And when called, you served. You  
24       put yourselves in harm's way because there was  
25       a greater calling. This country was in need,

1       and you went to do your part. And you did it  
2       so well, and your comrades in arms have done  
3       it so well over the years that the freedoms  
4       that our forefathers -- and, according to my  
5       wife, our foremothers -- have stood for that  
6       they put in writing in our Declaration of  
7       Independence and our great Constitution, the  
8       only constitution, written constitution of its  
9       kind in the world that has survived, not been  
10      thrown out and thrown out and thrown out by  
11      every election or every circumstance going  
12      down the pike, like in many countries -- you  
13      did your jobs so well that we have those great  
14      freedoms.

15               And, as so many of my colleagues  
16      have said, that we can stand here and talk.  
17      We have the right of free religious beliefs.  
18      We have the right to say anything we please.  
19      We have the right to challenge our elected  
20      officials. As a matter of fact, it's an  
21      obligation to do just that, to challenge.

22               You and your colleagues, men and  
23      women who put it on the line for this nation,  
24      preserved and protected those freedoms.  
25      You've maintained them. This nation can never

1 do enough for you, can never say thank you  
2 enough for those great achievements. It's not  
3 about the medals. It's not about the pay,  
4 obviously. It's about protecting this great  
5 nation and what it stands for.

6 You did that. We will be ever  
7 grateful for that. We will never be able to  
8 say thank you enough for that. And your  
9 sacrifice that you've made for this great  
10 country is legend, and we'll keep it in our  
11 hearts forever.

12 I thank you for what you've done.  
13 I thank you for all the community work that  
14 you continue to do. And may God bless each  
15 and every one of you and your families.

16 Thank you, Mr. President.

17 (Applause.)

18 ACTING PRESIDENT VALESKY: Thank  
19 you, Senator Marcellino.

20 Senator McDonald.

21 SENATOR McDONALD: Thank you,  
22 Mr. President.

23 My candidate, Thomas Sharpe, from  
24 Troy, New York -- U.S. Marine, Korean War --  
25 couldn't be here today. His wife called me

1       this morning, and he was ill.

2               He is an amazing individual, like  
3       so many of you folks. I see Ruben Pratt's over  
4       there, who's a friend of my candidate. A  
5       fellow from Troy and a fellow from Brooklyn.  
6       God bless you.

7               Mr. Sharpe is the head or was the  
8       commander and now is currently the treasurer  
9       for the National Purple Heart Foundation. A  
10      young man of 17, he went in the military.  
11      Going to Korea with the 1st Marine Division,  
12      he had most of his chest shot off.

13              He came back. He came back  
14      strongly. It took him a while, but he came  
15      back to live a productive life, to work many  
16      years, to raise a family and not to forget the  
17      community that he came from or to forget the  
18      community of veterans that he loved so much.  
19      Whether it be his community or the veterans'  
20      causes, he is an illustration of what's good  
21      about these folks.

22              It's a special honor for me, as an  
23      Army Vietnam veteran, to look at you folks,  
24      the inspiration all over our state. All I can  
25      tell you is I'm humbled and I'm so happy that

1       the New York State Senate has this program and  
2       that we all are so appreciative and respectful  
3       of what you've done for us.

4               And as I tell the crowds that I  
5       deal with on Memorial Days -- and it's  
6       especially significant for a Vietnam veteran  
7       to say this -- is that the men and women who  
8       serve us now and served us in the past do it  
9       for one reason. They love us, and we love you  
10      back.

11             Thank you.

12             (Applause.)

13             ACTING PRESIDENT VALESKY:     Thank  
14      you, Senator McDonald.

15             Senator Flanagan.

16             SENATOR FLANAGAN:     Thank you,  
17      Mr. President. I know the hour is getting  
18      late, but I wanted to get up and add my voice  
19      to my colleagues'.

20             And it's fascinating to listen to  
21      the stories and biographies, and I'll start  
22      with this. You gentlemen and ladies are a  
23      model of patience, civility, good humor.  
24      Sometimes those are things that are lacking in  
25      the chamber that we work in.

1                   But I want to ask all of you  
2                   collectively a favor. I would like you to  
3                   reenlist effective immediately --

4                   (Laughter.)

5                   SENATOR FLANAGAN:       -- because we  
6                   need a heck of a lot of help with our state  
7                   budget, and you look like the right group that  
8                   could come in and take care of all kinds of  
9                   different things that we need.

10                  Yeah, see, Mr. Pratt's ready to go.  
11                  The budget's a lot harder than that parade,  
12                  though I know you did a great job.

13                  My nominee here today is a  
14                  gentleman from Hauppauge, Edward Borowski.  
15                  And I just want to briefly talk about him.

16                  (Applause.)

17                  SENATOR FLANAGAN:       Mr. Borowski,  
18                  it's great to see you here. He's joined by a  
19                  lot of members of his family, including my new  
20                  friend Amanda, who is here enjoying her  
21                  grandfather's day.

22                  And I must add, too, that  
23                  Mr. Borowski was nominated by his son Paul.  
24                  And in expressing why he thought his father  
25                  would be a good nominee, first of all he just



1       said that "I'm very proud to know that he's my  
2       father, and we're very proud of his  
3       patriotism."

4               But Mr. Borowski served in the  
5       United States Navy from 1942 to 1945,  
6       including service on the battleship Texas.

7               And many like many of my  
8       colleagues, including Senator Ranzenhofer who  
9       referenced this, it's your service after  
10      military time that continues to be exemplary.  
11      And I try and instill in my own children a  
12      sense of volunteerism that I think is lacking  
13      in many of our young men and women today.

14              But Mr. Borowski has acquitted  
15      himself quite well in many community endeavors  
16      for decades, decades. He has established a  
17      scholarship in memory of his wife for the last  
18      10 years, extolling people who give exemplary  
19      community service. But I'm going to focus in  
20      on one thing that he's done in particular,  
21      which I think speaks to all of you and to him  
22      individually.

23              When we talk about veterans, one of  
24      the better places in the State of New York is  
25      the Long Island State Veterans Home at Stony

1 Brook. It's a very well run facility. It is  
2 a state facility and it is well run because we  
3 have incredible volunteers like Mr. Borowski.  
4 Sixteen years he's been volunteering his time  
5 there. And I can tell you, quite candidly,  
6 today he was lobbying me, telling me they need  
7 money for new elevators. He was explaining  
8 why, and he was unabashed in his request. But  
9 it was paralleled by his sincerity.

10 So I am very proud to join my  
11 colleagues and very proud to have a  
12 constituent here who I would like to honor,  
13 along with everyone else today.

14 Mr. Borowski, thank you for your  
15 service. Congratulations.

16 (Applause.)

17 ACTING PRESIDENT VALESKY: Thank  
18 you, Senator Flanagan.

19 Senator Dilan.

20 SENATOR DILAN: Thank you very  
21 much, Mr. President.

22 First I rise to commend Senator  
23 Eric Adams and Senator Andrea Stewart-Cousins  
24 for having the vision and putting this event  
25 together.

1                   And secondly, to all the veterans,  
2           I want to say thank you for your service and  
3           for keeping and making America strong. And  
4           God bless you all of you.

5                   And lastly, I will be very brief  
6           because I know that my Hall of Famer has a  
7           6 o'clock train to catch. My constituent and  
8           Hall of Famer is Sergeant "Rodeo" Rich  
9           Washington, if you'd like to stand up.

10                   (Applause.)

11                   SENATOR DILAN:       He served in the  
12           United States Army and served two years in  
13           Pusan, Korea, from April 1965 to April 1967.  
14           And Sergeant Washington was also in charge of  
15           the transport unit at the Port of Pusan. He  
16           had about 20 military individuals under his  
17           supervision and about 200 civilian career  
18           staff there.

19                   And I want to thank you for your  
20           service during the Vietnam era and also just  
21           to say thank you for continuing in all the  
22           organizations that are veteran-related.

23                   And he is also an organizer of the  
24           Veterans Day Parade on Fifth Avenue, which is  
25           about 650,000 strong. And also he has

1 indicated to me that, for the first time, this  
2 year the Veterans Day Parade will be  
3 televised, so we all can also enjoy it.

4 So God bless you, and all of you,  
5 and thank you very much.

6 (Applause.)

7 ACTING PRESIDENT VALESKY: Thank  
8 you, Senator Dilan.

9 Senator Sampson.

10 SENATOR SAMPSON: Thank you very  
11 much, Mr. President.

12 I just want to rise and thank my  
13 colleagues Senator Adams and Senator Andrea  
14 Stewart-Cousins for this resolution.

15 And I want to commend these  
16 veterans for being inducted in the New York  
17 State Senate Veterans Hall of Fame.

18 And I just have to thank you for  
19 the service that you have given to this  
20 country. Thank you for the sacrifice that you  
21 went through to make sure that we in this  
22 chamber enjoy the freedoms that America has to  
23 offer. It's people like yourself, veterans  
24 like yourself who have given us the safety and  
25 most of all the security that we need not only

1 in the past and present but also in the  
2 future.

3 So I just rise here today to just  
4 thank you from the bottom of my heart for all  
5 that you have done for us and continue to do  
6 for us. And we just have to remember the way  
7 we honor our veterans is to not forget about  
8 them, but to provide you the same safety and  
9 security that you provided us during your  
10 years of service. So when you come home, we  
11 have to reciprocate the same, making sure that  
12 what you did for us to give us that security  
13 does not go in vain.

14 Once again, thank you very much,  
15 and may God continue to bless you, your  
16 family, but most of all may God continue to  
17 bless America.

18 Thank you very much, Mr. President.

19 (Applause.)

20 ACTING PRESIDENT VALESKY: Thank  
21 you, Senator Sampson.

22 Senator Onorato.

23 SENATOR ONORATO: Thank you,  
24 Mr. President. I rise too to join my  
25 colleagues in congratulating the honorees

1       here.

2                   As a member -- every member of my  
3       family is a veteran. My father was a veteran  
4       of World War I, my older brother, my two  
5       brothers older than me were in the Army, and  
6       two were in the Navy, and I was in the Army  
7       during the Korea.

8                   And I heard all of your resumes  
9       that were placed upon you, and I'm truly  
10      amazed of your heroic feats in deservedly  
11      becoming Hall of Famers. It's an honor well  
12      deserved.

13                  And I really want to say a special  
14      thank you to one of my former colleagues from  
15      when we both served together in the Veterans  
16      Committee. Ron Tocci was the chairman of the  
17      Veterans Committee, and I was the ranking  
18      member in the Senate, and we worked very, very  
19      closely to make sure that the veterans' rights  
20      were observed and taken care of. And Ron is  
21      still continuing in that capacity.

22                  And again, congratulations and God  
23      bless you all.

24                  (Applause.)

25                  ACTING PRESIDENT VALESKY:     Thank

1       you, Senator Onorato.

2                   Senator Young.

3                   SENATOR YOUNG:     Thank you,  
4       Mr. President.

5                   I wish to extend my deepest, most  
6       heartfelt gratitude to all of our veterans for  
7       your service and your sacrifice on behalf of  
8       our great country.

9                   And my veteran who's being  
10      recognized today is Frank Tracz of Olean.  
11      Frank is a World War II veteran. He actually  
12      served during the Battle of the Bulge, and on  
13      December 16, 1944, he was involved in an epic  
14      battle.

15                  Now, if you know anything about  
16      history, the Battle of the Bulge was the  
17      largest battle fought by the Americans during  
18      World War II. The Americans lost 81,000 men.  
19      And it was fought over the winter months from  
20      1944 to 1945. It was the last major offensive  
21      against the Nazis during World War II. The  
22      Nazis and Hitler were trying to divide the  
23      Allied troops, they were trying to split them  
24      up as they were driving toward Germany.

25                  And Frank was there. Frank was

1       there, and he actually ended up being captured  
2       by the Germans and spent five months in a  
3       concentration camp in Germany.

4                You know, it's very urgent, I  
5       believe, every single day that we thank our  
6       veterans, but that we especially thank our  
7       World War II veterans. They used to be  
8       16 million strong. We are losing a thousand  
9       World War II veterans every single day. It's  
10      estimated that there are only about 2 to  
11      2½ million of them left in this country. And  
12      that makes the case that we need to say thank  
13      you to them every single day, and we need to  
14      preserve their histories.

15               You know, what really struck me  
16      yesterday as I took part in Memorial Day  
17      ceremonies is that behind every person who  
18      served there's a human story, there's a story  
19      that needs to be told. Your stories are being  
20      told today, and we're so grateful for your  
21      service, as I said.

22               But we need to make sure that we  
23      don't just think about people who serve our  
24      great country as statistics. You know,  
25      oftentimes we say, well, so many served, so



1 many were wounded, so many died. There are  
2 human stories behind every single person, and  
3 we need to focus on that.

4 You know, Frank Tracz was part of  
5 that Greatest Generation, and he came back to  
6 Olean and he did what all of the veterans did  
7 at that time. They rolled up their sleeves  
8 and they built our country. And that's what  
9 Frank did. Frank actually came back to Olean  
10 and he opened a restaurant that was very  
11 successful.

12 So we thank him for that, we thank  
13 all of you for that, for all that you've done  
14 for our country and to protect our freedom.

15 Thank you.

16 (Applause.)

17 ACTING PRESIDENT VALESKY: Thank  
18 you, Senator Young.

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

22 (Response of "Aye.")

23 ACTING PRESIDENT VALESKY:  
24 Opposed, nay.

25 (No response.)

1                   ACTING PRESIDENT VALESKY:     The  
2     resolution is adopted.

3                   (Standing ovation.)

4                   ACTING PRESIDENT VALESKY:  
5     Senator Adams has indicated that he would like  
6     to open the resolution to cosponsorship. Any  
7     member wishing not to sign on as a cosponsor  
8     of the resolution should notify the desk.

9                   Senator Klein.

10                  SENATOR KLEIN:     Mr. President,  
11     can you please recognize Senator Libous. He  
12     has some guests in the gallery today.

13                  ACTING PRESIDENT VALESKY:     One  
14     second, Senator Libous.

15                  If we could just get a bit of order  
16     in the house, please, as our special guests  
17     leave.

18                  Senator Libous.

19                  SENATOR LIBOUS:     Thank you,  
20     Mr. President.

21                  I have some special guests in the  
22     gallery, and I'm going to ask them to please  
23     stand. I'm going to ask Ian, Travis, Jordan,  
24     Jacob and Andrew to stand, please.

25                  These outstanding young individuals

1       are 13 years old. They're from the Owego  
2       Apalachin Middle School, and they recently  
3       competed against almost a thousand other bands  
4       and school music programs throughout the  
5       country on VH1, the national Battle of the  
6       Bands contest, and they came in second.

7               And what makes them amazing, which  
8       ties into what the veterans do that we're  
9       honoring today, is many of the events that  
10      they do for the community. And for instance,  
11      they do a tradition in serving the community  
12      by partnering with Angels Over Iraq and  
13      Afghanistan, a nonprofit organization --

14             ACTING PRESIDENT VALESKY:

15      Senator Libous, pardon the interruption. It's  
16      a bit difficult to hear.

17             Gentlemen, if we could keep the  
18      noise down just a bit, Senator Libous has some  
19      special guests in the balcony that he's  
20      attempting to introduce.

21             Thank you. Thank you, Senator  
22      Libous.

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

25             As I was saying, our young people

1 up here, one of the things that they do is  
2 they serve the community by partnering with  
3 Angels over Iraq and Afghanistan, a nonprofit  
4 organization which collects food and other  
5 goods for troops in Iraq and Afghanistan.  
6 They've also worked with Relay for Life, Rock  
7 Out for Polio.

8 And, Mr. President, I think one of  
9 the things that makes this group of young  
10 people -- they're the group Hover -- so  
11 special is that they're also excellent  
12 students. Their grades are outstanding and  
13 extremely good. And while they take the time  
14 for their musical talent, the whole concept of  
15 what they were doing was to promote music  
16 within our schools.

17 So I am very proud of them; they  
18 come from my district. They're a talented  
19 group of young men. And I wish them the very  
20 best. And they serve as a role model for  
21 others of the teenage group that can move  
22 forward and show that our young people are  
23 very much on the ball today, their academic  
24 achievements are outstanding, and certainly  
25 their musical ability is just superb.

1                   Let's give them a big round of  
2           applause.

3                   (Appause.)

4                   ACTING PRESIDENT VALESKY:     Thank  
5           you, Senator Libous.

6                   A very special welcome to our young  
7           musicians who are joining us this afternoon.

8                   Senator Klein.

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

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

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

20                  ACTING PRESIDENT VALESKY:     The  
21          Secretary will read.

22                  THE SECRETARY:     By Senator  
23          Peralta, legislative resolution welcoming the  
24          students and faculty of the Lexington School  
25          for the Deaf/Center for the Deaf as they visit

1 Albany, New York, on June 1, 2010.

2 ACTING PRESIDENT VALESKY: The  
3 question is on the resolution. All in favor  
4 signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT VALESKY:  
7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT VALESKY: The  
10 resolution is adopted.

11 Senator Peralta had previously  
12 introduced the guests a few moments ago. He  
13 has also indicated he would like to open the  
14 resolution for cosponsorship to the entire  
15 house. Any Senator wishing not to cosponsor  
16 this resolution should notify the desk.

17 Senator Klein.

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

23 ACTING PRESIDENT VALESKY:  
24 Senator Klein, has this resolution been deemed  
25 privileged and submitted by the office of the

1 Temporary President?

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

4 ACTING PRESIDENT VALESKY: The  
5 Secretary will read.

6 THE SECRETARY: By Senator  
7 Savino, legislative resolution honoring  
8 Outgoing President Andrew J. Windsor upon the  
9 occasion of his designation as a recipient of  
10 the 2010 Civic Award by the Bay Ridge  
11 Community Council.

12 ACTING PRESIDENT VALESKY: The  
13 question is on the resolution. All in favor  
14 signify by saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT VALESKY:  
17 Opposed, nay.

18 (No response.)

19 ACTING PRESIDENT VALESKY: The  
20 resolution is adopted.  
21 Senator Klein.

22 SENATOR KLEIN: Mr. President, I  
23 believe there's another resolution at the desk  
24 by Senator Savino. I ask that the title of  
25 the resolution be read and move for its

1 immediate adoption.

2 ACTING PRESIDENT VALESKY:

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

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

8 ACTING PRESIDENT VALESKY: The  
9 Secretary will read.

10 THE SECRETARY: By Senator  
11 Savino, legislative resolution honoring Edmund  
12 J. Moderacki upon the occasion of his  
13 designation as a recipient of the 2010 Civic  
14 Award by the Bay Ridge Community Council.

15 ACTING PRESIDENT VALESKY: The  
16 question is on the resolution. All in favor  
17 signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT VALESKY:  
20 Opposed, nay.

21 (No response.)

22 ACTING PRESIDENT VALESKY: The  
23 resolution is adopted.

24 Senator Klein.

25 SENATOR KLEIN: Mr. President,



1 Senator Savino has another resolution at the  
2 desk. I ask that the title of the resolution  
3 be read and move for its immediate adoption.

4 ACTING PRESIDENT VALESKY:  
5 Senator Klein, has this resolution been deemed  
6 privileged and submitted by the office of the  
7 Temporary President?

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

10 ACTING PRESIDENT VALESKY: The  
11 Secretary will read.

12 THE SECRETARY: By Senator  
13 Savino, legislative resolution honoring  
14 Maureen F. Stramka upon the occasion of her  
15 designation as a recipient of the 2010 Civic  
16 Award by the Bay Ridge Community Council.

17 ACTING PRESIDENT VALESKY: The  
18 question is on the resolution. All in favor  
19 signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT VALESKY:  
22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT VALESKY: The  
25 resolution is adopted.

1 Senator Klein.

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

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

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

13 ACTING PRESIDENT VALESKY: The  
14 Secretary will read.

15 THE SECRETARY: By Senator  
16 Maziarz, legislative resolution honoring  
17 Barclay Elementary School upon the occasion of  
18 its designation as a recipient of the 2010  
19 School Library of the Year Award by the  
20 Rochester Regional Library Council.

21 ACTING PRESIDENT VALESKY: The  
22 question is on the resolution. All in favor  
23 signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT VALESKY:

1 Opposed, nay.

2 (No response.)

3 ACTING PRESIDENT VALESKY: The  
4 resolution is adopted.

5 Senator Klein.

6 SENATOR KLEIN: Mr. President, I  
7 move to recall Senate Resolution Number 4175,  
8 by Senator Foley, which was previously adopted  
9 by this house on March 9th. I ask that the  
10 title of the resolution be read and allow  
11 Senator Foley to speak on his resolution.

12 ACTING PRESIDENT VALESKY: The  
13 Secretary will read.

14 THE SECRETARY: By Senator Foley,  
15 Legislative Resolution Number 4175, commending  
16 George Bloom upon the occasion of 40 years of  
17 distinguished service to Local 1104,  
18 Communication Workers of America, as he is  
19 honored by the Long Island Federation of Labor  
20 on March 4, 2010.

21 ACTING PRESIDENT VALESKY:  
22 Senator Foley, on the resolution.

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

25 I rise today to also salute George

1 Bloom for his great work over these past  
2 40 years in the labor movement.

3 George Bloom began his membership  
4 in the labor movement at the age of 16, when  
5 he joined the Bakery and Confectionary Workers  
6 Union and worked in a bagel shop. At the same  
7 time, he took a job at McDonald's and, true to  
8 form, attempted to organize a union at his  
9 particular store. And after the young union  
10 leader threatened a walkout, the employer only  
11 then began to treat the workers with respect  
12 and dignity.

13 In 1970, George Bloom began his  
14 career at New York Telephone as an installer,  
15 and in less than a year he was asked to become  
16 a shop steward. In July 1971, George served  
17 as a picket captain when the Communication  
18 Workers of America went out on strike for  
19 seven months. He later served as a picket  
20 captain during the historic 32-week strike  
21 against NYNEX in 1989.

22 George has continued to remain  
23 active in the Communication Workers of America  
24 Local 1104, most recently serving as its very  
25 able president. Currently George is also on

1 the executive board of the Long Island  
2 Federation of Labor. He was recently honored  
3 by that particular organization.

4 And we in the State Senate here  
5 today also want to thank him for his service,  
6 both in the labor movement as well as in a  
7 variety of local charities. George Bloom is  
8 with us here today in the gallery. We'd like  
9 to welcome him here today and congratulate him  
10 for his years of service both to our country  
11 as well as to the labor union.

12 Thank you, Mr. President.

13 ACTING PRESIDENT VALESKY: Thank  
14 you, Senator Foley.

15 Senator Craig Johnson, on the  
16 resolution.

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

19 I just want to join my good friend  
20 Senator Foley in congratulating George Bloom  
21 on this award, and I thank you, Senator Foley,  
22 for sponsoring this resolution.

23 George has been an outstanding  
24 advocate on behalf of the CWA for a number of  
25 years and is an important leader of labor on

1 Long Island.

2 So, George, I congratulate you on  
3 this award. And, Senator Foley, I thank you  
4 for sponsoring the resolution.

5 ACTING PRESIDENT VALESKY: Thank  
6 you, Senator Johnson.

7 And welcome, Mr. Bloom, to the  
8 Senate chamber. This resolution was  
9 unanimously adopted on March 9th.

10 Senator Klein.

11 SENATOR KLEIN: Mr. President, at  
12 this time I move to recall Senate Resolution  
13 Number 5544, by Senator Hassell-Thompson,  
14 which was previously adopted on May 26th. I  
15 ask that the title of the resolution be read  
16 and move for its immediate adoption and allow  
17 Senator Hassell-Thompson to speak on her  
18 resolution.

19 ACTING PRESIDENT VALESKY: The  
20 Secretary will read.

21 THE SECRETARY: By Senator  
22 Hassell-Thompson, Legislative Resolution  
23 Number 5544, memorializing Governor David A.  
24 Paterson to proclaim April 2010 as Parkinson's  
25 Disease Awareness Month in the State of

1 New York.

2 ACTING PRESIDENT VALESKY:

3 Senator Hassell-Thompson, on the resolution.

4 SENATOR HASSELL-THOMPSON: Thank  
5 you, Mr. President. I appreciate you  
6 recalling this resolution to give me an  
7 opportunity to speak.

8 One of the things that's very  
9 interesting about Parkinson's disease is that  
10 it is a progressive disorder of the nervous  
11 system that affects movement. And there are  
12 over 50,000 to 60,000 new cases of Parkinson's  
13 disease that are diagnosed each year, adding  
14 to the 1 million people who are currently  
15 living with this disease.

16 While greater strides have been  
17 made in the battle against Parkinson's, there  
18 is no cure. It's a substantial health problem  
19 in the State of New York and throughout the  
20 United States, and it strikes 50 percent more  
21 men than women, with the average age of the  
22 onset being age 60.

23 The resolution talks extensively  
24 about many things, but the main thing, the  
25 reason that we're asking Governor Paterson to

1 call attention and create an awareness month  
2 is because this is a disease that's very quiet  
3 and silent in its onset. And with the numbers  
4 of citizens every day who are becoming  
5 affected, we need to raise the awareness,  
6 raise the banners high in support of those who  
7 live with and work with this degenerating and  
8 progressive disorder.

9 So thank you, Mr. President, for  
10 giving me the opportunity to recall this  
11 resolution.

12 And there are a couple of employees  
13 that work for us here in the State of New York  
14 who are stricken with this disease but  
15 continue to work every day. And so my hat  
16 goes off to them for their dedication and  
17 commitment to a work that is important to them  
18 with a disease that is debilitating more and  
19 more every day.

20 Thank you, Mr. President.

21 ACTING PRESIDENT VALESKY: Thank  
22 you, Senator Hassell-Thompson.

23 As Senator Klein indicated, this  
24 resolution was previously adopted.

25 Senator Klein.



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

4                   ACTING PRESIDENT VALESKY:     The  
5     Secretary will proceed with a reading of the  
6     noncontroversial calendar.

7                   THE SECRETARY:     Calendar Number  
8     74, by Senator Klein, Senate Print 2490E, an  
9     act to amend the Correction Law.

10                  ACTING PRESIDENT VALESKY:     Read  
11     the last section.

12                  THE SECRETARY:     Section 2. This  
13     act shall take effect on the 60th day.

14                  ACTING PRESIDENT VALESKY:     Call  
15     the roll.

16                         (The Secretary called the roll.)

17                  THE SECRETARY:     Ayes, 61.

18                  ACTING PRESIDENT VALESKY:     The  
19     bill is passed.

20                  THE SECRETARY:     Calendar Number  
21     87, by Senator Perkins, Senate Print 6248, an  
22     act to amend the Election Law.

23                  ACTING PRESIDENT VALESKY:     Read  
24     the last section.

25                  SENATOR LIBOUS:     Lay it aside.

1                   ACTING PRESIDENT VALESKY:     The  
2     bill is laid aside.

3                   THE SECRETARY:     Calendar Number  
4     188, by Member of the Assembly O'Donnell,  
5     Assembly Print Number 5537A, an act to amend  
6     the Penal Law and others.

7                   ACTING PRESIDENT VALESKY:     Read  
8     the last section.

9                   SENATOR LIBOUS:     Lay it aside.

10                  ACTING PRESIDENT VALESKY:     The  
11     bill is laid aside.

12                  THE SECRETARY:     Calendar Number  
13     196, by Senator Savino, Senate Print 2311D, an  
14     act to amend the Labor Law, the Executive Law  
15     and the Workers' Compensation Law.

16                  SENATOR LIBOUS:     Lay it aside.

17                  ACTING PRESIDENT VALESKY:     The  
18     bill is laid aside.

19                  THE SECRETARY:     Calendar Number  
20     365, by Senator L. Krueger, Senate Print  
21     3584B, an act to amend the Election Law.

22                  ACTING PRESIDENT VALESKY:     Read  
23     the last section.

24                  SENATOR LIBOUS:     Lay it aside.

25                  ACTING PRESIDENT VALESKY:     The

1 bill is laid aside.

2 THE SECRETARY: Calendar Number  
3 366, by Senator Addabbo, Senate Print 5447C,  
4 an act to amend the Election Law.

5 SENATOR LIBOUS: Lay it aside.

6 ACTING PRESIDENT VALESKY: The  
7 bill is laid aside.

8 THE SECRETARY: Calendar Number  
9 517, by Senator Onorato, Senate Print 2248A,  
10 an act to amend the Labor Law.

11 SENATOR LIBOUS: Lay it aside.

12 ACTING PRESIDENT VALESKY: The  
13 bill is laid aside.

14 THE SECRETARY: Calendar Number  
15 524, by Senator Breslin, Senate Print 6846, an  
16 act to amend the Executive Law.

17 ACTING PRESIDENT VALESKY: Read  
18 the last section.

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

21 ACTING PRESIDENT VALESKY: Call  
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT VALESKY:  
25 Announce the results.

1                   THE SECRETARY:     Those recorded in  
2     the negative on Calendar Number 524 are  
3     Senators O. Johnson, LaValle, Marcellino,  
4     Skelos and Young.   Also Senator Golden.

5                   Ayes, 55.   Nays, 6.

6                   ACTING PRESIDENT VALESKY:     The  
7     bill is passed.

8                   THE SECRETARY:     Calendar Number  
9     528, by Senator Addabbo, Senate Print 2866A,  
10    an act to amend the Election Law.

11                  SENATOR LIBOUS:     Lay it aside.

12                  ACTING PRESIDENT VALESKY:     The  
13    bill is laid aside.

14                  THE SECRETARY:     Calendar Number  
15    560, by Senator C. Kruger --

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

18                  ACTING PRESIDENT VALESKY:     The  
19    bill is laid aside for the day.

20                  THE SECRETARY:     Calendar Number  
21    565, by Senator Breslin, Senate Print 6763, an  
22    act to amend Chapter 405 of the Laws of 2005  
23    amending the Tax Law.

24                  ACTING PRESIDENT VALESKY:     There  
25    is a home-rule message at the desk.

1                   Read the last section.

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

4                   ACTING PRESIDENT VALESKY:     Call  
5                   the roll.

6                   (The Secretary called the roll.)

7                   THE SECRETARY:     Ayes, 61.

8                   ACTING PRESIDENT VALESKY:     The  
9                   bill is passed.

10                  THE SECRETARY:     Calendar Number  
11                  566, by Senator Thompson, Senate Print 6848,  
12                  an act to amend the Public --

13                  SENATOR LIBOUS:     Lay it aside.

14                  ACTING PRESIDENT VALESKY:     The  
15                  bill is laid aside.

16                  THE SECRETARY:     Calendar Number  
17                  572, by Member of the Assembly Weinstein,  
18                  Assembly Print Number 8392C, an act to amend  
19                  the General Obligations Law.

20                  ACTING PRESIDENT VALESKY:     Read  
21                  the last section.

22                  THE SECRETARY:     Section 31.  This  
23                  act shall take effect on the 30th day.

24                  ACTING PRESIDENT VALESKY:     Call  
25                  the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT VALESKY: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 574, by Senator Aubertine, Senate Print 7570,  
7 an act to amend the Domestic Relations Law and  
8 the Executive Law.

9 ACTING PRESIDENT VALESKY: Read  
10 the last section.

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

13 ACTING PRESIDENT VALESKY: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT VALESKY: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 581, by Senator L. Krueger, Senate Print 4784,  
21 an act to amend the Civil --

22 SENATOR LIBOUS: Lay it aside.

23 ACTING PRESIDENT VALESKY: The  
24 bill is laid aside.

25 THE SECRETARY: Calendar Number

1       603, by Senator Oppenheimer, Senate Print  
2       7635, an act to amend the Real Property Tax  
3       Law.

4                ACTING PRESIDENT VALESKY:     Read  
5       the last section.

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

8                ACTING PRESIDENT VALESKY:     Call  
9       the roll.

10               (The Secretary called the roll.)

11               THE SECRETARY:     Ayes, 61.

12               ACTING PRESIDENT VALESKY:     The  
13       bill is passed.

14               THE SECRETARY:     Calendar Number  
15       629, by Senator Schneiderman, Senate Print  
16       7096A --

17               SENATOR LIBOUS:     Lay it aside.

18               ACTING PRESIDENT VALESKY:     The  
19       bill is laid aside.

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

22               SENATOR KLEIN:     Mr. President,  
23       can we please go to a reading of the  
24       controversial calendar.

25               ACTING PRESIDENT VALESKY:     The

1 Secretary will ring the bells.

2 Senators are asked to proceed to  
3 the chamber for the reading of the  
4 controversial calendar.

5 ACTING PRESIDENT CRAIG JOHNSON:  
6 The Secretary will read.

7 THE SECRETARY: Calendar Number  
8 87, by Senator Perkins, Senate Print 6248, an  
9 act to amend the Election Law.

10 SENATOR LIBOUS: Read the last  
11 section.

12 ACTING PRESIDENT CRAIG JOHNSON:  
13 Hearing no debate, the debate is closed.

14 The Secretary will ring the bells.

15 Members of the Republican minority,  
16 we haven't called a vote yet, so you're a  
17 little ahead of yourselves. Just waving to  
18 say hi.

19 Read the last section.

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

22 ACTING PRESIDENT CRAIG JOHNSON:  
23 Call the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT CRAIG JOHNSON:



1       Announce the results.

2                   THE SECRETARY:       Those recorded in  
3       the negative on Calendar Number 87 are  
4       Senators Alesi, Bonacic, DeFrancisco, Farley,  
5       Flanagan, Fuschillo, Golden, Griffio, Hannon,  
6       O. Johnson, Lanza, Larkin, LaValle, Leibell,  
7       Libous, Little, Marcellino, Maziarz, McDonald,  
8       Nozzolio, Padavan, Ranzenhofer, Robach,  
9       Saland, Seward, Skelos, Volker, Winner and  
10      Young.

11                   Ayes, 32.   Nays, 29.

12                   ACTING PRESIDENT CRAIG JOHNSON:  
13      The bill is passed.

14                   I remind members that we're on the  
15      controversial calendar. We have a lot of  
16      bills on the controversial calendar. It will  
17      go a lot more smoothly if members stay in  
18      their seats for the controversial calendar.

19                   The Secretary will read.

20                   THE SECRETARY:       Calendar Number  
21      188, by Member of the Assembly O'Donnell,  
22      Assembly Print Number 5537A, an act to amend  
23      the Penal Law and others.

24                   SENATOR LIBOUS:       Read the last  
25      section.

1                   ACTING PRESIDENT CRAIG JOHNSON:  
2       Debate is closed. The Secretary will please  
3       ring the bell.  
4                   Read the last section.  
5                   THE SECRETARY:     Section 2. This  
6       act shall take effect immediately.  
7                   ACTING PRESIDENT CRAIG JOHNSON:  
8       Call the roll.  
9                   (The Secretary called the roll.)  
10                  ACTING PRESIDENT CRAIG JOHNSON:  
11       Senator Padavan, why do you rise?  
12                  SENATOR PADAVAN:     Mr. President,  
13       is there a rule that during this period of  
14       voting a member should be in their seat? Is  
15       there such a rule in this house?  
16                  ACTING PRESIDENT CRAIG JOHNSON:  
17       Let me consult the rules, Senator Padavan.  
18                  Senator Klein.  
19                  SENATOR KLEIN:     Mr. President,  
20       can we please lay the bill aside for the day.  
21                  ACTING PRESIDENT CRAIG JOHNSON:  
22       The roll call is withdrawn. The bill is laid  
23       aside for the day.  
24                  The Secretary will read.  
25                  THE SECRETARY:     Calendar Number

1 196, by Senator Savino, Senate Print --

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator LaValle, why do you rise?

4 SENATOR LaVALLE: Senator Padavan  
5 asked a question. I didn't hear the chair  
6 rule on his question whether a member had to  
7 be in their seat when voting.

8 ACTING PRESIDENT CRAIG JOHNSON:

9 Senator Padavan or Senator LaValle, are you  
10 making a point of order?

11 SENATOR LaVALLE: Yes.

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Senator LaValle, I will consult the rules as  
14 we are reading the roll for the next bill and  
15 then I'll make sure I get you that answer.

16 SENATOR LaVALLE: Yes, thank you.

17 ACTING PRESIDENT CRAIG JOHNSON:

18 The Secretary will read.

19 THE SECRETARY: Calendar Number  
20 196, by Senator Savino, Senate Print 2311D, an  
21 act to amend the Labor Law, the Executive Law  
22 and the Workers' Compensation Law.

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Senator Lanza, why do you rise?

25 SENATOR LANZA: On the bill.

1                   ACTING PRESIDENT CRAIG JOHNSON:

2           Senator Lanza, on the bill.

3                   SENATOR LANZA:       Thank you,  
4           Mr. President.

5                   First let me say that I know that  
6           domestic workers across this state are some of  
7           the finest, hardest-working and most  
8           compassionate neighbors we have here. And I  
9           am fully supportive of all efforts to ensure  
10          that domestic workers are able to work with  
11          dignity, fairness, and in a safe environment.

12                   And I very much wanted to stand  
13          here today in support of legislation that  
14          would ensure that those protections exist. In  
15          fact, I worked with the sponsor of the bill,  
16          Senator Savino, and I commend her for her  
17          efforts and leadership here. But as the bill  
18          stands, I have grave concerns with respect to  
19          certain provisions.

20                   I don't think we should lump all  
21          employer/employee situations together. My  
22          concern here is with respect to situations  
23          involving nannies and babysitters, situations  
24          involving children and families. Families and  
25          homes are not businesses. And I fully believe

1       that we can support the rights that we seek to  
2       afford domestic workers in a way that  
3       recognizes those differences.

4               And so you can understand where I'm  
5       coming from, I want you to know that it is my  
6       strongest belief that there is nothing more  
7       sacred than the family and nothing more sacred  
8       than the relationship between a parent and a  
9       child. I will support a domestic workers'  
10      rights bill as long as it does not contradict  
11      and trump parental rights. And I think in  
12      some respects this legislation does.

13             Let me tell you what I mean. This  
14      bill would require -- and I believe create a  
15      cause of action, because there is civil and  
16      criminal liability here -- would require a  
17      parent in certain circumstances to explain,  
18      either to a government agency or someone else,  
19      why they seek to immediately terminate an  
20      employee that works alone in their home with  
21      their babies.

22             I don't think a parent should ever  
23      have to explain to anyone why they seek to end  
24      that relationship immediately. I believe in  
25      parents' intuition when it comes to their

1 children. And let me go a step further I  
2 especially believe in a woman's, a mother's  
3 intuition. A mother should never be forced to  
4 question that intuition, and I think this  
5 legislation would make that happen.

6 Yes, I understand and I thank the  
7 sponsor Senator Savino for attempting to  
8 address this concern by changing the language  
9 requiring that only in the absence of good  
10 faith would that liability exist. But I'm  
11 still gravely concerned that we require  
12 anything, any explanation. Who is to  
13 determine when good faith is achieved? To  
14 whom does the mother or the father need to  
15 explain the facts underlying their conclusion  
16 that they've arrived at good faith?

17 I think it's a very dangerous  
18 precedent. We should never, never ignore a  
19 mother's intuition. Now, I understand and  
20 I've heard the terrible stories of  
21 mistreatment when it comes to workers. And  
22 that's why I want to be here in support of  
23 legislation that does something about that.  
24 And we can. We can accomplish that in a way  
25 that appreciates and recognizes the

1       distinctions between a babysitting situation  
2       and another situation.

3               We can have different rules, maybe  
4       even only slightly different rules when it  
5       applies to babysitters and nannies. Because  
6       for a parent, a child's safety comes first.

7               ACTING PRESIDENT CRAIG JOHNSON:  
8       Senator Diaz, why do you rise?

9               SENATOR DIAZ:       Would Senator  
10       Lanza accept a question from me?

11              ACTING PRESIDENT CRAIG JOHNSON:  
12       Senator Lanza -- Senator Diaz, do you wish to  
13       ask Senator Lanza to yield for a question?

14              SENATOR DIAZ:       Yes, sir.

15              ACTING PRESIDENT CRAIG JOHNSON:  
16       Senator Lanza, do you yield to a question from  
17       Senator Diaz?

18              SENATOR LANZA:       I'd be glad to as  
19       soon as I'm finished. And I'll be wrapping up  
20       briefly.

21              ACTING PRESIDENT CRAIG JOHNSON:  
22       So, Senator Diaz, please wait till Senator  
23       Lanza completes, and then he will yield.

24              Senator Lanza.

25              SENATOR LANZA:       Thank you.

1                   Now, there are many horror stories,  
2                   as I said, with respect to mistreatment.  
3                   So -- and again, I preface my statement by  
4                   talking about what I believe to be the one of  
5                   the greatest, most compassionate workforces  
6                   out there. But there are exceptions, and  
7                   that's what I'm concerned about.

8                   You've probably all seen those  
9                   horror stories concerning abuse of children in  
10                  the home, those undercover videos where we see  
11                  the terrible mistreatment by a very few, a  
12                  small minority of those who have been given  
13                  the great responsibility of watching another's  
14                  children. Let me tell you how that comes  
15                  about.

16                 When does a parent put an  
17                 undercover video in their child's nursery when  
18                 they go to work? When does a parent take the  
19                 step to put a video camera in a peephole in  
20                 their own home when they go to work? In  
21                 almost every situation, it is based upon the  
22                 feeling of a mother, a woman's intuition when  
23                 it comes to her child.

24                 Now, we could talk about good faith  
25                 all we want. I could tell you that in a court



1 of law good faith needs to be proven with  
2 facts. Questions would go along evidentiary  
3 lines, questions like did you see abuse, did  
4 you hear abuse, are there black-and-blues,  
5 what's the evidence.

6 But let me tell you the evidence in  
7 the majority of the cases where a mother took  
8 the draconian step to put a video camera in  
9 her own home. It was a feeling, a look in the  
10 eye, of either her child or the employee, a  
11 feeling, a parent's intuition which caused  
12 them to take the further step of trying to  
13 confirm that intuition. And we all have seen  
14 the horrible videos to know that more often  
15 than not, in my opinion, a mother's -- a  
16 parent's, but especially a mother's intuition  
17 is usually right.

18 And so while I understand that this  
19 situation could be avoided, a parent might  
20 have that feeling and decide to ignore, at  
21 their own peril, civil liability, criminal  
22 liability. They might decide to ignore the  
23 provisions of this legislation. Or they may  
24 say, "You're fired, but I'll pay you for two  
25 more weeks, even though you're not here and

1 I'll have to pay someone else to watch my  
2 baby."

3 And you know, I've heard the  
4 stories too that these are wealthy people  
5 taking advantage of not-so-wealthy people.  
6 Let me disabuse you all of that notion. Let  
7 me talk about the people in my district who  
8 employ nannies in their homes. They do so  
9 precisely because they are not wealthy. They  
10 do so because in order to provide for their  
11 families, to pay the bills, they need to go  
12 out and get two jobs and three jobs and four  
13 jobs. That's why they do it.

14 So I guess what I'm saying is we  
15 can do this, we can do it better, we can  
16 recognize the difference between the different  
17 roles and tasks that domestic workers take on  
18 all across this state. But overriding all of  
19 that, we should never force a parent into the  
20 situation where they feel that it is in their  
21 economic interest or legal interest to ignore  
22 a feeling they have regarding their baby. And  
23 I truly believe that this legislation will put  
24 mothers and fathers in that position across  
25 this state.

1                   So what I ask is that we take a  
2                   step back, that we briefly go back to the  
3                   drawing board. I'm committed to working with  
4                   the advocates and Senator Savino and all those  
5                   who support to legislation to getting this  
6                   right. And we can do this, I promise our  
7                   great domestic workers, and we can do this  
8                   very quickly, in a way that protects domestic  
9                   workers' rights and parent rights.

10                  For that reason, Mr. President,  
11                  I'll be voting no.

12                  ACTING PRESIDENT CRAIG JOHNSON:  
13                  Senator Savino, Senator Diaz did ask --  
14                  Senator Lanza, will you yield for a question  
15                  from Senator Diaz?

16                  SENATOR LANZA:       Yes,  
17                  Mr. President.

18                  ACTING PRESIDENT CRAIG JOHNSON:  
19                  Senator Diaz.

20                  SENATOR DIAZ:       Thank you,  
21                  Mr. President.

22                  Senator Lanza, please correct me if  
23                  I don't hear you right. It is my house, it's  
24                  my wife, it's my children, my child. You're  
25                  telling me that with this bill I would have no

1 power to decide I don't want this person in my  
2 house with my child or my children?

3 SENATOR LANZA: Mr. President,  
4 through you, I think that you can -- and I  
5 don't think that there's any law, I hope, that  
6 we can draft that would require you to allow  
7 anyone in your home who you didn't wish to  
8 have there.

9 But under this legislation, I  
10 believe, first, there are certain things that  
11 you must do before that happens. You need to  
12 continue to pay that person after you've asked  
13 them to leave. If you're in the situation  
14 where you need to have a nanny, it means that  
15 you'll have to pay for another nanny, so  
16 you'll be paying for two, only getting one.  
17 Remember, the people in this situation are in  
18 this situation because they can't afford to be  
19 in another situation.

20 And I also believe, potentially,  
21 that you'll be called to explain --

22 ACTING PRESIDENT CRAIG JOHNSON:  
23 Senator Savino, why do you rise?

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

1                   Actually, I think it would be  
2           better if I answered the question for Senator  
3           Diaz, considering I am the sponsor of the bill  
4           and this is a section of the bill --

5                   SENATOR LIBOUS:     Point of order,  
6           Mr. President.

7                   ACTING PRESIDENT CRAIG JOHNSON:  
8           Senator Savino -- Senator Savino.

9                   SENATOR SAVINO:     Yes?

10                  ACTING PRESIDENT CRAIG JOHNSON:  
11          While I certainly look forward to hearing your  
12          discussion on the bill, Senator Lanza has the  
13          floor. Senator Diaz did ask him to yield for  
14          a question. Senator Lanza is answering the  
15          question.

16                  And I am sure momentarily you will  
17          have an opportunity to correct Senator Lanza  
18          if he's incorrect and provide an explanation,  
19          I'm sure a detailed explanation on the bill.  
20          But pursuant to the rules, Senator Lanza does  
21          have the floor. And the only way is if he  
22          were to yield to you to answer the question.  
23          That's up to Senator Lanza.

24                  SENATOR LANZA:     He said it,  
25          Senator.

1                   SENATOR SAVINO:     Thank you.

2                   ACTING PRESIDENT CRAIG JOHNSON:

3       Senator Lanza, you may continue.

4                   SENATOR LANZA:     Thank you,

5       Mr. President.   And I'll answer the question,  
6       and then Senator Diaz I'm sure is free to ask  
7       anyone in the chamber questions that he has.

8                   And so you can ask that person to  
9       leave the home.   You do then have a further  
10      responsibility.   There is also the question of  
11      whether or not you'll be required to answer  
12      questions with respect to the decision you  
13      made.   And my position is that a parent should  
14      never be forced to answer to anyone when it  
15      comes to someone being alone with their child  
16      in their home.

17                  And then there's the question of  
18      whether or not a cause of action may be  
19      created by this legislation.   And I'm not  
20      concluding that one is, but I'm not sure.

21                  And all that, I think, goes toward  
22      creating a disincentive for a mother or a  
23      father to listen to their intuition.   Knowing  
24      that they may have to answer for the decision,  
25      there may be some liability, there's certainly

1 a cost with respect to that decision, I think  
2 all that may play toward causing some parents  
3 to think twice before they listen to their own  
4 feelings, and I think that's a bad precedent.

5 SENATOR DIAZ: Would Senator  
6 Lanza yield for one more question, one last  
7 question.

8 ACTING PRESIDENT CRAIG JOHNSON:  
9 Senator Lanza, will you yield for one last  
10 question from Senator Diaz?

11 SENATOR LANZA: Yes,  
12 Mr. President.

13 ACTING PRESIDENT CRAIG JOHNSON:  
14 Senator Lanza will yield, Senator Diaz.

15 SENATOR DIAZ: Senator Lanza --  
16 thank you, Mr. President. Senator Lanza, if I  
17 had someone working in my house and I suspect  
18 that the person is abusing, assaulting or  
19 doing something wrong to my baby, but I don't  
20 want to accuse the person -- I just don't want  
21 to say she's doing this or he's doing this --  
22 but my suspicion bothers me, so I want to tell  
23 that person "Go out now, forget about it,"  
24 could I be sued for that? Or do I have to go  
25 and explain to someone the reason why and

1       accuse the person? Would I be forced to  
2       accuse the person?

3               SENATOR LANZA:       Through you,  
4       Mr. President. You know, Senator, I'm not  
5       sure. And that's the problem I have with  
6       this.

7               We all have experienced the  
8       unintended consequences of legislation,  
9       especially in this field, the labor field,  
10      where I think good-intentioned legislation  
11      designed to protect workers sometimes allows  
12      for some -- yes, a few, but always too many --  
13      to game the system and that legislation. And  
14      so that is my concern here.

15              And if that is what a parent  
16      believes, then I think the parent will be  
17      faced with a very conflicted course of action.  
18      Number one, because remember, when you  
19      question and you try to analyze a feeling or  
20      intuition when it comes a parent, it's not  
21      always evident. You can't point to one thing  
22      or another. It's not tangible, quite often.  
23      And so even a parent might say, maybe I'm  
24      getting it wrong on this one.

25              Today -- my grandfather used to



1        have an expression when it came to food: When  
2        in doubt, throw it out. Today, you might just  
3        follow it. Because after all, the stakes are  
4        as high as they ever get in this life. With  
5        this legislation, you might say, well, I may  
6        get sued, I may have to get hauled before some  
7        government agency and explain the cause, I may  
8        have to pay for a couple of weeks and get  
9        another nanny and pay that person.

10                So I think we're getting in the way  
11        of something that I think is an important  
12        impulse and something to which parents should  
13        be able to, the way they have for time  
14        immemorial, listened to and to heed.  
15        Especially, again, when it comes a woman's  
16        intuition, a mother's intuition. I've seen  
17        it. And let me just tell you, if my wife ever  
18        turned to me and said "I can't explain this,"  
19        and it's with respect to one of my babies,  
20        "but I have a bad feeling," that's enough.  
21        That's beyond a reasonable doubt, as far as  
22        I'm concerned.

23                I would never nor would I want  
24        anyone ever to be in a position where they  
25        felt it was important to question that. And

1       that's the concern I have with this  
2       legislation.

3               SENATOR DIAZ:       Thank you.   Thank  
4       you, Mr. President.

5               ACTING PRESIDENT CRAIG JOHNSON:  
6       Thank you.   Senator Savino, on the bill.

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

9               This was not exactly how I had  
10       anticipated this debate would begin on what is  
11       widely recognized as an historic moment in the  
12       New York State Senate, where we are going to  
13       take up and pass today the Domestic Workers'  
14       Bill of Rights -- the first Domestic Workers'  
15       Bill of Rights in the United States.

16               The women who are sitting up above  
17       us in the chamber on both sides are a small  
18       representative sample of the 200,000 domestic  
19       workers who work in our state seeing to it  
20       that our economy continues, taking care of our  
21       children, taking care of our elderly, taking  
22       care of our homes.   Their workplace is  
23       someone's home.   So yes, in fact, it is a  
24       place of employment.

25               But what they're doing is nothing

1 new for working people in the United States.  
2 You know, the concept of workers banding  
3 together for mutual aid and protection is not  
4 a new tradition. In fact, it dates back to  
5 the medieval craft guilds when smithies and  
6 carpenters and masons banded together in an  
7 attempt to improve their working conditions.  
8 There's a 500-year history of the fight for  
9 workers' rights in this country.

10 And whenever they banded together  
11 for mutual aid and protection, there were  
12 always people who stood before them and  
13 against them and said "We can't afford to do  
14 this, we can't do this, we can't provide basic  
15 rights." But yet and still, workers fought  
16 against it, and they rose. They rose in  
17 places like Ludlow and Lawrence, the coal  
18 mines of West Virginia, the factories and the  
19 sweatshops of our urban centers, the shipyards  
20 of Brooklyn, the wharfs of San Francisco.

21 They were beaten down every step of  
22 the way -- beaten down by the courts and the  
23 legislatures, and still they rose; beaten down  
24 by cops and Pinkertons, and still they rose;  
25 industrialists and robber barons, and still

1       they rose.

2                   And New York State assisted working  
3       people in their fight for justice in many ways  
4       long before the federal government ever acted.  
5       This state enacted the first child labor laws.  
6       This state enacted the first minimum wage law.  
7       This state enacted the first factory-worker  
8       protection laws.

9                   And long after we did that, the  
10       federal government finally passed the National  
11       Labor Relations Act in 1935, when Franklin  
12       Delano Roosevelt, a former member of this  
13       body, enacted into law workplace protections  
14       for every worker in America, with the  
15       exception of two groups. One, of course, is  
16       farmworkers, and the other was domestic  
17       workers.

18                   The farmworkers have had some  
19       intermittent success in this country; not yet  
20       here in New York State. But they have a  
21       Farmworkers' Bill of Rights in places like  
22       California and in other states. But nowhere  
23       in America have we been able to enact a  
24       Domestic Workers' Bill of Rights.

25                   And that invisible workforce that

1 we all take for granted, who take care of our  
2 children and our elderly and clean our houses,  
3 work every day without the basic protections  
4 that even our teenagers who work in McDonald's  
5 enjoy.

6 And what exactly are we affording  
7 to domestic workers, the invisible workers?  
8 We're giving them a day of rest. Imagine  
9 that. You know, the City of New York last  
10 month passed a piece of legislation granting  
11 carriage horses in Central Park two days of  
12 rest. Are horses worth more than domestic  
13 workers? I don't think so.

14 We're giving them paid holidays,  
15 just like every other worker in America gets,  
16 a paid holiday for New Year's and Christmas  
17 Day and Thanksgiving. And the ability to  
18 waive that holiday and be paid overtime, just  
19 like every other worker in the United States  
20 enjoys. Sick days and vacation days, just  
21 like every other worker.

22 We're giving them protection under  
23 the Human Rights Law. They currently have  
24 none. We're giving them protection under the  
25 Workers' Compensation Law. They currently

1       have none. We're giving them protection under  
2       unemployment insurance. They currently have  
3       none.

4               And with respect to the issue that  
5       Senator Lanza raised -- he's right, he and I  
6       worked on this piece of language and worked on  
7       the language. And I had thought that we had  
8       achieved something that he understood or was  
9       willing to support, but obviously he still has  
10      some concerns about it. And I'm going to work  
11      with him and listen to those concerns.

12             Because this bill, while it's going  
13      to pass here in the New York State Senate  
14      today, doesn't have an exact match in the  
15      Assembly. The Assembly bill is the weaker  
16      version. The Senate is the ceiling, and the  
17      Assembly is the floor. But because this house  
18      has always led with respect to protecting the  
19      rights of workers, it is appropriate that we  
20      put forth the better bill.

21             And the provision of the bill that  
22      Senator Lanza is concerned about and Senator  
23      Diaz has asked questions about relates to the  
24      notice of termination. And the legislation  
25      says clearly that an employer must provide

1       14 days written notice of termination. It  
2       will not apply, though, that 14-day written  
3       notice of termination does not apply if the  
4       employer reasonably believes in good faith  
5       that the domestic worker has committed  
6       assault, neglect or abuse at the place of  
7       business.

8               Now, yes, that employer would bear  
9       the burden of proof if that worker brought  
10      forward a claim. But there is no obligation  
11      for you, Senator Diaz, to keep someone in your  
12      home that you feel is a danger to your child  
13      or anyone else in your home. If you want to  
14      avoid having to bear the burden of proof if  
15      they bring the claim, all you need to do is  
16      provide them the two weeks' severance salary  
17      and tell them to leave your home at that  
18      moment. So we allowed for that.

19              I listened and I met with as many  
20      members of this body as I could to address  
21      your concerns. I spent more time trying to  
22      explain what a domestic worker wasn't, as you  
23      brought me every possible permutation of what  
24      you thought they were.

25              Senator Johnson addressed concerns

1       about au pairs. We amended the bill to  
2       specifically state that au pairs are not  
3       covered because they are covered by federal  
4       law.

5               I met with Senator Lanza on his  
6       issue and I thought we had achieved language  
7       that he felt comfortable with. Obviously, I  
8       was mistaken, and we're going to continue to  
9       reach out to him.

10              I explained to as many people as I  
11       could that domestic workers are not  
12       babysitters, they are not casual employees,  
13       they are not the woman who shows up to clean  
14       your house on Thursday and goes next door and  
15       cleans someone else's house on Friday. They  
16       are not people who work for an agency who then  
17       come to your home. They are not home  
18       healthcare attendees. They are the invisible  
19       workforce that we depend upon.

20              And so today we have an opportunity  
21       to take our place in history again, to lead  
22       the way for the rest of America and establish  
23       the first Domestic Workers' Bill of Rights,  
24       finally allowing the invisible women to rise.

25              I sincerely hope all of you will



1 look up in the chamber and you will see the  
2 faces of these women and you will understand  
3 their plight and realize that those most basic  
4 protections that every one of us takes for  
5 granted, even our youthful workforce in  
6 McDonald's, they have none.

7 Here is our chance to do something,  
8 make this legislative session about  
9 eradicating 400 years of injustice, providing  
10 decency, respect and dignity to the invisible  
11 workforce.

12 Thank you.

13 ACTING PRESIDENT CRAIG JOHNSON:

14 Senator Hassell-Thompson.

15 SENATOR HASSELL-THOMPSON: Thank  
16 you, Mr. President.

17 I had wanted to ask Senator Lanza  
18 while he still had the floor a question, if he  
19 will answer.

20 ACTING PRESIDENT CRAIG JOHNSON:

21 Senator Lanza, will you yield for a question  
22 from Senator Hassell-Thompson?

23 SENATOR LANZA: Yes,  
24 Mr. President.

25 SENATOR HASSELL-THOMPSON: Just a

1       very brief question, thank you. Through you,  
2       Mr. President.

3               I thought I heard you say that this  
4       bill would take away the right of a parent or  
5       anyone to be able to dismiss or terminate  
6       someone's employment as though that's not  
7       possible now. Are you suggesting that even in  
8       absence of this law that you could not be  
9       taken to the labor board if someone worked in  
10      your home? Is that correct?

11             SENATOR LANZA: Through you,  
12      Mr. President. I think it will certainly  
13      become more frequent to those who might want  
14      to game the system. It will certainly be  
15      easier, with this legislation, to create a  
16      cause of action. It will certainly be easier,  
17      with this legislation, to force a parent to  
18      answer questions about their decision.

19             And perhaps my position is an  
20      extreme one, in that I believe that a parent  
21      should never have to explain or give a reason,  
22      ever, with respect to the situation that I'm  
23      describing.

24             Can you do it now without this? I  
25      don't think so. People bring all sorts of

1       frivolous actions. But I would hope -- it  
2       would seem to me, though, that that cause of  
3       action, in the absence of this law, would  
4       certainly be much weaker than it would with  
5       this law.

6                SENATOR HASSELL-THOMPSON:  
7       Through you, Mr. President, if the Senator  
8       would still yield.

9                ACTING PRESIDENT CRAIG JOHNSON:  
10      Senator Lanza, will you continue to yield?

11               SENATOR LANZA:       Yes,  
12      Mr. President.

13               ACTING PRESIDENT CRAIG JOHNSON:  
14      Senator Hassell-Thompson.

15               SENATOR HASSELL-THOMPSON:       Thank  
16      you, Mr. President.

17               I'm little bit confused. You're  
18      saying -- at least I hear you saying that this  
19      bill would strengthen the case and presume  
20      that the person who brings the case would win?  
21      Is that your assumption?

22               SENATOR LANZA:       Through you,  
23      Mr. President. You can never speak with  
24      respect to an outcome or predict an outcome in  
25      any case, regardless of how strong a case may

1 appear to be from the outset.

2 What I'm saying is in this  
3 legislation it specifically places the burden  
4 on the parent to prove cause. And so --

5 SENATOR HASSELL-THOMPSON: I'm  
6 sorry, Mr. President. Parent or employer?

7 SENATOR LANZA: Well, I said --  
8 through you, Mr. President. I said that there  
9 were different types of domestic worker  
10 employer/employee relationships. I said I'm  
11 fine and I would like to be here supporting  
12 and ensuring that we create an opportunity for  
13 domestic workers to work with dignity,  
14 fairness and in a safe environment.

15 But I also believe that there's a  
16 distinction between the circumstance involving  
17 a domestic worker who is a nanny babysitting  
18 your child alone in your home when you're at  
19 work and a domestic worker performing other  
20 functions. I think there's a distinction.  
21 And what I'm suggesting is that we should have  
22 legislation that recognizes that distinction.

23 So in the situation that I'm  
24 concerned with, the employer and the parent  
25 are one and the same, because that is the

1 situation that I'm talking about, where it is  
2 a single mom who's working and can't be home  
3 and needs a nanny, who might have a feeling  
4 and now needs to think about the ramifications  
5 or the repercussions for her to act on that  
6 feeling, whether it's a lawsuit, an expense.

7 And so that's what I'm concerned  
8 about here, specifically with respect to a  
9 situation between a worker and a parent's  
10 child.

11 SENATOR HASSELL-THOMPSON: Thank  
12 you, Senator Lanza.

13 On the bill.

14 ACTING PRESIDENT CRAIG JOHNSON:  
15 Senator Hassell-Thompson, on the bill.

16 SENATOR HASSELL-THOMPSON: Just  
17 very quickly. Thank you, Mr. President.

18 I've listened to the concerns  
19 expressed by Senator Lanza. And as someone  
20 who is a parent and now a grandparent, I can  
21 understand some of the concerns that he's  
22 expressing.

23 I think, however -- admittedly, I  
24 think he is going to an extreme.  
25 Particularly, he prefaces his statement by

1       saying that he thinks that all domestic  
2       workers and all workers are entitled to or  
3       should have dignity and respect and all those  
4       things -- and yet terminating someone's  
5       employment and being concerned about whether  
6       they have to answer for that termination or  
7       not, somehow that lacks respect if you believe  
8       that you don't have to respond.

9               I mean, most of our staffs work at  
10       our pleasure. But even working at our  
11       pleasure does not disallow us from treating  
12       them in a respectful manner, including their  
13       termination. So how people are given their  
14       exit notice is, to me, very critical, is very  
15       basic to what respect is really about.

16              I think that what this bill  
17       attempts to do is to take, as Senator Savino  
18       has clearly outlined, 400 years of a labor  
19       force who continues to work in our homes, be  
20       protective of our properties, our children,  
21       all those things that we hold sacred, and yet  
22       we don't think enough of them to want to give  
23       them the benefits that you would give to any  
24       other worker.

25              I can't see how we could say that

1       that's offering people dignity. Anytime you  
2       don't pay people appropriately, that doesn't  
3       give them dignity. Anytime they don't have  
4       work hours that are reasonable and respectful,  
5       that's not dignity. And certainly it's not  
6       respectful of their needs. In order to  
7       rejuvenate, you know, we need our own time  
8       off, our own space in order to be continue to  
9       function and to do a job well. That's no less  
10      true of people who work as domestic workers.

11               There are many of us in these  
12      chambers, if we're not embarrassed to say so,  
13      that we've come from families that we were  
14      raised by people who were domestics who worked  
15      in somebody else's home and tried to do so  
16      with dignity when they were allowed to.

17               Paying people is a demonstration of  
18      dignity. Paying them well is a clear signal  
19      that we think they deserve dignity. And  
20      certainly giving them appropriate time off and  
21      vacation is an example of how we show dignity.

22               So if we're really interested in  
23      dignity, fairness and respect for the people  
24      who work for us, whatever their titles, then  
25      this bill becomes very important. And thank

1       you, Senator Savino, for an industrious piece  
2       of legislation that I think we should be proud  
3       to pass in these chambers.

4                ACTING PRESIDENT CRAIG JOHNSON:  
5       Senator Bonacic.

6                SENATOR BONACIC:     Will the  
7       sponsor yield for a couple of questions.

8                ACTING PRESIDENT CRAIG JOHNSON:  
9       Senator Savino, Senator Bonacic is seeking for  
10      you to yield.

11               SENATOR SAVINO:     I will do my  
12      best, Senator Bonacic.

13               ACTING PRESIDENT CRAIG JOHNSON:  
14      Senator Savino will yield, Senator Bonacic.

15               SENATOR BONACIC:     Thank you,  
16      Senator Savino. Just a couple of questions.

17               If I wanted to hire a domestic  
18      worker, are they required to have a criminal  
19      background check before they come into my  
20      home?

21               SENATOR SAVINO:     Under the  
22      legislation, we're not requiring that. But  
23      you as an employer could institute that if you  
24      wanted to.

25               SENATOR BONACIC:     Right. But my



1 point is --

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Bonacic, do you wish her to yield for  
4 another question?

5 SENATOR BONACIC: Yes. Through  
6 you, Mr. President, I'm going to ask a series  
7 of questions of the sponsor, and I'll take  
8 them one at a time and go through you.

9 ACTING PRESIDENT CRAIG JOHNSON:

10 Thank you, Senator Bonacic.

11 SENATOR BONACIC: Will Senator  
12 Savino yield to another question?

13 ACTING PRESIDENT CRAIG JOHNSON:

14 Senator Savino, will you continue to yield?

15 SENATOR SAVINO: Yes.

16 SENATOR BONACIC: So there is no  
17 requirement to have a criminal background  
18 check for a domestic worker to come into my  
19 home unless I, the employer, elect to have  
20 one; is that correct?

21 SENATOR SAVINO: That is correct.

22 But that is consistent with most workplaces,  
23 unless you have established the practice of  
24 doing a criminal background check on your  
25 prospective employees, as some employers do.

1                   In addition, you could determine,  
2                   as the prospective employer, that you'd like  
3                   to have that person cleared through the State  
4                   Central Registry for Child Abuse and Neglect  
5                   or the Sex Offender Registry. Whatever the  
6                   standards that you determine for your  
7                   workplace.

8                   SENATOR BONACIC:     Okay. Would  
9                   you yield for another question?

10                  SENATOR SAVINO:     Yes.

11                  SENATOR BONACIC:     In speaking on  
12                  the bill, you've talked about 200,000 domestic  
13                  workers. Can I ask you, where did you get  
14                  that figure from?

15                  SENATOR SAVINO:     The number is  
16                  based upon the Domestic Workers United, which  
17                  is an umbrella advocacy group that reaches out  
18                  to domestic workers. And that's their  
19                  estimation that there are about 200,000.  
20                  There in fact could be more.

21                  SENATOR BONACIC:     Okay. Do you  
22                  know --

23                  ACTING PRESIDENT CRAIG JOHNSON:  
24                  Do you wish her to continue to yield, Senator  
25                  Bonacic?

1                   SENATOR BONACIC:     Yes.   Excuse  
2     me.   Thank you for reminding me.

3                   ACTING PRESIDENT CRAIG JOHNSON:  
4     You're welcome.

5                   Senator Savino, do you wish --

6                   SENATOR SAVINO:     Yes.

7                   ACTING PRESIDENT CRAIG JOHNSON:  
8     Senator Bonacic, you may proceed.

9                   SENATOR BONACIC:     Do you know  
10    what percentage of those workers are illegal  
11    immigrants?

12                  SENATOR SAVINO:     I would assume  
13    that many of the domestic workers, because  
14    they are foreign-born, could potentially be  
15    undocumented workers.

16                  SENATOR BONACIC:     Okay.   So --

17                  SENATOR SAVINO:     Which is what  
18    makes them particularly vulnerable.   However,  
19    labor law applies to undocumented workers in  
20    New York State with respect to minimum wage  
21    standards and any of the other issues that  
22    apply to workers if you are employed by an  
23    employer.

24                  SENATOR BONACIC:     Will Senator  
25    Savino yield to another question.

1                   ACTING PRESIDENT CRAIG JOHNSON:

2       Senator Savino, do you continue to yield?

3                   SENATOR SAVINO:       Yes.

4                   ACTING PRESIDENT CRAIG JOHNSON:

5       Senator Bonacic.

6                   SENATOR BONACIC:       You spoke on  
7       the bill about justice. Do you believe that  
8       the pay that employers give to domestic  
9       workers now is greater than the pay they would  
10      be receiving in their country of origin, where  
11      they came from before they were deemed an  
12      illegal immigrant?

13                  SENATOR SAVINO:       Well, one,  
14      Senator Bonacic, it's hard to answer that  
15      question because I'd have to know where every  
16      domestic worker came from and be aware of what  
17      the prevailing wage for a domestic worker in  
18      that country would be. So I can't answer that  
19      question.

20                  What I do know is, though, that  
21      we're not setting a wage floor in this bill.  
22      We were very cognizant of those concerns about  
23      not adding expenses onto families that are  
24      hiring domestic workers. So we don't have a  
25      wage floor beyond the minimum wage. Which, by

1 the way, they are required to pay. If you do  
2 have a domestic worker, you're required to  
3 minimally pay the minimum wage.

4 The determination about how much  
5 you would pay that domestic worker would be  
6 made between the employer and the worker. We  
7 are not requiring employees of domestic  
8 workers to provide health insurance. We're  
9 cognizant of the cost of providing a single  
10 plan for a single employee.

11 So we're not establishing a wage  
12 floor, we're not requiring employers to pay  
13 anything more than what they agree to pay that  
14 domestic worker, as long as it is minimally  
15 the minimum wage of the State of New York.  
16 And if they work overtime, then to pay them  
17 what the Fair Labor Standards Act says must be  
18 applied, which is time and a half beyond  
19 40 hours a week.

20 SENATOR BONACIC: Mr. President,  
21 will Senator Savino yield to another question?

22 ACTING PRESIDENT CRAIG JOHNSON:  
23 Senator Savino, do you continue to yield?

24 SENATOR SAVINO: Yes.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Savino continues to yield.

2 SENATOR BONACIC: Did you contact  
3 the Budget Office to get a fiscal impact on  
4 what the amount of workmen's compensation  
5 would be or a percentage of those domestic  
6 workers, 200,000 or more, and how it would  
7 affect the state and the businesses that would  
8 have to pay for it?

9 SENATOR SAVINO: Through you,  
10 Mr. President, the State of New York's -- the  
11 fiscal impact on the State of New York would  
12 be minimal. What we would be doing is  
13 requesting the Department of Labor to now  
14 enforce this law, as they enforce every other  
15 labor law that exists in the State of  
16 New York.

17 With respect to how much it would  
18 cost a prospective employer to cover for  
19 workers' compensation and unemployment  
20 insurance, that's set in statute. They would  
21 be notified by the Department of Labor how  
22 much that would be.

23 For a single employee, it's a  
24 relatively small amount of money. But I don't  
25 have the exact dollar amount. For instance,

1 temporary disability insurance is about  
2 60 cents per week, and the entire cost can be  
3 passed through to the employee.

4 The cost of contributing to  
5 workers' compensation for a single employee is  
6 relatively small. It could be done through  
7 the state's TDI. And with respect to  
8 unemployment insurance, again, we're talking  
9 about a relatively small amount of money.  
10 Which could be deducted from the employee's  
11 paycheck as an offset.

12 SENATOR BONACIC: Will Senator  
13 Savino continue to yield for another question?

14 ACTING PRESIDENT CRAIG JOHNSON:  
15 Senator Savino, will you continue to yield?

16 SENATOR SAVINO: Yes.

17 ACTING PRESIDENT CRAIG JOHNSON:  
18 Senator Savino continues to yield.

19 SENATOR BONACIC: If there is a  
20 couple that hires a nanny for the week and  
21 that domestic worker or nanny becomes  
22 disabled -- hurts their back, spine injury --  
23 just so I understand the bill, and that  
24 domestic worker is permanently disabled,  
25 50 percent, 70 percent, does that family of

1 two have to pay those disability payments to  
2 that domestic worker so long as that domestic  
3 worker is permanently disabled?

4 SENATOR SAVINO: Through you,  
5 Mr. President, just as with any other  
6 employee, if you have someone in your employee  
7 and they become disabled, their disability  
8 benefits would be paid out through the state's  
9 Temporary Disability Insurance Fund.

10 SENATOR BONACIC: Out of the  
11 state fund.

12 SENATOR SAVINO: Yes.

13 SENATOR BONACIC: Okay. Thank  
14 you.

15 SENATOR SAVINO: Thank you.

16 SENATOR BONACIC: On the bill.

17 ACTING PRESIDENT CRAIG JOHNSON:  
18 Senator Bonacic, on the bill.

19 SENATOR BONACIC: Now, we all  
20 want to treat our employees fairly and  
21 humanely. But what is disturbing to me in  
22 this discussion is that many of those domestic  
23 workers are in this country illegally, and now  
24 we are passing legislation to entitle them to  
25 workmen's comp benefits, disability benefits,



1       and all the labor rights -- from someone that  
2       should not be in this country legally. And I  
3       find that disturbing.

4               The second point that I'd like to  
5       make, I think there can be a huge fiscal  
6       impact on our workmen's comp fund and our  
7       disability fund for a percentage of these  
8       employees who may get hurt. We wish none of  
9       them get hurt. But we know policemen,  
10      firemen, there's a percentage of 10,000 people  
11      that become disabled as part of natural  
12      occurrences. I'm concerned with that.

13             And then if accidentally an  
14      innocent couple hires a criminal and they find  
15      something goes wrong, or they subsequently  
16      find out that person is a criminal but that  
17      domestic worker didn't do anything wrong while  
18      they were in their home, I've got to give them  
19      a two-week notice before they leave? And if  
20      the domestic worker says, Hey, I may have been  
21      a criminal, but I didn't do anything wrong in  
22      your house so you don't have the right to let  
23      me go unless you give me two weeks' notice --  
24      I think we're lacking common sense here.

25             For many reasons, we should be

1       voting against this legislation. But the most  
2       offensive is that we're giving rights to  
3       people that are in this country illegally, and  
4       I say that is wrong. If you want to do that,  
5       give a referendum in November. Let the people  
6       decide that of this state, and not do this  
7       back-door permanent rights of collective  
8       bargaining for illegal immigrants.

9                It's not to say they're bad people.  
10       I'm not saying they're bad people. Let them  
11       go through the process of becoming a citizen  
12       and/or a green card to be here legally, and  
13       then give them the benefits.

14               So for that reason, I'm voting no  
15       with an exclamation point.

16               ACTING PRESIDENT CRAIG JOHNSON:  
17       Senator Bonacic to be voting in the negative.

18               Senator Saland.

19               SENATOR SALAND:     Thank you,  
20       Mr. President. Would Senator Savino yield?

21               ACTING PRESIDENT CRAIG JOHNSON:  
22       Senator Savino, will you yield to Senator  
23       Saland for questions?

24               SENATOR SAVINO:     Yes, Senator  
25       Saland.

1                   ACTING PRESIDENT CRAIG JOHNSON:

2       Senator Saland, she'll yield.

3                   SENATOR SALAND:       Senator Savino,  
4       in your exchange with Senator Bonacic did I  
5       hear you say that a parent would have the  
6       ability to do a criminal background check?

7                   SENATOR SAVINO:       As any employer  
8       has the ability to establish conditions of  
9       pre-employment.

10                  So if a parent -- Senator Saland,  
11       if a parent who decides to take on the  
12       services of a domestic worker to either be a  
13       nanny or a caregiver of an elderly person  
14       determines that as a condition of  
15       pre-employment in their home they want a  
16       criminal background check, they have the right  
17       to do that. Just as any other employer does.

18                  SENATOR SALAND:       Would Senator  
19       Savino continue to yield.

20                  ACTING PRESIDENT CRAIG JOHNSON:  
21       Senator Savino, will you continue to yield?

22                  SENATOR SAVINO:       Yes.

23                  SENATOR SALAND:       If I'm such a  
24       parent, how would you suggest that I do that?

25                  ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Savino.

2 SENATOR SAVINO: Well, Senator  
3 Saland, I would imagine that if one wanted to  
4 do a criminal background check, they would  
5 consult with the Department of Labor to  
6 determine how other employers do it and then  
7 proceed in the same fashion.

8 SENATOR SALAND: Thank you.  
9 Thank you, Senator Savino.

10 I'd like you to continue to  
11 yield -- well, I'll ask you another question  
12 and I'll come back to the other.

13 What is a casual laborer?

14 ACTING PRESIDENT CRAIG JOHNSON:  
15 Senator Savino, will you continue to yield?

16 SENATOR SAVINO: Excuse me?

17 ACTING PRESIDENT CRAIG JOHNSON:  
18 Senator Savino, will you continue to yield?

19 SENATOR SALAND: What is a casual  
20 laborer?

21 SENATOR SAVINO: A casual laborer  
22 would be someone who shows up to clean your  
23 house on, say, a Tuesday. They come every  
24 Tuesday. And in between working for you, they  
25 also clean someone else's house. So you don't

1       have -- it's not a primary employee/employer  
2       relationship. You are not their sole  
3       employer.

4               We define what a domestic worker is  
5       in the bill as either a full-time employee of  
6       40 hours, minimally 40 hours, or 20 to 40  
7       hours, not working for someone else.

8               SENATOR SALAND:     Thank you.  
9       Senator Savino, if you'll continue to yield.

10              ACTING PRESIDENT CRAIG JOHNSON:  
11       Senator Savino --

12              SENATOR SAVINO:     Yes.

13              SENATOR SALAND:     On page 7 of  
14       your bill, at line 10, the current law reads  
15       that the term "employer" does not include the  
16       employment of domestic workers or casual  
17       laborers employed at the place of residence of  
18       his or her employer.

19              And you now change that language to  
20       say "includes the domestic workers employed at  
21       the place of residence of his or her  
22       employer," and you delete all reference to  
23       casual laborers.

24              Now, did they fall into an abyss?  
25       Are they covered by some thing, some body?

1       Because by deleting them, I would think it's  
2       implied that they now have some other status,  
3       and that status would be that they are now  
4       under the definition of what constitutes being  
5       an employer.

6               SENATOR SAVINO:       Hold on one  
7       second, Senator Saland, so I can read it.

8               Mr. President, through you. So the  
9       section of the bill that you're referencing  
10      begins with the term "employer," includes the  
11      employment of domestic workers. And we're  
12      striking out the section "does not include."  
13      Because prior to the establishment of this  
14      legislation, you could not --

15              SENATOR SALAND:       Could you excuse  
16      me, Senator Savino.

17              Would someone please shut off their  
18      cellphone? Thank you.

19              SENATOR SAVINO:       Prior to the  
20      passage of the Domestic Workers' Bill of  
21      Rights, the concept of employment of a  
22      domestic worker was not covered by the law.  
23      So we are including domestic workers now -- an  
24      employer of a domestic worker as an  
25      employer -- and striking "casual laborer,"

1       which could refer to an individual such as a  
2       part-time housekeeper who only shows up  
3       intermittently, or perhaps someone who comes  
4       in to mow your lawn or things of that nature.

5                SENATOR SALAND:     Again, if you'll  
6       continue to yield.

7                ACTING PRESIDENT CRAIG JOHNSON:  
8       Senator Savino, do you continue to yield?

9                SENATOR SAVINO:     Yes.

10               SENATOR SALAND:     If that's the  
11       case, then what we've done is we've -- you  
12       have deleted reference to casual laborers as  
13       not being under the umbrella of employer. But  
14       they have to go somewhere. They have to be  
15       somewhere, they have to be picked up  
16       somewhere.

17                So should there not be another  
18       sentence, unless it's not your intention, that  
19       says that a casual laborer is still excluded  
20       from the definition of who shall be employed  
21       by an employer?

22                SENATOR SAVINO:     One second.

23                Mr. President, through you. In  
24       consulting with my counsel here, originally  
25       this section of the law was a noninclusionary

1 section which outlined that domestic workers  
2 and casual laborers would not fit underneath  
3 this category. So we are changing it to an  
4 inclusionary language now, to include domestic  
5 workers, but we're still omitting casual  
6 laborers. Which were omitted under the  
7 original statute.

8 If that makes -- if that answers  
9 your question.

10 SENATOR SALAND: Quite candidly,  
11 I don't think it does. But thank you.

12 On the bill, Mr. President.

13 ACTING PRESIDENT CRAIG JOHNSON:  
14 Senator Saland, on the bill.

15 SENATOR SALAND: With reference  
16 to this last point, which is a relatively  
17 minor point, but a point nonetheless, casual  
18 laborers have just gone into the abyss of I  
19 have no idea where or what -- I have no idea  
20 what their relationship is to an employer.  
21 The law was pretty clear before that they were  
22 excluded from terms and conditions of  
23 employment. They've been deleted from the  
24 language that existed in the prior law.

25 And I would respectfully submit



1       that if it's Senator Savino's intention that  
2       they not be included or covered as she is now  
3       providing for domestic workers, that there be  
4       a sentence added to this particular  
5       paragraph -- or anyplace else she might think  
6       appropriate -- that makes it clear that casual  
7       laborers are not intended to be covered by the  
8       change that now she would have applied to  
9       domestic workers.

10               On the prior point with regard to  
11       fingerprinting -- I'm sorry, with regard to  
12       criminal background checks, the only way you  
13       can get a criminal background check is if you  
14       go through a fingerprinting process. That's  
15       the only bona fide way of doing it. That's  
16       what we require by law for purposes of doing  
17       criminal background checks on people who would  
18       want to get a license for one or another  
19       position, for people who are going to be  
20       working with children, in many instances. We  
21       required that when we did criminal background  
22       checks on school employees.

23               The only way you can do it is you  
24       go through the FBI and the DCJS. You cannot  
25       independently, without enabling legislation,

1       have the ability to get that authority.

2               So to say that a parent can do a  
3       criminal background check, you may be able to  
4       hire a private investigator if that's what you  
5       would like to do, and that private  
6       investigator may have the ability to give you  
7       some semblance of an investigation. But you  
8       certainly cannot get the kind of criminal  
9       background check that's associated with  
10      getting a license or that's associated with  
11      different types of child protective  
12      employment.

13              And continuing on the bill, if I  
14      may, Mr. President, I'd like to revisit the  
15      point that was raised by Senator Lanza a bit  
16      earlier.

17              I -- and I believe I've mentioned  
18      on this floor on more than one occasion, I  
19      handled many child neglect and abuse cases for  
20      my county a number of years ago. And while I  
21      appreciate the efforts of Senator Savino and  
22      Senator Lanza to work out language that would  
23      inure to the benefit of protecting children,  
24      we all know of stories -- and there are a  
25      myriad of them -- where a child is taken to an

1       emergency room under circumstances that can't  
2       fully be explained -- a broken bone, a burn,  
3       the child allegedly fell down the stairs, put  
4       his hand on a hot burner.

5               And these are among the reasons why  
6       we've required that reports be retrained for a  
7       much more extensive period of time than they  
8       once were, to see if there's any kind of  
9       history.

10              I would be deeply troubled to be  
11       placed in a situation -- and while I don't  
12       have children, I -- well, I do have children,  
13       they're adult children -- I don't have young  
14       children and wouldn't find myself in this  
15       situation, I do have four young grandchildren.

16              I would hate to see my children put  
17       in a position where they would be required, in  
18       order to have peace of mind, to effectively  
19       buy out somebody who they have reason to  
20       believe, and perhaps could not prove in a  
21       court of law and certainly under the burden of  
22       proof required here -- and reasonable, just  
23       the word "reasonable" is always a factual  
24       issue -- reasonable good faith is certainly  
25       always a question of fact.

1           You're basically imposing upon the  
2     parent a burden of a litigation that they're  
3     not going to go through. You're basically  
4     saying if you have reason to terminate  
5     somebody's employment under circumstances  
6     which you think are in the best interest --  
7     and here I'm referring to someone who's caring  
8     for a child -- of that child, you effectively  
9     have to buy out, buy out the person who you  
10    believe may be perpetrating some offense  
11    against your child.

12           Very similarly, if there are things  
13    that may be missing from your home and you  
14    can't say conclusively that somebody has taken  
15    them, again, you may be forced to buy someone  
16    out in order to get peace of mind that will  
17    make you feel as if your home is not being  
18    violated or your child is not being threatened  
19    or violated.

20           So, Mr. President, I intend to vote  
21    against this bill. And I would ask that my  
22    colleagues, notwithstanding the laudable  
23    purpose of the bill, vote against the bill.  
24    And perhaps there's another version of the  
25    bill that can address some of these issues

1       that might in fact make it a bit more  
2       palatable and also a bit more protective.

3               Thank you, sir.

4               ACTING PRESIDENT CRAIG JOHNSON:

5       Thank you, Senator Saland.

6               Senator Schneiderman.

7               SENATOR SCHNEIDERMAN:     Thank you  
8       Mr. President. I rise in support of this  
9       legislation --

10              ACTING PRESIDENT CRAIG JOHNSON:

11       Senator Schneiderman, on the bill?

12              SENATOR SCHNEIDERMAN:     On the  
13       bill, Mr. President.

14              ACTING PRESIDENT CRAIG JOHNSON:

15       Senator Schneiderman, on the bill.

16              SENATOR SCHNEIDERMAN:     And I rise  
17       in support of this bill. I want to thank  
18       Senator Savino and all the others who have  
19       worked on it.

20              And I want to take issue with some  
21       of my colleagues on a very basic aspect of  
22       this bill.

23              This legislation provides very  
24       basic, very minimal rights to a large class of  
25       workers who have been denied those rights.

1       The objections that we're hearing that relate  
2       to termination provisions deal with a very  
3       small portion of the bill and I believe have  
4       been misstated.

5               All workers, if you have a right,  
6       have a right to redress if your rights are  
7       wrongfully terminated. The discussion about  
8       what happens when an employer wrongfully  
9       terminates an employee I think are taken out  
10      of context.

11             We're not saying, as has been made  
12      clear, you have to keep someone in your home.  
13      We're just saying that if you do not have --  
14      and I'm reading the language of the statute --  
15      a reasonable good faith belief that the  
16      employee has committed some misconduct, you  
17      have to pay them out. This is a minimal  
18      penalty imposed on an employer who acts  
19      without a reasonable good-faith belief.

20             Ladies and gentlemen, we are taking  
21      talking about thousands and thousands of  
22      people who today are without any rights, who  
23      work long hours, who provide essential  
24      services. You have to have a remedy where you  
25      have a right. This bill provides a remedy if

1        your rights are violated. There's no way  
2        around that, ladies and gentlemen. You can't  
3        provides rights to domestic workers without  
4        providing a remedy for the violation of those  
5        rights.

6                    This is simple justice, ladies and  
7        gentlemen. It is justice that has long been  
8        denied. And I assure you that this minimal  
9        set of rights, inasmuch as we're making  
10       history here, we're making history that should  
11       have been written a long time ago. I'm sorry  
12       it's taken this long.

13                   I'm glad we have so many people  
14       here who are advocates who came to my  
15       synagogue, B'nai Jeshurun; we had a great  
16       rally. You've been rallying all over the  
17       State of New York. I believe the  
18       overwhelming majority of the people of the  
19       State of New York recognize that simple  
20       justice must be done.

21                   The provisions that have been cited  
22       over and over again by my colleagues really  
23       are something you must have to provide the  
24       meaning of rights. If there's no remedy,  
25       there's no right. This bill provides minimal

1 rights, it provides a minimal remedy.

2 Thank you, Senator Savino. I hope  
3 everyone will vote for this bill, and I am  
4 proud to vote for it today, Mr. President.

5 ACTING PRESIDENT CRAIG JOHNSON:  
6 Senator Parker.

7 SENATOR PARKER: On the bill.

8 ACTING PRESIDENT CRAIG JOHNSON:  
9 Senator Parker, on the bill.

10 SENATOR PARKER: I rise also to  
11 support this bill. Let me give my most  
12 heartfelt congratulations to Senator Savino  
13 for all her hard work and for preparing so  
14 well on this.

15 This is a long time coming. This  
16 is not nearly even the last step, but a mere  
17 first step for what we need to do for workers  
18 and particularly domestic workers around this  
19 state.

20 I come from a district in Flatbush,  
21 East Flatbush, Midwood, Ditmas Park,  
22 Kensington and Boro Park, where we have a  
23 large number of domestic workers. And I know  
24 that this will be an important piece of  
25 legislation that's really going to change



1       their lives, that's really going to give their  
2       life chances a big boost.

3               And it's really the kind of thing  
4       that we should have done really a long time  
5       ago. As Senator Schneiderman indicated, this  
6       is, you know, a first and small step that we  
7       need to take, that these rights are really  
8       just some basic rights. You know, what we're  
9       talking about here is, you know, not a golden  
10      parachute. You know, this is not a Wall  
11      Street bailout, you know, CEO type of scenario  
12      here we're talking about. We're just talking  
13      about some real basic things that everybody  
14      who works and who is engaged in the labor  
15      market ought to have access to.

16             And so I am glad that we're taking  
17      this step today. I'm asking my colleagues  
18      across the aisle to join us in doing this  
19      important thing for all of our communities. I  
20      know that some people are concerned about  
21      issues around immigration. And it's  
22      interesting that, you know, no one is here  
23      saying we shouldn't be hiring people who are  
24      not citizens and people who are not -- you  
25      know, we should not be hiring people who are

1 out of status, we're just simply stating that,  
2 well, we want to still hire people who are not  
3 in status, but we just don't want to give them  
4 any rights. We just want to just make sure  
5 that we can keep them on the margins of  
6 society and not provide them with the kind of  
7 basic things that they ought to have in order  
8 to participate in this great democracy.

9 I say that this is but a first step  
10 in this state. But what this really harkens  
11 to is two things that need to happen and we  
12 ought to be reaching out to our Congressional  
13 members and our President to do.

14 One is significant immigration  
15 reform. We need significant immigration  
16 reform, and we've seen that from our debate in  
17 this chamber and the national debate around  
18 what's happening in Arizona. But this debate  
19 also raises the issue around immigration and  
20 the fact that we ought to be looking for  
21 significant immigration reform.

22 The second thing is that this  
23 really ought to be the beginning of what we  
24 are adding to a national movement around  
25 domestic workers nationally. That this issue

1 is not a New York State issue exclusively,  
2 this is an issue that in fact domestic workers  
3 are experiencing around the country.

4 You know, some of you, you have  
5 teenage kids and you might have seen "The  
6 Nanny Diaries." Well, the reality is in  
7 New York there are the real nanny diaries, and  
8 those nanny diaries are not happy endings that  
9 are Disney stories. They are sometimes very  
10 tragic and deal with a lot of abuse and labor  
11 and things that aren't very pretty and we  
12 would never cover on TV.

13 This, Diane Savino, is a step to  
14 start changing that story so that workers in  
15 this state can have a happy ending. Thank you  
16 so much. I'm voting aye, and I encourage any  
17 colleagues to do the same.

18 ACTING PRESIDENT CRAIG JOHNSON:  
19 Senator Espada.

20 SENATOR ESPADA: Thank you,  
21 Mr. President, for the opportunity.

22 I do want to succinctly state that  
23 this is landmark human rights legislation. My  
24 only dismay is that I can't vote twice for it  
25 from the 33rd District, having had so many of

1       you visit our offices with pictures of black  
2       eyes and broken noses and tales of despair.

3               The state of women worldwide is not  
4       good. Gender discrimination and violence  
5       claims the lives of hundreds of thousands of  
6       women. And I know you come from different  
7       places throughout the globe, but you come as  
8       many of us came.

9               You know, I don't quite know the  
10      definition of a person that's worthy of human  
11      rights. But I know you came to this country,  
12      wherever you came from, because had you a  
13      vision of America that you were taught in your  
14      schools, that you watched on TV. And so we  
15      were the land of opportunity, we were the land  
16      of the United States Constitution -- and by  
17      the way, a document of liberation that itself  
18      has met many litigious contests in the courts.  
19      So the idea that something may end up in court  
20      certainly was not in the mind of our founding  
21      fathers.

22              But the idea that we are all  
23      entitled to these basic rights was excluded  
24      from you during the last Great Depression, in  
25      the 1930s, when a great president, FDR, and

1 the national legislature said no to domestic  
2 workers, it said no to farmworkers. Today we  
3 go from no leverage and no rights and no sick  
4 days and no holidays and no vacation days and  
5 no notice to all of the bills contained in  
6 your great work, Senator Savino.

7 It is landmark legislation not  
8 because we get to set the example for the rest  
9 of the United States of America, but in fact  
10 the world over, where you come from. And God  
11 bless you for seeing in us what we sometimes  
12 can't see in ourselves.

13 It is very poignant that today we  
14 celebrate, first and foremost, very properly  
15 so, freedom fighters, folks who gave their  
16 lives in World War II, in the Korean War, in  
17 Afghanistan and Iraq right now.

18 And so Senator Savino and those of  
19 us who support this legislation and those of  
20 us who will continue to vote for human rights  
21 owe you a debt of gratitude. Because long  
22 before pencil was put to paper, long before  
23 this became I think a D print, long before it  
24 gets enacted in the other chamber, you were  
25 the fire, you were the fury, you were the

1 source that gets us to this point today when  
2 we can pass this bill and say a better day is  
3 coming.

4 I must tell you that a greater  
5 injustice, Mr. President, is the rationing out  
6 of human rights. If we know today that  
7 farmworkers have no rights, thousands of them,  
8 if we know that the same case for justice can  
9 be had, can be made and can be triumphant here  
10 in these chambers this year, then we would  
11 have failed in our duties.

12 So I take this opportunity to deal  
13 with this long overdue call for justice and  
14 protection for these workers by asking that  
15 soon this chamber take up the Farmworkers'  
16 Bill of Rights as well.

17 I'll be voting in favor. Thank you  
18 so very much.

19 ACTING PRESIDENT CRAIG JOHNSON:  
20 Thank you, Senator Espada.

21 Senator Klein.

22 SENATOR KLEIN: Thank you,  
23 Mr. President. Thank you very much.

24 I want to thank the Senate sponsor,  
25 Senator Savino, for her hard work on this

1 bill. She certainly organized and I think put  
2 together a comprehensive bill. And it's quite  
3 startling why we're here today debating this  
4 at length.

5 Today, when this bill passes,  
6 hopefully we will be able to help over 200,000  
7 domestic workers here in New York. We're not  
8 giving them all that much. Basic things that  
9 some of us take for granted -- workplace  
10 protections like overtime pay, the chance to  
11 take at least a day off every week, coverage  
12 under unemployment, employment discrimination  
13 laws. Basic rights which we believe should  
14 really go to all workers in our great state.

15 It's also unfortunate that we  
16 waited so long to pass this legislation.  
17 New York in the past was the leader in  
18 workers' rights, labor rights. And to first  
19 pass a bill like this in 2010 I think is far  
20 too long.

21 For someone like myself, this sort  
22 of takes on a very personal connotation. I  
23 had the privilege of growing up in a  
24 two-family home with my grandmother, who got  
25 Alzheimer's disease at a very young age,

1       62 years of age. So she was able to stay in  
2       our home as long as possible, until it became  
3       a medical necessity that she go to a nursing  
4       home.

5               So we hired domestic workers in our  
6       home. And I know that many of the people who  
7       employ domestic workers appreciate the work  
8       that they do. I know myself, and my family,  
9       the various workers that worked for us five,  
10      six years taking care of my grandmother became  
11      family. We exchanged gifts during the  
12      holidays, celebrated birthdays, because they  
13      were truly doing God's work. They were there  
14      to take care of my grandmother when it was  
15      very difficult for others to take care of her.

16             And I think that holds true for  
17      most of the domestic workers across our great  
18      state. We rely on these people to take care  
19      of our children. We rely on them to take care  
20      of our elderly loved ones. We rely on them  
21      for the basic things that we can't do  
22      ourselves. So to deny them equal rights that  
23      go to other workers would be a disgrace.

24             So I think today, I think what  
25      we're doing is sort of righting a wrong that



1       unfortunately took too much time to do here in  
2       New York State. So, Mr. President, I vote yes  
3       on this bill, and I'm hopeful that we can  
4       quickly have an agreement with the Assembly  
5       and make this law in New York State finally  
6       after all these years.

7               I vote yes.

8               ACTING PRESIDENT CRAIG JOHNSON:

9       Senator Klein to be voting in the affirmative.

10              Senator Smith.

11              SENATOR SMITH:       Thank you very  
12       much, Mr. President.

13              Senator Savino, thank you for your  
14       leadership on this issue. You know, it's been  
15       a year or so we have been fighting  
16       aggressively. You have shepherded this piece  
17       of legislation in such a way that I hope it  
18       becomes a model on how one can move a piece of  
19       legislation through this chamber, with my  
20       assumption that some Republicans will be  
21       voting for this as well.

22              To my friends who are in the  
23       gallery, thank you for keeping us focused.  
24       It's a little bit unfortunate that you had to  
25       work this hard. But all hard work yields good

1 results, and I believe today you will have  
2 that result.

3 It is important. Two hundred  
4 thousand workers. Senator Schneiderman talked  
5 about basic rights, something that you  
6 deserve. Colleagues, they have a job. When  
7 you have a job, you deserve certain rights and  
8 benefits from having at a job. I have a job.  
9 I have certain basic rights that I get from  
10 having that job. I believe all you're asking  
11 for is to have that same respect. And today  
12 you you're going to get that same respect,  
13 because Senator Savino has worked very hard  
14 for that.

15 This is a basic rights bill. As my  
16 colleagues have said, there has been a number  
17 of statements on the floor that were  
18 inaccurate with regard to the extent of what  
19 this bill does. And perhaps, Senator Savino,  
20 you could have worked a little harder and put  
21 more stuff in here. But at the end of the  
22 day, what is happening is that you are now  
23 going to have the same respect that you  
24 deserve, the same respect that you asked for,  
25 the same respect that you asked for when you

1       came into every one of our offices.

2       Patiently, you waited, and now your patience  
3       is going to pay off.

4                 We have more to do. This is just a  
5       beginning. But this is your day. Do not let  
6       anyone rob you of your success that you have  
7       proven that this system can work if you stay  
8       focused and you band together.

9       Congratulations to you. Congratulations to my  
10      colleague Senator Diane Savino. And  
11      congratulations to my colleagues who are going  
12      to do the right thing on behalf of these  
13      individuals.

14                Thank you, Senator. I will be  
15      voting in the affirmative.

16                ACTING PRESIDENT CRAIG JOHNSON:  
17      Senator Smith to be voting in the affirmative.

18                Senator Adams, on the bill.

19                SENATOR ADAMS:     Thank you,  
20      Mr. President.

21                And I just want to say both to  
22      Senator Lanza and Senator Bonacic and to those  
23      of you who are in the gallery, some of their  
24      questions, you know, both Senator Bonacic and  
25      Senator Lanza, really they asked questions

1 from the heart, and I don't think one should  
2 personalize and feel that they didn't. Those  
3 are some concerns they had and they wanted to  
4 raise.

5 But let me just give a few points  
6 that we need to know of. Someone raised a  
7 question about a background check. Let me let  
8 you in on a secret. You don't do a criminal  
9 background check for Senators. Okay? There  
10 is no criminal background check for any  
11 Senator that's elected. So you know, that's  
12 number one.

13 And just go down for a moment. To  
14 say in Gabon they're paying someone a quarter  
15 and in New York they're paying them \$2 under  
16 minimum wage but at least they get more than  
17 in Gabon, you don't -- there's no -- you know,  
18 tyrannical actions cannot be based on  
19 intensity. What's wrong is wrong. You don't  
20 sit and state that, well, they're denying you  
21 over where you came from and so we should be  
22 able to deny you just one notch more. That's  
23 wrong.

24 The reason we are Americans is  
25 because we set the tone on what's right. We

1        don't set the tone from the bottom up, we set  
2        the tone from the top up. People who are  
3        employed are deserving of basic rights, and  
4        this is what Senator Savino is stating.

5                    And so we can philosophize and  
6        romanticize on all the other issues that get  
7        away from the basic rights. And if you will  
8        look closely on the floors of these galleries,  
9        you will see the fingernails that were bit off  
10       from countless number of people who made the  
11       pilgrimage to sit up in these rafters hoping  
12       that we will have the audacity and respect to  
13       vote the right way although we do not live  
14       what you live. This is what this is about.

15                   Every group of Americans --  
16       Chinese-Americans, Italian-Americans,  
17       Irish-Americans, African-Americans -- all sat  
18       in those galleries one day and bit off their  
19       nails hoping that they can get 32 votes just  
20       so they could be treated with a level of  
21       dignity and respect. There's nothing  
22       different from this group that's here.  
23       They've all, we've all made this pilgrimage.

24                   It was only the beginning of last  
25       year when we saw the gay community sitting up

1       in those rafters. Women that were fighting  
2       for the right to vote sat in those rafters.  
3       Italian-Americans that made their way past  
4       Ellis Island sat up in those rafters.  
5       Chinese-Americans that were working in  
6       sweatshops sat up in those rafters. There's a  
7       history of people who sat up in these rafters.

8               What you are asking for is no  
9       different than every American that made their  
10      way here. You did a pilgrimage through 87  
11      North to come here and follow the rich  
12      tradition of Americans that merely stated, We  
13      too love America and we too want to benefit  
14      from America.

15             And human rights are not based on  
16      your immigration status. You don't look at  
17      your immigration status, I don't want to see  
18      your green card before I decide if I'm going  
19      to treat you like a human being. I won't sit  
20      and raise the question "But first let me find  
21      out if you're here legally or illegally."  
22      That's a federal government problem. New  
23      Yorkers treat people with dignity and respect  
24      regardless of what's in your passport. And  
25      don't let anyone deny you the right to be

1       treated like a human being merely because of  
2       your immigration status. You deserve to be  
3       treated like a human being.

4               I'm hearing all of this eloquence  
5       about, well, you're an illegal alien so we can  
6       treat you a certain way. We can pay you less  
7       based on you should be lucky you're here.  
8       Listen closely to that. That's what they told  
9       every immigration group, every one. Every  
10      immigrant group was told that.

11             This is a landmark piece of  
12      legislation, and we can only retrospectively  
13      appreciate what Senator Savino did. Can you  
14      imagine the joy that I can actually vote on a  
15      piece of legislation that impacts me  
16      personally it? I sat down as a child every  
17      night and watched my mother's footprints in  
18      the snow as she was a domestic worker, and  
19      would only sleep after they were covered up  
20      from the snow. Coming home at 7 o'clock in  
21      the morning after cleaning house after house.  
22      And here I got the right now to vote on a bill  
23      that impacts my life.

24             I don't speak for those people; I  
25      am those people. We're going to pass this

1 bill here today. And hopefully your son or  
2 daughter will come on this floor one day and  
3 vote on a piece of legislation that a  
4 nail-biting person had to hope that 32 people  
5 came together and, although they didn't live  
6 your experience, they understood your pain and  
7 understood your experience. That's what this  
8 is all about.

9 I am proud to be able to vote for  
10 this legislation. I'm proud to be part of  
11 this landmark experience that's about to take  
12 place. I'm proud to know that we have the  
13 opportunity to make sure every employee in  
14 this state is treated better than what we  
15 treat animals. To hear Senator Savino state  
16 horses are allowed two days off. Horses.

17 If horses are allowed two days off  
18 and people are telling you you don't have the  
19 right to two days off, or one day off, I can't  
20 believe that. Forgive them. They know not  
21 what they do. Forgive them. They will have  
22 the opportunity one day to retrospectively  
23 look over this moment of this landmark piece  
24 of legislation, and they will understand that  
25 they were on the wrong side of history. And I



1 don't think anything is more tragic than  
2 looking over your life and realizing you were  
3 on the wrong side of history.

4 Today I vote aye on this bill  
5 because I want history to know I'm on the  
6 right side of all those who have adorned those  
7 rafters, who have bit off their nails, who  
8 have hoped that 32 people can find the  
9 audacity to vote the right way and give you  
10 the rights of dignity and respect that this  
11 country is known for. I am an American, and  
12 this is the American way to go. Welcome to  
13 the universe of being respected based on our  
14 vote.

15 ACTING PRESIDENT CRAIG JOHNSON:  
16 Senator Diaz, on the bill.

17 SENATOR DIAZ: Thank you,  
18 Mr. President. On the bill.

19 I am Puerto Rican, black with kinky  
20 hair. And the majority of the people you see  
21 sitting there are Hispanic. And the majority,  
22 I believe, of domestic workers are Hispanic.  
23 And I feel good and feel bad, and I will tell  
24 you why, Mr. President.

25 I feel bad when I hear Senator

1       Bonacic telling the whole world that we are  
2       doing this for the undocumented and that we  
3       are going to give them medical benefits,  
4       unemployment benefits, worker compensation  
5       benefits, disability insurance benefits to  
6       undocumented. That's kind of offensive.

7               I believe, Mr. President, that the  
8       State of New York has a law against hiring  
9       undocumented people. I believe that people  
10      that hire the undocumented are being punished  
11      by the law. So I find that kind of insulting  
12      and offensive, telling the whole world that  
13      we're doing this because we are going to hire  
14      undocumented.

15             I feel good, Mr. President, because  
16      I hear my colleagues, with such a passion,  
17      supporting practically my people. Senator  
18      Adams spoke about dignity and respect. And I  
19      hope that the same passion, the same fervor,  
20      the same fire we could find to support Senator  
21      Espada's bill for the farmworkers that are  
22      also being unjustly treated.

23             So I hope that I will find the same  
24      fire, the same passion to support that bill  
25      and to take care of the farmworkers that are

1       also Hispanic, the majority of them. [In  
2       Spanish.]

3               So, Mr. President, thank you very  
4       much for this word. I know that you didn't  
5       understand anything that I said in Spanish.  
6       But I'm just telling my -- some of the  
7       Hispanic people sitting there the victory that  
8       they are getting today and that we need their  
9       support for the farmworker bill too, because  
10      they also need it.

11             So I'm telling them that they will  
12      walk out of here happy -- happy because they  
13      got a victory, happy because they got a  
14      historic vote -- but don't forget that there  
15      are other workers as they that need their  
16      support to get for them the same thing they're  
17      getting today.

18             Thank you, Mr. President. And  
19      thank you, ladies and gentlemen.

20             ACTING PRESIDENT CRAIG JOHNSON:  
21      Thank you, Senator Diaz.

22             Senator Perkins, on the bill.

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

25             I'm going to support this bill.

1 I'll be brief, because I know much has been  
2 said and I agree with all of it.

3 Senator Adams, I didn't get a  
4 chance to meet your mother, though she does  
5 remind me of my grandmother. And in fact,  
6 when I look up there, I see your mother and my  
7 grandmother up there in all those faces of all  
8 those women, who came home like your mother  
9 came home or came home like my grandmother  
10 came home, to take care of the family, and  
11 were treated as second-class workers,  
12 second-class citizens.

13 Senator Savino, I want to thank you  
14 so much for the extraordinary accomplishment  
15 you've made. I know this was not an overnight  
16 sensation; this took a lot of work. And I  
17 know that we've heard some prejudices that  
18 were disturbing. But we've made history, you  
19 have made history, we've been able to join you  
20 in making history in a very, very important  
21 way that resonates not only with respect to  
22 the domestic workers' rights, which I believe  
23 are as American as apple pie, but also with  
24 respect to the farmworkers' rights, that  
25 hopefully we'll be able to get an opportunity

1 to move in the same direction.

2 And hopefully this debate, this  
3 discussion will not only bring out those  
4 prejudices but will also give us an  
5 opportunity to grapple with them and maybe  
6 move away from them. It's sometimes a little  
7 surprising to see some of the thinking that we  
8 have still amongst us.

9 But it's all good. It's all good  
10 because we're moving forward, it's all good  
11 because it's an honest debate, it's an  
12 important debate. And the right thing, after  
13 all is said and done, is going to be done, and  
14 we're all going to feel very good about it.

15 This is one of the proudest moments  
16 any of us could feel in a body like this, to  
17 be able to do for so few what has been done so  
18 often for so many -- they who are women,  
19 especially, who have had to struggle with  
20 being treated with respect and dignity and get  
21 the right kind of pay and treatment for the  
22 work that apparently is very essential. A lot  
23 of folks can't do without them.

24 And in fact, they're afraid that  
25 this law will alienate you from them. And

1 quite the opposite. You will be even more  
2 bonded with them than ever before, and in a  
3 way that will be more dignified than ever  
4 before.

5 So I'm honored at this moment to be  
6 able to be a part of this historic occasion  
7 for this leadership in this Senate, this  
8 historic leadership in this Senate. This  
9 could not have been done otherwise.

10 And so congratulations again.  
11 Congratulations to all of you. I'm going to  
12 say hello to my grandmother, I'm going to say  
13 hello to your mother. I know they're sitting  
14 up there just like you. I see you, Grandma,  
15 right there smiling. I see you. And I'm here  
16 too. Okay? So thank you for bringing me  
17 here.

18 I vote aye.

19 ACTING PRESIDENT CRAIG JOHNSON:  
20 Senator Duane, on the bill.

21 SENATOR DUANE: Thank you,  
22 Mr. President.

23 I want to thank and congratulate  
24 Senator Savino for her determination, her --  
25 really, her doggedness on this legislation.

1 And she just -- her heart being so much into  
2 this I think is what has moved it to the floor  
3 today, and I think that's really wonderful.

4 I was interested to hear earlier my  
5 colleague from Sullivan and Orange and Ulster  
6 County to talk, because my great-grandmother  
7 worked for a family in Goshen as a household  
8 servant. And that's -- I want to say she had  
9 some shame around that and what happened to  
10 her while she was working in that household.  
11 And her daughter, my grandmother's sister, my  
12 Aunt Margaret, also worked as a domestic, and  
13 then was able to go on and become a teacher in  
14 the New York City public school system.

15 And without going in great detail  
16 on the merits or even the politics of this  
17 legislation, I do want to say that it's in  
18 part because of who those women were in my  
19 life and what they passed down to me that I am  
20 really happy to be here to vote for this. And  
21 also sorry that it took us so long, but happy  
22 that we are doing this.

23 And, you know, I believe that this  
24 legislation is something that in this state we  
25 will be as proud of as we are for the

1 organizing that went on because of the  
2 terrible tragedy of the Triangle Fire, which  
3 is a building in my district. I am fortunate  
4 enough to live in housing that was built by  
5 the ILGWU, which was founded as a result of  
6 that.

7 So whether it's this legislation or  
8 our outlawing of the child labor, and because  
9 we allowed workers to speak for themselves, I  
10 am going to be very happy, proud, a little bit  
11 with a feeling of bittersweetness to be able  
12 to vote for this legislation, and look forward  
13 to our Governor signing it into law. And I  
14 think that Senator Savino will -- it's just  
15 one of the many reasons that Senator Savino  
16 will have many mentions in our state history  
17 books.

18 Thank you, Mr. President.

19 ACTING PRESIDENT CRAIG JOHNSON:

20 Thank you, Senator Duane.

21 Senator Peralta, on the bill.

22 SENATOR PERALTA: Thank you,  
23 Mr. President. On the bill.

24 I want to congratulate Senator  
25 Savino for this landmark piece of legislation,



1 something that is long overdue, as was  
2 previously stated.

3 I want to thank everyone who's here  
4 in the gallery for showing up and for pushing  
5 this effort. Because without your effort,  
6 without your push, this would not become a  
7 reality today. You definitely did a great job  
8 in making this a reality, at least in the  
9 New York State Senate, so you should be proud  
10 of yourselves today.

11 I also want to touch on the idea  
12 and the concept that was brought up earlier  
13 about whether someone is here undocumented or  
14 not. I have yet to meet or hear of a sales  
15 tax that discriminates against anyone who's  
16 documented or undocumented.

17 Senators have tried to make the  
18 connection between the fact that someone is  
19 here undocumented and how much of a burden  
20 it's going to be on the state, that the state  
21 will pick up this burden, whether it's going  
22 to be through workers' comp or whether it's  
23 going to be through other ways.

24 But I would argue that whether  
25 you're undocumented or you're documented, when

1       you go to the store and you purchase things  
2       and you pay the sales tax, when you pay your  
3       income tax, the state doesn't ask you whether  
4       you're documented or undocumented. The state  
5       does not reject whether you're documented or  
6       undocumented, or checks. There's no list.  
7       They still receive those dollars.

8               So I would argue that this piece of  
9       legislation, although it's minimal, will  
10      probably pay for itself. Because whether  
11      you're undocumented or documented, you still  
12      pay sales tax. Many pay income tax. So it's  
13      going to come back to New York State. So to  
14      make that argument, I just wanted to clarify  
15      that it's probably not the best argument.

16             But I stand here today very proud  
17      of the fact that I am going to be voting on  
18      this landmark piece of legislation. I  
19      happened to vote on a piece of legislation  
20      that was landmark in the Assembly, and now I'm  
21      going to be able to vote on a piece of  
22      legislation that's landmark here in the  
23      New York State Senate.

24             And this is just about making sure  
25      that people are treated with dignity and

1       respect, workers are treated with dignity and  
2       respect. That's what this is all about. So I  
3       don't see why there had to be a two-hour  
4       discussion or debate on something so simple  
5       and so basic as rights. But it is what it is,  
6       and we're here two hours later.

7               I just want to say that I will  
8       continue to support you as workers. I know  
9       that many of us will be voting in the  
10      affirmative. And I want to congratulate you  
11      and say keep up the good work, because now the  
12      work is on the other house. Now the struggle  
13      will be on the other side. And coming from  
14      the other side, I will commit that I will work  
15      with you to make sure that I get some of those  
16      members to make sure that that becomes a  
17      reality on that side.

18             So I will be voting in the  
19      affirmative. Thank you, Senator Savino, for  
20      your leadership and your vision.

21             ACTING PRESIDENT CRAIG JOHNSON:  
22      Senator Huntley, on the bill.

23             SENATOR HUNTLEY:     Yes,  
24      Mr. President. I would just like to  
25      congratulate Senator Savino for this bill.

1                   This bill brings back a lot of  
2                   memories for a lot of people. And when people  
3                   talk about undocumented, Afro-Americans were  
4                   born documented. True Americans. And there  
5                   are many things that have gone on in the lives  
6                   of these people that also affected  
7                   Afro-Americans for many, many years.

8                   So when you listen to people talk  
9                   about other people's rights, it's kind of  
10                  heartbreaking that at this point in our lives,  
11                  at this point in the country, that we still  
12                  have these prejudices. Because that's what it  
13                  is. And I just hope that one day we will all  
14                  be able to come together and care about other  
15                  people and their values and care that they  
16                  will be able to raise their families.

17                 You know, just like Senator Peralta  
18                 said, we have many, many undocumented children  
19                 in our public schools. Nobody asks them  
20                 before they take the report card if they're  
21                 documented. Nobody cares. We're no longer  
22                 breaking the law because there are so many  
23                 undocumented people that we have allowed to  
24                 come. They're here, they're like us.

25                 They're people, they're human

1        beings, and I think we need to understand  
2        that. This is a melting pot. This is no  
3        longer just white America. It's a melting  
4        pot.

5                    Thank you.

6                    ACTING PRESIDENT CRAIG JOHNSON:  
7        Senator Andrea Stewart-Cousins, on the bill.

8                    SENATOR STEWART-COUSINS:        Thank  
9        you, Mr. President.

10                   I rise to say to those workers who  
11        have sat so quietly in the gallery, those  
12        workers who hoped that this moment would come  
13        and wanted to bear witness to history, those  
14        workers who, up until this point, didn't feel  
15        that they had a voice in their place of  
16        business, much less in a chamber like this.

17                   And it seemed that for me to stay  
18        silent would really be disrespectful of the  
19        struggle that it took for each and every one  
20        of you to be here today.

21                   So as we do this history-making  
22        vote, as we congratulate Senator Savino for  
23        her hard work, it reminds us of why we exist:  
24        To give voice to you. And why you exist: To  
25        encourage others who think that they could

1 never, ever stand up to power to understand  
2 that, yes, it can be done. And when you work  
3 together for a cause that's right and just, it  
4 works out.

5 I stand just to pay tribute. We're  
6 looking forward to the vote. I think my  
7 colleagues must have said that the struggle  
8 continues, it doesn't end here. But when you  
9 leave here, I hope your heads will be a little  
10 bit higher, your stride a little bit stronger,  
11 and your purpose more defined.

12 Congratulations.

13 ACTING PRESIDENT CRAIG JOHNSON:  
14 Senator Padavan.

15 SENATOR PADAVAN: Would Senator  
16 Savino yield to a question.

17 ACTING PRESIDENT CRAIG JOHNSON:  
18 Senator Savino, will you yield for a question  
19 from Senator Padavan?

20 SENATOR SAVINO: Yes.

21 ACTING PRESIDENT CRAIG JOHNSON:  
22 Senator Padavan, Senator Savino will yield.

23 SENATOR PADAVAN: Senator Savino,  
24 a lot of the discussion seems to be generated  
25 around the issue of legal immigration, which I

1 have a slightly different view than some do.

2 I happen to believe that those who  
3 are smuggled into this country and placed  
4 almost in bondage, many as domestic workers,  
5 is an affront to humanity. It's also a cause  
6 of many citizens, people in this country  
7 legally, not getting the employment that they  
8 not only qualify for but they should be well  
9 paid for.

10 Now, here's my question. If an  
11 individual who hires a domestic worker learns  
12 that that person they have hired is in this  
13 country illegally, and they dismiss them for  
14 that reason, would that employer be subject to  
15 the same penalties and procedures that your  
16 bill provides and which you discussed with  
17 some of my colleagues, including Senator  
18 Lanza?

19 SENATOR SAVINO: Through you,  
20 Mr. President. I'm assuming you're referring  
21 to the notice of termination?

22 SENATOR PADAVAN: Yeah. Yes.

23 SENATOR SAVINO: Yes, it would,  
24 Senator Padavan.

25 SENATOR PADAVAN: It would what?

1                   SENATOR SAVINO:     The notice of  
2     termination would apply even if the employee  
3     was an undocumented worker, as many of our  
4     labor laws apply to undocumented workers if  
5     they're in employment.

6                   SENATOR PADAVAN:     But would you  
7     yield, Senator.

8                   ACTING PRESIDENT CRAIG JOHNSON:  
9     Senator Savino, will you continue to yield?

10                  SENATOR SAVINO:     Yes.

11                  ACTING PRESIDENT CRAIG JOHNSON:  
12     Senator Padavan, she'll continue to yield.

13                  SENATOR PADAVAN:     But there's a  
14     section in the bill that deals with  
15     termination for a reasonable cause, or words  
16     to that effect. Would this be not be a  
17     reasonable cause?

18                  SENATOR SAVINO:     Through you,  
19     Mr. President, the question is would the  
20     determination by the employer that a domestic  
21     worker was an undocumented worker, could that  
22     be used to satisfy the reasonable-faith effort  
23     to avoid the notice of termination.

24                             (Conferring with counsel.)

25                  SENATOR SAVINO:     Through you,



1 Mr. President, with respect to the  
2 determination or the suspicion on the part of  
3 the employer that the worker is undocumented,  
4 it is unlikely that it would not still require  
5 the employer to provide 14 days' notice of  
6 termination. Because the way the language is  
7 drafted in the bill, that 14-day notice of  
8 termination would be waived if the employer  
9 reasonably believes in good faith that the  
10 domestic worker has committed assault, neglect  
11 or abuse.

12 So just by the suspicion that the  
13 person is undocumented, it would not waive  
14 that 14-day notice. However, the employer  
15 could notify the employee, give them the  
16 14-day notice and tell them not to come back.

17 The bill also doesn't establish a  
18 cause standard for firing workers. Because  
19 essentially, under New York State labor law,  
20 workers are still at-will workers unless  
21 they're covered by a collective bargaining  
22 agreement. We are also not providing  
23 collective bargaining rights in this bill.

24 So you can terminate an employee in  
25 New York State that's not covered by

1 collective bargaining rights for good reason,  
2 bad reason, or no reason. You just can't  
3 terminate them for violations of Title VII of  
4 the Equal Employment Opportunities Act.

5 I hope that answers your question.

6 SENATOR PADAVAN: Senator, let me  
7 ask you another question.

8 ACTING PRESIDENT CRAIG JOHNSON:  
9 Do you wish Senator Savino to continue to  
10 yield, Senator Padavan?

11 SENATOR PADAVAN: There are  
12 laws --

13 ACTING PRESIDENT CRAIG JOHNSON:  
14 Senator Savino, do you yield for Senator  
15 Padavan?

16 SENATOR SAVINO: Yes.

17 SENATOR PADAVAN: There are laws,  
18 federal and otherwise, that say you must not,  
19 or you're subject to penalty, knowingly hire  
20 an illegal immigrant. Would that apply to  
21 this case, the situation, the subject area  
22 we're dealing with?

23 SENATOR SAVINO: I have to think  
24 about that, Senator Padavan.

25 While yes, it's true, the law says

1       you're not supposed to knowingly hire  
2       undocumented workers or illegal immigrants,  
3       however we want to describe them, the reality  
4       is employers do it every day in this state and  
5       every other state across the country.

6                So would the -- would knowing -- I  
7       still don't believe it would apply. No, I  
8       still don't believe it would apply. I don't  
9       believe it has anything to do with it.

10               SENATOR PADAVAN:       On the bill.

11               ACTING PRESIDENT CRAIG JOHNSON:  
12       Senator Padavan, on the bill.

13               SENATOR PADAVAN:       If that is the  
14       case, Senator, you're violating the human  
15       trafficking law that we have in this state,  
16       the toughest in the nation. If the answer to  
17       your question is what you said it is, then  
18       you're violating an already existing statute.

19               And I don't think you really are.  
20       I think if you look at it further, you'll find  
21       out you're not.

22               SENATOR SAVINO:       So perhaps --  
23       through you, Mr. President, perhaps I didn't  
24       actually understand the question as you put it  
25       to me. So let's try this one again, Senator

1       Padavan.

2                   SENATOR PADAVAN:       Are we opening  
3       that up again?

4                   SENATOR SAVINO:       Or if you'd like  
5       to speak on the bill and I --

6                   SENATOR PADAVAN:       I'll speak on  
7       the bill. I think we've belabored the point  
8       long enough.

9                   But let me just make a couple of  
10       points. First, I believe that it is all our  
11       responsibilities to ensure that people who are  
12       employed in this state, no matter what they  
13       are, what that category of employment is, are  
14       here in this country either with a green card  
15       or some means, visa or whatever.

16                   Because particularly in this  
17       category of employment, they are the most  
18       obvious and frequent victim of those who come  
19       to this country illegally. They are the  
20       victim of those who come in and work for less  
21       than minimum wage, off the books, and are  
22       taken advantage of. And so they don't get the  
23       employment that they're entitled to at the pay  
24       they're entitled to. So I think that is part  
25       of our responsibility to deal with that issue.

1                   Now, your bill does not have an  
2                   exact companion in the Assembly, as I  
3                   understand it. And I would suggest to you, as  
4                   you work with the Assembly in coming up with a  
5                   bill that is identical, that you take a hard  
6                   look another some of these questions that have  
7                   been raised, because they're not entirely  
8                   without merit.

9                   I'm going to vote for this bill, as  
10                  you know. But at the same time, I don't think  
11                  we should be myopic to concerns that have some  
12                  degree of validity, in order to come up with  
13                  up with a statute that not only seeks to  
14                  achieve your objective and your worthy goals,  
15                  but at the same time makes sense in some other  
16                  ways.

17                 Thank you.

18                 ACTING PRESIDENT CRAIG JOHNSON:  
19                 Seeing no other Senators wishing to be heard  
20                 on the bill, the debate is closed.

21                 The Secretary will ring the bells.

22                 Read the last section.

23                 THE SECRETARY:     Section 12. This  
24                 act shall take effect on the first of January.

25                 ACTING PRESIDENT CRAIG JOHNSON:

1 Call the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT CRAIG JOHNSON:

4 Senator Savino, to explain her vote.

5 SENATOR SAVINO: I will yield to  
6 Senator Onorato.

7 ACTING PRESIDENT CRAIG JOHNSON:

8 Yielding to Senator Onorato to explain his  
9 vote.

10 SENATOR ONORATO: Thank you,  
11 Mr. President.

12 I want to take this opportunity to  
13 congratulate Diane Savino for all her  
14 perseverance and hard work on putting this  
15 bill together. It was a long time in coming,  
16 and it was one of her most dedicated missions  
17 for this particular session. I want to  
18 congratulate her. And as the chairman of the  
19 Labor Committee, we worked very, very closely  
20 putting this bill on the floor.

21 And the next bill that's coming up  
22 in a very, very short time is going to be my  
23 farmworkers bill, so we're going to do all of  
24 the people of the State of New York the  
25 justice that they deserve.

1 I vote aye.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Onorato will be recorded in the  
4 affirmative.

5 Senator Savino, to explain her  
6 vote.

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

9 First, I want to thank all of my  
10 colleagues. I know many of you have been  
11 congratulating me on the passage of this bill  
12 today, all the work that I've put into it, but  
13 quite frankly I don't deserve either the  
14 congratulations or the good wishes. It is the  
15 people who are sitting up in this chamber  
16 around here, and it's those of you who helped  
17 me move this bill forward, the 26 cosponsors,  
18 including Senator Frank Padavan, those of you  
19 who have engaged me in discussion on this bill  
20 and I know will continue to.

21 Believe me, I listened, I heard the  
22 concerns that you have. And I believe it is  
23 critically important that as we move forward  
24 with this bill -- and we will, as we reconcile  
25 with the Assembly -- I'm going to be visiting

1 all of you again, asking for your input, your  
2 advice, and to see that we pass a piece of  
3 legislation that we can all be proud of.

4 You know, the history books are  
5 going to write a lot of interesting things  
6 about the 2009-2010 legislative session,  
7 there's no doubt about that. Not all of it  
8 will be good. But I hope that before  
9 December 31st of this year that this  
10 legislative session in the New York State  
11 Senate, which has gotten so much coverage for  
12 so many reasons, will also be able to show  
13 that we made history again for workers'  
14 rights, and we're going to do that together.

15 Tonight is just the first step in  
16 equality and justices for the invisible women.  
17 Congratulations. Invisible women rise.

18 (Applause from the gallery.)

19 ACTING PRESIDENT CRAIG JOHNSON:  
20 Senator Squadron, to explain his vote.

21 SENATOR SQUADRON: Thank you.

22 Just to join the chorus, I  
23 congratulate Senator Savino, despite her  
24 demurring, and the women in this chamber and  
25 across the State of New York. This is a



1 historic step for this state and also a step  
2 that will change daily lives.

3 It's a rare opportunity as a state  
4 legislator to do something that you know, when  
5 it becomes law, will change lives immediately.  
6 This will. It's a historic day.

7 Congratulations, Senator Savino, all of my  
8 colleagues, and especially all of the people  
9 who've made the trek up here today. It really  
10 has made a difference. Thank you for being  
11 here.

12 I vote aye.

13 ACTING PRESIDENT CRAIG JOHNSON:

14 Senator Squadron to be recorded in the  
15 affirmative.

16 Senator Montgomery, to explain her  
17 vote.

18 SENATOR MONTGOMERY: Thank you,  
19 Mr. President.

20 I also rise to congratulate Senator  
21 Savino. This is really a very important bill,  
22 and I know you've worked very hard on it.

23 And the fact of the matter is this  
24 is a women's rights bill. And many of the  
25 women who work in those situations as domestic

1 workers are themselves parents, and many of  
2 them take care of their own families. So  
3 while they work for other families, they also  
4 have their own families.

5 So this goes a long way in at least  
6 expressing our support that they should have  
7 the right to some equality and some equity in  
8 the labor that they do.

9 So I commend you, thank you, and on  
10 behalf of all of those women who depend on  
11 these jobs to support their own families, I  
12 thank you. I vote aye.

13 ACTING PRESIDENT CRAIG JOHNSON:  
14 Senator Montgomery to be recorded in the  
15 affirmative.

16 Senator Oppenheimer, to explain her  
17 vote.

18 SENATOR OPPENHEIMER: We've been  
19 discussing this a long time, so I'll be very  
20 brief.

21 It just seems that we should, at  
22 this point in our history, be discussing  
23 something so basic to human dignity and human  
24 rights as this issue is that it's hard for me  
25 to believe that we will be the first state in

1       this nation to be discussing this and, with  
2       the help of all of you here, passing it.

3               So congrats, and we'll be working  
4       hard on this. It's really hard for me to  
5       believe that we are the first state to touch  
6       this. But for each of you, it's going to make  
7       a great deal -- a big difference in your  
8       lives. And you'll be able to have maybe a  
9       little more time with family, maybe a little  
10      more time, who knows, to go home to a country  
11      that isn't yours right here.

12              And I just -- I just hope that it  
13      will have benefits for each one of you.

14              I'll be voting yes.

15              ACTING PRESIDENT CRAIG JOHNSON:  
16      Senator Oppenheimer to be recorded in the  
17      affirmative.

18              Are there any other Senators that  
19      wish to explain their votes?

20              Seeing none, announce the results.

21              THE SECRETARY:     Those recorded in  
22      the negative on Calendar Number 196 are  
23      Senators Alesi, Bonacic, DeFrancisco, Farley,  
24      Flanagan, Fuschillo, Golden, Griffio, Hannon,  
25      O. Johnson, Lanza, Larkin, LaValle, Leibell,

1 Libous, Little, Marcellino, Maziarz, McDonald,  
2 Nozzolio, Ranzenhofer, Robach, Saland, Seward,  
3 Skelos, Volker, Winner and Young.

4 Ayes, 33. Nays, 28.

5 ACTING PRESIDENT CRAIG JOHNSON:

6 The bill passes.

7 (Loud cheers and applause from  
8 gallery.)

9 ACTING PRESIDENT CRAIG JOHNSON:

10 The Secretary will read.

11 SENATOR LIBOUS: Mr. President.

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Senator Libous, why do you rise?

14 Order in the chamber, please.

15 SENATOR LIBOUS: I believe about  
16 an hour and a half ago Senator Padavan had a  
17 point of order about the voting procedure, and  
18 you were going to respond to it.

19 ACTING PRESIDENT CRAIG JOHNSON:

20 I was riveted by the debate. We'll make sure  
21 we get to that point as soon as possible, but  
22 I was caught up in the debate.

23 The Secretary will read.

24 SENATOR LIBOUS: Pardon me?

25 ACTING PRESIDENT CRAIG JOHNSON:

1 I'll get to the answer in a moment. I got  
2 caught up in the debate. The Secretary will  
3 read. I'll just double-check the answer on  
4 voting in your seats.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 365 --

8 SENATOR LIBOUS: Point of order.

9 ACTING PRESIDENT CRAIG JOHNSON:  
10 Senator Libous.

11 SENATOR LIBOUS: Point of order.

12 I'm asking for the rule to be read  
13 so the question could be answered.

14 ACTING PRESIDENT CRAIG JOHNSON:  
15 Senator Libous, even though we've moved on,  
16 we've moved on, I will gladly say that yes,  
17 they're required to be in their seats when  
18 they vote.

19 SENATOR LIBOUS: So you would  
20 repeat that one more time?

21 ACTING PRESIDENT CRAIG JOHNSON:  
22 Sure, so you can hear. Even though we've  
23 moved on.

24 SENATOR LIBOUS: What does that  
25 mean, "even though we've moved on"?

1                   ACTING PRESIDENT CRAIG JOHNSON:

2           We've moved on from the bill. That was prior  
3           to the bill we voted on.

4                   The answer is, Senator Libous, that  
5           they're required to be in their seats when  
6           they vote.

7                   SENATOR LIBOUS:     Mr. President,  
8           maybe I'm being confusing, and I apologize. I  
9           was asking for a point of order on the rule  
10          for voting. And whether we moved on or not  
11          didn't seem to be the issue.

12                   So they need to be in their seats  
13          in order to vote.

14                   ACTING PRESIDENT CRAIG JOHNSON:  
15          Correct, Senator Libous.

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

18                   ACTING PRESIDENT CRAIG JOHNSON:  
19          You're welcome, Senator Libous.

20                   The Secretary will now read.

21                   THE SECRETARY:     Calendar Number  
22          365, by Senator L. Krueger, Senate Print  
23          3584B, an act to amend the Election Law.

24                   ACTING PRESIDENT CRAIG JOHNSON:  
25          Are there any Senators wishing to be heard on

1 the bill?

2 Seeing none, the debate is closed.

3 The Secretary will ring the bells.

4 (Pause.)

5 SENATOR DeFRANCISCO: If anybody  
6 is presiding, I have a point of order.

7 ACTING PRESIDENT CRAIG JOHNSON:  
8 Senator DeFrancisco, what is your point of  
9 order?

10 SENATOR DeFRANCISCO: Do the  
11 rules provide a specific amount of -- or a  
12 time limit for which we have to wait for  
13 someone to show up for a vote?

14 ACTING PRESIDENT CRAIG JOHNSON:  
15 No.

16 SENATOR DeFRANCISCO: There's no  
17 such rule? And --

18 ACTING PRESIDENT CRAIG JOHNSON:  
19 Are you asking for a second point of order?  
20 I've just ruled on your first point of order.  
21 The answer is no.

22 SENATOR DeFRANCISCO: Yes, I have  
23 a second question.

24 ACTING PRESIDENT CRAIG JOHNSON:  
25 What's your point of order, Senator?

1                   SENATOR DeFRANCISCO:     To whom do  
2     we refer such a request to in this body in  
3     order to make a rule of that nature?

4                   ACTING PRESIDENT CRAIG JOHNSON:  
5     Senator DeFrancisco, I have requested the  
6     members of this entire chamber to stay close  
7     to the Senate.

8                   SENATOR DeFRANCISCO:     No, no,  
9     I --

10                  ACTING PRESIDENT CRAIG JOHNSON:  
11     Senator -- I'm ruling on your point of order,  
12     Senator DeFrancisco, so please.

13                  SENATOR DeFRANCISCO:     Go ahead.

14                  ACTING PRESIDENT CRAIG JOHNSON:  
15     Thank you. I have asked the members of the  
16     Senate to stay close to their chairs and stay  
17     close to this chamber. Obviously maybe one or  
18     two or three have had, unfortunately, reasons  
19     to exit the chamber. We are now going to wait  
20     for them. And we are going to wait for them  
21     since there's no time constraint.

22                  So the answer is is you've referred  
23     it to me, I'll refer it back to the members of  
24     the body again to remind the members of the  
25     body to please stay close to the Senate



1 chambers.

2 SENATOR DeFRANCISCO: May I  
3 repeat my point of order so you answer the  
4 question as opposed to what you just answered.

5 ACTING PRESIDENT CRAIG JOHNSON:  
6 Senator DeFrancisco.

7 SENATOR DeFRANCISCO: My point of  
8 order is to whom do I refer a request that  
9 there be a rule change to put a time limit on  
10 the amount of time we have to wait for any  
11 individual member to do whatever they're doing  
12 so that the rest of the members don't have to  
13 sit here indefinitely while that person is  
14 doing whatever they're doing?

15 ACTING PRESIDENT CRAIG JOHNSON:  
16 Senator DeFrancisco, I'm going to refer you to  
17 Rule 11 of the Rules of the Senate of the  
18 State of New York.

19 "Resolution to amend the Senate  
20 Rules. No amendment to the Senate Rules shall  
21 be considered by the Senate unless a  
22 resolution for such amendment, together with a  
23 memorandum specifying the purpose of the  
24 proposed amendment, suspension or rescission,  
25 shall be introduced to the Committee on Rules

1 and reported therefrom to the Senate floor."

2 So you can take up your request to  
3 the Committee on Rules.

4 SENATOR DeFRANCISCO: Thank you,  
5 Mr. President. I believe we can now go  
6 forward.

7 ACTING PRESIDENT CRAIG JOHNSON:  
8 Thank you very much, Senator DeFrancisco.

9 SENATOR DeFRANCISCO: I thought  
10 I'd fill with the void with something.

11 ACTING PRESIDENT CRAIG JOHNSON:  
12 Read the last section.

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

15 ACTING PRESIDENT CRAIG JOHNSON:  
16 Call the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT CRAIG JOHNSON:  
19 Announce the results.

20 THE SECRETARY: Those recorded in  
21 the negative on Calendar Number 365 are  
22 Senators Alesi, Bonacic, DeFrancisco, Farley,  
23 Flanagan, Fuschillo, Golden, Griffio, Hannon,  
24 O. Johnson, Lanza, Larkin, LaValle, Leibell,  
25 Libous, Little, Marcellino, Maziarz, McDonald,

1       Nozzolio, Padavan, Ranzenhofer, Robach,  
2       Saland, Seward, Skelos, Volker, Winner and  
3       Young.

4               Ayes, 32.   Nays, 29.

5               ACTING PRESIDENT CRAIG JOHNSON:

6       The bill is passed.

7               The Secretary will read.

8               THE SECRETARY:     Calendar Number  
9       366, by Senator Addabbo, Senate Print 5447C,  
10      an act to amend the Election Law.

11              ACTING PRESIDENT CRAIG JOHNSON:

12      Seeing no debate, the debate is closed.   The  
13      Secretary will please ring the bells.

14              Read the last section.

15              THE SECRETARY:     Section 5.   This  
16      act shall take effect immediately.

17              ACTING PRESIDENT CRAIG JOHNSON:

18      Call the roll.

19              (The Secretary called the roll.)

20              ACTING PRESIDENT CRAIG JOHNSON:

21      Announce the results.

22              THE SECRETARY:     Those recorded in  
23      the negative on Calendar Number 366 are  
24      Senators Alesi, Bonacic, DeFrancisco, Farley,  
25      Flanagan, Fuschillo, Golden, Griffo, Hannon,

1 O. Johnson, Lanza, Larkin, LaValle, Leibell,  
2 Libous, Little, Marcellino, Maziarz, McDonald,  
3 Nozzolio, Padavan, Ranzenhofer, Robach,  
4 Saland, Seward, Skelos, Volker, Winner and  
5 Young.

6 Ayes, 32. Nays, 29.

7 ACTING PRESIDENT CRAIG JOHNSON:

8 The bill is passed.

9 The Secretary will continue to  
10 read.

11 THE SECRETARY: Calendar Number  
12 517, by Senator Onorato, Senate Print 2248A,  
13 an act to amend the Labor Law.

14 ACTING PRESIDENT CRAIG JOHNSON:  
15 Seeing no Senators wishing to speak on the  
16 bill, debate is closed. The Secretary will  
17 please ring the bells.

18 Read the last section.

19 THE SECRETARY: Section 2. This  
20 act shall take effect on the 180th day.

21 ACTING PRESIDENT CRAIG JOHNSON:  
22 Call the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT CRAIG JOHNSON:  
25 Announce the results.

1                   THE SECRETARY:     Those recorded in  
2     the negative on Calendar Number 517 are  
3     Senators DeFrancisco, Farley, Flanagan,  
4     Golden, Griffio, Hannon, O. Johnson, Lanza,  
5     Larkin, LaValle, Leibell, Libous, Little,  
6     Marcellino, Maziarz, McDonald, Nozzolio,  
7     Ranzenhofer, Saland, Seward, Skelos, Volker,  
8     Winner and Young.

9                   Ayes, 37.   Nays, 24.

10                  ACTING PRESIDENT CRAIG JOHNSON:  
11     The bill is passed.

12                  The Secretary will continue to  
13     read.

14                  THE SECRETARY:     Calendar Number  
15     528, by Senator Addabbo, Senate Print 2866A,  
16     an act to amend the Election Law.

17                  ACTING PRESIDENT CRAIG JOHNSON:  
18     Seeing no further debate on the bill, the  
19     Secretary will please ring the bells.   Debate  
20     is closed.

21                  Read the last section.

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

24                  ACTING PRESIDENT CRAIG JOHNSON:  
25     Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator DeFrancisco, to explain his vote.

4 SENATOR DeFRANCISCO: Yes, I vote  
5 no on this bill.

6 And it seems to me that there must  
7 be some kind of motive behind this bill to  
8 have individuals from the more populous areas  
9 of the state to travel around the state and  
10 get involved in elections that are nowhere  
11 near their home.

12 I don't know of any situation where  
13 if poll watchers are needed, at least in  
14 upstate New York, that the local populace who  
15 happen to be registered to vote and vote in  
16 those elections aren't enough people to be  
17 poll watchers.

18 So to me, this is going to result,  
19 in my mind, and the intent of this bill is  
20 going to result in people from other districts  
21 coming in from other districts, flooding other  
22 districts to get involved with elections that  
23 are not in their home areas.

24 I think that's a horrible  
25 precedent. And whether or not those poll

1       watchers happen to be lawyers or not, it's a  
2       horrible precedent. And I vote no.

3                ACTING PRESIDENT CRAIG JOHNSON:

4       Senator DeFrancisco to vote in the negative.

5                Announce the results.

6                THE SECRETARY:       Those recorded in  
7       the negative on Calendar Number 528 are  
8       Senators Alesi, Bonacic, DeFrancisco, Farley,  
9       Flanagan, Fuschillo, Golden, Griffio, Hannon,  
10      O. Johnson, Lanza, Larkin, LaValle, Leibell,  
11      Libous, Little, Marcellino, Maziarz, McDonald,  
12      Nozzolio, Padavan, Ranzenhofer, Robach,  
13      Saland, Seward, Skelos, Volker, Winner and  
14      Senator Young.

15              Ayes, 32. Nays, 29.

16              ACTING PRESIDENT CRAIG JOHNSON:

17      The bill is passed.

18              The Secretary will continue to  
19      read.

20              THE SECRETARY:       Calendar Number  
21      566, by Senator Thompson, Senate Print 6848,  
22      an act to amend the Public Authorities Law.

23              ACTING PRESIDENT CRAIG JOHNSON:

24      Debate is closed. The Secretary will please  
25      ring the bells.

1 Read the last section.

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

4 ACTING PRESIDENT CRAIG JOHNSON:  
5 Call the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT CRAIG JOHNSON:  
8 Announce the results.

9 THE SECRETARY: Those recorded in  
10 the negative on Calendar Number 566 are  
11 Senators Alesi, Bonacic, DeFrancisco, Farley,  
12 Flanagan, Fuschillo, Golden, Griffio, Hannon,  
13 O. Johnson, Lanza, Larkin, LaValle, Leibell,  
14 Libous, Little, Marcellino, Maziarz, McDonald,  
15 Nozzolio, Padavan, Ranzenhofer, Robach,  
16 Saland, Seward, Skelos, Volker, Winner and  
17 Young.

18 Ayes, 32. Nays, 29.

19 ACTING PRESIDENT CRAIG JOHNSON:  
20 The bill is passed.

21 The Secretary will continue to  
22 read.

23 THE SECRETARY: Calendar Number  
24 581, by Senator L. Krueger --

25 SENATOR KLEIN: Lay the bill



1       aside for the day, please.

2               ACTING PRESIDENT CRAIG JOHNSON:

3       The bill is laid aside for the day.

4               The Secretary will continue to  
5       read.

6               THE SECRETARY:       Calendar Number  
7       629, by Senator Schneiderman, Senate Print  
8       7096A, an act to amend the Labor Law.

9               ACTING PRESIDENT CRAIG JOHNSON:  
10       Debate is closed. The Secretary will please  
11       ring the bells.

12              Read the last section.

13              THE SECRETARY:       Section 10. This  
14       act shall take effect on the 90th day.

15              ACTING PRESIDENT CRAIG JOHNSON:  
16       Call the roll.

17              (The Secretary called the roll.)

18              ACTING PRESIDENT CRAIG JOHNSON:  
19       Senator Saland, to explain his vote.

20              SENATOR SALAND:       Yes,  
21       Mr. President.

22              Mr. President, I'm holding a copy  
23       of apparently an editorial from the Buffalo  
24       News. And while the subject that it dealt  
25       with is the Empire Zones, it reads in part as

1 follows:

2 "Taxes are higher in New York,  
3 insurance costs more in New York, electricity  
4 costs more in New York, labor costs more in  
5 New York, regulations are impenetrable in  
6 New York.

7 "The state starts at a disadvantage  
8 in keeping and attracting business, so it must  
9 play catch-up twice, first to even the field,  
10 and again to compete with the incentives  
11 offered by states that are already more  
12 business-friendly.

13 "Worrying only about surrounding  
14 states won't get the job done. New Yorkers  
15 are nothing if not mobile, as the large  
16 population of former Buffalonians in North  
17 Carolina attests. But it's more than that.

18 "If a company has installations in  
19 several states, including New York, and wants  
20 to expand, it will do so in the state where it  
21 makes the most economic sense. Our public  
22 utilities may be hostages," and there's more  
23 of the same. That editorial could have been  
24 written about this bill as well.

25 We are really continuing to drive

1       nails into the coffin of making New York  
2       uncompetitive. And what you're doing is  
3       imposing on our ratepayers of our public  
4       utilities the requirement to pay more by  
5       imposing this wage requirement on public  
6       utility company employees.

7                   Mr. President, I vote in the  
8       negative.

9                   ACTING PRESIDENT CRAIG JOHNSON:  
10       Senator Saland to be recorded in the negative.

11                   Senator Bonacic, to explain his  
12       vote.

13                   SENATOR BONACIC:       Thank you,  
14       Mr. President.

15                   This bill is a job killer, plain  
16       and simple. It also will raise the energy  
17       costs on businesses and consumers. And the  
18       question we ask, if this becomes law, why  
19       would any business ever stay in the State of  
20       New York?

21                   But where it goes over the top, if  
22       an employer does not pay a prevailing wage, he  
23       is subject to a C felony prosecution, which  
24       carries up to 15 years. Have we gone insane  
25       in this chamber?

1 I vote no.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Bonacic to vote in the negative.

4 Senator Schneiderman, to explain  
5 his vote.

6 SENATOR SCHNEIDERMAN: Thank you,  
7 Mr. President. I obviously am supporting this  
8 legislation.

9 And I just want to say, in response  
10 to some of my colleagues, all this bill does  
11 is expand a basic principle that's already  
12 embodied in Article 9, which is that if you  
13 accept a state contract, if you work for a  
14 public agency or if you accept the benefits of  
15 state law that enable you to function  
16 essentially as a monopoly if you're a utility,  
17 you are not, in the State of New York, allowed  
18 to pay poverty wages. The State of New York  
19 should not subsidize poverty.

20 I realize there's a philosophical  
21 disagreement about this. But, ladies and  
22 gentlemen, this is something that is worth  
23 fighting for. And just as we took a blow for  
24 domestic workers earlier, we're taking a blow  
25 for many thousands of service workers across

1 the state. It is worth it to have people paid  
2 prevailing wage. It is worth it to have  
3 people able to support their families.

4 This produces long-term benefits  
5 for everyone in this state, and I'm proud to  
6 sponsor and support this legislation.

7 Thank you, Mr. President.

8 ACTING PRESIDENT CRAIG JOHNSON:  
9 Senator Schneiderman to be recorded in the  
10 affirmative.

11 Senator Ranzenhofer, to explain his  
12 vote.

13 SENATOR RANZENHOFER: Thank you,  
14 Mr. President. Just briefly.

15 I rise in opposition to this piece  
16 of legislation. They say that insanity is  
17 doing the same thing over and over again and  
18 expecting to get a different result. What  
19 this is is another job-killing piece of  
20 legislation.

21 This will increase costs in a state  
22 which already has the greatest cost for doing  
23 business in New York State and across the  
24 country. This will cause people to lose job  
25 and not gain any employment in this state.

1 We'll continue to send people out of the state  
2 and search for jobs elsewhere where the jobs  
3 are being created outside of the state.

4 I'll be voting no.

5 ACTING PRESIDENT CRAIG JOHNSON:  
6 Senator Ranzenhofer to be recorded in the  
7 negative.

8 Any other Senator wishing to  
9 explain their vote?

10 Seeing none, announce the results.

11 THE SECRETARY: Those recorded in  
12 the negative on Calendar Number 629 are  
13 Senators Alesi, Bonacic, DeFrancisco, Farley,  
14 Flanagan, Fuschillo, Golden, Griffio, Hannon,  
15 O. Johnson, Lanza, Larkin, LaValle, Leibell,  
16 Libous, Little, Marcellino, Maziarz, McDonald,  
17 Nozzolio, Ranzenhofer, Robach, Saland, Seward,  
18 Skelos, Volker, Winner and Young.

19 Ayes, 33. Nays, 28.

20 ACTING PRESIDENT CRAIG JOHNSON:  
21 The bill is passed.

22 Senator Klein, that completes the  
23 reading of the controversial calendar.

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

1 supplemental active list.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 The Secretary will read.

4 THE SECRETARY: Calendar Number  
5 499, by Member of the Assembly Espaillat,  
6 Assembly Print Number 9737, an act to amend  
7 Chapter 266 of the Laws of 1981.

8 ACTING PRESIDENT CRAIG JOHNSON:

9 Read the last section.

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

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Call the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT CRAIG JOHNSON:

16 Senator Hannon, why do you rise?

17 SENATOR HANNON: I'd just like to  
18 know what bill it is. It's not --

19 ACTING PRESIDENT CRAIG JOHNSON:

20 It's Calendar Number --

21 SENATOR HANNON: Is this the  
22 addition to the regular active list?

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Yes.

25 SENATOR HANNON: Thank you.

1                   ACTING PRESIDENT CRAIG JOHNSON:

2       Announce the results.

3                   THE SECRETARY:     Ayes, 61.   Nays,  
4       0.

5                   ACTING PRESIDENT CRAIG JOHNSON:

6       The bill is passed.

7                   The Secretary will continue to  
8       read.

9                   THE SECRETARY:     Calendar Number  
10       630, by Member of the Assembly Espaillat,  
11       Assembly Print Number 8296A, an act to amend  
12       the Executive Law.

13                  ACTING PRESIDENT CRAIG JOHNSON:

14       Read the last section.

15                  THE SECRETARY:     Section 3.   This  
16       act shall take effect on the 90th day.

17                  ACTING PRESIDENT CRAIG JOHNSON:

18       Call the roll.

19                  (The Secretary called the roll.)

20                  ACTING PRESIDENT CRAIG JOHNSON:

21       Senator Ranzenhofer, why do you rise?

22                  SENATOR RANZENHOFER:     I don't  
23       have a copy of this bill.

24                  ACTING PRESIDENT CRAIG JOHNSON:

25       One second, Senator Volker.



1                   Senator Ranzenhofer, the copy of  
2                   the bill is in the black book on your desk.  
3                   You don't have a copy of the supplemental  
4                   active list?

5                   SENATOR RANZENHOFER:       None of my  
6                   colleagues do.

7                   ACTING PRESIDENT CRAIG JOHNSON:  
8                   Senator Libous.

9                   SENATOR LIBOUS:       It appears that  
10                  the back row, for some reason, does not have  
11                  this.

12                  You don't have it either?

13                  ACTING PRESIDENT CRAIG JOHNSON:  
14                  Senator Libous, we're going to hold for a  
15                  minute to make sure that the back row has a  
16                  copy of the supplemental active list sheet  
17                  that you do have in your possession.

18                  Senator Ranzenhofer --

19                  SENATOR LIBOUS:       Mr. President,  
20                  they were looking for the usual Senate -- it  
21                  says "Senate Calendar." So I think we've got  
22                  everything under control.

23                  ACTING PRESIDENT CRAIG JOHNSON:  
24                  Senator Ranzenhofer, is it sufficient in front  
25                  of you that --

1                   SENATOR RANZENHOFER:     Yes.

2                   SENATOR LIBOUS:        Thank you,  
3                   Mr. President.

4                   ACTING PRESIDENT CRAIG JOHNSON:  
5                   Read the last section.

6                   THE SECRETARY:        Section 3.   This  
7                   act shall take effect on the 90th day.

8                   ACTING PRESIDENT CRAIG JOHNSON:  
9                   Call the roll.

10                  (The Secretary called the roll.)

11                  ACTING PRESIDENT CRAIG JOHNSON:  
12                  Announce the results.

13                  THE SECRETARY:        Ayes, 61.

14                  ACTING PRESIDENT CRAIG JOHNSON:  
15                  The bill is passed.

16                  Senator Klein, that completes the  
17                  supplemental active list.

18                  SENATOR KLEIN:        Mr. President, at  
19                  this time there will be an immediate meeting  
20                  of the Finance Committee, followed by a  
21                  meeting of the Rules Committee in the Majority  
22                  Conference Room.

23                  Pending the return of the two  
24                  committees, can we please stand at ease.

25                  I'd just urge my colleagues to go

1 to committee and get back as quickly as  
2 possible so we can finish for the day.

3 ACTING PRESIDENT CRAIG JOHNSON:  
4 There will be an immediate meeting of the  
5 Finance Committee, followed by an immediate  
6 meeting of the Rules Committee in Room 332.

7 To echo Senator Klein, please, if  
8 you're members joining the committees, to  
9 please come back in. Those members not on the  
10 committees, please stay close.

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

13 (Whereupon, the Senate stood at  
14 ease at 8:48 p.m.)

15 (Whereupon, the Senate reconvened  
16 at 9:52 p.m.)

17 ACTING PRESIDENT CRAIG JOHNSON:  
18 Senator Klein.

19 SENATOR KLEIN: Mr. President, I  
20 believe there's a Rules Committee report at  
21 the desk. I move that we adopt the report at  
22 this time.

23 ACTING PRESIDENT CRAIG JOHNSON:  
24 There is a report of the Rules Committee at  
25 the desk.

1                   The Secretary will read.

2                   THE SECRETARY:     Senator Smith,  
3                   from the Committee on Rules, reports the  
4                   following bills.

5                   Senate Print 103A, by Senator  
6                   Sampson, an act to amend the Real Property Tax  
7                   Law;

8                   3171, by Senator Griffo, an act to  
9                   amend the Education Law;

10                  3539A, by Senator L. Krueger, an  
11                  act to amend the Real Property Tax Law;

12                  4876A, by Senator Foley, an act to  
13                  amend the Real Property Tax Law;

14                  5370, by Senator Hassell-Thompson,  
15                  an act to amend the Real Property Tax Law;

16                  6279A, by Senator Adams, an act to  
17                  amend the Private Housing Finance Law;

18                  7041, by Senator Valesky, an act to  
19                  amend the Environmental Conservation Law;

20                  And Senate Print 8019, by the  
21                  Senate Committee on Rules, an act making  
22                  appropriations for the support of government.

23                  All bills ordered direct to third  
24                  reading.

25                  ACTING PRESIDENT CRAIG JOHNSON:

1 All those in favor of adopting the Rules  
2 Committee report please signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT CRAIG JOHNSON:

5 Opposed, nay.

6 (Response of "Nay.")

7 ACTING PRESIDENT CRAIG JOHNSON:

8 The Rules Committee report is adopted.

9 Senator Klein.

10 SENATOR KLEIN: Mr. President,  
11 can we please go to a reading of the  
12 supplemental calendar.

13 ACTING PRESIDENT CRAIG JOHNSON:

14 The Secretary will read.

15 THE SECRETARY: Calendar Number  
16 668, by Senator Sampson, Senate Print 103A, an  
17 act to amend the Real Property Tax Law.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 Read the last section.

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

22 ACTING PRESIDENT CRAIG JOHNSON:

23 Call the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT CRAIG JOHNSON:

1       Announce the results.

2                   THE SECRETARY:     Ayes, 61.

3                   ACTING PRESIDENT CRAIG JOHNSON:

4       The bill is passed.

5                   THE SECRETARY:     Calendar Number  
6       669, by Senator Griffo, Senate Print 3171, an  
7       act to amend the Education Law.

8                   ACTING PRESIDENT CRAIG JOHNSON:

9       Read the last section.

10                  THE SECRETARY:     Section 3.  This  
11       act shall take effect on the first of July.

12                  ACTING PRESIDENT CRAIG JOHNSON:

13       Call the roll.

14                  (The Secretary called the roll.)

15                  ACTING PRESIDENT CRAIG JOHNSON:

16       Announce the results.

17                  THE SECRETARY:     Ayes, 61.

18                  ACTING PRESIDENT CRAIG JOHNSON:

19       The bill is passed.

20                  THE SECRETARY:     Calendar Number  
21       670, by Senator L. Krueger, Senate Print  
22       3539A, an act to amend the Real Property Tax  
23       Law.

24                  ACTING PRESIDENT CRAIG JOHNSON:

25       Read the last section.

1 THE SECRETARY: Section 5. This  
2 act shall take effect on the 120th day.

3 ACTING PRESIDENT CRAIG JOHNSON:  
4 Call the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT CRAIG JOHNSON:  
7 Announce the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT CRAIG JOHNSON:  
10 The bill is passed.

11 THE SECRETARY: Calendar Number  
12 671, by Senator Foley, Senate Print 4876A, an  
13 act to amend the Real Property Tax Law.

14 ACTING PRESIDENT CRAIG JOHNSON:  
15 Read the last section.

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

18 ACTING PRESIDENT CRAIG JOHNSON:  
19 Call the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT CRAIG JOHNSON:  
22 Announce the results.

23 Senator Larkin, to explain his  
24 vote.

25 SENATOR LARKIN: A little more

1       than explain my vote. We just had a meeting,  
2       and there was a decision here made to clarify  
3       this before we did anything with this bill.

4               SENATOR LaVALLE:       Mr. President.

5               ACTING PRESIDENT CRAIG JOHNSON:  
6       Senator LaValle, why do you rise?

7               SENATOR LaVALLE:       Just a point of  
8       information. What bill are we on, please?

9               ACTING PRESIDENT CRAIG JOHNSON:  
10       For a point of information, Senator LaValle,  
11       we're on Calendar Number 671.

12              SENATOR LaVALLE:       By Senator  
13       Foley?

14              ACTING PRESIDENT CRAIG JOHNSON:  
15       By Senator Foley.

16              SENATOR LaVALLE:       Thank you.

17              SENATOR LARKIN:       I'll speak on  
18       the bill.

19              ACTING PRESIDENT CRAIG JOHNSON:  
20       Senator Larkin, to explain his vote.

21              SENATOR LARKIN:       I understand  
22       where Senator Foley is coming from. But when  
23       you look at the exemptions, those of you  
24       who've served at town or village or cities,  
25       when you do the assessments and you start to



1 say it's transferable, I think we've got  
2 another bill that we already did and it says  
3 local option.

4 I think that we ought to be  
5 looking, because if some individual moves from  
6 Point A to Point B and the benefit that he  
7 gets is better than where he was living  
8 before.

9 And I just asked him at the meeting  
10 if we couldn't have this discussed with the  
11 Association of Towns or the Conference of  
12 Mayors, because it's a good bill. But  
13 somebody better make sure that they're all  
14 talking off the same sheet of music.

15 ACTING PRESIDENT CRAIG JOHNSON:  
16 Thank you, Senator Larkin.

17 Senator Little, to explain her  
18 vote.

19 SENATOR LITTLE: Thank you,  
20 Mr. President. I would like to explain my  
21 vote.

22 And certainly having a son who is a  
23 veteran and another son who's on active duty,  
24 I support veteran's issues. However, on this  
25 bill I believe it's a local option and it

1       differs between towns as to what kind of  
2       veterans tax exemption is given within that  
3       town. And they're taking away -- normally you  
4       could transfer within a city, town or village  
5       and even though you bought another house, you  
6       could carry that exemption with you.

7               They're taking away city, town and  
8       village and saying that you can do that within  
9       a county. For instance, Washington County is  
10      made up of 17 towns and nine villages, some  
11      which have a veterans exemption, some which  
12      don't have a veterans exemption.

13             So my concern is that now you could  
14      live in one town with a veterans exemption,  
15      move to another town without a veterans  
16      exemption. As long as you're within the same  
17      county, you're carrying it with you -- whereas  
18      many of the veterans in that town don't have a  
19      veterans exemption.

20             So I think this is something that  
21      needs a little further examination and  
22      clarification, and it's something that we  
23      ought to at least have some input from the  
24      local governments on. Therefore, I'm voting  
25      no.

1 Thank you.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Little to be recorded in the negative.

4 Read the last section.

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

7 ACTING PRESIDENT CRAIG JOHNSON:

8 Call the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT CRAIG JOHNSON:

11 Announce the results.

12 THE SECRETARY: Those recorded in  
13 the negative on Calendar Number 671 are  
14 Senators Larkin, Little and Ranzenhofer.

15 Ayes, 58. Nays, 3.

16 ACTING PRESIDENT CRAIG JOHNSON:

17 The bill is passed.

18 The Secretary will continue to  
19 read.

20 THE SECRETARY: Calendar Number  
21 672, by Senator Hassell-Thompson, Senate Print  
22 5370, an act to amend the Real Property Tax  
23 Law.

24 ACTING PRESIDENT CRAIG JOHNSON:

25 Read the last section.

1                   SENATOR LaVALLE:     Lay it aside,  
2     please.

3                   ACTING PRESIDENT CRAIG JOHNSON:  
4     The bill is laid aside.

5                   The Secretary will continue to  
6     read.

7                   THE SECRETARY:     Calendar Number  
8     673, by Senator Adams, Senate Print 6279A, an  
9     act to amend the Private Housing Finance Law.

10                  ACTING PRESIDENT CRAIG JOHNSON:  
11     Read the last section.

12                  THE SECRETARY:     Section 2.   This  
13     act shall take effect on the 30th day.

14                  ACTING PRESIDENT CRAIG JOHNSON:  
15     Call the roll.

16                  SENATOR SALAND:     On the bill,  
17     please.

18                  ACTING PRESIDENT CRAIG JOHNSON:  
19     Senator Saland, on the bill.

20                  SENATOR SALAND:     Thank you,  
21     Mr. President.

22                  I don't profess to have any great  
23     knowledge about the Housing Finance Law --  
24     Senator Adams isn't in the chamber, and I  
25     understand he wants to provide preferences to

1 veterans. And I don't know if this was his  
2 intention or not.

3 I raised this, I believe, in the  
4 Rules Committee. He is eliminating the word  
5 "disabled" on the second page of the bill  
6 which currently provides a preference for  
7 disabled veterans. I simply didn't know if  
8 that was something done inadvertently or  
9 intentionally. And if that's what he proposes  
10 to do, that's what he proposes to do.

11 I mentioned it, and supposedly it  
12 was going to be mentioned to Senator Adams,  
13 and I hope it was. And perhaps he could  
14 respond to that. That's all.

15 Thank you.

16 ACTING PRESIDENT CRAIG JOHNSON:  
17 Read the last section.

18 THE SECRETARY: Section 2. This  
19 act shall take effect on the 30th day.

20 ACTING PRESIDENT CRAIG JOHNSON:  
21 Call the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT CRAIG JOHNSON:  
24 Senator Adams, to explain his vote.

25 SENATOR ADAMS: I just want to

1 explain -- yes, thank you, Senator Saland.  
2 And I'm one of those few Senators, I stand in  
3 the chamber the whole day so we can move good.  
4 I don't leave, you know.

5 The bill -- we don't remove  
6 "disabled." What happened was between 1961 --  
7 just to explain my vote -- between 1961 and  
8 1975, we offered this to Vietnam veterans,  
9 disabled or not. What we're doing is we're  
10 still allowing disabled vets to have the  
11 Mitchell-Lama, you know, the option, but we're  
12 also expanding it to all those who serve  
13 during wartime to have the same option.

14 So we're not taking away the  
15 "disabled," we're just expanding it to include  
16 all the other soldiers who fought in all the  
17 wars that are currently going on now.

18 I vote aye.

19 ACTING PRESIDENT CRAIG JOHNSON:  
20 Senator Adams to be recorded in the  
21 affirmative.

22 Announce the results.

23 THE SECRETARY: Ayes, 61. Nays,  
24 0.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 The bill is passed.

2 The Secretary will continue to  
3 read.

4 THE SECRETARY: Calendar Number  
5 674, by Senator Valesky, Senate Print 7041, an  
6 act to amend the Environmental Conservation  
7 Law.

8 ACTING PRESIDENT CRAIG JOHNSON:  
9 Read the last section.

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

12 ACTING PRESIDENT CRAIG JOHNSON:  
13 Call the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT CRAIG JOHNSON:  
16 Announce the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT CRAIG JOHNSON:  
19 The bill is passed.

20 THE SECRETARY: In relation to  
21 Calendar Number 677, Senator C. Kruger moves  
22 to discharge, from the Committee on Finance,  
23 Assembly Bill Number 11313 and substitute it  
24 for the identical Senate Bill Number 8019,  
25 Third Reading Calendar 677.

1                   ACTING PRESIDENT CRAIG JOHNSON:

2       Substitution ordered.

3                   THE SECRETARY:     Calendar Number  
4       677, by the Assembly Committee on Rules,  
5       Assembly Print Number 11313, an act making  
6       appropriations for the support of government.

7                   ACTING PRESIDENT CRAIG JOHNSON:  
8       Senator Klein.

9                   SENATOR KLEIN:     Mr. President, is  
10      there a message of necessity and appropriation  
11      at the desk?

12                  ACTING PRESIDENT CRAIG JOHNSON:  
13      There is a message of necessity and  
14      appropriation at the desk.

15                  SENATOR KLEIN:     Mr. President, I  
16      move to accept the message at this time.

17                  ACTING PRESIDENT CRAIG JOHNSON:  
18      The question is on the acceptance of the  
19      message of necessity and appropriation. All  
20      those in favor please signify by saying aye.

21                         (Response of "Aye.")

22                  ACTING PRESIDENT CRAIG JOHNSON:  
23      Opposed, nay.

24                         (Response of "Nay.")

25                  ACTING PRESIDENT CRAIG JOHNSON:



1       The message is accepted.

2               Read the last section.

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

5               SENATOR LaVALLE:     Lay it aside,  
6       please.

7               ACTING PRESIDENT CRAIG JOHNSON:  
8       The bill is laid aside.

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

12              SENATOR KLEIN:     Mr. President,  
13      can we please go a controversial reading of  
14      the supplemental calendar.

15              ACTING PRESIDENT CRAIG JOHNSON:  
16      The Secretary will ring the bell. All members  
17      are asked to come to the chamber for the  
18      reading of the controversial supplemental  
19      calendar.

20              And again I repeat, I request all  
21      members to please stay in their seats or stay  
22      within the chamber so we can move the debate  
23      along.

24              The Secretary will read.

25              THE SECRETARY:     Calendar Number

1       672, by Senator Hassell-Thompson, Senate Print  
2       5370, an act to amend the Real Property Tax  
3       Law.

4               SENATOR LaVALLE:       Explanation,  
5       please.

6               ACTING PRESIDENT CRAIG JOHNSON:  
7       Senator Hassell-Thompson, an explanation has  
8       been requested by Senator LaValle.

9               SENATOR HASSELL-THOMPSON:       Thank  
10      you, Mr. President.

11              This bill is an attempt to amend  
12      the Real Property Tax Law, granting an  
13      additional tax exemption for two qualified  
14      veterans living in the same household.

15              There was a discussion in Rules,  
16      and somehow all of us looking at it failed to  
17      realize that under the justification it does  
18      say that each county must opt in for both  
19      alternative exemptions. And that seemed to  
20      have been the basis of concern.

21              If there's specific questions, I'll  
22      answer them.

23              ACTING PRESIDENT CRAIG JOHNSON:  
24      Senator LaValle, why do you rise?

25              SENATOR LaVALLE:       Would the

1 Senator yield for a question.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Hassell-Thompson, will you yield for a  
4 question?

5 SENATOR HASSELL-THOMPSON: Yes.

6 ACTING PRESIDENT CRAIG JOHNSON:

7 Senator LaValle.

8 SENATOR LaVALLE: Senator, you  
9 were right on the money that the sense was,  
10 was this at a local option. And the members  
11 are having a hard time finding that language.  
12 Could you point that out to us in the bill?

13 SENATOR HASSELL-THOMPSON: The  
14 language is not in the bill, but it is in the  
15 supporting memo. Which harkens back to the  
16 original bill that allows for exemptions.

17 What this bill does is enhance an  
18 existing tax exemption. It gives an  
19 additional tax exemption to two categories,  
20 those with two veterans sharing the same  
21 household and those veterans who served in a  
22 combat zone. Both options have -- must be  
23 opted in by each county.

24 The original law does say that this  
25 enhancement does not change the original law.

1                   SENATOR LaVALLE:       Section --

2                   ACTING PRESIDENT CRAIG JOHNSON:

3       Senator LaValle, do you wish --

4                   SENATOR LaVALLE:       Yes.

5                   ACTING PRESIDENT CRAIG JOHNSON:

6       Senator Hassell-Thompson, will you yield for  
7       another question?

8                   SENATOR HASSELL-THOMPSON:       Yes.

9                   ACTING PRESIDENT CRAIG JOHNSON:  
10      Senator LaValle.

11                   SENATOR LaVALLE:       Is that  
12      original section in Section 1 of the law which  
13      talks about paragraphs A and B of subdivision  
14      2 of Section 458(a) of the Real Property Tax  
15      Law, is that in that section of law that is --

16                   SENATOR HASSELL-THOMPSON:       I  
17      would be lying to you if I told you that it  
18      did, because I'm not looking at the original  
19      law.

20                   But what I have been told, because  
21      I didn't -- I don't have access at this moment  
22      to the original law, but that the original law  
23      does contain the language that says each  
24      county must opt in.

25                   And in this memo it says that

1 New York State recognizes in blah, blah, blah,  
2 and then it says the alternative exemptions  
3 are available only for residential properties  
4 of veterans who served during wartime or  
5 received an expeditionary medal. This  
6 provides for an exemption of 15 percent of the  
7 assessed value to veterans who served during  
8 wartime, an additional 10 percent to those who  
9 served in a combat zone. Each county must opt  
10 in to grant this alternative exemption.

11 SENATOR LaVALLE: Just on the  
12 bill, Mr. President.

13 ACTING PRESIDENT CRAIG JOHNSON:  
14 Senator LaValle, on the bill.

15 SENATOR LaVALLE: Based on what  
16 Senator Hassell-Thompson has indicated, and  
17 based on a reading of the original law, so it  
18 is your intent and actual, we have found to  
19 date that the counties must -- the county,  
20 city, town or village may adopt a local law.  
21 So it does have a opt-in provision.

22 Thank you, Senator.

23 SENATOR HASSELL-THOMPSON: Thank  
24 you.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Are there any other Senators who wish to be  
2 heard on the bill?

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

5 Read the last section.

6 THE SECRETARY: Section 2. This  
7 act shall take effect on the first of January  
8 next succeeding.

9 ACTING PRESIDENT CRAIG JOHNSON:  
10 Call the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT CRAIG JOHNSON:  
13 Announce the results.

14 THE SECRETARY: Ayes, 61. Nays,  
15 0.

16 ACTING PRESIDENT CRAIG JOHNSON:  
17 The bill is passed.

18 The Secretary will continue to  
19 read.

20 THE SECRETARY: Calendar Number  
21 677, substituted earlier today by the Assembly  
22 Committee on Rules, Assembly Print Number  
23 11313, an act making appropriations for the  
24 support of government.

25 SENATOR DeFRANCISCO:

1 Explanation.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Kruger, an explanation has been  
4 requested by Senator DeFrancisco.

5 SENATOR CARL KRUGER: Thank you,  
6 Mr. President.

7 This emergency spending  
8 appropriation bill, the ninth in a series,  
9 covers the period through June 6th. It  
10 provides an All Funds appropriation of  
11 \$5.45 billion and a General Fund appropriation  
12 of \$1.236 billion.

13 ACTING PRESIDENT CRAIG JOHNSON:

14 Senator DeFrancisco, why do you rise?

15 SENATOR DeFRANCISCO: I just have  
16 a couple of questions of Senator Kruger, if  
17 he'd yield.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 Senator Kruger, will you yield for some  
20 questions from Senator DeFrancisco?

21 SENATOR CARL KRUGER: It will be  
22 my pleasure, Mr. President.

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Senator DeFrancisco.

25 SENATOR DeFRANCISCO: Senator

1 Kruger, it's my understanding that since the  
2 leaders' meeting last week, during which there  
3 was an agreement to have the staffs of the  
4 Minority and Majority meet last Thursday, that  
5 such a meeting did in fact occur, a meeting  
6 among the staff members. Is that correct?

7 SENATOR CARL KRUGER: Yes, it  
8 did.

9 SENATOR DeFRANCISCO: And can you  
10 tell me, out of that meeting, whether or not  
11 any agreements were reached?

12 SENATOR CARL KRUGER: Through  
13 you, Mr. President, the meetings were very  
14 fruitful. To the extent that what we are  
15 doing, as was expressed out of the five-way  
16 leaders' meeting of last week, targets are  
17 being looked at to see exactly what the  
18 2-pont-odd-billion-dollar gap is and how we  
19 approach filling it.

20 As you well know, tomorrow there is  
21 a five-way leaders' meeting scheduled for  
22 11:00 a.m.

23 SENATOR DeFRANCISCO: Would  
24 Senator Kruger continue to yield.

25 SENATOR CARL KRUGER: Yes, I do,



1 Mr. President.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Kruger will continue to yield, Senator  
4 DeFrancisco.

5 SENATOR DeFRANCISCO: Senator  
6 Kruger, at that leaders' meeting last week,  
7 that was a week ago, and there's been no  
8 announcement as to what the -- any  
9 announcements about the \$2.5 million, as to  
10 how that's going to be debated among  
11 committees of the rank-and-file members.

12 SENATOR CARL KRUGER: Through  
13 you, Mr. President, it's billion, 2-point-odd  
14 billion. And yes, there are targets. Those  
15 targets will be discussed tomorrow at the  
16 five-way meeting.

17 And with the leadership agreeing,  
18 the next step hopefully is the process to  
19 begin conference committees.

20 SENATOR FLANAGAN: All right.  
21 And would you yield to another question?

22 ACTING PRESIDENT CRAIG JOHNSON:  
23 Senator Kruger, will you continue to yield?

24 SENATOR CARL KRUGER: Yes, I do,  
25 Mr. President.

1                   SENATOR DeFRANCISCO:     So the  
2                   targets have been set at this point in time as  
3                   to the \$2.5 billion gap, is that what you're  
4                   saying?

5                   SENATOR CARL KRUGER:     No, I'm  
6                   not. I'm saying that there are -- there are,  
7                   on the radar screen, places where we would be  
8                   looking toward, hopefully, with the agreement  
9                   of moving forward to fill in those target  
10                  numbers.

11                  ACTING PRESIDENT CRAIG JOHNSON:  
12                  Senator DeFrancisco.

13                  SENATOR DeFRANCISCO:     Would he  
14                  continue to yield.

15                  ACTING PRESIDENT CRAIG JOHNSON:  
16                  Senator Kruger, will you continue to yield?

17                  SENATOR CARL KRUGER:     Yes, I  
18                  will, Mr. President.

19                  ACTING PRESIDENT CRAIG JOHNSON:  
20                  Senator DeFrancisco.

21                  SENATOR DeFRANCISCO:     Does that  
22                  mean we're nearing the critical mass, since  
23                  they're on the target screen?

24                  SENATOR CARL KRUGER:     I guess  
25                  it -- through you, Mr. President, when we're

1 finished with this entire process what we're  
2 going to do is develop a new glossary of terms  
3 as to what this budget negotiation is all  
4 about. So you can add "radar screen" to it as  
5 well.

6 SENATOR DeFRANCISCO: All right.  
7 Lastly, Senator Kruger, the other thing that  
8 was mentioned at the last leaders' meeting was  
9 the fact that there have been \$6.5 billion in  
10 agreed-upon budget-gap closers. Could you  
11 relate to this chamber what those \$6.5 billion  
12 of budget-gap closers are?

13 ACTING PRESIDENT CRAIG JOHNSON:  
14 I'm assuming you want Senator Kruger to yield  
15 to that question.

16 SENATOR DeFRANCISCO: Yes. Would  
17 you yield to that?

18 SENATOR CARL KRUGER: Through  
19 you, Mr. President, I think what we're talking  
20 about are small, small closers that have been  
21 tentatively agreed to. I do not have a list  
22 currently, but I certainly will attempt to  
23 have staff put one together and furnish it to  
24 you.

25 SENATOR DeFRANCISCO: Would

1 Senator Kruger continue to yield.

2 SENATOR CARL KRUGER: Yes, I do,  
3 Mr. President.

4 SENATOR DeFRANCISCO: 6.5 billion  
5 is not a small amount of budget-gap closers,  
6 at least on my parameters. So you're saying,  
7 though, that as to the \$6.5 billion of  
8 budget-gap closers, that's why we only need  
9 \$2.5 billion that we've got to worry about,  
10 you mean there's a list presently as to what  
11 those are?

12 SENATOR CARL KRUGER: Through  
13 you, Mr. President, there's not a  
14 comprehensive list. We will attempt to put  
15 together a list and furnish it to you.

16 SENATOR DeFRANCISCO: I don't  
17 have any further questions. I'll just speak  
18 on the bill.

19 ACTING PRESIDENT CRAIG JOHNSON:  
20 Senator DeFrancisco, on the bill.

21 SENATOR DeFRANCISCO: You know,  
22 I'm not quite sure where to begin here. I  
23 just think this is so ridiculous, and it gets  
24 more ridiculous each week.

25 We're asked to extend for our ninth

1       time a budget extender to keep government  
2       operating. And from what we've been told in  
3       the past, at midnight of the day we're doing  
4       these extenders, everything is going to stop,  
5       government is going to stop. Well, if we used  
6       our entire two hours of time on this debate,  
7       we would have the government stopped, because  
8       it would become 12 o'clock. But nobody  
9       believes that we have to do that to show that  
10      government will not stop.

11               But if there's been a \$6.5 billion  
12      gap that's been closed, that's been closed --  
13      since all we're going to deal with, according  
14      to Senator Kruger, is the additional  
15      \$2.5 billion, that that's going to be divided  
16      up among tables -- shouldn't somebody be given  
17      the knowledge of what those \$6.5 billion of  
18      closers are? I mean, you're going to get us a  
19      list after nine extenders?

20               In fact, I think it was at least a  
21      week ago that Assembly Speaker Silver actually  
22      said that there's \$6.5 billion of the gap has  
23      been closed. Apparently it's been done  
24      miraculously, because there's been no leaders'  
25      meeting till last week, and there's not

1 another leaders' meeting till tomorrow.

2 But if that's been done, shouldn't  
3 the public or the rank-and-file members be  
4 notified of what that \$6.5 billion gap that's  
5 been closed, how it was closed? I've got a  
6 feeling the reason no one is notified is that  
7 it hasn't been closed, and we're being given  
8 more nonsensical answers to legitimate  
9 questions.

10 I know the people in my district, I  
11 know we're falling over ourselves -- as a  
12 veteran, I'm a veteran -- we're all falling  
13 over ourselves today to pass veterans bills to  
14 make our veterans feel real good about what  
15 we're doing today. And we had a wonderful  
16 ceremony today, and that's wonderful too.

17 But veterans also are citizens of  
18 this state that, at the -- at least the  
19 parades I was at and the events I was at,  
20 asked me more than once, "What can you tell me  
21 about the budget?" That's of concern to  
22 veterans. Maybe not as much as the exemptions  
23 that we're bestowing upon them tonight. Or  
24 maybe not even as much as the honors we're  
25 giving the people that came here today and

1       were honored.

2               We've got to give answers. We've  
3       got to provide some type of indication that  
4       we're doing something. Other than a game that  
5       is so transparent, and it gets more  
6       transparent every week.

7               You know what's one of the most  
8       ridiculous things about today is we've said  
9       over and over that these public budget  
10      meetings were part of a 2007 reform bill that  
11      all of us were proud of and we're not  
12      following the law. We've done that, I've said  
13      that every week.

14              You know what's really ironic about  
15      today? While that reform bill was being  
16      ignored, the majority party, the Democrats,  
17      came out with a new series of reform  
18      legislation, how they're going to reform the  
19      budget process. And you know what it  
20      provided? We're going to move the date that  
21      the budget is due from April 1 to June 1.

22              Well, guess what. You violated  
23      your new reform before you even passed it.  
24      You violated your new reform before you even  
25      passed it. I mean, how can you defend that?

1 I don't know. I don't know. I'd be  
2 embarrassed. I'm embarrassed even though I --  
3 despite what I say, I have nothing to do or  
4 nothing to say about closing this budget,  
5 because we're not part of it.

6 We're now, by the way, according to  
7 the Comptroller, who happens to be a  
8 Democrat -- that's a nonpartisan person, a  
9 Democrat -- we now went into a negative fund  
10 balance last week. A negative fund balance.  
11 I hope everyone is proud here of everything  
12 that we're doing and proud of our answers on  
13 the floor as to what's going on with the  
14 budget. A negative fund balance, probably for  
15 the first time in history. At least the  
16 history that I know of since I've been here.  
17 And the state had to borrow \$500 million from  
18 the state's temporary investment pool to  
19 continue paying the state's obligations.

20 And by the way, we're not paying  
21 all the state's obligations. And those in  
22 many cases contractually that are over 30 days  
23 in duration that haven't been paid,  
24 contractors and the like, are incurring  
25 interest payments. So we're losing money as



1 we're going through this process.

2 I'm not sure what we're waiting  
3 for, what the majority party and the leaders  
4 are waiting for. What is going to be better  
5 the tenth week or the eleventh week or the  
6 twelfth week? Are we going to get some  
7 magical change in the economy? Well, let me  
8 tell you, the market tanked again today.  
9 There doesn't seem to be much hope, if you pay  
10 any attention to the economists and the budget  
11 and the investor community, that things are  
12 getting better. In fact, they're getting  
13 worse.

14 What miracle is going to happen?  
15 Are we going to get a cash cow from Washington  
16 and some more stimulus money to fill the gap  
17 another year and kick the can of the problem  
18 down the block for another couple of years?  
19 Is that the concept?

20 And by the way, in case that's what  
21 you're waiting for, the taxpayers in this  
22 state that I know don't really care whether  
23 you take their money from the wallet if it's  
24 in this side of the pocket, the state side, or  
25 this side of the pocket if it's the federal

1 side. It's their same wallet, the same money.  
2 It only goes so far. And we don't deal with  
3 our problems as they become due.

4 Are we waiting till people might be  
5 so tired of waiting that they'll buy into  
6 billions of dollars of borrowing? Is that  
7 what we're waiting for? I'm not quite sure  
8 that's going to happen, because I don't think  
9 many people want borrowing to be the answer to  
10 this budget problem.

11 Well, I guess I can go on and talk  
12 about the other extenders and how we went  
13 forward and maybe a week after we make an  
14 amendment, then the road projects are in; a  
15 week after we make an amendment, the racing  
16 season is saved; a week or two after we make  
17 an amendment talking about the parks, the  
18 parks miraculously are saved. I mean, is that  
19 a way to run government?

20 We don't have any amendments today.  
21 You're going to have to figure it out  
22 yourself. You're going to have figure out  
23 yourself how you're going to correct the daily  
24 problems that are arising throughout the  
25 state.

1                   We want to participate. We've  
2           asked to participate. But apparently, to this  
3           date, the Assembly Speaker has not even named  
4           members to the conference committees, and  
5           there's going to be a leaders' meeting  
6           tomorrow. There's no schedule to do anything.  
7           And we're beyond your newest most wonderful  
8           reform action, June 1 budget date. And still  
9           no meeting scheduled.

10                   And rhetorically, I'm just going to  
11          ask the majority, what are you waiting for?  
12          What are you waiting for?

13                   Tomorrow should be extremely  
14          interesting. But I would hope that tomorrow  
15          will show two things, what the \$6.5 billion in  
16          closers are that have been agreed to,  
17          supposedly, what the 6.5 billion of closers  
18          have been agreed to, what they are and what  
19          that agreement was, because none of us  
20          participated in it; and, number two, the  
21          \$2.5 billion in deficit situation that we're  
22          still in, how the structure is going to be  
23          made for the conference committees to deal  
24          with that additional deficit.

25                   And I've got a feeling we're going

1       to have a little talk, some more rhetoric, and  
2       then maybe another week's delay in order for  
3       another grand leaders' meeting to be held  
4       where nothing gets done.

5               It seems to me if there was true,  
6       true belief that something should be done,  
7       then you don't wait from a Monday to the  
8       following Tuesday or Wednesday to appoint  
9       committee members, set a schedule and get a  
10      list of the \$2.5 billion and how you're going  
11      to deal with it. If you are acting in good  
12      faith. But obviously there's little good  
13      faith or no faith that anybody in the state  
14      has for the way the process is working.

15             So I would suggest one last thing  
16      as I'm sitting down. I would suggest, in  
17      order to try to divert the attention of the  
18      general public from this problem, you come out  
19      with another reform package that moves the  
20      date for the budget to be passed from June --  
21      now from June 1, the new date, to July 1. And  
22      then a month from now we'll talk again about a  
23      new reform package that maybe you could come  
24      out with that might move the date further and  
25      further along, maybe to December 1, so you

1 don't have to do a budget before the next  
2 crucial election.

3 So, ladies and gentlemen, at some  
4 point we're going to have that one or two  
5 people over there that's as embarrassed as I  
6 am, and as the people on this side of the  
7 aisle are, and say "Enough is enough, I'm not  
8 voting for this thing," or "Enough is enough,  
9 I'll give you one more week, Week 10," because  
10 we've now gone past our latest, greatest  
11 super-duper reform package on how to deal with  
12 a budget.

13 I'm going to vote nay on this, as I  
14 have in the last several weeks. Thank you.

15 ACTING PRESIDENT CRAIG JOHNSON:  
16 Senator Robach.

17 SENATOR ROBACH: Yes, would  
18 Senator Kruger yield for a couple of quick  
19 questions, Mr. President.

20 ACTING PRESIDENT CRAIG JOHNSON:  
21 Senator Kruger, will you yield for a couple of  
22 quick questions from Senator Robach?

23 SENATOR CARL KRUGER: Yes,  
24 Mr. President.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Kruger will yield.

2 SENATOR ROBACH: Senator Kruger,  
3 I just want to make sure I'm right on this. I  
4 know Senator Sampson has named conference  
5 committee members, Senator Skelos, Brian Kolb.  
6 Who is the only party left that hasn't named  
7 their conference committee members in the  
8 process, out of our four groups?

9 SENATOR CARL KRUGER: Only party?  
10 I don't know what you mean by "party."  
11 Through you, Mr. President. Senator Robach,  
12 what do you mean by "party"?

13 SENATOR ROBACH: Out of the four  
14 participating houses, minorities, majorities,  
15 is the Assembly the only -- is Speaker Silver  
16 the only one who has not named his conference  
17 committees?

18 SENATOR CARL KRUGER: I believe  
19 so.

20 SENATOR ROBACH: And I'm only  
21 asking this because I'm not in the meetings,  
22 and so I really do believe --

23 SENATOR CARL KRUGER: Through  
24 you, Mr. President, in response to your  
25 question, I believe so.

1                   SENATOR ROBACH:     You know what, I  
2     would just ask this through you,  
3     Mr. President.

4                   ACTING PRESIDENT CRAIG JOHNSON:  
5     You wish Senator Kruger to continue to yield?

6                   SENATOR ROBACH:     Would you  
7     continue to yield?

8                   SENATOR CARL KRUGER:     Yes, I do.

9                   SENATOR ROBACH:     There's  
10    obviously a great of frustration, not only  
11    with us but in our constituency. And as much  
12    as they're frustrated with the challenge at  
13    hand, it is very frustrating when I don't  
14    think anybody on either side of the aisle can  
15    answer the question where we're at.

16                   And I think that you would agree  
17    that Senator DeFrancisco's very poignant  
18    question as to what incremental progress we've  
19    made, if any, even behind closed doors --  
20    we're so desperate for information, we'll take  
21    that at this point -- what that is or what we  
22    can report back to our constituents. Is there  
23    anything that we can tell them at this point,  
24    from your negotiations or staff negotiations,  
25    between you and Sheldon Silver's staff and the

1 Governor's staff at this point at all?

2 SENATOR CARL KRUGER: They're  
3 ongoing.

4 SENATOR ROBACH: What's that?

5 SENATOR CARL KRUGER: They're  
6 ongoing.

7 SENATOR ROBACH: All right, let  
8 me ask through you, Mr. President, one more  
9 question.

10 ACTING PRESIDENT CRAIG JOHNSON:  
11 Senator Kruger, will you continue to yield?

12 SENATOR CARL KRUGER: Yes, I do,  
13 Mr. President.

14 SENATOR ROBACH: If my  
15 constituents are unhappy with the answer of  
16 ongoing negotiations with no result, could you  
17 provide me as an insider with anything a  
18 little bit more comprehensive or thorough?  
19 And maybe let me add this to the question: Is  
20 that what you tell your own constituents?

21 SENATOR CARL KRUGER:  
22 Negotiations are ongoing and they are -- in  
23 my, in the world way I see the world, and they  
24 are fruitful.

25 SENATOR ROBACH: Well, on the



1 bill, Mr. President.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Robach, on the bill.

4 SENATOR ROBACH: You know,  
5 really, nobody wants to shut down government.  
6 That's not what this is about. But we have to  
7 get a result at some point.

8 And my guess is tomorrow Sheldon  
9 Silver, after he agreed publicly with all the  
10 other leaders to do conference committees but  
11 has done nothing in I don't know how many  
12 days -- 10 days, 12 days, whatever -- will  
13 probably continue to play the budget  
14 rope-a-dope game, which doesn't work for my  
15 constituency. I don't think it works for  
16 yours or anybody's, for that matter.

17 But there has to be some pressure  
18 to bear by all the parties to start getting a  
19 result. Now, we have trampled on the Budget  
20 Reform Act of 2007. I don't know the logic.  
21 I don't make that decision. I think it's a  
22 bad one. I think it's a bad one for good  
23 government, but I also think it's a bad one  
24 for results.

25 We're in challenging times, and

1       this is where we should be letting the public  
2       know the difficult decisions we have and  
3       letting them in, so to speak, on what we can  
4       do. Instead, you the Democratic conferences,  
5       have chosen to go in exactly the opposite  
6       direction and make it as closed and  
7       nontransparent as possible.

8               And so now not only are we  
9       frustrated with the result, but I literally  
10      can't go back to my district, when a business  
11      group, a community group says "What's going on  
12      with the budget?" and really give them too  
13      much information that's accurate. And, you  
14      know, the one thing I have in this business is  
15      my word, my handshake and my bond. But when  
16      you don't have any information, how can you  
17      really talk to somebody about what you're  
18      going to do?

19             So we really not can do better,  
20      must do better for our constituencies. And I  
21      won't even go into all the people that can't  
22      make their budget, school districts and  
23      everything else.

24             But the time is long overdue. So I  
25      hope everybody will get a little focused, and

1       whatever pressure we can provide to get this  
2       budget done, where we're already two months  
3       late, get these conference committees really  
4       going and make sure everybody participates,  
5       critically, critically important.

6               But until that time, I'm going to  
7       continue to vote no for this extender. And I  
8       think it's hard, if you're voting yes, to  
9       really go back to anybody and say in good  
10      faith something constructive is trying to  
11      happen to get a budget done.

12             Thank you, Mr. President.

13             ACTING PRESIDENT CRAIG JOHNSON:  
14      Senator Flanagan.

15             SENATOR FLANAGAN:     Thank you,  
16      Mr. President. Would Senator Kruger yield to  
17      a question?

18             ACTING PRESIDENT CRAIG JOHNSON:  
19      Senator Kruger, do you yield to a question  
20      from Senator Flanagan?

21             SENATOR CARL KRUGER:    Yes, I do,  
22      Mr. President.

23             ACTING PRESIDENT CRAIG JOHNSON:  
24      Senator Flanagan.

25             SENATOR FLANAGAN:     Thank you.

1                   Senator Kruger, I listened to your  
2                   dialogue with Senator DeFrancisco with rapt  
3                   attention, like most of my colleagues. And I  
4                   want to hone in on one thing in particular.  
5                   You talked about the \$6.5 billion, you alluded  
6                   to "small closers." I would agree with  
7                   Senator DeFrancisco, \$6.5 billion is a lot of  
8                   money. It represents well over 4 percent of  
9                   our entire budget. And you referenced that  
10                  there would be a list that would be put  
11                  together.

12                  My question is, there is a leaders'  
13                  meeting tomorrow at 11 o'clock. Will that  
14                  list be available for the public's review and  
15                  consumption prior to that leaders' meeting?

16                  SENATOR CARL KRUGER:       Through  
17                  you, Mr. President. I can't say with any  
18                  certainty that there will be.

19                  SENATOR FLANAGAN:       Mr. President,  
20                  on the bill.

21                  Thank you, Senator Kruger.

22                  ACTING PRESIDENT CRAIG JOHNSON:  
23                  Senator Flanagan, on the bill.

24                  SENATOR FLANAGAN:       I'm going to  
25                  join in the comments of my colleague and

1 friend Senator DeFrancisco. It's not  
2 fruitful, it's not ongoing, it's dead, it's  
3 fruitless, it's a disgrace what we're involved  
4 in right now.

5 Now, I'm going to touch on  
6 something that Senator DeFrancisco briefly  
7 touched on. The reality is we are at a  
8 crossroads. We're out of cash. We are out of  
9 cash. And the way we staved off the  
10 inevitable was in a temporary way by saying  
11 the \$2.3 billion that was supposed to go out  
12 June 1st to our school districts, who have  
13 been clamoring for the money, we're not paying  
14 it. Because we don't have it.

15 And then on top of that, we take  
16 \$500 million from the short-term investment  
17 pool. And I know in some respects this is  
18 absolutely tedious to listen to, but it is so  
19 incredibly important. We took \$500 million  
20 from that fund. And last year in the budget  
21 we made this funky little change that allowed  
22 some of this to happen.

23 Last year, before we enacted the  
24 budget, any money that was ever borrowed from  
25 that pool had to be paid back within the same

1 month. That's not the rule anymore. Now it  
2 can be done crossed over months. So now,  
3 instead of paying it back within the inside of  
4 a month, it can go for four months or to the  
5 end of the fiscal year, whichever is shorter.

6 And I know that there are some  
7 discussions -- not on a list, not publicly --  
8 about potentially doing intrayear transfers.  
9 The head of the Division of the Budget is  
10 quoted, as late as this afternoon: "'New York  
11 has been able to stave off an empty treasury  
12 thanks to holding back on aid to  
13 municipalities and schools,' Division of  
14 Budget Director Robert Mega said this  
15 afternoon."

16 And then he goes on to say, "I  
17 think it really depends, in terms of layoffs  
18 and things we're facing, how successful the  
19 early retirement program is. But there's  
20 almost no scenario under the early retirement  
21 program where we get all the savings we need."

22 Ladies and gentlemen, we're out of  
23 money. I don't know how we can possibly go  
24 back to our constituents and say it's ongoing  
25 and it's fruitful. There's nothing going on.

1       There's nothing that's happened since the  
2       leaders' meeting last week.

3               I went to parades over the weekend  
4       just like everybody else. It's embarrassing  
5       to have to stand there and say, "No, there is  
6       no budget." "No, there is no prospect of a  
7       budget happening anytime soon."

8               So I'm going to do what I've done  
9       for the last eight weeks. I'm going to  
10      exercise the one power, discretion and  
11      absolute authority that I have, just like  
12      everybody else in the chamber and across the  
13      way in the Assembly: I'm going to use my  
14      vote. That's the one thing that makes me as  
15      powerful as any leader, any chair in either  
16      house.

17              And I'm going to vote no, because  
18      it's ridiculous that we're letting this  
19      charade and this folly go on. The taxpayers  
20      deserve a lot better and a lot quicker.

21              ACTING PRESIDENT CRAIG JOHNSON:  
22      Seeing no other Senators wishing to debate the  
23      bill, the debate is closed.

24              The Secretary will please ring the  
25      bells.

1 Read the last section.

2 THE SECRETARY: Section 17. This  
3 act shall take effect immediately.

4 ACTING PRESIDENT CRAIG JOHNSON:  
5 Call the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT CRAIG JOHNSON:  
8 Senator Saland, to explain his vote.

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

11 I'm going to cast my vote in the  
12 negative. But I merely wanted to make  
13 mention, in listening to the exchanges here on  
14 the floor about \$6.5 billion of alleged  
15 agreed-upon and yet unseen cuts and another  
16 \$2.5 billion to go, some of us may be aware of  
17 the fact that the Governor's budget called  
18 upon an additional billion dollars or included  
19 an additional billion dollars in so-called  
20 FMAP or Medicaid money.

21 When last seen, that money had  
22 disappeared from the federal budget,  
23 notwithstanding the entreaties of a number of  
24 New York Congressional delegation members that  
25 that in fact was going to happen.



1                   So at this moment, as we stand here  
2                   today, there's at least an additional  
3                   billion-dollar hole in the Governor's proposed  
4                   budget. So I would hope that we would be  
5                   thinking in terms of dealing with not  
6                   \$2.5 billion more, but \$3.5 billion more.

7                   Thank you, Mr. President.

8                   ACTING PRESIDENT CRAIG JOHNSON:  
9                   Senator Saland, how do you vote?

10                  SENATOR SALAND:       No.

11                  ACTING PRESIDENT CRAIG JOHNSON:  
12                  Senator Saland to be recorded in the negative.

13                  Are there any other Senators  
14                  wishing to explain their vote?

15                  Announce the results.

16                  THE SECRETARY:       Those recorded in  
17                  the negative on Calendar Number 677 are  
18                  Senators Alesi, Bonacic, DeFrancisco, Farley,  
19                  Flanagan, Fuschillo, Golden, Griffio, Hannon,  
20                  O. Johnson, Lanza, Larkin, LaValle, Leibell,  
21                  Libous, Little, Marcellino, Maziarz, McDonald,  
22                  Nozzolio, Padavan, Ranzenhofer, Robach,  
23                  Saland, Seward, Skelos, Volker, Winner and  
24                  Young.

25                  Ayes, 32.   Nays, 29.

1                   ACTING PRESIDENT CRAIG JOHNSON:

2           The bill is passed.

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

6                   Can we just have some order,  
7           please, in the chamber.

8                   Senator Klein.

9                   SENATOR KLEIN:     Mr. President,  
10          can we please return to motions and  
11          resolutions.

12                   ACTING PRESIDENT CRAIG JOHNSON:  
13          Returning to the order of motions and  
14          resolutions.

15                   Senator Klein.

16                   SENATOR KLEIN:     On behalf of  
17          Senator Ruth Hassell-Thompson, on page number  
18          27 I offer the following amendments to  
19          Calendar Number 570, Senate Print Number 3890,  
20          and ask that said bill retain its place on  
21          Third Reading Calendar.

22                   ACTING PRESIDENT CRAIG JOHNSON:  
23          So ordered.

24                   SENATOR KLEIN:     Mr. President, is  
25          there any further business at this desk?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ACTING PRESIDENT CRAIG JOHNSON:

Senator Klein, the desk is clear.

SENATOR KLEIN: There being no further business, Mr. President, I move that we adjourn until Wednesday, June 2nd, at 3:00 p.m.

ACTING PRESIDENT CRAIG JOHNSON:

There being no further business to come before the Senate, on motion, the Senate stands adjourned until Wednesday, June 2nd, at 3:00 p.m.

(Whereupon, at 10:37 p.m., the Senate adjourned.)