THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 1, 2010

4:07 p.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

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

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

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

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

ACTING PRESIDENT VALESKY: The reading of the Journal.

The Secretary will read.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

SENATOR KLEIN: Mr. President, on behalf of Senator Stachowski, on page number 30 I offer the following amendments to Calendar Number 604, Senate Print Number 7664, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT VALESKY: The amendments are received.

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

ACTING PRESIDENT VALESKY: The amendments are received.

SENATOR KLEIN: Mr. President, I

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

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

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

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

ACTING PRESIDENT VALESKY: Substitutions ordered.

Senator Klein.

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

immediate adoption.

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

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Senator Adams, on the resolution.

SENATOR ADAMS: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Adams.

Senator Farley.

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

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

the brightest.

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

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

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

Thank you.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Farley.

Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

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

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

(Applause.)

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

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

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

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

(Applause.)

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

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

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

call.

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

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

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

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

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

Thank you, and God bless you all.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Larkin.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. Chairman.

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

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

(Applause.)

SENATOR BONACIC: He is here with

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

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

Thank you.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Bonacic.

Senator Espada.

SENATOR ESPADA: Thank you, Mr. President.

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

Barret.

(Applause.)

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

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

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

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

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

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

I want to call attention to this

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

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

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

Thank you for your contributions, because they are everlasting.

Thank you so very much, Mr. President.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Espada.

Senator Smith.

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, and God bless.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Smith.

Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President.

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

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

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

(Applause.)

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

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

living but those who continue to serve.

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

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

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Griffo.

Senator Huntley.

SENATOR HUNTLEY: Thank you, Mr. President.

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

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

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

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

(Applause.)

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

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

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

(Applause.)

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

greetings also to all of you.

Thank you kindly for coming.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Huntley.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

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

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

(Applause.)

SENATOR LIBOUS: Joe, please

stay.

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

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

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

his many heroic deeds in the service of our country.

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

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Libous.

Senator Volker.

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

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

(Applause.)

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

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

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

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

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

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

(Applause.)

MR. RYCHLICKI: You're welcome!

(Laughter.)

ACTING PRESIDENT VALESKY: Thank you, Senator Volker.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you,

Mr. President and my colleagues.

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

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

(Applause.)

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT VALESKY:

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Nozzolio.

Senator Breslin.

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

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

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

(Applause.)

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

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

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

(Applause.)

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

Would you stand, please, Lillian?

(Applause.)

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

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

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

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

But then, near the end of the war,

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

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

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

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

Thank you, Lillian.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Breslin.

Senator Alesi.

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

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

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

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

(Applause.)

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

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

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

went way beyond normal conventional security.

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

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

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

But most importantly, knowing John

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

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

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

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Alesi.

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

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

You did a great job.

(Applause.)

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

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

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

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

What's also impressive about

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

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

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

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

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

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

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

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

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

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

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Golden.

Senator Stewart-Cousins.

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

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

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

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

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

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

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

(Applause.)

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

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

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

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

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

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

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

(Applause.)

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

Senator Foley.

SENATOR FOLEY: Thank you, Mr. President.

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

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

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

One who is not in the chamber but

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

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

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

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

Thank you, Mr. President.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Foley.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you.

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

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

would you stand?

(Applause.)

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

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

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

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

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

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

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

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

or three years ago.

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

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

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Oppenheimer.

Senator Owen Johnson.

SENATOR OWEN JOHNSON: Thank you, Mr. President.

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

My honoree today is Richard

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

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

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

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

today.

Thank you, Richard.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you Senator Johnson.

Senator Hannon.

SENATOR HANNON: Thank you, Mr. President.

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

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

(Applause.)

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT VALESKY:

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Hannon.

Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

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

to bringing us to this very day.

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

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

(Applause.)

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

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

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

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

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

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

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

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Saland.

Senator Thompson.

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

Would you be kind enough to stand up?

(Applause.)

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

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

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

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

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Thompson.

Senator Fuschillo.

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

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

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

(Applause.)

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

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

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

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

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

Tom, thank you and God bless you.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Fuschillo.

Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President.

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

One of the things which is very

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

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

(Applause.)

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

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

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

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

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

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

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

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

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

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

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

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Ranzenhofer.

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

Senator Peralta.

SENATOR PERALTA: Thank you, Mr. President.

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

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

The Lexington School for the Deaf

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

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

So before we welcome them, I want

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

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

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Peralta.

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

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

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

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

(Applause.)

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

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

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

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

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

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

(Applause.)

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

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Marcellino.

Senator McDonald.

SENATOR McDONALD: Thank you, Mr. President.

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

this morning, and he was ill.

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

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

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

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

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

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

Thank you.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator McDonald.

Senator Flanagan.

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

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

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

(Laughter.)

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

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

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

(Applause.)

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

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

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

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

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

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

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

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

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

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

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Flanagan.

Senator Dilan.

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

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

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

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

(Applause.)

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

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

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

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

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

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Dilan.

Senator Sampson.

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

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

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

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

in the past and present but also in the future.

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

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

Thank you very much, Mr. President.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Sampson.

Senator Onorato.

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

here.

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

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

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

And again, congratulations and God bless you all.

(Applause.)

ACTING PRESIDENT VALESKY: Thank

you, Senator Onorato.

Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

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

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

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

And Frank was there. Frank was

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

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

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

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

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

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

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

Thank you.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Young.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

(Standing ovation.)

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

Senator Klein.

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

ACTING PRESIDENT VALESKY: One second, Senator Libous.

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

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

These outstanding young individuals

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

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

ACTING PRESIDENT VALESKY: Senator Libous, pardon the interruption. It's a bit difficult to hear.

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

Thank you. Thank you, Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

As I was saying, our young people

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

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

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

Let's give them a big round of applause.

(Applause.)

ACTING PRESIDENT VALESKY: Thank you, Senator Libous.

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

Senator Klein.

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

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

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

Albany, New York, on June 1, 2010.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

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

Senator Klein.

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

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

Temporary President?

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Klein.

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

immediate adoption.

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

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President,

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

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

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Klein.

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

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

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY:

Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Klein.

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

ACTING PRESIDENT VALESKY: Senator Foley, on the resolution.

SENATOR FOLEY: Thank you, Mr. President.

I rise today to also salute George

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Foley.

Senator Craig Johnson, on the resolution.

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

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

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

Long Island.

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

ACTING PRESIDENT VALESKY: Thank you, Senator Johnson.

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

Senator Klein.

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

New York.

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson, on the resolution.

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

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

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

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

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

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

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

Thank you, Mr. President.

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

As Senator Klein indicated, this resolution was previously adopted.

Senator Klein.

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

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Read the last section.

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The

bill is laid aside.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Announce the results.

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

Ayes, 55. Nays, 6.

ACTING PRESIDENT VALESKY: The bill is passed.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

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

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

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT VALESKY: The bill is passed.

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

SENATOR LIBOUS: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

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

ACTING PRESIDENT VALESKY: The

Secretary will ring the bells.

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

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read.

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

SENATOR LIBOUS: Read the last section.

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

The Secretary will ring the bells.

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

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

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

Ayes, 32. Nays, 29.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

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

The Secretary will read.

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

SENATOR LIBOUS: Read the last section.

ACTING PRESIDENT CRAIG JOHNSON: Debate is closed. The Secretary will please ring the bell.

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Padavan, why do you rise?

SENATOR PADAVAN: Mr. President, is there a rule that during this period of voting a member should be in their seat? Is there such a rule in this house?

ACTING PRESIDENT CRAIG JOHNSON: Let me consult the rules, Senator Padavan.

Senator Klein.

SENATOR KLEIN: Mr. President, can we please lay the bill aside for the day.

ACTING PRESIDENT CRAIG JOHNSON: The roll call is withdrawn. The bill is laid aside for the day.

The Secretary will read.

THE SECRETARY: Calendar Number

196, by Senator Savino, Senate Print --

ACTING PRESIDENT CRAIG JOHNSON: Senator LaValle, why do you rise?

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

ACTING PRESIDENT CRAIG JOHNSON: Senator Padavan or Senator LaValle, are you making a point of order?

SENATOR LaVALLE: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator LaValle, I will consult the rules as we are reading the roll for the next bill and then I'll make sure I get you that answer.

SENATOR LaVALLE: Yes, thank you.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read.

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

ACTING PRESIDENT CRAIG JOHNSON: Senator Lanza, why do you rise?

SENATOR LANZA: On the bill.

ACTING PRESIDENT CRAIG JOHNSON: Senator Lanza, on the bill.

SENATOR LANZA: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

distinctions between a babysitting situation and another situation.

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

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

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

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

SENATOR DIAZ: Yes, sir.

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

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

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

Senator Lanza.

SENATOR LANZA: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

SENATOR LANZA: Yes, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

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

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

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

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

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

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

SENATOR STAVISKY: Thank you, Mr. President.

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

SENATOR LIBOUS: Point of order, Mr. President.

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

SENATOR SAVINO: Yes?

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

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

SENATOR LANZA: He said it, Senator.

SENATOR SAVINO: Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Senator Lanza, you may continue.

SENATOR LANZA: Thank you, Mr. President. And I'll answer the question, and then Senator Diaz I'm sure is free to ask anyone in the chamber questions that he has.

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

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

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

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

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

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

SENATOR LANZA: Yes, Mr. President.

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

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

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

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

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

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

Today -- my grandfather used to

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

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

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

that's the concern I have with this legislation.

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

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

SENATOR SAVINO: Thank you, Mr. President.

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

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

But what they're doing is nothing

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

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

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

they rose.

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

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

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

And that invisible workforce that

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

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

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

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

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

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

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

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

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

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

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

Senator Johnson addressed concerns

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

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

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

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

I sincerely hope all of you will

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

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

Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Senator Hassell-Thompson.

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

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

ACTING PRESIDENT CRAIG JOHNSON: Senator Lanza, will you yield for a question from Senator Hassell-Thompson?

SENATOR LANZA: Yes, Mr. President.

SENATOR HASSELL-THOMPSON: Just a

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

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

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

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

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

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

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

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

SENATOR LANZA: Yes, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Hassell-Thompson.

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

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

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

appear to be from the outset.

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

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

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

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

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

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

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

SENATOR HASSELL-THOMPSON: Thank you, Senator Lanza.

On the bill.

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

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

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

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

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

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

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

I can't see how we could say that

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

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

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

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

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

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic.

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

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

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

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

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

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

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

SENATOR BONACIC: Right. But my

point is --

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic, do you wish her to yield for another question?

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

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Bonacic.

SENATOR BONACIC: Will Senator Savino yield to another question?

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

SENATOR SAVINO: Yes.

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

SENATOR SAVINO: That is correct. But that is consistent with most workplaces, unless you have established the practice of doing a criminal background check on your prospective employees, as some employers do.

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

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

SENATOR SAVINO: Yes.

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

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

SENATOR BONACIC: Okay. Do you know --

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

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

ACTING PRESIDENT CRAIG JOHNSON: You're welcome.

Senator Savino, do you wish --

SENATOR SAVINO: Yes.

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

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

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

SENATOR BONACIC: Okay. So --

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

SENATOR BONACIC: Will Senator Savino yield to another question.

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

SENATOR SAVINO: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic.

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

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

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

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

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

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

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

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

SENATOR SAVINO: Yes.

ACTING PRESIDENT CRAIG JOHNSON:

Senator Savino continues to yield.

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

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

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

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

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

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

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

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

SENATOR SAVINO: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Savino continues to yield.

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

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

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

SENATOR BONACIC: Out of the state fund.

SENATOR SAVINO: Yes.

SENATOR BONACIC: Okay. Thank you.

SENATOR SAVINO: Thank you.

SENATOR BONACIC: On the bill.

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

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

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

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

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

For many reasons, we should be

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

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

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

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

Senator Saland.

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

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

SENATOR SAVINO: Yes, Senator Saland.

ACTING PRESIDENT CRAIG JOHNSON: Senator Saland, she'll yield.

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

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

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

SENATOR SALAND: Would Senator Savino continue to yield.

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

SENATOR SAVINO: Yes.

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

ACTING PRESIDENT CRAIG JOHNSON:

Senator Savino.

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

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

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

What is a casual laborer?

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

SENATOR SAVINO: Excuse me?

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

SENATOR SALAND: What is a casual laborer?

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

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

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

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

ACTING PRESIDENT CRAIG JOHNSON: Senator Savino --

SENATOR SAVINO: Yes.

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

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

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

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

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

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

SENATOR SALAND: Could you excuse me, Senator Savino.

Would someone please shut off their cellphone? Thank you.

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

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

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

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

SENATOR SAVINO: Yes.

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

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

SENATOR SAVINO: One second.

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

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

If that makes -- if that answers your question.

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

On the bill, Mr. President.

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

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

And I would respectfully submit

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

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

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

have the ability to get that authority.

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

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

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

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

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

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

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

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

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

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

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

Thank you, sir.

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Saland.

Senator Schneiderman.

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

ACTING PRESIDENT CRAIG JOHNSON: Senator Schneiderman, on the bill?

SENATOR SCHNEIDERMAN: On the bill, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Schneiderman, on the bill.

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

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

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

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

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

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

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

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

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

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

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

rights, it provides a minimal remedy.

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

ACTING PRESIDENT CRAIG JOHNSON: Senator Parker.

SENATOR PARKER: On the bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT CRAIG JOHNSON: Senator Espada.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Espada.

Senator Klein.

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

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

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

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

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

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

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

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

And I think that holds true for most of the domestic workers across our great state. We rely on these people to take care of our children. We rely on them to take care of our elderly loved ones. We rely on them for the basic things that we can't do ourselves. So to deny them equal rights that go to other workers would be a disgrace.

So I think today, I think what we're doing is sort of righting a wrong that

unfortunately took too much time to do here in New York State. So, Mr. President, I vote yes on this bill, and I'm hopeful that we can quickly have an agreement with the Assembly and make this law in New York State finally after all these years.

I vote yes.

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

Senator Smith.

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

Senator Savino, thank you for your leadership on this issue. You know, it's been a year or so we have been fighting aggressively. You have shepherded this piece of legislation in such a way that I hope it becomes a model on how one can move a piece of legislation through this chamber, with my assumption that some Republicans will be voting for this as well.

To my friends who are in the gallery, thank you for keeping us focused. It's a little bit unfortunate that you had to work this hard. But all hard work yields good

results, and I believe today you will have that result.

It is important. Two hundred thousand workers. Senator Schneiderman talked about basic rights, something that you deserve. Colleagues, they have a job. When you have a job, you deserve certain rights and benefits from having at a job. I have a job. I have certain basic rights that I get from having that job. I believe all you're asking for is to have that same respect. And today you you're going to get that same respect, because Senator Savino has worked very hard for that.

This is a basic rights bill. As my colleagues have said, there has been a number of statements on the floor that were inaccurate with regard to the extent of what this bill does. And perhaps, Senator Savino, you could have worked a little harder and put more stuff in here. But at the end of the day, what is happening is that you are now going to have the same respect that you deserve, the same respect that you asked for, the same respect that you asked for when you

came into every one of our offices. Patiently, you waited, and now your patience is going to pay off.

We have more to do. This is just a beginning. But this is your day. Do not let anyone rob you of your success that you have proven that this system can work if you stay focused and you band together. Congratulations to you. Congratulations to my colleague Senator Diane Savino. And congratulations to my colleagues who are going to do the right thing on behalf of these individuals.

Thank you, Senator. I will be voting in the affirmative.

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

Senator Adams, on the bill.

SENATOR ADAMS: Thank you, Mr. President.

And I just want to say both to Senator Lanza and Senator Bonacic and to those of you who are in the gallery, some of their questions, you know, both Senator Bonacic and Senator Lanza, really they asked questions

from the heart, and I don't think one should personalize and feel that they didn't. Those are some concerns they had and they wanted to raise.

But let me just give a few points that we need to know of. Someone raised a question about a background check. Let me let you in on a secret. You don't do a criminal background check for Senators. Okay? There is no criminal background check for any Senator that's elected. So you know, that's number one.

And just go down for a moment. To say in Gabon they're paying someone a quarter and in New York they're paying them $2 under minimum wage but at least they get more than in Gabon, you don't -- there's no -- you know, tyrannical actions cannot be based on intensity. What's wrong is wrong. You don't sit and state that, well, they're denying you over where you came from and so we should be able to deny you just one notch more. That's wrong.

The reason we are Americans is because we set the tone on what's right. We

don't set the tone from the bottom up, we set the tone from the top up. People who are employed are deserving of basic rights, and this is what Senator Savino is stating.

And so we can philosophize and romanticize on all the other issues that get away from the basic rights. And if you will look closely on the floors of these galleries, you will see the fingernails that were bit off from countless number of people who made the pilgrimage to sit up in these rafters hoping that we will have the audacity and respect to vote the right way although we do not live what you live. This is what this is about.

Every group of Americans -- Chinese-Americans, Italian-Americans, Irish-Americans, African-Americans -- all sat in those galleries one day and bit off their nails hoping that they can get 32 votes just so they could be treated with a level of dignity and respect. There's nothing different from this group that's here. They've all, we've all made this pilgrimage.

It was only the beginning of last year when we saw the gay community sitting up

in those rafters. Women that were fighting for the right to vote sat in those rafters. Italian-Americans that made their way past Ellis Island sat up in those rafters. Chinese-Americans that were working in sweatshops sat up in those rafters. There's a history of people who sat up in these rafters.

What you are asking for is no different than every American that made their way here. You did a pilgrimage through 87 North to come here and follow the rich tradition of Americans that merely stated, We too love America and we too want to benefit from America.

And human rights are not based on your immigration status. You don't look at your immigration status, I don't want to see your green card before I decide if I'm going to treat you like a human being. I won't sit and raise the question "But first let me find out if you're here legally or illegally." That's a federal government problem. New Yorkers treat people with dignity and respect regardless of what's in your passport. And don't let anyone deny you the right to be

treated like a human being merely because of your immigration status. You deserve to be treated like a human being.

I'm hearing all of this eloquence about, well, you're an illegal alien so we can treat you a certain way. We can pay you less based on you should be lucky you're here. Listen closely to that. That's what they told every immigration group, every one. Every immigrant group was told that.

This is a landmark piece of legislation, and we can only retrospectively appreciate what Senator Savino did. Can you imagine the joy that I can actually vote on a piece of legislation that impacts me personally it? I sat down as a child every night and watched my mother's footprints in the snow as she was a domestic worker, and would only sleep after they were covered up from the snow. Coming home at 7 o'clock in the morning after cleaning house after house. And here I got the right now to vote on a bill that impacts my life.

I don't speak for those people; I am those people. We're going to pass this

bill here today. And hopefully your son or daughter will come on this floor one day and vote on a piece of legislation that a nail-biting person had to hope that 32 people came together and, although they didn't live your experience, they understood your pain and understood your experience. That's what this is all about.

I am proud to be able to vote for this legislation. I'm proud to be part of this landmark experience that's about to take place. I'm proud to know that we have the opportunity to make sure every employee in this state is treated better than what we treat animals. To hear Senator Savino state horses are allowed two days off. Horses.

If horses are allowed two days off and people are telling you you don't have the right to two days off, or one day off, I can't believe that. Forgive them. They know not what they do. Forgive them. They will have the opportunity one day to retrospectively look over this moment of this landmark piece of legislation, and they will understood that they were on the wrong side of history. And I

don't think anything is more tragic than looking over your life and realizing you were on the wrong side of history.

Today I vote aye on this bill because I want history to know I'm on the right side of all those who have adorned those rafters, who have bit off their nails, who have hoped that 32 people can find the audacity to vote the right way and give you the rights of dignity and respect that this country is known for. I am an American, and this is the American way to go. Welcome to the universe of being respected based on our vote.

ACTING PRESIDENT CRAIG JOHNSON: Senator Diaz, on the bill.

SENATOR DIAZ: Thank you, Mr. President. On the bill.

I am Puerto Rican, black with kinky hair. And the majority of the people you see sitting there are Hispanic. And the majority, I believe, of domestic workers are Hispanic. And I feel good and feel bad, and I will tell you why, Mr. President.

I feel bad when I hear Senator

Bonacic telling the whole world that we are doing this for the undocumented and that we are going to give them medical benefits, unemployment benefits, worker compensation benefits, disability insurance benefits to undocumented. That's kind of offensive.

I believe, Mr. President, that the State of New York has a law against hiring undocumented people. I believe that people that hire the undocumented are being punished by the law. So I find that kind of insulting and offensive, telling the whole world that we're doing this because we are going to hire undocumented.

I feel good, Mr. President, because I hear my colleagues, with such a passion, supporting practically my people. Senator Adams spoke about dignity and respect. And I hope that the same passion, the same fervor, the same fire we could find to support Senator Espada's bill for the farmworkers that are also being unjustly treated.

So I hope that I will find the same fire, the same passion to support that bill and to take care of the farmworkers that are

also Hispanic, the majority of them. [In Spanish.]

So, Mr. President, thank you very much for this word. I know that you didn't understand anything that I said in Spanish. But I'm just telling my -- some of the Hispanic people sitting there the victory that they are getting today and that we need their support for the farmworker bill too, because they also need it.

So I'm telling them that they will walk out of here happy -- happy because they got a victory, happy because they got a historic vote -- but don't forget that there are other workers as they that need their support to get for them the same thing they're getting today.

Thank you, Mr. President. And thank you, ladies and gentlemen.

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Diaz.

Senator Perkins, on the bill.

SENATOR PERKINS: Thank you, Mr. President.

I'm going to support this bill.

I'll be brief, because I know much has been said and I agree with all of it.

Senator Adams, I didn't get a chance to meet your mother, though she does remind me of my grandmother. And in fact, when I look up there, I see your mother and my grandmother up there in all those faces of all those women, who came home like your mother came home or came home like my grandmother came home, to take care of the family, and were treated as second-class workers, second-class citizens.

Senator Savino, I want to thank you so much for the extraordinary accomplishment you've made. I know this was not an overnight sensation; this took a lot of work. And I know that we've heard some prejudices that were disturbing. But we've made history, you have made history, we've been able to join you in making history in a very, very important way that resonates not only with respect to the domestic workers' rights, which I believe are as American as apple pie, but also with respect to the farmworkers' rights, that hopefully we'll be able to get an opportunity

to move in the same direction.

And hopefully this debate, this discussion will not only bring out those prejudices but will also give us an opportunity to grapple with them and maybe move away from them. It's sometimes a little surprising to see some of the thinking that we have still amongst us.

But it's all good. It's all good because we're moving forward, it's all good because it's an honest debate, it's an important debate. And the right thing, after all is said and done, is going to be done, and we're all going to feel very good about it.

This is one of the proudest moments any of us could feel in a body like this, to be able to do for so few what has been done so often for so many -- they who are women, especially, who have had to struggle with being treated with respect and dignity and get the right kind of pay and treatment for the work that apparently is very essential. A lot of folks can't do without them.

And in fact, they're afraid that this law will alienate you from them. And

quite the opposite. You will be even more bonded with them than ever before, and in a way that will be more dignified than ever before.

So I'm honored at this moment to be able to be a part of this historic occasion for this leadership in this Senate, this historic leadership in this Senate. This could not have been done otherwise.

And so congratulations again. Congratulations to all of you. I'm going to say hello to my grandmother, I'm going to say hello to your mother. I know they're sitting up there just like you. I see you, Grandma, right there smiling. I see you. And I'm here too. Okay? So thank you for bringing me here.

I vote aye.

ACTING PRESIDENT CRAIG JOHNSON: Senator Duane, on the bill.

SENATOR DUANE: Thank you, Mr. President.

I want to thank and congratulate Senator Savino for her determination, her -- really, her doggedness on this legislation.

And she just -- her heart being so much into this I think is what has moved it to the floor today, and I think that's really wonderful.

I was interested to hear earlier my colleague from Sullivan and Orange and Ulster County to talk, because my great-grandmother worked for a family in Goshen as a household servant. And that's -- I want to say she had some shame around that and what happened to her while she was working in that household. And her daughter, my grandmother's sister, my Aunt Margaret, also worked as a domestic, and then was able to go on and become a teacher in the New York City public school system.

And without going in great detail on the merits or even the politics of this legislation, I do want to say that it's in part because of who those women were in my life and what they passed down to me that I am really happy to be here to vote for this. And also sorry that it took us so long, but happy that we are doing this.

And, you know, I believe that this legislation is something that in this state we will be as proud of as we are for the

organizing that went on because of the terrible tragedy of the Triangle Fire, which is a building in my district. I am fortunate enough to live in housing that was built by the ILGWU, which was founded as a result of that.

So whether it's this legislation or our outlawing of the child labor, and because we allowed workers to speak for themselves, I am going to be very happy, proud, a little bit with a feeling of bittersweetness to be able to vote for this legislation, and look forward to our Governor signing it into law. And I think that Senator Savino will -- it's just one of the many reasons that Senator Savino will have many mentions in our state history books.

Thank you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Duane.

Senator Peralta, on the bill.

SENATOR PERALTA: Thank you, Mr. President. On the bill.

I want to congratulate Senator Savino for this landmark piece of legislation,

something that is long overdue, as was previously stated.

I want to thank everyone who's here in the gallery for showing up and for pushing this effort. Because without your effort, without your push, this would not become a reality today. You definitely did a great job in making this a reality, at least in the New York State Senate, so you should be proud of yourselves today.

I also want to touch on the idea and the concept that was brought up earlier about whether someone is here undocumented or not. I have yet to meet or hear of a sales tax that discriminates against anyone who's documented or undocumented.

Senators have tried to make the connection between the fact that someone is here undocumented and how much of a burden it's going to be on the state, that the state will pick up this burden, whether it's going to be through workers' comp or whether it's going to be through other ways.

But I would argue that whether you're undocumented or you're documented, when

you go to the store and you purchase things and you pay the sales tax, when you pay your income tax, the state doesn't ask you whether you're documented or undocumented. The state does not reject whether you're documented or undocumented, or checks. There's no list. They still receive those dollars.

So I would argue that this piece of legislation, although it's minimal, will probably pay for itself. Because whether you're undocumented or documented, you still pay sales tax. Many pay income tax. So it's going to come back to New York State. So to make that argument, I just wanted to clarify that it's probably not the best argument.

But I stand here today very proud of the fact that I am going to be voting on this landmark piece of legislation. I happened to vote on a piece of legislation that was landmark in the Assembly, and now I'm going to be able to vote on a piece of legislation that's landmark here in the New York State Senate.

And this is just about making sure that people are treated with dignity and

respect, workers are treated with dignity and respect. That's what this is all about. So I don't see why there had to be a two-hour discussion or debate on something so simple and so basic as rights. But it is what it is, and we're here two hours later.

I just want to say that I will continue to support you as workers. I know that many of us will be voting in the affirmative. And I want to congratulate you and say keep up the good work, because now the work is on the other house. Now the struggle will be on the other side. And coming from the other side, I will commit that I will work with you to make sure that I get some of those members to make sure that that becomes a reality on that side.

So I will be voting in the affirmative. Thank you, Senator Savino, for your leadership and your vision.

ACTING PRESIDENT CRAIG JOHNSON: Senator Huntley, on the bill.

SENATOR HUNTLEY: Yes, Mr. President. I would just like to congratulate Senator Savino for this bill.

This bill brings back a lot of memories for a lot of people. And when people talk about undocumented, Afro-Americans were born documented. True Americans. And there are many things that have gone on in the lives of these people that also affected Afro-Americans for many, many years.

So when you listen to people talk about other people's rights, it's kind of heartbreaking that at this point in our lives, at this point in the country, that we still have these prejudices. Because that's what it is. And I just hope that one day we will all be able to come together and care about other people and their values and care that they will be able to raise their families.

You know, just like Senator Peralta said, we have many, many undocumented children in our public schools. Nobody asks them before they take the report card if they're documented. Nobody cares. We're no longer breaking the law because there are so many undocumented people that we have allowed to come. They're here, they're like us.

They're people, they're human

beings, and I think we need to understand that. This is a melting pot. This is no longer just white America. It's a melting pot.

Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Senator Andrea Stewart-Cousins, on the bill.

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

I rise to say to those workers who have sat so quietly in the gallery, those workers who hoped that this moment would come and wanted to bear witness to history, those workers who, up until this point, didn't feel that they had a voice in their place of business, much less in a chamber like this.

And it seemed that for me to stay silent would really be disrespectful of the struggle that it took for each and every one of you to be here today.

So as we do this history-making vote, as we congratulate Senator Savino for her hard work, it reminds us of why we exist: To give voice to you. And why you exist: To encourage others who think that they could

never, ever stand up to power to understand that, yes, it can be done. And when you work together for a cause that's right and just, it works out.

I stand just to pay tribute. We're looking forward to the vote. I think my colleagues must have said that the struggle continues, it doesn't end here. But when you leave here, I hope your heads will be a little bit higher, your stride a little bit stronger, and your purpose more defined.

Congratulations.

ACTING PRESIDENT CRAIG JOHNSON: Senator Padavan.

SENATOR PADAVAN: Would Senator Savino yield to a question.

ACTING PRESIDENT CRAIG JOHNSON: Senator Savino, will you yield for a question from Senator Padavan?

SENATOR SAVINO: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Padavan, Senator Savino will yield.

SENATOR PADAVAN: Senator Savino, a lot of the discussion seems to be generated around the issue of legal immigration, which I

have a slightly different view than some do.

I happen to believe that those who are smuggled into this country and placed almost in bondage, many as domestic workers, is an affront to humanity. It's also a cause of many citizens, people in this country legally, not getting the employment that they not only qualify for but they should be well paid for.

Now, here's my question. If an individual who hires a domestic worker learns that that person they have hired is in this country illegally, and they dismiss them for that reason, would that employer be subject to the same penalties and procedures that your bill provides and which you discussed with some of my colleagues, including Senator Lanza?

SENATOR SAVINO: Through you, Mr. President. I'm assuming you're referring to the notice of termination?

SENATOR PADAVAN: Yeah. Yes.

SENATOR SAVINO: Yes, it would, Senator Padavan.

SENATOR PADAVAN: It would what?

SENATOR SAVINO: The notice of termination would apply even if the employee was an undocumented worker, as many of our labor laws apply to undocumented workers if they're in employment.

SENATOR PADAVAN: But would you yield, Senator.

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

SENATOR SAVINO: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Padavan, she'll continue to yield.

SENATOR PADAVAN: But there's a section in the bill that deals with termination for a reasonable cause, or words to that effect. Would this be not be a reasonable cause?

SENATOR SAVINO: Through you, Mr. President, the question is would the determination by the employer that a domestic worker was an undocumented worker, could that be used to satisfy the reasonable-faith effort to avoid the notice of termination.

(Conferring with counsel.)

SENATOR SAVINO: Through you,

Mr. President, with respect to the determination or the suspicion on the part of the employer that the worker is undocumented, it is unlikely that it would not still require the employer to provide 14 days' notice of termination. Because the way the language is drafted in the bill, that 14-day notice of termination would be waived if the employer reasonably believes in good faith that the domestic worker has committed assault, neglect or abuse.

So just by the suspicion that the person is undocumented, it would not waive that 14-day notice. However, the employer could notify the employee, give them the 14-day notice and tell them not to come back.

The bill also doesn't establish a cause standard for firing workers. Because essentially, under New York State labor law, workers are still at-will workers unless they're covered by a collective bargaining agreement. We are also not providing collective bargaining rights in this bill.

So you can terminate an employee in New York State that's not covered by

collective bargaining rights for good reason, bad reason, or no reason. You just can't terminate them for violations of Title VII of the Equal Employment Opportunities Act.

I hope that answers your question.

SENATOR PADAVAN: Senator, let me ask you another question.

ACTING PRESIDENT CRAIG JOHNSON: Do you wish Senator Savino to continue to yield, Senator Padavan?

SENATOR PADAVAN: There are laws --

ACTING PRESIDENT CRAIG JOHNSON: Senator Savino, do you yield for Senator Padavan?

SENATOR SAVINO: Yes.

SENATOR PADAVAN: There are laws, federal and otherwise, that say you must not, or you're subject to penalty, knowingly hire an illegal immigrant. Would that apply to this case, the situation, the subject area we're dealing with?

SENATOR SAVINO: I have to think about that, Senator Padavan.

While yes, it's true, the law says

you're not supposed to knowingly hire undocumented workers or illegal immigrants, however we want to describe them, the reality is employers do it every day in this state and every other state across the country.

So would the -- would knowing -- I still don't believe it would apply. No, I still don't believe it would apply. I don't believe it has anything to do with it.

SENATOR PADAVAN: On the bill.

ACTING PRESIDENT CRAIG JOHNSON: Senator Padavan, on the bill.

SENATOR PADAVAN: If that is the case, Senator, you're violating the human trafficking law that we have in this state, the toughest in the nation. If the answer to your question is what you said it is, then you're violating an already existing statute.

And I don't think you really are. I think if you look at it further, you'll find out you're not.

SENATOR SAVINO: So perhaps -- through you, Mr. President, perhaps I didn't actually understand the question as you put it to me. So let's try this one again, Senator

Padavan.

SENATOR PADAVAN: Are we opening that up again?

SENATOR SAVINO: Or if you'd like to speak on the bill and I --

SENATOR PADAVAN: I'll speak on the bill. I think we've belabored the point long enough.

But let me just make a couple of points. First, I believe that it is all our responsibilities to ensure that people who are employed in this state, no matter what they are, what that category of employment is, are here in this country either with a green card or some means, visa or whatever.

Because particularly in this category of employment, they are the most obvious and frequent victim of those who come to this country illegally. They are the victim of those who come in and work for less than minimum wage, off the books, and are taken advantage of. And so they don't get the employment that they're entitled to at the pay they're entitled to. So I think that is part of our responsibility to deal with that issue.

Now, your bill does not have an exact companion in the Assembly, as I understand it. And I would suggest to you, as you work with the Assembly in coming up with a bill that is identical, that you take a hard look another some of these questions that have been raised, because they're not entirely without merit.

I'm going to vote for this bill, as you know. But at the same time, I don't think we should be myopic to concerns that have some degree of validity, in order to come up with up with a statute that not only seeks to achieve your objective and your worthy goals, but at the same time makes sense in some other ways.

Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Seeing no other Senators wishing to be heard on the bill, the debate is closed.

The Secretary will ring the bells.

Read the last section.

THE SECRETARY: Section 12. This act shall take effect on the first of January.

ACTING PRESIDENT CRAIG JOHNSON:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Savino, to explain her vote.

SENATOR SAVINO: I will yield to Senator Onorato.

ACTING PRESIDENT CRAIG JOHNSON: Yielding to Senator Onorato to explain his vote.

SENATOR ONORATO: Thank you, Mr. President.

I want to take this opportunity to congratulate Diane Savino for all her perseverance and hard work on putting this bill together. It was a long time in coming, and it was one of her most dedicated missions for this particular session. I want to congratulate her. And as the chairman of the Labor Committee, we worked very, very closely putting this bill on the floor.

And the next bill that's coming up in a very, very short time is going to be my farmworkers bill, so we're going to do all of the people of the State of New York the justice that they deserve.

I vote aye.

ACTING PRESIDENT CRAIG JOHNSON: Senator Onorato will be recorded in the affirmative.

Senator Savino, to explain her vote.

SENATOR SAVINO: Thank you, Mr. President.

First, I want to thank all of my colleagues. I know many of you have been congratulating me on the passage of this bill today, all the work that I've put into it, but quite frankly I don't deserve either the congratulations or the good wishes. It is the people who are sitting up in this chamber around here, and it's those of you who helped me move this bill forward, the 26 cosponsors, including Senator Frank Padavan, those of you who have engaged me in discussion on this bill and I know will continue to.

Believe me, I listened, I heard the concerns that you have. And I believe it is critically important that as we move forward with this bill -- and we will, as we reconcile with the Assembly -- I'm going to be visiting

all of you again, asking for your input, your advice, and to see that we pass a piece of legislation that we can all be proud of.

You know, the history books are going to write a lot of interesting things about the 2009-2010 legislative session, there's no doubt about that. Not all of it will be good. But I hope that before December 31st of this year that this legislative session in the New York State Senate, which has gotten so much coverage for so many reasons, will also be able to show that we made history again for workers' rights, and we're going to do that together.

Tonight is just the first step in equality and justices for the invisible women. Congratulations. Invisible women rise.

(Applause from the gallery.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron, to explain his vote.

SENATOR SQUADRON: Thank you.

Just to join the chorus, I congratulate Senator Savino, despite her demurring, and the women in this chamber and across the State of New York. This is a

historic step for this state and also a step that will change daily lives.

It's a rare opportunity as a state legislator to do something that you know, when it becomes law, will change lives immediately. This will. It's a historic day. Congratulations, Senator Savino, all of my colleagues, and especially all of the people who've made the trek up here today. It really has made a difference. Thank you for being here.

I vote aye.

ACTING PRESIDENT CRAIG JOHNSON: Senator Squadron to be recorded in the affirmative.

Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Thank you, Mr. President.

I also rise to congratulate Senator Savino. This is really a very important bill, and I know you've worked very hard on it.

And the fact of the matter is this is a women's rights bill. And many of the women who work in those situations as domestic

workers are themselves parents, and many of them take care of their own families. So while they work for other families, they also have their own families.

So this goes a long way in at least expressing our support that they should have the right to some equality and some equity in the labor that they do.

So I commend you, thank you, and on behalf of all of those women who depend on these jobs to support their own families, I thank you. I vote aye.

ACTING PRESIDENT CRAIG JOHNSON: Senator Montgomery to be recorded in the affirmative.

Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: We've been discussing this a long time, so I'll be very brief.

It just seems that we should, at this point in our history, be discussing something so basic to human dignity and human rights as this issue is that it's hard for me to believe that we will be the first state in

this nation to be discussing this and, with the help of all of you here, passing it.

So congrats, and we'll be working hard on this. It's really hard for me to believe that we are the first state to touch this. But for each of you, it's going to make a great deal -- a big difference in your lives. And you'll be able to have maybe a little more time with family, maybe a little more time, who knows, to go home to a country that isn't yours right here.

And I just -- I just hope that it will have benefits for each one of you.

I'll be voting yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Oppenheimer to be recorded in the affirmative.

Are there any other Senators that wish to explain their votes?

Seeing none, announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 196 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell,

Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 33. Nays, 28.

ACTING PRESIDENT CRAIG JOHNSON: The bill passes.

(Loud cheers and applause from gallery.)

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Libous, why do you rise?

Order in the chamber, please.

SENATOR LIBOUS: I believe about an hour and a half ago Senator Padavan had a point of order about the voting procedure, and you were going to respond to it.

ACTING PRESIDENT CRAIG JOHNSON: I was riveted by the debate. We'll make sure we get to that point as soon as possible, but I was caught up in the debate.

The Secretary will read.

SENATOR LIBOUS: Pardon me?

ACTING PRESIDENT CRAIG JOHNSON:

I'll get to the answer in a moment. I got caught up in the debate. The Secretary will read. I'll just double-check the answer on voting in your seats.

The Secretary will read.

THE SECRETARY: Calendar Number 365 --

SENATOR LIBOUS: Point of order.

ACTING PRESIDENT CRAIG JOHNSON: Senator Libous.

SENATOR LIBOUS: Point of order.

I'm asking for the rule to be read so the question could be answered.

ACTING PRESIDENT CRAIG JOHNSON: Senator Libous, even though we've moved on, we've moved on, I will gladly say that yes, they're required to be in their seats when they vote.

SENATOR LIBOUS: So you would repeat that one more time?

ACTING PRESIDENT CRAIG JOHNSON: Sure, so you can hear. Even though we've moved on.

SENATOR LIBOUS: What does that mean, "even though we've moved on"?

ACTING PRESIDENT CRAIG JOHNSON: We've moved on from the bill. That was prior to the bill we voted on.

The answer is, Senator Libous, that they're required to be in their seats when they vote.

SENATOR LIBOUS: Mr. President, maybe I'm being confusing, and I apologize. I was asking for a point of order on the rule for voting. And whether we moved on or not didn't seem to be the issue.

So they need to be in their seats in order to vote.

ACTING PRESIDENT CRAIG JOHNSON: Correct, Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: You're welcome, Senator Libous.

The Secretary will now read.

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

ACTING PRESIDENT CRAIG JOHNSON: Are there any Senators wishing to be heard on

the bill?

Seeing none, the debate is closed. The Secretary will ring the bells.

(Pause.)

SENATOR DeFRANCISCO: If anybody is presiding, I have a point of order.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco, what is your point of order?

SENATOR DeFRANCISCO: Do the rules provide a specific amount of -- or a time limit for which we have to wait for someone to show up for a vote?

ACTING PRESIDENT CRAIG JOHNSON: No.

SENATOR DeFRANCISCO: There's no such rule? And --

ACTING PRESIDENT CRAIG JOHNSON: Are you asking for a second point of order? I've just ruled on your first point of order. The answer is no.

SENATOR DeFRANCISCO: Yes, I have a second question.

ACTING PRESIDENT CRAIG JOHNSON: What's your point of order, Senator?

SENATOR DeFRANCISCO: To whom do we refer such a request to in this body in order to make a rule of that nature?

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco, I have requested the members of this entire chamber to stay close to the Senate.

SENATOR DeFRANCISCO: No, no, I --

ACTING PRESIDENT CRAIG JOHNSON: Senator -- I'm ruling on your point of order, Senator DeFrancisco, so please.

SENATOR DeFRANCISCO: Go ahead.

ACTING PRESIDENT CRAIG JOHNSON: Thank you. I have asked the members of the Senate to stay close to their chairs and stay close to this chamber. Obviously maybe one or two or three have had, unfortunately, reasons to exit the chamber. We are now going to wait for them. And we are going to wait for them since there's no time constraint.

So the answer is is you've referred it to me, I'll refer it back to the members of the body again to remind the members of the body to please stay close to the Senate

chambers.

SENATOR DeFRANCISCO: May I repeat my point of order so you answer the question as opposed to what you just answered.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco.

SENATOR DeFRANCISCO: My point of order is to whom do I refer a request that there be a rule change to put a time limit on the amount of time we have to wait for any individual member to do whatever they're doing so that the rest of the members don't have to sit here indefinitely while that person is doing whatever they're doing?

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco, I'm going to refer you to Rule 11 of the Rules of the Senate of the State of New York.

"Resolution to amend the Senate Rules. No amendment to the Senate Rules shall be considered by the Senate unless a resolution for such amendment, together with a memorandum specifying the purpose of the proposed amendment, suspension or rescission, shall be introduced to the Committee on Rules

and reported therefrom to the Senate floor."

So you can take up your request to the Committee on Rules.

SENATOR DeFRANCISCO: Thank you, Mr. President. I believe we can now go forward.

ACTING PRESIDENT CRAIG JOHNSON: Thank you very much, Senator DeFrancisco.

SENATOR DeFRANCISCO: I thought I'd fill with the void with something.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 365 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald,

Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 32. Nays, 29.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

The Secretary will read.

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

ACTING PRESIDENT CRAIG JOHNSON: Seeing no debate, the debate is closed. The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 366 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon,

O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 32. Nays, 29.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

The Secretary will continue to read.

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

ACTING PRESIDENT CRAIG JOHNSON: Seeing no Senators wishing to speak on the bill, debate is closed. The Secretary will please ring the bells.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 517 are Senators DeFrancisco, Farley, Flanagan, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Ranzenhofer, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 37. Nays, 24.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

The Secretary will continue to read.

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

ACTING PRESIDENT CRAIG JOHNSON: Seeing no further debate on the bill, the Secretary will please ring the bells. Debate is closed.

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I vote no on this bill.

And it seems to me that there must be some kind of motive behind this bill to have individuals from the more populous areas of the state to travel around the state and get involved in elections that are nowhere near their home.

I don't know of any situation where if poll watchers are needed, at least in upstate New York, that the local populace who happen to be registered to vote and vote in those elections aren't enough people to be poll watchers.

So to me, this is going to result, in my mind, and the intent of this bill is going to result in people from other districts coming in from other districts, flooding other districts to get involved with elections that are not in their home areas.

I think that's a horrible precedent. And whether or not those poll

watchers happen to be lawyers or not, it's a horrible precedent. And I vote no.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco to vote in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 528 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Senator Young.

Ayes, 32. Nays, 29.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 566, by Senator Thompson, Senate Print 6848, an act to amend the Public Authorities Law.

ACTING PRESIDENT CRAIG JOHNSON: Debate is closed. The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 566 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 32. Nays, 29.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 581, by Senator L. Krueger --

SENATOR KLEIN: Lay the bill

aside for the day, please.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside for the day.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 629, by Senator Schneiderman, Senate Print 7096A, an act to amend the Labor Law.

ACTING PRESIDENT CRAIG JOHNSON: Debate is closed. The Secretary will please ring the bells.

Read the last section.

THE SECRETARY: Section 10. This act shall take effect on the 90th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Saland, to explain his vote.

SENATOR SALAND: Yes, Mr. President.

Mr. President, I'm holding a copy of apparently an editorial from the Buffalo News. And while the subject that it dealt with is the Empire Zones, it reads in part as

follows:

"Taxes are higher in New York, insurance costs more in New York, electricity costs more in New York, labor costs more in New York, regulations are impenetrable in New York.

"The state starts at a disadvantage in keeping and attracting business, so it must play catch-up twice, first to even the field, and again to compete with the incentives offered by states that are already more business-friendly.

"Worrying only about surrounding states won't get the job done. New Yorkers are nothing if not mobile, as the large population of former Buffalonians in North Carolina attests. But it's more than that.

"If a company has installations in several states, including New York, and wants to expand, it will do so in the state where it makes the most economic sense. Our public utilities may be hostages," and there's more of the same. That editorial could have been written about this bill as well.

We are really continuing to drive

nails into the coffin of making New York uncompetitive. And what you're doing is imposing on our ratepayers of our public utilities the requirement to pay more by imposing this wage requirement on public utility company employees.

Mr. President, I vote in the negative.

ACTING PRESIDENT CRAIG JOHNSON: Senator Saland to be recorded in the negative.

Senator Bonacic, to explain his vote.

SENATOR BONACIC: Thank you, Mr. President.

This bill is a job killer, plain and simple. It also will raise the energy costs on businesses and consumers. And the question we ask, if this becomes law, why would any business ever stay in the State of New York?

But where it goes over the top, if an employer does not pay a prevailing wage, he is subject to a C felony prosecution, which carries up to 15 years. Have we gone insane in this chamber?

I vote no.

ACTING PRESIDENT CRAIG JOHNSON: Senator Bonacic to vote in the negative.

Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. I obviously am supporting this legislation.

And I just want to say, in response to some of my colleagues, all this bill does is expand a basic principle that's already embodied in Article 9, which is that if you accept a state contract, if you work for a public agency or if you accept the benefits of state law that enable you to function essentially as a monopoly if you're a utility, you are not, in the State of New York, allowed to pay poverty wages. The State of New York should not subsidize poverty.

I realize there's a philosophical disagreement about this. But, ladies and gentlemen, this is something that is worth fighting for. And just as we took a blow for domestic workers earlier, we're taking a blow for many thousands of service workers across

the state. It is worth it to have people paid prevailing wage. It is worth it to have people able to support their families.

This produces long-term benefits for everyone in this state, and I'm proud to sponsor and support this legislation.

Thank you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Schneiderman to be recorded in the affirmative.

Senator Ranzenhofer, to explain his vote.

SENATOR RANZENHOFER: Thank you, Mr. President. Just briefly.

I rise in opposition to this piece of legislation. They say that insanity is doing the same thing over and over again and expecting to get a different result. What this is is another job-killing piece of legislation.

This will increase costs in a state which already has the greatest cost for doing business in New York State and across the country. This will cause people to lose job and not gain any employment in this state.

We'll continue to send people out of the state and search for jobs elsewhere where the jobs are being created outside of the state.

I'll be voting no.

ACTING PRESIDENT CRAIG JOHNSON: Senator Ranzenhofer to be recorded in the negative.

Any other Senator wishing to explain their vote?

Seeing none, announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 629 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 33. Nays, 28.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

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

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

supplemental active list.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read.

THE SECRETARY: Calendar Number 499, by Member of the Assembly Espaillat, Assembly Print Number 9737, an act to amend Chapter 266 of the Laws of 1981.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Hannon, why do you rise?

SENATOR HANNON: I'd just like to know what bill it is. It's not --

ACTING PRESIDENT CRAIG JOHNSON: It's Calendar Number --

SENATOR HANNON: Is this the addition to the regular active list?

ACTING PRESIDENT CRAIG JOHNSON: Yes.

SENATOR HANNON: Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 630, by Member of the Assembly Espaillat, Assembly Print Number 8296A, an act to amend the Executive Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Ranzenhofer, why do you rise?

SENATOR RANZENHOFER: I don't have a copy of this bill.

ACTING PRESIDENT CRAIG JOHNSON: One second, Senator Volker.

Senator Ranzenhofer, the copy of the bill is in the black book on your desk. You don't have a copy of the supplemental active list?

SENATOR RANZENHOFER: None of my colleagues do.

ACTING PRESIDENT CRAIG JOHNSON: Senator Libous.

SENATOR LIBOUS: It appears that the back row, for some reason, does not have this.

You don't have it either?

ACTING PRESIDENT CRAIG JOHNSON: Senator Libous, we're going to hold for a minute to make sure that the back row has a copy of the supplemental active list sheet that you do have in your possession.

Senator Ranzenhofer --

SENATOR LIBOUS: Mr. President, they were looking for the usual Senate -- it says "Senate Calendar." So I think we've got everything under control.

ACTING PRESIDENT CRAIG JOHNSON: Senator Ranzenhofer, is it sufficient in front of you that --

SENATOR RANZENHOFER: Yes.

SENATOR LIBOUS: Thank you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

Senator Klein, that completes the supplemental active list.

SENATOR KLEIN: Mr. President, at this time there will be an immediate meeting of the Finance Committee, followed by a meeting of the Rules Committee in the Majority Conference Room.

Pending the return of the two committees, can we please stand at ease.

I'd just urge my colleagues to go

to committee and get back as quickly as possible so we can finish for the day.

ACTING PRESIDENT CRAIG JOHNSON: There will be an immediate meeting of the Finance Committee, followed by an immediate meeting of the Rules Committee in Room 332.

To echo Senator Klein, please, if you're members joining the committees, to please come back in. Those members not on the committees, please stay close.

Pending the return of the Rules Committee, the Senate will stand at ease.

(Whereupon, the Senate stood at ease at 8:48 p.m.)

(Whereupon, the Senate reconvened at 9:52 p.m.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a Rules Committee report at the desk. I move that we adopt the report at this time.

ACTING PRESIDENT CRAIG JOHNSON: There is a report of the Rules Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator Smith, from the Committee on Rules, reports the following bills.

Senate Print 103A, by Senator Sampson, an act to amend the Real Property Tax Law;

3171, by Senator Griffo, an act to amend the Education Law;

3539A, by Senator L. Krueger, an act to amend the Real Property Tax Law;

4876A, by Senator Foley, an act to amend the Real Property Tax Law;

5370, by Senator Hassell-Thompson, an act to amend the Real Property Tax Law;

6279A, by Senator Adams, an act to amend the Private Housing Finance Law;

7041, by Senator Valesky, an act to amend the Environmental Conservation Law;

And Senate Print 8019, by the Senate Committee on Rules, an act making appropriations for the support of government.

All bills ordered direct to third reading.

ACTING PRESIDENT CRAIG JOHNSON:

All those in favor of adopting the Rules Committee report please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CRAIG JOHNSON: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT CRAIG JOHNSON: The Rules Committee report is adopted.

Senator Klein.

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

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will read.

THE SECRETARY: Calendar Number 668, by Senator Sampson, Senate Print 103A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 669, by Senator Griffo, Senate Print 3171, an act to amend the Education Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of July.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 670, by Senator L. Krueger, Senate Print 3539A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 120th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: Calendar Number 671, by Senator Foley, Senate Print 4876A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

Senator Larkin, to explain his vote.

SENATOR LARKIN: A little more

than explain my vote. We just had a meeting, and there was a decision here made to clarify this before we did anything with this bill.

SENATOR LaVALLE: Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator LaValle, why do you rise?

SENATOR LaVALLE: Just a point of information. What bill are we on, please?

ACTING PRESIDENT CRAIG JOHNSON: For a point of information, Senator LaValle, we're on Calendar Number 671.

SENATOR LaVALLE: By Senator Foley?

ACTING PRESIDENT CRAIG JOHNSON: By Senator Foley.

SENATOR LaVALLE: Thank you.

SENATOR LARKIN: I'll speak on the bill.

ACTING PRESIDENT CRAIG JOHNSON: Senator Larkin, to explain his vote.

SENATOR LARKIN: I understand where Senator Foley is coming from. But when you look at the exemptions, those of you who've served at town or village or cities, when you do the assessments and you start to

say it's transferable, I think we've got another bill that we already did and it says local option.

I think that we ought to be looking, because if some individual moves from Point A to Point B and the benefit that he gets is better than where he was living before.

And I just asked him at the meeting if we couldn't have this discussed with the Association of Towns or the Conference of Mayors, because it's a good bill. But somebody better make sure that they're all talking off the same sheet of music.

ACTING PRESIDENT CRAIG JOHNSON: Thank you, Senator Larkin.

Senator Little, to explain her vote.

SENATOR LITTLE: Thank you, Mr. President. I would like to explain my vote.

And certainly having a son who is a veteran and another son who's on active duty, I support veteran's issues. However, on this bill I believe it's a local option and it

differs between towns as to what kind of veterans tax exemption is given within that town. And they're taking away -- normally you could transfer within a city, town or village and even though you bought another house, you could carry that exemption with you.

They're taking away city, town and village and saying that you can do that within a county. For instance, Washington County is made up of 17 towns and nine villages, some which have a veterans exemption, some which don't have a veterans exemption.

So my concern is that now you could live in one town with a veterans exemption, move to another town without a veterans exemption. As long as you're within the same county, you're carrying it with you -- whereas many of the veterans in that town don't have a veterans exemption.

So I think this is something that needs a little further examination and clarification, and it's something that we ought to at least have some input from the local governments on. Therefore, I'm voting no.

Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Senator Little to be recorded in the negative.

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 671 are Senators Larkin, Little and Ranzenhofer.

Ayes, 58. Nays, 3.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 672, by Senator Hassell-Thompson, Senate Print 5370, an act to amend the Real Property Tax Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

SENATOR LaVALLE: Lay it aside, please.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 673, by Senator Adams, Senate Print 6279A, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

SENATOR SALAND: On the bill, please.

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

SENATOR SALAND: Thank you, Mr. President.

I don't profess to have any great knowledge about the Housing Finance Law -- Senator Adams isn't in the chamber, and I understand he wants to provide preferences to

veterans. And I don't know if this was his intention or not.

I raised this, I believe, in the Rules Committee. He is eliminating the word "disabled" on the second page of the bill which currently provides a preference for disabled veterans. I simply didn't know if that was something done inadvertently or intentionally. And if that's what he proposes to do, that's what he proposes to do.

I mentioned it, and supposedly it was going to be mentioned to Senator Adams, and I hope it was. And perhaps he could respond to that. That's all.

Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Adams, to explain his vote.

SENATOR ADAMS: I just want to

explain -- yes, thank you, Senator Saland. And I'm one of those few Senators, I stand in the chamber the whole day so we can move good. I don't leave, you know.

The bill -- we don't remove "disabled." What happened was between 1961 -- just to explain my vote -- between 1961 and 1975, we offered this to Vietnam veterans, disabled or not. What we're doing is we're still allowing disabled vets to have the Mitchell-Lama, you know, the option, but we're also expanding it to all those who serve during wartime to have the same option.

So we're not taking away the "disabled," we're just expanding it to include all the other soldiers who fought in all the wars that are currently going on now.

I vote aye.

ACTING PRESIDENT CRAIG JOHNSON: Senator Adams to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT CRAIG JOHNSON:

The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 674, by Senator Valesky, Senate Print 7041, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT CRAIG JOHNSON: Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

THE SECRETARY: In relation to Calendar Number 677, Senator C. Kruger moves to discharge, from the Committee on Finance, Assembly Bill Number 11313 and substitute it for the identical Senate Bill Number 8019, Third Reading Calendar 677.

ACTING PRESIDENT CRAIG JOHNSON: Substitution ordered.

THE SECRETARY: Calendar Number 677, by the Assembly Committee on Rules, Assembly Print Number 11313, an act making appropriations for the support of government.

ACTING PRESIDENT CRAIG JOHNSON: Senator Klein.

SENATOR KLEIN: Mr. President, is there a message of necessity and appropriation at the desk?

ACTING PRESIDENT CRAIG JOHNSON: There is a message of necessity and appropriation at the desk.

SENATOR KLEIN: Mr. President, I move to accept the message at this time.

ACTING PRESIDENT CRAIG JOHNSON: The question is on the acceptance of the message of necessity and appropriation. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CRAIG JOHNSON: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT CRAIG JOHNSON:

The message is accepted.

Read the last section.

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

SENATOR LaVALLE: Lay it aside, please.

ACTING PRESIDENT CRAIG JOHNSON: The bill is laid aside.

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

SENATOR KLEIN: Mr. President, can we please go a controversial reading of the supplemental calendar.

ACTING PRESIDENT CRAIG JOHNSON: The Secretary will ring the bell. All members are asked to come to the chamber for the reading of the controversial supplemental calendar.

And again I repeat, I request all members to please stay in their seats or stay within the chamber so we can move the debate along.

The Secretary will read.

THE SECRETARY: Calendar Number

672, by Senator Hassell-Thompson, Senate Print 5370, an act to amend the Real Property Tax Law.

SENATOR LaVALLE: Explanation, please.

ACTING PRESIDENT CRAIG JOHNSON: Senator Hassell-Thompson, an explanation has been requested by Senator LaValle.

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

This bill is an attempt to amend the Real Property Tax Law, granting an additional tax exemption for two qualified veterans living in the same household.

There was a discussion in Rules, and somehow all of us looking at it failed to realize that under the justification it does say that each county must opt in for both alternative exemptions. And that seemed to have been the basis of concern.

If there's specific questions, I'll answer them.

ACTING PRESIDENT CRAIG JOHNSON: Senator LaValle, why do you rise?

SENATOR LaVALLE: Would the

Senator yield for a question.

ACTING PRESIDENT CRAIG JOHNSON: Senator Hassell-Thompson, will you yield for a question?

SENATOR HASSELL-THOMPSON: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator LaValle.

SENATOR LaVALLE: Senator, you were right on the money that the sense was, was this at a local option. And the members are having a hard time finding that language. Could you point that out to us in the bill?

SENATOR HASSELL-THOMPSON: The language is not in the bill, but it is in the supporting memo. Which harkens back to the original bill that allows for exemptions.

What this bill does is enhance an existing tax exemption. It gives an additional tax exemption to two categories, those with two veterans sharing the same household and those veterans who served in a combat zone. Both options have -- must be opted in by each county.

The original law does say that this enhancement does not change the original law.

SENATOR LaVALLE: Section --

ACTING PRESIDENT CRAIG JOHNSON: Senator LaValle, do you wish --

SENATOR LaVALLE: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator Hassell-Thompson, will you yield for another question?

SENATOR HASSELL-THOMPSON: Yes.

ACTING PRESIDENT CRAIG JOHNSON: Senator LaValle.

SENATOR LaVALLE: Is that original section in Section 1 of the law which talks about paragraphs A and B of subdivision 2 of Section 458(a) of the Real Property Tax Law, is that in that section of law that is --

SENATOR HASSELL-THOMPSON: I would be lying to you if I told you that it did, because I'm not looking at the original law.

But what I have been told, because I didn't -- I don't have access at this moment to the original law, but that the original law does contain the language that says each county must opt in.

And in this memo it says that

New York State recognizes in blah, blah, blah, and then it says the alternative exemptions are available only for residential properties of veterans who served during wartime or received an expeditionary medal. This provides for an exemption of 15 percent of the assessed value to veterans who served during wartime, an additional 10 percent to those who served in a combat zone. Each county must opt in to grant this alternative exemption.

SENATOR LaVALLE: Just on the bill, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator LaValle, on the bill.

SENATOR LaVALLE: Based on what Senator Hassell-Thompson has indicated, and based on a reading of the original law, so it is your intent and actual, we have found to date that the counties must -- the county, city, town or village may adopt a local law. So it does have a opt-in provision.

Thank you, Senator.

SENATOR HASSELL-THOMPSON: Thank you.

ACTING PRESIDENT CRAIG JOHNSON:

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

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

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of January next succeeding.

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 677, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 11313, an act making appropriations for the support of government.

SENATOR DeFRANCISCO:

Explanation.

ACTING PRESIDENT CRAIG JOHNSON: Senator Kruger, an explanation has been requested by Senator DeFrancisco.

SENATOR CARL KRUGER: Thank you, Mr. President.

This emergency spending appropriation bill, the ninth in a series, covers the period through June 6th. It provides an All Funds appropriation of $5.45 billion and a General Fund appropriation of $1.236 billion.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: I just have a couple of questions of Senator Kruger, if he'd yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Kruger, will you yield for some questions from Senator DeFrancisco?

SENATOR CARL KRUGER: It will be my pleasure, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco.

SENATOR DeFRANCISCO: Senator

Kruger, it's my understanding that since the leaders' meeting last week, during which there was an agreement to have the staffs of the Minority and Majority meet last Thursday, that such a meeting did in fact occur, a meeting among the staff members. Is that correct?

SENATOR CARL KRUGER: Yes, it did.

SENATOR DeFRANCISCO: And can you tell me, out of that meeting, whether or not any agreements were reached?

SENATOR CARL KRUGER: Through you, Mr. President, the meetings were very fruitful. To the extent that what we are doing, as was expressed out of the five-way leaders' meeting of last week, targets are being looked at to see exactly what the 2-pont-odd-billion-dollar gap is and how we approach filling it.

As you well know, tomorrow there is a five-way leaders' meeting scheduled for 11:00 a.m.

SENATOR DeFRANCISCO: Would Senator Kruger continue to yield.

SENATOR CARL KRUGER: Yes, I do,

Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Kruger will continue to yield, Senator DeFrancisco.

SENATOR DeFRANCISCO: Senator Kruger, at that leaders' meeting last week, that was a week ago, and there's been no announcement as to what the -- any announcements about the $2.5 million, as to how that's going to be debated among committees of the rank-and-file members.

SENATOR CARL KRUGER: Through you, Mr. President, it's billion, 2-point-odd billion. And yes, there are targets. Those targets will be discussed tomorrow at the five-way meeting.

And with the leadership agreeing, the next step hopefully is the process to begin conference committees.

SENATOR FLANAGAN: All right. And would you yield to another question?

ACTING PRESIDENT CRAIG JOHNSON: Senator Kruger, will you continue to yield?

SENATOR CARL KRUGER: Yes, I do, Mr. President.

SENATOR DeFRANCISCO: So the targets have been set at this point in time as to the $2.5 billion gap, is that what you're saying?

SENATOR CARL KRUGER: No, I'm not. I'm saying that there are -- there are, on the radar screen, places where we would be looking toward, hopefully, with the agreement of moving forward to fill in those target numbers.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco.

SENATOR DeFRANCISCO: Would he continue to yield.

ACTING PRESIDENT CRAIG JOHNSON: Senator Kruger, will you continue to yield?

SENATOR CARL KRUGER: Yes, I will, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco.

SENATOR DeFRANCISCO: Does that mean we're nearing the critical mass, since they're on the target screen?

SENATOR CARL KRUGER: I guess it -- through you, Mr. President, when we're

finished with this entire process what we're going to do is develop a new glossary of terms as to what this budget negotiation is all about. So you can add "radar screen" to it as well.

SENATOR DeFRANCISCO: All right. Lastly, Senator Kruger, the other thing that was mentioned at the last leaders' meeting was the fact that there have been $6.5 billion in agreed-upon budget-gap closers. Could you relate to this chamber what those $6.5 billion of budget-gap closers are?

ACTING PRESIDENT CRAIG JOHNSON: I'm assuming you want Senator Kruger to yield to that question.

SENATOR DeFRANCISCO: Yes. Would you yield to that?

SENATOR CARL KRUGER: Through you, Mr. President, I think what we're talking about are small, small closers that have been tentatively agreed to. I do not have a list currently, but I certainly will attempt to have staff put one together and furnish it to you.

SENATOR DeFRANCISCO: Would

Senator Kruger continue to yield.

SENATOR CARL KRUGER: Yes, I do, Mr. President.

SENATOR DeFRANCISCO: 6.5 billion is not a small amount of budget-gap closers, at least on my parameters. So you're saying, though, that as to the $6.5 billion of budget-gap closers, that's why we only need $2.5 billion that we've got to worry about, you mean there's a list presently as to what those are?

SENATOR CARL KRUGER: Through you, Mr. President, there's not a comprehensive list. We will attempt to put together a list and furnish it to you.

SENATOR DeFRANCISCO: I don't have any further questions. I'll just speak on the bill.

ACTING PRESIDENT CRAIG JOHNSON: Senator DeFrancisco, on the bill.

SENATOR DeFRANCISCO: You know, I'm not quite sure where to begin here. I just think this is so ridiculous, and it gets more ridiculous each week.

We're asked to extend for our ninth

time a budget extender to keep government operating. And from what we've been told in the past, at midnight of the day we're doing these extenders, everything is going to stop, government is going to stop. Well, if we used our entire two hours of time on this debate, we would have the government stopped, because it would become 12 o'clock. But nobody believes that we have to do that to show that government will not stop.

But if there's been a $6.5 billion gap that's been closed, that's been closed -- since all we're going to deal with, according to Senator Kruger, is the additional $2.5 billion, that that's going to be divided up among tables -- shouldn't somebody be given the knowledge of what those $6.5 billion of closers are? I mean, you're going to get us a list after nine extenders?

In fact, I think it was at least a week ago that Assembly Speaker Silver actually said that there's $6.5 billion of the gap has been closed. Apparently it's been done miraculously, because there's been no leaders' meeting till last week, and there's not

another leaders' meeting till tomorrow.

But if that's been done, shouldn't the public or the rank-and-file members be notified of what that $6.5 billion gap that's been closed, how it was closed? I've got a feeling the reason no one is notified is that it hasn't been closed, and we're being given more nonsensical answers to legitimate questions.

I know the people in my district, I know we're falling over ourselves -- as a veteran, I'm a veteran -- we're all falling over ourselves today to pass veterans bills to make our veterans feel real good about what we're doing today. And we had a wonderful ceremony today, and that's wonderful too.

But veterans also are citizens of this state that, at the -- at least the parades I was at and the events I was at, asked me more than once, "What can you tell me about the budget?" That's of concern to veterans. Maybe not as much as the exemptions that we're bestowing upon them tonight. Or maybe not even as much as the honors we're giving the people that came here today and

were honored.

We've got to give answers. We've got to provide some type of indication that we're doing something. Other than a game that is so transparent, and it gets more transparent every week.

You know what's one of the most ridiculous things about today is we've said over and over that these public budget meetings were part of a 2007 reform bill that all of us were proud of and we're not following the law. We've done that, I've said that every week.

You know what's really ironic about today? While that reform bill was being ignored, the majority party, the Democrats, came out with a new series of reform legislation, how they're going to reform the budget process. And you know what it provided? We're going to move the date that the budget is due from April 1 to June 1.

Well, guess what. You violated your new reform before you even passed it. You violated your new reform before you even passed it. I mean, how can you defend that?

I don't know. I don't know. I'd be embarrassed. I'm embarrassed even though I -- despite what I say, I have nothing to do or nothing to say about closing this budget, because we're not part of it.

We're now, by the way, according to the Comptroller, who happens to be a Democrat -- that's a nonpartisan person, a Democrat -- we now went into a negative fund balance last week. A negative fund balance. I hope everyone is proud here of everything that we're doing and proud of our answers on the floor as to what's going on with the budget. A negative fund balance, probably for the first time in history. At least the history that I know of since I've been here. And the state had to borrow $500 million from the state's temporary investment pool to continue paying the state's obligations.

And by the way, we're not paying all the state's obligations. And those in many cases contractually that are over 30 days in duration that haven't been paid, contractors and the like, are incurring interest payments. So we're losing money as

we're going through this process.

I'm not sure what we're waiting for, what the majority party and the leaders are waiting for. What is going to be better the tenth week or the eleventh week or the twelfth week? Are we going to get some magical change in the economy? Well, let me tell you, the market tanked again today. There doesn't seem to be much hope, if you pay any attention to the economists and the budget and the investor community, that things are getting better. In fact, they're getting worse.

What miracle is going to happen? Are we going to get a cash cow from Washington and some more stimulus money to fill the gap another year and kick the can of the problem down the block for another couple of years? Is that the concept?

And by the way, in case that's what you're waiting for, the taxpayers in this state that I know don't really care whether you take their money from the wallet if it's in this side of the pocket, the state side, or this side of the pocket if it's the federal

side. It's their same wallet, the same money. It only goes so far. And we don't deal with our problems as they become due.

Are we waiting till people might be so tired of waiting that they'll buy into billions of dollars of borrowing? Is that what we're waiting for? I'm not quite sure that's going to happen, because I don't think many people want borrowing to be the answer to this budget problem.

Well, I guess I can go on and talk about the other extenders and how we went forward and maybe a week after we make an amendment, then the road projects are in; a week after we make an amendment, the racing season is saved; a week or two after we make an amendment talking about the parks, the parks miraculously are saved. I mean, is that a way to run government?

We don't have any amendments today. You're going to have to figure it out yourself. You're going to have figure out yourself how you're going to correct the daily problems that are arising throughout the state.

We want to participate. We've asked to participate. But apparently, to this date, the Assembly Speaker has not even named members to the conference committees, and there's going to be a leaders' meeting tomorrow. There's no schedule to do anything. And we're beyond your newest most wonderful reform action, June 1 budget date. And still no meeting scheduled.

And rhetorically, I'm just going to ask the majority, what are you waiting for? What are you waiting for?

Tomorrow should be extremely interesting. But I would hope that tomorrow will show two things, what the $6.5 billion in closers are that have been agreed to, supposedly, what the 6.5 billion of closers have been agreed to, what they are and what that agreement was, because none of us participated in it; and, number two, the $2.5 billion in deficit situation that we're still in, how the structure is going to be made for the conference committees to deal with that additional deficit.

And I've got a feeling we're going

to have a little talk, some more rhetoric, and then maybe another week's delay in order for another grand leaders' meeting to be held where nothing gets done.

It seems to me if there was true, true belief that something should be done, then you don't wait from a Monday to the following Tuesday or Wednesday to appoint committee members, set a schedule and get a list of the $2.5 billion and how you're going to deal with it. If you are acting in good faith. But obviously there's little good faith or no faith that anybody in the state has for the way the process is working.

So I would suggest one last thing as I'm sitting down. I would suggest, in order to try to divert the attention of the general public from this problem, you come out with another reform package that moves the date for the budget to be passed from June -- now from June 1, the new date, to July 1. And then a month from now we'll talk again about a new reform package that maybe you could come out with that might move the date further and further along, maybe to December 1, so you

don't have to do a budget before the next crucial election.

So, ladies and gentlemen, at some point we're going to have that one or two people over there that's as embarrassed as I am, and as the people on this side of the aisle are, and say "Enough is enough, I'm not voting for this thing," or "Enough is enough, I'll give you one more week, Week 10," because we've now gone past our latest, greatest super-duper reform package on how to deal with a budget.

I'm going to vote nay on this, as I have in the last several weeks. Thank you.

ACTING PRESIDENT CRAIG JOHNSON: Senator Robach.

SENATOR ROBACH: Yes, would Senator Kruger yield for a couple of quick questions, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Kruger, will you yield for a couple of quick questions from Senator Robach?

SENATOR CARL KRUGER: Yes, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON:

Senator Kruger will yield.

SENATOR ROBACH: Senator Kruger, I just want to make sure I'm right on this. I know Senator Sampson has named conference committee members, Senator Skelos, Brian Kolb. Who is the only party left that hasn't named their conference committee members in the process, out of our four groups?

SENATOR CARL KRUGER: Only party? I don't know what you mean by "party." Through you, Mr. President. Senator Robach, what do you mean by "party"?

SENATOR ROBACH: Out of the four participating houses, minorities, majorities, is the Assembly the only -- is Speaker Silver the only one who has not named his conference committees?

SENATOR CARL KRUGER: I believe so.

SENATOR ROBACH: And I'm only asking this because I'm not in the meetings, and so I really do believe --

SENATOR CARL KRUGER: Through you, Mr. President, in response to your question, I believe so.

SENATOR ROBACH: You know what, I would just ask this through you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: You wish Senator Kruger to continue to yield?

SENATOR ROBACH: Would you continue to yield?

SENATOR CARL KRUGER: Yes, I do.

SENATOR ROBACH: There's obviously a great of frustration, not only with us but in our constituency. And as much as they're frustrated with the challenge at hand, it is very frustrating when I don't think anybody on either side of the aisle can answer the question where we're at.

And I think that you would agree that Senator DeFrancisco's very poignant question as to what incremental progress we've made, if any, even behind closed doors -- we're so desperate for information, we'll take that at this point -- what that is or what we can report back to our constituents. Is there anything that we can tell them at this point, from your negotiations or staff negotiations, between you and Sheldon Silver's staff and the

Governor's staff at this point at all?

SENATOR CARL KRUGER: They're ongoing.

SENATOR ROBACH: What's that?

SENATOR CARL KRUGER: They're ongoing.

SENATOR ROBACH: All right, let me ask through you, Mr. President, one more question.

ACTING PRESIDENT CRAIG JOHNSON: Senator Kruger, will you continue to yield?

SENATOR CARL KRUGER: Yes, I do, Mr. President.

SENATOR ROBACH: If my constituents are unhappy with the answer of ongoing negotiations with no result, could you provide me as an insider with anything a little bit more comprehensive or thorough? And maybe let me add this to the question: Is that what you tell your own constituents?

SENATOR CARL KRUGER: Negotiations are ongoing and they are -- in my, in the world way I see the world, and they are fruitful.

SENATOR ROBACH: Well, on the

bill, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Robach, on the bill.

SENATOR ROBACH: You know, really, nobody wants to shut down government. That's not what this is about. But we have to get a result at some point.

And my guess is tomorrow Sheldon Silver, after he agreed publicly with all the other leaders to do conference committees but has done nothing in I don't know how many days -- 10 days, 12 days, whatever -- will probably continue to play the budget rope-a-dope game, which doesn't work for my constituency. I don't think it works for yours or anybody's, for that matter.

But there has to be some pressure to bear by all the parties to start getting a result. Now, we have trampled on the Budget Reform Act of 2007. I don't know the logic. I don't make that decision. I think it's a bad one. I think it's a bad one for good government, but I also think it's a bad one for results.

We're in challenging times, and

this is where we should be letting the public know the difficult decisions we have and letting them in, so to speak, on what we can do. Instead, you the Democratic conferences, have chosen to go in exactly the opposite direction and make it as closed and nontransparent as possible.

And so now not only are we frustrated with the result, but I literally can't go back to my district, when a business group, a community group says "What's going on with the budget?" and really give them too much information that's accurate. And, you know, the one thing I have in this business is my word, my handshake and my bond. But when you don't have any information, how can you really talk to somebody about what you're going to do?

So we really not can do better, must do better for our constituencies. And I won't even go into all the people that can't make their budget, school districts and everything else.

But the time is long overdue. So I hope everybody will get a little focused, and

whatever pressure we can provide to get this budget done, where we're already two months late, get these conference committees really going and make sure everybody participates, critically, critically important.

But until that time, I'm going to continue to vote no for this extender. And I think it's hard, if you're voting yes, to really go back to anybody and say in good faith something constructive is trying to happen to get a budget done.

Thank you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Mr. President. Would Senator Kruger yield to a question?

ACTING PRESIDENT CRAIG JOHNSON: Senator Kruger, do you yield to a question from Senator Flanagan?

SENATOR CARL KRUGER: Yes, I do, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Flanagan.

SENATOR FLANAGAN: Thank you.

Senator Kruger, I listened to your dialogue with Senator DeFrancisco with rapt attention, like most of my colleagues. And I want to hone in on one thing in particular. You talked about the $6.5 billion, you alluded to "small closers." I would agree with Senator DeFrancisco, $6.5 billion is a lot of money. It represents well over 4 percent of our entire budget. And you referenced that there would be a list that would be put together.

My question is, there is a leaders' meeting tomorrow at 11 o'clock. Will that list be available for the public's review and consumption prior to that leaders' meeting?

SENATOR CARL KRUGER: Through you, Mr. President. I can't say with any certainty that there will be.

SENATOR FLANAGAN: Mr. President, on the bill.

Thank you, Senator Kruger.

ACTING PRESIDENT CRAIG JOHNSON: Senator Flanagan, on the bill.

SENATOR FLANAGAN: I'm going to join in the comments of my colleague and

friend Senator DeFrancisco. It's not fruitful, it's not ongoing, it's dead, it's fruitless, it's a disgrace what we're involved in right now.

Now, I'm going to touch on something that Senator DeFrancisco briefly touched on. The reality is we are at a crossroads. We're out of cash. We are out of cash. And the way we staved off the inevitable was in a temporary way by saying the $2.3 billion that was supposed to go out June 1st to our school districts, who have been clamoring for the money, we're not paying it. Because we don't have it.

And then on top of that, we take $500 million from the short-term investment pool. And I know in some respects this is absolutely tedious to listen to, but it is so incredibly important. We took $500 million from that fund. And last year in the budget we made this funky little change that allowed some of this to happen.

Last year, before we enacted the budget, any money that was ever borrowed from that pool had to be paid back within the same

month. That's not the rule anymore. Now it can be done crossed over months. So now, instead of paying it back within the inside of a month, it can go for four months or to the end of the fiscal year, whichever is shorter.

And I know that there are some discussions -- not on a list, not publicly -- about potentially doing intrayear transfers. The head of the Division of the Budget is quoted, as late as this afternoon: "'New York has been able to stave off an empty treasury thanks to holding back on aid to municipalities and schools,' Division of Budget Director Robert Mega said this afternoon."

And then he goes on to say, "I think it really depends, in terms of layoffs and things we're facing, how successful the early retirement program is. But there's almost no scenario under the early retirement program where we get all the savings we need."

Ladies and gentlemen, we're out of money. I don't know how we can possibly go back to our constituents and say it's ongoing and it's fruitful. There's nothing going on.

There's nothing that's happened since the leaders' meeting last week.

I went to parades over the weekend just like everybody else. It's embarrassing to have to stand there and say, "No, there is no budget." "No, there is no prospect of a budget happening anytime soon."

So I'm going to do what I've done for the last eight weeks. I'm going to exercise the one power, discretion and absolute authority that I have, just like everybody else in the chamber and across the way in the Assembly: I'm going to use my vote. That's the one thing that makes me as powerful as any leader, any chair in either house.

And I'm going to vote no, because it's ridiculous that we're letting this charade and this folly go on. The taxpayers deserve a lot better and a lot quicker.

ACTING PRESIDENT CRAIG JOHNSON: Seeing no other Senators wishing to debate the bill, the debate is closed.

The Secretary will please ring the bells.

Read the last section.

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

ACTING PRESIDENT CRAIG JOHNSON: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CRAIG JOHNSON: Senator Saland, to explain his vote.

SENATOR SALAND: Thank you, Mr. President.

I'm going to cast my vote in the negative. But I merely wanted to make mention, in listening to the exchanges here on the floor about $6.5 billion of alleged agreed-upon and yet unseen cuts and another $2.5 billion to go, some of us may be aware of the fact that the Governor's budget called upon an additional billion dollars or included an additional billion dollars in so-called FMAP or Medicaid money.

When last seen, that money had disappeared from the federal budget, notwithstanding the entreaties of a number of New York Congressional delegation members that that in fact was going to happen.

So at this moment, as we stand here today, there's at least an additional billion-dollar hole in the Governor's proposed budget. So I would hope that we would be thinking in terms of dealing with not $2.5 billion more, but $3.5 billion more.

Thank you, Mr. President.

ACTING PRESIDENT CRAIG JOHNSON: Senator Saland, how do you vote?

SENATOR SALAND: No.

ACTING PRESIDENT CRAIG JOHNSON: Senator Saland to be recorded in the negative.

Are there any other Senators wishing to explain their vote?

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 677 are Senators Alesi, Bonacic, DeFrancisco, Farley, Flanagan, Fuschillo, Golden, Griffo, Hannon, O. Johnson, Lanza, Larkin, LaValle, Leibell, Libous, Little, Marcellino, Maziarz, McDonald, Nozzolio, Padavan, Ranzenhofer, Robach, Saland, Seward, Skelos, Volker, Winner and Young.

Ayes, 32. Nays, 29.

ACTING PRESIDENT CRAIG JOHNSON: The bill is passed.

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

Can we just have some order, please, in the chamber.

Senator Klein.

SENATOR KLEIN: Mr. President, can we please return to motions and resolutions.

ACTING PRESIDENT CRAIG JOHNSON: Returning to the order of motions and resolutions.

Senator Klein.

SENATOR KLEIN: On behalf of Senator Ruth Hassell-Thompson, on page number 27 I offer the following amendments to Calendar Number 570, Senate Print Number 3890, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT CRAIG JOHNSON: So ordered.

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

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.)