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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

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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.

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

8 Senator Klein.

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

15 ACTING PRESIDENT VALESKY: The
16 amendments are received.

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

23 ACTING PRESIDENT VALESKY: The
24 amendments are received.

25 SENATOR KLEIN: Mr. President, I

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

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

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

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

19 ACTING PRESIDENT VALESKY:
20 Substitutions ordered.

21 Senator Klein.

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

1 immediate adoption.

2 ACTING PRESIDENT VALESKY:

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

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

8 ACTING PRESIDENT VALESKY: The
9 Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

11 ACTING PRESIDENT VALESKY:

12 Senator Adams, on the resolution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 Thank you, Mr. President.

16 (Applause.)

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

19 Senator Farley.

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

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

1 the brightest.

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

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

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

21 Thank you.

22 (Applause.)

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

25 Senator Larkin.

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

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

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

11 (Applause.)

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

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

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

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

5 (Applause.)

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

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

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

1 call.

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

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

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

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

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

5 Thank you, and God bless you all.

6 (Applause.)

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

9 Senator Bonacic.

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

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

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

24 (Applause.)

25 SENATOR BONACIC: He is here with

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

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

15 Thank you.

16 (Applause.)

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

19 Senator Espada.

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

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

1 Barret.

2 (Applause.)

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

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

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

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

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

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

25 I want to call attention to this

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

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

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

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

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

5 (Applause.)

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

8 Senator Smith.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 Thank you, and God bless.

14 (Applause.)

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

17 Senator Griffo.

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

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

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

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

8 (Applause.)

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

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

1 living but those who continue to serve.

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

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

8 (Applause.)

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

11 Senator Huntley.

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

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

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

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

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

5 (Applause.)

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

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

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

19 (Applause.)

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

1 greetings also to all of you.

2 Thank you kindly for coming.

3 (Applause.)

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

6 Senator Libous.

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

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

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

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

24 (Applause.)

25 SENATOR LIBOUS: Joe, please

1 stay.

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

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

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

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

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

5 (Applause.)

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

8 Senator Volker.

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

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

17 (Applause.)

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

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

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

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

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

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

19 (Applause.)

20 MR. RYCHLICKI: You're welcome!

21 (Laughter.)

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

24 Senator Nozzolio.

25 SENATOR NOZZOLIO: Thank you,

1 Mr. President and my colleagues.

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

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

13 (Applause.)

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

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

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

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

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

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

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

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

20 Thank you, Mr. President.

21 ACTING PRESIDENT VALESKY:

22 (Appause.)

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

25 Senator Breslin.

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

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

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

8 (Applause.)

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

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

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

23 (Applause.)

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

1 Would you stand, please, Lillian?

2 (Appause.)

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

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

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

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

25 But then, near the end of the war,

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

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

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

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

24 Thank you, Lillian.

25 (Applause.)

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

3 Senator Alesi.

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

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

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

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

1 (Applause.)

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

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

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

1 went way beyond normal conventional security.

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

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

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

25 But most importantly, knowing John

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

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

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

1 (Applause.)

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

4 Senator Golden.

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

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

19 You did a great job.

20 (Applause.)

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

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

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

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

25 What's also impressive about

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

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

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

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

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

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

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

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

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

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

16 (Applause.)

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

19 Senator Stewart-Cousins.

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

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

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

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

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

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

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

8 (Applause.)

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

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

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

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

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

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

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

1 (Applause.)

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

4 Senator Foley.

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

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

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

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

25 One who is not in the chamber but

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

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

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

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

4 Thank you, Mr. President.

5 (Applause.)

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

8 Senator Oppenheimer.

9 SENATOR OPPENHEIMER: Thank you.

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

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

1 would you stand?

2 (Applause.)

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

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

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

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

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

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

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

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

1 or three years ago.

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

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

12 (Applause.)

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

15 Senator Owen Johnson.

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

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

25 My honoree today is Richard

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

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

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

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

1 today.

2 Thank you, Richard.

3 (Applause.)

4 ACTING PRESIDENT VALESKY: Thank
5 you Senator Johnson.

6 Senator Hannon.

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

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

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

19 (Applause.)

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

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

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

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

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

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

13 Thank you, Mr. President.

14 ACTING PRESIDENT VALESKY:

15 (Applause.)

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

18 Senator Saland.

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

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

1 to bringing us to this very day.

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

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

11 (Applause.)

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

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

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

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

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

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

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

5 (Applause.)

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

8 Senator Thompson.

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

14 Would you be kind enough to stand
15 up?

16 (Applause.)

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

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

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

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

14 (Applause.)

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

17 Senator Fuschillo.

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

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

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

3 (Appause.)

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

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

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

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

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

13 Tom, thank you and God bless you.

14 (Applause.)

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

17 Senator Ranzenhofer.

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

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

25 One of the things which is very

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

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

16 (Applause.)

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

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

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

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

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

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

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

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

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

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

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

3 (Appause.)

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

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

11 Senator Peralta.

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

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

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

25 The Lexington School for the Deaf

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

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

25 So before we welcome them, I want

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

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

10 (Applause.)

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

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

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

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

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

1 (Applause.)

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

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

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

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

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

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

9 (Applause.)

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

12 Senator Marcellino.

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

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

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

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

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

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

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

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

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

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

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

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

16 Thank you, Mr. President.

17 (Applause.)

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

20 Senator McDonald.

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

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

1 this morning, and he was ill.

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

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

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

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

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

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

11 Thank you.

12 (Applause.)

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

15 Senator Flanagan.

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

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

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

4 (Laughter.)

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

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

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

16 (Applause.)

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

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

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

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

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

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

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

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

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

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

16 (Applause.)

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

19 Senator Dilan.

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

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

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

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

10 (Applause.)

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

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

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

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

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

6 (Applause.)

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

9 Senator Sampson.

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

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

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

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

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

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

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

18 Thank you very much, Mr. President.

19 (Applause.)

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

22 Senator Onorato.

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

1 here.

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

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

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

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

24 (Applause.)

25 ACTING PRESIDENT VALESKY: Thank

1 you, Senator Onorato.

2 Senator Young.

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

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

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

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

25 And Frank was there. Frank was

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

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

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

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

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

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

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

15 Thank you.

16 (Applause.)

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

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

22 (Response of "Aye.")

23 ACTING PRESIDENT VALESKY:

24 Opposed, nay.

25 (No response.)

1 ACTING PRESIDENT VALESKY: The
2 resolution is adopted.

3 (Standing ovation.)

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

9 Senator Klein.

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

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

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

18 Senator Libous.

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

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

25 These outstanding young individuals

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

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

14 ACTING PRESIDENT VALESKY:

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

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

21 Thank you. Thank you, Senator
22 Libous.

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

25 As I was saying, our young people

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

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

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

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

3 (Appause.)

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

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

8 Senator Klein.

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

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

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

20 ACTING PRESIDENT VALESKY: The
21 Secretary will read.

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

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

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

5 (Response of "Aye.")

6 ACTING PRESIDENT VALESKY:
7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT VALESKY: The
10 resolution is adopted.

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

17 Senator Klein.

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

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

1 Temporary President?

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

4 ACTING PRESIDENT VALESKY: The
5 Secretary will read.

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

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

15 (Response of "Aye.")

16 ACTING PRESIDENT VALESKY:
17 Opposed, nay.

18 (No response.)

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

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

1 immediate adoption.

2 ACTING PRESIDENT VALESKY:

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

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

8 ACTING PRESIDENT VALESKY: The
9 Secretary will read.

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

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

18 (Response of "Aye.")

19 ACTING PRESIDENT VALESKY:
20 Opposed, nay.

21 (No response.)

22 ACTING PRESIDENT VALESKY: The
23 resolution is adopted.

24 Senator Klein.

25 SENATOR KLEIN: Mr. President,

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

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

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

10 ACTING PRESIDENT VALESKY: The
11 Secretary will read.

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

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

20 (Response of "Aye.")

21 ACTING PRESIDENT VALESKY:
22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT VALESKY: The
25 resolution is adopted.

1 Senator Klein.

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

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

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

13 ACTING PRESIDENT VALESKY: The
14 Secretary will read.

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

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

24 (Response of "Aye.")

25 ACTING PRESIDENT VALESKY:

1 Opposed, nay.

2 (No response.)

3 ACTING PRESIDENT VALESKY: The
4 resolution is adopted.

5 Senator Klein.

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

12 ACTING PRESIDENT VALESKY: The
13 Secretary will read.

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

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

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

25 I rise today to also salute George

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

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

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

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

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

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

12 Thank you, Mr. President.

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

15 Senator Craig Johnson, on the
16 resolution.

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

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

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

1 Long Island.

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

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

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

10 Senator Klein.

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

19 ACTING PRESIDENT VALESKY: The
20 Secretary will read.

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

1 New York.

2 ACTING PRESIDENT VALESKY:

3 Senator Hassell-Thompson, on the resolution.

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

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

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

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

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

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

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

20 Thank you, Mr. President.

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

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

25 Senator Klein.

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

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

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

10 ACTING PRESIDENT VALESKY: Read
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT VALESKY: The
19 bill is passed.

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

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

25 SENATOR LIBOUS: Lay it aside.

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

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

7 ACTING PRESIDENT VALESKY: Read
8 the last section.

9 SENATOR LIBOUS: Lay it aside.

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

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

16 SENATOR LIBOUS: Lay it aside.

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

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

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

24 SENATOR LIBOUS: Lay it aside.

25 ACTING PRESIDENT VALESKY: The

1 bill is laid aside.

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

5 SENATOR LIBOUS: Lay it aside.

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

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

11 SENATOR LIBOUS: Lay it aside.

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

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

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

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

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT VALESKY:
25 Announce the results.

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

5 Ayes, 55. Nays, 6.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed.

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

11 SENATOR LIBOUS: Lay it aside.

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

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

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

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

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

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

1 Read the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

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

13 SENATOR LIBOUS: Lay it aside.

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

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

20 ACTING PRESIDENT VALESKY: Read
21 the last section.

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

24 ACTING PRESIDENT VALESKY: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

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

9 ACTING PRESIDENT VALESKY: Read
10 the last section.

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

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT VALESKY: The
18 bill is passed.

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

22 SENATOR LIBOUS: Lay it aside.

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

25 THE SECRETARY: Calendar Number

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

4 ACTING PRESIDENT VALESKY: Read
5 the last section.

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

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT VALESKY: The
13 bill is passed.

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

17 SENATOR LIBOUS: Lay it aside.

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

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

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

25 ACTING PRESIDENT VALESKY: The

1 Secretary will ring the bells.

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

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

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

10 SENATOR LIBOUS: Read the last
11 section.

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

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

19 Read the last section.

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

22 ACTING PRESIDENT CRAIG JOHNSON:
23 Call the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Announce the results.

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

11 Ayes, 32. Nays, 29.

12 ACTING PRESIDENT CRAIG JOHNSON:

13 The bill is passed.

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

19 The Secretary will read.

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

24 SENATOR LIBOUS: Read the last
25 section.

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

1 196, by Senator Savino, Senate Print --

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator LaValle, why do you rise?

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

8 ACTING PRESIDENT CRAIG JOHNSON:

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

11 SENATOR LaVALLE: Yes.

12 ACTING PRESIDENT CRAIG JOHNSON:

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

16 SENATOR LaVALLE: Yes, thank you.

17 ACTING PRESIDENT CRAIG JOHNSON:

18 The Secretary will read.

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

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Senator Lanza, why do you rise?

25 SENATOR LANZA: On the bill.

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Senator Lanza, on the bill.

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

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

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

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

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

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

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

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

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

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

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

1 distinctions between a babysitting situation
2 and another situation.

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

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

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

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

14 SENATOR DIAZ: Yes, sir.

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

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

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

24 Senator Lanza.

25 SENATOR LANZA: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

16 SENATOR LANZA: Yes,
17 Mr. President.

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Senator Diaz.

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

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

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

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

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

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

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

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

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

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

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

9 SENATOR SAVINO: Yes?

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

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

24 SENATOR LANZA: He said it,
25 Senator.

1 SENATOR SAVINO: Thank you.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Lanza, you may continue.

4 SENATOR LANZA: Thank you,

5 Mr. President. And I'll answer the question,

6 and then Senator Diaz I'm sure is free to ask

7 anyone in the chamber questions that he has.

8 And so you can ask that person to

9 leave the home. You do then have a further

10 responsibility. There is also the question of

11 whether or not you'll be required to answer

12 questions with respect to the decision you

13 made. And my position is that a parent should

14 never be forced to answer to anyone when it

15 comes to someone being alone with their child

16 in their home.

17 And then there's the question of

18 whether or not a cause of action may be

19 created by this legislation. And I'm not

20 concluding that one is, but I'm not sure.

21 And all that, I think, goes toward

22 creating a disincentive for a mother or a

23 father to listen to their intuition. Knowing

24 that they may have to answer for the decision,

25 there may be some liability, there's certainly

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

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

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

11 SENATOR LANZA: Yes,
12 Mr. President.

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

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

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

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

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

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

25 Today -- my grandfather used to

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

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

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

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

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

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

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

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

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

25 But what they're doing is nothing

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

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

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

1 they rose.

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

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

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

25 And that invisible workforce that

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

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

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

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

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

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

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

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

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

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

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

25 Senator Johnson addressed concerns

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

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

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

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

25 I sincerely hope all of you will

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

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

12 Thank you.

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

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

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

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

23 SENATOR LANZA: Yes,
24 Mr. President.

25 SENATOR HASSELL-THOMPSON: Just a

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

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

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

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

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

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

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

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

11 SENATOR LANZA: Yes,
12 Mr. President.

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

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

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

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

1 appear to be from the outset.

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

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

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

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

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

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

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

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

13 On the bill.

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

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

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

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

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

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

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

25 I can't see how we could say that

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

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

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

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

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

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Senator Bonacic.

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

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

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

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

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

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

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

25 SENATOR BONACIC: Right. But my

1 point is --

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

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

9 ACTING PRESIDENT CRAIG JOHNSON:
10 Thank you, Senator Bonacic.

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

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

15 SENATOR SAVINO: Yes.

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

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

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

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

10 SENATOR SAVINO: Yes.

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

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

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

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

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

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

5 Senator Savino, do you wish --

6 SENATOR SAVINO: Yes.

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

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

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

16 SENATOR BONACIC: Okay. So --

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

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

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Senator Savino, do you continue to yield?

3 SENATOR SAVINO: Yes.

4 ACTING PRESIDENT CRAIG JOHNSON:

5 Senator Bonacic.

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

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

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

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

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

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

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

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

24 SENATOR SAVINO: Yes.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Savino continues to yield.

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

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

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

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

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

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

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

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

16 SENATOR SAVINO: Yes.

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

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

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

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

10 SENATOR BONACIC: Out of the
11 state fund.

12 SENATOR SAVINO: Yes.

13 SENATOR BONACIC: Okay. Thank
14 you.

15 SENATOR SAVINO: Thank you.

16 SENATOR BONACIC: On the bill.

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

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

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

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

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

25 For many reasons, we should be

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

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

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

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

18 Senator Saland.

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

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

24 SENATOR SAVINO: Yes, Senator
25 Saland.

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Senator Saland, she'll yield.

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

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

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

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

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

22 SENATOR SAVINO: Yes.

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

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Savino.

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

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

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

13 What is a casual laborer?

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

16 SENATOR SAVINO: Excuse me?

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

19 SENATOR SALAND: What is a casual
20 laborer?

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

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

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

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

10 ACTING PRESIDENT CRAIG JOHNSON:
11 Senator Savino --

12 SENATOR SAVINO: Yes.

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

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

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

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

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

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

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

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

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

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

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

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

9 SENATOR SAVINO: Yes.

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

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

22 SENATOR SAVINO: One second.

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

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

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

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

12 On the bill, Mr. President.

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

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

25 And I would respectfully submit

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

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

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

1 have the ability to get that authority.

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

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

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

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

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

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

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

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

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

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

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

3 Thank you, sir.

4 ACTING PRESIDENT CRAIG JOHNSON:

5 Thank you, Senator Saland.

6 Senator Schneiderman.

7 SENATOR SCHNEIDERMAN: Thank you

8 Mr. President. I rise in support of this
9 legislation --

10 ACTING PRESIDENT CRAIG JOHNSON:

11 Senator Schneiderman, on the bill?

12 SENATOR SCHNEIDERMAN: On the

13 bill, Mr. President.

14 ACTING PRESIDENT CRAIG JOHNSON:

15 Senator Schneiderman, on the bill.

16 SENATOR SCHNEIDERMAN: And I rise

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

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

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

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

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

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

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

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

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

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

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

1 rights, it provides a minimal remedy.

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

5 ACTING PRESIDENT CRAIG JOHNSON:
6 Senator Parker.

7 SENATOR PARKER: On the bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Senator Espada.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 ACTING PRESIDENT CRAIG JOHNSON:

20 Thank you, Senator Espada.

21 Senator Klein.

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

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

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

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

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

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

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

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

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

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

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

7 I vote yes.

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

10 Senator Smith.

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

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

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

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

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

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

1 came into every one of our offices.

2 Patiently, you waited, and now your patience
3 is going to pay off.

4 We have more to do. This is just a
5 beginning. But this is your day. Do not let
6 anyone rob you of your success that you have
7 proven that this system can work if you stay
8 focused and you band together.

9 Congratulations to you. Congratulations to my
10 colleague Senator Diane Savino. And
11 congratulations to my colleagues who are going
12 to do the right thing on behalf of these
13 individuals.

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

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

18 Senator Adams, on the bill.

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

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

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

5 But let me just give a few points
6 that we need to know of. Someone raised a
7 question about a background check. Let me let
8 you in on a secret. You don't do a criminal
9 background check for Senators. Okay? There
10 is no criminal background check for any
11 Senator that's elected. So you know, that's
12 number one.

13 And just go down for a moment. To
14 say in Gabon they're paying someone a quarter
15 and in New York they're paying them \$2 under
16 minimum wage but at least they get more than
17 in Gabon, you don't -- there's no -- you know,
18 tyrannical actions cannot be based on
19 intensity. What's wrong is wrong. You don't
20 sit and state that, well, they're denying you
21 over where you came from and so we should be
22 able to deny you just one notch more. That's
23 wrong.

24 The reason we are Americans is
25 because we set the tone on what's right. We

1 don't set the tone from the bottom up, we set
2 the tone from the top up. People who are
3 employed are deserving of basic rights, and
4 this is what Senator Savino is stating.

5 And so we can philosophize and
6 romanticize on all the other issues that get
7 away from the basic rights. And if you will
8 look closely on the floors of these galleries,
9 you will see the fingernails that were bit off
10 from countless number of people who made the
11 pilgrimage to sit up in these rafters hoping
12 that we will have the audacity and respect to
13 vote the right way although we do not live
14 what you live. This is what this is about.

15 Every group of Americans --
16 Chinese-Americans, Italian-Americans,
17 Irish-Americans, African-Americans -- all sat
18 in those galleries one day and bit off their
19 nails hoping that they can get 32 votes just
20 so they could be treated with a level of
21 dignity and respect. There's nothing
22 different from this group that's here.
23 They've all, we've all made this pilgrimage.

24 It was only the beginning of last
25 year when we saw the gay community sitting up

1 in those rafters. Women that were fighting
2 for the right to vote sat in those rafters.
3 Italian-Americans that made their way past
4 Ellis Island sat up in those rafters.
5 Chinese-Americans that were working in
6 sweatshops sat up in those rafters. There's a
7 history of people who sat up in these rafters.

8 What you are asking for is no
9 different than every American that made their
10 way here. You did a pilgrimage through 87
11 North to come here and follow the rich
12 tradition of Americans that merely stated, We
13 too love America and we too want to benefit
14 from America.

15 And human rights are not based on
16 your immigration status. You don't look at
17 your immigration status, I don't want to see
18 your green card before I decide if I'm going
19 to treat you like a human being. I won't sit
20 and raise the question "But first let me find
21 out if you're here legally or illegally."
22 That's a federal government problem. New
23 Yorkers treat people with dignity and respect
24 regardless of what's in your passport. And
25 don't let anyone deny you the right to be

1 treated like a human being merely because of
2 your immigration status. You deserve to be
3 treated like a human being.

4 I'm hearing all of this eloquence
5 about, well, you're an illegal alien so we can
6 treat you a certain way. We can pay you less
7 based on you should be lucky you're here.
8 Listen closely to that. That's what they told
9 every immigration group, every one. Every
10 immigrant group was told that.

11 This is a landmark piece of
12 legislation, and we can only retrospectively
13 appreciate what Senator Savino did. Can you
14 imagine the joy that I can actually vote on a
15 piece of legislation that impacts me
16 personally it? I sat down as a child every
17 night and watched my mother's footprints in
18 the snow as she was a domestic worker, and
19 would only sleep after they were covered up
20 from the snow. Coming home at 7 o'clock in
21 the morning after cleaning house after house.
22 And here I got the right now to vote on a bill
23 that impacts my life.

24 I don't speak for those people; I
25 am those people. We're going to pass this

1 bill here today. And hopefully your son or
2 daughter will come on this floor one day and
3 vote on a piece of legislation that a
4 nail-biting person had to hope that 32 people
5 came together and, although they didn't live
6 your experience, they understood your pain and
7 understood your experience. That's what this
8 is all about.

9 I am proud to be able to vote for
10 this legislation. I'm proud to be part of
11 this landmark experience that's about to take
12 place. I'm proud to know that we have the
13 opportunity to make sure every employee in
14 this state is treated better than what we
15 treat animals. To hear Senator Savino state
16 horses are allowed two days off. Horses.

17 If horses are allowed two days off
18 and people are telling you you don't have the
19 right to two days off, or one day off, I can't
20 believe that. Forgive them. They know not
21 what they do. Forgive them. They will have
22 the opportunity one day to retrospectively
23 look over this moment of this landmark piece
24 of legislation, and they will understand that
25 they were on the wrong side of history. And I

1 don't think anything is more tragic than
2 looking over your life and realizing you were
3 on the wrong side of history.

4 Today I vote aye on this bill
5 because I want history to know I'm on the
6 right side of all those who have adorned those
7 rafters, who have bit off their nails, who
8 have hoped that 32 people can find the
9 audacity to vote the right way and give you
10 the rights of dignity and respect that this
11 country is known for. I am an American, and
12 this is the American way to go. Welcome to
13 the universe of being respected based on our
14 vote.

15 ACTING PRESIDENT CRAIG JOHNSON:
16 Senator Diaz, on the bill.

17 SENATOR DIAZ: Thank you,
18 Mr. President. On the bill.

19 I am Puerto Rican, black with kinky
20 hair. And the majority of the people you see
21 sitting there are Hispanic. And the majority,
22 I believe, of domestic workers are Hispanic.
23 And I feel good and feel bad, and I will tell
24 you why, Mr. President.

25 I feel bad when I hear Senator

1 Bonacic telling the whole world that we are
2 doing this for the undocumented and that we
3 are going to give them medical benefits,
4 unemployment benefits, worker compensation
5 benefits, disability insurance benefits to
6 undocumented. That's kind of offensive.

7 I believe, Mr. President, that the
8 State of New York has a law against hiring
9 undocumented people. I believe that people
10 that hire the undocumented are being punished
11 by the law. So I find that kind of insulting
12 and offensive, telling the whole world that
13 we're doing this because we are going to hire
14 undocumented.

15 I feel good, Mr. President, because
16 I hear my colleagues, with such a passion,
17 supporting practically my people. Senator
18 Adams spoke about dignity and respect. And I
19 hope that the same passion, the same fervor,
20 the same fire we could find to support Senator
21 Espada's bill for the farmworkers that are
22 also being unjustly treated.

23 So I hope that I will find the same
24 fire, the same passion to support that bill
25 and to take care of the farmworkers that are

1 also Hispanic, the majority of them. [In
2 Spanish.]

3 So, Mr. President, thank you very
4 much for this word. I know that you didn't
5 understand anything that I said in Spanish.
6 But I'm just telling my -- some of the
7 Hispanic people sitting there the victory that
8 they are getting today and that we need their
9 support for the farmworker bill too, because
10 they also need it.

11 So I'm telling them that they will
12 walk out of here happy -- happy because they
13 got a victory, happy because they got a
14 historic vote -- but don't forget that there
15 are other workers as they that need their
16 support to get for them the same thing they're
17 getting today.

18 Thank you, Mr. President. And
19 thank you, ladies and gentlemen.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 Thank you, Senator Diaz.

22 Senator Perkins, on the bill.

23 SENATOR PERKINS: Thank you,
24 Mr. President.

25 I'm going to support this bill.

1 I'll be brief, because I know much has been
2 said and I agree with all of it.

3 Senator Adams, I didn't get a
4 chance to meet your mother, though she does
5 remind me of my grandmother. And in fact,
6 when I look up there, I see your mother and my
7 grandmother up there in all those faces of all
8 those women, who came home like your mother
9 came home or came home like my grandmother
10 came home, to take care of the family, and
11 were treated as second-class workers,
12 second-class citizens.

13 Senator Savino, I want to thank you
14 so much for the extraordinary accomplishment
15 you've made. I know this was not an overnight
16 sensation; this took a lot of work. And I
17 know that we've heard some prejudices that
18 were disturbing. But we've made history, you
19 have made history, we've been able to join you
20 in making history in a very, very important
21 way that resonates not only with respect to
22 the domestic workers' rights, which I believe
23 are as American as apple pie, but also with
24 respect to the farmworkers' rights, that
25 hopefully we'll be able to get an opportunity

1 to move in the same direction.

2 And hopefully this debate, this
3 discussion will not only bring out those
4 prejudices but will also give us an
5 opportunity to grapple with them and maybe
6 move away from them. It's sometimes a little
7 surprising to see some of the thinking that we
8 have still amongst us.

9 But it's all good. It's all good
10 because we're moving forward, it's all good
11 because it's an honest debate, it's an
12 important debate. And the right thing, after
13 all is said and done, is going to be done, and
14 we're all going to feel very good about it.

15 This is one of the proudest moments
16 any of us could feel in a body like this, to
17 be able to do for so few what has been done so
18 often for so many -- they who are women,
19 especially, who have had to struggle with
20 being treated with respect and dignity and get
21 the right kind of pay and treatment for the
22 work that apparently is very essential. A lot
23 of folks can't do without them.

24 And in fact, they're afraid that
25 this law will alienate you from them. And

1 quite the opposite. You will be even more
2 bonded with them than ever before, and in a
3 way that will be more dignified than ever
4 before.

5 So I'm honored at this moment to be
6 able to be a part of this historic occasion
7 for this leadership in this Senate, this
8 historic leadership in this Senate. This
9 could not have been done otherwise.

10 And so congratulations again.
11 Congratulations to all of you. I'm going to
12 say hello to my grandmother, I'm going to say
13 hello to your mother. I know they're sitting
14 up there just like you. I see you, Grandma,
15 right there smiling. I see you. And I'm here
16 too. Okay? So thank you for bringing me
17 here.

18 I vote aye.

19 ACTING PRESIDENT CRAIG JOHNSON:
20 Senator Duane, on the bill.

21 SENATOR DUANE: Thank you,
22 Mr. President.

23 I want to thank and congratulate
24 Senator Savino for her determination, her --
25 really, her doggedness on this legislation.

1 And she just -- her heart being so much into
2 this I think is what has moved it to the floor
3 today, and I think that's really wonderful.

4 I was interested to hear earlier my
5 colleague from Sullivan and Orange and Ulster
6 County to talk, because my great-grandmother
7 worked for a family in Goshen as a household
8 servant. And that's -- I want to say she had
9 some shame around that and what happened to
10 her while she was working in that household.
11 And her daughter, my grandmother's sister, my
12 Aunt Margaret, also worked as a domestic, and
13 then was able to go on and become a teacher in
14 the New York City public school system.

15 And without going in great detail
16 on the merits or even the politics of this
17 legislation, I do want to say that it's in
18 part because of who those women were in my
19 life and what they passed down to me that I am
20 really happy to be here to vote for this. And
21 also sorry that it took us so long, but happy
22 that we are doing this.

23 And, you know, I believe that this
24 legislation is something that in this state we
25 will be as proud of as we are for the

1 organizing that went on because of the
2 terrible tragedy of the Triangle Fire, which
3 is a building in my district. I am fortunate
4 enough to live in housing that was built by
5 the ILGWU, which was founded as a result of
6 that.

7 So whether it's this legislation or
8 our outlawing of the child labor, and because
9 we allowed workers to speak for themselves, I
10 am going to be very happy, proud, a little bit
11 with a feeling of bittersweetness to be able
12 to vote for this legislation, and look forward
13 to our Governor signing it into law. And I
14 think that Senator Savino will -- it's just
15 one of the many reasons that Senator Savino
16 will have many mentions in our state history
17 books.

18 Thank you, Mr. President.

19 ACTING PRESIDENT CRAIG JOHNSON:

20 Thank you, Senator Duane.

21 Senator Peralta, on the bill.

22 SENATOR PERALTA: Thank you,
23 Mr. President. On the bill.

24 I want to congratulate Senator
25 Savino for this landmark piece of legislation,

1 something that is long overdue, as was
2 previously stated.

3 I want to thank everyone who's here
4 in the gallery for showing up and for pushing
5 this effort. Because without your effort,
6 without your push, this would not become a
7 reality today. You definitely did a great job
8 in making this a reality, at least in the
9 New York State Senate, so you should be proud
10 of yourselves today.

11 I also want to touch on the idea
12 and the concept that was brought up earlier
13 about whether someone is here undocumented or
14 not. I have yet to meet or hear of a sales
15 tax that discriminates against anyone who's
16 documented or undocumented.

17 Senators have tried to make the
18 connection between the fact that someone is
19 here undocumented and how much of a burden
20 it's going to be on the state, that the state
21 will pick up this burden, whether it's going
22 to be through workers' comp or whether it's
23 going to be through other ways.

24 But I would argue that whether
25 you're undocumented or you're documented, when

1 you go to the store and you purchase things
2 and you pay the sales tax, when you pay your
3 income tax, the state doesn't ask you whether
4 you're documented or undocumented. The state
5 does not reject whether you're documented or
6 undocumented, or checks. There's no list.
7 They still receive those dollars.

8 So I would argue that this piece of
9 legislation, although it's minimal, will
10 probably pay for itself. Because whether
11 you're undocumented or documented, you still
12 pay sales tax. Many pay income tax. So it's
13 going to come back to New York State. So to
14 make that argument, I just wanted to clarify
15 that it's probably not the best argument.

16 But I stand here today very proud
17 of the fact that I am going to be voting on
18 this landmark piece of legislation. I
19 happened to vote on a piece of legislation
20 that was landmark in the Assembly, and now I'm
21 going to be able to vote on a piece of
22 legislation that's landmark here in the
23 New York State Senate.

24 And this is just about making sure
25 that people are treated with dignity and

1 respect, workers are treated with dignity and
2 respect. That's what this is all about. So I
3 don't see why there had to be a two-hour
4 discussion or debate on something so simple
5 and so basic as rights. But it is what it is,
6 and we're here two hours later.

7 I just want to say that I will
8 continue to support you as workers. I know
9 that many of us will be voting in the
10 affirmative. And I want to congratulate you
11 and say keep up the good work, because now the
12 work is on the other house. Now the struggle
13 will be on the other side. And coming from
14 the other side, I will commit that I will work
15 with you to make sure that I get some of those
16 members to make sure that that becomes a
17 reality on that side.

18 So I will be voting in the
19 affirmative. Thank you, Senator Savino, for
20 your leadership and your vision.

21 ACTING PRESIDENT CRAIG JOHNSON:
22 Senator Huntley, on the bill.

23 SENATOR HUNTLEY: Yes,
24 Mr. President. I would just like to
25 congratulate Senator Savino for this bill.

1 This bill brings back a lot of
2 memories for a lot of people. And when people
3 talk about undocumented, Afro-Americans were
4 born documented. True Americans. And there
5 are many things that have gone on in the lives
6 of these people that also affected
7 Afro-Americans for many, many years.

8 So when you listen to people talk
9 about other people's rights, it's kind of
10 heartbreaking that at this point in our lives,
11 at this point in the country, that we still
12 have these prejudices. Because that's what it
13 is. And I just hope that one day we will all
14 be able to come together and care about other
15 people and their values and care that they
16 will be able to raise their families.

17 You know, just like Senator Peralta
18 said, we have many, many undocumented children
19 in our public schools. Nobody asks them
20 before they take the report card if they're
21 documented. Nobody cares. We're no longer
22 breaking the law because there are so many
23 undocumented people that we have allowed to
24 come. They're here, they're like us.

25 They're people, they're human

1 beings, and I think we need to understand
2 that. This is a melting pot. This is no
3 longer just white America. It's a melting
4 pot.

5 Thank you.

6 ACTING PRESIDENT CRAIG JOHNSON:
7 Senator Andrea Stewart-Cousins, on the bill.

8 SENATOR STEWART-COUSINS: Thank
9 you, Mr. President.

10 I rise to say to those workers who
11 have sat so quietly in the gallery, those
12 workers who hoped that this moment would come
13 and wanted to bear witness to history, those
14 workers who, up until this point, didn't feel
15 that they had a voice in their place of
16 business, much less in a chamber like this.

17 And it seemed that for me to stay
18 silent would really be disrespectful of the
19 struggle that it took for each and every one
20 of you to be here today.

21 So as we do this history-making
22 vote, as we congratulate Senator Savino for
23 her hard work, it reminds us of why we exist:
24 To give voice to you. And why you exist: To
25 encourage others who think that they could

1 never, ever stand up to power to understand
2 that, yes, it can be done. And when you work
3 together for a cause that's right and just, it
4 works out.

5 I stand just to pay tribute. We're
6 looking forward to the vote. I think my
7 colleagues must have said that the struggle
8 continues, it doesn't end here. But when you
9 leave here, I hope your heads will be a little
10 bit higher, your stride a little bit stronger,
11 and your purpose more defined.

12 Congratulations.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Senator Padavan.

15 SENATOR PADAVAN: Would Senator
16 Savino yield to a question.

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Senator Savino, will you yield for a question
19 from Senator Padavan?

20 SENATOR SAVINO: Yes.

21 ACTING PRESIDENT CRAIG JOHNSON:
22 Senator Padavan, Senator Savino will yield.

23 SENATOR PADAVAN: Senator Savino,
24 a lot of the discussion seems to be generated
25 around the issue of legal immigration, which I

1 have a slightly different view than some do.

2 I happen to believe that those who
3 are smuggled into this country and placed
4 almost in bondage, many as domestic workers,
5 is an affront to humanity. It's also a cause
6 of many citizens, people in this country
7 legally, not getting the employment that they
8 not only qualify for but they should be well
9 paid for.

10 Now, here's my question. If an
11 individual who hires a domestic worker learns
12 that that person they have hired is in this
13 country illegally, and they dismiss them for
14 that reason, would that employer be subject to
15 the same penalties and procedures that your
16 bill provides and which you discussed with
17 some of my colleagues, including Senator
18 Lanza?

19 SENATOR SAVINO: Through you,
20 Mr. President. I'm assuming you're referring
21 to the notice of termination?

22 SENATOR PADAVAN: Yeah. Yes.

23 SENATOR SAVINO: Yes, it would,
24 Senator Padavan.

25 SENATOR PADAVAN: It would what?

1 SENATOR SAVINO: The notice of
2 termination would apply even if the employee
3 was an undocumented worker, as many of our
4 labor laws apply to undocumented workers if
5 they're in employment.

6 SENATOR PADAVAN: But would you
7 yield, Senator.

8 ACTING PRESIDENT CRAIG JOHNSON:
9 Senator Savino, will you continue to yield?

10 SENATOR SAVINO: Yes.

11 ACTING PRESIDENT CRAIG JOHNSON:
12 Senator Padavan, she'll continue to yield.

13 SENATOR PADAVAN: But there's a
14 section in the bill that deals with
15 termination for a reasonable cause, or words
16 to that effect. Would this be not be a
17 reasonable cause?

18 SENATOR SAVINO: Through you,
19 Mr. President, the question is would the
20 determination by the employer that a domestic
21 worker was an undocumented worker, could that
22 be used to satisfy the reasonable-faith effort
23 to avoid the notice of termination.

24 (Conferring with counsel.)

25 SENATOR SAVINO: Through you,

1 Mr. President, with respect to the
2 determination or the suspicion on the part of
3 the employer that the worker is undocumented,
4 it is unlikely that it would not still require
5 the employer to provide 14 days' notice of
6 termination. Because the way the language is
7 drafted in the bill, that 14-day notice of
8 termination would be waived if the employer
9 reasonably believes in good faith that the
10 domestic worker has committed assault, neglect
11 or abuse.

12 So just by the suspicion that the
13 person is undocumented, it would not waive
14 that 14-day notice. However, the employer
15 could notify the employee, give them the
16 14-day notice and tell them not to come back.

17 The bill also doesn't establish a
18 cause standard for firing workers. Because
19 essentially, under New York State labor law,
20 workers are still at-will workers unless
21 they're covered by a collective bargaining
22 agreement. We are also not providing
23 collective bargaining rights in this bill.

24 So you can terminate an employee in
25 New York State that's not covered by

1 collective bargaining rights for good reason,
2 bad reason, or no reason. You just can't
3 terminate them for violations of Title VII of
4 the Equal Employment Opportunities Act.

5 I hope that answers your question.

6 SENATOR PADAVAN: Senator, let me
7 ask you another question.

8 ACTING PRESIDENT CRAIG JOHNSON:
9 Do you wish Senator Savino to continue to
10 yield, Senator Padavan?

11 SENATOR PADAVAN: There are
12 laws --

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Senator Savino, do you yield for Senator
15 Padavan?

16 SENATOR SAVINO: Yes.

17 SENATOR PADAVAN: There are laws,
18 federal and otherwise, that say you must not,
19 or you're subject to penalty, knowingly hire
20 an illegal immigrant. Would that apply to
21 this case, the situation, the subject area
22 we're dealing with?

23 SENATOR SAVINO: I have to think
24 about that, Senator Padavan.

25 While yes, it's true, the law says

1 you're not supposed to knowingly hire
2 undocumented workers or illegal immigrants,
3 however we want to describe them, the reality
4 is employers do it every day in this state and
5 every other state across the country.

6 So would the -- would knowing -- I
7 still don't believe it would apply. No, I
8 still don't believe it would apply. I don't
9 believe it has anything to do with it.

10 SENATOR PADAVAN: On the bill.

11 ACTING PRESIDENT CRAIG JOHNSON:
12 Senator Padavan, on the bill.

13 SENATOR PADAVAN: If that is the
14 case, Senator, you're violating the human
15 trafficking law that we have in this state,
16 the toughest in the nation. If the answer to
17 your question is what you said it is, then
18 you're violating an already existing statute.

19 And I don't think you really are.
20 I think if you look at it further, you'll find
21 out you're not.

22 SENATOR SAVINO: So perhaps --
23 through you, Mr. President, perhaps I didn't
24 actually understand the question as you put it
25 to me. So let's try this one again, Senator

1 Padavan.

2 SENATOR PADAVAN: Are we opening
3 that up again?

4 SENATOR SAVINO: Or if you'd like
5 to speak on the bill and I --

6 SENATOR PADAVAN: I'll speak on
7 the bill. I think we've belabored the point
8 long enough.

9 But let me just make a couple of
10 points. First, I believe that it is all our
11 responsibilities to ensure that people who are
12 employed in this state, no matter what they
13 are, what that category of employment is, are
14 here in this country either with a green card
15 or some means, visa or whatever.

16 Because particularly in this
17 category of employment, they are the most
18 obvious and frequent victim of those who come
19 to this country illegally. They are the
20 victim of those who come in and work for less
21 than minimum wage, off the books, and are
22 taken advantage of. And so they don't get the
23 employment that they're entitled to at the pay
24 they're entitled to. So I think that is part
25 of our responsibility to deal with that issue.

1 Now, your bill does not have an
2 exact companion in the Assembly, as I
3 understand it. And I would suggest to you, as
4 you work with the Assembly in coming up with a
5 bill that is identical, that you take a hard
6 look another some of these questions that have
7 been raised, because they're not entirely
8 without merit.

9 I'm going to vote for this bill, as
10 you know. But at the same time, I don't think
11 we should be myopic to concerns that have some
12 degree of validity, in order to come up with
13 up with a statute that not only seeks to
14 achieve your objective and your worthy goals,
15 but at the same time makes sense in some other
16 ways.

17 Thank you.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 Seeing no other Senators wishing to be heard
20 on the bill, the debate is closed.

21 The Secretary will ring the bells.

22 Read the last section.

23 THE SECRETARY: Section 12. This
24 act shall take effect on the first of January.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Call the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT CRAIG JOHNSON:

4 Senator Savino, to explain her vote.

5 SENATOR SAVINO: I will yield to

6 Senator Onorato.

7 ACTING PRESIDENT CRAIG JOHNSON:

8 Yielding to Senator Onorato to explain his
9 vote.

10 SENATOR ONORATO: Thank you,
11 Mr. President.

12 I want to take this opportunity to
13 congratulate Diane Savino for all her
14 perseverance and hard work on putting this
15 bill together. It was a long time in coming,
16 and it was one of her most dedicated missions
17 for this particular session. I want to
18 congratulate her. And as the chairman of the
19 Labor Committee, we worked very, very closely
20 putting this bill on the floor.

21 And the next bill that's coming up
22 in a very, very short time is going to be my
23 farmworkers bill, so we're going to do all of
24 the people of the State of New York the
25 justice that they deserve.

1 I vote aye.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Onorato will be recorded in the
4 affirmative.

5 Senator Savino, to explain her
6 vote.

7 SENATOR SAVINO: Thank you,
8 Mr. President.

9 First, I want to thank all of my
10 colleagues. I know many of you have been
11 congratulating me on the passage of this bill
12 today, all the work that I've put into it, but
13 quite frankly I don't deserve either the
14 congratulations or the good wishes. It is the
15 people who are sitting up in this chamber
16 around here, and it's those of you who helped
17 me move this bill forward, the 26 cosponsors,
18 including Senator Frank Padavan, those of you
19 who have engaged me in discussion on this bill
20 and I know will continue to.

21 Believe me, I listened, I heard the
22 concerns that you have. And I believe it is
23 critically important that as we move forward
24 with this bill -- and we will, as we reconcile
25 with the Assembly -- I'm going to be visiting

1 all of you again, asking for your input, your
2 advice, and to see that we pass a piece of
3 legislation that we can all be proud of.

4 You know, the history books are
5 going to write a lot of interesting things
6 about the 2009-2010 legislative session,
7 there's no doubt about that. Not all of it
8 will be good. But I hope that before
9 December 31st of this year that this
10 legislative session in the New York State
11 Senate, which has gotten so much coverage for
12 so many reasons, will also be able to show
13 that we made history again for workers'
14 rights, and we're going to do that together.

15 Tonight is just the first step in
16 equality and justices for the invisible women.
17 Congratulations. Invisible women rise.

18 (Applause from the gallery.)

19 ACTING PRESIDENT CRAIG JOHNSON:
20 Senator Squadron, to explain his vote.

21 SENATOR SQUADRON: Thank you.

22 Just to join the chorus, I
23 congratulate Senator Savino, despite her
24 demurring, and the women in this chamber and
25 across the State of New York. This is a

1 historic step for this state and also a step
2 that will change daily lives.

3 It's a rare opportunity as a state
4 legislator to do something that you know, when
5 it becomes law, will change lives immediately.
6 This will. It's a historic day.
7 Congratulations, Senator Savino, all of my
8 colleagues, and especially all of the people
9 who've made the trek up here today. It really
10 has made a difference. Thank you for being
11 here.

12 I vote aye.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Senator Squadron to be recorded in the
15 affirmative.

16 Senator Montgomery, to explain her
17 vote.

18 SENATOR MONTGOMERY: Thank you,
19 Mr. President.

20 I also rise to congratulate Senator
21 Savino. This is really a very important bill,
22 and I know you've worked very hard on it.

23 And the fact of the matter is this
24 is a women's rights bill. And many of the
25 women who work in those situations as domestic

1 workers are themselves parents, and many of
2 them take care of their own families. So
3 while they work for other families, they also
4 have their own families.

5 So this goes a long way in at least
6 expressing our support that they should have
7 the right to some equality and some equity in
8 the labor that they do.

9 So I commend you, thank you, and on
10 behalf of all of those women who depend on
11 these jobs to support their own families, I
12 thank you. I vote aye.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Senator Montgomery to be recorded in the
15 affirmative.

16 Senator Oppenheimer, to explain her
17 vote.

18 SENATOR OPPENHEIMER: We've been
19 discussing this a long time, so I'll be very
20 brief.

21 It just seems that we should, at
22 this point in our history, be discussing
23 something so basic to human dignity and human
24 rights as this issue is that it's hard for me
25 to believe that we will be the first state in

1 this nation to be discussing this and, with
2 the help of all of you here, passing it.

3 So congrats, and we'll be working
4 hard on this. It's really hard for me to
5 believe that we are the first state to touch
6 this. But for each of you, it's going to make
7 a great deal -- a big difference in your
8 lives. And you'll be able to have maybe a
9 little more time with family, maybe a little
10 more time, who knows, to go home to a country
11 that isn't yours right here.

12 And I just -- I just hope that it
13 will have benefits for each one of you.

14 I'll be voting yes.

15 ACTING PRESIDENT CRAIG JOHNSON:
16 Senator Oppenheimer to be recorded in the
17 affirmative.

18 Are there any other Senators that
19 wish to explain their votes?

20 Seeing none, announce the results.

21 THE SECRETARY: Those recorded in
22 the negative on Calendar Number 196 are
23 Senators Alesi, Bonacic, DeFrancisco, Farley,
24 Flanagan, Fuschillo, Golden, Griffio, Hannon,
25 O. Johnson, Lanza, Larkin, LaValle, Leibell,

1 Libous, Little, Marcellino, Maziarz, McDonald,
2 Nozzolio, Ranzenhofer, Robach, Saland, Seward,
3 Skelos, Volker, Winner and Young.

4 Ayes, 33. Nays, 28.

5 ACTING PRESIDENT CRAIG JOHNSON:

6 The bill passes.

7 (Loud cheers and applause from
8 gallery.)

9 ACTING PRESIDENT CRAIG JOHNSON:

10 The Secretary will read.

11 SENATOR LIBOUS: Mr. President.

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Senator Libous, why do you rise?

14 Order in the chamber, please.

15 SENATOR LIBOUS: I believe about
16 an hour and a half ago Senator Padavan had a
17 point of order about the voting procedure, and
18 you were going to respond to it.

19 ACTING PRESIDENT CRAIG JOHNSON:

20 I was riveted by the debate. We'll make sure
21 we get to that point as soon as possible, but
22 I was caught up in the debate.

23 The Secretary will read.

24 SENATOR LIBOUS: Pardon me?

25 ACTING PRESIDENT CRAIG JOHNSON:

1 I'll get to the answer in a moment. I got
2 caught up in the debate. The Secretary will
3 read. I'll just double-check the answer on
4 voting in your seats.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 365 --

8 SENATOR LIBOUS: Point of order.

9 ACTING PRESIDENT CRAIG JOHNSON:
10 Senator Libous.

11 SENATOR LIBOUS: Point of order.

12 I'm asking for the rule to be read
13 so the question could be answered.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Senator Libous, even though we've moved on,
16 we've moved on, I will gladly say that yes,
17 they're required to be in their seats when
18 they vote.

19 SENATOR LIBOUS: So you would
20 repeat that one more time?

21 ACTING PRESIDENT CRAIG JOHNSON:
22 Sure, so you can hear. Even though we've
23 moved on.

24 SENATOR LIBOUS: What does that
25 mean, "even though we've moved on"?

1 ACTING PRESIDENT CRAIG JOHNSON:

2 We've moved on from the bill. That was prior
3 to the bill we voted on.

4 The answer is, Senator Libous, that
5 they're required to be in their seats when
6 they vote.

7 SENATOR LIBOUS: Mr. President,
8 maybe I'm being confusing, and I apologize. I
9 was asking for a point of order on the rule
10 for voting. And whether we moved on or not
11 didn't seem to be the issue.

12 So they need to be in their seats
13 in order to vote.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Correct, Senator Libous.

16 SENATOR LIBOUS: Thank you,
17 Mr. President.

18 ACTING PRESIDENT CRAIG JOHNSON:
19 You're welcome, Senator Libous.

20 The Secretary will now read.

21 THE SECRETARY: Calendar Number
22 365, by Senator L. Krueger, Senate Print
23 3584B, an act to amend the Election Law.

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Are there any Senators wishing to be heard on

1 the bill?

2 Seeing none, the debate is closed.

3 The Secretary will ring the bells.

4 (Pause.)

5 SENATOR DeFRANCISCO: If anybody
6 is presiding, I have a point of order.

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Senator DeFrancisco, what is your point of
9 order?

10 SENATOR DeFRANCISCO: Do the
11 rules provide a specific amount of -- or a
12 time limit for which we have to wait for
13 someone to show up for a vote?

14 ACTING PRESIDENT CRAIG JOHNSON:
15 No.

16 SENATOR DeFRANCISCO: There's no
17 such rule? And --

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Are you asking for a second point of order?
20 I've just ruled on your first point of order.
21 The answer is no.

22 SENATOR DeFRANCISCO: Yes, I have
23 a second question.

24 ACTING PRESIDENT CRAIG JOHNSON:
25 What's your point of order, Senator?

1 SENATOR DeFRANCISCO: To whom do
2 we refer such a request to in this body in
3 order to make a rule of that nature?

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Senator DeFrancisco, I have requested the
6 members of this entire chamber to stay close
7 to the Senate.

8 SENATOR DeFRANCISCO: No, no,
9 I --

10 ACTING PRESIDENT CRAIG JOHNSON:
11 Senator -- I'm ruling on your point of order,
12 Senator DeFrancisco, so please.

13 SENATOR DeFRANCISCO: Go ahead.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Thank you. I have asked the members of the
16 Senate to stay close to their chairs and stay
17 close to this chamber. Obviously maybe one or
18 two or three have had, unfortunately, reasons
19 to exit the chamber. We are now going to wait
20 for them. And we are going to wait for them
21 since there's no time constraint.

22 So the answer is is you've referred
23 it to me, I'll refer it back to the members of
24 the body again to remind the members of the
25 body to please stay close to the Senate

1 chambers.

2 SENATOR DeFRANCISCO: May I
3 repeat my point of order so you answer the
4 question as opposed to what you just answered.

5 ACTING PRESIDENT CRAIG JOHNSON:
6 Senator DeFrancisco.

7 SENATOR DeFRANCISCO: My point of
8 order is to whom do I refer a request that
9 there be a rule change to put a time limit on
10 the amount of time we have to wait for any
11 individual member to do whatever they're doing
12 so that the rest of the members don't have to
13 sit here indefinitely while that person is
14 doing whatever they're doing?

15 ACTING PRESIDENT CRAIG JOHNSON:
16 Senator DeFrancisco, I'm going to refer you to
17 Rule 11 of the Rules of the Senate of the
18 State of New York.

19 "Resolution to amend the Senate
20 Rules. No amendment to the Senate Rules shall
21 be considered by the Senate unless a
22 resolution for such amendment, together with a
23 memorandum specifying the purpose of the
24 proposed amendment, suspension or rescission,
25 shall be introduced to the Committee on Rules

1 and reported therefrom to the Senate floor."

2 So you can take up your request to
3 the Committee on Rules.

4 SENATOR DeFRANCISCO: Thank you,
5 Mr. President. I believe we can now go
6 forward.

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Thank you very much, Senator DeFrancisco.

9 SENATOR DeFRANCISCO: I thought
10 I'd fill with the void with something.

11 ACTING PRESIDENT CRAIG JOHNSON:
12 Read the last section.

13 THE SECRETARY: Section 4. This
14 act shall take effect immediately.

15 ACTING PRESIDENT CRAIG JOHNSON:
16 Call the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Announce the results.

20 THE SECRETARY: Those recorded in
21 the negative on Calendar Number 365 are
22 Senators Alesi, Bonacic, DeFrancisco, Farley,
23 Flanagan, Fuschillo, Golden, Griffio, Hannon,
24 O. Johnson, Lanza, Larkin, LaValle, Leibell,
25 Libous, Little, Marcellino, Maziarz, McDonald,

1 Nozzolio, Padavan, Ranzenhofer, Robach,
2 Saland, Seward, Skelos, Volker, Winner and
3 Young.

4 Ayes, 32. Nays, 29.

5 ACTING PRESIDENT CRAIG JOHNSON:

6 The bill is passed.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 366, by Senator Addabbo, Senate Print 5447C,
10 an act to amend the Election Law.

11 ACTING PRESIDENT CRAIG JOHNSON:

12 Seeing no debate, the debate is closed. The
13 Secretary will please ring the bells.

14 Read the last section.

15 THE SECRETARY: Section 5. This
16 act shall take effect immediately.

17 ACTING PRESIDENT CRAIG JOHNSON:

18 Call the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT CRAIG JOHNSON:

21 Announce the results.

22 THE SECRETARY: Those recorded in
23 the negative on Calendar Number 366 are
24 Senators Alesi, Bonacic, DeFrancisco, Farley,
25 Flanagan, Fuschillo, Golden, Griffio, Hannon,

1 O. Johnson, Lanza, Larkin, LaValle, Leibell,
2 Libous, Little, Marcellino, Maziarz, McDonald,
3 Nozzolio, Padavan, Ranzenhofer, Robach,
4 Saland, Seward, Skelos, Volker, Winner and
5 Young.

6 Ayes, 32. Nays, 29.

7 ACTING PRESIDENT CRAIG JOHNSON:

8 The bill is passed.

9 The Secretary will continue to
10 read.

11 THE SECRETARY: Calendar Number
12 517, by Senator Onorato, Senate Print 2248A,
13 an act to amend the Labor Law.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Seeing no Senators wishing to speak on the
16 bill, debate is closed. The Secretary will
17 please ring the bells.

18 Read the last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect on the 180th day.

21 ACTING PRESIDENT CRAIG JOHNSON:
22 Call the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Announce the results.

1 THE SECRETARY: Those recorded in
2 the negative on Calendar Number 517 are
3 Senators DeFrancisco, Farley, Flanagan,
4 Golden, Griffio, Hannon, O. Johnson, Lanza,
5 Larkin, LaValle, Leibell, Libous, Little,
6 Marcellino, Maziarz, McDonald, Nozzolio,
7 Ranzenhofer, Saland, Seward, Skelos, Volker,
8 Winner and Young.

9 Ayes, 37. Nays, 24.

10 ACTING PRESIDENT CRAIG JOHNSON:

11 The bill is passed.

12 The Secretary will continue to
13 read.

14 THE SECRETARY: Calendar Number
15 528, by Senator Addabbo, Senate Print 2866A,
16 an act to amend the Election Law.

17 ACTING PRESIDENT CRAIG JOHNSON:

18 Seeing no further debate on the bill, the
19 Secretary will please ring the bells. Debate
20 is closed.

21 Read the last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect immediately.

24 ACTING PRESIDENT CRAIG JOHNSON:

25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator DeFrancisco, to explain his vote.

4 SENATOR DeFRANCISCO: Yes, I vote
5 no on this bill.

6 And it seems to me that there must
7 be some kind of motive behind this bill to
8 have individuals from the more populous areas
9 of the state to travel around the state and
10 get involved in elections that are nowhere
11 near their home.

12 I don't know of any situation where
13 if poll watchers are needed, at least in
14 upstate New York, that the local populace who
15 happen to be registered to vote and vote in
16 those elections aren't enough people to be
17 poll watchers.

18 So to me, this is going to result,
19 in my mind, and the intent of this bill is
20 going to result in people from other districts
21 coming in from other districts, flooding other
22 districts to get involved with elections that
23 are not in their home areas.

24 I think that's a horrible
25 precedent. And whether or not those poll

1 watchers happen to be lawyers or not, it's a
2 horrible precedent. And I vote no.

3 ACTING PRESIDENT CRAIG JOHNSON:
4 Senator DeFrancisco to vote in the negative.

5 Announce the results.

6 THE SECRETARY: Those recorded in
7 the negative on Calendar Number 528 are
8 Senators Alesi, Bonacic, DeFrancisco, Farley,
9 Flanagan, Fuschillo, Golden, Griffio, Hannon,
10 O. Johnson, Lanza, Larkin, LaValle, Leibell,
11 Libous, Little, Marcellino, Maziarz, McDonald,
12 Nozzolio, Padavan, Ranzenhofer, Robach,
13 Saland, Seward, Skelos, Volker, Winner and
14 Senator Young.

15 Ayes, 32. Nays, 29.

16 ACTING PRESIDENT CRAIG JOHNSON:
17 The bill is passed.

18 The Secretary will continue to
19 read.

20 THE SECRETARY: Calendar Number
21 566, by Senator Thompson, Senate Print 6848,
22 an act to amend the Public Authorities Law.

23 ACTING PRESIDENT CRAIG JOHNSON:
24 Debate is closed. The Secretary will please
25 ring the bells.

1 Read the last section.

2 THE SECRETARY: Section 2. This
3 act shall take effect immediately.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Call the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Announce the results.

9 THE SECRETARY: Those recorded in
10 the negative on Calendar Number 566 are
11 Senators Alesi, Bonacic, DeFrancisco, Farley,
12 Flanagan, Fuschillo, Golden, Griffio, Hannon,
13 O. Johnson, Lanza, Larkin, LaValle, Leibell,
14 Libous, Little, Marcellino, Maziarz, McDonald,
15 Nozzolio, Padavan, Ranzenhofer, Robach,
16 Saland, Seward, Skelos, Volker, Winner and
17 Young.

18 Ayes, 32. Nays, 29.

19 ACTING PRESIDENT CRAIG JOHNSON:
20 The bill is passed.

21 The Secretary will continue to
22 read.

23 THE SECRETARY: Calendar Number
24 581, by Senator L. Krueger --

25 SENATOR KLEIN: Lay the bill

1 aside for the day, please.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 The bill is laid aside for the day.

4 The Secretary will continue to
5 read.

6 THE SECRETARY: Calendar Number
7 629, by Senator Schneiderman, Senate Print
8 7096A, an act to amend the Labor Law.

9 ACTING PRESIDENT CRAIG JOHNSON:
10 Debate is closed. The Secretary will please
11 ring the bells.

12 Read the last section.

13 THE SECRETARY: Section 10. This
14 act shall take effect on the 90th day.

15 ACTING PRESIDENT CRAIG JOHNSON:
16 Call the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Senator Saland, to explain his vote.

20 SENATOR SALAND: Yes,
21 Mr. President.

22 Mr. President, I'm holding a copy
23 of apparently an editorial from the Buffalo
24 News. And while the subject that it dealt
25 with is the Empire Zones, it reads in part as

1 follows:

2 "Taxes are higher in New York,
3 insurance costs more in New York, electricity
4 costs more in New York, labor costs more in
5 New York, regulations are impenetrable in
6 New York.

7 "The state starts at a disadvantage
8 in keeping and attracting business, so it must
9 play catch-up twice, first to even the field,
10 and again to compete with the incentives
11 offered by states that are already more
12 business-friendly.

13 "Worrying only about surrounding
14 states won't get the job done. New Yorkers
15 are nothing if not mobile, as the large
16 population of former Buffalonians in North
17 Carolina attests. But it's more than that.

18 "If a company has installations in
19 several states, including New York, and wants
20 to expand, it will do so in the state where it
21 makes the most economic sense. Our public
22 utilities may be hostages," and there's more
23 of the same. That editorial could have been
24 written about this bill as well.

25 We are really continuing to drive

1 nails into the coffin of making New York
2 uncompetitive. And what you're doing is
3 imposing on our ratepayers of our public
4 utilities the requirement to pay more by
5 imposing this wage requirement on public
6 utility company employees.

7 Mr. President, I vote in the
8 negative.

9 ACTING PRESIDENT CRAIG JOHNSON:
10 Senator Saland to be recorded in the negative.

11 Senator Bonacic, to explain his
12 vote.

13 SENATOR BONACIC: Thank you,
14 Mr. President.

15 This bill is a job killer, plain
16 and simple. It also will raise the energy
17 costs on businesses and consumers. And the
18 question we ask, if this becomes law, why
19 would any business ever stay in the State of
20 New York?

21 But where it goes over the top, if
22 an employer does not pay a prevailing wage, he
23 is subject to a C felony prosecution, which
24 carries up to 15 years. Have we gone insane
25 in this chamber?

1 I vote no.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Bonacic to vote in the negative.

4 Senator Schneiderman, to explain
5 his vote.

6 SENATOR SCHNEIDERMAN: Thank you,
7 Mr. President. I obviously am supporting this
8 legislation.

9 And I just want to say, in response
10 to some of my colleagues, all this bill does
11 is expand a basic principle that's already
12 embodied in Article 9, which is that if you
13 accept a state contract, if you work for a
14 public agency or if you accept the benefits of
15 state law that enable you to function
16 essentially as a monopoly if you're a utility,
17 you are not, in the State of New York, allowed
18 to pay poverty wages. The State of New York
19 should not subsidize poverty.

20 I realize there's a philosophical
21 disagreement about this. But, ladies and
22 gentlemen, this is something that is worth
23 fighting for. And just as we took a blow for
24 domestic workers earlier, we're taking a blow
25 for many thousands of service workers across

1 the state. It is worth it to have people paid
2 prevailing wage. It is worth it to have
3 people able to support their families.

4 This produces long-term benefits
5 for everyone in this state, and I'm proud to
6 sponsor and support this legislation.

7 Thank you, Mr. President.

8 ACTING PRESIDENT CRAIG JOHNSON:
9 Senator Schneiderman to be recorded in the
10 affirmative.

11 Senator Ranzenhofer, to explain his
12 vote.

13 SENATOR RANZENHOFER: Thank you,
14 Mr. President. Just briefly.

15 I rise in opposition to this piece
16 of legislation. They say that insanity is
17 doing the same thing over and over again and
18 expecting to get a different result. What
19 this is is another job-killing piece of
20 legislation.

21 This will increase costs in a state
22 which already has the greatest cost for doing
23 business in New York State and across the
24 country. This will cause people to lose job
25 and not gain any employment in this state.

1 We'll continue to send people out of the state
2 and search for jobs elsewhere where the jobs
3 are being created outside of the state.

4 I'll be voting no.

5 ACTING PRESIDENT CRAIG JOHNSON:
6 Senator Ranzenhofer to be recorded in the
7 negative.

8 Any other Senator wishing to
9 explain their vote?

10 Seeing none, announce the results.

11 THE SECRETARY: Those recorded in
12 the negative on Calendar Number 629 are
13 Senators Alesi, Bonacic, DeFrancisco, Farley,
14 Flanagan, Fuschillo, Golden, Griffio, Hannon,
15 O. Johnson, Lanza, Larkin, LaValle, Leibell,
16 Libous, Little, Marcellino, Maziarz, McDonald,
17 Nozzolio, Ranzenhofer, Robach, Saland, Seward,
18 Skelos, Volker, Winner and Young.

19 Ayes, 33. Nays, 28.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 The bill is passed.

22 Senator Klein, that completes the
23 reading of the controversial calendar.

24 SENATOR KLEIN: Mr. President, at
25 this time can we please go to a reading of the

1 supplemental active list.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 499, by Member of the Assembly Espaillet,
6 Assembly Print Number 9737, an act to amend
7 Chapter 266 of the Laws of 1981.

8 ACTING PRESIDENT CRAIG JOHNSON:

9 Read the last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect immediately.

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Call the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT CRAIG JOHNSON:

16 Senator Hannon, why do you rise?

17 SENATOR HANNON: I'd just like to
18 know what bill it is. It's not --

19 ACTING PRESIDENT CRAIG JOHNSON:

20 It's Calendar Number --

21 SENATOR HANNON: Is this the
22 addition to the regular active list?

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Yes.

25 SENATOR HANNON: Thank you.

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Announce the results.

3 THE SECRETARY: Ayes, 61. Nays,
4 0.

5 ACTING PRESIDENT CRAIG JOHNSON:

6 The bill is passed.

7 The Secretary will continue to
8 read.

9 THE SECRETARY: Calendar Number
10 630, by Member of the Assembly Espaillet,
11 Assembly Print Number 8296A, an act to amend
12 the Executive Law.

13 ACTING PRESIDENT CRAIG JOHNSON:

14 Read the last section.

15 THE SECRETARY: Section 3. This
16 act shall take effect on the 90th day.

17 ACTING PRESIDENT CRAIG JOHNSON:

18 Call the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT CRAIG JOHNSON:

21 Senator Ranzenhofer, why do you rise?

22 SENATOR RANZENHOFER: I don't
23 have a copy of this bill.

24 ACTING PRESIDENT CRAIG JOHNSON:

25 One second, Senator Volker.

1 Senator Ranzenhofer, the copy of
2 the bill is in the black book on your desk.
3 You don't have a copy of the supplemental
4 active list?

5 SENATOR RANZENHOFER: None of my
6 colleagues do.

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Senator Libous.

9 SENATOR LIBOUS: It appears that
10 the back row, for some reason, does not have
11 this.

12 You don't have it either?

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Senator Libous, we're going to hold for a
15 minute to make sure that the back row has a
16 copy of the supplemental active list sheet
17 that you do have in your possession.

18 Senator Ranzenhofer --

19 SENATOR LIBOUS: Mr. President,
20 they were looking for the usual Senate -- it
21 says "Senate Calendar." So I think we've got
22 everything under control.

23 ACTING PRESIDENT CRAIG JOHNSON:
24 Senator Ranzenhofer, is it sufficient in front
25 of you that --

1 SENATOR RANZENHOFER: Yes.

2 SENATOR LIBOUS: Thank you,
3 Mr. President.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Read the last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect on the 90th day.

8 ACTING PRESIDENT CRAIG JOHNSON:
9 Call the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT CRAIG JOHNSON:
12 Announce the results.

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 The bill is passed.

16 Senator Klein, that completes the
17 supplemental active list.

18 SENATOR KLEIN: Mr. President, at
19 this time there will be an immediate meeting
20 of the Finance Committee, followed by a
21 meeting of the Rules Committee in the Majority
22 Conference Room.

23 Pending the return of the two
24 committees, can we please stand at ease.

25 I'd just urge my colleagues to go

1 to committee and get back as quickly as
2 possible so we can finish for the day.

3 ACTING PRESIDENT CRAIG JOHNSON:
4 There will be an immediate meeting of the
5 Finance Committee, followed by an immediate
6 meeting of the Rules Committee in Room 332.

7 To echo Senator Klein, please, if
8 you're members joining the committees, to
9 please come back in. Those members not on the
10 committees, please stay close.

11 Pending the return of the Rules
12 Committee, the Senate will stand at ease.

13 (Whereupon, the Senate stood at
14 ease at 8:48 p.m.)

15 (Whereupon, the Senate reconvened
16 at 9:52 p.m.)

17 ACTING PRESIDENT CRAIG JOHNSON:
18 Senator Klein.

19 SENATOR KLEIN: Mr. President, I
20 believe there's a Rules Committee report at
21 the desk. I move that we adopt the report at
22 this time.

23 ACTING PRESIDENT CRAIG JOHNSON:
24 There is a report of the Rules Committee at
25 the desk.

1 The Secretary will read.

2 THE SECRETARY: Senator Smith,
3 from the Committee on Rules, reports the
4 following bills.

5 Senate Print 103A, by Senator
6 Sampson, an act to amend the Real Property Tax
7 Law;

8 3171, by Senator Griffo, an act to
9 amend the Education Law;

10 3539A, by Senator L. Krueger, an
11 act to amend the Real Property Tax Law;

12 4876A, by Senator Foley, an act to
13 amend the Real Property Tax Law;

14 5370, by Senator Hassell-Thompson,
15 an act to amend the Real Property Tax Law;

16 6279A, by Senator Adams, an act to
17 amend the Private Housing Finance Law;

18 7041, by Senator Valesky, an act to
19 amend the Environmental Conservation Law;

20 And Senate Print 8019, by the
21 Senate Committee on Rules, an act making
22 appropriations for the support of government.

23 All bills ordered direct to third
24 reading.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 All those in favor of adopting the Rules
2 Committee report please signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT CRAIG JOHNSON:

5 Opposed, nay.

6 (Response of "Nay.")

7 ACTING PRESIDENT CRAIG JOHNSON:

8 The Rules Committee report is adopted.

9 Senator Klein.

10 SENATOR KLEIN: Mr. President,

11 can we please go to a reading of the

12 supplemental calendar.

13 ACTING PRESIDENT CRAIG JOHNSON:

14 The Secretary will read.

15 THE SECRETARY: Calendar Number

16 668, by Senator Sampson, Senate Print 103A, an

17 act to amend the Real Property Tax Law.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 Read the last section.

20 THE SECRETARY: Section 2. This

21 act shall take effect immediately.

22 ACTING PRESIDENT CRAIG JOHNSON:

23 Call the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Announce the results.

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT CRAIG JOHNSON:

4 The bill is passed.

5 THE SECRETARY: Calendar Number
6 669, by Senator Griffo, Senate Print 3171, an
7 act to amend the Education Law.

8 ACTING PRESIDENT CRAIG JOHNSON:

9 Read the last section.

10 THE SECRETARY: Section 3. This
11 act shall take effect on the first of July.

12 ACTING PRESIDENT CRAIG JOHNSON:

13 Call the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT CRAIG JOHNSON:

16 Announce the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 The bill is passed.

20 THE SECRETARY: Calendar Number
21 670, by Senator L. Krueger, Senate Print
22 3539A, an act to amend the Real Property Tax
23 Law.

24 ACTING PRESIDENT CRAIG JOHNSON:

25 Read the last section.

1 THE SECRETARY: Section 5. This
2 act shall take effect on the 120th day.

3 ACTING PRESIDENT CRAIG JOHNSON:
4 Call the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT CRAIG JOHNSON:
7 Announce the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT CRAIG JOHNSON:
10 The bill is passed.

11 THE SECRETARY: Calendar Number
12 671, by Senator Foley, Senate Print 4876A, an
13 act to amend the Real Property Tax Law.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Read the last section.

16 THE SECRETARY: Section 3. This
17 act shall take effect immediately.

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Call the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT CRAIG JOHNSON:
22 Announce the results.

23 Senator Larkin, to explain his
24 vote.

25 SENATOR LARKIN: A little more

1 than explain my vote. We just had a meeting,
2 and there was a decision here made to clarify
3 this before we did anything with this bill.

4 SENATOR LaVALLE: Mr. President.

5 ACTING PRESIDENT CRAIG JOHNSON:
6 Senator LaValle, why do you rise?

7 SENATOR LaVALLE: Just a point of
8 information. What bill are we on, please?

9 ACTING PRESIDENT CRAIG JOHNSON:
10 For a point of information, Senator LaValle,
11 we're on Calendar Number 671.

12 SENATOR LaVALLE: By Senator
13 Foley?

14 ACTING PRESIDENT CRAIG JOHNSON:
15 By Senator Foley.

16 SENATOR LaVALLE: Thank you.

17 SENATOR LARKIN: I'll speak on
18 the bill.

19 ACTING PRESIDENT CRAIG JOHNSON:
20 Senator Larkin, to explain his vote.

21 SENATOR LARKIN: I understand
22 where Senator Foley is coming from. But when
23 you look at the exemptions, those of you
24 who've served at town or village or cities,
25 when you do the assessments and you start to

1 say it's transferable, I think we've got
2 another bill that we already did and it says
3 local option.

4 I think that we ought to be
5 looking, because if some individual moves from
6 Point A to Point B and the benefit that he
7 gets is better than where he was living
8 before.

9 And I just asked him at the meeting
10 if we couldn't have this discussed with the
11 Association of Towns or the Conference of
12 Mayors, because it's a good bill. But
13 somebody better make sure that they're all
14 talking off the same sheet of music.

15 ACTING PRESIDENT CRAIG JOHNSON:
16 Thank you, Senator Larkin.

17 Senator Little, to explain her
18 vote.

19 SENATOR LITTLE: Thank you,
20 Mr. President. I would like to explain my
21 vote.

22 And certainly having a son who is a
23 veteran and another son who's on active duty,
24 I support veteran's issues. However, on this
25 bill I believe it's a local option and it

1 differs between towns as to what kind of
2 veterans tax exemption is given within that
3 town. And they're taking away -- normally you
4 could transfer within a city, town or village
5 and even though you bought another house, you
6 could carry that exemption with you.

7 They're taking away city, town and
8 village and saying that you can do that within
9 a county. For instance, Washington County is
10 made up of 17 towns and nine villages, some
11 which have a veterans exemption, some which
12 don't have a veterans exemption.

13 So my concern is that now you could
14 live in one town with a veterans exemption,
15 move to another town without a veterans
16 exemption. As long as you're within the same
17 county, you're carrying it with you -- whereas
18 many of the veterans in that town don't have a
19 veterans exemption.

20 So I think this is something that
21 needs a little further examination and
22 clarification, and it's something that we
23 ought to at least have some input from the
24 local governments on. Therefore, I'm voting
25 no.

1 Thank you.

2 ACTING PRESIDENT CRAIG JOHNSON:
3 Senator Little to be recorded in the negative.

4 Read the last section.

5 THE SECRETARY: Section 3. This
6 act shall take effect immediately.

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Call the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT CRAIG JOHNSON:
11 Announce the results.

12 THE SECRETARY: Those recorded in
13 the negative on Calendar Number 671 are
14 Senators Larkin, Little and Ranzenhofer.

15 Ayes, 58. Nays, 3.

16 ACTING PRESIDENT CRAIG JOHNSON:
17 The bill is passed.

18 The Secretary will continue to
19 read.

20 THE SECRETARY: Calendar Number
21 672, by Senator Hassell-Thompson, Senate Print
22 5370, an act to amend the Real Property Tax
23 Law.

24 ACTING PRESIDENT CRAIG JOHNSON:
25 Read the last section.

1 SENATOR LaVALLE: Lay it aside,
2 please.

3 ACTING PRESIDENT CRAIG JOHNSON:
4 The bill is laid aside.

5 The Secretary will continue to
6 read.

7 THE SECRETARY: Calendar Number
8 673, by Senator Adams, Senate Print 6279A, an
9 act to amend the Private Housing Finance Law.

10 ACTING PRESIDENT CRAIG JOHNSON:
11 Read the last section.

12 THE SECRETARY: Section 2. This
13 act shall take effect on the 30th day.

14 ACTING PRESIDENT CRAIG JOHNSON:
15 Call the roll.

16 SENATOR SALAND: On the bill,
17 please.

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Senator Saland, on the bill.

20 SENATOR SALAND: Thank you,
21 Mr. President.

22 I don't profess to have any great
23 knowledge about the Housing Finance Law --
24 Senator Adams isn't in the chamber, and I
25 understand he wants to provide preferences to

1 veterans. And I don't know if this was his
2 intention or not.

3 I raised this, I believe, in the
4 Rules Committee. He is eliminating the word
5 "disabled" on the second page of the bill
6 which currently provides a preference for
7 disabled veterans. I simply didn't know if
8 that was something done inadvertently or
9 intentionally. And if that's what he proposes
10 to do, that's what he proposes to do.

11 I mentioned it, and supposedly it
12 was going to be mentioned to Senator Adams,
13 and I hope it was. And perhaps he could
14 respond to that. That's all.

15 Thank you.

16 ACTING PRESIDENT CRAIG JOHNSON:
17 Read the last section.

18 THE SECRETARY: Section 2. This
19 act shall take effect on the 30th day.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 Call the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT CRAIG JOHNSON:
24 Senator Adams, to explain his vote.

25 SENATOR ADAMS: I just want to

1 explain -- yes, thank you, Senator Saland.
2 And I'm one of those few Senators, I stand in
3 the chamber the whole day so we can move good.
4 I don't leave, you know.

5 The bill -- we don't remove
6 "disabled." What happened was between 1961 --
7 just to explain my vote -- between 1961 and
8 1975, we offered this to Vietnam veterans,
9 disabled or not. What we're doing is we're
10 still allowing disabled vets to have the
11 Mitchell-Lama, you know, the option, but we're
12 also expanding it to all those who serve
13 during wartime to have the same option.

14 So we're not taking away the
15 "disabled," we're just expanding it to include
16 all the other soldiers who fought in all the
17 wars that are currently going on now.

18 I vote aye.

19 ACTING PRESIDENT CRAIG JOHNSON:
20 Senator Adams to be recorded in the
21 affirmative.

22 Announce the results.

23 THE SECRETARY: Ayes, 61. Nays,
24 0.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 The bill is passed.

2 The Secretary will continue to
3 read.

4 THE SECRETARY: Calendar Number
5 674, by Senator Valesky, Senate Print 7041, an
6 act to amend the Environmental Conservation
7 Law.

8 ACTING PRESIDENT CRAIG JOHNSON:
9 Read the last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect immediately.

12 ACTING PRESIDENT CRAIG JOHNSON:
13 Call the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT CRAIG JOHNSON:
16 Announce the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT CRAIG JOHNSON:
19 The bill is passed.

20 THE SECRETARY: In relation to
21 Calendar Number 677, Senator C. Kruger moves
22 to discharge, from the Committee on Finance,
23 Assembly Bill Number 11313 and substitute it
24 for the identical Senate Bill Number 8019,
25 Third Reading Calendar 677.

1 ACTING PRESIDENT CRAIG JOHNSON:

2 Substitution ordered.

3 THE SECRETARY: Calendar Number
4 677, by the Assembly Committee on Rules,
5 Assembly Print Number 11313, an act making
6 appropriations for the support of government.

7 ACTING PRESIDENT CRAIG JOHNSON:

8 Senator Klein.

9 SENATOR KLEIN: Mr. President, is
10 there a message of necessity and appropriation
11 at the desk?

12 ACTING PRESIDENT CRAIG JOHNSON:

13 There is a message of necessity and
14 appropriation at the desk.

15 SENATOR KLEIN: Mr. President, I
16 move to accept the message at this time.

17 ACTING PRESIDENT CRAIG JOHNSON:

18 The question is on the acceptance of the
19 message of necessity and appropriation. All
20 those in favor please signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT CRAIG JOHNSON:

23 Opposed, nay.

24 (Response of "Nay.")

25 ACTING PRESIDENT CRAIG JOHNSON:

1 The message is accepted.

2 Read the last section.

3 THE SECRETARY: Section 17. This
4 act shall take effect immediately.

5 SENATOR LaVALLE: Lay it aside,
6 please.

7 ACTING PRESIDENT CRAIG JOHNSON:
8 The bill is laid aside.

9 Senator Klein, that completes the
10 reading of the noncontroversial supplemental
11 calendar.

12 SENATOR KLEIN: Mr. President,
13 can we please go a controversial reading of
14 the supplemental calendar.

15 ACTING PRESIDENT CRAIG JOHNSON:
16 The Secretary will ring the bell. All members
17 are asked to come to the chamber for the
18 reading of the controversial supplemental
19 calendar.

20 And again I repeat, I request all
21 members to please stay in their seats or stay
22 within the chamber so we can move the debate
23 along.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 672, by Senator Hassell-Thompson, Senate Print
2 5370, an act to amend the Real Property Tax
3 Law.

4 SENATOR LaVALLE: Explanation,
5 please.

6 ACTING PRESIDENT CRAIG JOHNSON:
7 Senator Hassell-Thompson, an explanation has
8 been requested by Senator LaValle.

9 SENATOR HASSELL-THOMPSON: Thank
10 you, Mr. President.

11 This bill is an attempt to amend
12 the Real Property Tax Law, granting an
13 additional tax exemption for two qualified
14 veterans living in the same household.

15 There was a discussion in Rules,
16 and somehow all of us looking at it failed to
17 realize that under the justification it does
18 say that each county must opt in for both
19 alternative exemptions. And that seemed to
20 have been the basis of concern.

21 If there's specific questions, I'll
22 answer them.

23 ACTING PRESIDENT CRAIG JOHNSON:
24 Senator LaValle, why do you rise?

25 SENATOR LaVALLE: Would the

1 Senator yield for a question.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Hassell-Thompson, will you yield for a
4 question?

5 SENATOR HASSELL-THOMPSON: Yes.

6 ACTING PRESIDENT CRAIG JOHNSON:

7 Senator LaValle.

8 SENATOR LaVALLE: Senator, you
9 were right on the money that the sense was,
10 was this at a local option. And the members
11 are having a hard time finding that language.
12 Could you point that out to us in the bill?

13 SENATOR HASSELL-THOMPSON: The
14 language is not in the bill, but it is in the
15 supporting memo. Which harkens back to the
16 original bill that allows for exemptions.

17 What this bill does is enhance an
18 existing tax exemption. It gives an
19 additional tax exemption to two categories,
20 those with two veterans sharing the same
21 household and those veterans who served in a
22 combat zone. Both options have -- must be
23 opted in by each county.

24 The original law does say that this
25 enhancement does not change the original law.

1 SENATOR LaVALLE: Section --

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator LaValle, do you wish --

4 SENATOR LaVALLE: Yes.

5 ACTING PRESIDENT CRAIG JOHNSON:

6 Senator Hassell-Thompson, will you yield for
7 another question?

8 SENATOR HASSELL-THOMPSON: Yes.

9 ACTING PRESIDENT CRAIG JOHNSON:

10 Senator LaValle.

11 SENATOR LaVALLE: Is that
12 original section in Section 1 of the law which
13 talks about paragraphs A and B of subdivision
14 2 of Section 458(a) of the Real Property Tax
15 Law, is that in that section of law that is --

16 SENATOR HASSELL-THOMPSON: I
17 would be lying to you if I told you that it
18 did, because I'm not looking at the original
19 law.

20 But what I have been told, because
21 I didn't -- I don't have access at this moment
22 to the original law, but that the original law
23 does contain the language that says each
24 county must opt in.

25 And in this memo it says that

1 New York State recognizes in blah, blah, blah,
2 and then it says the alternative exemptions
3 are available only for residential properties
4 of veterans who served during wartime or
5 received an expeditionary medal. This
6 provides for an exemption of 15 percent of the
7 assessed value to veterans who served during
8 wartime, an additional 10 percent to those who
9 served in a combat zone. Each county must opt
10 in to grant this alternative exemption.

11 SENATOR LaVALLE: Just on the
12 bill, Mr. President.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Senator LaValle, on the bill.

15 SENATOR LaVALLE: Based on what
16 Senator Hassell-Thompson has indicated, and
17 based on a reading of the original law, so it
18 is your intent and actual, we have found to
19 date that the counties must -- the county,
20 city, town or village may adopt a local law.
21 So it does have a opt-in provision.

22 Thank you, Senator.

23 SENATOR HASSELL-THOMPSON: Thank
24 you.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Are there any other Senators who wish to be
2 heard on the bill?

3 Hearing none, the debate is closed.
4 The Secretary will please ring the bells.

5 Read the last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect on the first of January
8 next succeeding.

9 ACTING PRESIDENT CRAIG JOHNSON:
10 Call the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT CRAIG JOHNSON:
13 Announce the results.

14 THE SECRETARY: Ayes, 61. Nays,
15 0.

16 ACTING PRESIDENT CRAIG JOHNSON:
17 The bill is passed.

18 The Secretary will continue to
19 read.

20 THE SECRETARY: Calendar Number
21 677, substituted earlier today by the Assembly
22 Committee on Rules, Assembly Print Number
23 11313, an act making appropriations for the
24 support of government.

25 SENATOR DeFRANCISCO:

1 Explanation.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Kruger, an explanation has been
4 requested by Senator DeFrancisco.

5 SENATOR CARL KRUGER: Thank you,
6 Mr. President.

7 This emergency spending
8 appropriation bill, the ninth in a series,
9 covers the period through June 6th. It
10 provides an All Funds appropriation of
11 \$5.45 billion and a General Fund appropriation
12 of \$1.236 billion.

13 ACTING PRESIDENT CRAIG JOHNSON:

14 Senator DeFrancisco, why do you rise?

15 SENATOR DeFRANCISCO: I just have
16 a couple of questions of Senator Kruger, if
17 he'd yield.

18 ACTING PRESIDENT CRAIG JOHNSON:

19 Senator Kruger, will you yield for some
20 questions from Senator DeFrancisco?

21 SENATOR CARL KRUGER: It will be
22 my pleasure, Mr. President.

23 ACTING PRESIDENT CRAIG JOHNSON:

24 Senator DeFrancisco.

25 SENATOR DeFRANCISCO: Senator

1 Kruger, it's my understanding that since the
2 leaders' meeting last week, during which there
3 was an agreement to have the staffs of the
4 Minority and Majority meet last Thursday, that
5 such a meeting did in fact occur, a meeting
6 among the staff members. Is that correct?

7 SENATOR CARL KRUGER: Yes, it
8 did.

9 SENATOR DeFRANCISCO: And can you
10 tell me, out of that meeting, whether or not
11 any agreements were reached?

12 SENATOR CARL KRUGER: Through
13 you, Mr. President, the meetings were very
14 fruitful. To the extent that what we are
15 doing, as was expressed out of the five-way
16 leaders' meeting of last week, targets are
17 being looked at to see exactly what the
18 2-pont-odd-billion-dollar gap is and how we
19 approach filling it.

20 As you well know, tomorrow there is
21 a five-way leaders' meeting scheduled for
22 11:00 a.m.

23 SENATOR DeFRANCISCO: Would
24 Senator Kruger continue to yield.

25 SENATOR CARL KRUGER: Yes, I do,

1 Mr. President.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Kruger will continue to yield, Senator
4 DeFrancisco.

5 SENATOR DeFRANCISCO: Senator
6 Kruger, at that leaders' meeting last week,
7 that was a week ago, and there's been no
8 announcement as to what the -- any
9 announcements about the \$2.5 million, as to
10 how that's going to be debated among
11 committees of the rank-and-file members.

12 SENATOR CARL KRUGER: Through
13 you, Mr. President, it's billion, 2-point-odd
14 billion. And yes, there are targets. Those
15 targets will be discussed tomorrow at the
16 five-way meeting.

17 And with the leadership agreeing,
18 the next step hopefully is the process to
19 begin conference committees.

20 SENATOR FLANAGAN: All right.
21 And would you yield to another question?

22 ACTING PRESIDENT CRAIG JOHNSON:
23 Senator Kruger, will you continue to yield?

24 SENATOR CARL KRUGER: Yes, I do,
25 Mr. President.

1 SENATOR DeFRANCISCO: So the
2 targets have been set at this point in time as
3 to the \$2.5 billion gap, is that what you're
4 saying?

5 SENATOR CARL KRUGER: No, I'm
6 not. I'm saying that there are -- there are,
7 on the radar screen, places where we would be
8 looking toward, hopefully, with the agreement
9 of moving forward to fill in those target
10 numbers.

11 ACTING PRESIDENT CRAIG JOHNSON:
12 Senator DeFrancisco.

13 SENATOR DeFRANCISCO: Would he
14 continue to yield.

15 ACTING PRESIDENT CRAIG JOHNSON:
16 Senator Kruger, will you continue to yield?

17 SENATOR CARL KRUGER: Yes, I
18 will, Mr. President.

19 ACTING PRESIDENT CRAIG JOHNSON:
20 Senator DeFrancisco.

21 SENATOR DeFRANCISCO: Does that
22 mean we're nearing the critical mass, since
23 they're on the target screen?

24 SENATOR CARL KRUGER: I guess
25 it -- through you, Mr. President, when we're

1 finished with this entire process what we're
2 going to do is develop a new glossary of terms
3 as to what this budget negotiation is all
4 about. So you can add "radar screen" to it as
5 well.

6 SENATOR DeFRANCISCO: All right.
7 Lastly, Senator Kruger, the other thing that
8 was mentioned at the last leaders' meeting was
9 the fact that there have been \$6.5 billion in
10 agreed-upon budget-gap closers. Could you
11 relate to this chamber what those \$6.5 billion
12 of budget-gap closers are?

13 ACTING PRESIDENT CRAIG JOHNSON:
14 I'm assuming you want Senator Kruger to yield
15 to that question.

16 SENATOR DeFRANCISCO: Yes. Would
17 you yield to that?

18 SENATOR CARL KRUGER: Through
19 you, Mr. President, I think what we're talking
20 about are small, small closers that have been
21 tentatively agreed to. I do not have a list
22 currently, but I certainly will attempt to
23 have staff put one together and furnish it to
24 you.

25 SENATOR DeFRANCISCO: Would

1 Senator Kruger continue to yield.

2 SENATOR CARL KRUGER: Yes, I do,
3 Mr. President.

4 SENATOR DeFRANCISCO: 6.5 billion
5 is not a small amount of budget-gap closers,
6 at least on my parameters. So you're saying,
7 though, that as to the \$6.5 billion of
8 budget-gap closers, that's why we only need
9 \$2.5 billion that we've got to worry about,
10 you mean there's a list presently as to what
11 those are?

12 SENATOR CARL KRUGER: Through
13 you, Mr. President, there's not a
14 comprehensive list. We will attempt to put
15 together a list and furnish it to you.

16 SENATOR DeFRANCISCO: I don't
17 have any further questions. I'll just speak
18 on the bill.

19 ACTING PRESIDENT CRAIG JOHNSON:
20 Senator DeFrancisco, on the bill.

21 SENATOR DeFRANCISCO: You know,
22 I'm not quite sure where to begin here. I
23 just think this is so ridiculous, and it gets
24 more ridiculous each week.

25 We're asked to extend for our ninth

1 time a budget extender to keep government
2 operating. And from what we've been told in
3 the past, at midnight of the day we're doing
4 these extenders, everything is going to stop,
5 government is going to stop. Well, if we used
6 our entire two hours of time on this debate,
7 we would have the government stopped, because
8 it would become 12 o'clock. But nobody
9 believes that we have to do that to show that
10 government will not stop.

11 But if there's been a \$6.5 billion
12 gap that's been closed, that's been closed --
13 since all we're going to deal with, according
14 to Senator Kruger, is the additional
15 \$2.5 billion, that that's going to be divided
16 up among tables -- shouldn't somebody be given
17 the knowledge of what those \$6.5 billion of
18 closers are? I mean, you're going to get us a
19 list after nine extenders?

20 In fact, I think it was at least a
21 week ago that Assembly Speaker Silver actually
22 said that there's \$6.5 billion of the gap has
23 been closed. Apparently it's been done
24 miraculously, because there's been no leaders'
25 meeting till last week, and there's not

1 another leaders' meeting till tomorrow.

2 But if that's been done, shouldn't
3 the public or the rank-and-file members be
4 notified of what that \$6.5 billion gap that's
5 been closed, how it was closed? I've got a
6 feeling the reason no one is notified is that
7 it hasn't been closed, and we're being given
8 more nonsensical answers to legitimate
9 questions.

10 I know the people in my district, I
11 know we're falling over ourselves -- as a
12 veteran, I'm a veteran -- we're all falling
13 over ourselves today to pass veterans bills to
14 make our veterans feel real good about what
15 we're doing today. And we had a wonderful
16 ceremony today, and that's wonderful too.

17 But veterans also are citizens of
18 this state that, at the -- at least the
19 parades I was at and the events I was at,
20 asked me more than once, "What can you tell me
21 about the budget?" That's of concern to
22 veterans. Maybe not as much as the exemptions
23 that we're bestowing upon them tonight. Or
24 maybe not even as much as the honors we're
25 giving the people that came here today and

1 were honored.

2 We've got to give answers. We've
3 got to provide some type of indication that
4 we're doing something. Other than a game that
5 is so transparent, and it gets more
6 transparent every week.

7 You know what's one of the most
8 ridiculous things about today is we've said
9 over and over that these public budget
10 meetings were part of a 2007 reform bill that
11 all of us were proud of and we're not
12 following the law. We've done that, I've said
13 that every week.

14 You know what's really ironic about
15 today? While that reform bill was being
16 ignored, the majority party, the Democrats,
17 came out with a new series of reform
18 legislation, how they're going to reform the
19 budget process. And you know what it
20 provided? We're going to move the date that
21 the budget is due from April 1 to June 1.

22 Well, guess what. You violated
23 your new reform before you even passed it.
24 You violated your new reform before you even
25 passed it. I mean, how can you defend that?

1 I don't know. I don't know. I'd be
2 embarrassed. I'm embarrassed even though I --
3 despite what I say, I have nothing to do or
4 nothing to say about closing this budget,
5 because we're not part of it.

6 We're now, by the way, according to
7 the Comptroller, who happens to be a
8 Democrat -- that's a nonpartisan person, a
9 Democrat -- we now went into a negative fund
10 balance last week. A negative fund balance.
11 I hope everyone is proud here of everything
12 that we're doing and proud of our answers on
13 the floor as to what's going on with the
14 budget. A negative fund balance, probably for
15 the first time in history. At least the
16 history that I know of since I've been here.
17 And the state had to borrow \$500 million from
18 the state's temporary investment pool to
19 continue paying the state's obligations.

20 And by the way, we're not paying
21 all the state's obligations. And those in
22 many cases contractually that are over 30 days
23 in duration that haven't been paid,
24 contractors and the like, are incurring
25 interest payments. So we're losing money as

1 we're going through this process.

2 I'm not sure what we're waiting
3 for, what the majority party and the leaders
4 are waiting for. What is going to be better
5 the tenth week or the eleventh week or the
6 twelfth week? Are we going to get some
7 magical change in the economy? Well, let me
8 tell you, the market tanked again today.
9 There doesn't seem to be much hope, if you pay
10 any attention to the economists and the budget
11 and the investor community, that things are
12 getting better. In fact, they're getting
13 worse.

14 What miracle is going to happen?
15 Are we going to get a cash cow from Washington
16 and some more stimulus money to fill the gap
17 another year and kick the can of the problem
18 down the block for another couple of years?
19 Is that the concept?

20 And by the way, in case that's what
21 you're waiting for, the taxpayers in this
22 state that I know don't really care whether
23 you take their money from the wallet if it's
24 in this side of the pocket, the state side, or
25 this side of the pocket if it's the federal

1 side. It's their same wallet, the same money.
2 It only goes so far. And we don't deal with
3 our problems as they become due.

4 Are we waiting till people might be
5 so tired of waiting that they'll buy into
6 billions of dollars of borrowing? Is that
7 what we're waiting for? I'm not quite sure
8 that's going to happen, because I don't think
9 many people want borrowing to be the answer to
10 this budget problem.

11 Well, I guess I can go on and talk
12 about the other extenders and how we went
13 forward and maybe a week after we make an
14 amendment, then the road projects are in; a
15 week after we make an amendment, the racing
16 season is saved; a week or two after we make
17 an amendment talking about the parks, the
18 parks miraculously are saved. I mean, is that
19 a way to run government?

20 We don't have any amendments today.
21 You're going to have to figure it out
22 yourself. You're going to have figure out
23 yourself how you're going to correct the daily
24 problems that are arising throughout the
25 state.

1 We want to participate. We've
2 asked to participate. But apparently, to this
3 date, the Assembly Speaker has not even named
4 members to the conference committees, and
5 there's going to be a leaders' meeting
6 tomorrow. There's no schedule to do anything.
7 And we're beyond your newest most wonderful
8 reform action, June 1 budget date. And still
9 no meeting scheduled.

10 And rhetorically, I'm just going to
11 ask the majority, what are you waiting for?
12 What are you waiting for?

13 Tomorrow should be extremely
14 interesting. But I would hope that tomorrow
15 will show two things, what the \$6.5 billion in
16 closers are that have been agreed to,
17 supposedly, what the 6.5 billion of closers
18 have been agreed to, what they are and what
19 that agreement was, because none of us
20 participated in it; and, number two, the
21 \$2.5 billion in deficit situation that we're
22 still in, how the structure is going to be
23 made for the conference committees to deal
24 with that additional deficit.

25 And I've got a feeling we're going

1 to have a little talk, some more rhetoric, and
2 then maybe another week's delay in order for
3 another grand leaders' meeting to be held
4 where nothing gets done.

5 It seems to me if there was true,
6 true belief that something should be done,
7 then you don't wait from a Monday to the
8 following Tuesday or Wednesday to appoint
9 committee members, set a schedule and get a
10 list of the \$2.5 billion and how you're going
11 to deal with it. If you are acting in good
12 faith. But obviously there's little good
13 faith or no faith that anybody in the state
14 has for the way the process is working.

15 So I would suggest one last thing
16 as I'm sitting down. I would suggest, in
17 order to try to divert the attention of the
18 general public from this problem, you come out
19 with another reform package that moves the
20 date for the budget to be passed from June --
21 now from June 1, the new date, to July 1. And
22 then a month from now we'll talk again about a
23 new reform package that maybe you could come
24 out with that might move the date further and
25 further along, maybe to December 1, so you

1 don't have to do a budget before the next
2 crucial election.

3 So, ladies and gentlemen, at some
4 point we're going to have that one or two
5 people over there that's as embarrassed as I
6 am, and as the people on this side of the
7 aisle are, and say "Enough is enough, I'm not
8 voting for this thing," or "Enough is enough,
9 I'll give you one more week, Week 10," because
10 we've now gone past our latest, greatest
11 super-duper reform package on how to deal with
12 a budget.

13 I'm going to vote nay on this, as I
14 have in the last several weeks. Thank you.

15 ACTING PRESIDENT CRAIG JOHNSON:
16 Senator Robach.

17 SENATOR ROBACH: Yes, would
18 Senator Kruger yield for a couple of quick
19 questions, Mr. President.

20 ACTING PRESIDENT CRAIG JOHNSON:
21 Senator Kruger, will you yield for a couple of
22 quick questions from Senator Robach?

23 SENATOR CARL KRUGER: Yes,
24 Mr. President.

25 ACTING PRESIDENT CRAIG JOHNSON:

1 Senator Kruger will yield.

2 SENATOR ROBACH: Senator Kruger,
3 I just want to make sure I'm right on this. I
4 know Senator Sampson has named conference
5 committee members, Senator Skelos, Brian Kolb.
6 Who is the only party left that hasn't named
7 their conference committee members in the
8 process, out of our four groups?

9 SENATOR CARL KRUGER: Only party?
10 I don't know what you mean by "party."
11 Through you, Mr. President. Senator Robach,
12 what do you mean by "party"?

13 SENATOR ROBACH: Out of the four
14 participating houses, minorities, majorities,
15 is the Assembly the only -- is Speaker Silver
16 the only one who has not named his conference
17 committees?

18 SENATOR CARL KRUGER: I believe
19 so.

20 SENATOR ROBACH: And I'm only
21 asking this because I'm not in the meetings,
22 and so I really do believe --

23 SENATOR CARL KRUGER: Through
24 you, Mr. President, in response to your
25 question, I believe so.

1 SENATOR ROBACH: You know what, I
2 would just ask this through you,
3 Mr. President.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 You wish Senator Kruger to continue to yield?

6 SENATOR ROBACH: Would you
7 continue to yield?

8 SENATOR CARL KRUGER: Yes, I do.

9 SENATOR ROBACH: There's
10 obviously a great of frustration, not only
11 with us but in our constituency. And as much
12 as they're frustrated with the challenge at
13 hand, it is very frustrating when I don't
14 think anybody on either side of the aisle can
15 answer the question where we're at.

16 And I think that you would agree
17 that Senator DeFrancisco's very poignant
18 question as to what incremental progress we've
19 made, if any, even behind closed doors --
20 we're so desperate for information, we'll take
21 that at this point -- what that is or what we
22 can report back to our constituents. Is there
23 anything that we can tell them at this point,
24 from your negotiations or staff negotiations,
25 between you and Sheldon Silver's staff and the

1 Governor's staff at this point at all?

2 SENATOR CARL KRUGER: They're
3 ongoing.

4 SENATOR ROBACH: What's that?

5 SENATOR CARL KRUGER: They're
6 ongoing.

7 SENATOR ROBACH: All right, let
8 me ask through you, Mr. President, one more
9 question.

10 ACTING PRESIDENT CRAIG JOHNSON:
11 Senator Kruger, will you continue to yield?

12 SENATOR CARL KRUGER: Yes, I do,
13 Mr. President.

14 SENATOR ROBACH: If my
15 constituents are unhappy with the answer of
16 ongoing negotiations with no result, could you
17 provide me as an insider with anything a
18 little bit more comprehensive or thorough?
19 And maybe let me add this to the question: Is
20 that what you tell your own constituents?

21 SENATOR CARL KRUGER:
22 Negotiations are ongoing and they are -- in
23 my, in the world way I see the world, and they
24 are fruitful.

25 SENATOR ROBACH: Well, on the

1 bill, Mr. President.

2 ACTING PRESIDENT CRAIG JOHNSON:

3 Senator Robach, on the bill.

4 SENATOR ROBACH: You know,
5 really, nobody wants to shut down government.
6 That's not what this is about. But we have to
7 get a result at some point.

8 And my guess is tomorrow Sheldon
9 Silver, after he agreed publicly with all the
10 other leaders to do conference committees but
11 has done nothing in I don't know how many
12 days -- 10 days, 12 days, whatever -- will
13 probably continue to play the budget
14 rope-a-dope game, which doesn't work for my
15 constituency. I don't think it works for
16 yours or anybody's, for that matter.

17 But there has to be some pressure
18 to bear by all the parties to start getting a
19 result. Now, we have trampled on the Budget
20 Reform Act of 2007. I don't know the logic.
21 I don't make that decision. I think it's a
22 bad one. I think it's a bad one for good
23 government, but I also think it's a bad one
24 for results.

25 We're in challenging times, and

1 this is where we should be letting the public
2 know the difficult decisions we have and
3 letting them in, so to speak, on what we can
4 do. Instead, you the Democratic conferences,
5 have chosen to go in exactly the opposite
6 direction and make it as closed and
7 nontransparent as possible.

8 And so now not only are we
9 frustrated with the result, but I literally
10 can't go back to my district, when a business
11 group, a community group says "What's going on
12 with the budget?" and really give them too
13 much information that's accurate. And, you
14 know, the one thing I have in this business is
15 my word, my handshake and my bond. But when
16 you don't have any information, how can you
17 really talk to somebody about what you're
18 going to do?

19 So we really not can do better,
20 must do better for our constituencies. And I
21 won't even go into all the people that can't
22 make their budget, school districts and
23 everything else.

24 But the time is long overdue. So I
25 hope everybody will get a little focused, and

1 whatever pressure we can provide to get this
2 budget done, where we're already two months
3 late, get these conference committees really
4 going and make sure everybody participates,
5 critically, critically important.

6 But until that time, I'm going to
7 continue to vote no for this extender. And I
8 think it's hard, if you're voting yes, to
9 really go back to anybody and say in good
10 faith something constructive is trying to
11 happen to get a budget done.

12 Thank you, Mr. President.

13 ACTING PRESIDENT CRAIG JOHNSON:
14 Senator Flanagan.

15 SENATOR FLANAGAN: Thank you,
16 Mr. President. Would Senator Kruger yield to
17 a question?

18 ACTING PRESIDENT CRAIG JOHNSON:
19 Senator Kruger, do you yield to a question
20 from Senator Flanagan?

21 SENATOR CARL KRUGER: Yes, I do,
22 Mr. President.

23 ACTING PRESIDENT CRAIG JOHNSON:
24 Senator Flanagan.

25 SENATOR FLANAGAN: Thank you.

1 Senator Kruger, I listened to your
2 dialogue with Senator DeFrancisco with rapt
3 attention, like most of my colleagues. And I
4 want to hone in on one thing in particular.
5 You talked about the \$6.5 billion, you alluded
6 to "small closers." I would agree with
7 Senator DeFrancisco, \$6.5 billion is a lot of
8 money. It represents well over 4 percent of
9 our entire budget. And you referenced that
10 there would be a list that would be put
11 together.

12 My question is, there is a leaders'
13 meeting tomorrow at 11 o'clock. Will that
14 list be available for the public's review and
15 consumption prior to that leaders' meeting?

16 SENATOR CARL KRUGER: Through
17 you, Mr. President. I can't say with any
18 certainty that there will be.

19 SENATOR FLANAGAN: Mr. President,
20 on the bill.

21 Thank you, Senator Kruger.

22 ACTING PRESIDENT CRAIG JOHNSON:
23 Senator Flanagan, on the bill.

24 SENATOR FLANAGAN: I'm going to
25 join in the comments of my colleague and

1 friend Senator DeFrancisco. It's not
2 fruitful, it's not ongoing, it's dead, it's
3 fruitless, it's a disgrace what we're involved
4 in right now.

5 Now, I'm going to touch on
6 something that Senator DeFrancisco briefly
7 touched on. The reality is we are at a
8 crossroads. We're out of cash. We are out of
9 cash. And the way we staved off the
10 inevitable was in a temporary way by saying
11 the \$2.3 billion that was supposed to go out
12 June 1st to our school districts, who have
13 been clamoring for the money, we're not paying
14 it. Because we don't have it.

15 And then on top of that, we take
16 \$500 million from the short-term investment
17 pool. And I know in some respects this is
18 absolutely tedious to listen to, but it is so
19 incredibly important. We took \$500 million
20 from that fund. And last year in the budget
21 we made this funky little change that allowed
22 some of this to happen.

23 Last year, before we enacted the
24 budget, any money that was ever borrowed from
25 that pool had to be paid back within the same

1 month. That's not the rule anymore. Now it
2 can be done crossed over months. So now,
3 instead of paying it back within the inside of
4 a month, it can go for four months or to the
5 end of the fiscal year, whichever is shorter.

6 And I know that there are some
7 discussions -- not on a list, not publicly --
8 about potentially doing intrayear transfers.
9 The head of the Division of the Budget is
10 quoted, as late as this afternoon: "'New York
11 has been able to stave off an empty treasury
12 thanks to holding back on aid to
13 municipalities and schools,' Division of
14 Budget Director Robert Mega said this
15 afternoon."

16 And then he goes on to say, "I
17 think it really depends, in terms of layoffs
18 and things we're facing, how successful the
19 early retirement program is. But there's
20 almost no scenario under the early retirement
21 program where we get all the savings we need."

22 Ladies and gentlemen, we're out of
23 money. I don't know how we can possibly go
24 back to our constituents and say it's ongoing
25 and it's fruitful. There's nothing going on.

1 There's nothing that's happened since the
2 leaders' meeting last week.

3 I went to parades over the weekend
4 just like everybody else. It's embarrassing
5 to have to stand there and say, "No, there is
6 no budget." "No, there is no prospect of a
7 budget happening anytime soon."

8 So I'm going to do what I've done
9 for the last eight weeks. I'm going to
10 exercise the one power, discretion and
11 absolute authority that I have, just like
12 everybody else in the chamber and across the
13 way in the Assembly: I'm going to use my
14 vote. That's the one thing that makes me as
15 powerful as any leader, any chair in either
16 house.

17 And I'm going to vote no, because
18 it's ridiculous that we're letting this
19 charade and this folly go on. The taxpayers
20 deserve a lot better and a lot quicker.

21 ACTING PRESIDENT CRAIG JOHNSON:
22 Seeing no other Senators wishing to debate the
23 bill, the debate is closed.

24 The Secretary will please ring the
25 bells.

1 Read the last section.

2 THE SECRETARY: Section 17. This
3 act shall take effect immediately.

4 ACTING PRESIDENT CRAIG JOHNSON:
5 Call the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT CRAIG JOHNSON:
8 Senator Saland, to explain his vote.

9 SENATOR SALAND: Thank you,
10 Mr. President.

11 I'm going to cast my vote in the
12 negative. But I merely wanted to make
13 mention, in listening to the exchanges here on
14 the floor about \$6.5 billion of alleged
15 agreed-upon and yet unseen cuts and another
16 \$2.5 billion to go, some of us may be aware of
17 the fact that the Governor's budget called
18 upon an additional billion dollars or included
19 an additional billion dollars in so-called
20 FMAP or Medicaid money.

21 When last seen, that money had
22 disappeared from the federal budget,
23 notwithstanding the entreaties of a number of
24 New York Congressional delegation members that
25 that in fact was going to happen.

1 So at this moment, as we stand here
2 today, there's at least an additional
3 billion-dollar hole in the Governor's proposed
4 budget. So I would hope that we would be
5 thinking in terms of dealing with not
6 \$2.5 billion more, but \$3.5 billion more.

7 Thank you, Mr. President.

8 ACTING PRESIDENT CRAIG JOHNSON:
9 Senator Saland, how do you vote?

10 SENATOR SALAND: No.

11 ACTING PRESIDENT CRAIG JOHNSON:
12 Senator Saland to be recorded in the negative.

13 Are there any other Senators
14 wishing to explain their vote?

15 Announce the results.

16 THE SECRETARY: Those recorded in
17 the negative on Calendar Number 677 are
18 Senators Alesi, Bonacic, DeFrancisco, Farley,
19 Flanagan, Fuschillo, Golden, Griffio, Hannon,
20 O. Johnson, Lanza, Larkin, LaValle, Leibell,
21 Libous, Little, Marcellino, Maziarz, McDonald,
22 Nozzolio, Padavan, Ranzenhofer, Robach,
23 Saland, Seward, Skelos, Volker, Winner and
24 Young.

25 Ayes, 32. Nays, 29.

1 ACTING PRESIDENT CRAIG JOHNSON:

2 The bill is passed.

3 Senator Klein, that completes the
4 reading of the controversial supplemental
5 calendar.

6 Can we just have some order,
7 please, in the chamber.

8 Senator Klein.

9 SENATOR KLEIN: Mr. President,
10 can we please return to motions and
11 resolutions.

12 ACTING PRESIDENT CRAIG JOHNSON:
13 Returning to the order of motions and
14 resolutions.

15 Senator Klein.

16 SENATOR KLEIN: On behalf of
17 Senator Ruth Hassell-Thompson, on page number
18 27 I offer the following amendments to
19 Calendar Number 570, Senate Print Number 3890,
20 and ask that said bill retain its place on
21 Third Reading Calendar.

22 ACTING PRESIDENT CRAIG JOHNSON:
23 So ordered.

24 SENATOR KLEIN: Mr. President, is
25 there any further business at this desk?

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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.)