NEW YORK STATE SENATE

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REGULAR SESSION

SENATOR JOHN J. FLANAGAN, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

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

I ask all present to please rise and repeat the Pledge of Allegiance.

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

ACTING PRESIDENT FLANAGAN: Today's invocation will be offered by the Reverend Peter G. Young, from Mother Teresa Community.

REVEREND YOUNG: Thank you, Senator. Let us pray.

O God, the builder of all things, You have placed on us the obligation of toil. Grant that the work that we begin today on this Monday may serve to better our lives in New York State and, through Your goodness, contribute to the spread of the call of Your people.

As Senators, we report on this day of the session bell that calls us to hear one another for the benefit of Your New York State constituents. This invocation calls us to be true to our best work effort and to be what we

might become as a legislative leader. We need to heed the call of our own hearts with compassion and equity.

Amen.

ACTING PRESIDENT FLANAGAN: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, March 13th, the Senate met pursuant to adjournment. The Journal of Saturday, March 12th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Breslin.

SENATOR BRESLIN: On behalf of Senator Dilan, I move that the following bill,

Number 1352A, be discharged from its respective committee and be recommitted with instructions to strike the enacting clause.

ACTING PRESIDENT FLANAGAN: So ordered.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Libous.

SENATOR LIBOUS: Mr. President and my colleagues, could I ask that we now take a moment and observe silence as a mark of respect for a 21-year-old sailor, Mychael Anthony Flint, a member of Senator Betty Little's district, who was killed while attending training in California.

If I could ask members to stand and take a moment of silence, please, for this courageous individual who was protecting our country.

ACTING PRESIDENT FLANAGAN: Thank you, Senator Libous.

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

ACTING PRESIDENT FLANAGAN:

Senator Little.

SENATOR LITTLE: Thank you, Mr. President. And thank you to all of my colleagues who are joining me today as we recognize the loss of life and the service of EOCN Mychael Anthony Flint.

Mychael is from Fort Ann, New York. He had enlisted in the Navy in 2009. He was a member of the Seabee Construction Battalion, which is the Navy equivalent of the U.S. Corps of Engineers. Mychael was stationed in San Diego and was on a training mission at Camp Pendleton.

We recognize all of the men and women who are committed to serve our country, and we thank them for their service. We have to understand that these men and women are ready to serve in peace or in war. And as the mother of an active-duty Navy son who has been in the Navy for 20 years, I recall many times that my son would talk about someone who was killed, a good friend who was killed in a helicopter accident, another friend who was killed in the crash of two Super Hornets flying in California.

We need to also recognize and thank our men and women who are killed, who give their lives. First of all, they spend their time and energy training so that they will be prepared to go into combat. But unfortunately there are accidents, and many of them have lost their lives.

Mychael is a 2008 graduate of Fort Ann High School. He was a member of the 2006 Class D Soccer Champions. He is survived by his parents, Amy and Bob Pecue -- Bob is actually a New York State correction officer, and they live in Fort Ann -- and he also has a sister, Kaitlyn. And on September 2nd of 2010, just a little over six months ago, he married Heather Plude-Flint.

Let us all extend our sympathy to the family but join in recognizing him for his service to our country and appreciate his loss of life.

Thank you very much.

ACTING PRESIDENT FLANAGAN: Thank you, Senator Little.

Senator Libous.

SENATOR LIBOUS: Thank you,

Mr. President.

At this time I'd like to hand up the following committee assignments and ask that they be entered into the Journal, please.

ACTING PRESIDENT FLANAGAN: So ordered.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time there will be an immediate meeting of the Rules Committee in Room 332. And I will ask that the Senate stand at ease.

But when we come back, we have a very, very important calendar today that deals with a lot of veterans' issues for the men and women who have served in the past and will serve us in the future.

So could we stand at ease at this moment.

ACTING PRESIDENT FLANAGAN: Senator Libous, there will be an immediate meeting of the Rules Committee in Room 332, and the Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:38 p.m.)

(Whereupon, the Senate reconvened

at 4:12 p.m.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. Can we return to reports of standing committees. I believe there is a report of the Rules Committee at the desk. May we have it read, please.

ACTING PRESIDENT FLANAGAN: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Skelos, from the Committee on Rules, reports the following bills:

By Senator Bonacic, Senate Print 3331, Concurrent Resolution of the Senate and Assembly proposing an amendment to Article 3 of the Constitution;

By Senator Griffo, Senate Print 3900, an act to amend the Military Law and the Penal Law; and

By Senator Zeldin, Senate Print 3901, an act to amend the Military Law.

All bills ordered direct to third

reading.

SENATOR LIBOUS: Mr. President, I move that we accept the report of the Rules Committee.

ACTING PRESIDENT FLANAGAN: All those in favor of accepting the Rules report signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FLANAGAN: Opposed, nay.

(No response.)

ACTING PRESIDENT FLANAGAN: The Rules report is accepted.

SENATOR LIBOUS: Can we have the reading of the noncontroversial calendar, please, Mr. President.

ACTING PRESIDENT FLANAGAN: The Secretary will read.

THE SECRETARY: Calendar Number 11, by Senator Valesky, Senate Print 656, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 31, by Senator Larkin, Senate Print 1728, an act to amend the Penal Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 180th day.

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 37, by Senator Ball, Senate Print 2421, an act to amend the Military Law and the Election

Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FLANAGAN: Senator Breslin, to explain his vote.

SENATOR BRESLIN: Thank you, Mr. President.

On this day where we celebrate veterans and there are so many positive bills on the calendar that are supportive of veterans' rights, I intend to vote for S2421. But I would suggest, when we're doing this, we should consider the fact that we might be setting a bad precedent, insofar as it has always universally been accepted in our country that the only ones who are eligible to vote are those who are alive.

And it's an unfortunate situation that someone voted and then passed away, but we should be very wary of what we do when we

have legislation, legislation that allows someone who's passed away to have a vote accepted.

Thank you, Mr. President.

ACTING PRESIDENT FLANAGAN: Thank you, Senator Breslin.

The Secretary will announce the results.

THE SECRETARY: In relation to Calendar Number 37, those recorded in the negative are Senator Espaillat, Senator Gianaris, Senator L. Krueger, Senator Montgomery, Senator Perkins, Senator Rivera, Senator Squadron and Senator Stavisky. Also voting in the negative, Senator Hassell-Thompson and Senator Parker.

ACTING PRESIDENT FLANAGAN: Senator Larkin, to explain his vote.

SENATOR LARKIN: Thank you, Mr. President.

You know, I'm shocked when I see people voting against this today. You know, every military unit -- if you've been with it, you know -- has a voting officer. And one of his responsibilities is to get those ballots

into their units so that these young men and women of our armed services can vote.

There will be men in battle who voted and sent their application back home, and we just want to make sure that it's counted. He gave his life, he or she gave their life -- and we stand here today and say we don't want to count them.

Well, I'll tell you, I'm ashamed of you, each and every one of you. I've had the terrible duty of writing home to a mother and father and saying "I regret to inform you that your son was killed this afternoon," 19 years of age. And you are sitting here today and saying we're not going to count it. What about he voted and sent his ballot home? He did everything that our country and our government and our state said has to be done.

It's a terrible thing. But after he did all of that, the enemy came upon them and he was killed. But he wasn't killed before he executed his absentee ballot. And you want to take it away from him.

I defy any of you to be in combat and tell the troops that are under your

command that "I don't want your ballot to count." I'm ashamed of you, and you should be ashamed of yourself.

I vote aye.

ACTING PRESIDENT FLANAGAN: The Secretary will announce the results.

THE SECRETARY: Ayes, 49. Nays, 10.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 98, by Senator Saland, Senate Print 1431, an act to amend the Military Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 99, by Senator Larkin, Senate Print 1504, an

act to amend the General Business Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 141, by Senator Ball, Senate Print 2424A, an act to amend the Executive Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number

146, by Senator Ball, Senate Print 3484, an act to amend Chapter 268 of the Laws of 1996.

ACTING PRESIDENT FLANAGAN: Read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FLANAGAN: Senator Ball, to explain his vote.

SENATOR BALL: I first would like to thank Senator Larkin for those comments, and all the veterans who are here today, and those of you who have served.

This is the greatest nation that this world has ever known. And the United States military serves as the greatest force for good and freedom. That flag that is on the shoulders of the men and women who are serving represents the brightest beacon of hope in communities that many of us will never visit, couldn't point out on a map, some of us couldn't pronounce. But that American flag, regardless of your political affiliation, has

fed more children, rebuilt more communities, liberated more people, and allowed more people to vote -- and it is nothing to be apologetic for.

We stand on the shoulders and the memories, the hearts, the blood, sweat and tears of those who are willing to go and fight and die. Regardless of whether you served in protocol, like I did, where the toughest combat I ever saw was a tough cocktail party in Washington, D.C., or whether you served in combat, like Senator Larkin, we all have one thing in common. We've raised our right hand and we were willing to fight and die for this great nation.

I only hope that this chamber can continue to serve as a fitting tribute to the men and women who serve every day, the 3 percent, the 3 percent that live in ditches and trenches and are amid combat and warfare in situations that most of us could never withstand, and who fight for that concept of American democracy that we could only hope to emulate.

I thank all of you for your votes

today. Let us continue good work for the good people who make this country great.

ACTING PRESIDENT FLANAGAN: Senator Ball to be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT FLANAGAN: The bill is passed.

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

SENATOR LIBOUS: Mr. President, I just want to note for the chamber that I believe the three bills that Senator Ball passed are his first legislation to pass the Senate. Congratulations.

(Applause.)

ACTING PRESIDENT FLANAGAN: Senator Libous.

SENATOR LIBOUS: Could we please have the noncontroversial reading of the supplemental calendar, please, right now.

ACTING PRESIDENT FLANAGAN: The Secretary will read.

THE SECRETARY: Calendar Number 204, by Senator Bonacic, Senate Print 3331, Concurrent Resolution of the Senate and Assembly proposing an amendment to Article 3 of the Constitution.

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT FLANAGAN: Lay it aside.

THE SECRETARY: Calendar Number 205, by Senator Griffo, Senate Print 3900, an act to amend the Military Law and the Penal Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FLANAGAN: Senator Griffo to explain his vote.

SENATOR GRIFFO: Thank you, Mr. President.

I appreciate the support of the members of this chamber, because we know that

funeral ceremonies can be very stressful. They're times of grief, very solemn experiences. And I think today, as we come together to celebrate the life of an individual who has served our country in such a noble fashion, it's so appropriate that we ensure that their rights are preserved, that they have a proper environment and a respectful ceremony.

I want to extend my appreciation to all the members of this body for their support today. And also that we'll be able to provide these families with information to allow them to understand their rights.

So I thank you all for your support today. I think this is very important as we honor and respect our veterans and what they have done on behalf of this great country. I will be voting in the affirmative.

ACTING PRESIDENT FLANAGAN: Senator Griffo to be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 206, by Senator Zeldin, Senate Print 3901, an act to amend the Military Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FLANAGAN: Senator Zeldin to explain his vote.

SENATOR ZELDIN: It is an honor to be able to bring this legislation to the floor today. I represent a specialist named Thomas Wilwerth. He was killed near Balad in 2006. He graduated from the same high school that I did. And he was part of the inspiration of bringing this legislation up to the State Senate.

I'm proud to live in a county that has imposed a limit on protests at military funerals. I'm proud to live in a state that

now, through all of our actions, is taking the initiative to limit those protests and military funerals statewide. I disagreed with the Westboro Baptist Church's decision in their favor by the U.S. Supreme Court last week. There was eight justices in favor, one opposed. Judge Samuel Alito voted against it.

And, you know, there's a balance. We have to protect the free speech rights of even the Westboro Baptist Church. Yet at the same time, we also have to protect our military families as they mourn the loss of their veterans that they unfortunately have lost.

So I appreciate all of you that support this measure today. It's an important first step and a message that needs to get sent throughout the entire country. Because whether you live in New York or California, we all need to be protecting our military veterans and their families to provide dignity and respect at that time of mourning.

I want to thank both Senator Jack Martins as well as Bob Farley for all of their hard work and support bringing this measure.

And I'll be voting in the affirmative.

Thank you, Mr. Chair.

ACTING PRESIDENT FLANAGAN: Senator Zeldin to be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT FLANAGAN: The bill is passed.

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

SENATOR LIBOUS: Thank you, Mr. President. Can we go to the controversial reading of the supplemental calendar.

ACTING PRESIDENT FLANAGAN: The Secretary will read.

THE SECRETARY: Calendar Number 204, by Senator Bonacic, Senate Print 3331, Concurrent Resolution of the Senate and Assembly proposing an amendment to Article 3 of the Constitution.

ACTING PRESIDENT FLANAGAN: Senator Valesky, why do you rise?

SENATOR VALESKY: Mr. President, on Calendar Number 204, if I may speak.

First of all, I'd like to thank my colleague and friend Senator Bonacic for bringing this constitutional amendment before us.

This issue is a critically important issue that each and every one of us have heard about over the last several years, in particular last year during our election campaign. The people of the State of New York I think clearly understand the importance of the ability for them to choose us as opposed to us choosing them by way of redrawing our district lines.

Senator Bonacic, you and I have worked very closely over the years in terms of bringing about true and real reform to this State Senate. In fact, I remember only two years ago when Senator Smith appointed you and I to cochair a bipartisan task force on rules reform here in the Senate. And we went around the state holding hearings, taking testimony, preparing what I continue to believe -- and I think many of us do -- was the most

comprehensive series of rules reforms that has ever been adopted here in the State Senate. And we continue to be governed by the rules that you and I wrote in a cooperative fashion.

So I'm very, very pleased that you are taking the lead on this issue on behalf of the Senate Majority and bringing this issue to the floor of the Senate.

The issue of redrawing district lines is critically important and one that we will be participating in in the very near future. But how we redraw our district lines, how we go about that process is very, very important.

Drawing district lines, for example, that has as their population criteria that include being as equal as practicable -- extremely important. That's in this constitutional amendment. Language that requires a district to be as compact as possible, keeping communities in the State of New York whole wherever possible -- critically important.

Including language so that districts not be drawn for the purpose of

diluting the voting strength of any language or racial minority group -- critical to redistricting reform.

Making sure that districts are not drawn for the purpose of favoring any one political party over another -- extremely important. That language is in this constitutional amendment as well.

This is all or would all be accomplished through the establishment of a nonpartisan independent redistricting commission. Mr. President, I happen to have legislation, Senate Bill 660, that would accomplish all of these principles that are imposed in this constitutional amendment. The key difference is that my legislation, which I've offered as an amendment, would accomplish redistricting reform --

SENATOR LIBOUS: Excuse me, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Libous, why do you rise?

SENATOR LIBOUS: Did the Senator just say he offered up an amendment on this legislation?

ACTING PRESIDENT FLANAGAN: I believe that's what Senator Valesky represented.

SENATOR LIBOUS: Mr. President, pursuant to Rule 6, Section 9C, unanimous consent is required to make a motion to amend a concurrent resolution to amend the Constitution.

Is the Senator asking for unanimous consent move to amend the resolution that is before the house?

ACTING PRESIDENT FLANAGAN: Senator Valesky, are you requesting unanimous consent to make a motion to amend the concurrent resolution before the house?

SENATOR VALESKY: Yes, I am, Mr. President.

SENATOR LIBOUS: Mr. President, I would say that that would be out of order at this time.

ACTING PRESIDENT FLANAGAN: The Senator -- I'm sorry, Senator Libous?

SENATOR LIBOUS: I said I believe that is out of order at this time.

ACTING PRESIDENT FLANAGAN:

Senator Libous, your point is well --

SENATOR LIBOUS: Is there unanimous consent to make this motion?

ACTING PRESIDENT FLANAGAN: There is not unanimous consent, Senator Libous. Your point is well-taken.

Senator Valesky, your amendment to the concurrent resolution is a violation of the rules, Rule 6, Section 9C.

SENATOR SQUADRON: Point of order, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Squadron, why do you rise?

SENATOR SQUADRON: Mr. President, we -- also there's a house amendment at the desk presented by Senator Gianaris, I believe, as well. And I just want to be clear that as to the question of unanimous consent as to a nonsponsor or so-called hostile amendment, we do not believe that that's in fact a correct reading of the rules.

So as to Senator Valesky, what he's proposed, we're happy to have Senator Valesky and the Majority work that out, but then we will address the second nonsponsor amendment

in due course.

Thank you, Mr. President.

SENATOR LIBOUS: Mr. President, what is -- I know the Senator stood for a point of order. I want to note that while Senator Valesky did not get unanimous consent, he still has the floor speaking on the bill.

So I don't know if he has given up the floor to Senator Squadron at this time. And I'm not sure what his point of order is, sir.

ACTING PRESIDENT FLANAGAN: Senator Squadron rose on a point of order, but whatever it was eluded me.

Senator Valesky has the floor, and if he wishes to speak on the concurrent resolution, he may continue to do so.

SENATOR VALESKY: Thank you, Mr. President.

To conclude on the concurrent resolution. Again, this amendment -- and if there is ambiguity in the State Constitution, we certainly should be amending the Constitution to make sure that this issue is resolved. The important thing is this is a

step in reform, in the direction of reform of our redistricting process. And I appreciate the fact that we'd have an opportunity to have this conversation this afternoon.

Thank you, Mr. President.

ACTING PRESIDENT FLANAGAN: Is there any other Senator wishing to be heard on the resolution?

Call the roll. Oh, I'm sorry, Senator Gianaris, I apologize. On the resolution.

SENATOR GIANARIS: This is on Senator Bonacic's resolution, correct?

ACTING PRESIDENT FLANAGAN: Yes.

SENATOR GIANARIS: Okay. Thank you.

Would Senator Bonacic yield for a question on the resolution?

ACTING PRESIDENT FLANAGAN: Senator Bonacic, will you yield to a question?

SENATOR BONACIC: Absolutely.

ACTING PRESIDENT FLANAGAN: Senator Gianaris.

SENATOR GIANARIS: Thank you, Senator Bonacic.

My first question is as it relates to this concurrent resolution, when would be the earliest point in time when this would have an impact on the state's redistricting process?

SENATOR BONACIC: This resolution would take place for the elections in 2022. It would not affect any of the redistricting for the vote in 2012.

SENATOR GIANARIS: Thank you, Senator Bonacic.

And as it relates to the content of the resolution, what is the permissible population deviation between state legislative districts that the concurrent resolution would allow?

SENATOR BONACIC: With respect to the state elections, it would be a deviation of 5 percent. With respect to the Congressional elections, it would be a deviation of 1 percent.

SENATOR GIANARIS: And if the Senator would continue to yield.

SENATOR BONACIC: I do.

SENATOR GIANARIS: As it relates

to the Congressional deviation, is the Senator aware that federal standards as laid out by the federal courts do not permit a 1 percent deviation in the case of Congressional districts?

SENATOR BONACIC: What I do know is that the courts have held guidelines for reapportionment both for Congressional and state seats. And there's two principles that we have to adhere to. The first is the equal protection clause, one person, one vote, in accordance with the 14th Amendment. And we have to comply with the federal Voting Rights Act. Those two are in play.

So whatever standards we do, whether the Legislature draws the lines or this independent commission draws the lines, it is all subject to court review whether we adhered to those two principles.

SENATOR GIANARIS: On the resolution, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Gianaris on the resolution.

SENATOR GIANARIS: I thank Senator Bonacic for his yielding and for his

answering of my questions.

This is an issue that's received a lot of attention in this body and throughout this state, not only during this session but during the course of the campaign season last year. The concurrent resolution before us -- well, let me say this. As part of the campaign season, many of us -- just about all of this body -- promised to support an independent redistricting process that would have effect for the 2012 elections. I just want to be clear that this concurrent resolution does not satisfy that promise.

I think we can all agree, as the sponsor indicated, that the soonest that this concurrent resolution can have any effect whatsoever in New York would be in the year 2022, which is not pursuant to the 2010 census, which is the promise that so many of us have made and the promise that I made to my constituents.

The content of the concurrent resolution also does not deal with one of the biggest abuses of the redistricting process, which is manipulation of the population

deviation. It's currently set, for state legislative seats, at 5 percent, plus or minus. And what's happened both as it relates to this house and the house on the other side of the Capitol, where I previously served, is that the party in power would manipulate that deviation to its political benefit.

One of the great ways we can reform the redistricting process and make it fair is to lower that population deviation. It is what Governor Cuomo has proposed in his legislation, it is what I have proposed in mine, it is what Senator Valesky has proposed in his as well. It is what the advocates who have worked so hard on this issue have called for. And it is not contained in the concurrent resolution before us today.

So for two reasons, two primary reasons, I find the concurrent resolution before us is something that I must oppose. Number one, because it does not remedy the abuse of the redistricting process which is most commonly utilized, and that's the population deviation, which allows some districts to have 10 percent more residents

than others.

And also, importantly, it does absolutely nothing to remedy the redistricting process for next year's elections, which is what so many in this state are asking for, which would bring accountability to our state Legislature in a way that it didn't exist in the past.

I'm glad that the reelection rate of so many of my colleagues who I enjoy serving with is as high as it is. But I would rather that that happen, I think the public would rather that that happen as a result of vigorous elections where they get to make the choice of who their representative is going to be, be it in the Assembly or in the Senate.

And unfortunately, competitive elections are far too lacking in this state and something that the public is asking us to fix. Because with more accountable representatives, the public has more of a say at election time and the public can have greater confidence in what goes on in the State Capitol.

So, Mr. President, I thank you very

much for the time today. In a measured tone I have addressed my colleagues as to the reasons why I think this concurrent resolution is one on which I am compelled to vote no, and I encourage all of them to join me in voting against today's resolution.

Thank you.

ACTING PRESIDENT FLANAGAN: Thank you, Senator Gianaris.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you. On the bill.

ACTING PRESIDENT FLANAGAN: Senator Oppenheimer on the resolution.

SENATOR OPPENHEIMER: On the resolution.

Well, I'm all for many more competitive elections, maybe take the focus off of me.

(Laughter.)

SENATOR OPPENHEIMER: And actually I was a cosponsor of this bill, because originally I thought maybe there were two processes here. One would be take care of something in our immediate future, and maybe

in the future take care of an amendment to our constitution.

But I see that it's now -- now is the time for immediate change and significant reform, and in no way could that happen for another 12 years. So I will be voting in the negative.

And I have received additional information, much of which has already been covered by Senator Gianaris, from my friends at the good-government groups, particularly -- as you know, I come from the League of Women Voters, and I have received a report from them, and it points up many things that I think are additional information.

They particularly look at what they see as the lack of sufficient independence, in that there isn't enough space between we legislators and the commission members. For example, lobbyists can be appointed, legislative staff can be appointed, relatives can be appointed. I think we need more of a separation, not less.

And the Cuomo bill and the Gianaris bill both have an additional layer in there

which does separate the legislators from those drawing the lines.

And I think in particular those two bills I mentioned put in a requirement which is very important, I think, on this side of the aisle, which is the requirement to take into account diversity and ethnicity and geography and race. And that is not in the bill before us.

I think another point that we can say about the Cuomo and Gianaris bill that is different from this bill before us is that the deviation of 1 percent is much more likely to result in a one-person-one-vote than the deviation of 5 percent, where those with the smaller numbers in the district actually increase the power of that vote, that one vote, whereas the larger districts decrease the power of an individual's vote.

Also, the bill before us does not have specific instances of how districts will be compacted, how compact they will be, another area of concern for our good-government friends.

And lastly, another one that's of

course of great importance, I think, is that there's no requirement for public hearings throughout the state. And in the case of the Cuomo bill, there's one set of hearings. In the case of Senator Gianaris's bill, there are two sets of hearings. The more the public knows, the better off we are. And we know that we have their support if they understand what we're doing.

And so for those reasons, I will be voting no in spite of being a sponsor of the bill. Thank you.

ACTING PRESIDENT FLANAGAN: Thank you, Senator Oppenheimer.

Senator Hassell-Thompson on the resolution.

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

I rise to speak on the resolution and say that those members who either were in committee or were in Rules have already heard what I'm going to say, but that doesn't encompass the rest of us that did not get to participate in either of those.

My concern about this bill -- and

let me just back up a minute and say to you, Senator Bonacic, and say that now that I recognize that clearly you are separating your attempts in this bill going forward, as opposed to a remedy for 2012, then I will reserve the concerns that I had about that.

But I also heard you very clearly say that this did not preclude any participation in developing something for 2012. And I hope we can count on you when something does come that will address that issue.

But going forward, as we look at your attempts to do a constitutional change, there are some things that disturb me greatly. As someone who represents one of the very few districts that are covered under Section 5 of the Voting Rights Act -- Bronx County, Queens County, and New York County -- there are a couple of things that are very disturbing.

Number one, downstate New York has -- we keep using the word "compact," but we confuse that with packing. And the way in which we have gone forward continues to pack people into our districts in a way that does

not give the benefit of one-person-one-vote.

The other thing that concerns me greatly is that this bill seeks to repeal the current law that bans prison-based gerrymandering. And as somebody who worked very, very hard to do that, I'm certainly not prepared to vote for a bill that would overturn that. I think that the way in which prisoners have been counted in the prisons has done injury to those districts from which they are clearly represented.

The other thing that I'm concerned about is that this bill does not ensure adequate public understanding or participation in the redistricting process. And part of it I heard Senator Oppenheimer allude to, that this bill does not contain the diversity that would allow full participation based upon gender, based upon geography, linguistics, as well as ethnicity and race. And so for all of those reasons and others, I could not possibly support this bill.

The other thing is that if we want to make this a great bill, the ban on drawing lines -- and we want to talk about how do we

make this committee as truly independent as possible, the way in which this bill allows anybody, you know, including relatives of elected officials to be participatory, and yet they don't want elected officials to be participatory, I don't see how in fact this will give you the independence that you say you seek.

I would like to, as I have in the past, volunteer to work with you on this bill to make it a better bill. If in fact we want to truly do a constitutional amendment to eliminate the existing reapportionment and redistricting kind of wrangling that goes on here, and so that the people of the State of New York will get full and fair participation -- but I don't think that this bill will do this.

And I thank you very much.

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

Senator Espaillat on the resolution.

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

I want to commend Senator Bonacic for his good work in trying to bring this issue to our constitution.

However, I feel very strongly that this is kicking the can down the road to the next decade. And that in fact the voters of New York State, the residents of New York State have given us all a mandate to take care of this once and for all in the next couple of years. They want us to do away with the old practices of backroom gerrymandering. They want us to do away with the practices of cracking and packing that have disenfranchised communities of common interest for many, many years.

So we feel that we should be up to the task of preparing ourselves to do this in the next two years. We must identify those prisoners that benefited from doing away with prison gerrymandering, identify where they came from, and include them in the voting rolls for the next upcoming elections. We should not delay this process any further.

This resolution provides -- may provide cover for many of us who may not want

to take a stand on an independent redistricting commission and may want to say that in fact they'd rather vote for a constitutional amendment.

It is clear that, as I did, many of us signed a pledge to do this swiftly and in a transparent fashion, to do it this year and next year. And I think the voters and the residents of New York State want this to happen now and not in the next decade. That is why I will be voting in the negative.

ACTING PRESIDENT FLANAGAN: Thank you, Senator Espaillat.

Senator Bonacic to close.

SENATOR BONACIC: Thank you, Mr. President.

First of all, I'd like to --

ACTING PRESIDENT FLANAGAN: Excuse me, Senator Bonacic, I apologize.

Senator Perkins, I was unaware that you wanted to speak.

Senator Perkins on the resolution.

SENATOR PERKINS: Thank you very much. I'm going to be brief.

I just want to -- you know, I'm

concerned about the fact that this is a diversion from what the public is expecting of us to do right away, which is to redistrict in a fair way the seats and to pass legislation as quickly as possible. This puts off to another decade that which the people want us to take care of today.

It reminds me of the era when the term "with all due deliberate speed" was used as an opportunity for those to continue the slow pace of integration, as opposed to move forward as quickly as possible.

And whenever you get involved in these voting rights and these election rights issues, you have to take into consideration the fact that there are protected districts such as mine in Manhattan, one in Brooklyn, Kings County and others.

And so I'm concerned that we're not doing this as expeditiously as we should be doing it, that in fact that it's a delay tactic that is not providing the reform but, quite the opposite, is against reform.

And I therefore am going to have to vote no and encourage all my colleagues, for

the sake of civil rights, that we do not allow this legislation to go forward and delay that which we're supposed to be doing now.

ACTING PRESIDENT FLANAGAN: Thank you, Senator Perkins.

Is there any other Senator wishing to be heard?

Senator Bonacic to close.

SENATOR BONACIC: Thank you, Mr. President.

First I'd like to thank my colleagues for the kind words, especially Senator Valesky, and the kind words from all my colleagues.

Let me just make a couple of observations. This constitutional amendment that we're proposing, that I have proposed since 1996 -- I have been consistent from 1996 to the present time. There was no legislation or budget provision that dealt with census and prisoners. It's not in my legislation, because I started this in 2006.

This emanated from Senator Dollinger before me. And I picked it up because I thought it was pure, it was simple,

it was independent, it was bipartisan. And it's as truthful as we can get when it comes to drawing lines for redistricting.

And along the way of this legislation as it was proposed, let me just share with you some of the people who have sponsored it which I'd like to thank, those presently and in the past. Senator Ball. Senator Grisanti. Senator Oppenheimer, who sponsored this in 2009-2010. Senator Saland. Senator Liz Krueger, who stood with me when I say my lonely two years in 2007 and 2008 over here, my only cosponsor on your side of the aisle. Senator Golden. Former Senator Mary Lou Rath. Senator Duane. Former Senator Seymour Lachman, who has really shed some light on Albany with his book. Our Senate president from 2009-2010, Senator Malcolm Smith. Our Senate majority conference leader 2009-2010, Senator John Sampson. Senator Stavisky. And others.

So you know this is not a partisan piece of legislation. We've all embraced it. And when it comes to constitutional amendments, we kept kicking the can down the

road because this started back close to 2000 and we didn't do it.

And when you say -- and I think Senator Esplata [sic] has said -- and I might not have pronounced that right, Senator, and I apologize -- he indicated that we're kicking the can down the road. You kick the can down the road, when you use that expression, when you don't provide a solution. This does provide a solution. And the public strives for an independent analysis.

Now I'm just going to comment a little bit of some of the concerns that you've raised. You've said that the courts require ethnicity, minorities, gender -- and I agree with all of that. But those standards have been set when there's a federal review or a state review by the judicial system. That's going to happen anyway.

And this commission that we're trying to establish to draw the lines, five people, one appointed by each leader and the other four pick the fifth. So there was concerns about who would qualify for these five. And that's something that we can do

together, working together, setting qualifications for who would qualify, whether they be a New York resident, how long you want them to be a resident, you want to ban lobbyists, you want to try to achieve ethnicity. These are all legitimate areas that we can prepare a law for as to have them the most qualified and being independent and trying to be fair. That we can do.

As for public hearings, in order for this to pass, we have to do this again in 2013. We have a lot of time for public hearings. And again, by statute, we can require public hearings. But the ultimate public hearing is the vote of the voters on whether or not they embrace this constitutional change.

So my intent in doing this was not in any way to not address redistricting in 2012, because I've said up front we all have to do that. But we are putting in place a process and finally making decision on a constitutional change once and for all for reforms for future legislatures down the road, where we don't have to get involved in all

this rhetoric and dancing.

And we need the constitutional change because the Legislature says we are delegating this authority to five people. And, you know, if I could get five Solomons, I wish we could. But I think it's a truthful dialogue of the best independent process we could have that's bipartisan.

And that's why I'm putting this resolution forward -- in no way, in no way to address the urgency and your concerns for 2012. Governor Cuomo I said right up front this constitutional change does not do this.

And, you know, I'm not playing the blame game, but let's face it. You had opportunities -- meaning your side of the aisle -- in 2009 and 2010 to do independent redistricting, to do a constitutional change. Because now, if we do it now, then we have the change and it could have gone forward in 2012.

And when we do something by statute and not by constitutional change, we get nervous. Both sides get nervous. And I know that whenever you get a chance, you want to talk about the Governor's redistricting bill.

But I get a concern when we give a governor four appointments, four appointments. Because let me just change the dialogue. What happens if Carl Paladino was governor? Would you be concerned giving the governor four appointments for this reapportionment, redistricting committee? Sure you would. If you had a governor that was not elected, like we had four years ago, would you have a concern about the legitimacy of independence and bipartisanship? I think you would. So I try to have an honest dialogue of the best way to get there.

And then what really made everybody nervous was remarks by your president pro tem back in May where he said "When we are in the majority, we will put the Republicans into oblivion in terms of redistricting." Now, if that doesn't get people nervous, nothing does.

So that's one of the reasons why we've been going forward and giving everybody an opportunity to avoid these things that have happened in the past. And I've intentionally made it prospectively so it resolves the problem as we go out. But it certainly

doesn't kick the can down the road, because it is a solution. It's real reform.

The New York City Bar Association is on record that if you're going to do redistricting, get it out of the hands of the Legislature, do a constitutional amendment. There are 10 states now in this country looking on reforming redistricting, constitutional amendments.

So the time is now. And, you know, you can dance and say, well, you know, the need is imminent, it's immediate for 2012. But we're not delaying that process at all. We're asking you to be a partner with us, like all those Democrats were in sponsoring this legislation throughout the years.

So this is an opportunity for reform for all of us. And I ask you to support the measure, and I thank you for your consideration.

Thank you, Mr. President.

ACTING PRESIDENT FLANAGAN: Thank you, Senator Bonacic.

The Secretary will call the roll on the concurrent resolution.

(The Secretary called the roll.)

SENATOR SQUADRON: Point of order, Mr. President.

I believe this was a bill on the controversial calendar. We need to ring the bells before calling the vote, respectfully.

ACTING PRESIDENT FLANAGAN: The Secretary will ring the bell.

Thank you, Senator Squadron.

Senator Libous, the bell has been rung and the Secretary will call the roll momentarily.

(Laughter.)

ACTING PRESIDENT FLANAGAN: Senator Squadron, why do you rise?

SENATOR SQUADRON: Mr. President, I request a slow roll. I was not sure if you had forgotten to call the roll or not.

ACTING PRESIDENT FLANAGAN: When we get to the roll call, Senator Squadron, I will address your concern.

SENATOR SQUADRON: Thank you.

ACTING PRESIDENT FLANAGAN: The Secretary will call the roll on the concurrent resolution.

Senator Squadron.

SENATOR SQUADRON: Slow roll call, please.

(Several Democratic members stood.)

ACTING PRESIDENT FLANAGAN: Thank you, Senator Squadron.

The Secretary will call the roll slowly on the concurrent resolution.

THE SECRETARY: Senator Adams, excused.

Senator Addabbo.

SENATOR ADDABBO: No.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Yes.

THE SECRETARY: Senator Avella.

SENATOR AVELLA: No.

THE SECRETARY: Senator Ball.

SENATOR BALL: Yes.

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: Yes.

THE SECRETARY: Senator Breslin.

ACTING PRESIDENT FLANAGAN: Senator Breslin, to explain his vote.

SENATOR BRESLIN: Thank you, Mr. President.

I stand to say to Senator Bonacic thank you for so much work that he's done.

But this is a bill that was introduced last week, rushed through Judiciary, rushed through Rules. At a time when the Governor put a bill in that couldn't really be dealt with because we had the budget to worry about.

I only point that out because it really points to a true diversion, as Senator Perkins has said, Senator Hassell-Thompson has said, and others have said. It's a diversion that takes our focus away from proper redistricting. Senator Bonacic's bill talks about 11 years from now -- 11 years from now. We have plenty of time for hearings, plenty of time to talk about the racial factor in this bill, about hearings, about the deviation. I believe it should be 1 percent.

And for that reason and others, I vote no. Thank you, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Breslin to be recorded in the negative.

THE SECRETARY: Senator Carlucci.

ACTING PRESIDENT FLANAGAN: Senator Carlucci, to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

I care deeply about independent redistricting. I think it's extremely important that we try to address it as soon as possible so that we have it in place before the next set of legislative races.

With that said, I think it's important that we keep in mind just not the next election but the next generation. And we keep in mind that this is the closest that this body has come to actually approving and securing one man, one vote or one person, one vote in the New York State Constitution.

So I don't want to let this opportunity go by and allow us to wait another 10 years and then have this same discussion.

So, Mr. President, I'll be voting in the affirmative. Thank you.

ACTING PRESIDENT FLANAGAN: Thank you. Senator Carlucci to be recorded in the affirmative.

THE SECRETARY: Senator

DeFrancisco.

SENATOR DeFRANCISCO: Aye.

THE SECRETARY: Senator Diaz.

SENATOR DIAZ: No.

THE SECRETARY: Senator Dilan.

SENATOR DILAN: No.

THE SECRETARY: Senator Duane.

SENATOR DUANE: No.

THE SECRETARY: Senator Espaillat.

SENATOR ESPAILLAT: No.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Flanagan.

SENATOR FLANAGAN: Yes.

THE SECRETARY: Senator Fuschillo.

SENATOR FUSCHILLO: Yes.

THE SECRETARY: Senator Gallivan.

SENATOR GALLIVAN: Yes.

THE SECRETARY: Senator Gianaris.

SENATOR GIANARIS: No.

THE SECRETARY: Senator Golden.

SENATOR GOLDEN: Yes.

THE SECRETARY: Senator Griffo.

SENATOR GRIFFO: Yes.

THE SECRETARY: Senator Grisanti.

SENATOR GRISANTI: Yes.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Hassell-Thompson.

ACTING PRESIDENT FLANAGAN: Senator Hassell-Thompson, to explain her vote.

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

I just would like, in explaining my vote, to just say to Senator Bonacic that while I appreciate the fact that many of these you ascribe to the courts, if we have the opportunity to do a good bill, why would we wait for the courts to have to dictate what should be in it? If we know what's right, then we should ensure that we create a committee that allows for diversity, we should create a committee that allows for all of the opportunities for fairness.

And I don't believe that this bill does that, and so therefore I will continue to vote no.

Thank you, Mr. President.

ACTING PRESIDENT FLANAGAN: Senator Hassell-Thompson to be recorded in the negative.

THE SECRETARY: Senator Huntley.

(No response.)

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Aye.

THE SECRETARY: Senator Kennedy.

SENATOR KENNEDY: No.

THE SECRETARY: Senator Klein.

SENATOR KLEIN: Yes.

THE SECRETARY: Senator L. Krueger.

ACTING PRESIDENT FLANAGAN: Senator Liz Krueger to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

I also will be voting no on this bill today. I appreciate Senator Bonacic's long explanation of the bill. And he's correct, there was a previous year where I did cosponsor this bill. And I admit I didn't read the bill carefully enough. I didn't understand all of the ramifications of all of

the specific changes in this constitutional amendment.

But I was able to learn what I didn't like about this bill because the public came to me to lay out the details of the concerns they had with this bill. And so I didn't sponsor this year.

But I think the important part is we're now moving this bill through Judiciary, Rules, to the floor for a vote in one day. The Governor has -- even though we've all heard this will have an impact, if ever passed, on the next redistricting after 2021. And yet we have a desperate need to do something about independent redistricting this year in a matter of months as far as the process, and yet we can't get the Governor's program bill through to a public hearing so we could learn whether we would agree or disagree with each other on that bill.

So I am voting no on this bill. I will admit freely the more I learned the more I realized that wasn't the right bill.

And I just wish, for the record, that some all-powerful committee clerk

couldn't stop a public hearing on a Governor's program bill that is very timely and needs to be done or at least evaluated now.

So I'll be voting no, Mr. President. Thank you.

ACTING PRESIDENT FLANAGAN: Senator L. Krueger to be recorded in the negative.

THE SECRETARY: Senator C. Kruger.

SENATOR CARL KRUGER: No.

THE SECRETARY: Senator Lanza.

SENATOR LANZA: Aye.

THE SECRETARY: Senator Larkin.

ACTING PRESIDENT FLANAGAN: Senator Larkin, to explain his vote.

SENATOR LARKIN: You know, Mr. President, I'd like to go back a few years -- '82, '92, 2002, I heard these same comments. During the campaign of '08 I remember my opponent saying one of the first things we're going to do is we're going to take that bill in '09 and we're going to have reapportionment.

And I remember John Bonacic saying

at one of our meetings, you know, let's stop kicking the can down the road, let's do it right. Let's have a constitutional -- I heard John saying that way back when.

Don't sit here today like "We want a public hearing." What happened to your voices of '08? We're going to do it. You had the opportunity in '09, in '10. But as the former president, Mr. Smith, said "We're going kick them out to oblivion" -- well, the public had a different view.

You will make all of those excuses: You know, we should have public this, we should have a public -- do you know, this week I attended three parades. Not one person said to me about redistricting. You know what they said? "Can you find a job for me?" "When are you going to lower the taxes?" "When are you going to do your work?"

John Bonacic, you're to be commended. Because when others were saying "John, you're biting off too much," you said, "My priority is the people I represent, not the special interests." Thank you very much, John.

I vote yes.

ACTING PRESIDENT FLANAGAN: Senator Larkin to be recorded in the affirmative.

THE SECRETARY: Senator LaValle.

SENATOR LaVALLE: Aye.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Aye.

THE SECRETARY: Senator Little.

SENATOR LITTLE: Yes.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Yes.

THE SECRETARY: Senator Martins.

SENATOR MARTINS: Yes.

THE SECRETARY: Senator Maziarz, excused.

Senator McDonald.

SENATOR McDONALD: Yes.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: No.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator O'Mara.

SENATOR O'MARA: Aye.
THE SECRETARY: Senator Oppenheimer.
SENATOR OPPENHEIMER: No.
THE SECRETARY: Senator Parker.
SENATOR PARKER: Nay.
THE SECRETARY: Senator Peralta.
SENATOR PERALTA: No.
THE SECRETARY: Senator Perkins.
SENATOR PERKINS: No.
THE SECRETARY: Senator Ranzenhofer.
SENATOR RANZENHOFER: Yes.
THE SECRETARY: Senator Ritchie.
SENATOR RITCHIE: Yes.
THE SECRETARY: Senator Rivera.
SENATOR RIVERA: Nay.
THE SECRETARY: Senator Robach.
SENATOR ROBACH: Aye.
THE SECRETARY: Senator Saland.
SENATOR SALAND: Aye.
THE SECRETARY: Senator Sampson.
(Senator Sampson recorded in the negative.)
THE SECRETARY: Senator Savino.

ACTING PRESIDENT FLANAGAN:

Senator Savino, to explain her vote.

SENATOR SAVINO: Thank you, Mr. President.

You know, I'm actually going to vote for this resolution, Senator Bonacic. But I don't think our work here is done. I agree with you that we need to solve this problem constitutionally for the next legislative body. Hopefully some of us will be here in 10 years. Some of us might not.

I also don't think our work is done. I think we need to do nonpartisan independent redistricting for the upcoming census. I think it's important. Sixty people in this body campaigned on that issue last year. They either signed a pledge or they signed onto a piece of legislation saying that they believed in it.

But there are very few issues that come before this body that has created such a level of discomfort for people as this particular issue. And if we all wanted to be honest with ourselves and we wanted to be honest with our voters, we would tell people

what we really think about independent redistricting.

Senator Bonacic is right. He's been pushing this bill for -- 12 years now? Many of the members on this side of the aisle cosponsored your bill before. We all supported it when we were in charge, yet we couldn't get it out of committee and we couldn't bring it to the floor.

I don't think this is the perfect solution. I still think that we need to do independent redistricting for the upcoming legislative terms. But I know one thing is for sure. This may be the only chance in my career that I will ever get to vote on a bill that calls for independent nonpartisan redistricting in the New York State Senate, folks.

So for that reason, I'm going to vote for this bill, because it may be my only shot.

ACTING PRESIDENT FLANAGAN: Senator Savino to be recorded in the affirmative.

THE SECRETARY: Senator Serrano.

SENATOR SERRANO: No.
THE SECRETARY: Senator Seward.
SENATOR SEWARD: Yes.
THE SECRETARY: Senator Skelos.
(Senator Skelos recorded in the affirmative.)
THE SECRETARY: Senator Smith.
SENATOR SMITH: No.
THE SECRETARY: Senator Squadron.
ACTING PRESIDENT FLANAGAN: Senator Squadron, to explain his vote.
SENATOR SQUADRON: Thank you very much, Mr. President.
And I too commend Senator Bonacic for what I know has been years and years of working on this issue and being supportive of it, and his sincere belief that there is a better way to do things. And my colleagues on this side of the aisle who pointed out so many of the reasons that I think this bill still does need more work and is not fully there yet.
But let's be very clear. This has been a very good, genteel debate, and that's appropriate for this house. Unlike last week,

which really wasn't. But there's a striking similarity between last week's debate and this week's debate. In neither case have we yet dealt with the issue that 60 out of 62 of us have pledged to deal with, which is redistricting right now.

Let's be clear. This body has still not taken up an issue that 60 out of 62 of us have pledged to take up. That's a very important issue and I think a reason right now why this bill of Senator Bonacic's that is admirable and that I think is an important piece of the puzzle shouldn't come first and shouldn't come in this rushed way, it should come in the appropriate time and the appropriate course.

And what we need to do right now is we need take up a bill that will solve the problem for this coming year, which is what we all pledged to do.

I'll be voting no, Mr. President. Thank you.

ACTING PRESIDENT FLANAGAN: Senator Squadron to be recorded in the negative.

THE SECRETARY: Senator Stavisky.

SENATOR STAVISKY: To explain my vote.

ACTING PRESIDENT FLANAGAN: Senator Stavisky to explain her vote.

SENATOR STAVISKY: There are a lot of things that are good with this bill, but there are some technical corrections that really have not been made. And it seems to me that we are just passing off the problem for another 10 or 11 years.

I hate to think that this might be the only chance we have to vote on a redistricting bill. That, to me, is a cynical scenario is that we must reject. I suggest that it's time to consider the Governor's program bill. I vote no.

ACTING PRESIDENT FLANAGAN: Senator Stavisky to be recorded in the negative.

THE SECRETARY: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: No.

THE SECRETARY: Senator Valesky.

ACTING PRESIDENT FLANAGAN:

Senator Valesky to explain his vote.

SENATOR VALESKY: Thank you, Mr. President.

Mr. President, I'm disappointed this afternoon. I'm disappointed in the no votes by my colleagues here today. I'm disappointed in the comments from organizations outside of the Senate who somehow believe that reform is not embodied in this concurrent resolution that is before us today.

We can go through line by line a piece of legislation that comes before us every day that we're here -- or, in this case, a concurrent resolution. We can find a clause in a bill that we might think might not go far enough. We can find a sentence that we might think might not quite fit in terms of our definition of reform.

But in the final analysis it seems to me that when we vote on this concurrent resolution, or when we vote on anything that comes before us in this State Senate, that we take a step back and we ask ourselves one simple question. In this case, that question

is: Would the State of New York and the people of the State of New York be better served by a redistricting process that is done this way as opposed to the way we've been doing it decade after decade after decade?

Mr. President, in my mind, there's no comparison. This is a far superior way to redraw district lines in the State of New York. And for that reason I vote yes.

ACTING PRESIDENT FLANAGAN: Senator Valesky to be recorded in the affirmative.

THE SECRETARY: Senator Young.

SENATOR YOUNG: Yes.

THE SECRETARY: Senator Zeldin.

SENATOR ZELDIN: Yes.

ACTING PRESIDENT FLANAGAN: The Secretary will call the absentees.

THE SECRETARY: Senator Huntley.

(No response.)

ACTING PRESIDENT FLANAGAN: The Secretary will announce the results.

THE SECRETARY: Ayes, 35. Nays, 24.

ACTING PRESIDENT FLANAGAN: The

resolution is adopted.

Senator Libous, that completes the controversial reading of the supplemental calendar.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, is there any further business at the desk?

ACTING PRESIDENT FLANAGAN: No, Senator Libous.

But I would respectfully ask that the members just wait for one moment. Senator Libous has something he'd like to ask. But there is no further official business at the desk.

SENATOR LIBOUS: We're going to do a couple of things, Mr. President.

I believe, in consultation with Senator Skelos, Senator Sampson would like to hand up the following committee assignments and note it in the Journal.

ACTING PRESIDENT FLANAGAN: So ordered. To be filed in the Journal Clerk's office.

SENATOR LIBOUS: Thank you,

Mr. President.

This weekend the people of Japan experienced some very, very horrific devastation, with not just one but several earthquakes and other tremors that followed. We pour our hearts out to the people of Japan and certainly hope that the rescue efforts -- which is a humanitarian effort throughout the entire world to help those who have survived and certainly to help heal the pain of those who have lost their homes, their worldly possessions and their loved ones.

Mr. President, I would ask that this body join me in a moment of silence for those who unfortunately lost their lives through this devastation, and that we have a moment of silent prayer for those and the leaders in Japan and certainly those around the world who are helping this nation at this time.

ACTING PRESIDENT FLANAGAN: Thank you, Senator Libous.

Obviously everyone has heeded your call and has risen.

(Whereupon, the assemblage

respected a moment of silence.)

SENATOR LIBOUS: Mr. President, there being no further business, I move that the Senate adjourn until Tuesday, March 15th, 2011, at 1:30 p.m.

ACTING PRESIDENT FLANAGAN: On motion, the Senate stands adjourned until Tuesday, March 15th, at 1:30.

(Whereupon, at 5:22 p.m., the Senate adjourned.)