

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 March 22, 2011

11 3:05 p.m.

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13
14 REGULAR SESSION

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18 SENATOR THOMAS F. O'MARA, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

2 ACTING PRESIDENT O'MARA: The
3 Senate will come to order.

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

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

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

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

14 ACTING PRESIDENT O'MARA: The
15 reading of the Journal.

16 The Secretary will read.

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

22 ACTING PRESIDENT O'MARA: Without
23 objection, the Journal stands approved as
24 read.

25 Presentation of petitions.

1 Messages from the Assembly.

2 The Secretary will read.

3 THE SECRETARY: On page 20,
4 Senator Robach moves to discharge, from the
5 Committee on Labor, Assembly Bill Number 6091
6 and substitute it for the identical Senate
7 Bill Number 3928, Third Reading Calendar 229.

8 ACTING PRESIDENT O'MARA:
9 Substitution ordered.

10 Messages from the Governor.

11 Reports of standing committees.

12 Reports of select committees.

13 Communications and reports from
14 state officers.

15 Motions and resolutions.

16 Senator Breslin.

17 SENATOR BRESLIN: Thank you,
18 Mr. President.

19 On behalf of Senator Parker, I move
20 that the following bill, Bill 1820, be
21 discharged from its respective committee and
22 be recommitted with instructions to strike the
23 enacting clause.

24 ACTING PRESIDENT O'MARA: So
25 ordered.

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

3 ACTING PRESIDENT O'MARA: Senator
4 Libous.

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

7 On behalf of Senator Griffo,
8 Mr. President, I move to commit Senate Print
9 Number 1707A, Calendar Number 223 on the order
10 of third reading, to the Committee on
11 Commerce, Economic Development and Small
12 Business.

13 ACTING PRESIDENT O'MARA: So
14 ordered.

15 SENATOR LIBOUS: And,
16 Mr. President, on behalf of Senator Seward, on
17 page 9 I offer the following amendments to
18 Calendar Number 87, Senate Print Number 2683,
19 and ask that the bill retain its place on the
20 Third Reading Calendar.

21 ACTING PRESIDENT O'MARA: The
22 amendments are received, and the bill retain
23 its place on the Third Reading Calendar.

24 Senator Libous.

25 SENATOR LIBOUS: Thank you,

1 Mr. President.

2 May we at this time adopt the
3 Resolution Calendar, with the exception of
4 Resolution Numbers 965, 971, 980, 995, 996,
5 and 999.

6 ACTING PRESIDENT O'MARA: All in
7 favor of adopting the Resolution Calendar,
8 with the omissions noted, please signify by
9 saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT O'MARA:
12 Opposed, nay.

13 (No response.)

14 ACTING PRESIDENT O'MARA: Motion
15 carried. The Resolution Calendar is adopted.

16 SENATOR LIBOUS: Mr. President,
17 there's a resolution at the desk by Senator
18 Martins, Resolution Number 980. May we please
19 have it read in its entirety and call on
20 Senator Martins before it is adopted.

21 ACTING PRESIDENT O'MARA: The
22 Secretary will read.

23 THE SECRETARY: By Senator
24 Martins, Legislative Resolution Number 980,
25 congratulating the Elmont Memorial High School

1 Varsity Boys Basketball Team and Coach George
2 Holub upon the occasion of capturing the
3 Nassau County Class AA Championship on
4 March 7, 2011.

5 "WHEREAS, Excellence and success in
6 competitive sports can be achieved only
7 through strenuous practice, team play and team
8 spirit, nurtured by dedicated coaching and
9 strategic planning; and

10 "WHEREAS, Athletic competition
11 enhances the moral and physical development of
12 the young people of this state, preparing them
13 for the future by instilling in them the value
14 of teamwork, encouraging a standard of healthy
15 living, imparting a desire for success, and
16 developing a sense of fair play and
17 competition; and

18 "WHEREAS, The Elmont Memorial High
19 School Varsity Boys Basketball Team, the
20 Elmont Spartans, are the Nassau County Class
21 AA Champions; and

22 "WHEREAS, The athletic talent
23 displayed by this team is due in great part to
24 the efforts of Coach George Holub, a skilled
25 and inspirational tutor respected for his

1 ability to develop potential into excellence;
2 and

3 "WHEREAS, The team's overall record
4 is outstanding, and the team members were
5 loyally and enthusiastically supported by
6 family, fans, friends and the community at
7 large. Elmont's 32 to 29 victory over Baldwin
8 at the Marck Arena was watched by a crowd of
9 1,500; and

10 "WHEREAS, The hallmarks of the
11 Elmont Memorial High School Varsity Boys
12 Basketball Team, from the opening game of the
13 season to participation in the championship,
14 were a brotherhood of athletic ability, of
15 good sportsmanship, of honor and of
16 scholarship, demonstrating that these team
17 players are second to none; and

18 "WHEREAS, Athletically and
19 academically, the team members have proven
20 themselves to be an unbeatable combination of
21 talents, reflecting favorably on their school;
22 and

23 "WHEREAS, Coach George Holub has
24 done a superb job in guiding, molding and
25 inspiring the team members toward their goals;

1 and

2 "WHEREAS, Sports competition
3 instills the values of teamwork, pride and
4 accomplishment, and Coach George Holub and his
5 outstanding athletes have clearly made a
6 contribution to the spirit of excellence which
7 is a tradition of their school; now,
8 therefore, be it

9 "RESOLVED, That this legislative
10 body pause in its deliberations to
11 congratulate the Elmont Memorial High School
12 Varsity Boys Basketball Team, its members --
13 Dillon Williams, Anthony Elechi, Tyler
14 DeChalus, Robert Chambers, Tristan Brown,
15 Reggie Pierre, Kyle Johnson, Jean Altidor,
16 Timothy Lewis, Rahquan Scott, Greg Senat,
17 Michael Dugue, Hakeem Fisher-Ali and Devin
18 Guerre -- and Coach George Holub on their
19 outstanding season and overall team record;
20 and be it further

21 "RESOLVED, That copies of this
22 resolution, suitably engrossed, be transmitted
23 to the Elmont Memorial High School Varsity
24 Boys Basketball Team and to Principal John
25 Capozzi and Coach George Holub."

1 ACTING PRESIDENT O'MARA: Senator
2 Martins on the resolution.

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

5 I rise in support of this
6 resolution and to recognize the wonderful
7 achievements of the Elmont High School Boys
8 Basketball Team, Nassau County champions. I
9 want to recognize their principal, John
10 Capozzi. I want to recognize their coach,
11 George Holub, who has molded this team into a
12 county championship. And I want to recognize
13 the fact that for Elmont and Elmont High
14 School, this is their first county
15 championship in the history of that school.

16 And it is well deserved. The
17 Elmont Spartans beat the Baldwin Bruins 32-29
18 in the championship game. And as a result of
19 that victory, my colleague and good friend
20 Senator Fuschillo will be joining us for lunch
21 in Elmont, at the high school, where we will
22 celebrate the victory of the Elmont Boys
23 Basketball Team.

24 But to speak of this team in
25 particular -- and I think it's important that

1 we do that -- it's not just about the sports,
2 it's not just about the sports program and the
3 impact in the school, but these young men are
4 leaders in the Elmont community. They
5 volunteer, they tutor, they mentor other
6 children, they're involved in not-for-profit
7 organizations, and they are making a
8 difference. And they will make a difference
9 as future leaders in the Elmont community.

10 And it is for that reason as well
11 as their great achievements on the basketball
12 court that I rise today and support and ask
13 that we all recognize such a great team and
14 this wonderful achievement.

15 Mr. President, thank you.

16 ACTING PRESIDENT O'MARA: Thank
17 you, Senator Martins.

18 Senator Fuschillo.

19 SENATOR FUSCHILLO: Thank you
20 very much, Mr. President. I rise in a humbled
21 fashion here today that I do have to go to
22 Elmont High School and eat in their cafeteria
23 with the winning team.

24 Senator Skelos and I represent
25 Baldwin, but he also represents Elmont as

1 well. And despite the fact that Elmont beat
2 my son's basketball team at Merrick Calhoun
3 High School twice, and despite the fact that
4 they beat Baldwin in the championship, I just
5 wanted to rise and congratulate Senator
6 Martins and the fine group of the boys that
7 displayed a tremendous amount of character in
8 their victory.

9 Congratulations, Elmont.

10 ACTING PRESIDENT O'MARA: I hope
11 you enjoy your lunch.

12 (Laughter.)

13 ACTING PRESIDENT O'MARA: Senator
14 Skelos.

15 SENATOR SKELOS: Thank you very
16 much, Mr. President.

17 I too want to congratulate the
18 Elmont Basketball Team. I want to
19 congratulate Senator Fuschillo for agreeing to
20 go to lunch with Senator Martins and myself.

21 And I also just want to point out I
22 represent both. And generally when you
23 represent both, one of them is a winner. And
24 as the leader, I'm delighted that I had a
25 winner.

1 (Laughter.)

2 SENATOR SKELOS: But both teams
3 are great young men. They both achieve
4 athletically and, even more important,
5 academically.

6 So we're very proud of both teams,
7 but today we celebrate the great victory of
8 the Elmont High School Basketball Team. And I
9 know the entire chamber sends our best wishes
10 and congratulations.

11 ACTING PRESIDENT O'MARA: The
12 question is on the resolution. All in favor
13 signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT O'MARA:
16 Opposed, nay.

17 (No response.)

18 ACTING PRESIDENT O'MARA: The
19 resolution is adopted.

20 Senator Libous.

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

23 I believe there's another
24 resolution at the desk, 965, by Senator
25 Hannon. Could we please read its title and

1 move for its immediate adoption.

2 ACTING PRESIDENT O'MARA: The
3 Secretary will read.

4 THE SECRETARY: Legislative
5 Resolution Number 965, by Senator Hannon,
6 memorializing Governor Andrew M. Cuomo to
7 proclaim March 10, 2011, as Chronic Kidney
8 Disease Awareness Day in the State of
9 New York.

10 ACTING PRESIDENT O'MARA: The
11 question is on the resolution. All in favor
12 signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT O'MARA:
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT O'MARA: The
18 resolution is adopted.

19 Senator Libous.

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

22 And I believe Senator Hannon would
23 like to open up his resolution for
24 cosponsorship. As we have a policy here, if
25 you do not wish to be on the resolution, let

1 the desk know. Otherwise, you will be a
2 cosponsor.

3 ACTING PRESIDENT O'MARA: Yes,
4 Senator Libous. The resolution is open for
5 cosponsorship. If you do not wish to be a
6 cosponsor, please notify the desk.

7 Senator Libous.

8 SENATOR LIBOUS: Mr. President,
9 there is a resolution at the desk, 971, by
10 Senator Larkin. Could we ask that you read it
11 in its entirety and call on Senator Larkin,
12 please.

13 ACTING PRESIDENT O'MARA: The
14 Secretary will read.

15 THE SECRETARY: Legislative
16 Resolution Number 971, by Senator Larkin,
17 commemorating the 35th Anniversary of the
18 New York Aviation Management Association and
19 celebrating the benefits of aviation in the
20 State of New York.

21 "WHEREAS, It is the sense of this
22 Legislative Body to recognize that the quality
23 and character of the life of the communities
24 across New York State are reflective of the
25 concerned and dedicated efforts of those

1 organizations and individuals who would devote
2 themselves to the welfare of the community and
3 its citizenry; and

4 "WHEREAS, Attendant to such
5 concern, and in full accord with its
6 long-standing traditions, this Legislative
7 Body is justly proud to commemorate the 35th
8 Anniversary of the New York Aviation
9 Management Association, and to celebrate the
10 benefits of aviation in New York State; and

11 "WHEREAS, The Empire State is home
12 to over 600 commercial, public and private
13 airports and heliports, ranging from small
14 rural facilities to New York City's John F.
15 Kennedy International Airport, which is the
16 twelfth busiest airport in the world; and

17 "WHEREAS, The New York State
18 Department of Transportation has demonstrated
19 that the state's aviation industry accounts
20 for a significant amount in annual economic
21 activity, 500,000 jobs, and a significant
22 amount in state and local revenue; and

23 "WHEREAS, This contribution by the
24 aviation sector to the state's economic
25 well-being is fueled by a vibrant and

1 supportive aviation community, led by the
2 New York Aviation Management Association,
3 which represents the voice of aviation in
4 New York State for airports, general aviation,
5 commercial aviation, cargo transports,
6 manufacturing partners, hospitality
7 businesses, vendors and contractors, engineers
8 and consultants, pilots, mechanics,
9 educational institutions and other aviation
10 organizations; and

11 "WHEREAS, New York State's
12 commercial service airports accommodate a wide
13 variety of local, domestic, and international
14 flights connecting all of New York State to
15 the nation and the world, and are responsible
16 for over 40 million enplanements per year; and

17 "WHEREAS, Business aviation is a
18 critical tool for companies in New York to
19 support their operations, thus bringing new
20 business, investment and jobs to this state.
21 Business aircraft improve efficiency, save
22 money and open up opportunities for rural
23 areas not served by commercial aviation; and

24 "WHEREAS, Aviation and airports
25 play a vital role in New York State's

1 businesses and communities that depend on
2 general aviation of all types for mobility,
3 access to medical treatment, economic
4 opportunity, disaster relief, law enforcement,
5 search and rescue, and also contribute to our
6 national defense; and

7 "WHEREAS, The State of New York has
8 a keen interest in the health and economic
9 vitality of airports and the aviation industry
10 and should lead the nation in promoting its
11 aviation sector so as to further attract
12 private-sector investment; now, therefore, be
13 it

14 "RESOLVED, That this legislative
15 body pause in its deliberations to commemorate
16 the 35th Anniversary of the New York Aviation
17 Management Association, and to celebrate the
18 benefits of aviation in New York State; and be
19 it further

20 "RESOLVED, That a copy of this
21 resolution, suitably engrossed, be transmitted
22 to the New York Aviation Management
23 Association."

24 ACTING PRESIDENT O'MARA: Senator
25 Larkin on the resolution.

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

3 You know, normally we don't
4 recognize a lot of people in the gallery
5 unless they're some sports teams or academic,
6 but we have some people in the gallery who've
7 made revenue for the State of New York.

8 I'd like to introduce Carl
9 Beardsley, from Senator Libous's district, who
10 is the president of this organization, who's
11 been a driving force. Carl, thank you very
12 much.

13 And from my own district, although
14 he's a naval officer, I'll say Fritz Kass --
15 where are you hiding? No hat on, I don't
16 recognize you. And the other representatives
17 here of the airports throughout the state.

18 You have made a major effort to
19 assist us in the development of our airports,
20 the area surrounding it, and the community, to
21 increase job opportunities. We've been
22 slacking in many areas in this. A couple of
23 years ago we did one with reference to the
24 taxes on what you would do with an airplane
25 when it needs to be repaired. Instead of

1 sending it to, in my area, over to Shirley,
2 Connecticut, because of the taxes that we did
3 back in '07 you were able to take that tax
4 benefit here.

5 We need to do a lot more of that,
6 because a lot of our small airports can make a
7 major contribution to the economy. I know
8 what Cessna does for us at Stewart and all the
9 rest around the area.

10 I just want to thank you all very
11 much for taking time from your busy schedule
12 to be here with us today and let my fellow
13 colleagues understand what the issue is with
14 regard to small aviation in our state. I
15 thank you all very much for coming.

16 Thank you, Mr. President.

17 ACTING PRESIDENT O'MARA: Senator
18 Libous on this resolution.

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

21 I want to join Senator Larkin and
22 certainly welcome everyone that is here from
23 the association. And I'm very proud to stand
24 here, as Carl Beardsley represents the Greater
25 Binghamton Airport -- or, as we like to refer

1 to it back home, as the Broome County Airport.
2 Some of us can't get out of bad habits, Carl.

3 But this, as Senator Larkin said,
4 is an economic-engine driver that we often
5 overlook. We tend to just think that, you
6 know, our aviation system in New York State is
7 just there, the airports just kind of function
8 on their own. And we have dedicated
9 individuals like Carl and his colleagues who
10 make sure that things move forward in a very
11 positive direction.

12 They are indeed a critical part of
13 economic development in this state and how we
14 transport, how we bring people in. Carl and I
15 had a conversation the other day about how the
16 various airports along the New York border
17 were doing more business because of -- and I
18 hate to bring this up -- gas drilling in
19 Pennsylvania, that we were getting busier
20 because they were prospering.

21 There's a whole host of things that
22 are good about what these folks do in moving
23 New York State forward that I think sometimes
24 we tend to overlook.

25 So I am proud to stand here and

1 support Senator Larkin's resolution. I say
2 thank you to all of you for what you do to
3 help economic development. And we need to
4 continue to do our part to help you.

5 ACTING PRESIDENT O'MARA: The
6 question is on the resolution. All in favor
7 signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT O'MARA:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT O'MARA: The
13 resolution is adopted.

14 Senator Libous.

15 SENATOR LIBOUS: Thank you,
16 Mr. President.

17 I believe there's a resolution at
18 the desk, Number 995, by Senator Squadron.
19 May we please have the title read, and I
20 believe Senator Squadron would like to be
21 called on.

22 ACTING PRESIDENT O'MARA: The
23 Secretary will read.

24 THE SECRETARY: Legislative
25 Resolution Number 995, by Senator Squadron,

1 paying tribute to the life and accomplishments
2 of Anne Compoccia, a dedicated civic leader
3 and devoted member of her community.

4 ACTING PRESIDENT O'MARA: Senator
5 Squadron on the resolution.

6 SENATOR SQUADRON: Thank you,
7 Mr. President.

8 On February 24, Anne Compoccia
9 passed away in Lower Manhattan, where she had
10 spent truly decades committing herself to the
11 community in many different ways.

12 You know, one thing about a
13 community, someone whose life is about making
14 a community work and working for a community,
15 is the number of different ways they do that
16 over decades. The ups and downs over decades
17 are too much to enumerate in a moment on the
18 floor.

19 But there's no question that Lower
20 Manhattan, Little Italy, the communities that
21 have recovered from the September 11, 2001,
22 attacks, that have thrived and changed over
23 centuries, have been where so many of us,
24 wherever we're from today, had our families
25 begin down at the southern tip of Manhattan,

1 are better off because of the work that Anne
2 Compoccia dedicated in many roles over many,
3 many years.

4 Lower Manhattan, Little Italy --
5 the entire state -- are less for having lost
6 her. And I wanted to take a moment on the
7 floor of the Senate to honor her and her many
8 years of work and the many accomplishments she
9 had, and express our gratitude as a state for
10 Anne and for all of the community leaders who
11 commit themselves to what is needed when it's
12 needed for a lifetime.

13 Thank you, Mr. President.

14 ACTING PRESIDENT O'MARA: Thank
15 you, Senator Squadron.

16 Senator Duane on the resolution.

17 SENATOR DUANE: Thank you,
18 Mr. President.

19 I too had the great pleasure of
20 working with Anne Compoccia. She was an
21 amazing, amazing civic leader. I knew of her
22 work and had actually worked with her even
23 before I was elected to the City Council in
24 1991. And the district which I first
25 represented included an enormous amount of

1 Community Board One. And Anne was just a
2 pleasure, a pleasure to work with.

3 And, you know, who among us has not
4 had some difficulties in their lives, and Anne
5 was no exception. However, Anne turned the
6 difficulty that she had in her life into yet
7 another way to provide great public service,
8 and particularly to those who most needed
9 help. She did that through her work at the
10 Postgraduate Center and in other areas.

11 And when the history is written of
12 Lower Manhattan, Anne will absolutely be a
13 part of that. And her passing is very, very
14 sad, but she has certainly left an amazing
15 mark.

16 Thank you, Mr. President.

17 ACTING PRESIDENT O'MARA: Thank
18 you, Senator Duane.

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

21 (Response of "Aye.")

22 ACTING PRESIDENT O'MARA:
23 Opposed, nay.

24 (No response.)

25 ACTING PRESIDENT O'MARA: The

1 resolution is adopted.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President, I
4 believe there is a resolution at the desk by
5 Senator Gallivan, Resolution Number 996.
6 Could you please read it in its entirety and
7 call on Senator Gallivan.

8 ACTING PRESIDENT O'MARA: The
9 Secretary will read.

10 THE SECRETARY: Legislative
11 Resolution Number 996, by Senator Gallivan,
12 paying tribute to the life and accomplishments
13 of Joseph Elias Joseph, distinguished citizen
14 and devoted member of his community.

15 "WHEREAS, It is the custom of this
16 Legislative Body to pay tribute to citizens of
17 the State of New York whose lifework and civic
18 endeavor serve to enhance the quality of life
19 in their communities and the great State of
20 New York; and

21 "WHEREAS, Joseph Elias Joseph of
22 Eden, New York, died on February 25, 2011, at
23 the age of 62; and

24 "WHEREAS, Joseph Elias Joseph
25 distinguished himself in his profession and by

1 his sincere dedication and substantial
2 contribution to the welfare of his community;
3 and

4 "WHEREAS, A long-time sheriff's
5 deputy, and later a member of the sheriff's
6 mounted division, Joseph Elias Joseph pursued
7 many occupations over the years. He worked as
8 a barber, was the owner and operator of KJ's
9 Matchbox Diner, the proprietor of the private
10 investigation firm J.J. Enterprises, the head
11 of event security for the annual 'Jam in the
12 Valley' country jamboree, and he and his wife
13 began the 'Davis Ranch' in Eden; and

14 "WHEREAS, Upon his retirement in
15 2007, the county legislature proclaimed
16 March 1, 2007, 'Joseph Joseph Day' in Erie
17 County. Approximately 500 people attended his
18 retirement party, and nearly 900 people
19 attended the 'Joe Joseph Celebration of Life'
20 event in May of 2010; and

21 "WHEREAS, Joseph Elias Joseph's
22 commitment to excellence, and his spirit of
23 humanity, carried over into in all fields of
24 enterprise, including charitable and civic
25 endeavors; and

1 "WHEREAS, He served as president
2 and chairman of the Sheriff's Office Badge and
3 Shield Club and attended many community events
4 held by the Italian-American Police
5 Association, the Tonawanda Police Department,
6 and the Badge and Shield Club; and

7 "WHEREAS, Joseph Elias Joseph is
8 survived by his loving wife, Ruby
9 Davis-Joseph; two sons, Keith and Jeffrey; a
10 brother, Gregory; and three sisters, Regina,
11 Rosemary, and Dolores; and

12 "WHEREAS, Armed with a humanistic
13 spirit, imbued with a sense of compassion, and
14 comforted by a loving family, Joseph Elias
15 Joseph leaves behind a legacy which will long
16 endure the passage of time and will remain as
17 a comforting memory to all he served and
18 befriended; now, therefore, be it

19 "RESOLVED, That this Legislative
20 Body pause in its deliberations to pay tribute
21 to the life and accomplishments of Joseph
22 Elias Joseph, distinguished citizen and
23 devoted member of his community, and be it
24 further

25 "RESOLVED, That a copy of this

1 resolution, suitably engrossed, be transmitted
2 to the family of Joseph Elias Joseph."

3 ACTING PRESIDENT O'MARA: Can we
4 have a little order in the chamber, please.
5 It's getting a little loud in the back.

6 And Senator Gallivan on the
7 resolution.

8 SENATOR GALLIVAN: Thank you,
9 Mr. President.

10 I rise to pay tribute to the life
11 and accomplishments of Joseph Elias Joseph.
12 Joe was a lifetime public servant who served
13 with distinction. He was a dedicated member
14 of his community. His friendliness, his
15 character and enthusiasm inspired all who came
16 in contact with him.

17 Joe always went out of his way to
18 be with friends, neighbors, colleagues and
19 members of the community. It was his natural
20 element. He treated his community like his
21 family, like he had known and loved all of
22 them his entire life.

23 At the time of his passing, he
24 remained active as president and chairman of
25 the Erie County Sheriff's Office Badge and

1 Shield Club. He was dedicated to law
2 enforcement and to the service of others. In
3 one way or another, law enforcement and
4 service was his life. Joe devoted so much of
5 his time to honoring and befriending men and
6 women of law enforcement -- correction
7 officers, retired police officers, anyone who
8 gave part of themselves to protect all that is
9 good in society. It's fitting that we honor
10 him today.

11 Joe is survived by his widow, a
12 retired law enforcement officer, Ruby
13 Davis-Joseph, who's watching us at home today.
14 She should know that she, her family, and Joe
15 are in our hearts and will always be.

16 I'd like to thank my colleagues for
17 honoring Deputy Joe Joseph today and
18 recognizing him as a true public servant, an
19 outstanding citizen we can all be proud of.

20 Thank you, Mr. President.

21 ACTING PRESIDENT O'MARA: Thank
22 you, Senator Gallivan.

23 The question is on the resolution.
24 All in favor signify by saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT O'MARA:

2 Opposed, nay.

3 (No response.)

4 ACTING PRESIDENT O'MARA: The
5 resolution is adopted.

6 Senator Libous.

7 SENATOR LIBOUS: Mr. President, I
8 believe there's a privileged resolution at the
9 desk by Senator Flanagan. May we please have
10 the title read and move for its immediate
11 adoption.

12 ACTING PRESIDENT O'MARA: The
13 Secretary will read.

14 THE SECRETARY: By Senator
15 Flanagan, legislative resolution commemorating
16 the 19th Annual National Jewish Sports Hall of
17 Fame Induction Ceremony on March 27, 2011.

18 ACTING PRESIDENT O'MARA: The
19 question is on the resolution. All in favor
20 signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT O'MARA:

23 Opposed, nay.

24 (No response.)

25 ACTING PRESIDENT O'MARA: The

1 resolution is adopted.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President, I
4 believe there is another privileged resolution
5 at the desk, by Senator Duane. May we please
6 have the title read and call on Senator Duane,
7 please.

8 ACTING PRESIDENT O'MARA: The
9 Secretary will read.

10 THE SECRETARY: Legislative
11 resolution by Senator Duane, commemorating the
12 100th Anniversary of the Triangle Shirtwaist
13 Factory Fire on March 25, 2011.

14 ACTING PRESIDENT O'MARA: Senator
15 Duane.

16 SENATOR DUANE: Thank you,
17 Mr. President.

18 Today, as we do every year, the
19 Senate honors the memories of the young women
20 and men killed in the Triangle Shirtwaist
21 Factory Fire. This year has special and very
22 sad significance. This Friday, March 25th,
23 will be the 100th anniversary of their cruel,
24 senseless deaths.

25 The Triangle Fire was the worst

1 industrial disaster in the history of
2 New York. The tragedy also marks a critical
3 moment in New York labor history and served as
4 a catalyst for much-needed reforms. And so on
5 this anniversary we honor the victims by
6 recalling not only the horror and the
7 heartbreak but the resilience and power of
8 their colleagues in fighting to improve
9 workplace conditions.

10 The 500 employees of the Triangle
11 Shirtwaist Factory worked six days a week
12 without breaks. The doors were locked from
13 the outside. Talking was forbidden, bathroom
14 breaks monitored, and employees were even
15 forced to buy their own needles and thread.

16 Despite a widespread protest that
17 occurred in 1909, where the workers staged a
18 walkout, Triangle management still refused to
19 recognize a union and never met the demands to
20 unlock the doors and to create functional fire
21 escapes. So when the fire broke out in a
22 scrap bin one Saturday, there was no alarm and
23 there was no way out.

24 Hundreds of workers were left with
25 no choice but to leap from ninth- and

1 tenth-floor windows. The newspapers of that
2 day offered graphic, sickening, sad, violent
3 descriptions of the scene. And the gruesome
4 details will forever be in the minds, hearts,
5 and memories of New Yorkers.

6 However, a century later, we are
7 able to mark the legacy of what happened that
8 day. And that legacy is in our child labor
9 laws, in employee safety regulations, in
10 40-hour working weeks and collective
11 bargaining rights. Those deaths, those
12 horrible deaths, the legacy has served to
13 bring fairness and dignity to workers
14 regardless of age, national origin, gender.

15 You know, it may be easy and sadly
16 it seems too easy now to take this history for
17 granted. And it's maybe too easy to dismiss,
18 to just ignore the place of labor in our
19 history. But this history of good that came
20 from a tragedy includes the legacy which we
21 provide for immigrants and really those who
22 are ignored and belittled, around the margins
23 of our society.

24 And we're marking this anniversary
25 especially so that we never forget our own

1 heritage as New Yorkers and that we never,
2 ever forget the unthinkable struggles and
3 tragedy of our ancestors.

4 Shortly after the fire, the factory
5 owners went on trial for manslaughter. They
6 were acquitted. No criminal charges, they
7 were acquitted. They paid out \$75 per victim
8 in a civil suit. In contrast, the insurance
9 company reimbursed the owners nearly \$60,000
10 more than what was reported in losses. And
11 two years later, when one of the owners was
12 caught again locking the doors of his
13 factories from the outside, he was fined \$20.

14 But again, the Triangle Fire was a
15 galvanizing event for New York labor, and the
16 day after that tragedy 15,000 shirtwaist
17 workers demonstrated for better conditions.
18 And the record exists of the editorials and
19 the pamphlets that were written in Italian and
20 German and Yiddish and probably dozens of
21 other languages, demanding change.

22 And this terrible thing brought
23 together Catholic reformers, socialist
24 organizers, machine politicians and teenage
25 girls who worked in factories. And they

1 joined together to fight for workers' rights.

2 And in response to that widespread
3 organizing, based on the outrage of what had
4 happened, this very legislature convened the
5 1911 Factory Commission which led to overhauls
6 of fire code regulations, evacuation rules,
7 sanitary requirements and over 30 total
8 workplace-safety laws. Committee cochair
9 Robert Wagner went on to author the landmark
10 National Labor Relations Act.

11 A woman named Rose Schneiderman of
12 the Women's Trade Union League told an
13 audience at the Metropolitan Opera House the
14 day after the tragedy: "I know from
15 experience it is up to the working people to
16 save themselves. The only way they can is by
17 a strong working-class movement."

18 And New York's own Frances Perkins,
19 later President Roosevelt's Commissioner of
20 Labor, called the Triangle Fire "the day the
21 New Deal began."

22 The reforms made in the years after
23 the Triangle Fire illustrate for us the
24 strength of the traditionally marginalized --
25 of women, of new immigrants, of the poor and

1 of the young. And the progress made on
2 workers' rights in the Progressive Era and the
3 New Deal and throughout the history of
4 New York -- proud parts, parts of New York's
5 history that we must remain proud of and hold
6 sacrosanct -- shows us what we can achieve
7 when people on the edges of society unite and
8 speak.

9 And when people march together and
10 organize together, they can demand of us in
11 government what is rightfully theirs: A safe
12 working environment, a living wage, respect.
13 That's the legacy of the Triangle Fire. It's
14 a legacy of collective action and social
15 change, and it was literally forged in fire
16 and blood.

17 And because of that terrible
18 tragedy, the rest of us are able to live
19 better lives and we have a chance to have
20 future generations that will also have better
21 lives. And we must not betray the lessons of
22 the Triangle Fire.

23 Thank you, Mr. President.

24 ACTING PRESIDENT O'MARA: Thank
25 you, Senator Duane.

1 Senator Robach on the resolution.

2 SENATOR ROBACH: Yes,
3 Mr. President. Let me join my colleague
4 Senator Duane and others who are going to
5 support this on the 100th anniversary of the
6 Shirtwaist Fire.

7 And clearly, as my colleague
8 Senator Duane pointed out, horrific events
9 occurred to large numbers of people when
10 policies weren't in place and people weren't
11 working toward protecting those that may be
12 helping them share in profits.

13 And in this case, the loss of any
14 life is critically important. But these were
15 immigrants, many Italian and Jewish in
16 particular, many women and young women that
17 suffered from the terrible conditions that
18 were allowed to exist right here in our state.

19 And I would certainly agree that
20 there's no question this was a catalyst for
21 much that changed, but even today should
22 remain motivation for all of us to do all we
23 can to have policies in place that keep
24 working conditions as safe for everyone, even
25 those on the job today, though things have

1 changed dramatically.

2 And I would applaud our own
3 Department of Labor, who has also historically
4 kept this alive, had educational forums and
5 seminars as well as remembrance to let people
6 know and have all those people that perished
7 not be completely in vain.

8 I would be remiss if I didn't
9 mention our own former colleague Serph
10 Maltese, who had three members of his own
11 family, Italian immigrant women, who perished
12 in that terrible, horrific accident, and all
13 he had done to keep that memory alive too so
14 we could all not only not forget but use that
15 as motivation to help keep all of today's
16 employees out of harm's way.

17 So I join my colleague Senator
18 Duane in this very important resolution and
19 remembrance, especially on its 100th
20 anniversary.

21 Thank you, Mr. President.

22 ACTING PRESIDENT O'MARA: Thank
23 you, Senator.

24 Senator Savino on the resolution.

25 SENATOR SAVINO: Thank you,

1 Mr. President.

2 I also want to thank Senator Duane
3 for bringing this resolution. And I join him
4 and Senator Robach and I'm sure everyone else
5 in this room in what is appropriate for the
6 New York State Senate to stop in its
7 deliberations and recognize the importance of
8 the Triangle Shirtwaist Factory Fire, not just
9 for the tragedy that occurred 100 years ago,
10 but for the advances in workers' rights that
11 followed that tragedy.

12 Every advance in workers' rights
13 began as a result of a tragedy. And I think
14 it's particularly important that now, at this
15 time, this 100th anniversary could not be
16 coming at a more important time for working
17 people in this country.

18 It would be very easy to turn the
19 clock back on the rights of workers. As we
20 speak, across the country in state houses and
21 governors are looking to curtail the
22 collective bargaining rights of public
23 employees right now. Sadly, many
24 private-sector employees no longer have a
25 voice in organized labor.

1 So I think it's very important that
2 we not only pause, recognize what happened on
3 that day, reflect on how it should never
4 happen again, but we should be ever mindful
5 and vigilant that if the representatives of
6 working people are stripped of their right to
7 represent them, if they no longer have a
8 viable labor movement in this country, if we
9 say that unions don't have the ability to have
10 automatic dues deductions so they can have an
11 organized effort to counteract some of these
12 antilabor governors and legislators across the
13 country, we could have another Triangle
14 Shirtwaist Factory Fire.

15 Without a strong labor movement,
16 you will see OSHA laws disappear just like
17 that. Without a strong labor movement, we
18 will see minimum wage laws disappear just like
19 that. We will see working people forced in
20 never-ending race to the bottom. That was the
21 legacy of the Triangle Shirtwaist Factory
22 Fire -- not only that we stop and recognize
23 the tragedy on that day and the positive
24 changes that came about for working people,
25 but we do not allow their deaths to be in

1 vain, we do not turn back the clock in an
2 effort to somehow deal with a budget crisis
3 that is not the fault of working people who
4 are struggling every day. Never before in
5 history have we needed a strong organized
6 labor movement more than we need it today.
7 That is the legacy of the Triangle Shirtwaist
8 Factory Fire.

9 So I want to thank Senator Duane
10 for bringing this resolution, Senator Robach
11 for his comments. I also think we should
12 recognize Senator Maltese, who held an event
13 around this issue every year, for keeping it
14 foremost in our minds, but never more
15 important than it is on the 100th anniversary.

16 Thank you, Senator Duane.

17 ACTING PRESIDENT O'MARA: Thank
18 you, Senator.

19 Senator Duane.

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

22 I neglected, and I'm sorry, to
23 mention Senator Serph Maltese's incredible
24 involvement in this issue. And, you know, I
25 know that the pamphlets that went out in

1 Italian just point to the fact of the sadness
2 of the loss that his family suffered.

3 And I also neglected to mention
4 that on Friday in New York City, at Our Lady
5 of Pompeii, there will also be a mass marking
6 this 100th anniversary. And if anyone is in
7 the -- what we call the South Village, please
8 by all means come to this service.

9 Thank you, Mr. President.

10 ACTING PRESIDENT O'MARA: Thank
11 you, Senator.

12 Any other member wishing to be
13 heard on this resolution?

14 The question is on the resolution.
15 All in favor signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT O'MARA:
18 Opposed, nay.

19 (No response.)

20 ACTING PRESIDENT O'MARA: The
21 resolution is adopted.

22 Senator Marcellino.

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

25 I believe there is a privileged

1 resolution at the desk by Senator Squadron. I
2 ask that the title be read and move for its
3 immediate adoption. And Senator Squadron, I
4 believe, would like to be heard on it.

5 ACTING PRESIDENT O'MARA: The
6 Secretary will read.

7 THE SECRETARY: By Senator
8 Squadron, legislative resolution
9 congratulating Carlos M. Valdez upon the
10 occasion of being named a Boys & Girls Club
11 Youth of the Year.

12 ACTING PRESIDENT O'MARA: Senator
13 Squadron.

14 SENATOR SQUADRON: Thank you,
15 Mr. President.

16 And we have Mr. Valdez here in the
17 chamber with us today. At the time this
18 resolution was written, he was a Boys and
19 Girls Club of America Youth of the Year, one
20 of 35 from around the state. But today he is
21 the statewide Youth of the Year, having,
22 between the writing of the resolution and it
23 coming up on the floor today, having won that
24 honor. And it is certainly well deserved.

25 Carlos Valdez grew up on the Lower

1 East Side of Manhattan in a public housing
2 development, first born in Alfred E. Smith
3 Houses and has lived for the last 13 years in
4 Baruch Houses, both in the heart of the Lower
5 East Side.

6 He has been committed, he told me
7 this morning, to working for NASA his whole
8 life. Many of us I think as children loved
9 that idea; the difference with Carlos is he
10 continues to and has the talents and the skill
11 to get there.

12 He is currently a senior in high
13 school at Bard High School Early College. And
14 he won't just be graduating from high school
15 this June, he'll be graduating from high
16 school and concurrently getting an associate's
17 degree, heading off to college next year and
18 from there hopefully on to graduate school to
19 become an engineer and, I am certain, to meet
20 his dream of going to work for NASA and
21 becoming an astronaut.

22 You know, Carlos Valdez comes here
23 today along with the 34 others who are being
24 honored by the Boys & Girls Clubs of America,
25 each one of whom stands out in their local

1 clubhouse. His is the Education Alliance
2 Clubhouse, known as the Edgies Clubhouse,
3 which every year sends a student. And each of
4 the 35 students were incredibly deserving.

5 Carlos wrote a speech about the
6 power of youth and the power of youth to
7 really make a difference. And his background,
8 his commitment and his speech have really made
9 him stand out. He will now be heading on to
10 the Northeast Regionals, from there I'm sure
11 to the nationals, and from there to an
12 extraordinary future.

13 I would say as well that the
14 Educational Alliance Clubhouse now has two of
15 the last three statewide Youths of the Year.
16 And Amarilis Perez from Educational Alliance,
17 who runs the clubhouse, is due enormous credit
18 as well and is also here in the chamber with
19 us.

20 You know, it is hard for so many
21 young people in New York to grow up. Senator
22 Duane just spoke movingly about the history a
23 hundred years ago, and others. The challenge
24 continues to exist for so many. And for so
25 many young people, because of the challenges

1 they face, it's just too easy to give up. But
2 that's not true for Carlos, it's not true for
3 the other Youths of the Year who are up here,
4 it's not true for the other ones competing
5 nationally.

6 And I think we as a Senate, as a
7 body, should really take that lesson to heart
8 and that message to heart. The work, the
9 commitment, the faith that if he works hard
10 and really gives it his all, he will be
11 successful, is one that should be inspiring to
12 all of us and to youths across the state.

13 I want to just quote here not from
14 the resolution that we're passing in honor of
15 Carlos today, but from his own comments about
16 the Boys & Girls Club Youth of the Year. "The
17 Boys & Girls Club means the world to me," he
18 wrote. "At the clubhouse I have gained a
19 family that supports my dreams and helps me
20 cope with daily challenges I face in my
21 community. They are there at the end of the
22 day to reassure me of my special purpose in
23 this world. It is a place that has taught me
24 that nothing in life is unachievable."

25 Well, Carlos, I want you to know

1 nothing in life is unachievable if you
2 continue to work, continue to take the great
3 talents that you bring to the challenges that
4 are before you. Congratulations today on
5 behalf of the New York State Senate for an
6 honor well-deserved, and we look forward to
7 watching you continue to go wonderful places,
8 perhaps even all the way to space in the years
9 to come.

10 Congratulations, Carlos, on being
11 New York State Youth of the Year.

12 (Applause.)

13 ACTING PRESIDENT O'MARA:

14 Congratulations, Carlos. Welcome to the
15 Senate today. I hope you enjoy your time with
16 us. And we extend the courtesies of the house
17 to you during your time with us here today.

18 The question is on the resolution.
19 All in favor signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT O'MARA:

22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT O'MARA: The
25 resolution is adopted.

1 Senator Marcellino.

2 SENATOR MARCELLINO: Yes,
3 Mr. President. May we please at last,
4 finally, have the reading of the
5 noncontroversial calendar.

6 ACTING PRESIDENT O'MARA: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 15, by Senator LaValle, Senate Print 1456A, an
10 act to amend the Environmental Conservation
11 Law.

12 ACTING PRESIDENT O'MARA: Read
13 the last section.

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

16 ACTING PRESIDENT O'MARA: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT O'MARA: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 63, by Senator Seward, Senate Print 1685, an
24 act to amend the Penal Law.

25 ACTING PRESIDENT O'MARA: Read

1 the last section.

2 THE SECRETARY: Section 3. This
3 act shall take effect on the first of
4 November.

5 ACTING PRESIDENT O'MARA: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT O'MARA: Senator
9 Seward, to explain his vote.

10 SENATOR SEWARD: Yes,
11 Mr. President, to briefly explain my vote.

12 This bill before us creates a new
13 crime of staging a motor vehicle accident
14 which would be punishable as a felony offense.
15 Staging an accident under this bill is defined
16 as intentionally causing a collision for the
17 purpose of committing insurance fraud. In a
18 staged accident the participants risk their
19 own safety, their target's safety, as well as
20 the safety of the general motoring public.

21 And the bill before us is referred
22 to as Alice's Law. It's named after Alice
23 Ross, who was a 70-year-old grandmother who
24 was killed as a result of a staged accident in
25 the New York City borough of Queens. In fact,

1 today is the eighth anniversary of the death
2 of Alice Ross.

3 Mrs. Ross was on her way to her
4 daughter's house when she was intentionally
5 struck in the rear of her vehicle by three men
6 who were out searching for an unsuspecting
7 victim. And the impact of this staged
8 accident caused Mrs. Ross's vehicle to leave
9 the highway and crash head-on into a tree,
10 causing her death.

11 And after the accident the three
12 perpetrators, as is the case in these staged
13 accidents, they were taken to a medical center
14 where they feigned an assortment of injuries
15 in order to collect on phony injury claims
16 through the no-fault system.

17 So this bill will not only help to
18 contain no-fault fraud and reduce insurance
19 premiums, but it also will create safety for
20 everyone on our roadways. It is critical that
21 we take steps to crack down on the criminals
22 who perpetrate no-fault fraud and harm
23 innocent people like Alice Ross in the
24 process.

25 Because no-fault fraud is on the

1 rise across the state, particularly in the
2 New York City area. In fact, it's estimated
3 that one out of every five no-fault claims in
4 the downstate area show evidence of fraud.
5 And overall, no-fault fraud cost New York
6 State residents more than \$241 million last
7 year in higher auto insurance premiums.

8 So this bill will help not only to
9 reduce that burden, but also to promote safer
10 traveling on our highways.

11 Mr. President, I vote aye.

12 ACTING PRESIDENT O'MARA: Senator
13 Seward will be recorded in the affirmative.

14 Announce the results.

15 THE SECRETARY: Ayes, 60. Nays,
16 1. Senator Duane recorded in the negative.

17 ACTING PRESIDENT O'MARA: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 101, by Senator McDonald, Senate Print 2152,
21 an act to amend Chapter 542 of the Laws of
22 1997.

23 ACTING PRESIDENT O'MARA: There
24 is a home-rule message at the desk.

25 Read the last section.

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

3 ACTING PRESIDENT O'MARA: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT O'MARA: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 142, by Senator Stewart-Cousins, Senate Print
11 2373, an act to amend the State Technology
12 Law, the Real Property Law, and the Civil
13 Practice Law and Rules.

14 ACTING PRESIDENT O'MARA: Read
15 the last section.

16 THE SECRETARY: Section 6. This
17 act shall take effect on the 270th day after
18 it shall have become law.

19 ACTING PRESIDENT O'MARA: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT O'MARA: Senator
23 Ritchie wishes to explain her vote.

24 SENATOR RITCHIE: To explain my
25 vote.

1 I would like to thank Senator
2 Stewart-Cousins for sponsoring this bill.
3 Before being elected to the Senate, I served
4 as the St. Lawrence County Clerk for 11 years.
5 During my tenure I had the privilege to serve
6 as the president of the State Association.
7 And one of my first actions was to create the
8 E-Recording Committee.

9 This bill will help streamline
10 county government and save taxpayers money. I
11 will be voting yes on the bill.

12 ACTING PRESIDENT O'MARA: Senator
13 Ritchie will be recorded in the affirmative.

14 Senator Carlucci wishes to explain
15 his vote.

16 SENATOR CARLUCCI: Yes, Mr.
17 President, to explain my vote.

18 First I want to congratulate and
19 thank Senator Stewart-Cousins for sponsoring
20 this bill. Like Senator Ritchie, I too was a
21 clerk before serving in the Senate. And this
22 bill is extremely important, and it goes a
23 long way in terms of giving our
24 municipalities, giving our clerks another tool
25 in the toolbox to make government for

1 efficient, to make government more accessible,
2 and I think most importantly to make it more
3 efficient when it comes to spending taxpayer
4 dollars.

5 This is a step in the right
6 direction. And I want to again thank Senator
7 Stewart-Cousins for sponsoring this bill and
8 thank my colleagues for joining me in
9 supporting this bill and voting yes.

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

12 ACTING PRESIDENT O'MARA: Senator
13 Carlucci will be recorded in the affirmative.

14 Senator Stewart-Cousins to explain
15 her vote.

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

18 And it was certainly a great
19 pleasure to carry this bill. And I want to
20 congratulate the clerks who are now my
21 colleagues in the Senate, and I think Senator
22 Maziarz certainly as well.

23 But I also wanted to thank my own
24 Westchester County Clerk, Tim Idoni, who
25 worked so hard in making sure that we all

1 understood what these issues were and are able
2 to pass this bill here.

3 Hopefully we'll get it done in the
4 Assembly and we will, as my colleagues have
5 said, start making it easier not only for
6 these records to be filed but also to save the
7 taxpayers money and to be much more efficient.

8 So I will certainly be voting in
9 the affirmative.

10 ACTING PRESIDENT O'MARA: Senator
11 Stewart-Cousins will be recorded in the
12 affirmative.

13 Announce the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT O'MARA: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 147, by Senator Klein, Senate Print 627, an
19 act to amend the New York State Urban
20 Development Corporation Act.

21 ACTING PRESIDENT O'MARA: Read
22 the last section.

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

25 ACTING PRESIDENT O'MARA: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT O'MARA: Senator
4 Klein to explain his vote.

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

7 This legislation expands the
8 authority of the Urban Development Corporation
9 and the Empire State Development Corporation
10 to provide loans and loan guarantees and
11 grants to a lot of different organizations
12 like municipalities, businesses, and
13 industrial development agencies.

14 One of the problems that we've seen
15 over the years is the inability of some of our
16 inner-city communities, especially my home
17 borough, the Bronx, to have the proliferation
18 or see the proliferation of farmer's markets.
19 This is a way for our upstate farmers to send
20 their produce down to the city. With the
21 numbers of obesity skyrocketing in our
22 inner-city communities, this is a very
23 important way for young people and all
24 families to have access to fresh fruits and
25 vegetables.

1 So I vote yes, Mr. President.

2 ACTING PRESIDENT O'MARA: Senator
3 Klein will be recorded in the affirmative.

4 Announce the results.

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT O'MARA: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 159, by Senator LaValle, Senate Print 2756, an
10 act to authorize the Village of
11 Port Jefferson.

12 ACTING PRESIDENT O'MARA: A home
13 rule message is at the desk.

14 Read the last section.

15 THE SECRETARY: Section 7. This
16 act shall take effect immediately.

17 ACTING PRESIDENT O'MARA: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT O'MARA: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 201, by Member of the Assembly Sweeney,
25 Assembly Print Number 5664, an act authorizing

1 the lease of lands located at the State
2 University of New York College at Farmingdale.

3 ACTING PRESIDENT O'MARA: Read
4 the last section.

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

7 ACTING PRESIDENT O'MARA: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT O'MARA: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 229, by Member of the Assembly Wright,
15 Assembly Print Number 6091, an act to amend
16 the Labor Law.

17 ACTING PRESIDENT O'MARA: Read
18 the last section.

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

21 ACTING PRESIDENT O'MARA: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT O'MARA: Senator
25 Robach to explain his vote.

1 SENATOR ROBACH: Yes,
2 Mr. President, just very quickly.

3 Happy to join with Assemblyman
4 Wright on this Governor's program bill that
5 will give us quick legislative action allowing
6 us to access federal funds for unemployment,
7 which obviously is critically important at
8 these times as people are looking for jobs and
9 struggling somewhat in the economy.

10 Happy we're moving forward to allow
11 that to move forward, get those federal funds
12 to give them some relief. And I'm hopeful
13 that both in this budget and as we move
14 forward we will continue to implement policies
15 that will create more private-sector jobs and
16 not have people be so reliant on unemployment.
17 But glad we're taking this very important
18 step.

19 Thank you, Mr. President.

20 ACTING PRESIDENT O'MARA: Senator
21 Robach will be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT O'MARA: The
25 bill is passed.

1 Senator Marcellino, that completes
2 the noncontroversial reading of the calendar.

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

5 Is there any further business at
6 the desk?

7 ACTING PRESIDENT O'MARA: There
8 is none.

9 SENATOR MARCELLINO: In that
10 case, Mr. President, I hand up the following
11 committee assignments and ask that such
12 assignments be filed in the Journal.

13 ACTING PRESIDENT O'MARA: They
14 will be filed in the Journal.

15 SENATOR MARCELLINO: Mr.
16 President, there being no further business to
17 come before the Senate this day, I move we
18 adjourn until Wednesday, March 23rd, at
19 11:00 a.m.

20 ACTING PRESIDENT O'MARA: On
21 motion, the Senate stands adjourned until
22 Wednesday, March 23rd -- at 11:00 a.m.?

23 SENATOR MARCELLINO: That's what
24 it says.

25 ACTING PRESIDENT O'MARA: Mine

1 says 3:00.

2 (Laughter.)

3 SENATOR MARCELLINO: Mr.

4 President, if we could just hold our fire for
5 two seconds.

6 ACTING PRESIDENT O'MARA: Senator
7 Marcellino.

8 SENATOR MARCELLINO: Just to
9 clarify. As I said, there being no further
10 business to come before the Senate, I move we
11 adjourn until Wednesday, March 23rd, at
12 3:00 p.m.

13 (Laughter.)

14 ACTING PRESIDENT O'MARA: I
15 thought that's what you said.

16 On motion, the Senate stands
17 adjourned until Wednesday, March 23rd, at
18 3:00 p.m.

19 (Whereupon, at 4:05 p.m., the
20 Senate adjourned.)

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