NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 22, 2011

3:05 p.m.

REGULAR SESSION

SENATOR THOMAS F. O'MARA, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

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

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

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

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

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

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

The Secretary will read.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

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

ACTING PRESIDENT O'MARA: Substitution ordered.

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: Thank you, Mr. President.

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

ACTING PRESIDENT O'MARA: So ordered.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT O'MARA: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT O'MARA: So ordered.

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

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

Senator Libous.

SENATOR LIBOUS: Thank you,

Mr. President.

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

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

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

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

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

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

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

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

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

ability to develop potential into excellence; and

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

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

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

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

and

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

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

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

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

SENATOR MARTINS: Thank you, Mr. President.

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

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

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

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

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

Mr. President, thank you.

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

Senator Fuschillo.

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

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

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

Congratulations, Elmont.

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

(Laughter.)

ACTING PRESIDENT O'MARA: Senator Skelos.

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

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

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

(Laughter.)

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

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

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

ACTING PRESIDENT O'MARA: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

move for its immediate adoption.

ACTING PRESIDENT O'MARA: The Secretary will read.

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

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

ACTING PRESIDENT O'MARA: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

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

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

Senator Libous.

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

SENATOR LIBOUS: Thank you, Mr. President.

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

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

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

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

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

So I am proud to stand here and

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

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

ACTING PRESIDENT O'MARA: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

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

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

SENATOR SQUADRON: Thank you, Mr. President.

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

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

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

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

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

Thank you, Mr. President.

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

Senator Duane on the resolution.

SENATOR DUANE: Thank you, Mr. President.

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

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

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

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

Thank you, Mr. President.

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

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

ACTING PRESIDENT O'MARA: The

resolution is adopted.

Senator Libous.

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

"RESOLVED, That a copy of this

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

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

And Senator Gallivan on the resolution.

SENATOR GALLIVAN: Thank you, Mr. President.

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

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

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

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

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

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

Thank you, Mr. President.

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

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

ACTING PRESIDENT O'MARA: The resolution is adopted.

Senator Libous.

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

ACTING PRESIDENT O'MARA: The

resolution is adopted.

Senator Libous.

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

ACTING PRESIDENT O'MARA: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

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

The Triangle Fire was the worst

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

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

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

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

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

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

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

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

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

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

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

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

joined together to fight for workers' rights.

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

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

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

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

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

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

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

Thank you, Mr. President.

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

Senator Robach on the resolution.

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

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

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

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

changed dramatically.

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT O'MARA: Thank you, Senator.

Senator Savino on the resolution.

SENATOR SAVINO: Thank you,

Mr. President.

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

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

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

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

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

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

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

Thank you, Senator Duane.

ACTING PRESIDENT O'MARA: Thank you, Senator.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT O'MARA: Thank you, Senator.

Any other member wishing to be heard on this resolution?

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

ACTING PRESIDENT O'MARA: The resolution is adopted.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I believe there is a privileged

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

ACTING PRESIDENT O'MARA: Senator Squadron.

SENATOR SQUADRON: Thank you, Mr. President.

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

Carlos Valdez grew up on the Lower

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

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

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

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

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

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

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

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

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

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

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

Well, Carlos, I want you to know

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

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

(Applause.)

ACTING PRESIDENT O'MARA: Congratulations, Carlos. Welcome to the Senate today. I hope you enjoy your time with us. And we extend the courtesies of the house to you during your time with us here today.

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

ACTING PRESIDENT O'MARA: The resolution is adopted.

Senator Marcellino.

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read

the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

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

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

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

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

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

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

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

Because no-fault fraud is on the

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

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

Mr. President, I vote aye.

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

Announce the results.

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

SENATOR RITCHIE: To explain my vote.

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

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

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

Senator Carlucci wishes to explain his vote.

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

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

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

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

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

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

Senator Stewart-Cousins to explain her vote.

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

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

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

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

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

So I will certainly be voting in the affirmative.

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

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call

the roll.

(The Secretary called the roll.)

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

SENATOR KLEIN: Thank you, Mr. President.

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

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

So I vote yes, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

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

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

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

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT O'MARA: The bill is passed.

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

SENATOR MARCELLINO: Thank you, Mr. President.

Is there any further business at the desk?

ACTING PRESIDENT O'MARA: There is none.

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

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

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

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

SENATOR MARCELLINO: That's what it says.

ACTING PRESIDENT O'MARA: Mine

says 3:00.

(Laughter.)

SENATOR MARCELLINO: Mr. President, if we could just hold our fire for two seconds.

ACTING PRESIDENT O'MARA: Senator Marcellino.

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

(Laughter.)

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

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

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