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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 10, 2009

3:16 p.m.

REGULAR SESSION

SENATOR LIZ KRUEGER, Acting President

ANGELO J. APONTE, Secretary

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P R O C E E D I N G S

ACTING PRESIDENT KRUEGER: The
Senate will come to order.

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

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

ACTING PRESIDENT KRUEGER: The
invocation today will be by Father Peter G.
Young, of Mother Theresa in Albany, New York.

Father Young.

REVEREND YOUNG: Let us pray.

As we remember the important day
400 years ago that the Hudson River was
discovered, we have a guest in the chamber
today that discovered it again.

And this is an important part of
history that this country has enjoyed, to be
able to be able to help those in need. We
have been that kind of state and continue to
do that good work.

And the state seal that is directly
above me has that important indication that

1 New York State is ever upward. And it
2 replaced the crown of the embassy of New York
3 City as an English state in the 1777.

4 Lady Liberty, as we look at that
5 stained glass, is there with a peasant cap
6 representing our democratic rule and has her
7 left foot stepping on the crown, representing
8 the rejection of royalty.

9 As citizens of the Empire State, we
10 have been the leader with our constitution
11 twelve years before the federal Constitution.

12 As a national leader, You have
13 given these Senators a great power and
14 responsibility. We pray that they will always
15 work in Your image and honor then all of the
16 New Yorkers in New York State, and especially
17 our dear guest in the chamber today.

18 Amen.

19 ACTING PRESIDENT KRUEGER: Thank
20 you, Father Young. Thank you.

21 The reading of the Journal. The
22 Secretary will read.

23 THE SECRETARY: In Senate,
24 Monday, February 9, the Senate met pursuant to

1 adjournment. The Journal of Sunday,
2 February 8, was read and approved. On motion,
3 Senate adjourned.

4 ACTING PRESIDENT KRUEGER:
5 Without objection, the Journal stands approved
6 as read.

7 Presentation of petitions.
8 Messages from the Assembly.
9 Messages from the Governor.
10 Reports of standing committees.
11 Senator Klein.

12 SENATOR KLEIN: Madam President,
13 I ask the Secretary to read the report of the
14 Finance Committee.

15 ACTING PRESIDENT KRUEGER: There
16 is a report of Finance Committee at the desk.
17 The Secretary will read.

18 THE SECRETARY: Senator Kruger,
19 from the Committee on Finance, reports the
20 following nominations.

21 As Director of the Office of
22 Homeland Security, Thomas G. Donlon, of the
23 Bronx.

24 ACTING PRESIDENT KRUEGER:

1 Senator Kruger.

2 SENATOR C. KRUGER: Thank you,
3 Madam President.

4 This afternoon I rise in respect
5 and in admiration, but most importantly for a
6 special thank you to a career civil servant,
7 Thomas G. Donlon, who is going to be, with the
8 confirmation today, appointed Director of
9 Homeland Security.

10 The Governor has chosen someone
11 that has 30 years of vast experience in the
12 criminal justice system, particularly as an
13 officer and a supervisor for the Federal
14 Bureau of Investigation. Mr. Donlon brings a
15 wealth of information, knowledge, expertise,
16 concern, and caring to our homeland security.

17 New York State, having suffered the
18 pain and the tragedy of September 11th, was
19 thrown as a glaring spotlight on this country
20 as to the fact that we have a crisis in our
21 own midst. Terrorism has become a factor of
22 life and part of our very vocabulary.

23 With the creation of the Office of
24 Homeland Security, we have been blessed with

1 the opportunity to have some great people lead
2 it. Today we are further blessed by having
3 the opportunity of confirming Thomas Donlon,
4 of the Bronx, as the new Director of New York
5 State Homeland Security.

6 Thank you, Madam President.

7 ACTING PRESIDENT KRUEGER: Thank
8 you, Senator Kruger.

9 Senator Adams.

10 SENATOR ADAMS: Thank you, Madam
11 President.

12 I too rise to applaud the Governor
13 on this important appointment.

14 I think far too often men and women
15 who spend a lifetime in one profession, they
16 retire and they take that experience with
17 them. We are fortunate that our new Director
18 of Homeland Security is not going to do that.

19 After an impressive number of years
20 with the FBI, and then moving to corporate
21 America, learning both sides of the spectrum,
22 both of public and private life, now we are
23 awarded with having him look after our entire
24 state.

1 And it's more than merely
2 safeguarding us against those manmade
3 disasters and terrorists, it's also the
4 natural disasters that will impact us.

5 And this is an issue that, as I
6 stated this morning in our hearing, in our
7 confirmation hearing, this is an issue that
8 goes across party lines. Because when someone
9 attacks America, they do not ask if they are a
10 Democrat or a Republican, they ask if they are
11 Americans.

12 And to be given the task and the
13 job to protect our state, the doorway to
14 safety for this entire country, I think is an
15 important job. And we could not have found a
16 better person to do it.

17 I want to thank our new director
18 for taking upon this initiative. It's an
19 important initiative as we move ahead into
20 some very troubling and difficult times. When
21 we do so, Team America must be safe. And I
22 believe if he's on the field, our country and
23 our state will be safe.

24 Thank you, Madam President.

1 ACTING PRESIDENT KRUEGER: Thank
2 you. Thank you.

3 Are there any other Senators that
4 wish to be heard on the motion to confirm the
5 nomination?

6 Senator Leibell.

7 SENATOR LEIBELL: Thank you,
8 Madam President. I'd like to just follow up
9 on Senator Adams' comments.

10 There's no greater responsibility
11 that any of us have than the security of our
12 fellow citizens. The position we're talking
13 about this afternoon, the Director of the
14 Office of Homeland Security, is one of the
15 most important that we will consider.

16 I want to thank the Governor for
17 sending us this nomination. I've had the
18 chance now on more than one occasion to speak
19 with and meet with Thomas Donlon. And he
20 brings to this position an amazing resume,
21 tremendous credentials.

22 I think that every person in our
23 state, and because of the significance of our
24 state to our entire country, should be very

1 gratified that we have this nomination before
2 us today for our consideration.

3 So I join with my colleague Senator
4 Adams in most heartily endorsing this
5 nomination, and I'll look forward to working
6 in the future over the next few months and
7 over the next couple of years with this
8 appointee.

9 Thank you.

10 ACTING PRESIDENT KRUEGER: Thank
11 you, Senator Leibell.

12 Senator Dale Volker.

13 SENATOR VOLKER: Thank you, Madam
14 President.

15 Certainly the people that we have
16 had to oversee homeland security have been
17 excellent people. And I don't think that the
18 average citizen in New York realizes how
19 important this position is.

20 I did write the Governor a letter
21 here a month or so ago and said that it was
22 absolutely essential that the position be
23 filled by a person of the proper background
24 and so forth. Well, it certainly wasn't my

1 letter that did it, but he's done that.

2 Governor Paterson, by appointing a
3 man of the caliber of Tom Donlon, shows that
4 this state is prepared to continue, as it has
5 in the past, to be a leader in the homeland
6 security area.

7 One of the things I don't think
8 people realize is the federal government over
9 the years has said that New York, for the most
10 part, is way ahead in homeland security of the
11 rest of the country.

12 It kind of scares us a little, and
13 the former head of Homeland Security said he
14 was frightened by that, because he thinks we
15 have a long way to go. Well, you know, in
16 this world we live in, and with a state as
17 potentially vulnerable, there's some truth to
18 that.

19 But I don't think there's any
20 question that the gentleman whom we are
21 confirming today is of a caliber that we can
22 all be proud of. And I have great confidence
23 that he will do an excellent job.

24 And as I said in the Finance

1 Committee, I'll sleep a little better tonight
2 knowing that Tom Donlon is the new head of
3 Homeland Security.

4 ACTING PRESIDENT KRUEGER: Thank
5 you, Senator.

6 Senator Jeff Klein.

7 SENATOR KLEIN: Thank you, Madam
8 President. I also rise today to second the
9 nomination of Mr. Donlon.

10 Sometimes in life we prepare for
11 our careers for a certain time and a certain
12 place. And Mr. Donlon certainly has prepared
13 for this important day as head of homeland
14 security in our state. He worked himself up
15 through the ranks in the FBI, an expert on
16 counterterrorism, left us for a short period
17 to work at Credit Suisse.

18 But we're glad we have him back,
19 because with homeland security and security
20 issues on everyone's mind, I'm very proud that
21 we have someone who will keep us all safe.

22 He also hails from Riverdale, in
23 the Bronx, the area that I have the privilege
24 of representing in the Senate. And I also

1 know his wife, Deirdre, for many, many years,
2 also a public servant who serves us in the
3 court systems of the State of New York.

4 So it's my pleasure today to stand
5 and support someone who I think is going make
6 us all proud, Mr. Thomas Donlon, as our new
7 head of homeland security.

8 ACTING PRESIDENT KRUEGER: Thank
9 you, Senator Klein.

10 Senator Espada.

11 SENATOR ESPADA: Thank you, Madam
12 President.

13 I too wish to thank the Governor
14 for his good judgment and wisdom with respect
15 to this nomination.

16 Clearly his credentials, his
17 resume, speaks to his excellence, to his
18 training and preparation for this role. But I
19 wish to touch on a part of his resume that was
20 in his opening remarks which I think should
21 put everyone in this state at ease.

22 He spent a great deal of time
23 talking about his mother and his father and
24 their roles in developing his character and

1 developing the person that he is. And so this
2 is clearly a person that understands
3 fundamentally the value of family, the value
4 of safety, the values that bring us all to
5 these chambers.

6 Thank you, Governor Paterson. And
7 thank you, Mr. Donlon.

8 ACTING PRESIDENT KRUEGER: Thank
9 you.

10 Senator Hugh Farley.

11 SENATOR FARLEY: Thank you.

12 I rise to support this nomination
13 of a truly remarkable Irish-American, one of
14 seven children, and a linguist, among other
15 things, besides being a former FBI person and
16 somebody that is eminently qualified to serve
17 in something that is very, very important to
18 our state and our nation.

19 We're very, very fortune to have
20 him. He lives in Riverdale, New York, from
21 whence I came as a baby. And we're honored
22 and pleased that we can get somebody of this
23 caliber to serve our state in a very, very
24 important position.

1 And I wish you well, Tom.

2 ACTING PRESIDENT KRUEGER: Thank
3 you.

4 I too want to congratulate
5 Mr. Donlon and thank the Governor for sending
6 us such an excellent and qualified confirnee.

7 The question is on the notion to
8 confirm the nomination of Thomas G. Donlon, of
9 New York City, as Director of the Office of
10 Homeland Security. All those in favor please
11 signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT KRUEGER: Any
14 opposed, nay.

15 (No response.)

16 ACTING PRESIDENT KRUEGER: The
17 motion carries. The nomination of Thomas G.
18 Donlon, of New York City, as Director of the
19 Office of Homeland Security is hereby
20 confirmed.

21 Congratulations, Mr. Donlon. Thank
22 you very much.

23 (Applause.)

24 ACTING PRESIDENT KRUEGER: On

1 behalf of the Senate, we all wish to extend
2 our best wishes to you on your new endeavor on
3 our behalf.

4 The Secretary will continue to
5 read.

6 THE SECRETARY: As a member of
7 the Crime Victims Board, William J. Davis, of
8 New York City.

9 ACTING PRESIDENT KRUEGER:
10 Senator Kruger.

11 SENATOR C. KRUGER: Yes, on the
12 nomination.

13 Once again, the Governor has sent
14 us an appointment that is beyond excellent.

15 Justice Davis brings a lifetime of
16 experience. Currently a sitting justice of
17 the appellate term for the First Department in
18 New York Supreme Court, Justice Davis has an
19 exemplary record of public service that I know
20 will do great good for all of the board
21 members on that committee.

22 But most importantly, Judge Davis
23 comes with the compassion and the caring and
24 the know-how to be able to make a system that

1 sometimes seems broken, to that victim in
2 their darkest hour, work for them.

3 We wish him godspeed, and
4 congratulations to the Governor on this
5 choice.

6 Thank you.

7 ACTING PRESIDENT KRUEGER: Thank
8 you, Senator Kruger.

9 Senator Ruth Hassell-Thompson.

10 SENATOR HASSELL-THOMPSON: Thank
11 you, Madam President.

12 I rise, as the chair of the Crime
13 Victims, Corrections and Crime in the State of
14 New York as well as the Task Force on Domestic
15 Violence, to commend Mr. Davis for agreeing to
16 be a member of the Crime Victims Board.

17 We have a lot of issues in this
18 state as it pertains to crime victims, and it
19 was refreshing to hear that someone with the
20 background and skill of Mr. Davis was willing
21 to come to work for us here in the state and
22 to bring his expertise and talent on behalf of
23 crime victims.

24 And so I am very pleased to second

1 this nomination of Mr. Davis and ask for the
2 support of this entire body in making him the
3 next member of this board.

4 Thank you, Madam President.

5 ACTING PRESIDENT KRUEGER: Thank
6 you, Senator Hassell-Thompson.

7 Are there any other Senators that
8 wish to be heard on the motion to confirm the
9 nomination?

10 Senator Bill Perkins.

11 SENATOR PERKINS: I just want to
12 lend my voice of commendation to the selection
13 of Judge Davis to this board and want to thank
14 the Governor for his wisdom in making such a
15 wonderful choice.

16 He's a person that I've had the
17 opportunity to know for a long time,
18 obviously, first in his role as a judge. And
19 even in that capacity, he was an outstanding
20 individual.

21 And so I'm glad to see that he's
22 continuing to provide public service, in this
23 case for the state at a very, very important
24 time.

1 Thank you.

2 ACTING PRESIDENT KRUEGER: Thank
3 you, Senator Perkins.

4 The question is on the motion to
5 confirm the nomination of William J. Davis, of
6 New York City, as a member of the Crime
7 Victims Board. All those in favor please
8 signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT KRUEGER:
11 Opposed, nay.

12 (No response.)

13 ACTING PRESIDENT KRUEGER: The
14 motion carries. The nomination of William J.
15 Davis, of New York City, as a member of the
16 Crime Victims Board is hereby confirmed.

17 Unfortunately, Mr. Davis could not
18 join us this afternoon in the gallery.

19 The Secretary will continue to
20 read.

21 THE SECRETARY: As a member of
22 the Correction Medical Review Board, Michael
23 M. Baden, of New York City.

24 ACTING PRESIDENT KRUEGER:

1 Senator Kruger.

2 SENATOR C. KRUGER: Thank you,
3 Madam President.

4 Once again, the Governor has
5 selected for renomination and confirmation
6 someone of national acclaim -- actually,
7 international acclaim. Dr. Baden is the
8 former chief medical examiner of New York, has
9 an illustrious record and a history of being a
10 forensic scientist besides a pathologist.

11 After 45 years of dedicated service
12 in the public sector, Dr. Baden has once again
13 offered his services as an unsalaried member
14 of the Correction Medical Review Board. I
15 urge his confirmation.

16 Thank you.

17 ACTING PRESIDENT KRUEGER: Thank
18 you, Senator Kruger.

19 The question is on the motion to
20 confirm the nomination of Dr. Michael M.
21 Baden, of New York City, as a member of the
22 Correction Medical Review Board. All those in
23 favor please signify by saying aye.

24 (Response of "Aye.")

1 ACTING PRESIDENT KRUEGER:

2 Opposed, nay.

3 (No response.)

4 ACTING PRESIDENT KRUEGER: The
5 motion carries. The nomination of Michael M.
6 Baden, M.D., of New York City -- a constituent
7 of mine -- as a member of the Correction
8 Medical Review Board is hereby confirmed.

9 Dr. Baden could not join us this
10 afternoon. We wish him our best.

11 Senator Klein.

12 SENATOR KLEIN: Madam President,
13 can we now go to the Resolution Calendar. And
14 I believe Majority Leader Smith has a
15 privileged resolution at the desk.

16 ACTING PRESIDENT KRUEGER:
17 Senator Smith, on your resolution.

18 I'm sorry, the Secretary will read.
19 Excuse me.

20 THE SECRETARY: By Senator Smith,
21 Legislative Resolution Number 368, honoring
22 US Airways Flight 1549 Pilot Chesley B.
23 "Sully" Sullenberger III and his crew for
24 their heroic actions, remaining calm under

1 pressure, and their perseverance and
2 dedication to the safety of all 155 passengers
3 on board.

4 "WHEREAS, It is the sense of this
5 Legislative Body to honor US Airways Flight
6 1549 Pilot Chesley B. 'Sully' Sullenberger III
7 and his crew for their heroic actions,
8 remaining calm under pressure, and their
9 perseverance and dedication to the safety of
10 all 155 passengers on board; and

11 "WHEREAS, Pilot Chesley B.
12 Sullenberger III, along with his crew,
13 successfully landed the stricken jetliner in
14 the Hudson River on Thursday, January 15,
15 2009; and

16 "WHEREAS, This amazing, skilled
17 American hero, a native of Danville,
18 California, earned a bachelor of science
19 degree from the United States Air Force
20 Academy, a master of science degree from
21 Purdue University, and a master of arts degree
22 from the University of Northern Colorado.
23 Furthermore, Pilot Chesley Sullenberger III
24 has been named a visiting scholar at the

1 University of California, Berkeley; and

2 "WHEREAS, Captain Chesley B.

3 Sullenberger III bravely served his country as
4 a United States Air Force fighter pilot; and

5 "WHEREAS, Just after takeoff from

6 LaGuardia Airport, New York City, the

7 passengers of US Airways Airbus A320, bound

8 for Charlotte, North Carolina, all knew

9 something was wrong due to a loud thump,

10 followed by an eerie silence. Furthermore,

11 the flight attendants noticed the smell of

12 burning metal; and

13 "WHEREAS, Due to a 'double bird

14 strike,' smoke was billowing from the engine

15 mounted on the wing, which was aflame.

16 Quickly losing altitude, the pilot instructed

17 his passengers and crew to 'Brace for impact

18 because we are going down!'; and

19 "WHEREAS, Captain Chesley B.

20 Sullenberger III courageously, skillfully, and

21 effectively guided the plane down before it

22 splashed into the frigid waters of the Hudson

23 River. Within minutes of crashing, captains

24 and crew members of 14 New York Waterway

1 ferries arrived on the scene and rescued the
2 cold and frightened passengers from the
3 sinking plane; and

4 "WHEREAS, Despite the obvious
5 danger and risk to his personal safety,
6 Captain Sullenberger walked the length of the
7 plane not once but twice, to assure that no
8 one was left behind and everyone had gotten
9 out. Subsequently, he was the last one off;
10 and

11 "WHEREAS, Saving the lives of
12 150 passengers, three flight attendants, and
13 two pilots was the result of the collaborative
14 efforts of Captain Sullenberger, his crew, and
15 the captains and crew members of the New York
16 Waterway ferries; and

17 "WHEREAS, Turning a potential
18 tragedy into a 'Miracle on the Hudson,' the
19 heroes include Captain Sullenberger, 57, who
20 has been a pilot for US Airways since 1980,
21 and First Officer Jeff Skiles, 49, of Oregon,
22 Wisconsin, who is a 23-year veteran of US
23 Airways; flight attendants Doreen Welsh, 58,
24 of Ambridge, Pennsylvania, Donna Dent, 51, of

1 Winston-Salem, North Carolina, and Sheila
2 Dail, 57, of Weaverville, North Carolina;
3 Vincent Lombardi, captain of the Thomas
4 Jefferson, and his crew members, Hector
5 Rabanes and Wilfredo Rivera, who were
6 responsible for rescuing 56 people; Brittany
7 Catanzaro, captain of the Thomas Kean, and her
8 crew members, Osman Berete and Cosmo Mezzina,
9 who rescued 26 people; Vince Lucante and
10 Michael Starr, captains of the Yogi Berra, who
11 rescued 24 passengers, including one infant
12 and one child; Carl Lucas, captain of the
13 Athena, and his crew members, Luis Salerno and
14 Danny Convery, who rescued 19 passengers,
15 including the pilot; Manny Liba, captain of
16 the Moira Smith, and crew members Natale
17 Binetti and Giulio Farnese, who rescued 14
18 people; John Winiarski, captain of the Admiral
19 Richard Bennis, and his crew member, Frank
20 Illuzzi, who rescued three passengers; and
21 Mohamed Gouda, captain of the George
22 Washington, and his crew members, Jose Torres,
23 Pepe Carumba, and Gregorio Pages, who rescued
24 one passenger from the plane; and

1 "WHEREAS, The ferry crews reacted
2 instantly to the crash, saving the passengers
3 on board in the most successful air crash
4 rescue in aviation history; and

5 "WHEREAS, The members of this
6 Legislative Body, who represent all the people
7 of the great State of New York, would like to
8 recognize the captain and his crew for
9 responding quickly, calmly, and with the
10 highest degree of professionalism and
11 responsibility in the face of catastrophic
12 mechanical failure and imminent tragedy.
13 Their skill and sense of duty transformed that
14 imminent tragedy into a thankful celebration
15 of life for everyone aboard US Airways Flight
16 1549; and

17 "WHEREAS, If the first responders,
18 ferry operators, and tugboat drivers of
19 New York City hadn't responded as quickly as
20 they did, many people would have died or
21 suffered severe effects of hypothermia; and

22 "WHEREAS, This Legislative Body is
23 grateful for the heroism, grace, calmness,
24 determination and dedication shown by Pilot

1 Chesley B. 'Sully' Sullenberger III, his crew,
2 and the captains and crew members of the
3 New York Waterway ferries; now, therefore, be
4 it

5 "RESOLVED, That this Legislative
6 Body pause in its deliberations to honor
7 US Airways Flight 1549 Pilot Chesley B.
8 'Sully' Sullenberger III and his crew for
9 their heroic actions, remaining calm under
10 pressure, and their perseverance and
11 dedication to the safety of all 155 passengers
12 on board; and be it further

13 "RESOLVED, That this resolution,
14 suitably engrossed, be transmitted to the
15 aforementioned heroes."

16 ACTING PRESIDENT KRUEGER:
17 Senator Smith.

18 SENATOR SMITH: Thank you very
19 much, Madam President.

20 To my colleagues, to our friends,
21 all who are in this chamber and all who hear
22 the proceedings that are going on in this
23 chamber, we recall on January 15, 2009, a
24 moment when a great deal of memory was

1 stricken by many of us when we heard of
2 Flight 1549, which had ended up in the Hudson.

3 At that moment, many of us was not
4 clear as to what happened, how it happened.
5 We knew nothing of two bird strikes, nor did
6 we know how the passengers was on that
7 particular Airbus. All we did know as
8 New Yorkers was that there was a need for us
9 to rise and to do something for our fellow
10 citizens who were on that particular flight.

11 Captain Chesley Sullenberger, who
12 has basically made a name for himself, along
13 with the three flight attendants as well, did
14 a terrific job. They basically saved the
15 lives of 150 people, many of which many of us
16 do not know.

17 But yet and still, for that one day
18 and days after, many of us felt some type of
19 relationship with each and every one of them.
20 Because I can daresay we have all had some
21 moment in our life where there was an
22 unspeakable frightening moment that made us
23 think twice about the value of life, about our
24 friends, our neighbors, our family and our

1 friends.

2 Miracle on the Hudson. That is the
3 name that our Governor gave to that moment.
4 Quoting him, he said, "There was a miracle on
5 34th Street, and now we have a miracle on the
6 Hudson."

7 Well, today we pause our
8 deliberation from our legislative duties to
9 acknowledge not only the captain of that plane
10 but also to honor the flight attendants as
11 well. We want them to know, along with the
12 14 New York Waterway ferries, that we
13 appreciate all that they have done and all
14 that they will continue to do to save and
15 honor the great people of this state and those
16 who are a part of this country.

17 But we also pause today to talk
18 about one of the miracles that is actually
19 here. In addition to the crew that was part
20 of that plane, the miracle that happened with
21 the miracle on the Hudson, we also had
22 150 passengers.

23 And I will tell you, if you have
24 never believed in a blessing, if you never

1 believed that God has things that happen for a
2 reason, let me explain to you a moment that
3 occurred for me during that time.

4 I was actually in the city at that
5 moment. A call came in as I was making a
6 speech to the Jewish Society, indicating that
7 the plane that went down in the Hudson and
8 that they needed me to run over and see what
9 we could do.

10 I arrived on the scene along with
11 Pat Rubens, one of my assistants, and Austin
12 Shafran. Within about 20 minutes we were on
13 one of the barges with 16 of the passengers
14 from the plane. We were on that barge,
15 helping them with blankets, they were
16 utilizing our cellphones to call their homes,
17 their families, their loved ones.

18 Not knowing what was going on, many
19 of them were disoriented, didn't know what was
20 happening. We didn't even know what happened
21 to the other 130-something passengers. All we
22 knew at that moment was the plane had went
23 down, we had managed to get them on this
24 particular barge, and we were trying to do

1 what we could to help them through this
2 moment.

3 I would tell you, you should be
4 very proud of our colleagues. I put an
5 immediate call out to Senator Tom Duane, who
6 is not here, and Senator Liz Krueger. I
7 indicated to them that we had passengers that
8 were on this ship, they had no clothes,
9 because the Red Cross didn't have it at the
10 time, what could we do about trying to clothe
11 them. And at a moment's notice, two of our
12 colleagues were on the phone getting clothes
13 for these individuals.

14 But something more miraculous
15 occurred. I had the opportunity to sit down
16 and talk to several of these passengers. I
17 did have an opportunity to talk to one in
18 particular who, for some reason, this
19 gentleman and I developed a relationship at
20 that moment. As I began to talk to him -- and
21 this story will explain to you why, if you
22 don't believe in God and if you don't believe
23 in moments, you should once I complete this
24 story.

1 I talked to him for about a half an
2 hour or so. We talked about his family. He
3 used my cellphone to call his office to let
4 his office know that he was fine. He talked
5 to me about 9/11, what happened to him after
6 that -- he chose to then move to South
7 Carolina -- and then this actually occurred.

8 As we were going through our
9 discussion -- I had never met this man before
10 in my life -- he talks to me about his family.
11 I asked him about his wife. He tells me his
12 wife used to work for city government. I
13 said, "Oh, is that correct? What did your
14 wife do for city government?" He said, "Well,
15 she worked under the Koch administration."
16 And I said, "Well, so did I."

17 As we began to talk, he says to me,
18 "Oh, yeah, well she worked in the Department
19 of Consumer Affairs, and then she went and
20 worked for the state in DHCR, with the housing
21 authority."

22 I said, "Well, wait a minute." I
23 said, "A young man who is handling my
24 transition who is going to be the secretary of

1 the Senate worked for the Department of
2 Consumer Affairs and also worked for DHCR, by
3 the name of Angelo Aponte." He said, "My
4 wife, Gabrielle, was Angelo Aponte's assistant
5 for six years, went from the Department of
6 Consumer Affairs to the housing authority of
7 the State of New York."

8 Now, if that is not an incredible
9 moment, an incredible story. I have never met
10 Stewart Wallace before in my life. I'm on
11 this barge, helping him, one of the passengers
12 that was on the Airbus plane that went down in
13 the Hudson, only to find out that his wife
14 knew a gentleman that I knew back some
15 20 years ago.

16 And so while we are honoring the
17 pilot today, I want to talk about someone who
18 was blessed, someone who was blessed because
19 his life has been changed twice -- one with
20 9/11, where he was just moments away from that
21 location, and, two, what happened on the
22 Airbus.

23 And so, colleagues, ladies and
24 gentlemen, those of you that are under the

1 sound of my voice, it gives me great pleasure
2 not only to honor the captain of that
3 particular airplane but to also honor a young
4 man and his wife, who's here. Stewart Wallace
5 was one of the passengers on that Airbus
6 plane, 1549.

7 Ladies and gentlemen, Stewart
8 Wallace and his wife, Gabrielle.

9 (Standing ovation.)

10 SENATOR SMITH: I don't know,
11 Madam President, I don't know what he's going
12 through at night. I don't know how much it
13 has changed his life. But I will tell you, if
14 you for any reason had a doubt that there are
15 walking miracles on this planet, there is a
16 walking miracle right there.

17 Stewart Wallace, it is my pleasure
18 to honor you and have this resolution that we
19 pause on this day. And know that this
20 resolution will be in the archives of the
21 State of New York for infinity. So your
22 grandchildren, your great-great grandchildren,
23 on into the year 3035, will have a moment in
24 time they can come and remember this moment,

1 as I'm sure you and your lovely wife Gabrielle
2 are doing as well.

3 Thank you and God bless you.

4 ACTING PRESIDENT KRUEGER: Thank
5 you, Senator Smith.

6 Senator Tom Libous.

7 SENATOR LIBOUS: Thank you,
8 Madam President.

9 I join Majority Leader Smith in
10 certainly saying congratulations and honoring
11 Captain Sullenberger, his crew, the men and
12 women who raced to the rescue, and all of
13 those passengers who were successful in many
14 respects, each and every one of them being a
15 hero and I'm sure helping each other in that
16 very, very delicate moment.

17 And certainly to Senator Smith, for
18 his heroics at that time in being right on
19 that location and lending a helping hand and
20 sharing whatever help that he could.

21 You know, when I watched the plane
22 come down and I listened to Captain
23 Sullenberger -- like all of us in this chamber
24 who spend an awful lot of time in an airplane,

1 I often, before I get on, say a quick prayer
2 and hope that everything works out, just under
3 the assumption that we'll get to our
4 destination and that what we've seen before
5 where there are incidences that take place,
6 that that's just another point in time and
7 that's not going to happen to us.

8 And as I saw the plane first in the
9 water with Mr. Wallace and the passengers on
10 the wing and helping each other and waiting
11 for someone to rescue them, I, like I'm sure
12 all of you, felt an emotion in seeing that,
13 you know, this isn't pretend, this isn't the
14 heroics of television, it's not a movie. It's
15 real, those are real people.

16 And I felt the emotion and
17 certainly had no idea what it would feel like
18 to be out there. But it overcame me, and
19 certainly to know that all 150 passengers were
20 safe.

21 And, Mr. Wallace, you are here
22 today as a true testament to each and every
23 one of you for keeping your cool. And
24 somehow, miraculously, as Senator Smith said,

1 someone was looking over all of you that day
2 and allowing you to be here with us and share
3 certainly the heroics of each passenger on
4 that flight but also that of Captain
5 Sullenberger.

6 And again, I share with everyone
7 here that as you have, I listened to him when
8 they played the excerpts back and he talked
9 about "I have to put it in the Hudson." The
10 man was calm, cool. I was nervous, shaking,
11 listening to him. And he did what I think
12 someone who is trained in the Air Force as a
13 fighter pilot, along with his crew, who is
14 well-trained to do one thing, and that's to
15 bring home every passenger safe.

16 Mr. Wallace, it's great to have you
17 here. God bless you. And I join my
18 colleagues in sharing with Majority Leader
19 Smith, to all of the passengers and certainly
20 the heroes on that flight, congratulations.

21 ACTING PRESIDENT KRUEGER: Thank
22 you, Senator Libous.

23 Senator Eric Adams.

24 SENATOR ADAMS: Thank you,

1 Mrs. -- Miss President.

2 And I want to thank Senator Smith.
3 When we spoke and he said he was bringing this
4 resolution, I thought it was important. And
5 even more so, it was important to acknowledge
6 those who were on the plane.

7 Those of us -- I think Senator
8 Volker, Senator Golden, some others -- who
9 performed in any form of law enforcement
10 capacity would tell you that one of the most
11 frightening things that can happen to you is
12 when those who you are attempting to save
13 reach a state of panic.

14 And for the passengers to orderly
15 evacuate the plane -- landing the plane was
16 phase one. After landing that plane, you had
17 to get the passengers off. And when you have
18 responded to a level of emergencies and see
19 the disorientation, the level of panic, the
20 level of fright, the level of every-man-
21 for-himselfism that takes place in a state of
22 emergency -- you didn't see that there.

23 And I think that Mr. Wallace and
24 others who were on the plane realized that

1 they had to all survive together. And so it
2 was a Miracle on the Hudson, but in New York,
3 in America, we make our miracles. We make our
4 miracles every day.

5 And it's a testament to our
6 greatness, when you look at the men and women
7 who wear blue uniforms, gray uniforms, fly
8 planes or walk beats, they were dedicated and
9 they are committed. They're able to respond
10 in spite of fear, not becoming the symbol of a
11 deer caught in a set of headlights and stay
12 there and allow danger to cripple and take
13 them. In spite of that, they overcome those
14 fears.

15 It happens every day when a
16 firefighter goes into a burning building. It
17 happens every day when a 911 operator calls an
18 emergency and the EMS goes into a house to
19 save someone's life. It happens countless
20 number of times every day.

21 We saw the best of New Yorkers on
22 the Hudson, but the best of the New Yorkers
23 are also on the streets and on the sidewalks
24 and in the buildings of our city and our

1 state. America is the symbol of what's best
2 about us. We are the best fighter pilots, the
3 best law enforcement, the best firefighters.
4 And, you know, we have the best citizens.

5 And it's the combination of those
6 citizens coming together during difficult
7 times that we can do great things. Anybody
8 can take a flight from Point A to Point B and
9 go through some turbulent times. But to land
10 that plane and to have ferry operators come to
11 that site, to have police officers stop the
12 traffic, to have barge employees have a safe
13 place for people to land, to have a leader of
14 the Senate take out his cellphone to connect
15 with families -- because a countless number of
16 family members were wondering and were hoping
17 to hear from those loved ones. The difference
18 from that phone call is the difference from
19 someone receiving a panic attack -- it was a
20 combination of all that's great about America
21 we saw in that Hudson.

22 So although the captain is the
23 symbol of his skill and his courageous
24 attitude, it was an American symbol that was

1 on the Hudson River that we saw. It was
2 what's great about the United States of
3 America.

4 So no matter what people say to us
5 across the globe, all we have to do is point
6 to what we do every day. In a time of
7 despair, in a time of fright, in a time of
8 being afraid, we know how to stand up and be
9 not only great captains of planes but also
10 great passengers on planes.

11 We thank you so much for what you
12 have done. You're a symbol of everything
13 great about this country. I will never again
14 wear earphones when they state "Listen to an
15 emergency from the stewardess." I will
16 listen. Thank you.

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

19 Senator David Valesky.

20 SENATOR VALESKY: Thank you,
21 Madam President.

22 Senator Smith, thank you for
23 bringing this resolution forth today.

24 Mr. and Mrs. Wallace, thank you for

1 giving up time to be with us this afternoon.

2 Madam President and my colleagues,
3 some of you may have heard the interview that
4 Captain Sullenberger gave with Katie Couric on
5 "60 Minutes" the other evening. I did not
6 have an opportunity to see that program, but I
7 heard the interview on the way to Albany
8 yesterday morning. And something that Captain
9 Sullenberger said in that interview I think
10 speaks to each and every one of us, and I want
11 to share that with you today and with
12 New Yorkers who are listening to these
13 proceedings.

14 Katie Couric, at the end of the
15 interview, asked the captain: "You've been
16 called a hero by a lot of people. How do you
17 feel about that?" And the captain responded,
18 "I don't feel comfortable embracing it, but I
19 don't want to deny it. I don't want to
20 diminish their thankful feeling toward me by
21 telling them that they're wrong. I'm
22 beginning to understand why they might feel
23 that way," he replied.

24 Asked why that is, Sullenberger

1 said, "Something about this episode has
2 captured people's imagination. I think they
3 want good news. I think they want to feel
4 hopeful again. And if I can help in that way,
5 I will."

6 Madam President, it seems that we
7 as members of the Senate have an opportunity,
8 in the days and weeks and months ahead, and
9 the very difficult decisions that we have to
10 make in representing the 19.5 million
11 Americans, to help them find some hope again
12 in the times of extreme difficult economic
13 times that they are facing, and their
14 families.

15 I would hope that as we consider
16 and in a few short moments approve this
17 resolution, I would hope that each and every
18 one of us on both sides of the political aisle
19 today can use the spirit of Captain
20 Sullenberger and the sense that he has
21 expressed in that interview and in other
22 opportunities, that we can use that as our own
23 inspiration to work together, to work in a
24 cooperative fashion, to help make some very,

1 very difficult decisions that in the long run
2 will hopefully provide good news once again to
3 the people that we represent and restore some
4 hope to the people of this great Empire State.

5 Thank you very much, Madam
6 President.

7 ACTING PRESIDENT KRUEGER: Thank
8 you, Senator Valesky.

9 Are there any other Senators that
10 wish to be heard on this resolution?

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

14 (Response of "Aye.")

15 ACTING PRESIDENT KRUEGER:
16 Opposed, nay.

17 (No response.)

18 ACTING PRESIDENT KRUEGER: The
19 resolution is adopted.

20 On behalf of, and with the
21 unanimous consent of my colleagues here in the
22 State Senate, I want to acknowledge the
23 presence with us this afternoon of Mr. Stewart
24 Wallace and his wife, Gabrielle. Stewart was

1 one of the passengers on US Airways Flight
2 1549. Of course, we have already welcomed him
3 to the chamber.

4 And at the request of the sponsor,
5 Senator Smith, this resolution is open for
6 multisponsorship by the entire house. Any
7 member wishing not to be a multiple sponsor of
8 the resolution should so inform the desk.

9 And again, thank you to the
10 Wallaces for being with us here today to
11 represent both the importance of the captain's
12 success that day and the pleasure that we here
13 in the State of New York have knowing that
14 everyone survived safely.

15 So thank you very much.

16 (Applause.)

17 ACTING PRESIDENT KRUEGER:

18 Senator Klein.

19 SENATOR KLEIN: Madam President,
20 may we proceed with the regular order of
21 business.

22 ACTING PRESIDENT KRUEGER: Yes.

23 Reports of select committees.

24 Communications and reports from

1 state officers.

2 Motions and resolutions.

3 Senator Johnson, why do you rise?

4 SENATOR CRAIG JOHNSON: Madam

5 President, I have a motion.

6 On page number 5, I offer the
7 following amendments to Calendar Number 8 and
8 ask that said bill retain its place on Third
9 Reading Calendar.

10 ACTING PRESIDENT KRUEGER: So

11 ordered.

12 SENATOR CRAIG JOHNSON: Madam

13 President, I move that the following bill be
14 discharged from its respective committee and
15 be recommitted with instructions to strike the
16 enacting clause. That's Senate Number 1166.

17 ACTING PRESIDENT KRUEGER: So

18 ordered.

19 SENATOR CRAIG JOHNSON: Thank

20 you, Madam President.

21 ACTING PRESIDENT KRUEGER:

22 Senator Libous, why do you rise?

23 SENATOR LIBOUS: I have a motion,

24 Madam President.

1 ACTING PRESIDENT KRUEGER:

2 Senator Libous.

3 SENATOR LIBOUS: Thank you, Madam
4 President.

5 On behalf of Senator Robach, on
6 page number 5 I offer the following amendments
7 to Calendar Number 2, Senate Print Number 430,
8 and ask that said bill retain its place on the
9 Third Reading Calendar.

10 ACTING PRESIDENT KRUEGER: So
11 ordered.

12 Senator Klein.

13 SENATOR KLEIN: Madam President,
14 there will be an immediate meeting of the
15 Rules Committee in the Majority Conference
16 Room, 332.

17 Pending conclusion of the Rules
18 Committee meeting, can we please stand at
19 ease.

20 ACTING PRESIDENT KRUEGER: There
21 will be an immediate meeting of the Rules
22 Committee in the Majority Conference Room,
23 Room 332.

24 The Senate will stand at ease

1 pending the report of the Rules Committee.

2 (Whereupon, the Senate stood at
3 ease at 4:05 p.m.)

4 (Whereupon, the Senate reconvened
5 at 4:15 p.m.)

6 ACTING PRESIDENT KRUEGER:

7 Senator Klein.

8 SENATOR KLEIN: Madam President,
9 I move we accept the report of the Rules
10 Committee.

11 ACTING PRESIDENT KRUEGER: There
12 is a report of the Rules Committee at the
13 desk.

14 The Secretary will read.

15 THE SECRETARY: Senator Smith,
16 from the Committee on Rules, reports the
17 following bill direct to third reading:

18 Senate Print 1802, Senate Budget
19 Bill, an act to amend Chapter 53 of the Laws
20 of 2008 making appropriations for the support
21 of government.

22 ACTING PRESIDENT KRUEGER:

23 Senator Klein.

24 SENATOR KLEIN: Madam President,

1 move to accept the report of the Rules
2 Committee.

3 ACTING PRESIDENT KRUEGER: All
4 those in favor say aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT KRUEGER: Any
7 opposed, nay.

8 (No response.)

9 ACTING PRESIDENT KRUEGER: The
10 report is accepted.

11 Senator Klein.

12 SENATOR KLEIN: Madam President,
13 may we at this time adopt the Resolution
14 Calendar in its entirety, with the exception
15 of Legislative Resolution 326.

16 ACTING PRESIDENT KRUEGER: All
17 those in favor of adopting the Senate
18 Resolution Calendar in its entirety, with the
19 exception of Legislative Resolution
20 Number 326, please signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT KRUEGER:
23 Opposed, nay.

24 (No response.)

1 ACTING PRESIDENT KRUEGER: The
2 Resolution Calendar, with the exception of
3 Legislative Resolution Number 326, is adopted.

4 Senator Klein.

5 SENATOR KLEIN: Madam President,
6 may we at this time take up Resolution Number
7 326 and ask that the resolution, just the
8 title be read, and move for its immediate
9 adoption.

10 ACTING PRESIDENT KRUEGER: The
11 Secretary will read.

12 THE SECRETARY: By Senator
13 Farley, Legislative Resolution Number 326,
14 recognizing February 13, 2009, as "Blue
15 Friday."

16 ACTING PRESIDENT KRUEGER:
17 Senator Farley.

18 SENATOR FARLEY: Thank you,
19 Madam President.

20 "Blue Friday" is a resolution that
21 we do every year. It's a partnership between
22 the Albany radio station WGNA, which is the
23 number-one radio station in this area, and
24 Capital District chapter of Concerns of Police

1 Survivors, COPS.

2 It honors all law enforcement
3 officers who have given their lives in the
4 line of duty, as well as those who serve.

5 Each year between 140 and 160
6 officers are killed nationwide in the line of
7 duty, and their families and coworkers are
8 left to cope with this tragic loss. "Blue
9 Friday" is a reminder to pay tribute to those
10 in the law enforcement community who have made
11 the ultimate sacrifice.

12 On February 13, 2009, from
13 5:30 a.m. to 10:00 a.m., WGNA, DeNooyer
14 Chevrolet, and COPS will be taking donations
15 for a carnation, selling blue carnations and
16 "Blue Friday" t-shirts at DeNooyer Chevrolet
17 in Colonie and Pizzeria Uno in Wilton. And
18 over 25 agencies will be represented at the
19 two locations, and all proceeds will go to
20 COPS.

21 With us in the gallery from WGNA is
22 the number-one-rated morning show in this
23 area, with hosts Sean McMaster and Richie
24 Philips, who are with us -- if you'd please

1 stand -- and also the regional vice president
2 and general manager for Regent Communications,
3 Robert Ausfeld, and the marketing director,
4 Selena Dutcher.

5 And representing the Capital
6 District Concerns of Police Survivors --
7 that's COPS -- Pat Fox, retired from the
8 Albany Police Department; Bobby Marco, of the
9 Bethlehem Police Department; Lou Solma, of the
10 Saratoga County Sheriff's Department; and Jack
11 Kimmey, of the Watervliet Police Department.
12 And we're honored to have them here.

13 And I would also like to say, on
14 behalf of these organizations and WGNA and
15 what they try to do, that this resolution is
16 open to everybody.

17 And, Madam President, I'd like you
18 to acknowledge our people that are to my right
19 in the gallery and welcome them to the Senate.
20 And I wish to open up this resolution to
21 everybody that is interested.

22 ACTING PRESIDENT KRUEGER: Thank
23 you. And welcome to all your guests,
24 Senator Farley.

1 The question is on the resolution.

2 All those in favor please signify by saying
3 aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT KRUEGER:

6 Opposed, nay.

7 (No response.)

8 ACTING PRESIDENT KRUEGER: The
9 resolution is adopted.

10 At the request of the sponsor, the
11 resolution is open for multisponsorship by the
12 entire house. Any member wishing not to be a
13 multisponsor of the resolution should so
14 inform the desk.

15 Senator Klein.

16 SENATOR KLEIN: Madam President,
17 I believe Senator Breslin has a privileged
18 resolution, 338. I ask that it be taken up at
19 this time and give Senator Breslin the
20 opportunity to speak on his resolution.

21 ACTING PRESIDENT KRUEGER:

22 Senator Breslin.

23 SENATOR BRESLIN: I don't need to
24 speak on it.

1 ACTING PRESIDENT KRUEGER: Excuse
2 us. The Secretary will read the resolution.

3 THE SECRETARY: By Senator
4 Breslin, Legislative Resolution Number 338,
5 memorializing Governor David A. Paterson to
6 proclaim May 2009 as NF Awareness Month in the
7 State of New York.

8 ACTING PRESIDENT KRUEGER: The
9 question is on the resolution. All those in
10 favor please signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT KRUEGER:
13 Opposed, nay.

14 (No response.)

15 ACTING PRESIDENT KRUEGER: The
16 resolution is adopted.

17 At the request of the sponsor, the
18 resolution is open for multisponsorship by the
19 entire house. Any member wishing not to be a
20 multisponsor on this resolution should so
21 inform the desk.

22 Senator Klein.

23 SENATOR KLEIN: Madam President,
24 can we take up the noncontroversial reading of

1 the Senate calendar, please.

2 ACTING PRESIDENT KRUEGER: The
3 Secretary will read.

4 THE SECRETARY: Calendar Number
5 9, by Senator Breslin, Senate Print 414A, an
6 act to amend the Vehicle and Traffic Law, in
7 relation to parking spaces for handicapped
8 persons.

9 ACTING PRESIDENT KRUEGER:
10 Senator DeFrancisco, why do you rise?

11 SENATOR DeFRANCISCO: I'd like to
12 just explain my vote.

13 ACTING PRESIDENT KRUEGER: Just
14 one moment, Senator DeFrancisco.

15 First we'll have the Secretary read
16 the last section, and then you will be welcome
17 to explain your vote.

18 THE SECRETARY: Section 2. This
19 act shall take effect on the 120th day.

20 ACTING PRESIDENT KRUEGER: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT KRUEGER:
24 Senator DeFrancisco, to explain his vote.

1 SENATOR DeFRANCISCO: Yes, I'm
2 going to vote yes. I think it's a good bill
3 because what it does is it requires
4 instruction in another area, and that relates
5 to parking spaces for the handicapped.

6 But the reason I rise is there's
7 other things that are required that people
8 have to learn about before they get a driver's
9 license, including work zone safety and the
10 like. And you can see it from the bill itself
11 what the prior law is.

12 The problem is that in this year's
13 budget, the Commissioner of Motor Vehicles is
14 claiming that to save money that we should no
15 longer give the permit test, the written test.
16 That there should be a course, no test, then
17 the driving test after that.

18 Now, I would just hope that
19 everyone, now that they're aware of it, would
20 agree that that doesn't make a heck of a lot
21 of sense, because by just taking a driver's
22 test doesn't mean you're going to go through a
23 handicapped parking spot or you're going to go
24 through a work zone. And if we're requiring

1 all these things to be learned, how do we know
2 that anybody even read the book?

3 So I think it's a penny-wise,
4 dollar-foolish savings, and I would hope that
5 that would come out of the budget.

6 And it's fine having the course
7 before the permit test, that's great, before
8 somebody gets approved. But you've got to
9 have a written test to show that they have
10 knowledge of what we're mandating that they
11 learned.

12 Thank you. I vote aye.

13 ACTING PRESIDENT KRUEGER:

14 Senator DeFrancisco will be recorded in the
15 positive.

16 Senator Hassell-Thompson, why do
17 you rise?

18 SENATOR HASSELL-THOMPSON: Madam
19 President, I wasn't sure that I understood
20 something that Senator DeFrancisco said. And
21 I'm not up to disagree; I just didn't hear.

22 I thought I heard the Senator say
23 that to save money that they wanted to do away
24 with the exam. Was that what I heard? The

1 written exam.

2 ACTING PRESIDENT KRUEGER:

3 Senator Hassell-Thompson, we can't have a
4 dialogue back and forth. Senator DeFrancisco
5 was explaining his vote, and so we're on the
6 roll call.

7 SENATOR HASSELL-THOMPSON: No,
8 no, no, no. I wasn't trying to achieve a
9 dialogue. I just was confused if that was
10 what I heard.

11 But if that's what I heard, I think
12 just as a comment, not only am I supportive of
13 this, but if you pay any attention to the way
14 people drive who have taken the written test,
15 it will indicate how many more classes they
16 may need to take.

17 People have no clue, based on the
18 way they drive, of what's in that manual about
19 just road courtesies that are not for
20 politeness but rather for safety. And if you
21 see the way people drive, believe me, I will
22 not be supporting anything that does away with
23 the written exam. But I certainly will be
24 supporting our need to put additional

1 cautionaries in these exams.

2 And therefore, I do support this
3 bill. And I will work with you on any attempt
4 to do away with the written exam,
5 Senator DeFrancisco.

6 Thank you, Madam President.

7 ACTING PRESIDENT KRUEGER: Thank
8 you. Senator Hassell-Thompson will be
9 recorded in the positive.

10 Announce the results.

11 THE SECRETARY: Ayes, 61. Nays,
12 0.

13 ACTING PRESIDENT KRUEGER: The
14 bill is passed.

15 The Secretary will continue to
16 read.

17 THE SECRETARY: In relation to
18 Calendar Number 38, Senator Smith moves to
19 discharge, from the Committee on Rules,
20 Assembly Bill Number 4919 and substitute it
21 for the identical Senate Bill Number 1802,
22 Third Reading Calendar 38.

23 ACTING PRESIDENT KRUEGER:
24 Substitution ordered.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 38, Assembly Budget Bill, Assembly Print 4919,
4 an act to amend Chapter 53 of the Laws of 2008
5 making appropriations for the support of
6 government.

7 ACTING PRESIDENT KRUEGER:
8 Senator Klein.

9 SENATOR KLEIN: Madam President,
10 I believe there's a message of appropriation
11 at the desk. And I move the said message be
12 accepted.

13 ACTING PRESIDENT KRUEGER:
14 Senator Klein, a message of appropriation has
15 been received from the Governor and is here at
16 the desk.

17 All those in favor of accepting the
18 message of appropriation please signify by
19 saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT KRUEGER:
22 Opposed, nay.

23 (Response of "Nay.")

24 ACTING PRESIDENT KRUEGER: I

1 believe the ayes have it. The message of
2 appropriation is accepted.

3 Read the last section.

4 SENATOR WINNER: Madam President,
5 point of order.

6 ACTING PRESIDENT KRUEGER:
7 Senator Winner, why do you rise?

8 SENATOR WINNER: I raise a point
9 of order.

10 ACTING PRESIDENT KRUEGER: Please
11 go forward with your point of order.

12 SENATOR WINNER: I don't believe
13 we have a calendar on our desks reflecting
14 this particular bill.

15 ACTING PRESIDENT KRUEGER: One
16 moment while we clarify that.

17 Senator Winner, it's being brought
18 to my attention that the bill is on your desk
19 and that it came through the Rules Committee
20 and that we accepted the report of the Rules
21 Committee.

22 SENATOR WINNER: Madam President,
23 it's my understanding that we normally have a
24 calendar on our desks that reflects the bills

1 that we're going to be taking up during the
2 day.

3 I would presume that that would be
4 the case here. In my recollection, that's
5 always the way we've done business in this
6 house, is to have a calendar.

7 ACTING PRESIDENT KRUEGER: I will
8 have our counsel look into it. It was
9 explained to me that the supplemental calendar
10 was only this bill which is on our desks with
11 the Rules Committee.

12 But I am not disagreeing with you,
13 I am waiting for our counsels to get back to
14 me, if you'll just give us a moment to pause.
15 Thank you.

16 SENATOR KLEIN: Madam President.

17 ACTING PRESIDENT KRUEGER:
18 Senator Klein, why do you rise?

19 SENATOR KLEIN: Can we please
20 stand at ease for a moment.

21 ACTING PRESIDENT KRUEGER:
22 Certainly. The Senate will stand at ease.

23 Senator Klein.

24 SENATOR KLEIN: Madam President,

1 can you please call on Senator Winner.

2 ACTING PRESIDENT KRUEGER:

3 Senator Winner.

4 SENATOR WINNER: Thank you,
5 Madam President.

6 Under the circumstances, in an
7 effort to move the proceedings along, I
8 withdraw the point of order.

9 ACTING PRESIDENT KRUEGER: Thank
10 you very much, Senator Winner.

11 The point of order is withdrawn.
12 The Senate can continue.

13 The Secretary will read the last
14 section.

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

17 ACTING PRESIDENT KRUEGER: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 61. Nays,
21 0.

22 ACTING PRESIDENT KRUEGER: The
23 bill is passed.

24 Senator Klein, that completes the

1 noncontroversial reading of the calendar.

2 SENATOR KLEIN: Madam President,
3 is there any further business at the desk?

4 ACTING PRESIDENT KRUEGER:
5 Senator Klein, the desk is clear.

6 SENATOR KLEIN: Madam President,
7 I move to adjourn till Wednesday,
8 February 11th, at 11:00 a.m.

9 ACTING PRESIDENT KRUEGER: There
10 being no further business to come before the
11 Senate, on motion, the Senate stands adjourned
12 until Wednesday, February 11th, at 11:00 a.m.
13 Thank you.

14 (Whereupon, at 4:34 p.m., the
15 Senate adjourned.)

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