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

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

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

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

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

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

Amen.

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

The reading of the Journal. The Secretary will read.

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

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Senator Klein.

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

ACTING PRESIDENT KRUEGER: There is a report of Finance Committee at the desk.

The Secretary will read.

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

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

ACTING PRESIDENT KRUEGER:

Senator Kruger.

SENATOR C. KRUGER: Thank you, Madam President.

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT KRUEGER: Thank you, Senator Kruger.

Senator Adams.

SENATOR ADAMS: Thank you, Madam President.

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

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

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT KRUEGER: Thank you. Thank you.

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

Senator Leibell.

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT KRUEGER: Thank you, Senator Leibell.

Senator Dale Volker.

SENATOR VOLKER: Thank you, Madam President.

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

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

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

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

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

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

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

And as I said in the Finance

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

ACTING PRESIDENT KRUEGER: Thank you, Senator.

Senator Jeff Klein.

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

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

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

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

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

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

ACTING PRESIDENT KRUEGER: Thank you, Senator Klein.

Senator Espada.

SENATOR ESPADA: Thank you, Madam President.

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

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

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

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

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

ACTING PRESIDENT KRUEGER: Thank you.

Senator Hugh Farley.

SENATOR FARLEY: Thank you.

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

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

And I wish you well, Tom.

ACTING PRESIDENT KRUEGER: Thank you.

I too want to congratulate Mr. Donlon and thank the Governor for sending us such an excellent and qualified confirmee.

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

(Response of "Aye.")

ACTING PRESIDENT KRUEGER: Any opposed, nay.

(No response.)

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

Congratulations, Mr. Donlon. Thank you very much.

(Applause.)

ACTING PRESIDENT KRUEGER: On

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

The Secretary will continue to read.

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

ACTING PRESIDENT KRUEGER: Senator Kruger.

SENATOR C. KRUGER: Yes, on the nomination.

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

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

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

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

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

Thank you.

ACTING PRESIDENT KRUEGER: Thank you, Senator Kruger.

Senator Ruth Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

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

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

And so I am very pleased to second

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

Thank you, Madam President.

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

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

Senator Bill Perkins.

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

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

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

Thank you.

ACTING PRESIDENT KRUEGER: Thank you, Senator Perkins.

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

(Response of "Aye.")

ACTING PRESIDENT KRUEGER: Opposed, nay.

(No response.)

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

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

The Secretary will continue to read.

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

ACTING PRESIDENT KRUEGER:

Senator Kruger.

SENATOR C. KRUGER: Thank you, Madam President.

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

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

Thank you.

ACTING PRESIDENT KRUEGER: Thank you, Senator Kruger.

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

(Response of "Aye.")

ACTING PRESIDENT KRUEGER: Opposed, nay.

(No response.)

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

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

Senator Klein.

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

ACTING PRESIDENT KRUEGER: Senator Smith, on your resolution.

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

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

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

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

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

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

University of California, Berkeley; and

"WHEREAS, Captain Chesley B. Sullenberger III bravely served his country as a United States Air Force fighter pilot; and

"WHEREAS, Just after takeoff from LaGuardia Airport, New York City, the passengers of US Airways Airbus A320, bound for Charlotte, North Carolina, all knew something was wrong due to a loud thump, followed by an eerie silence. Furthermore, the flight attendants noticed the smell of burning metal; and

"WHEREAS, Due to a 'double bird strike,' smoke was billowing from the engine mounted on the wing, which was aflame. Quickly losing altitude, the pilot instructed his passengers and crew to 'Brace for impact because we are going down!'; and

"WHEREAS, Captain Chesley B. Sullenberger III courageously, skillfully, and effectively guided the plane down before it splashed into the frigid waters of the Hudson River. Within minutes of crashing, captains and crew members of 14 New York Waterway

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT KRUEGER: Senator Smith.

SENATOR SMITH: Thank you very much, Madam President.

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

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

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

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

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

friends.

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

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

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

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

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

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

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

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

what we could to help them through this moment.

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

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

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

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

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

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

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

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

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

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

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

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

(Standing ovation.)

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

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

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

Thank you and God bless you.

ACTING PRESIDENT KRUEGER: Thank you, Senator Smith.

Senator Tom Libous.

SENATOR LIBOUS: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT KRUEGER: Thank you, Senator Libous.

Senator Eric Adams.

SENATOR ADAMS: Thank you,

Mrs. -- Miss President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT KRUEGER: Thank you, Senator Adams.

Senator David Valesky.

SENATOR VALESKY: Thank you, Madam President.

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

Mr. and Mrs. Wallace, thank you for

giving up time to be with us this afternoon.

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

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

Asked why that is, Sullenberger

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

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

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

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

Thank you very much, Madam President.

ACTING PRESIDENT KRUEGER: Thank you, Senator Valesky.

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

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

(Response of "Aye.")

ACTING PRESIDENT KRUEGER: Opposed, nay.

(No response.)

ACTING PRESIDENT KRUEGER: The resolution is adopted.

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

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

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

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

So thank you very much.

(Applause.)

ACTING PRESIDENT KRUEGER: Senator Klein.

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

ACTING PRESIDENT KRUEGER: Yes.

Reports of select committees.

Communications and reports from

state officers.

Motions and resolutions.

Senator Johnson, why do you rise?

SENATOR CRAIG JOHNSON: Madam President, I have a motion.

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

ACTING PRESIDENT KRUEGER: So ordered.

SENATOR CRAIG JOHNSON: Madam President, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That's Senate Number 1166.

ACTING PRESIDENT KRUEGER: So ordered.

SENATOR CRAIG JOHNSON: Thank you, Madam President.

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

SENATOR LIBOUS: I have a motion, Madam President.

ACTING PRESIDENT KRUEGER: Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

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

ACTING PRESIDENT KRUEGER: So ordered.

Senator Klein.

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

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

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

The Senate will stand at ease

pending the report of the Rules Committee.

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

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

ACTING PRESIDENT KRUEGER: Senator Klein.

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

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

The Secretary will read.

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

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

ACTING PRESIDENT KRUEGER: Senator Klein.

SENATOR KLEIN: Madam President,

move to accept the report of the Rules Committee.

ACTING PRESIDENT KRUEGER: All those in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT KRUEGER: Any opposed, nay.

(No response.)

ACTING PRESIDENT KRUEGER: The report is accepted.

Senator Klein.

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

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

(Response of "Aye.")

ACTING PRESIDENT KRUEGER: Opposed, nay.

(No response.)

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

Senator Klein.

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

ACTING PRESIDENT KRUEGER: The Secretary will read.

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

ACTING PRESIDENT KRUEGER: Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

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

Survivors, COPS.

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

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

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

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

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

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

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT KRUEGER: Opposed, nay.

(No response.)

ACTING PRESIDENT KRUEGER: The resolution is adopted.

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

Senator Klein.

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

ACTING PRESIDENT KRUEGER: Senator Breslin.

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT KRUEGER: Opposed, nay.

(No response.)

ACTING PRESIDENT KRUEGER: The resolution is adopted.

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

Senator Klein.

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

the Senate calendar, please.

ACTING PRESIDENT KRUEGER: The Secretary will read.

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

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

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

ACTING PRESIDENT KRUEGER: Just one moment, Senator DeFrancisco.

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

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

ACTING PRESIDENT KRUEGER: Call the roll.

(The Secretary called the roll.)

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

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

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

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

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

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

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

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

Thank you. I vote aye.

ACTING PRESIDENT KRUEGER: Senator DeFrancisco will be recorded in the positive.

Senator Hassell-Thompson, why do you rise?

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

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

written exam.

ACTING PRESIDENT KRUEGER: Senator Hassell-Thompson, we can't have a dialogue back and forth. Senator DeFrancisco was explaining his vote, and so we're on the roll call.

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

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

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

cautionaries in these exams.

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

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT KRUEGER: The bill is passed.

The Secretary will continue to read.

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

ACTING PRESIDENT KRUEGER: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT KRUEGER: Senator Klein.

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

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

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

(Response of "Aye.")

ACTING PRESIDENT KRUEGER: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT KRUEGER: I

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

Read the last section.

SENATOR WINNER: Madam President, point of order.

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

SENATOR WINNER: I raise a point of order.

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

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

ACTING PRESIDENT KRUEGER: One moment while we clarify that.

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

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

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

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

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

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

SENATOR KLEIN: Madam President.

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

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

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

Senator Klein.

SENATOR KLEIN: Madam President,

can you please call on Senator Winner.

ACTING PRESIDENT KRUEGER: Senator Winner.

SENATOR WINNER: Thank you, Madam President.

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

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

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

The Secretary will read the last section.

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

ACTING PRESIDENT KRUEGER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT KRUEGER: The bill is passed.

Senator Klein, that completes the

noncontroversial reading of the calendar.

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

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

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

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

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