NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 4, 2009

3:19 p.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

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

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

ACTING PRESIDENT VALESKY: Today's invocation will be delivered by Father Peter G. Young, of Mother Theresa Community here in Albany.

REVEREND YOUNG: Let us pray.

Almighty and Eternal God, You have revealed Your glory to all nations. God of power and might, wisdom and justice comes to our Senators in this chamber through Your authority, with the prayer that our laws are enacted and our judgments are decreed with our citizens, benefitting them and helping them from the dedication of our session today.

We ask You this now and forever. Amen.

ACTING PRESIDENT VALESKY:

Reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Tuesday, March 3, the Senate met pursuant to adjournment. The Journal of Monday, March 2, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

SENATOR KLEIN: Mr. President, would you recognize Senator Stavisky, please.

ACTING PRESIDENT VALESKY: Senator Stavisky.

SENATOR STAVISKY: Mr. President,

on page 9 I offer the following amendments to Calendar Number 48, Senate Print Number 1538, and I ask that the bill retain its place on third reading.

ACTING PRESIDENT VALESKY: So ordered.

SENATOR STAVISKY: Thank you.

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, may we at this time go to the reading of the noncontroversial calendar.

ACTING PRESIDENT VALESKY: The Secretary will proceed with the noncontroversial reading of the calendar.

THE SECRETARY: Calendar Number 21, by Senator Fuschillo, Senate Print 41, an act to amend the Judiciary Law, in relation to practicing or appearing.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT VALESKY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 26, by Senator Sampson, Senate Print --

SENATOR ROBACH: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 66, by Senator Huntley, Senate Print 2362, an act to amend the Mental Hygiene Law, in relation to defense and indemnification.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT VALESKY: The

bill is passed.

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

SENATOR KLEIN: Mr. President, at this time can we move to the reading of the controversial calendar.

ACTING PRESIDENT VALESKY: The Secretary will please ring the bells.

Members are asked to come to the chamber so that we can proceed with the controversial reading of the calendar.

The Secretary will proceed with the controversial reading of the calendar.

THE SECRETARY: Calendar Number 26, by Senator Sampson, Senate Print 142, an act to amend the Executive Law.

ACTING PRESIDENT VALESKY: Senator Sampson, why do you rise?

SENATOR SAMPSON: I would like to lay aside that bill for the day.

ACTING PRESIDENT VALESKY: The bill is laid aside for the day.

Senator Klein.

SENATOR KLEIN: Mr. President,

can we please recognize Senator Ruth Hassell-Thompson for an announcement.

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson.

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

I would like to announce that at 6:00 o'clock there will be a meeting of the Majority in the Majority Conference Room, Room 332, 6:00 o'clock sharp.

ACTING PRESIDENT VALESKY: The Senate Majority will meet in Room 332 at 6:00 p.m.

Senator Klein.

SENATOR KLEIN: Mr. President, before we adjourn, I have some announcements for next week.

Prudent to Section 202 of the Education Law, there will be a joint session of the Legislature next Tuesday, March 10th, at noon, in the Assembly chamber, for the purpose of electing four Regents of the University of the State of New York. There will be a Regent from the 3rd District, a

Regent from the 13th, and two Regents-at-large.

Again, that will be a joint session next Tuesday, March 10th, at noon in the Assembly chamber, for the purpose of electing Regents.

ACTING PRESIDENT VALESKY: So noted.

Senator Klein.

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

ACTING PRESIDENT VALESKY: There is none.

SENATOR KLEIN: There being none, I move that we adjourn until Thursday, March 5th, at 11:00 a.m.

ACTING PRESIDENT VALESKY: On a motion by Senator Klein, and there being no further business to come before the Senate, the Senate stands adjourned until Thursday, March 5th, at 11:00 a.m.

(Whereupon, at 3:25 p.m., the Senate adjourned.)