NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 5, 2009

11:17 a.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: The invocation today will be delivered by Father Peter G. Young, of Mother Theresa Community here in Albany.

REVEREND YOUNG: Let us pray.

On this Thursday, as we think of heading home to our constituency, let us remember that the wisdom of God is beyond imagining and God's goodness a boundless treasure.

You, O Lord, unfailingly enlighten our minds to open up new and better means of sharing with each other here in this Senate chamber our constituencies' information, ideas and aspirations.

The discoveries of technology can

be of great assistance to our citizens of New York State. They can bring them the kind of help they need in these times of economic stress, for our needed resources and for our quality of life. We thank You, O God, for that gift.

Amen.

ACTING PRESIDENT VALESKY: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Wednesday, March 4, the Senate met pursuant to adjournment. The Journal of Tuesday, March 3, 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, on page 7 I offer the following amendments to Calendar Number 19, Print Number 1363A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT VALESKY: So ordered.

Senator Klein.

SENATOR KLEIN: Mr. President, there will be an immediate meeting of the Finance Committee in the Majority Conference Room, Room 332. And immediately following, there will be a Rules Committee meeting in Room 332.

Pending the report of the Rules Committee, may we please stand at ease.

ACTING PRESIDENT VALESKY: There will be an immediate meeting of the Finance Committee in the Majority Conference Room, Room 332, to be immediately followed by a meeting of the Rules Committee.

The Senate will stand at ease in the meantime.

(Whereupon, the Senate stood at ease at 11:19 a.m.)

(Whereupon, the Senate reconvened at 11:36 a.m.)

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a report of the Rules Committee at the desk. I'd like to move to accept the report of the Rules Committee.

ACTING PRESIDENT VALESKY: 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 52, Senate Budget Bill, an act making appropriations for the legal requirements.

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a substitution at the desk.

ACTING PRESIDENT VALESKY: One second, Senator Klein. We need a motion to accept the report of the Rules Committee first.

SENATOR KLEIN: I move to accept the report of the Rules Committee.

ACTING PRESIDENT VALESKY: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT VALESKY: The report of the Rules Committee is accepted.

Senator Klein.

SENATOR KLEIN: I believe there's a substitution at the desk, Mr. President.

ACTING PRESIDENT VALESKY: There is, Senator Klein.

And the Secretary will read.

THE SECRETARY: In relation to

Calendar Number 92, Senator Smith moves to discharge, from the Committee on Rules, Assembly Bill Number 152 and substitute it for the identical Senate Bill Number 52, Third Reading Calendar 92.

ACTING PRESIDENT VALESKY: Substitution ordered.

Senator Klein.

SENATOR KLEIN: Mr. President, may we at this time adopt the Resolution Calendar in its entirety.

ACTING PRESIDENT VALESKY: All those in favor of adopting the Senate Resolution Calendar in its entirety please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The Resolution Calendar is adopted.

Senator Klein.

SENATOR KLEIN: Mr. President, can we please move to a noncontroversial

reading of the calendar.

ACTING PRESIDENT VALESKY: The Secretary will proceed with the noncontroversial reading of Senate Calendar 15.

THE SECRETARY: Calendar Number 56, by Senator Klein, Senate Print 1881, an act to amend the Public Service Law.

ACTING PRESIDENT VALESKY: Read the last section.

Senator Klein.

SENATOR KLEIN: Mr. President, can we lay this bill aside just for the day.

ACTING PRESIDENT VALESKY: The bill is laid aside for the day. Calendar Number 56 is laid aside for the day.

THE SECRETARY: Calendar Number 64, by Senator Stachowski, Senate Print 1411, an act to amend Chapter 276 of the Laws of 1993.

ACTING PRESIDENT VALESKY: There is a home-rule message at the desk.

The Secretary will read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT VALESKY: The bill is passed.

Senator Klein, that concludes the noncontroversial reading of Senate Calendar 15.

SENATOR KLEIN: Mr. President, at this time can we take up Supplemental Calendar 15A.

ACTING PRESIDENT VALESKY: The Secretary will proceed with the noncontroversial reading of Senate Supplemental Calendar 15A.

THE SECRETARY: Calendar Number 92, substituted earlier, Assembly Budget Bill, Assembly Print Number 152, an act making appropriations for the legal requirements of the state debt service.

ACTING PRESIDENT VALESKY: Read

the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Maziarz, to explain his vote.

SENATOR MAZIARZ: Thank you, Mr. President, to explain my vote. I don't think it would be in order to ask any questions right now, because we're on the roll call, so I'll skip that part of it, reluctantly skip that part of it.

I'm going to be voting in the negative on this bill, Mr. President, because just in the Finance Committee meeting it's really unclear to me at this point where the money is coming for this bill.

And I fear -- I don't know, but I fear that some of the money for this budget bill, this debt service bill, may be coming from, may be coming from the $750 million that was stolen from the people of Niagara, Erie,

and St. Lawrence Counties, from their -- one of the few assets that they have in Western New York, in Erie and Niagara County, is the New York Power Authority, the Robert Moses Power Plant in the Town of Lewiston.

So I vote in the negative. Thank you.

ACTING PRESIDENT VALESKY: Senator Maziarz will be recorded in the negative.

Senator LaValle, to explain your vote? We are on the roll call. Do you wish to explain your vote?

SENATOR LaVALLE: No, Mr. President.

ACTING PRESIDENT VALESKY: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 92 are Senators Griffo, Hannon, LaValle, Marcellino, Maziarz, Morahan, Ranzenhofer and Robach.

Ayes, 52. Nays, 8.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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 Monday, March 9th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT VALESKY: On a motion by Senator Klein, the Senate stands adjourned until Monday, March 9th, at 3:00 p.m., intervening days to be legislative days.

(Whereupon, at 11:42 a.m., the Senate adjourned.)