NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

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3:23 p.m.

REGULAR SESSION

SENATOR ANDREA STEWART-COUSINS, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT STEWART-COUSINS: The Senate will please come to order.

I ask everyone present to 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 STEWART-COUSINS: The invocation today will be delivered by the Reverend Peter G. Young, of Mother Theresa Community in Albany, New York.

REVEREND YOUNG: Thank you, Senator.

As we have just saluted our flag and honored our flag, let us remember that as New Yorkers we saw the christening of the American flag when the Stars and Stripes was first flown in battle at the defense of Fort Stanwix in Rome.

It's with great pride that we are able to serve as Senators in this patriotic tradition as the elected leaders to fulfill Your call, O, God, of leadership to all of our

citizens in New York State.

Amen.

ACTING PRESIDENT STEWART-COUSINS: Thank you.

The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Monday, May 4th, the Senate met pursuant to adjournment. The Journal of Sunday, May 3th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT STEWART-COUSINS: 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: Madam President,

on behalf of Senator Sampson, I move that the following bill be discharged from its committees and be recommitted with instructions to strike the enacting clause: Senate Number 2976. Again, on behalf of Senator Sampson.

ACTING PRESIDENT STEWART-COUSINS: So ordered.

Senator Klein.

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

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

(Response of "Aye.")

ACTING PRESIDENT STEWART-COUSINS: Opposed, nay.

(No response.)

ACTING PRESIDENT STEWART-COUSINS: The Resolution Calendar is adopted in its entirety.

Senator Klein.

SENATOR KLEIN: Madam President, can we please recognize Senator Larkin, who wishes to speak on an adopted resolution.

ACTING PRESIDENT STEWART-COUSINS: Can we have order in the chamber, please.

Senator Larkin.

SENATOR LARKIN: Thank you very much, Madam President.

You know, the month of May has been dedicated as Military Appreciation Month. And I don't think there's a better time of the year to take a good look at what the military means.

First of all, it's been designated by Congress. At least they all agreed -- it was unanimous in both houses on both sides of the aisle -- to make May Military Appreciation Month.

But if you look at this, this is an opportunity for us, a golden opportunity for us to get our young people involved so that they will know what the military is all about. It isn't about watching TV on Sunday night or Tuesday night and seeing caskets come home,

it's about what they stand for, what they mean to us as a country.

You know, if you look at May, it's VE Day in Europe. If you look at it, it's Armed Forces Day, it's Loyalty Day, it's the National Day of Prayer, and finally, it's Memorial Day. The month honors all of our brothers and sisters who served in the armed forces and many who didn't come home.

As of the first of this month, there was a recorded 1.8 million Americans have received the Purple Heart, either directly or posthumously, for being wounded or killed in combat. There are 590 as of the first of May still alive who have received this award.

This is Military Appreciation Month. And I think that everybody here in this chamber, regardless of what you think about war, what you think about those of us who served in one, two, or three -- but what those men and women that served with us did, they did it for us, for us, for our future, for our future generations.

And I think we have a due responsibility to put out the word that this is Military Appreciation Month and to encourage all of our constituents to stand up and proudly say "Thank you for your service to our country."

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Larkin.

Senator Klein.

SENATOR KLEIN: Madam President, can we at this time move to a reading of Senate Calendar Number 42.

ACTING PRESIDENT STEWART-COUSINS: First, Senator Klein, we'll be making some substitutions.

The Secretary will read.

THE SECRETARY: On page 10, Senator Espada moves to discharge, from the Committee on Housing, Construction and Community Development, Assembly Bill Number 5567A and substitute it for the identical Senate Bill Number 2844A, Third Reading Calendar 97.

ACTING PRESIDENT STEWART-COUSINS:

Substitution ordered.

THE SECRETARY: On page number 17, Senator Schneiderman moves to discharge, from the Committee on Codes, Assembly Bill Number 2006 and substitute it for the identical Senate Bill Number 4306, Third Reading Calendar 228.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: On page number 18, Senator Addabbo moves to discharge, from the Committee on Elections, Assembly Bill Number 1436 and substitute it for the identical Senate Bill Number 4378, Third Reading Calendar 236.

ACTING PRESIDENT STEWART-COUSINS: Substitution ordered.

THE SECRETARY: And on page number 18, Senator Valesky moves to discharge, from the Committee on Transportation, Assembly Bill Number 1114 and substitute it for the identical Senate Bill Number 2830, Third Reading Calendar 240.

ACTING PRESIDENT STEWART-COUSINS:

Substitution ordered.

Now, Madam Secretary, please proceed with the reading of Calendar Number 42.

Senator Klein.

SENATOR KLEIN: Madam President, before we move to a reading of the calendar, can we go back to motions and resolutions.

Senator Thompson would like to speak on a resolution that was already passed by the Senate, Resolution 1815.

ACTING PRESIDENT STEWART-COUSINS: Certainly.

Senator Thompson.

SENATOR THOMPSON: Yes, Madam President. First, thank you for the opportunity just to say a few brief remarks about a gentleman I've known for about six years now.

Mike Doran attended the University of Buffalo Law School, also started his own practice as well, and then expanded that practice in 1999.

Unfortunately, last week, on

April 28th, he was leaving Ohio. On his way back, right after takeoff, his plane crashed.

And Mike was a great guy. He was a trial lawyer from Western New York. He actually lived in my colleague's district; Senator Ranzenhofer is also a cosponsor of the resolution.

And he really had a heart for the people. A warm guy, traveled all over the world doing different things. And he was really, really committed to doing good legal work and also good public service and community service. He helped so many people.

So many folks turned out on Sunday, they had two wake services, one from 2:00 to 4:00 and I think the other one was from 7:00 to 9:00. And it's my understanding from my staff -- one of my staff members was pretty close to him and his family, and I heard it was pretty well attended there as well.

So my heart is heavy for them. And Mike was a really nice, down-to-earth kind of guy, and it's really unfortunate, really unfortunate.

Thank you.

ACTING PRESIDENT STEWART-COUSINS: Thank you, Senator Thompson, for that resolution. And certainly on behalf of the Senate, our condolences are extended to the family.

Senator Klein.

SENATOR KLEIN: Madam President, may we at this time move to a reading of the Senate Calendar Number 42.

ACTING PRESIDENT STEWART-COUSINS: The Secretary will read.

THE SECRETARY: Calendar Number 154, Senate Print 3703A, by Senator Foley, an act to amend the Banking Law, in relation to the requirement for licensure to make mortgage loans.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date as Section 8 of Chapter 472 of the Laws of 2008 takes effect.

ACTING PRESIDENT STEWART-COUSINS:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: 58-0.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 172, Senate Print 3860, by Senator Espada, an act to amend Chapter 253 of the Laws of 2004, amending the Private Housing Finance Law relating to rehabilitated multiple dwellings acquired and reconveyed by the federal government, in relation to extending the effectiveness thereof.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: 58-0.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 185, Senate Print 548, by Senator Breslin, an act to amend the County Law, in relation to establishing a wireless surcharge for Albany County.

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

Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: 58-0.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 189, Senate Print 3574, by Senator Aubertine, an act to amend the Agriculture and Markets Law, in relation to the State Fair Advisory Board.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 13. This act shall take effect on the 90th day after it shall have become law.

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: 59-0.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 210, Assembly Print Number 1245A, by Assemblymember Lancman, an act to amend the Education Law, in relation to enacting the

"public schools emergency alert act."

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

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

ACTING PRESIDENT STEWART-COUSINS: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: 59-0.

ACTING PRESIDENT STEWART-COUSINS: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 240, substituted earlier today by Assemblymember Destito, Assembly Print Number 1114, an act to amend the Canal Law, in relation to the method of abandonment for the purposes of the canal system.

ACTING PRESIDENT STEWART-COUSINS: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day after it

shall have become law.

ACTING PRESIDENT STEWART-COUSINS: Senator Maziarz.

SENATOR MAZIARZ: To explain my vote.

ACTING PRESIDENT STEWART-COUSINS: Senator Maziarz, to explain his vote.

SENATOR MAZIARZ: Thank you, Madam President.

Yes, I just want to say that I'm going to be voting in favor of this legislation. I represent an area that actually grew up on the Erie Canal, from North Tonawanda all the way into the City of Rochester, the area that I represent.

I think this is a very good bill. There's been a lot of controversy and consternation about the right-of-way along the canal, and I think that this will really help in the development of the area surrounding the Erie Canal.

I think it's a very good bill, Madam President. I vote in the affirmative.

ACTING PRESIDENT STEWART-COUSINS:

Thank you, Senator.

Any other Senators wishing to explain his or her vote?

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT STEWART-COUSINS: Announce the results.

THE SECRETARY: 59-0.

ACTING PRESIDENT STEWART-COUSINS: 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 STEWART-COUSINS: Senator Klein, there is no further business at the desk.

SENATOR KLEIN: Well, I have one motion, Madam President. On page 9, I offer the following amendments to Calendar 94, Senate Print Number 1290, and ask that said bill retain its place on the Third Reading Calendar, on behalf of Senator Montgomery.

ACTING PRESIDENT STEWART-COUSINS:

So ordered.

The desk is clear, Senator Klein.

SENATOR KLEIN: There being no further business, I move we adjourn until Wednesday, May 6th, at 11:00 a.m.

ACTING PRESIDENT STEWART-COUSINS: There being no further business to come before the Senate, on motion, the Senate stands adjourned until Wednesday, May 6th, at 11:00 a.m.

(Whereupon, at 3:37 p.m., the Senate adjourned.)