NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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10:25 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: Today's invocation will be given by Father Christopher Carrera, pastor of St. Peter's Roman Catholic Church in Lowville.

FATHER CARRERA: Before the invocation, I would like to thank Senators Darrel Aubertine and Joseph Griffo for cosponsoring me here today. It's a privilege to lead this body in prayer and to have bipartisan support in doing so.

"We, the people of the State of New York, grateful to Almighty God for our freedom, in order to secure its blessings do establish this Constitution."

Let us pray.

Lord God, these words from the

preamble to our state's constitution remind us that our freedoms as citizens are a gift from You to whom we owe our gratitude and obedience.

These words are not mere pleasantries written in a style now long forgotten. Rather, they were chosen to express a deeply held belief that You as our Creator grant life and freedom and invite us to use these according to Your law of love. They also serve to remind us that when we govern ourselves with respect for divine law, we build a society of true justice and love.

These words, adopted by constitutional convention in 1938 and approved by a vote of the people, do not establish our rights and freedoms; rather, they seek as our solemn duty to protect and secure them.

As these dedicated men and women of this honorable body gather here today, they face serious challenges in the legislative year ahead. We invoked Your guidance upon them so that they may execute their sacred trust to enact laws which protect the

God-given rights of all the people of the state, from the greatest to the most weak and vulnerable.

In a society filled with so many competing voices, may they have the grace to discern Yours and the courage to make the difficult decisions.

Lord God, let us be mindful of the words of the psalmist: If the Lord does not build the house, in vain do its builders labor. If the Lord does not watch over the city, in vain does the watchman keep vigil.

We ask You with Your almighty power to bless this great state. Protect it from Montauk Point to Manhattan Island, from Buffalo to Plattsburgh, and here in our state's capital. Bless our citizens with health and prosperity, and the members of this Senate with the wisdom and the courage needed to legislate in these difficult times.

And we ask this in Your holy name. Amen.

ACTING PRESIDENT VALESKY: Thank you, Father.

Thank you also to Senator Aubertine and Senator Griffo for sponsoring Father's presence with us today.

The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Monday, January 11, the Senate met pursuant to adjournment. The Journal of Sunday, January 10, 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, at this time may we please adopt the resolution

calendar in its entirety, with the exception of Senate Resolution Number 3598.

ACTING PRESIDENT VALESKY: All in favor of adopting the Resolution Calendar in its entirety, with the exception of Senate Resolution Number 3598, 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, I believe there's a resolution by Senator Breslin at the desk. I ask that the title of the resolution be read and move for its immediate resolution and allow Senator Breslin to speak on his resolution.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Breslin, Legislative Resolution Number 3598,

paying grateful tribute to the life and many accomplishments of John J. McNulty, Jr., distinguished citizen and devoted member of his community.

ACTING PRESIDENT VALESKY: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

I rise to salute the life of Jack McNulty, who passed away on December 28, 2009, at the age of 87.

To those members or those people who are familiar with the Capital District, Jack McNulty began his elective life at the age of 27, in 1949, and he continued as an elected official for over 50 years, retiring as mayor of the Village of Green Island in 2002.

Along the way, he served as the supervisor of the Town of Green Island, he was the sheriff of Albany County, he was on the State Corrections Committee for years. He was, as I mentioned, the long-time sheriff of Albany County.

He's also the father of five children, one of whom was killed in the Vietnam War. Another, Ellen, succeeded him as mayor of Green Island. And another, Michael, who you may be familiar with, was a long-time Assemblyman and a long-time Congressman who retired last year.

Most importantly, for people who knew Jack McNulty in the Capital District, they would use words other than "an elected official." They would use words like "gentleman," "integrity," "honesty," "professionalism." Somebody who really exemplified the kind of person that we want in public office.

So this resolution celebrating his life is one that is extremely well deserved. I applaud his life. I look forward to, at times, trying to emulate what he has done before me.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Breslin.

Senator Farley.

SENATOR FARLEY: Thank you very much.

I rise to pay tribute to the life of Jack McNulty, who was an absolute icon in this whole Capital Region.

Jack McNulty epitomized being a gentleman, being a person of integrity and honesty -- and humor. He had a great Irish sense of humor. And what a family that McNulty family is. And they all represent the very best, and the apple didn't fall far from the tree.

You know, Jack McNulty, everywhere he went he was adored by Republicans and Democrats regardless of their party affiliation. And he used to appear so many times on behalf of his son Mike. And I'll tell you what, he always made a presence.

I can recall him -- there were all the candidates that are running for office getting in line and announcing what they're running for and a little bit about it. And he'd jump right in the line. He says, "I'm Jack McNulty, and I'm running statewide for

notary public."

(Laughter.)

SENATOR FARLEY: And this was the type of person he was. He didn't take himself seriously.

But what a wonderful, wonderful man he was. And what a loss it is to this area. The McNulty family from Green Island is absolutely -- they used to win their elections with only like one or two negative votes. And they used to find out who those two were.

(Laughter.)

SENATOR FARLEY: But the McNulty family is truly a remarkable family. And my deep, deepest sympathy goes out to Mike and his brothers and sisters. As Senator Breslin said, one of the sons was brought home in a body bag from Vietnam.

And they're just a wonderful family. My deepest sympathy goes out on this loss, because Jack McNulty had a very rich and wonderful life that made all of us in public service look good.

ACTING PRESIDENT VALESKY: Thank

you, Senator Farley.

Senator McDonald.

SENATOR McDONALD: Thank you. I too would like to join Senator Breslin and Senator Farley.

I grew up, was born and raised in this area, and the McNulty family, regardless of what political party you were, what race, what religion, what ethnicity, they were good people to everybody. And the word is humane. Humanity is what that they cared for, and the people who came before them and worked with them. And they cared about all of us.

I can't add to Senator Breslin and Senator Farley other than the fact that I'm proud that these people are from my region. And Jack was a wonderful man. And I just can't tell you what compassion he had for our community.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator McDonald.

Are there any other Senators who wish to be heard?

Seeing none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Breslin has indicated he would like the resolution open for cosponsorship. Any member wishing not to cosponsor the resolution should notify the desk.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can you please recognize Senator Larkin to speak on his resolution paying tribute and remembering the 13 brave soldiers and civilians of the U.S. Army who lost their lives in the tragic attack at Fort Hood, Texas.

ACTING PRESIDENT VALESKY: Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

This resolution is something that we all ought to pay attention to. In November of this past year, 13 members of the armed forces and one civilian were killed by another member of the armed forces. Thirty-one were seriously injured. Twenty-seven, as of yesterday, were still in hospital conditions.

This is a terrible incident in our country, soldiers killing soldiers. What we should be doing here today is saying, in essence, to the American people: We thank you for giving us your soldiers -- your sons, your daughters, your brothers, your fathers. But we didn't give them to you so that they could be killed by another member of the armed forces.

What went on at Fort Hood -- and I speak as having served 23 years, but never at Hood, but knowing some of the families that are there. I say, what are we doing? What is this country turning to?

These individuals, the majority of

them, were ready for, practicing and preparing for deployment to the Mideast. They never got there. Two of them, I'm told, it would have been their third trip to the Mideast. And yet instead of engaging in a firefight in Afghanistan or Iraq, they're killed in the deployment office at Fort Hood, Texas.

This is a disgrace. And when some people tell me that this individual was under stress, let me tell you, that's not stress. I'll tell you what stress is.

Stress, as stated by the wife of an army sergeant who is on his fourth trip to the Mideast, says stress is getting a call in the middle of the tour and being told your husband is being medically evac'd to Germany. Where? Don't know. What's his injuries? Don't know. By the way, he's not coming here, it's an 18-hour drive to where he's going to be located. And when you get there, he can't feed himself, he can't bathe himself. You have to do it for him. That's stress.

The stress on not just the survivors at Fort Hood, but the stress on the

army as a whole brings us to the question of are we doing enough to support these families. I ask every one of you to think about it. Because there's nobody in this room that can't say they don't know or heard of someone who's been called to duty and asked to be in combat, combat for this great nation of ours. Because we are the greatest nation in the world.

But we cannot allow incidents like this to happen. It's a disgrace. We shouldn't be mollycoddling them. They should be brought to trial and severely punished.

To the families of those 13 that were killed, I say God watch over you. To those 27 that are still in hospital conditions, we pray that they will recover and be able to come back and carry on a decent life.

And to the rest of us, let's be sensitive to what's going on and truly support those who we ask to go to harm's way and defend this great country of ours.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank

you, Senator Larkin.

Senator Klein.

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

ACTING PRESIDENT VALESKY: There is no further business at the desk.

SENATOR KLEIN: Oh, I'm sorry. Would you recognize Senator McDonald to speak on the resolution.

ACTING PRESIDENT VALESKY: Senator McDonald.

SENATOR McDONALD: Thank you, sir.

Colonel Larkin asked me to say a few words on his resolution. These folks were in the same Army division I was in many years ago. These folks are in today's 1st Cav Division. And it's always a tragedy. And I'm thanking you for putting this resolution up.

But I want to thank this body as well as the Assembly and the administration for the support that it's been giving the troops. It's been gratifying to see the sincerity of your support for our troops, you

know, of the last couple of years I've been here in the Assembly or the Senate.

And unfortunately, we're going to have to continue to that in the future with programs, services. And I know we're up to the task. And I just want to thank everybody for having that concern.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator McDonald.

Senator Klein.

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

ACTING PRESIDENT VALESKY: The desk is clear.

SENATOR KLEIN: There being none, Mr. President, I move that we adjourn until Tuesday, January 19th, at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT VALESKY: There being no further business to come before the Senate, on motion, the Senate stands adjourned until Tuesday, January 19th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 10:40 a.m., the Senate adjourned.)