NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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January 26, 2010

3:12 p.m.

REGULAR SESSION

SENATOR NEIL D. BRESLIN, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

I ask all to continue to stand as we do the Pledge of Allegiance.

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

ACTING PRESIDENT BRESLIN: In the absence of clergy, may we bow our heads for a moment of silence.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT BRESLIN: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Monday, January 25, the Senate met pursuant to adjournment. The Journal of Sunday, January 24, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT BRESLIN: 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, I believe there's a resolution at the desk by Senator Carl Kruger. I ask that the resolution be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT BRESLIN: Senator Klein, has this resolution been deemed privileged and submitted to the office of the Temporary President?

SENATOR KLEIN: Yes, it has, Mr. President.

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: By Senators Kruger, Sampson and Smith, legislative resolution welcoming the members of a

delegation representing the republic of Tatarstan, Russian Federation, upon the occasion of its visit to the New York State Senate on January 26, 2010.

"WHEREAS, It is the sense of this Legislative Body to recognize and commemorate those historical events of distinction which enrich the cultural experience and strengthen the bonds of cooperation and understanding among all peoples of our global community; and

"WHEREAS, There are individuals within the international community of singular purpose and great achievement who serve their country and the brotherhood of nations with uncommon vision, intellect and commitment, commanding the greatest respect for their integrity of purpose and strength of accomplishment; and

"WHEREAS, This Legislative Body is justly proud to welcome the members of a delegation of government, business, research and education officials representing the Republic of Tatarstan, part of the Russian Federation, upon the occasion of its visit to

the New York State Senate on Tuesday, January 26, 2010. An invitation was extended by the State University of New York Office of International Programs/Center on U.S. and Russia; and

"WHEREAS, The delegation is led by Dr. Farid Khairullovich Mukhametshin, Chairman of the State Council of the Republic of Tatarstan, Russia, and also the Speaker of the Republic's Parliament; and

"WHEREAS, Also visiting are Marat Galeev, chairman of the Tatarstan State Council Committee on Economy, Investment and Business; Mikhail Stolyarov, First Deputy Plenipotentiary Representative of the Republic in the Russian Federation; Sergey Yushko, Director-General of the Technopark; Ravil Nigmedzyanov, Representative of the Republic of Tatarstan in the U.S.; and Dr. Vladimir Kholodnov, Department Chair of Kazan University Academy of Social Education; and

"WHEREAS, The goal of the visit is establish interparliamentary relationships with the New York State Legislature, for the

purpose of exchange of ideas focusing on topics of population diversity, economic development, arts and culture, and education; and

"WHEREAS, Even though Tatarstan is an oil-rich Russian republic, it is looking to improve its economy by getting involved in new technologies, including nanotechnology and smart investment of their funds; and

"WHEREAS, In addition to meeting with the New York State Senate, the six-member delegation's visit will include meeting with Governor David A. Paterson, the New York State Assembly, Nancy Zimpher, Chancellor of the State University of New York, the center for International Government, the Center for Technology and Government, the University at Albany College of Nanoscale Sciences and Engineering, and the State Department of Economic Development; and

"WHEREAS, It is the custom of this Legislative Body to keep in mind the improvement of international relations and the underlying traditions of friendship based on

the commitment to common values, mutual interests and principles of openness, trust, transparency, and mutual respect, as well as taking into account the rich historical heritage and multicultural nature of the State of New York and the Republic of Tatarstan; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to welcome the members of a delegation representing the Republic of Tatarstan, Russian Federation, upon the occasion of its visit to the New York State Senate on January 26, 2010, and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the members of the delegation from the Republic of Tatarstan."

ACTING PRESIDENT BRESLIN: Senator Kruger.

SENATOR CARL KRUGER: Thank you, Mr. President.

It is with honor that today I welcome the delegation from Tatarstan to join

this esteemed body. As we say, thank you for becoming part of our extended family.

I have the unique distinction of representing the largest Russian constituency outside of what was the former Soviet Union. Through the years that we have developed a common bond and a common interest, we've been able to establish many of the goals and achievements that we embody in today's resolution.

In our communities we share both in the economic aspects of our new Russian heritage, we've developed professional ties, we've developed ties within the industry, within the healthcare community, but most importantly in friendship.

And consequently, communities that otherwise would have deteriorated got a new birth of life and a new era of gentrification because of the energy and effort that was put in by the Russian community into the neighborhoods of Brighton Beach, Sheepshead Bay, Manhattan Beach, Coney Island, and Bensonhurst.

Our community has the distinction of electing to the New York State Assembly the first Russian-American ever to hold public office in this country.

We have developed ties that have brought the world of the Russian communities and the Russian countries after the breakup in the 1990s to our own shores.

Whether it's the night life or whether it's the good food that makes the Russian community part of our lives, through those processes, whether it's in the field of education -- as this delegation is a representative body of SUNY, the State University of New York, and the collaborative efforts that we hope to embody in future years -- to the memorandum of understanding that was signed today by our conference leader and the speaker of the Tatarstan Parliament, says clearly and distinctly we send a compelling message that our home is your home and we hope that your home is our home as we continue to develop strong ties, economic growth, mutual trust, transparency in

government, and the adoption that this parliament, like your parliament, together -- even though you have a unicameral system -- the economic development that this country has been able to achieve has great significance, from being a world leader in the building of helicopters and defense aircraft to its petrochemicals and to its rich oil resources, to the educational institutions that they have built and the economic plateaus that they have reached, if we in this state can even approach the success of Tatarstan and the Tatarstan people, then truly we will be able to prove that not only do we know that this is the Empire State, but that people working together can truly make a difference.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Kruger.

Senator Smith.

SENATOR SMITH: Thank you very much, Mr. President.

To Dr. Mukhametshin, on behalf of the State Senate, on behalf of our colleagues,

we welcome you and your delegation to one of the premier chambers in this country.

We are honored that you have chosen to visit New York State. Obviously Tatarstan has an international ethnic background as well as New York. That, in itself, brings us to a common place and a common place for achieving certain goals.

We also understand, through SUNY, and we appreciate their international government program, that you are here in pursuit of a partnership, a partnership where this house is more than encouraged, is more than willing to do so. In particular, your interest in nanotechnology, where we are what we consider to be a premier location in this country and perhaps throughout the world.

What we witnessed today, colleagues, was a memorandum of understanding that was signed by Dr. Mukhametshin, Senator Sampson, witnessed by Senator Carl Kruger, Senator Jeff Klein, myself, and Senator Espada. That particular memorandum of understanding not only chose to partner in

economic development but also in education and cultural exchange.

The generosity of Dr. Mukhametshin in inviting us to Tatarstan is one that we consider an honor and a privilege. We know that many of our colleagues -- in particular Senator Kruger, who represents one of the largest Russian populations in this state -- truly understand the importance of such a partnership, and we are honored by the invitation.

We are again honored that you are here today, trust that the relationship that we begin today is one that we expect to be long-standing. Notwithstanding the intro from SUNY, but we know that we will partner together to do some great things for this country and for Russia.

We also know that the world is very small. It is no longer just one country versus another, but we are all in this together. And it is our firm belief that through your leadership, through the leadership of the State of New York, we will

do promising things for all of our residents to improve their life and the quality of life in Russia as well as in New York.

Thank you again on behalf of the State Senate, and we look forward to our future relationship.

ACTING PRESIDENT BRESLIN: Thank you, Senator Smith.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

Let me rise and, Senator Kruger, thank you, for you bringing forth this resolution and also in welcoming our delegation from Tatarstan who have had a relationship for many years.

As a law professor for over 30 years at SUNY, I applaud the international program that has made you part of our state and our Senate, and I applaud my colleagues for welcoming you here.

We're delighted to have you. Certainly as an oil-rich emerging nation, we are very, very interested in making friends

with you. As everybody knows, we need oil. And we need all of your cooperation.

And it is with pleasure that I welcome you here. Enjoy your visit to one of the most beautiful legislative chambers in the world.

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Farley.

Senator Stachowski.

SENATOR STACHOWSKI: Yes, Mr. President, I too would like to rise to welcome the delegation.

I had the good fortune of being in a meeting with them earlier today in Assemblyman Farrell's office. And the prospect of setting up relationships economically and through the Nanotech Center and hopefully through some of other university sites that will work with their economic people I think bodes very well for our future.

It's an exciting new partnership and I think something to look forward to. And it was my privilege to be at that meeting

earlier today and welcome them all to our chamber.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Stachowski.

Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

And I too want to welcome Dr. Mukhametshin and his colleagues to the United States, but especially to the Senate chamber.

I met with the delegation also earlier today, and I too am privileged to represent many people from the former Soviet Union. In Queens County we have a sizable population, in Forest Hills, Rego Park, Fresh Meadows and Kew Gardens Hills.

But the relationship between SUNY is a broad, vast, international relationship that I think emphasizes the international nature of the State University of New York. It's not just the 64 campuses in New York State; they reach out to people all over the

world. Last year the minister of education in the People's Republic of China came to Stony Brook, and he is a graduate of the University at Buffalo.

So the reputation of the State University of New York, SUNY, extends worldwide, including to the Russian institute that they maintain.

And it's particularly fitting, I think, that in times of economic difficulty the field of higher education reaches out to the business community, because this is indeed a partnership. And I look forward to a long partnership with the Republic of Tatarstan and the State of New York.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Stavisky.

Senator Perkins.

SENATOR PERKINS: Thank you, Mr. President.

I want to first thank my colleague Senator Kruger for this resolution and bringing his guests to join us.

And I want to thank you for being here and want you to know that the people in my district, especially the Harlem part of my district, want you to come and pay a visit to our community. It's the most famous community in the world. And it's a place that if you visit this country, you haven't quite fully visited the country until you set foot in the mecca of the African diaspora.

Now, you might also know that amongst us is one who the Russian community has honored by the name of Paul Robeson who, when he was not welcome in other places, he was welcome -- and in fact I believe there's a monument in his honor.

So again, in memory of him and on behalf of the people that I represent from the People's Republic of Harlem, I want to make sure that we extend our love and look forward to you coming to visit us. There's a soulful dinner at a place called Sylvia's waiting for you.

Thank you so much.

ACTING PRESIDENT BRESLIN: Thank

you, Senator Perkins.

Are there any other Senators wishing to be heard on the resolution?

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

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The resolution is adopted.

Senator Kruger has indicated that he would like this resolution to be opened to all in the chamber. Anyone not wishing to be on this resolution please notify the desk.

Senator Klein.

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

Pending return of the Finance Committee, can we please stand at ease.

ACTING PRESIDENT BRESLIN: There

will be an immediate meeting of the Finance Committee in Room 332.

The Senate will stand at ease until their return.

(Whereupon, the Senate stood at ease at 3:30 p.m.)

(Whereupon, the Senate reconvened at 4:19 p.m.)

ACTING PRESIDENT BRESLIN: Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a report of the Finance Committee at the desk.

ACTING PRESIDENT BRESLIN: Returning to the order of reports of standing committees, there is a report of the Finance Committee at the desk.

The Secretary will read.

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

As a member of the State Board of Parole, I. Jared Brown, of New York City.

ACTING PRESIDENT BRESLIN:

Senator Kruger.

SENATOR CARL KRUGER: Please move the nomination.

ACTING PRESIDENT BRESLIN: The question is on the motion to confirm the nomination on of I. Jared Brown to the State Board of Parole. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BRESLIN: The motion carries. The nomination of I. Jared Brown is hereby confirmed. Congratulations.

Senator Maziarz.

SENATOR MAZIARZ: I'll be voting in the negative on that nomination, Mr. President. Thank you.

ACTING PRESIDENT BRESLIN: The record will indicate Senator Maziarz to be recorded in the negative.

The Secretary will continue to read.

THE SECRETARY: As a member of the Crime Victims Board, Mary Haviland, of Brooklyn.

ACTING PRESIDENT BRESLIN: Senator Kruger.

SENATOR CARL KRUGER: Please move the nomination.

ACTING PRESIDENT BRESLIN: Are there any Senators wishing to be heard on the nomination?

The question is on the motion to confirm the nomination of Mary Haviland to the Crime Victims Board. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The motion carries. The nomination of Mary Haviland is hereby confirmed.

Ms. Haviland is joined by her husband, Dr. Steven Markowitz, and her nephew, Peter.

Congratulations.

(Applause.)

ACTING PRESIDENT BRESLIN: The Secretary will continue to read.

THE SECRETARY: As a nonvoting union member of the Capital District Transportation Authority, Mark G. Gerling, of Albany.

As a member of the Central New York Regional Transportation Authority, Louella Williams, of Syracuse.

As members of the State Banking Board, Wesley Chen, of Briarcliff Manor; Joseph M. Drayton, of New York City; and George J. Vojta, of Bronxville.

As members of the Medical Advisory Committee, Celia Alfalla, M.D., of East Irvington; Ruben P. Cowart, DDS, of Syracuse; Charles Gold, of New York City; and Anthony P. Vavasis, M.D., of Brooklyn.

As a member of the State Hospital Review and Planning Council, Felicia Dyer, of Brooklyn.

As a member of the Council of Human

Blood and Transfusion Services, Rachel C. Elder, of Canastota.

And as members of the Board of Directors of the Roosevelt Island Operating Corporation, Katherine Teets Grimm, M.D., of New York City; Michael Shinozaki, of Roosevelt Island; and Margaret Mary Elizabeth Smith, of New York City.

ACTING PRESIDENT BRESLIN: Senator Kruger.

SENATOR CARL KRUGER: Please move the nominations.

ACTING PRESIDENT BRESLIN: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I support all of these nominations, especially the two from Syracuse, Louella Williams and Ruben Cowart. Not only are they eminently qualified for these positions, but they are outstanding Syracuse University fans who, to the chagrin of one person at the desk -- with a blue suit, a female person with glasses, black hair -- beat the living daylights out of Georgetown last night.

And all of us New Yorkers who truly support our New York teams are in accord with Louella Williams and Ruben Cowart, not only on their qualifications but also on their intelligence in supporting the correct team in this very, very important basketball season.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Point of information, Senator DeFrancisco. Is Syracuse still playing Division I basketball?

(Laughter.)

SENATOR DeFRANCISCO: Well, I think -- I'd be more than happy to answer that. Not only are they playing Division I, they are the number-one RPI-rated schedule this year. They're now Number 4 in the nation. They've won 20 games and January isn't out yet, it's 20 and 1. And also their records are a little bit better than Albany and Siena.

ACTING PRESIDENT BRESLIN: Why did I ask?

(Laughter.)

ACTING PRESIDENT BRESLIN: Are

there any other Senators wishing to be heard on the nomination?

Senator Stavisky.

SENATOR STAVISKY: Yes, I rise to agree with my colleague, the Senator from Syracuse. As a graduate -- not a basketball player, but a graduate -- I agree with everything you have said.

ACTING PRESIDENT BRESLIN: The question is on the motion to confirm the nominations. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The motion carries. The nominations are confirmed.

Senator Hassell-Thompson.

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

I rise to congratulate the Governor on these appointments that he has brought

forth, and I would just like to take the opportunity to speak on one of our nominees today in the person of Judge Colleen Duffy.

Judge Duffy and I go back a long ways. We served in local government together -- is there a problem?

ACTING PRESIDENT BRESLIN: We haven't raised the nomination yet, Senator.

SENATOR HASSELL-THOMPSON: We haven't raised her yet? Oh, see, see, you gave me misinformation. All right, then I'll wait until you do. Thank you.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a report of the Judiciary Committee at the desk. Can we take it up at this time.

ACTING PRESIDENT BRESLIN: There is a report of the Judiciary Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator Sampson,

from the Committee on Judiciary, reports the following nomination.

As a justice of the Supreme Court of the Ninth Judicial District, Colleen D. Duffy, of Mount Vernon.

ACTING PRESIDENT BRESLIN: Senator Hassell-Thompson.

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

If we will roll back the tape, I rise to congratulate the Governor on his nominees today. And I am very happy to speak on behalf of Judge Colleen D. Duffy.

Judge Duffy and I served together on the city council, in local government. And I have to tell you that for those of you know me, we did toe-to-toe on a lot of issues. But I think that we represented very good government together. And I know that on that bench she's going to be extraordinary.

And I am very grateful to the Governor on this particular choice. I was sorry that I was not able to make the committee this morning where I would have been

able to speak on her behalf, but I am very appreciative that she has made it to this stage of confirmation.

And I want to just congratulate her children, who are with her, because I know how much time mommy has to be away. But as a true family mom, they are with her whenever she can make time in her very busy schedule on the bench.

But I think that she will demonstrate on that bench in Supreme Court the kind of justice that she represented for the years that we served together in the city council.

And thank you, Mr. President.

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

Senator Maziarz to second the nomination of Judge Duffy.

SENATOR MAZIARZ: Thank you very much, Mr. President.

As the ranking member of the Judiciary Committee, we met today and our Chairman Sampson gave us every courtesy, the

Republican members, to meet with this nominee. And we found her qualifications for this position of Supreme Court justice to be extraordinary.

We certainly congratulate her and support this nomination fully. She has a great background in Family Court, which everyone knows is not a very easy place to serve in the judiciary. And she's going to make a great Supreme Court judge.

And we certainly wish her and her family well.

Congratulations, Judge.

ACTING PRESIDENT BRESLIN: Are there any other Senators wishing to be heard?

Senator Oppenheimer.

SENATOR OPPENHEIMER: Yes, I'd like to also second Colleen Duffy's nomination. This is a really fine move by our Governor, and we appreciate it.

Colleen has served for six years in the Family Court, and as someone mentioned earlier, that's not an easy place to serve. And she has not only served with distinction,

but she has actually reached out to the agencies that assist the litigants in her court.

And of course serving as a City Court judge prior to that, she had to deal with hundreds of criminal and civil cases.

So she has a wonderful background. She also has a wonderful educational background, in that she went to the College of New Rochelle, which is in my Senate district and a really wonderful college, and kept up her connection there, served as an adjunct professor there. And she's had a very distinguished career, and her education could not have reached a higher level, being magna cum laude almost everywhere she went.

But most importantly, she graduated from NYU Law School and is a good friend of my daughter's, who was in the same class.

So congratulations, Colleen. And congratulations, you two wonderful -- three wonderful -- two wonderful girls, one wonderful boy. You were so patient, and we're very proud of you. And we're very proud of

mom.

Thanks.

ACTING PRESIDENT BRESLIN: Thank you, Senator Oppenheimer.

Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Yes, thank you, Mr. President. I too wanted to rise to second the nomination of the wonderful Judge Colleen Duffy.

I saw her as she was getting ready to go into the Judiciary Committee hearing, and her children and her dad, I guess, were keeping her calm. And then I saw her coming out, and I said "Well, how was it?" And she said: "It was fine."

And I just wanted you to know it was fine because your reputation precedes you, because people know when they have a quality judge sitting in front of them.

And certainly, as you've heard most of my colleagues talk about service on the city council, the education that you have achieved, we also want to recognize the service that you give the pro bono work, the

volunteer work, the mentoring that you do, the teaching. You are such a well-rounded person that I know the Supreme Court will benefit from you being there.

Congratulations.

ACTING PRESIDENT BRESLIN: Thank you, Senator Stewart-Cousins.

Senator Leibell.

SENATOR LEIBELL: Thank you, Mr. President.

Many of us have been commenting too on how well-disciplined these youngsters have been here waiting for us today. It's probably a good example for all of us.

But I want to join with my colleagues in seconding this nomination, because this judge has brought to us a great deal of experience, a very successful career as an attorney and as a local official and local judge in Family Court.

And we congratulate the Governor and thank him for sending us this name.

ACTING PRESIDENT BRESLIN: Thank you, Senator Leibell.

Senator Klein, to close.

SENATOR KLEIN: Thank you, Mr. President. I too would like to rise on behalf of Judge Colleen Duffy.

But I do want to recognize she has some of her family here today: her father, John Duffy; her daughter Kayley Lynch; son Patrick Lynch, another daughter Shannon Lynch, and of course her au pair, Letitia Rodriguez. I want to welcome them all here today.

I had the privilege of campaigning at the same time with Judge Duffy. She worked very, very hard. But I was certainly amazed at the time that she had such a connection with the community.

Many who run for the judiciary spend most of their time no big law firms and really never have that direct connection with the people that they're going to hear cases from. So I was amazed at the work that she did as a city council member in Mount Vernon, active in a whole host of community organizations.

Certainly when she was a Family

Court judge she served Westchester very, very well. And certainly her elevation to the Supreme Court, I believe certainly justice will be done.

I move her nomination.

ACTING PRESIDENT BRESLIN: Thank you, Senator Klein.

Are there any other Senators wishing to be heard?

Hearing none, the question is on the nomination of Colleen D. Duffy, of Mount Vernon, as a justice of the Supreme Court Ninth Judicial District. All in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The motion carries. The nomination of Colleen D. Duffy as a justice of the Ninth District is hereby confirmed.

(Applause.)

ACTING PRESIDENT BRESLIN:

Congratulations, Judge Duffy and family.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time may we please move back to the order of motions and resolutions.

I believe Senator Adams has a privileged resolution.

ACTING PRESIDENT BRESLIN: Senator Klein, has this resolution been deemed privileged and submitted to the office of the Temporary President?

SENATOR KLEIN: Yes, it has, Mr. President.

ACTING PRESIDENT BRESLIN: The Secretary will then read.

THE SECRETARY: By Senators Adams and Leibell, legislative resolution paying just tribute and remembering the 59 brave members of the United States Armed Forces who are from, have family ties to, or were stationed in New York and who lost their lives during 2009 while fighting on behalf of the United States and the State of New York.

"WHEREAS, The courage and bravery

of our military personnel since the United States Armed Forces commenced Operation Enduring Freedom in Afghanistan in October of 2001, and Operation Iraqi Freedom in Iraq in March of 2003, will ensure our continued enjoyment of the freedoms we are blessed to have as American citizens; and

"WHEREAS, It is with deep sorrow and great remorse that this Legislative Body inscribes upon its records this memoriam for the many young men and women from New York whose selfless service on behalf of American values has led them to pay the ultimate sacrifice defending the United States and the values it is founded upon; and

"WHEREAS, On behalf of the people of the State of New York the members of this Legislative Body offer their most sincere heartfelt condolences to the families and friends of our fallen young men and women. Our thoughts and prayers will continue to be with each and every one of them; and

"WHEREAS, This Legislative Body is moved with great respect and reverent esteem

to pay tribute to the heroic actions of each and every one of the fallen, knowing that their memory will forever remain with their families; and

"WHEREAS, The banner of freedom will always wave over our beloved New York and all of America, the Land of the Free and the Home of the Brave; and

"WHEREAS, Residents of this great state must never forget the courage with which these men and women served their country and must recognize that no greater debt is owed than that owed to those who gave their lives to this beloved nation and to those who continue to be missing in action; and

"WHEREAS, The freedoms and security we cherish as Americans come at a very high price for those serving in the military in times of conflict. It is fitting and proper that we who are the beneficiaries of their heroic acts of patriotism express our appreciation and eternal gratitude for their sacrifices; now, therefore, be it

"RESOLVED, That this Legislative

Body pause in its deliberations to honor the lives of the 389 brave soldiers, sailors, airmen, airwomen, Marines and civilians of the United States Armed Forces who have been killed during their years of service in Afghanistan and Iraq in support of the freedoms of our country and the people of the State of New York; and be it further

"RESOLVED, That this Legislative Body extend its deepest sympathy to the families of the 59 below-named service members who made the ultimate sacrifice in 2009 to help secure the freedom of the United States of America. The people of the City of New York owe a debt to these brave service members and solemnly pledge that they shall never be forgotten; and be it further

"RESOLVED, That this Legislative Body wishes to express its profound thanks and to honor the memory of the following soldiers, sailors, airmen and airwomen, and Marines who lost their lives during Operations Iraqi Freedom and Enduring Freedom since January 1, 2009, and who are from New York, have family

ties to the state, or who were stationed in New York; and be it further

"RESOLVED, The 59 brave members of the United States Armed Forces who lost their lives fighting for their country in Iraq and Afghanistan include:

Jason M. Johnston, U.S. Army, Albion, New York;

Dennis J. Hansen, U.S. Army, Panama City, Florida;

Michael A. Rogers, U.S. Army, White Sulphur Springs, Montana;

Amy C. Tirador, U.S. Army, Albany, New York;

Robert K. Charlton, U.S. Army, Malden, Missouri;

Luis M. Gonzalez, South Ozone Park, U.S. Army;

Eric A. Jones, Westchester, New York, U.S. Marine;

Keith R. Bishop, Medford, New York, U.S. Army;

Daniel J. Rivera, Rochester, New York, U.S. Army;

Kevin O. Hill, Brooklyn, New York, U.S. Army;

Aaron M. Smith, Manhattan, Kansas, U.S. Army;

John J. Malone, Yonkers, New York, U.S. Marine;

Jeremiah J. Monroe, Niskayuna, New York, U.S. Army;

Daniel L. Cox, Parsons, Kansas, U.S. Army;

Nekl B. Allen, Rochester, New York, U.S. Army;

Abraham S. Wheeler, III, Columbia, South Carolina, U.S. Army;

Darby T. Morin, Victoria, Canada, U.S. Army;

Justin R. Pellerin, Boscawen, New Hampshire, U.S. Army;

Brian M. Wolverton, Oak Park, California, U.S. Army;

Leopold F. Damas, Floral Park, New York, U.S. Marine;

Matthew K.S. Swanson, Lake Forest, California, U.S. Army;

Jerry R. Evans, Jr.; Eufaula, Alabama, U.S. Army;

James D. Argentine, Farmingdale, New York, U.S. Marine;

Alexander J. Miller, Clermont, Florida, U.S. Army;

Justin D. Coleman, Spring Hill, Florida, U.S. Army;

Jeremy S. Lasher, Oneida, New York, U.S. Marine;

Gregory Owens, Jr., Garland, Texas, U.S. Army;

Anthony M. Lightfoot, Riverdale, Georgia, U.S. Army;

Andrew J. Roughton, Houston, Texas, U.S. Army;

Dennis J. Pratt, Duncan, Oklahoma, U.S. Army;

Eric J. Lindstrom, Flagstaff, Arizona, U.S. Army;

Joshua R. Faris, LaGrange, Texas, U.S. Army;

Terry J. Lynch, Shepherd, Montana, U.S. Army;

Peter K. Cross, Haltorn City, Texas, U.S. Army;

Rodrigo A. Munguia Rivas, Germantown, Maryland, U.S. Army;

Roberto A. Hernandez, Far Rockaway New York, U.S. Army;

Jasper K. Obakrairur, Hilo, Hawaii, U.S. Army;

Jeffery A. Hall, Huntsville, Alabama, U.S. Army;

Matthew W. Wilson, Miller, Missouri, U.S. Army;

Matthew D. Ogden, Corpus Christi, Texas, U.S. Army;

Marko M. Samson, Columbus, Ohio, U.S. Army;

Esau I. De La Pena-Hernandez, La Puente, California, U.S. Army;

Carlie M. Lee III, Birmingham, Alabama, U.S. Army;

Justin P. Hartford, Elmira, New York, U.S. Army;

Raul Moncada, Madera, California, U.S. Army;

Blaise A. Oleski, Holland Patent, New York, U.S. Marine;

Daniel J. Beard, Buffalo, New York, U.S. Army;

Adam J. Hardt, Avondale, Arizona, U.S. Army;

Daniel J. Geary, Rome, New York, U.S. Marine;

Patrick A. Devoe, II, Auburn, New York, U.S. Army;

Michael L. Mayne, Burlington Flats, New York, U.S. Army;

Raymond J. Munden, Mesquite, Texas, U.S. Army;

Albert R. Jex, Lockport, New York, U.S. Army;

Matthew G. Kelley, Cameron, Missouri, U.S. Army;

Joshua M. Tillery, Beaverton, Oregon, U.S. Army;

Benjamin H. Todd, Colville, Washington, U.S. Army;

Philip E. Windorski, Jr., Bovey, Minnesota, U.S. Army;

Julian T. Brennan, Brooklyn, New York, U.S. Marine;

And Alberto Francesconi, Bronx, New York, U.S. Marine; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the families of those brave young men and women who died in the service of their country."

ACTING PRESIDENT BRESLIN: Senator Adams.

SENATOR ADAMS: Thank you, Mr. President.

And I want to thank my friend Senator Leibell for cosponsoring this resolution with me.

It's hard to believe that, you know, back when a student in the first grade went through the school system and now, as he gets ready to go to high school and leave the eighth grade, all of his life and education has been seen in a war. The war in Iraq has been over six years; the war in Afghanistan has been over eight years. And many of our

young men and women, over 4,000 young men and women have died in Afghanistan and over 4,000 have died in Iraq.

Just as a Marine won't leave a soldier on the field of battle, we would not leave our men and women who come home on the field of life without any services that they need to make their way back into society. The numbers are staggering. The numbers of death are only increased by the numbers of men and women who are injured, maimed, lost limbs, and the difficulties of reinfusing into society.

And there are three areas I believe we need to focus on, one being that they receive the necessary emotional attention. The war is challenging, it's difficult. As my nephew returned home, he left as a child and he came back with some of the scars of war.

We saw that in Vietnam during the '60s. Many of our young men and women who returned back to these shores returned without proper care, they turned to drugs and alcohol, and many of them were incarcerated. We can't let that happen again.

We must open up our educational system. SUNY and CUNY must be veteran-friendly campuses where we can allow young men and women to receive the necessary education to permit them to be part of both public and private services.

Lastly, we must ensure medical care. There are many injuries that's associated with this war that are different from wars of previous years. So as a body we must do all that we can to make sure that when they walk through the doors of the hospital, they're treated like the heroes that they are. And I'm sure that Senator Leibell shares the same passion and concern.

If our men and women can endure green fatigues, then they too can wear blue uniforms as a police or as a firefighter. They too can be on construction sites. That is what's great about this country: We treat our heroes in the correct manner. And our heroes are our men and women that made the conscious decision to participate in the thing that's called freedom, something that we hold

dear.

So I stand and rise in admiration of the 59 men and women who are from New York or affiliated with New York State and have lost their lives in the last year and the thousands that have lost their lives throughout the duration of this war. And it is all our hope and dream that they can complete their task and return home to their families so that their children won't start school in the first grade to reach the eighth grade and the war is still participated on.

I salute these men and women. Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Adams.

Senator Leibell.

SENATOR LEIBELL: Thank you, Mr. President, and my colleague and friend Senator Adams, for your sponsorship of this resolution.

Hearing you today in this chamber list these names -- almost all young people, young people who have given up their lives,

have sacrificed almost everything they could have for us. And the recognition that we have now started another year where, already early in the year, there are more and more casualties.

It is humbling to think that all of these young people who gave up so much, all of their dreams, it is humbling to think that they would do this to allow us as well as peoples from faraway countries to live in freedom or to attempt to live in freedom.

As Senator Adams noted, we owe them so much, as well as those who come home and who have served and have been injured, whether physically or psychologically, from the scars of war.

So as we today act on this resolution from this Legislature, we all extend our appreciation to those who made such a sacrifice, to those who continue to sacrifice far away from home, to their families who have suffered so much, and pray that we will all be worthy of what they have given.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Leibell.

Senator Aubertine.

SENATOR AUBERTINE: Thank you, Mr. President.

I too want to thank Senator Adams and Senator Leibell for bringing this resolution forward and just say that it is truly fitting that we do pause and recognize those who have paid the ultimate sacrifice for our freedoms.

And when someone loses their life, they lose it one individual at a time and it impacts one family at a time, one community at a time, one state, one nation. But as the roll was being read, I'm certain that it wasn't lost on any of my colleagues that 37 of the 59 individuals who lost their lives were from Fort Drum.

Fort Drum happens to be in my district. And I can assure you, I can assure you all that the loss of the 59 is certainly felt in Fort Drum and all across the state,

but the lost of those 37 from that one community is certainly felt.

And again, I want to thank Senator Adams and Senator Leibell for bringing this forward.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: Thank you, Senator Aubertine.

Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Mr. President.

I rise too to thank Senator Adams and Senator Leibell for doing this resolution.

It was heartbreaking, obviously, hearing the names. One of those names was the name of Lance Corporal John J. Malone, who was 24. And he was from the city of Yonkers. He went to the local school, and people remembered what a great friend he was and how much he loved music and how much people saw him as a role model.

But I also wanted to rise today because, as the clear closed and the new year began, there was another young man from

Yonkers who is not on the roll that you called but as of January 23rd will qualify for the 2010 roll. And that is Private First Class Gifford E. Hurt. He was 19, from Yonkers. He died on January 20th in Iraq, supporting Iraqi freedom.

So I know Senator Leibell was saying that as a new year began there were new names, untold names. But unfortunately, this is a name I know. And I just wanted to send my condolences to the family as we remember our heroes.

ACTING PRESIDENT BRESLIN: Thank you, Senator Stewart-Cousins.

Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

Senator Adams, Senator Leibell are to be commended for putting this resolution together.

You know, as the names were being read, I thought of a time when my first individual was killed in combat, August the 4th at 2:30 in Korea, 1950.

To say a name, where they came from, where they were stationed, very important. But it's also important that if we know any of these individuals, that we communicate with their families.

I went to the family of Bob Maples. His mother and father, African-Americans, taught in a segregated high school in Savannah, Georgia. And they thought the world of the military and what opportunities it gave to their son. Their son was 19 years old. I was 24.

When you start to think about those that we lost here, these 59, just look. Some of them could have gone on to be career servicemen, could have come back and been college professors, could have been Senator, they could have been something else.

But this is the heart of America we're talking about. Some of these men were on their second and third tour when they were killed. Their heart was America. Not just because of what they did, but because of what they believed in.

I think we should, before we close this, we should all stand in a moment of silence out of respect for those who gave everything for us.

ACTING PRESIDENT BRESLIN: May we all rise and have a moment of silence for the deceased soldiers.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT BRESLIN: Are there any other Senators that wish to be heard on this resolution?

SENATOR LARKIN: Mr. President, is it open for everybody?

ACTING PRESIDENT BRESLIN: Certainly it is. It's open for everyone.

Are there any other Senators wishing to be heard?

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

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The resolution is adopted.

Senators Adams and Leibell have indicated that they would have the resolution open. Anyone wishing not to be part of it please notify the desk.

Senator Klein.

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

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

(Response of "Aye.")

ACTING PRESIDENT BRESLIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BRESLIN: The Resolution Calendar is adopted in its entirety.

Senator Klein.

SENATOR KLEIN: Mr. President, at

this time I want to take up my own motion. I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Numbers 1877 and 1879.

ACTING PRESIDENT BRESLIN: So ordered.

Senator Klein.

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

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: Calendar Number 16, by Senator Valesky, Senate Print 3602, an act to amend the Alcoholic Beverage Control Law, in relation to custom crush production of wine.

ACTING PRESIDENT BRESLIN: Read the last section.

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

ACTING PRESIDENT BRESLIN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BRESLIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BRESLIN: The bill is passed.

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

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

SENATOR MAZIARZ: Mr. President.

ACTING PRESIDENT BRESLIN: Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

Senator Klein, I just thought of something. We will not be gathering here again until next Monday. And in between today and next Monday, there's a very important event, Senator Klein, with your indulgence.

Our resident military expert -- Senator Padavan thinks that's him, but it's not. We allow him to think that it's him.

(Laughter.)

SENATOR MAZIARZ: But our resident military expert, Senator Bill Larkin, is going to be celebrating on Friday a very significant event, his birthday.

(Applause.)

ACTING PRESIDENT BRESLIN: Happy birthday, Senator Larkin.

SENATOR MAZIARZ: Mr. President, Senator Larkin asked me not to mention which number of birthdays it is, but it is significant, I can assure of you of that.

(Laughter.)

ACTING PRESIDENT BRESLIN: Senator Klein.

SENATOR KLEIN: Thank you. Thank you, Senator. And I know we all wish Senator Larkin a very happy birthday.

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

ACTING PRESIDENT BRESLIN: There is no further business at the desk. The desk is clear.

SENATOR KLEIN: There being none,

Mr. President, I move that we adjourn until Monday, February 1st, intervening days to be legislative days.

ACTING PRESIDENT BRESLIN: There being no further business to come before the Senate, on motion, the Senate stands adjourned until Monday, February 1st, at 3:00 p.m., intervening days to be legislative days.

(Whereupon, at 4:57 p.m., the Senate adjourned.)