NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:39 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 rise and recite the Pledge of Allegiance.

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

ACTING PRESIDENT BRESLIN: The invocation today will be provided by the Rabbi Yisroel Rubin, from the Chabad of the Capital District, of Albany, New York.

RABBI RUBIN: The state of our state has been described, the current economic climate, as the winter of reckoning. But economic crunch should not cast us into despair or depression.

This weekend the Jewish calendar noted Tu B'Shevat, the New Year for Trees, which teaches us that despite outer cold and bleak forecasts, new life stirs within the trees, new energies flow toward future growth and blossom.

Despite the winter cold and dread, we pray for hope and optimism, looking forward

to the promise of spring. Prayers and blessings alone do not solve fiscal problems, but reflection offers us optimism and inner strength to overcome challenge.

Almighty G-d, grant the members of this Senate the wisdom to discuss and debate how to best distribute resources in difficult times to benefit all people of this great state.

Amen.

ACTING PRESIDENT BRESLIN: Thank you, Rabbi Rubin.

The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Friday, January 29, the Senate met pursuant to adjournment. The Journal of Thursday, January 28, 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, on behalf of Senator Aubertine, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Number 6274A.

ACTING PRESIDENT BRESLIN: So ordered.

Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we take up Senator Flanagan's Resolution Number 3787, off today's Resolution Calendar. I ask that the title of the resolution be read and move for its immediate adoption, and allow Senator Flanagan to speak on his resolution.

ACTING PRESIDENT BRESLIN: The

Secretary will read.

THE SECRETARY: By Senator Flanagan, Legislative Resolution Number 3787, congratulating Gail L. King upon the occasion of being crowned Ms. Senior America 2009.

ACTING PRESIDENT BRESLIN: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Mr. President.

Very briefly on this resolution, I had a chance today to meet someone that everyone is kind of going, "Oh, this can't really be true." This is a constituent of mine, from Dix Hills out on Long Island in our great State of New York. Her name is Gail King, and I'm going to introduce her to all of you as Ms. Senior America. And yes, I will repeat that, Ms. Senior America, much to the shock of many of my colleagues.

Gail had a very distinguished career before she went on to win Ms. Senior New York and then became Ms. Senior America. She, like many people who enter and then ultimately prevail in these pageants, has

become an ambassador for a lot of things involving goodwill. She's been a strong promoter of literacy, working with not only grandparents but with young students. And she had a distinguished 35-year career teaching in the public schools. She was an English teacher.

And yes, Senator Savino is reminding me, she wears an absolutely lovely tiara that many of the people in here would love to have.

But I just want to touch on one thing. In part of her new career -- and I think this is very cool -- she's had a chance to be on TV shows and feature films, including "Law and Order," "Royal Pains," "30 Rock," "Life on Mars," "Extreme Forensics," "Soap," "Four Back Yards," "Growing Seasons" and "Something about the Morgans."

We all get to go to Albany every week; she travels around the country and does lots of fun stuff, but all with an eye towards doing good things in our communities, not only here in New York but across the country.

So her reign will come to an end this coming October, where she will pass on her crown -- or her tiara, I should say. But, Mr. President, if I could, I just want to introduce Ms. Gail King to the body as Ms. Senior New York and Ms. Senior America.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Flanagan.

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Congratulations.

(Applause.)

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, at this time can we take up Resolution Number 3810, off today's Resolution Calendar. I ask that the title of the resolution be read and move for its immediate adoption.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Espada, Legislative Resolution Number 3810, commending Community Health Care Association of New York State for its enduring advocacy on behalf of community health centers serving the medically underserved throughout the City and State of New York.

ACTING PRESIDENT VALESKY: 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 Klein.

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

ACTING PRESIDENT VALESKY: The Secretary will proceed with the reading of the today's calendar.

Senator Klein, we do have one substitution. If it would be all right if we could take that up.

The Secretary will read.

THE SECRETARY: On page 9, Senator Dilan moves to discharge, from the Committee on Transportation, Assembly Bill Number 7137B and substitute it for the identical Senate Bill Number 4480C, Third Reading Calendar 15.

ACTING PRESIDENT VALESKY: Substitution ordered.

The Secretary will read the bills on today's calendar.

THE SECRETARY: Calendar Number 7, by Senator Savino, Senate Print 4223A, an act to amend the Executive Law, in relation to designating August 20th as a day of

commemoration to be known as Staten Island Day.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 13, by Senator Schneiderman, Senate Print 4667 --

SENATOR KLEIN: Lay the bill aside for the day, please.

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

THE SECRETARY: Calendar Number 15, substituted earlier today by Member of the Assembly Millman, Assembly Print Number 7137B, an act to amend Chapter 549 of the Laws of 1994, amending the Public Authorities Law.

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: Ayes, 59. Nays, 1. Senator Saland recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 20, by Senator Stachowski, Senate Print 1941, an act to amend the Executive Law and the Real Property Tax Law, in relation to requiring.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of January.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Ranzenhofer recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 21, by Senator Volker, Senate Print 2660B, an act to amend the Criminal Procedure Law, in relation to authorizing defendants.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 22, by Senator Klein, Senate Print 3377A, an act to amend the General Business Law and the Social Services Law, in relation to irrevocable trust accounts.

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 6. This

act shall take effect on the first of January.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 25, by Senator Aubertine --

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 28, by Senator Perkins, Senate Print 11 --

SENATOR KLEIN: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 29, by Senator Thompson, Senate Print 1635, an act to amend the --

SENATOR KLEIN: Lay the bill aside for the day, please.

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

THE SECRETARY: Calendar Number 30, by Senator Schneiderman, Senate Print 4407, an act to amend the Environmental Conservation Law, in relation to declaring a policy.

SENATOR WINNER: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

THE SECRETARY: Calendar Number 31, by Senator Thompson, Senate Print 5642, an act to amend the Environmental Conservation Law, in relation to electronic filing.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 32, by Senator Flanagan, Senate Print 3236, an act to amend the Election Law, in relation to publication.

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.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 33, by Senator L. Krueger --

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT VALESKY: The bill is laid aside.

SENATOR KLEIN: Lay it aside for the day, please.

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

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

Senator Klein.

SENATOR KLEIN: Mr. President, can we lay aside Senator Aubertine's bill, Calendar Number 25, for the day.

ACTING PRESIDENT VALESKY: Calendar Number 25 is laid aside for the day.

SENATOR KLEIN: As well as Calendar Number 30, also for the day.

ACTING PRESIDENT VALESKY: Calendar Number 30 is also laid aside for the day.

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, February 2nd, at 3:00 p.m.

ACTING PRESIDENT VALESKY: On motion, the Senate stands adjourned until Tuesday, February 2nd, at 3:00 p.m.

(Whereupon, at 3:55 p.m., the Senate adjourned.)