NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 2, 2010

3:45 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 repeat with me the Pledge of Allegiance.

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

ACTING PRESIDENT BRESLIN: The invocation will be given by the Reverend Peter G. Young, of Mother Theresa Community in Albany, New York.

Father Young.

REVEREND YOUNG: Let us pray.

We're reminded in February of the cupid shooting arrows of love. May we be motivated to prioritize our love to one another and to all of our constituents on this Groundhog Day.

Doing the people's business with love is what God has commanded. The bill of God's love is on our calendar; now it is asking for your vote of approval. God is asking for your acceptance for the motion direct to the Third Reading Calendar for

immediate passage.

Amen.

(Laughter.)

ACTING PRESIDENT BRESLIN: Thank you, Father Young.

The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Monday, February 1, the Senate met pursuant to adjournment. The Journal of Friday, January 29, 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.

Senator Klein.

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

ACTING PRESIDENT BRESLIN: The

Secretary will read.

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

As a member of the Board of Trustees of the State University of New York, Eunice A. Lewin, of Buffalo.

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?

Senator Stachowski.

SENATOR STACHOWSKI: Yes, Mr. President, I stand to second the nomination of Eunice Lewin. I think she's going to be a great addition to the Board of Trustees of the State University.

She is very involved in our community. There's practically no charity event you can go to that she's not there. She's very, very committed to the University

of Buffalo. She also sees the value of having Buff State in the City of Buffalo.

So I think with her love of higher education, and particularly those institutions that are right near us, that will give her a great sense of purpose as being a new member of the SUNY Board of Trustees.

And I might add that while she was waiting, I kept telling her do we think they sent her nomination to the Orient and it finally got back here and that's why we're confirming her today.

So it's my pleasure to second her nomination.

ACTING PRESIDENT BRESLIN: Thank you, Senator Stachowski.

Senator Maziarz.

SENATOR MAZIARZ: I'll defer to Senator Volker, Mr. President.

ACTING PRESIDENT BRESLIN: Senator Maziarz will defer to Senator Volker.

SENATOR VOLKER: Mr. President, I just want to say that this nominee is a long-time friend of mine. Her family, they

are distinguished citizens of the community in the Buffalo area, fine contributors to the cultural well-being of our city and our county.

And there's no question in my mind that Eunice will become a wonderful addition to the SUNY Board of Trustees. And I certainly congratulate her.

ACTING PRESIDENT BRESLIN: Thank you, Senator Volker.

Senator Maziarz.

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

I too rise with my colleagues from Western New York to second this excellent nomination by Governor Paterson. I said in the Higher Ed Committee that it's great to see somebody, somebody from Western New York get appointed to something.

And this is a great nomination. It will be a great appointment. Eunice has done -- as Senator Volker pointed out, and Senator Stachowski -- a great deal, has been very active in the community.

I've worked with Eunice as a member of the Niagara Frontier Transportation Authority. And even though she lives in Buffalo and in Erie County, when it came to Niagara County, she was always at the forefront of helping us in Niagara County establish a new transportation center for our buses. And our new airport in Niagara Falls I can say would not have happened without the help and support of Eunice Lewin on the Niagara Frontier Transportation Authority.

This is an excellent appointment by the Governor, and she's going to do a great job for the citizens of all of New York State.

ACTING PRESIDENT BRESLIN: Thank you, Senator Maziarz.

Senator Thompson.

SENATOR THOMPSON: Good afternoon. Mr. President, I want to just thank you for the opportunity to say a few brief remarks on behalf of this new appointee.

I am very humbled by the fact that the Governor has supported this candidacy, her candidacy. Ms. Lewin has given a lot in

public service and community service. I was proud to support, when asked, her candidacy to the Governor. And I know that she's going to do a great job for Western New York and all of New York State.

We wish you well, and let's make sure that we take care of all of SUNY, especially those in Western New York as well. Thank you. We wish you well. And I'm proud that she does live in my district, right by the park that I run in all the time. And hopefully I run enough that you'll see me out there running from some of those dogs in the park sometime.

Thank you. I wish you well. God bless you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Thompson.

Are there any other Senators wishing to be heard?

The question is then on the nomination. 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 is confirmed.

Ms. Lewin, congratulations.

(Applause.)

ACTING PRESIDENT BRESLIN: The Secretary will continue to read.

THE SECRETARY: As a member of the Board of Trustees of Cornell University, Sheryl WuDunn, of Scarsdale.

ACTING PRESIDENT BRESLIN: Senator Kruger.

SENATOR CARL KRUGER: Please move the nomination.

ACTING PRESIDENT BRESLIN: Senator Kruger moves the nomination.

Are there any Senators wishing to be heard?

The question is then on the nomination. 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 is confirmed.

Congratulations.

(Applause.)

ACTING PRESIDENT BRESLIN: The Secretary will continue to read.

THE SECRETARY: As a trustee of the State University Construction Fund, David E. Ourlicht, of New York City.

ACTING PRESIDENT BRESLIN: Senator Kruger.

SENATOR CARL KRUGER: Please move that nomination as well.

ACTING PRESIDENT BRESLIN: Any other Senators wishing to be heard on the nomination?

Senator Stavisky.

SENATOR STAVISKY: Yes. Thank you, Mr. President.

We have three outstanding nominees before the Senate today, and each brings a

different dimension to service in the higher education system.

Eunice Lewin has been confirmed as a SUNY trustee. She has two master's degrees from SUNY Buffalo, and she has spent 30 years working for the Buffalo Board of Education.

Sheryl WuDunn brings a different perspective. She's a journalist, a foreign correspondent, the coauthor of three books, the most recent one, Half the Sky, which talks about women in developing nations. She is a former foreign correspondent for the New York Times, and in fact has won the Pulitzer Prize, the Polk, and the Overseas Press Club Awards. And she brings a background in business as well as reporting to Cornell's Board of Trustees.

And David Ourlicht, for the SUNY Construction Fund, is an investment banker. He's senior vice president of Amalgamated Bank. As I told him earlier, Amalgamated Bank, the labor bank, many people, particularly, in New York City used Amalgamated Bank to purchase their cars and

their homes. It's an outstanding institution. And I know that he will bring a financial background as well to the Construction Fund.

So I'm delighted with these nominations. I congratulate each individual. They all came before the Higher Education Committee this morning. And I think that their service is going to be an exciting experience not for them but for the people of our state.

Thank you, Mr. President.

ACTING PRESIDENT BRESLIN: The question is on the nomination of David E. Ourlicht, of New York City, as trustee of the State University Construction Fund.

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 is confirmed.

And Mr. Ourlicht is joined today in

the chamber by his wife, Marybeth, and sons David and Bart.

Congratulations.

(Applause.)

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: As a member of the Board of Trustees of the State University of New York, Philip A. Berry, of New York City.

As a member of the Board of Trustees of the State University of New York College of Environmental Science and Forestry, Matthew J. Marko, of Syracuse.

As members of the Board of Visitors of the New York State Home for Veterans and Their Dependents at Montrose, Charlotte Craven, of Poughkeepsie; Daniel Griffin, of White Plains; and William T. Mahan, of New City.

As a member of the Board of Visitors of the New York State Home for Veterans and Their Dependents at Oxford, John DePersis, of Johnson City.

And as a member of the Board of Visitors of the New York State Home for Veterans and Their Dependents at St. Albans, Marjorie Smith, of South Ozone Park.

ACTING PRESIDENT BRESLIN: Senator Kruger.

SENATOR CARL KRUGER: Please move those nominations.

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

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

I rise for all of these trustees that have been named today and all of the members of the New York State Home for Veterans and Their Dependents at Montrose, those for the New York State Home for Veterans and Their Dependents at Oxford, and of course the New York State Home for Veterans and Their Dependents at St. Albans.

But most of all, for the trustees here that have been named to our colleges -- Philip Berry for his reappointment and David

Ourlicht for his new appointment as a trustee to the State University Construction Fund.

In our audience today we have young men up here from Xaverian High School who will be graduating shortly and going on to many of these schools that we have mentioned here today. And it is our job to make sure that we trust and put good trustees into these schools so that these young men, these young leaders of the future, get the education that they so justly deserve.

So I commend all of our appointments today, those particularly to the City of New York and those from the University of Buffalo, Cornell University, and the State College of Environmental Science and Forestry. Congratulations to them, to their families.

And thank you, Xaverian, for being here and witnessing this good day.

Thank you.

ACTING PRESIDENT BRESLIN: The question is on 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.

Congratulations.

Senator Klein.

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

ACTING PRESIDENT BRESLIN: The Secretary will read.

THE SECRETARY: Calendar Number 8, by Senator Morahan, Senate Print 5323A, an act to amend the Executive Law, in relation to the designation of a "Thurgood Marshall Day" as a day of commemoration.

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.

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

SENATOR KLEIN: Lay the bill aside for the day.

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

The Secretary will continue to read.

THE SECRETARY: Calendar Number 23, by Senator Aubertine, Senate Print 5426, an act to amend the Highway Law, in relation to authorizing county highway superintendents.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 5. 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.

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

SENATOR KLEIN: Laid the bill aside for the day.

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

THE SECRETARY: Calendar Number 26, by Senator Foley, Senate Print 6346, an act to amend the Executive Law, in relation to including.

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: Senator Foley, to explain his vote.

SENATOR FOLEY: Thank you, Mr. President.

This particular initiative will enable Lake Ronkonkoma, which is the largest freshwater lake on Long Island, to be part of the inland waterways, which will enable that particular area to access crucial dollars in order to revitalize that particular lakefront.

There's a great and long history to this particular lake. It dates back, obviously, to precolonial days and has been one of the major geographic points on Long Island, dating back to the time when three different Indian tribes took claim to different portions of the shoreline.

In recent years this area has been somewhat in need of revitalization, and by this designation it will make this particular waterway eligible for crucial funds that will enable this lake to return to its former grandeur.

So this is very important. It has

received bipartisan support from the county legislature, and I would hope that we do the same here in the State Legislature.

Thank you.

ACTING PRESIDENT BRESLIN: Thank you, Senator Foley.

Announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT BRESLIN: The bill is passed.

THE SECRETARY: Calendar Number 27, by Senator Thompson, Senate Print 4917, an act to amend the Public Authorities Law, in relation to creating.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 3. 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.

THE SECRETARY: Calendar Number 35, by Senator DeFrancisco, Senate Print 764, an act to amend the Insurance Law, in relation to authorizing.

ACTING PRESIDENT BRESLIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of January.

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.

THE SECRETARY: Calendar Number 37, by Senator Breslin, Senate Print 4767A, an act to amend the Insurance Law, in relation to approval.

ACTING PRESIDENT BRESLIN: Read

the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

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.

SENATOR KLEIN: Mr. President, I want to announce that there's going to be a meeting of the Commerce, Economic Development and Small Business Committee in Room 123 immediately following session.

ACTING PRESIDENT BRESLIN: There will be an immediate meeting after session of the Commerce, Economic Development and Small Business Committee in Room 123 of the Capitol.

Senator Klein.

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

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

SENATOR KLEIN: There being none, Mr. President, I move that we adjourn until Monday, February 8th, at 3:00 p.m., 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 8th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 4:02 p.m., the Senate adjourned.)